

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: **Date** 2-18-17
Original **Amendment** **Bill No:** HB392
Correction **Substitute**

Sponsor: Rep. David M. Gallegos
Rep. Dennis J. Roch
Rep. Bob Wooley **Agency Code:** 924
Rep. Sharon Clahchischilliage
Senator Pat Woods
Short Title: ALTERNATIVE SCHOOL **Person Writing** Aguilar/Ortiz
TRANSPORTATION **Phone:** 505-827-6519 **Email** Paulj.aguilar@state.nm

SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB-392 amends the Public School Code by allowing school districts to transport students to-and-from school in full-size, extended-length, sports utility vehicles driven by a licensed school district employee. The vehicle and the driver shall be insured by the Public School Insurance Authority and the superintendent must demonstrate to the Public Education Department's (PED) transportation director that there will be a savings of \$5,000 or more from the districts state transportation allocation.

FISCAL IMPLICATIONS

It is unclear how many school districts are affected by the provisions of this bill and what the savings may total.

SIGNIFICANT ISSUES

A major objective of the PED, School Transportation Bureau, is to establish a safe and efficient unified system of transportation responsive to the needs of eligible students and to ensure that all eligible students are transported in a safe and timely manner. HB-392 is a cost saving measure to allow school districts to transport students' to-and-from school in full-size, extended-length, sports utility vehicles in lieu of school buses. It is less expensive to run and maintain a sports utility vehicle however it may be compromising the safety of students.

School buses are required to undergo annual safety inspections and daily pre operation safety checks. Further, school bus drivers maintain a commercial driver's license and must undergo annual physical examinations. These requirements should be considered as an amendment to this bill. Finally, one of the main safety features on school buses are its warning lights. The full-size, extended-length, sports utility vehicles contemplated in this bill are visibly identical to all other full-size, extended-length, sports utility vehicles on the road and if seen on the side of the road will not have indication that students are being picked up or dropped off. Flashing lights, similar to those on public safety vehicles in the appropriate color should be considered as a requirement to be installed on these vehicles.

According to the National Traffic Safety Board, one of the safest modes of transportation is the use of a school bus. The Federal Motor Vehicle Carrier Administration (FMVSA) requires that school buses be designed, engineered and constructed to ensure the protection of passengers in major traffic collisions. Substantial improvements are made and approved annually by the FMVSA and are aimed at improving the crashworthiness. The chassis of a school bus is almost identical to that of a semi-truck.

School buses are designed and can be distinguished from other vehicles, most notably by the use of the color "national school bus yellow" which is not allowed on any other vehicle on the road. School buses often operate in low-visibility conditions, such as early morning, or in poor weather, as well as in rural areas. The use of school bus yellow paint color gives them a conspicuous advantage over other vehicles. Another tool to improve their visibility of a school bus is the use of reflective tape. Marking the length, width, height, and in some cases, identifying the bus as a school bus, reflective tape makes the vehicle easier to see. The reflective tape is also used to mark all emergency exits, so rescue personnel can quickly find them in darkness.

In addition to their distinctive paint color, school buses are required to be fitted with warning lights, stop arms and multiple safety devices. To increase safety around school bus stops and to decrease confusion over traffic priority, school buses are equipped with 8 way warning lights. The 8 way flashing lights and stop arms provide an added degree of protection for students loading and unloading a school bus. The amber lights are intended to show other vehicle drivers that a school bus is about to drop off or load students. In addition, to keep drivers from passing a stopped school bus in low visibility, the stop arm on the side of the bus are also designed with a set of flashing lights.

Sports utility vehicles do not have any of the safety components that school buses contain and are not as safe to transport students. Due to the mandated construction standards from the FMVSA, school buses are very safe. Furthermore, the State of New Mexico has very rigorous school bus construction standards above the minimum standards of the FMVSA that make school buses in New Mexico even safer.

ADMINISTRATIVE IMPLICATIONS

This bill is in conflict with 6.41.4.8 NMAC which states that to-and-from school transportation services for eligible students shall be provided by use of a school bus and/or per capita feeder. If this bill is enacted, the PED will have to amend the current rule so it is consistent with the proposed changes in this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates SB-381

AMENDMENTS

School buses are required to undergo annual safety inspections and daily pre operation safety checks. Further, school bus drivers maintain a commercial driver's license and must undergo annual physical examinations. These requirements should be considered as an amendment to this bill. Finally, one of the main safety features on school buses are its warning lights. The full-size, extended-length, sports utility vehicles contemplated in this bill are visibly identical to all other full-size, extended-length, sports utility vehicles on the road and if seen on the side of the road will not have indication that students are being picked up or dropped off. Flashing lights, similar to those on public safety vehicles in the appropriate color should be considered as a requirement to be installed on these vehicles.