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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/22/11

SPONSOR Griego, E. LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Passenger Access to Common Motor Carriers SB 515

ANALYST Aubel

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
Tickets	(Indeterminate)		Recurring	Municipalities

(Parenthesis ( ) Indicate Revenue Decreases)

Duplicates HB 507

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Public Safety (DPS)

New Mexico Municipal League (NMML)

### SUMMARY

#### Synopsis of Bill

Senate Bill 515 adds a new section to the Municipal Code to prohibit municipalities from issuing traffic citations to a common motor carrier for a violation of a local ordinance if the municipality has not provided for convenient passenger access for persons seeking the services of a common motor carrier in areas of pedestrian concentration – including areas around alcohol-serving establishments, sports and entertainment venues, and hotels.

### FISCAL IMPLICATIONS

The bill might lead to reduced revenue from the abridged ability to issue motor-related tickets to common carriers where the municipality has not provided for convenient passenger access in certain pedestrian concentrated areas, but the impact is indeterminate. The impact would depend on the municipality, its fee schedules, whether the municipality has provided for easy access to common carriers, and the number of tickets currently issued to common carriers that would not be issued under this bill.

Another possible reduction in revenue might occur in areas where the municipality converts a parking meter space to a passenger loading space. Again, the fiscal impact is indeterminate.

The bill implies a certain cost to municipalities to provide access to common carriers in the areas specified. The bill does not define “convenient access,” so the cost could range from painting a passenger loading zone on the curb to a more elaborate curb arrangement that would protect loading passengers on busy streets near the specified zones.

### **SIGNIFICANT ISSUES**

The bill appears aimed at preventing municipalities from ticketing common carriers who, while waiting for passengers, might violate a specific municipal ordinance. One example might be double parking because there is no other convenient access available for passengers. As DPS explains, the “intent of this bill appears to provide for the safe boarding and un-boarding of passengers from passenger carrying commercial motor vehicles such as motor coaches, in areas where stopping or parking is prohibited by a municipality.” However, both DPS and NMML express concerns that the bill might have unintended consequences as drafted:

DPS: Exempting the driver of a common motor carrier from a traffic citation in certain zones of a municipality could prevent a law enforcement officer from enforcing city ordinances that pertain to traffic safety, thereby creating a hazard to the public at large.

NMML: This bill would prohibit municipalities from issuing any type of traffic citation to a common carrier (bus, taxi, limousine) in areas of pedestrian concentration unless some provision has been made for “convenient passenger access to common carriers.” This bill would prevent issuing citations to common carriers for many violations that have nothing to do with standing and waiting for passengers. Ordinance violations such as speeding, reckless driving, careless driving, even driving while intoxicated could not be issued against drivers of busses, taxis and limousines unless some provision has been made for “convenient passenger access to common carriers.”

The NMML concludes that the bill might be “over-inclusive in the types of citations that cannot be issued and creates a public safety concern because it would essentially make drivers of common carrier vehicles immune from traffic violations.”

### **ADMINISTRATIVE IMPLICATIONS**

NMML: The bill requires that municipalities create areas of “convenient passenger access to common carriers.” However, the bill does not define this term or set forth any criteria for establishing these areas.

### **DUPLICATION**

Senate Bill 515 duplicates House 507.

### **OTHER SUBSTANTIVE ISSUES**

DPS provides background information:

According to state statute, a "common motor carrier" means a person offering

compensated transportation by motor vehicle to the general public, whether over regular or irregular routes, or under scheduled or unscheduled service, but does not include commuter services. This applies to commercial motor vehicles that deliver goods or services, such as delivery trucks. "Motor carrier of persons" means a person who provides compensated transportation of persons on a highway in the state.

## **ALTERNATIVES**

NMML provides the following alternatives:

One alternative would be to require alcohol-serving establishments, sports and entertainment venues and hotels to establish or create areas where patrons could obtain easy access to the services of common carriers. Another alternative could be to require the establishment of zones of access to common carriers as a condition to approving the zoning for alcohol-serving establishments, sports and entertainment venues and hotels.

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

Law enforcement authorities will continue to possess the ability to issue traffic and parking citations to common carriers regardless of whether the municipality has established an area of easy passenger access to common carriers.

MA/mew