

LESC bill analyses are available on the New Mexico Legislature website (www.nmlegis.gov). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number HB392/HTPWCS **Sponsor** HTPWC

Tracking Number .208015.1 **Committee Referrals** HEC/HTPWC

Short Title Alternative School Transportation

Analyst Herz **Original Date** 3/16/17
Last Updated _____

BILL SUMMARY

Synopsis of Bill

The House Transportation, Public Works and Capital Improvements Committee Substitute for House Bill 392 (HB392/HTPWCS) amends public school student transportation statute to allow school districts to transport from one to six students who live five or more miles from their school and within district boundaries with a district-owned sport utility vehicle instead of a school bus. The bill requires that district-owned sport utility vehicles must be operated by certified drivers and that PED must adopt rules to ensure the safety of the students transported. The bill also amends the Motor Vehicle Code to include sport utility vehicles in the definition of school bus.

FISCAL IMPACT

HB392/HTPWCS does not appropriate funds, and would allow small school districts in the state greater flexibility and cost efficiency in addressing student transportation needs. Though transportation costs would likely be reduced for smaller districts, the exact savings cannot be calculated at this time.

SUBSTANTIVE ISSUES

Student transportation to and from school is currently funded by a state transportation distribution that accounts for the number of students transported by a school district and the number of miles traveled by a district's bus fleet. However, many school districts' student transportation needs exceed the amount of the state distribution, causing districts to utilize money from operational budgets to cover the difference.

The Motor Vehicle Code (66-1-4.16 NMSA 1978) currently defines a school bus as "a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events." To be classified as a commercial motor vehicle, a vehicle must be designed to transport 16 or more passengers, including the driver. This definition does not allow school districts to use smaller vehicles to transport students in lieu of school buses, which is addressed by this version of the

bill. Additionally, by including sport utility vehicles in the definition of school bus, the bill requires the same safety measures for sport utility vehicles as for school buses.

Given the large number of small school districts in the state, it is likely that many districts could demonstrate a need to use sport utility vehicles to transport students to and from school. As of the 2016-2017 school year, eight school districts enroll 100 or fewer students, and an additional 10 districts enroll between 100 and 200 students. Many rural school districts contain bridges with restrictive weight limits within their boundaries, which creates challenges for school buses in reaching students. To get around this problem, many school districts designate a specific, accessible place as a school bus stop, requiring students to travel to the bus stop to ride the bus. Sport utility vehicles would allow for greater access to remote areas in rural school districts.

TECHNICAL ISSUES

The definition of the term “school district” in statute amended by this bill does not clarify whether state-chartered charter schools qualify as school districts. Currently, PED treats state-chartered charter schools as school districts for the purposes of student transportation and associated funding.

RELATED BILLS

Related to HB178/HECS, School Funds for Bus Passes for Students, which creates a pilot project allowing two school districts to use a portion of their state transportation distribution to purchase bus passes for high school students.

Duplicates CS/SB381/aHEC, Alternative School Transportation

SOURCES OF INFORMATION

- LESC Files
- PED

MPH/rab