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## FISCAL IMPACT REPORT

**SPONSOR** Miera                      **DATE TYPED** 02/23/2005    **HB** 1077/aHTC/a/HAFC

**SHORT TITLE** Safe Routes To School Program Requirements                      **SB** \_\_\_\_\_

**ANALYST** Moser

### APPROPRIATION

| Appropriation Contained |      | Estimated Additional Impact |      | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY05                    | FY06 | FY05                        | FY06 |                      |               |
| NFI                     | NFI  |                             |      |                      |               |

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Department of Transportation (NMDOT)

### SUMMARY

#### Synopsis of HAFC Amendment

The amendment by HAFC to House Bill 1077 removes the appropriation of \$1,000.0. The amendment additionally makes technical changes modifying references to counties and municipalities to be metropolitan planning and rural planning organizations.

#### Synopsis of HTC Amendment

The amendment to House Bill 1077 follows the proposed changes recommended by the NMDOT as outlined in the Technical Issues below and adds bikeways to the safe routes that may be funded by the appropriation.

#### Synopsis of Original Bill

House Bill 1077 appropriates \$1,000,000 dollars from the general fund to the department of transportation for the purpose of funding the program in the state, counties, and municipalities. The bill amends Section 66-7-513 NMSA (1978) to create a mandatory safe routes to school program for the purpose of increasing and making safer a student's ability to walk or ride a bicycle to school.

### Significant Issues

This bill amends an unfunded legislative proposal of 2004 with changes marked in Section 1 and the addition of Section 2 (Appropriation) and Section 3 (Emergency). The significant changes in section 1 are: mandatory language, assistance to be provided by the state is specified as funding, and the state, counties, and municipalities may apply for funding.

### **PERFORMANCE IMPLICATIONS**

NMDOT's current activities that have been characterized as part of a Safe Routes to School Program consist of (1) focused engineering safety grants that are part of the Highway Safety Improvement Program, (2) ongoing pedestrian- and bicycle-oriented improvements by the Districts, and (3) support to local agencies through pedestrian safety grants administered by the NMDOT Traffic Safety Bureau. Each has its own source of funding independent of any comprehensive Safe Routes to School Program.

NMDOT feels that the funding proposed through this legislation could help to establish a bona-fide Safe Routes to School Program with organizational elements necessary for a comprehensive approach beyond the improvement of selected bicycle-pedestrian facilities. These include promotion, program development / technical assistance to local governments, support of regional or statewide approaches, and evaluation, among others.

Program funding for promotion and educational campaigns as well as engineering safety projects is a strong point of the bill.

### **FISCAL IMPLICATIONS**

The appropriation of \$1,000,000 contained in this bill is a non-recurring expense to the general fund for FY05. Any unexpended or unencumbered balance remaining at the end of FY05 shall revert to the general fund.

NMDOT currently has no money budgeted to these type programs. Any safe routes to school type projects submitted to the NMDOT compete against all other engineering safety projects for federal funding. This appropriation would enable the NMDOT to open RFPs specifically for these type projects.

Many initiatives that could be funded through a comprehensive Safe Routes to School program may be seen as outside of the NMDOT's normal operational purview. Usage of general fund as the source of funds can justify NMDOT's expenditure to support improvements on non-state roads, for example.

On the other hand, the funding would exist for one year only. Projects could get started but not carried on beyond the initial year.

### **ADMINISTRATIVE IMPLICATIONS**

The NMDOT indicates that a fully-funded comprehensive program may have FTE implications to the department.

## **TECHNICAL ISSUES**

By including the term “state” in the list of entities that the state would administer funds to, it appears that state agencies and NMDOT Districts could apply to the NMDOT for funding.

The NMDOT recommends that Section 1, paragraph B, number 1 be amended to include after “(a) installing sidewalks” item (b) as follows:  
(b) creating bikeways

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

The NMDOT states that the program will continue as an unfunded, scattered, and piecemeal approach and that suggesting that we are OK without specific funding to facilitate the creation of safer routes to school is counter-productive.

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