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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>HB554</u>	Sponsor	<u>Brown</u>
Tracking Number	<u>.212886.2</u>	Committee Referrals	<u>HEC/HTPWC</u>
Short Title	<u>School Bus Air Conditioning & Seatbelts</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>2/18/19</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

House Bill 554 (HB554) would require the Public Education Department (PED) to adopt rules ensuring all buses purchased after July 1, 2019, are equipped with seatbelts. The rules would also need to provide that school buses shall have air conditioning if they are operated in school districts in which temperatures are regularly high enough to pose a risk to students riding in a school bus without air conditioning. HB554 would further require school buses to seat no more than two to three students per seat, but the combined seated width of the students would not be able to exceed the width of the seat. PED would be required to adopt rules to provide training for all school bus drivers regarding the legal capacity of school buses and reporting overloaded buses.

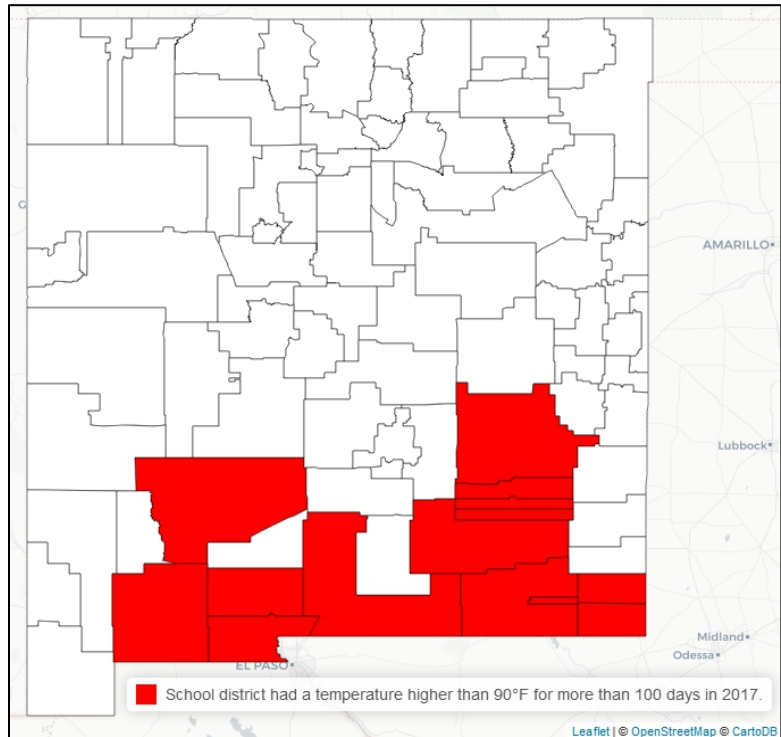
FISCAL IMPACT

HB554 does not contain an appropriation. New Mexico funds school district-owned bus replacements using a non-recurring appropriation; the number of buses replaced per year is based on how much the Legislature appropriates for that specific purpose. The Legislative Finance Committee (LFC) and the executive budget recommendations for FY20 both include \$32.9 million for the purchase of school district-owned school buses.

PED staff estimates a school bus without seatbelts or air conditioning costs \$85 thousand. PED further estimates school buses with seatbelts will cost \$92.5 thousand per bus, and school buses with both seat belts and air conditioning system will cost \$100.5 thousand.

The fiscal impact of HB554 depends on standards PED will be required to adopt to determine which school districts are regularly hot enough to pose a risk to students if school buses do not have air conditioning. The National Oceanic and Atmospheric Administration (NOAA) publishes temperature data for every weather station in New Mexico and makes that data readily available

to the public. As an example of a standard the department could set using this data, weather stations in 14 school districts showed the school district had a temperature above 90°F for more than 100 days in 2017 (highlighted in red on the map to the right). If PED used these criteria to determine which school districts are required to purchase school buses with air conditioners, the cost of new school-district owned buses in FY20 would be approximately \$500 thousand for five new school buses with air conditioning and seat belts.



After buses with air conditioning and seatbelts are purchased, the remaining \$32.4 million included in the FY20 LFC and executive budget recommendations would cover the cost of 348 school buses with seatbelts. However, PED analysis notes 387 school buses are due for replacement in FY20.

HB554 would also impact school bus rental fees for school bus contractors, but this impact is difficult to project. The increase in rental fees for school bus contractors in those school districts would range from \$2,000 to \$3,500 per bus depending on whether buses replaced are required to have air conditioning. With contractors in hotter-than-average districts (using the above methodology) scheduled to replace 30 buses, and other contractors scheduled to replace 37 buses, HB554 will require approximately \$179 thousand to cover the increased cost of school bus rental fees in the public school support budget in FY20. This increase will recur and compound annually as a greater number of contractor-owned buses are replaced.

SUBSTANTIVE ISSUES

The National Highway Traffic Safety Administration (NHTSA) regards school buses as the safest form of school transportation. School bus fatalities are exceedingly rare. According to the US Census, motor vehicle accidents cause approximately 40 thousand fatalities per year. The NHTSA Center for Statistics and Analysis reports that, between 2006 and 2015, the average number of occupant fatalities in school transportation-related crashes per year was 11 (0.0003 percent of total motor vehicle fatalities), and the average number of pedestrian fatalities in school transportation-related crashes per year was 22 (0.0006 percent of total pedestrian fatalities).

According to NHTSA Fatality Analysis Reporting System data, since 2010, New Mexico has had two school bus-related crashes, both of which occurred in 2013. One involved a brand new bus and two semi-trucks; while the driver of the bus was killed, there were no children on board at the time of the crash. The second was a bus that veered off the road carrying children. The 69-year-old driver was killed, and nine children sustained injuries. Authorities believe the driver was going 10 to 15 miles per hour over the speed limit at the time of the crash.

The decision to purchase school buses with air conditioning systems has historically been made by local school districts and school bus contractors. Not all school buses in the state are equipped with air conditioning; school district transportation officials report PED has not historically covered the cost of air conditioning in school buses, requiring school districts to decide whether to use operational funding to pay the additional cost for school bus air conditioning.

ADMINISTRATIVE IMPLICATIONS

PED would be required to promulgate rules to define which school districts are required to purchase buses with air conditioning. Additional rules adopted by PED regarding seat belts would need to be carefully constructed to avoid conflicts between HB554 and current law. The Motor Vehicle Code at section 66-7-369 NMSA 1978 specifically exempts school buses from a provision of law requiring children to wear seat belts in vehicles. Though it is not specifically amended by HB554, Section 22-16-11 NMSA 1978 states a school bus driver who fails to comply with department rules is guilty of a misdemeanor and is eligible for termination.

Creating a law regulating students' combined seat width could create a burden on school districts and school bus contractors to measure the width of students on school buses nearing capacity. It is unclear how the changes to school bus capacity will affect current school bus routes, or whether school buses are currently seating more than three students per seat due to capacity issues. If school districts or school bus contractors are currently overloading buses, HB554 may require school districts and school bus contractors to reevaluate school bus routes to ensure the bill's seating requirements are being met, and potentially add more buses if capacity is exceeded.

PED staff notes buses to be purchased in FY20 have likely already been constructed based on current construction standards. In order to make buses from New Mexico dealers eligible for purchase, the dealers will need to retrofit the buses with seat belts and air conditioning systems, which is significantly more expensive with an estimated cost between \$15 thousand and \$20 thousand per bus. PED staff recommended amending the bill to apply to school buses *manufactured*, rather than purchased, after the effective date.

RELATED BILLS

HB24, Monitoring for School Bus Illegal Passes, would require every school bus to be equipped with a camera to record license plates of drivers who illegally pass the school bus.

HB265/aHEC, Seat Belts in School Buses, would require school buses to be equipped with seatbelts beginning in FY21.

SB156, School Bus Seat Belts, would require school buses to be equipped with seatbelts in FY19 and appropriates \$8.5 million for the purchase of school buses with seatbelts.

SB321/SECS, School Bus Air Conditioners, would require air conditioning in school buses operated in hotter-than-average school districts and contains an appropriation to purchase new school buses and retrofit school buses with air conditioning.

SOURCES OF INFORMATION

- LESC Files