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## FISCAL IMPACT REPORT

SPONSOR: Rodella DATE TYPED: 03/11/01 HB 911/aHJC  
 SHORT TITLE: School Bus Accidents SB \_\_\_\_\_  
 ANALYST: Trujillo

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			\$ 675.8	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Children, Youth and Families Department (CYFD)  
 Department of Public Safety (DPS)  
 State Department of Education (SDE)

### SUMMARY

#### Synopsis of HJC Amendment

House Judiciary Committee amendment to HB 911 clarifies all motor vehicle accidents involving a school bus that result in a fatality or life threatening injury shall be investigated.

#### Synopsis of Original Bill

HB911 will require a law enforcement officer certified as an accident reconstructionist to investigate all motor vehicle accidents involving a school bus.

#### Significant Issues

DPS reports the bill would:

1. Require statewide training of accident reconstructionists not only for the Department of Public Safety but for other law enforcement agencies as well.
2. Have major fiscal implications.
3. Delayed response time to accidents and increased overtime expenditures.

SDE reports the School Transportation Unit (STU) is staffed with a certified accident reconstructionist who has previous law enforcement background. The STU investigates school bus accidents that result in student fatalities, that are caused by alleged mechanical failure, and where

student injuries result in hospitalization. The STU will also investigate accidents that result in a fatality to the other motorist where the school bus driver is suspected to be at fault.

New Mexico school bus accident statistics are similar to the national statistics. New Mexico statistics are as follows:

**New Mexico School Bus Occupant Losses**

<b>Policy Year</b>	<b>Occurrences</b>	<b>Claims</b>	<b>Dollars Lost</b>
1990-1991	18	43	\$ 40,908
1991-1992	30	36	\$ 19,269
1992-1993	15	53	\$ 73,055
1993-1994	10	49	\$ 111,234
1994-1995	3	32	\$ 29,935
1995-1996	12	37	\$ 44,655
1996-1997	4	11	\$ 6,307
1997-1998	2	5	\$ 10,662
1998-1999	4	15	\$ 7,460
<b>Totals</b>	<b>98</b>	<b>281</b>	<b>\$ 343,485</b>

The national school bus accident rate is 0.02 per 100 million miles traveled.

The National Highway Traffic Safety Administration (NHTSA) reports that 96% of injuries nationwide result in minor (scrapes, bump, bruises, etc.) to no injuries. A very small percentage of school bus accidents result in fatalities or serious life threatening injury.

**PERFORMANCE IMPLICATIONS**

DPS reports the performance measures affected are:

1. Number of patrol hours (possible result: decrease)
2. Average response time for emergency calls in minutes (possible result: increase)
3. Overtime cost per commissioned officer (possible result: increase)

**FISCAL IMPLICATIONS**

DPS estimates the costs for this effort to be \$675.8 with both recurring and non-recurring costs.

DPS reports the department would have to train, equip and maintain a contingency of **at least** two (2) accident reconstructionists in each of the twelve (12) state police districts. The current DPS budget for the law enforcement program does not allocate financial resources to fund the specialized training or purchase the necessary software and equipment needed to expand the number of adequately trained accident reconstructionists on staff to meet the mandated requirement of having an accident reconstructionist respond to every school bus accident.

Captioned below is a cost estimate to train and equip the necessary accident reconstructionists required to meet the demand placed upon DPS by passage of this bill in its current form:

- c Total estimated cost to train and equip twenty-four (24) accident reconstructionists:  
**\$525,496**

Some of these costs would recur as there is a turnover in staff.

Annual operating costs include, but are not limited to: overtime (call outs, court time, etc.), equipment replacement, continuing education training and training for additional reconstructionists due to attrition from retirements, promotions, resignations, transfers, etc.

c Total estimated recurring annual operating costs: **\$150,258**

An alternative for staffing and funding is also suggested under the Substitute Issues.

There is no fiscal impact to the SDE.

SDE reports the cost to train and certify as an accident reconstructionist is approximately \$5,000 for an in-state program. An in-state program is usually scheduled every three years.

Most programs are available out-of-state, which would require added per diem and airfare. Training and certification time for an accident reconstruction program is a minimum five-week period.

### **TECHNICAL ISSUES**

SDE suggests the language should clarify what types of accidents are a priority. On line 25 after the word "reconstructionist" insert "that result in a fatality or other life threatening injury."

DPS suggests the bill language should be changed to read, "All motor vehicle accident investigations involving a school bus that result in serious bodily injury and/or serious damage to property shall be reviewed by an accident reconstructionist."

### **OTHER SUBSTANTIVE ISSUES**

SDE reports most local law enforcement departments do not have a certified accident reconstructionist available.

According to DPS, the department should explore the feasibility of expanding the existing DPS Traffic Accident Reconstruction Team to include one (1) full-time sergeant and six (6) full-time officers assigned to the team. Traffic accident reconstructionists must have very specialized training that gives them the knowledge, skills and abilities to find undetected facts in available information to determine the circumstances that will prove or disprove a hypothesis of how an accident happened. Full-time accident reconstructionists will be able to dedicate 100% of their time conducting traffic accident reconstructions, determining the causes of accidents and developing traffic accident reconstruction initiatives. Increasing the knowledge, skills and abilities of DPS personnel trained in accident investigations/reconstructions will enhance traffic safety initiatives and enforcement activities on New Mexico's interstate and secondary roadways. In addition, full-time accident reconstructionists will provide the various District Attorneys with a source of expert witnesses for court related activities that will enhance conviction rates.

The accident reconstruction team would then be able to study crash data (to include school bus accidents) and make recommendations for crash reduction initiatives as well as determine the extent and kind of training field officers will need to adequately investigate all types of accidents (to include school bus accidents). A proper accident reconstruction often takes over 40 hours of investigation resulting in loss of patrol coverage and delayed response to calls when officers are assigned "double duties" as a patrolman and a traffic accident reconstructionist.

Listed below are preliminary cost estimates for developing a full-time Traffic Accident

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Reconstruction Team.

1. Personnel Costs for one (1) Sergeant and six (6) Patrolman are **\$364,641**.
2. Initial training: **\$101,150** (seven (7) officers)
3. Initial equipment issuance: **\$60,903** (seven (7) officers)

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