

LFC Requester:	Theresa Edwards
-----------------------	------------------------

**AGENCY BILL ANALYSIS
2019 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:
Original **Amendment**
Correction **Substitute**

Date 3/11/2019
Bill No: HB24HTPWC

Sponsor: Rep. Lara and Rep. Akhil
Short Title: MONITORING FOR SCHOOL BUS ILLEGAL PASSES

Agency Name and Code Number: 924 PED
Person Writing: Daniel Manzano
Phone: 505-670-3820 **Email:** Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(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						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis of HTPWC amendment for HB24: The amendment strikes all the language from the original bill to require that all new and retrofitted buses to have monitoring equipment on the outside of the school bus that records images of a vehicle and the license plate number of the motor vehicle that illegally passes a bus on either side when a bus has activated the amber lights, flashing red lights, stop arms and brakes. In lieu of the cameras, the amendment is requiring all buses to have signage on the outside back of the bus that warns drivers that it is against the law to pass a bus when the bus is stopped to let students on or off and that the violation is punishable by \$300.

There is a technical issue with the amendment. The amendment is striking all the references to adding the cameras however the amendment is also striking existing language in statute that requires the State Transportation Director to adopt standards and specifications of lighting equipment and special warning devices consistent with the motor vehicle code for the purposes of indicating when children are boarding or alighting from a school bus. The legislature may consider adding this language back in the bill. If it was the intent to only delete the language pertaining to the addition of cameras, only section one should be deleted. The amendment should have been (on page 1 strike line 20 through 25, on page 2 strike line 1 through 13 only) and on page 3, strike line 4 through 17.

The amendment does not indicate the specifications of the sign that is to be added. It does not specify the dimensions or colors. PED will be required to promulgate rules so these signs are standardized statewide. However, the effective date of this bill is July 1, 2019. If this bill is enacted there may not be sufficient time for all school districts to paint their buses or obtain signs before July 1, 2019. There is also not sufficient time for PED to promulgate rules prior to the effective date of the bill.

There are approximately 2,000 to and-from buses on regular bus routes. At this time it is difficult to determine the fiscal impact due to the fact that rules have not been promulgated regarding the sign specifications.

Synopsis: HB-24 is creating a new section in the Public School Code and amending a section of the Motor Vehicle Code to require that all new and retrofitted buses to have monitoring equipment on the outside of the school bus that records images of a vehicle and the license plate number of the motor vehicle that illegally passes a bus on either side when a bus has activated the amber lights, flashing red lights, stop arms and brakes. The monitoring

equipment shall give a clear view of the vehicle passing the bus, the date, time and an electronic symbol showing all the warning lights are activated. The Transportation Director of the Public Education Department will be authorized to adopt standards and specifications for the equipment that can be used.

HB-24 increases the fine for passing a school bus from \$100 to \$300. Revenues for all penalties shall be sent to the State Treasurer for credit to the common school fund pursuant to the constitution of New Mexico.

The effective date of the provisions within this bill is July 1, 2019.

FISCAL IMPLICATIONS

Below is an estimated cost of \$2.8 thousand dollars for a complete outside camera system that will take pictures of motorist passing a bus illegally when the stop arm and eight way lights are activated:

DVR 4 Channel	\$1,100
Wiring Bundle	\$150
Ext Cam 1	\$300
Ext Cam 2	\$300
Sensor	\$400
Installation	\$575
Total	\$2,825

The bill does not contain an appropriation to implement the required technology and this will become an annual recurring cost for all to-and-from bus replacements. Using the estimated figures above this will be a total recurring cost of approximately \$326.5 thousand dollars annually.

Pursuant to 22-8-27, NMSA 1978, the Public Education Department (PED) shall provide for the replacement of school buses on a twelve-year cycle. The PED submitted a capital outlay request for \$32,900.0 million dollars through the Infrastructure Capital Improvements Plan (ICIP) process. This request includes the replacement of 387 school owned buses. This request will allow the PED to remain compliant with the statutory replacement cycle if funded in full. The request includes the replacement of 230 buses that are behind schedule and an additional 157 that are scheduled to be replaced next fiscal year. PED will also be replacing one hundred additional buses from the G.O.B. that was recently passed in the 2018 General election along with the VW settlement funds that were recently awarded to the department. The estimate assumes the average price per bus is \$85.0 thousand dollars.

If the desire is to place outside cameras on all school buses PED would require and additional \$1,093.2 dollars in the FY20 request to meet the requirements within this bill for school owned buses. To replace all of the 387 buses mentioned above, the PED capital outlay request will need to be increased to \$33,988.2 dollars. The state would also need an additional \$282.5 thousand to install cameras on the additional 100 buses that are slated to be replaced with G.O.B. and VW settlement funds. If the state remains on schedule and replaces buses according to the replacements schedule approximately 102 school-owned buses should be replaced annually. This

would equate to an additional \$288.1 thousand dollars annually that would be needed in capital outlay funds for the purchase of district owned buses. The state also replaces approximately 68 contractor buses annually. This would also cost an additional \$38.4 thousand dollars in additional rental fees to contractors for the replacement of contractor buses that is paid from the transportation allocation funded through the Public School Support allocation. On average this will be a total recurring cost of approximately \$326.5 thousand dollars annually.

SIGNIFICANT ISSUES

The current school bus construction standards (NMAC 6.40.2) currently allow school buses to accommodate new technologies and equipment, which will better facilitate the transportation of students. New technology is allowed and may be acceptable as long as the technology, equipment or component does not compromise the effectiveness or integrity of any major safety system of the bus. Therefore, school districts currently have the option of adding stop arm cameras to the school buses within their district however they must pay for the technology from their own transportation or operational allocations.

The intent of this bill seems to be aimed at increasing the safety of students who are getting on and off a school bus and ultimately reducing the number of motorists illegally passing a school bus when the amber lights, red lights, and stop arms are activated. However it is not clear if the required technology will be enforceable or admissible in court. There may be other sections of the Motor Vehicle Code that may need to be amended in order to fulfil the objective of this bill. There may not be direct benefit in requiring this technology on a school bus if it is not enforceable.

ADMINISTRATIVE IMPLICATIONS

PED will be required to amend NMAC 6.40.2 to incorporate the changes within this bill. The PED will have to absorb the costs associated with the rulemaking process.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

See recommended amendments.

OTHER SUBSTANTIVE ISSUES

According to the National Association of State Directors of Pupil Transportation (NASDPTS) 3rd annual stop-arm survey, 85,279 vehicles passed a stopped school bus in a single day. According to the American School bus Council, the school bus is the safest way to travel to school, however, nearly two-thirds of all school bus fatalities of school aged children occur outside of the school bus.

The goal of the stop arm monitoring equipment is to improve the safety and transportation of students riding school buses. Monitoring equipment can provide the following:

- trigger event recording without driver intervention
- Capture license plate numbers of violators in high-definition
- Tag video evidence with date, time, and GPS location

Violations are automatically detected allowing the bus driver to focus on the school children. Photo-enforcement systems serve as a force multiplier, allowing for continuous enforcement while law enforcement officials focus on other high-priority policing needs.

Many states are attempting to catch and punish motorists who pass stopped school buses by allowing cameras to be placed on the outside of the bus to record such illegal passing. According to the National Conference of State Legislatures at least 16 states have school bus stop-arm camera laws.

ALTERNATIVES

School districts can explore the use of other technologies to assist in the safety of students getting on and off a school bus. Other technologies include extended stop arms or crossing control arms on the front bumper.

AMENDMENTS

Language in the bill mentions that all new or retrofitted school buses shall have camera or video monitoring equipment for motorists passing school buses however activity buses usually are not equipped with stop arms or flashing eight-way lights. Activity buses are not equipped with this equipment because they are not used for to-and-from transportation therefore this technology would not be needed on these buses. The Legislature may consider adding “to-and-from” on page one, line 25 after the word “retrofitted” and on page 3, line six after the word “a” and on page 3, line 16 before the word “school”.