

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2014 (SECOND) Regular Session

Bill No. 382-32 (COR)

Introduced by:

Michael F.Q. San Nicolas

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MB

AN ACT TO REQUIRE THAT THE GUAM REGIONAL TRANSIT AUTHORITY CREATE AN EMERGENCY PUBLIC TRANSPORTATION PROTOCOL IN CONSULTATION WITH THE GUAM HOMELAND SECURITY OFFICE OF CIVIL DEFENSE BY AMENDING §6105 OF ARTICLE 1 OF CHAPTER 6, TITLE 12, GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act *shall* be referred to as the  
3 “Responsible Emergency Public Transportation Protocol Act.”

4 Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan*  
5 finds that there is an urgent need for an emergency public transportation  
6 protocol for families who do not have their own means of transportation to  
7 safely get to a designated storm shelter in times of natural disasters. *I*  
8 *Liheslatura* finds that the lack of public transportation to storm shelters puts  
9 families at risk of harm and injury by walking during inclement weather  
10 conditions, often times without proper weather attire to cope with the  
11 elements. Children especially are at risk as their parents struggle to

1 safeguard them while also bearing the load of household items necessary  
2 for their shelter stay.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that the  
4 government safeguards the health and safety of the people with reliable  
5 transportation to a designated storm shelter, by requiring the Guam  
6 Regional Transit Authority to create an emergency public transportation  
7 protocol in consultation with the Guam Homeland Security Office of Civil  
8 Defense.

9 **Section 3. Emergency Transit Route and Schedule.** § 6105, Article  
10 1, Chapter 6, Title 12, Guam Code Annotated, is hereby *amended*, to read:

11 **“§ 6105. Powers.**

12 (a) The Authority may:

13 (1) Enter into contracts, leases, concession agreements  
14 and permits and to execute all instruments necessary or  
15 convenient in the exercise of its purpose and powers, including,  
16 without limitation, the purchase of liability and casualty  
17 insurance for Authority purposes, adopt a seal and sue or be  
18 sued in its own corporate name.

19 (2) Plan public transit services, devise and follow  
20 schedules, operate facilities and terminals, and otherwise  
21 engage in the necessary actions to provide public transit service  
22 and public parking management.

1           (3) Acquire personal and real property through  
2 negotiation, grant, lease, or permit in accordance with the  
3 provisions and subject to the limitations of laws of Guam,  
4 including Chapter 5, Title 5, GCA, and hold and use any real  
5 and personal property necessary, convenient or useful for the  
6 carrying out of any of its powers pursuant to the provisions of  
7 this Chapter, and to dispose of the same.

8           (4) Receive and disburse Federal funds, submit project  
9 grant applications, program of projects to Federal agencies, and  
10 enter into formal agreements concerning projects with Federal  
11 agencies.

12           (5) Employ agents and retain or contract for the  
13 services of qualified consultants, specialists or experts, as  
14 individuals or as organizations, to advise and assist the  
15 Authority and its employees, all of which may be accomplished  
16 without regard to the portion of the Personnel Laws relative to  
17 compensation.

18           (6) Impose, prescribe, revise policies, and collect fees  
19 for the purposes of carrying commercial advertisement on real  
20 and personal property owned by the Authority or used in the  
21 provision of transit services pursuant to this statute.

22           (7) Adopt such rules and regulations, pursuant to the  
23 Administrative Adjudication Law, as may be necessary for the

1 exercise of powers and performance of the duties conferred or  
2 imposed upon the Authority or the Board.

3 (8) Shall enter into contract with the Attorney General  
4 to address legal issues.

5 (b) The Authority shall:

6 (1) Operate a system of public transportation.

7 (2) Create an emergency public transportation protocol  
8 in consultation with the Guam Homeland Security Office of  
9 Civil Defense to be executed at such time that the Governor  
10 declares Guam to be in a condition of readiness necessary for  
11 the activation of shelters, or its equivalent. Such protocol shall  
12 include adjusted public transportation service routes,  
13 schedules, and frequencies to maximize the provision of  
14 services to public transportation riders seeking storm shelter.  
15 All service fees and charges shall be waived throughout the  
16 execution of this protocol.

17 (3) Establish operational routes, schedules, fares and  
18 policies consistent with the purpose of the Authority. Such  
19 services may be altered or modified only after completing the  
20 following:

21 (A) Public Outreach Notice. The GRTA shall  
22 provide notice no less than ten (10) working days before  
23 the effective date of the proposed changes. Notices shall

1 be posted, made available and disseminated at the office  
2 of the GRTA and within vehicles used to provide the  
3 services of the GRTA.

4 (B) World Wide Web Notice. The GRTA, no  
5 less than ten (10) working days before the effective date of  
6 the proposed changes, shall publish a World Wide Web  
7 (Web) page, available to the public via the GRTA website.  
8 The Web page link shall be highly visible on the GRTA's  
9 main web page, and should legibly state in bold letters,  
10 "Guam Regional Transit Authority Service Change  
11 Proposal".

12 (C) Public Hearing Notice. The GRTA shall  
13 hold at least three (3) public hearings on proposed  
14 changes at least thirty (30) days prior to the effective date  
15 of the proposed changes. One (1) of the public hearings  
16 shall be held in a location in northern Guam; one (1) of  
17 the public hearings shall be held in a location in central  
18 Guam; and one (1) of the public hearings shall be held in  
19 southern Guam.

20 (i) No public hearing shall be held unless notice  
21 of the hearing has been advertised in a newspaper of  
22 general circulation at least twice. The notices shall be

1 made five (5) working days and forty-eight (48)  
2 hours prior to the first scheduled hearing.

3 (ii) Any interested party, in person or their  
4 authorized representative, shall be afforded an  
5 adequate opportunity to participate in the  
6 formulation of the proposed changes through the  
7 presentation of facts or arguments or the submission  
8 of written data or views. All relevant matter  
9 presented shall be documented by the GRTA and  
10 officially submitted to the Board for disposition.

11 (D) Notices. All notices shall include the following:

12 (i) date of notice;

13 (ii) GRTA point of contact name, telephone  
14 number and email;

15 (iii) effective date of proposed change(s);

16 (iv) all public hearing dates, locations and  
17 times; and

18 (iv) summary of proposed change(s) to  
19 established route, schedule fare or policy.

20 (E) Board Approval. The Board shall approve or  
21 disapprove the proposed changes.

22 (F) Effective Date. No change(s) to established  
23 operational routes, schedules, fare and policies shall be

1 effective until after compliance with the provisions of this  
2 Section.

3 (c) Nothing contained in this Section, or by implication in  
4 this Chapter shall be construed to be in any way in derogation or  
5 limitation of powers conferred upon or existing in the Authority or in the  
6 Board by virtue of the Organic Act and the laws of Guam.”

7 **Section 4. Completion date.** The Guam Regional Transit Authority  
8 *shall* have an emergency public transportation protocol created, in  
9 consultation with the Guam Homeland Security Office of Civil Defense,  
10 within ninety (90) days after enactment of this Act.

11 **Section 5. Appropriation.**

12 (a) The unexpended available balance of the FY-2014 budget of the  
13 Guam Regional Transit Authority *shall* be available until fully expended  
14 and *shall* be utilized to fund the provisions of this Act. At such time the  
15 available balance of the FY-2014 budget of the Guam Regional Transit  
16 Authority is fully expended, the difference for any shortfall in funding the  
17 provisions of this Act from the FY-2014 budget *shall* be supplemented and  
18 funded from the General Fund appropriation for the Guam Regional  
19 Transit Authority.

20 (b) The Executive Manager of the Guam Regional Transit Authority  
21 *shall* include a specific item request for funding the provisions of this Act  
22 in the proposed FY-2015 Executive Branch budget request.

1           **Section 6. Effective date.** This Act *shall* become immediately effective  
2 upon enactment.