

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 591aa

**51st Legislature, 1st Session, 2013**

**Tracking Number:** .192911.1

**Short Title:** School Zone Posting

**Sponsor(s):** Representative Thomas A. Anderson and Senator Richard C. Martinez,  
and Others

**Analyst:** Kevin Force

**Date:** March 25, 2013

---

**AS AMENDED**

**The House Education Committee Amendments:**

- **strike the House Transportation and Public Works Committee (HTPWC) Amendment that would require signs to be posted on streets and highways where:**
  - **there is an entrance or exit to a public elementary school; or**
  - **children are picked up from or dropped off at a public elementary school; and**
- **require the Department of Transportation (DOT) to designate as school zones sections of every highway and street adjacent to a school “on which access points to an elementary school, where students enter or exit the school site or where students are dropped off at or picked up from the school site, are located.”**

**The House Transportation and Public Works Amendments:**

- **stipulate that the Department of Transportation (DOT) must post signs to designate certain areas as school zones with respect to the highways and streets under its jurisdiction, while local authorities must do the same on streets and highways under their jurisdiction; and**
- **require that signs be posted on streets and highways where:**
  - **there is an entrance or exit to a public elementary school; or**
  - **children are picked up from or dropped off at a public elementary school.**

**Original Bill Summary:**

HB 591 proposes to amend the *Motor Vehicles Code* to require DOT:

- designate all highways or streets adjacent to schools as school zones;
- post signs identifying the beginning and end of each school zone; and
- post signs, with or without flashing lights, to alert drivers to the school zone speed limit.

## **Original Fiscal Impact:**

HB 591 does not contain an appropriation.

The Fiscal Impact Report (FIR) from the Legislative Finance Committee (LFC) indicates a recurring impact to the State Road Fund of:

- \$22.5 million, for FY 14; and
- \$2.3 million, for FY 15.

## **Original Fiscal Issues:**

According to the analysis from DOT:

- The department would incur additional financial responsibilities as a consequence of having to identify and designate every highway or street adjacent to a school as a school zone, and provide appropriate signage for that school zone, regardless of whether the highway or street is within the DOT's jurisdiction.
- Currently DOT has approximately 261 school zones under its jurisdiction, with an annual maintenance cost of \$575,000.
- If HB 591 is enacted, the DOT would be responsible for an additional 760 schools.
- If only one school zone were added per school, DOT would need approximately \$22.5 million for studies, design, and installation of new school zones.
- The additional school zones would also add \$1.7 million annually to DOT's maintenance costs.
- Current practice for school zones located on state highways is for DOT to install appropriate signs and signals and then transfer routine maintenance costs to the local entity or school district through a maintenance agreement. If this practice were continued – an issue subject to interpretation as the proposed legislation does not address the issue explicitly – some portion of the additional \$1.7 million in maintenance costs would be shifted to the local entities or school districts.
- Other potential costs for the DOT include new liability for claims for personal injury and property damage occurring within school zones adjacent to streets and highways not otherwise within the DOT's jurisdiction.
- All additional costs would impact the State Road Fund. Current revenue for state road funds, even when combined with federal funds, is insufficient to address needs critical to the economic welfare of the state.
- Economic analysis by DOT suggests state road funds will be negatively impacted even further as a result of fuel-efficient vehicles and declining population in the state.
- There are currently at least \$1.5 billion in unfunded construction needs across the state, including:
  - routine maintenance gap of approximately \$225 million;
  - structurally deficient bridge repair needs of \$250 million;
  - heavy equipment replacement needs of \$150 million; and
  - downtown “main street” reconstruction funding needs of approximately \$340 million.

### **Original Substantive Issues:**

The analysis from DOT notes:

- Current practice for school zones located on state highways is that DOT erects appropriate signage and then the school district, by agreement with the department, assumes the maintenance responsibility, but the proposed legislation is ambiguous on the question of whether the DOT or localities would be responsible for maintenance of the school zones.
- HB 591 may conflict with current sections of law, which:
  - define “state highways,” as opposed to public highways that are under the jurisdiction of counties or municipalities;<sup>1</sup> and
  - give the State Transportation Commission authority over the state highway system and the State Road Fund, and provide that the Commission has no duty to maintain or supervise the maintenance of roads that are not designated state highways.<sup>2</sup>

### **Technical Issues:**

According to the Fiscal Impact Report (FIR) from the Legislative Finance Committee (LFC), the Department of Public Safety suggests a technical correction: on page 1, line 24, insert “on a highway” to read “seventy-five miles per hour on a highway.”

According to DOT:

- currently school zones are designated by school districts in cooperation with local government entities and, when impacting a state or federal highway, with the DOT;
- many school districts develop safety plans which determine preferred routes for students who walk to school, designate parent drop-off locations and bus drop-off points attempting to reduce interaction between pedestrians, vehicles, and busses;
- the result of these plans is often a reduced number of school zones in order to channel pedestrian traffic to preferred access locations; and
- by mandating every roadway adjacent to a school be designated a school zone, the safety benefits expected from these safety plans may be diminished.

### **Committee Referrals:**

HTPWC/HEC/HAFC

### **Related Bills:**

None as of March 25, 2013.

---

<sup>1</sup> Section 67-2-4(A) NMSA 1978

<sup>2</sup> Section 67-3-14(A) and (B)