

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill No:** SB 553

**49th Legislature, 1st Session, 2009**

**Short Title:** County Cattle Guards Near School Bus Routes

**Sponsor(s):** Senator David Ulibarri and Others

**Analyst:** Peter B. van Moorsel

**Date:** March 12, 2009

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**Bill Summary:**

SB 553 amends the *Public School Code* relating to the transportation of students to require counties to construct cattle guards where privately owned fences intersect school bus routes on county roads, rather than in the county (see “Issues”).

**Fiscal Impact:**

SB 553 does not contain an appropriation.

The Legislative Finance Committee (LFC) notes that the implementation of the provisions of SB 553 could result in counties saving money because they would be required to construct fewer cattle guards in the county.

**Issues:**

Current statute requires that:

- the board of county commissioners of each county construct cattle guards where privately owned fences intersect school bus routes in the county when consent is obtained from the owner of the property on which the cattle guards are to be constructed; and
- the cost of constructing the cattle guards be paid out of the county road fund.

Citing the New Mexico Association of Counties, the LFC reports that counties have been required to construct cattle guards on private property because the statute reads “school bus routes in the county” rather than “school bus routes on county roads.”

The LFC cautions that the construction of cattle guards on private property may violate the anti-donation clause of the Constitution of New Mexico.

**Related Bills:**

None as of 03-12- 2009.