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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/19
LAST UPDATED _____

SPONSOR Soules **HB** _____

SHORT TITLE School Bus Seat Belts **SB** 156

ANALYST Liu

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		
\$8,500.0		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$3,526.1 - \$4,942.1	\$1,763.0 - \$2,471.0	\$5,289.1 - \$7,413.1	Recurring	General Fund or Capital Outlay Funds

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 321

SOURCES OF INFORMATION

LFC Files
 National Conference of State Legislatures (NCSL) Files

Responses Received From
 Regional Education Cooperatives (REC)

No Responses Received From
 Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 156 amends the Public School Code to require all school buses purchased after July 1, 2019, used for the transportation of school children to be equipped with seat belts for all passengers. The bill makes an \$8.5 million general fund appropriation to PED for expenditure in

FY20 for this purpose.

FISCAL IMPLICATIONS

Current law requires school buses to be replaced every 12 years. According to PED, approximately 480 school buses are currently behind schedule for replacement. In prior analyses, PED indicated the cost of a school bus to be about \$85 thousand, and, according to a 2015 National Highway Traffic Safety Administration (NHTSA) estimate, costs to install seat belts in a school bus could range between \$7,346 and \$10,296. PED estimates the total cost to replace the 480 school buses would amount to \$40.5 million in FY20, and the executive and LFC FY20 recommendations include \$32.9 million to cover these replacements. The remaining cost of replacement is anticipated to come from the Volkswagen settlement fund. The incremental costs of installing seat belts in 480 buses could be up to \$4.9 million.

<u>Bus Model Year</u>	<u>Estimated Number of Buses</u>	<u>Total Seat Capacity</u>
2005	88	5,828
2006	195	11,722
2007	164	10,707
2008	240	14,549
2009	201	12,103
2010	191	11,147

Source: LFC Files

Starting in FY21, about 240 school buses would be scheduled for replacement from the 2008 model year and need seat belts (assuming 480 buses are replaced in FY20). As such, the incremental costs of retrofitting 240 buses could be up to \$2.5 million. The state would incur these additional costs each year when replacing school buses.

SIGNIFICANT ISSUES

School buses are equipped with more safety equipment and must adhere to stricter standards than any other vehicle on the road. Buses are designed to protect passengers through “compartmentalization,” which includes closely spaced seats and high, energy-absorbing seat backs. The National Transportation Safety Board (NTSB) and the National Academy of Sciences confirmed the effectiveness of this design in studies of frontal and rear impacts. Concerns have been raised, however, about the effectiveness of compartmentalization in side-impact crashes. The NTSB concluded that “current compartmentalization is incomplete in that it does not protect school bus passengers during lateral impacts with vehicles of large mass and in rollovers, because in such accidents, passengers do not always remain completely within the seating compartment.” According to NHTSA, on average six student passengers die in school bus crashes each year, compared to approximately 2,000 children who are killed in motor vehicle crashes annually.

Federal regulations define two types of seat belts for school buses: lap belts and three-point belts. Lap belts are similar to belts on airplane seats that go across the passenger’s lap and are adjustable. Three-point belts are similar to belts in vehicles today, with the belt going over the shoulder and across the body, in addition to across the lap. NHTSA published a rule in 2008 increasing the minimum seat back height, requiring installation of lap/shoulder belts on small school buses, and establishing performance criteria for seat belts installed voluntarily on large

buses.

NHTSA brought together student transportation stakeholders in July 2015 to discuss school bus safety, including seat belts. NHTSA Administrator Mark Rosekind announced in November 2015 that “NHTSA’s policy is that every child on every school bus should have a three-point seat belt” and that the administration would work toward achieving that goal. While it is not a new rule created by the administration, this announcement has prompted increased discussion on the topic.

In 2018, NTSB recommended to states that all new large school buses be equipped with both lap and shoulder seatbelts. NTSB also recommended requiring collision-avoidance systems and automatic emergency brakes on new buses. The recommendations are not binding on government agencies or the transportation industry.

The most recent reported school bus accident in New Mexico involved an overturned school bus south of Carlsbad on January 23, 2019. No major injuries were reported. On November 15, 2018, two adults and 10 students were injured after a school bus in Albuquerque collided with a truck. On April 8, 2013, a bus driver was killed and two students were seriously injured north of Espanola when the school bus suddenly left the roadway and traveled down a 30-foot embankment.

ADMINISTRATIVE IMPLICATIONS

The bill would require the state transportation director to enforce rules seat belts in school buses.

RELATIONSHIP

This bill relates to Senate Bill 321, which requires all school buses purchased on or after July 1, 2019, to be equipped with air conditioners. The bill also requires the state transportation director to promulgate and enforce rules about seat capacity in school buses.

OTHER SUBSTANTIVE ISSUES

According to NCSL, eight states (Arkansas, California, Florida, Louisiana, Nevada, New Jersey, New York and Texas) have laws requiring the installation of seat belts on school buses. Arkansas, Louisiana and Texas’ laws, however, are subject to appropriations or approval or denial by local jurisdictions.

New York, the first state to require seat belts in all buses, requires lap belts on all buses manufactured after July 1, 1987, but state policy allows individual school boards to determine whether students must use the belts. California requires three-point seat belts on all school buses manufactured after July 1, 2005, and New Jersey requires lap belts be installed on all school buses.

Florida requires all school buses purchased after December 31, 2000, be equipped with seat belts, but does not specify whether they must be lap belts or three-point seat belts. The law requires that students who are riding on a bus equipped with seat belts must wear the belts and provides immunity from liability for injuries if the student was not wearing the seat belt. Buses transporting elementary school students were prioritized to have seat belts installed.

Louisiana and Texas both require school buses to be equipped with seat belts, with Texas specifically requiring three-point seat belts. However, both laws are subject to appropriation for the purchase of such buses and both states have not provided the necessary funding to trigger these requirements. Connecticut created a program in 2010 to provide funding to school districts to help pay sales taxes on school buses equipped with three-point seat belts. School districts using school buses equipped with seat belts are required to provide written notice to parents about the availability and proper use of the belts, as well as instruct students on their use. The law also specifies that schools are not liable for injuries resulting from students' use or misuse of a seat belt.

In Alabama, the Governor's Study Group on School Bus Seat Belts and the state department of education requested a pilot program to be conducted by the University of Alabama. The Legislature allocated \$1.4 million and 12 buses with seat belts were purchased for 10 local school districts. The results of the program, published in a study in October 2010, concluded that seat belts would make school buses safer, but also found that the costs of implementing a program would be greater than the benefits.

Some school districts have reported improved student behavior on school buses with seat belts, with the Bartholomew Consolidated School Corporation of Columbus, Indiana, experiencing 90 percent to 95 percent fewer write-ups for misbehaving students.

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