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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**55th Legislature, 1st Session, 2021**

<b>Bill Number</b>	<u>HB257</u>	<b>Sponsor</b>	<u>Madrid/Dow</u>
<b>Tracking Number</b>	<u>.218858.1</u>	<b>Committee Referrals</b>	<u>HEC/HTPWC</u>
<b>Short Title</b>	<u>School Bus Route Improvements</u>		
<b>Analyst</b>	<u>Bedeaux</u>	<b>Original Date</b>	<u>2/23/21</u>
		<b>Last Updated</b>	<u></u>

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## **BILL SUMMARY**

### Synopsis of Bill

House Bill 257 (HB257) establishes new requirements in statute for the Department of Transportation (NMDOT) to designate a “school bus route improvement coordinator” to work with counties and public schools to ensure school bus routes are paved and safe for transporting students. The coordinator would be required to survey school bus drivers by September 1 of each year and use the results to rank school bus routes in need of improvement. HB257 requires at least 20 percent of school bus routes with the lowest rankings to be paved and improved each year, with the state taking responsibility for state highways and counties responsible for county roads. Route improvements are required to be cost-effective, environmentally friendly, sustainable, and safe.

Additionally, HB257 would require the state or county performing a route improvement project to notify and encourage service providers to improve underground infrastructure along the school bus route.

## **FISCAL IMPACT**

The bill does not contain an appropriation.

According to NMDOT, improving at least 20 percent of the lowest ranked school bus routes per year will have an annual impact on the budget for the State Transportation Improvement Program, though the actual impact depends on the share of unimproved bus routes that are state highways, rather than county roads. The House Appropriations and Finance Committee Substitute for HB2 (HB2/H AFC) includes \$614 million for highway planning, design, and construction; because HB257 does not include an appropriation, the bill may dilute the funds available to complete scheduled state highway projects. Analysis from NMDOT also notes designating a “school bus route improvement coordinator” will likely require a new FTE funded via the state road fund.

HB257 will also have a substantial impact on county-level spending on road projects. It is likely a majority of unimproved school bus routes exist on county roads, though the current status of school bus routes will be unclear until the road survey required by the bill is complete.

By requiring the state or the county improving a school bus route to coordinate with utilities and service providers, HB257 may reduce the cost of some state-funded broadband installation projects, as well as other private and public utility installation projects.

### **SUBSTANTIVE ISSUES**

Little statewide data is available regarding the status of school bus routes. Anecdotal evidence suggests school bus routes in the rural areas of the state need improvement to correct serious deficiencies. The Legislature has taken steps to improve access to rural roads, like authorizing school districts to use SUVs in lieu of school buses where appropriate. Additionally, state law requires school buses, whether school-district-owned or contractor-owned, to be replaced on a 12-year cycle, a timeframe that is much shorter than many other state replacement cycles.

Requiring 20 percent of school bus routes to be improved annually would require substantial investments from counties and the state. According to NMDOT, requiring pavement on certain roads may not meet standards designed to maintain highway uniformity, adequacy, and safety, which include considerations like soil composition, traffic volume, and types of traffic. The requirement to improve the 20 percent of lowest roads will exist even after all school bus routes are paved, requiring annual prioritization even after deficiencies are initially corrected. The bill does not establish a point at which roads will be considered adequate, which may impact the funds available to maintain the uniformity, adequacy, and safety of other roads.

Coordinating road improvement and broadband infrastructure projects can significantly reduce the costs of laying fiber optic cable, potentially improving broadband access for New Mexico homes. During a hearing in July 2020, LESC heard testimony from several state experts in broadband development about a broadband coordination effort between several middle Rio Grande pueblos and tribes that significantly improved broadband infrastructure in the area. Experts explained to LESC fiber optic cables often run parallel to major roadways; approximately 90 percent of the cost of a broadband infrastructure project is digging a trench to lay fiber optic cable. While federal E-Rate funds often support state funds for broadband development, a 2019 LFC program evaluation on broadband explained greater coordination between transportation and broadband infrastructure projects could significantly reduce costs and improve broadband access.

### **ADMINISTRATIVE IMPLICATIONS**

While the bill requires the NMDOT school bus route improvement coordinator to ensure school bus routes are “paved and safe for student transport,” analysis by NMDOT notes the department does not have jurisdiction over county roads.

### **OTHER SIGNIFICANT ISSUES**

If HB257 is enacted, the lifespan of school buses could improve substantially, which may allow the Legislature to extend the statutory 12-year replacement cycle and save state funds in the long run.

### **ALTERNATIVES**

Analysis by NMDOT proposes several alternative types of funding mechanisms to ensure school bus routes are improved. A school bus route improvement coordinator could work to create a

consolidated annual capital outlay request or apply for funds from NMDOT's local governments road fund or the local government transportation fund. School bus routes also fall under the purview of regional planning commissions, currently responsible for identifying and ranking regional transportation priorities.

**SOURCES OF INFORMATION**

- LESC Files
- Department of Transportation (NMDOT)
- Public School Facilities Authority (PSFA)

**TB/mb**