

I MINA' TRENTE NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

2009 JAN -9 AM 11:28 WWR

Bill No. 298(LS)

Introduced by:

T.R. Muña-Barnes

J.T. Won Pat, Ed.D.

AN ACT TO AUTHORIZE CHAPTER 6 OF TITLE 12 GCA,
AND TO AMEND 5405 OF CHAPTER 4 OF TITLE 4 GCA
RELATIVE TO THE ESTABLISHMENT OF THE ATURIDÀT
ISLA TRANSITU (ISLA TRANSIT AUTHORITY), A PUBLIC
CORPORATION, FOR THE PURPOSE OF PROVIDING
AFFORDABLE, RELIABLE, AND SUSTAINABLE
MODALITIES OF PUBLIC TRANSPORTATION ON THE
ISLAND OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings.** *I Liheslaturan Guahån* finds that a lack of
3 dependable and accessible mass transportation critically impacts the ability of
4 island residents to access health care, employment and effective participation
5 in the benefits of ensuing military and economic expansions on our island.
6 Residents that do not have access to a vehicle or cannot drive also experience
7 severe restrictions to travel village to village to visit and support family and
8 friends.

1 *I Liheslaturan Guahân* further finds that Public Law 26-76, which
2 abolished the Guam Mass Transit Authority, has not alleviated the lack of
3 accessible and dependable transportation options for students, seniors, and
4 non-career workers; while artificially depressing opportunities for alternative
5 tourism development at the village level for sustainable economic
6 development beyond the military expansion. The island’s mass transit
7 deficiencies, coupled with ever-increasing fuel costs, significantly amplifies
8 the inflationary impact on every Guam household, business, and the mobility
9 of the island’s workforce.

10 Since PL26-76 was enacted into law, the administration of Public
11 Transportation has been the responsibility of a small, under-trained staff
12 within the Department of Administration. *I Liheslatura* finds that despite the
13 best efforts of the Department of Administration, a lack of a comprehensive
14 transit strategy has restricted their ability to adequately address the growing
15 transportation needs of our island.

16 The existing public transportation model is inadequate, wastes financial
17 resources, and misspends human and natural resources, for little or no, return
18 on investments. Existing mass transit funding provides increasingly expensive
19 options for a minimum number of a static ridership level. A new model of
20 transportation is required to deliver access to remote areas with unpaved
21 roads and low ridership for inclusion in transportation programs on Guam,
22 and the region.

23 *I Liheslatura* further finds, that the government must establish and
24 ensure a village-based transportation system that is integrated into a core

1 fixed-routes bus transit system. Additionally, it is found that Mayors should
2 play a key role in establishing routes and transportation service needs for
3 their villages and surrounding areas. Mayoral offices should operate dispatch
4 of vehicles, customer service, and data & revenue collections and provide
5 such data and collections to the Isla Transit Authority.

6 Therefore, it is the intent of *I Liheslaturan Guahån* to abolish the Guam
7 Mass Transit Authority, management, and structure, replacing it with a new
8 autonomous agency, the *Aturidåt Isla Transitu* (Isla Transit Authority), whose
9 sole mission is to establish, and supervise, a village-based system of shared
10 rides – or public cars; a transportation model using 15-passenger vans which
11 shall be in addition to an integrated bus network that meets the needs of the
12 businesses and workers of Guam; and doing so in a manner that contributes
13 to, and promotes, environmentally-friendly and low carbon footprint policies,
14 including prioritized zero-emission goals.

15 **Section 2. Chapter 6 of Title 12 of the Guam Code Annotated is hereby**
16 **repealed and re-enacted, to read as follows:**

17 **"Chapter 6. Aturidåt Isla Transitu (Isla Transit Authority)"**

18 **Article 1. General Provisions.**

19 **Article 2. Governance.**

20 **Article 3. Operations.**

21 **Article 1. General Provisions**

22 § 6101. Creation.

23 § 6102. Definitions.

24 § 6103. Purposes.

1 § 6104. Powers.

2 § 6101. Creation.

3
4 **§ 6101. Creation.**

5 There is hereby created the *Aturidàt Isla Transitu* (Isla Transit
6 Authority) of Guam, a public corporation and the *Setbisio Kareta*
7 *Pupbliku*, a village-based Mass Transit Co-operative Association.

8 **§ 6103. Definitions.**

9 As used in this Chapter, unless otherwise indicated:

10 (a) Authority means the *Aturidàt Isla Transitu* (Isla Transit Authority) or
11 ITA

12 (b) SKP and/or Co-operative refers to *Setbisio Kareta Pupbliku*

13 (c) Commission means the *Komisiu Aturidàt Isla Transitu* (Isla Transit
14 Authority Commission)

15 (d) Commissioner means a member of the Commission

16 (e) Executive Manager means the person employed by the Commission
17 to supervise the administration of the Authority

18 (f) Hub refers to the designated village-based depot for Co-operative
19 vehicles that shall act as stations and transfer points for the Authority
20 and the Co-operative.

21 (g) Zone and/or zones refer to the North, Central or Southern area of the
22 island designated for the purpose of establishing mass transit routes.

1 (h) Scheduler refers to the Authority personnel located within the
2 Mayor's office responsible for coordination, scheduling control, and
3 data collection of co-operative operations.

4 **§ 6104. Purposes.**

5 The purposes for which the Authority is created are to establish,
6 develop, regulate, promote and/or operate a public transportation
7 system within the territory of Guam together with incidental and related
8 facilities and services, including a village hub-based co-operative, using
9 zero-emission vehicles, vans, and mid-sized buses to provide adequate
10 public transportation for all persons residing in or visiting the territory
11 of Guam.

12 **§ 6105. Powers.**

13 The Authority may:

14 (a) Acquire, construct, reconstruct, purchase, better, extend, improve,
15 operate and maintain facilities for the purpose of carrying out its
16 mandate.

17 (b) Acquire by grant, purchase, gift, devise, lease, or permit in
18 accordance with the provisions and subject to the limitations of laws of
19 Guam including 5 GCA Chapter 5, and hold and use any real and
20 personal property necessary, convenient or useful for the carrying out of
21 any of its powers pursuant to the provisions of this Chapter, and to
22 dispose of the same.

23 (c) To make and enter into contracts, leases, concession agreements and
24 permits and to execute all instruments necessary or convenient in the

1 exercise of its powers, including without limitation, the purchase of
2 liability and casualty insurance for Authority purposes, adopt a seal and
3 sue or be sued in its own corporate name, and establish a village-based,
4 non-profit co-operative, such as is defined in GCA18-13, § 13103.

5 (d) Employ agents and retain or contract for the services of qualified
6 consultants, specialists or experts, as individuals or as organizations, to
7 advise and assist the Authority and its employees, all of which may be
8 accomplished without regard to the portion of the Personnel Laws
9 relative to compensation.

10 (e) Impose, prescribe, revise, and collect fees for the purposes of
11 carrying commercial advertisement on or around Authority property.

12 (f) Establish schedules and fares to control the operation of the
13 Authority and such schedules and fares may be altered or modified only
14 after public hearing on any proposed changes, said hearing to comply
15 with the provisions of the Administrative Adjudication Law and other
16 legal requirements of Guam.

17 (g) Adopt such rules and regulations, pursuant to the Administrative
18 Adjudication Law, as may be necessary for the exercise of powers and
19 performance of the duties conferred or imposed upon the Authority or
20 the Commission.

21 (h) Do any and all things necessary to exercise the above powers.

22 (i) Employ an attorney, enter into contract for legal services, or enter
23 into contract with the Attorney General to address legal issues.

1 (j) Create, within 120-days after establishment of the agency and filling
2 the Executive Manager's position, an office within the Authority that will co-
3 ordinate with DPW, the Federal Highway Administration regional office, and
4 the Federal Transit Administration the production of a long-range Guam
5 Transit Improvement Program (3-5 years) to include:

6 (1) Creation of the *Setbisio Kareta Pupbliku* (SKP)

7 (2) Identification of local and Federal funding sources and
8 programs to fulfill goals and objectives of the Guam Transit
9 Improvement Program over the term of the program

10 (3) Initiate and conclude within the first year of authorization
11 the development and establishment of a Fuel (Gasoline) Co-
12 operative for the exclusive supply and use of the Authority and all
13 licensed and registered vehicles of the Government of Guam and
14 its line and autonomous agencies.

15 (4) Funding requests from the Federal Transit administration
16 Bus and Bus-Related Facilities Discretionary Grant Program
17 (5309, 5318) for financing capital projects to include the purchase
18 of buses for fleet and service expansion, bus maintenance and
19 administrative facilities (to be located in Dededo), transfer
20 facilities, acquisition of replacement vehicles, bus rebuilds, bus
21 preventive maintenance, passenger amenities such as passenger
22 shelters, village hubs and transit parks at the Mayors' offices, and
23 bus stop signs, accessory and miscellaneous equipment such as

1 mobile radio units, supervisory vehicles, fare boxes, computers
2 and shop and garage equipment.

3 (5) The creation of HOV (high occupancy vehicle) lanes or
4 exclusive right-of-ways for ITA and SKP vehicles during the
5 construction of new and expanded highways and roadways on
6 Guam, where feasible.

7 (k) Present to *I Liheslaturan Guahån* within 180 days a public briefing
8 outlining the status of the Transit Improvement Program and progress
9 with relations between federal and local agencies to identify and acquire
10 funds for the implementation of the Guam Transit Improvement
11 Program.

12 (l) It shall further establish and operate a complimentary system of bus
13 operations (ITA bus routes) that will operate exclusively on major
14 highways and routes, and be responsible for the dispatching of vehicles,
15 publish schedules (electronic, online, and print) for such routes.

16 (m). Create within the Authority a Customer Service Office that will
17 establish an online publication and produce in print quarterly
18 newsletters that must include schedules, route maps, data pertaining to
19 the consumers of the mass transit services for each quarter. Such data
20 shall include, but not be limited to:

21 (1) the amount of consumers utilizing the transit system and co-
22 operative,

23 (2) the type of services used by consumers.

1 (n). Nothing contained in this Section, or by implication in this Chapter
2 shall be construed to be in any way in derogation or limitation of
3 powers conferred upon or existing in the Authority or in the
4 Commission by virtue of the Organic Act, the laws of Guam or the
5 Government Code.

6 **Article 2. Governance.**

7 § 6201. *Komision Aturidàt* (Authority Commission).

8 § 6202. Executive Manager.

9 § 6203. Personnel.

10 § 6204. *Fondo Aturidàt Isla Transitu* (Isla Transit Authority Fund).

11 § 6205. Limited Liability.

12 § 6206. Transfer of Funds.

13 § 6207. Transfer of Records, Equipment, Designation as State Agency.

14 § 6208. Appropriation.

15 § 6209. Severability.

16 17 **§ 6201. *Komision Aturidàt Isla Transitu* (Isla Transit Authority 18 **Commission).****

19 (a) The Commission shall consist of nine (9) Commissioners: three (3)
20 shall be appointed by *I Maga'lahaen Guahan*; six (6) shall be selected by
21 the Mayor's Council, with each zone represented by two (2)
22 Commissioners. The persons submitted for consideration by the
23 Mayor's Council shall be an incumbent Mayor or Vice-Mayor. All
24 Commissioners shall be selected with the advice and consent of the

1 Legislature. Each Commissioner shall serve a term of two (2) years from
2 the expiration of the term for which such Commissioner's predecessor
3 was appointed, and until a successor is appointed and qualified, or in
4 the case of a Commissioner appointed to a newly created membership
5 in the Commission, such Commissioner shall serve a term of two (2)
6 years from the date of initial appointment, and until a successor is
7 appointed and qualified. All vacancies occurring in the office of
8 Commissioner shall be filled by the Governor in the same manner as for
9 full-term appointments, but only for the unexpired term of the
10 Commissioner whose vacancy is being filled.

11 (b) Five (5) Commissioners shall constitute a quorum of the Commission
12 for the transaction of business. The Commission may adopt rules and
13 regulations governing the conduct of its affairs. It shall elect a chairman
14 and vice-chairman from among its members. It shall appoint a secretary
15 who shall maintain all records and minutes of the Commission.

16 (c) Each Commissioner shall receive the sum of One Hundred and Fifty
17 Dollars (\$150.00) for his/her attendance at any meeting of the
18 Commission, but such compensation shall not apply to more than two
19 meetings in any one calendar month. No Commissioner shall receive
20 any other compensation for work or duties associated with the
21 Authority and/or Commission, but shall be reimbursed for actual travel,
22 subsistence and out-of-pocket expenses incurred in the discharge of
23 his/her responsibilities, including authorized attendance at meetings
24 held away from Guam.

1 (d) No Commission member or officer may travel off-island for
2 meetings held away from Guam without the prior authorization of the
3 Commission and the consent of the Legislative Committee responsible
4 for oversight of the Authority.

5 **§ 6202. Executive Manager.**

6 The Commission shall appoint an Executive Manager, who shall
7 be its chief executive officer.

8 (a) The Executive Manager shall serve at the pleasure of the
9 Commission for a non-consecutive term of five (5) years. The
10 Commission shall fix his/her compensation, with the advice and consent
11 of the Legislature. If the Executive Manager fails to implement or
12 execute the responsibilities of his/her duties, is indicted for malfeasance
13 or any other criminal offense, or shall otherwise fail to comply with the
14 responsibilities established by the Commission for the function and role
15 of Executive Manager, that person shall be relieved of the position and
16 ineligible for any further employment at the Authority as an employee
17 or contractor. This shall hold true for all management level employees
18 of the Authority, or as otherwise outlined within this legislation. Any
19 costs incurred by the Commission to comply with or complete any of
20 the responsibilities herein outlined shall be the sole responsibility of the
21 Executive Manager, and all parties charged with the execution of such
22 duties as compiling and presentation of reports, inventories, etc., and
23 may be collected by all legal means available to the Commission.

1 (b) The Commission shall utilize no less than three (3) governmental
2 or quasi-governmental organizations of reasonable and comparable
3 market size to Guam and with a reasonable history of salary information
4 to establish proposed compensation packages for Authority executive
5 management positions. The use of comparative markets shall not
6 include agencies or organizations outside of the United States or its
7 territories. The salaries for all executive level positions within the
8 Authority shall be established with the advice and consent of *I*
9 *Liheslaturan Guahan*.

10 (c) The powers of the Executive Manager include:

11 (1) To enforce all rules and regulations of the Authority.

12 (2) To attend, unless excused by the Commission, all meetings of
13 the Commission and to submit reports on the affairs of the
14 Authority as required by the Commission.

15 (3) To keep the Commission advised on the needs of the Authority
16 and to approve demands for payment of obligations within the
17 purposes and amounts authorized by the Commission.

18 (4) To devote his/her entire time to the business of the Authority,
19 to select and appoint the employees of the Authority, except as
20 otherwise provided in this Chapter, and to plan, organize,
21 coordinate and control the services of such employees in the
22 exercise of the powers of the Authority under the general direction
23 of the Commission.

1 (5) To perform such other and additional duties as the
2 Commission may require.

3 **§ 6203. Personnel**

4 (a) The Commission, pursuant to 4 GCA Chapter 4, shall establish rules
5 and regulations governing the selection, promotion, performance
6 evaluation, demotion, suspension, dismissal and other disciplinary
7 action for employees of the Authority.

8 (b) The Executive Manager shall be an unclassified employee. No person
9 employed by the Authority on a limited term contract shall be a
10 classified employee. All employees of the Authority and Co-operative
11 shall be considered non-classified employees.

12 (c) Each employee of the Authority shall be eligible to become a member
13 of the Government of Guam Retirement Fund pursuant to 4 GCA
14 §8105(d).

15 (d) Each employee of the Authority shall be eligible to participate in any
16 government of Guam health and life insurance plan.

17 (e) The employer's contribution to the Government of Guam Retirement
18 Fund that is assessed by the Fund's Commission of Trustees for the
19 benefit of Authority employees who are members of the Fund shall be
20 paid by the Authority. The employer's contribution to the Worker's
21 Compensation Fund that is assessed by the Worker's Compensation
22 Commission for the benefit of Authority employees shall be paid by the
23 Authority.

1 (f) No persons with outstanding traffic violations, a criminal record or
2 prosecution of moving violations shall be considered for employment at
3 the Authority as a driver, or may be permitted to own a license or
4 membership in the Co-operative, or in any other manner be authorized
5 to operate or handle Authority vehicles or such transit equipment
6 insured by the Authority. No persons with a felony conviction, or
7 having been adjudicated, or in the process of adjudication for criminal
8 activities while in public service on Guam, the United States or its
9 territories shall qualify for the position of Executive Manger, Assistant
10 Executive Manager, or any other management position within the Co-
11 operative or the Authority.

12 **§ 6204. *Fondo Aturidat Isla Transitu (Isla Transit Authority Fund).***

13 (a) The Commission shall adopt and maintain a system of accounting,
14 which is in accordance with generally accepted accounting principles
15 applicable to transportation authorities. There is established a fund to be
16 known as the "Isla Transit Authority Fund" which the Authority shall
17 maintain separate and apart from other funds of the government of
18 Guam, and independent records and accounts shall be maintained in
19 connection therewith. All monies received by the Authority from
20 whatever source derived shall be deposited in the Isla Transit Authority
21 Fund. All expenditures, except as otherwise provided by law, shall be
22 made from said Isla Transit Authority Fund. The Commission shall
23 establish the means by which to ensure an annual audit of the Authority
24 and SKP.

1 (b) It shall be the responsibility of the Executive Manager to ensure
2 that the Isla Transit Authority Fund is audited annually by an
3 independent certified public accountant or by the Office of the Public
4 Auditor and the report presented to the Commission. Failure to adhere
5 to this provision shall be cause for immediate dismissal from the
6 Executive Manager's position, subject to the vote of no less than five (5)
7 Commissioners.

8 (c) The Commission shall make the annual audit in a report to the
9 Governor and to the Legislature, which shall also include information
10 concerning the administration of the affairs of the Authority. It shall
11 present an annual report within one hundred (100) days after the end of
12 each fiscal year and, if requested by the Governor or the Legislature,
13 shall present special reports within thirty (30) days after the end of each
14 intervening quarter. The financial information presented in such reports
15 shall be in accordance with the system of accounts adopted by the
16 Commission and published in a newspaper of general circulation within
17 the territory of Guam.

18 **§6205. Limited Liability.**

19 (a) To the extent that any liability of the government of Guam or of the
20 Authority or of the Co-operative is covered by a policy or policies of
21 insurance, the Government waives the limitation of liability found in 5
22 GCA §6301; provided, that the Government shall not be liable in
23 damages for tort in any amount which exceeds the coverage of

1 insurance and the limitation of liability contained in §6500.13 of the
2 Government Code.

3 (b) All claims made against any policy of insurance purchased by the
4 Authority shall be made in accordance with the procedures and time
5 limitations set forth in the Government Claims Act, except that all
6 claims not in excess of the face amount of the policy shall be presented
7 to the Executive Manager of the Authority, who shall present the same
8 to the insurance carrier, carriers or to their designated agents for
9 processing.

10 (c) If a claim is in excess of the applicable insurance coverage, then the
11 Executive Manager of the Authority shall also present a copy of the
12 claim to the Attorney General, who shall then coordinate the claim as
13 between the Government and the insurance carriers, and who shall
14 represent the Government in the event of a dispute between the
15 Government and the insurance carriers. In the event of said dispute, the
16 Attorney for the Authority shall represent the interests of the Authority.

17 (d) Each policy of insurance written covering the Authority or its
18 interest shall contain a clause waiving any defense of sovereign
19 immunity, which may be raised against the payment of the claim by
20 carrier.

21 (e) The Executive Manager shall publish, in a newspaper of general
22 circulation in Guam, within ten (10) days after the effective date of any
23 policy of insurance purchased, a statement indicating the existence of

1 any such policy and a notice informing the public where claims may be
2 filed."

3 **§ 6206. Transfer of Funds.**

4 The total amount in the Public Transit Fund at the time of this act's
5 effective date shall be transferred to the Isla Transit Authority Fund.

6 **§ 6207. Transfer of Records, Equipment, Designation as State Agency.**

7 (a) Upon the effective date of this act, the Department of Administration
8 shall transfer possession of all books, records, papers, maps, plans,
9 documents, offices, equipment, supplies, money, funds, appropriations,
10 licenses, permits, agreements, contracts, claims, judgments, land, and
11 other property, real or personal, connected with the administration of,
12 or held for the benefit or use of, the former Guam Mass Transit
13 Authority to establish Isla Transit Authority.

14 (b) No less than ninety (90) days after the effective date of this act, the
15 Department of Administration shall account for the location, disposition
16 (where applicable), and condition of buses, vans, and other vehicles
17 used for transportation and service by the former GMTA by providing
18 the Commission and the Legislature with an inventory of such vehicles.
19 The Director of the Department of Administration, and his/her
20 designate, shall be held accountable for such inventory to the fullest
21 extent allowed by the law. Failure to comply with this provision may
22 result in a reduction of salary and other punitive measures as required
23 to recoup the costs incurred by the Commission and/or Legislature to
24 ascertain such documentation.

1 (c) For the purposes of receiving federal funding for the operations of a
2 mass transit system, the designation of State Agency is hereby
3 designated to be within the Isla Transit Authority.

4 **§ 6208. Appropriation.**

5 The sum of five million, five hundred thousand dollars
6 (\$5,500,000) is hereby appropriated from the Guam Highway Fund to
7 the Isla Transit Authority Fund for the purpose of providing initial
8 funding for the Isla Transit Authority, office space, personnel, and the
9 establishment of the *Setbisio Kareta Pubblica*, to be set-up and established
10 within one hundred (100) days after the authorization of the
11 Commission.

12 **§ 6209. Severability.**

13 If any provision of this Law or its application to Any person or
14 circumstance is found to be invalid or contrary to existing law, such
15 invalidity shall not affect other provisions or applications of this Law
16 which can be given effect without the invalid provisions or application,
17 and to this end the provisions of this Law are severable.

18 **Article 3. Operations.**

19 § 6301. *Setbisio Kareta Pubblica* (SKP) Structure.

20 § 6302. Authority (ITA) Structure.

21 § 6303. Personnel.

22 § 6304. Equipment.

23 § 6305. Planning, Routes, Fares, and Schedules.

24

1 **§ 6301. *Setbisio Kareta Pubblica* Structure.**

2 (a) The Commission shall be seated within 100 days of enactment of
3 this legislation, and shall create the *Setbisio Kareta Pubblica* (SKP)
4 establishing it as a means of linking neighborhoods within villages, and
5 village-to-village, by using 15-passenger vans. SKP shall be based
6 within the villages and come under the day-to-day operational purview
7 of the Mayors' offices upon establishment.

8 (b) The Commission shall divide the island into three (3) zones,
9 North, Central, and South. The three largest villages within each zone
10 shall qualify as hubs and be the sites where SKP vehicles shall be
11 stationed and quartered. Smaller villages will have no less than one (1)
12 15-passenger van committed to servicing their communities from the
13 closest hub.

14 (c) The Commission shall solicit bids and proposals for the
15 procurement of thirty (30) 15-passenger vans and forward such data to
16 the Chief Procurement Officer's office, with a copy to the pertinent
17 committee chair at *I Liheslaturan Guahån* to ensure that all vehicle specs
18 meet existing Guam laws relative to fuel economies and bid package
19 specifications.

20 (d) The Commission will be responsible for the recommendation and
21 approval of all SKP and ITA transit vehicles. SKP and ITA may not
22 acquire transit or service vehicles without the expressed prior without
23 the written authorization of the Commission and Guam's Chief
24 Procurement Officer. No vehicle purchase may be approved without

1 first providing to the office of the Chief Procurement Officer a complete
2 life cycle cost-benefit analysis, which shall include projected fuel costs
3 per unit, as well as projected maintenance and service costs.

4 The Authority shall develop a long-range plan to the feasibility of
5 creating from SKP an owner-operated co-operative organization by
6 2014. Initial vehicle purchases – except the ADA-compliant ramp vans -
7 shall be turned over to the co-operative association at such time with no
8 further obligation from the newly formed co-operative.

9 **§ 6302. Authority Structure.**

10 (a) The Commission shall be seated within 100 days of enactment of
11 this legislation, and shall create Aturidat Isla Transitu (Isla Transit
12 Authority). The Commission shall within 180 days after authorization
13 submit for approval, with the advice and consent of the Guam
14 Legislature, and approval of the Governor, select a General Manager,
15 and the proposed Executive team for ITA, to include, but not be limited
16 to, Director of Operations, Special Assistant for Integrated Resources,
17 and Marketing and Communications Director.

18 (b) The General Manager of ITA shall be responsible for executive
19 management, and is personally and professionally accountable for
20 executive administration, general operations, governmental relations,
21 and fiduciary management of overall Authority responsibilities. The
22 General Manager supervises the Director of Operations, Director of
23 Marketing & Communications, Special Assistants and Executive and
24 Management personnel.

1 (c) The Director of Operations shall establish and oversee two
2 divisions of ITA; Fleet Services and Schedules and Routes. The Director
3 of Operations will propose within 180 days of authorization and filling
4 of this position a budget and personnel needs proposal to the
5 Commission and General Manager of ITA. The Director of Operations
6 and the Special Assistant for Integrated Resources will submit to the
7 Guam Legislature, through the General Manager's office, a Bus Service
8 plan with a Core Fixed Route Network that is serviced on thirty- (30-)
9 and sixty- (60-) minute frequencies and/or headways. The Director of
10 Operations is authorized, with the consent of the General Manager, to
11 adjust frequency and headway for individual vehicles in order to meet
12 and develop consumer demand. The Authority shall establish a transfer
13 system and ridership incentive program at the launch of transit service
14 implementation by ITA.

15 (b) The Special Assistant for Integrated Resources shall coordinate
16 within ITA Local and Federal efforts as much as is as is feasible and
17 allowable by law, including but not limited to the Department of
18 Defense, Department of Energy, Department of Transportation,
19 Department of the Interior, the Federal Highway Authority, Department
20 of Public Works, and any all agencies, government and private offices
21 involved in the development and planning of mass transit, public
22 transportation, and policy on transportation and energy consumption
23 Guam. The Special Assistant shall make a quarterly report to the
24 General Manager, the Commission, and submit a copy to the Guam

1 Legislature and the Office of the Public Auditor without fail. Reports
2 are due no more than forty-five (45) days after the end of the quarter,
3 based on a fiscal calendar year. The Special Assistant shall be removed
4 by the Commission for failing to comply with the reporting
5 requirements twice within one fiscal calendar year.

6 (c) The Director of Marketing and Communications shall, upon
7 authorization and assuming the position, establish within 30 days a
8 department plan to include internet, information design, and
9 management structure. This office is responsible for the publication and
10 access of public information to the public through electronic, cyber, and
11 print mediums to include schedules, routes, public policy
12 communications, media access, and governmental relations and
13 requests.

14 (d) ITA shall develop a plan within one hundred and eighty (180)
15 days for implementing adequate mass transit service within twenty-four
16 (24) months of approval from the Commission, and the advice and
17 consent of the Guam Legislature. The mass transit plan shall include
18 application of requests for Federal Transportation Administration
19 funding to include, but not limited to, 5309 and 5318 funds for the
20 acquisition of new vehicles and the construction of maintenance service
21 facilities for ITA and SKP vehicles.

22 (e) ITA will submit a plan to include a completely zero-emission fleet
23 by 2015, using electric vehicles and fuel cell technology applications
24 where and when feasible. ITA will eliminate all diesel fuel vehicles and

1 standard and/or large buses and replace them with midibus type
2 vehicles, short buses and resort style buses.

3 (f) ITA may not acquire transit or service vehicles without the
4 expressed prior without the written authorization of the Commission
5 and Guam's Chief Procurement Officer. No vehicle purchase may be
6 approved without first providing to the office of the Chief Procurement
7 Officer a complete life cycle cost-benefit analysis, which shall include
8 projected fuel costs per unit, as well as projected maintenance and
9 service costs.

10 (g) ITA vehicles operate from 5 a.m. to 2 a.m., Sunday through
11 Thursday and holidays; 24-hours on a modified schedule Fridays and
12 Saturdays. SKP vehicles operate from 4 a.m. to midnight, but may
13 changed as needed to develop and meet consumer demand.

14 (h) ITA shall be established as a public corporation.

15 **§ 6303. Personnel.**

16 Each village Mayor's office shall be staffed with no less than two
17 (2) full-time Authority positions to co-ordinate and monitor SKP and
18 ITA schedules and compliance, provide for public information on
19 schedules and village routes. Village hubs will be provided with the
20 funding to provide for no less than four (4) Authority staff positions or
21 as may be needed to staff the office during hours of operations;
22 individual Mayor's offices may establish and be accountable for
23 establishing the working hours for assigned Authority positions.

1 **§ 6304. Equipment.**

2 (a) The Authority with the advice and consent of the Commission
3 shall acquire for SKP, thirty (30) 15-passenger vans and no less than six
4 (6) ADA-compliant ramp vans, as available on Guam through local
5 businesses. Ten (10) shall be assigned to zones in the North and Central
6 portion of Guam; five (5) shall be assigned to the Southern zone. Five
7 vans shall be held as Reserve vehicles when regularly scheduled vans
8 are out of service. Reserve vans may not be assigned to any zone for a
9 period of more than 45 days. Vans that are permanently out of service
10 may be replaced by a reserve vehicle, which in turn must be replaced
11 within 4 days after being permanently assigned to a zone.

12 (b) As routes and loops are extended, new vehicles shall be purchased
13 to meet those demands. For every five (5) vans there shall be one (1)
14 van purchased and maintained as a reserve unit.

15 (c) The Authority must plan a fleet that will utilize only zero-emission
16 buses and be fully implemented by the year 2014. The Authority may
17 not purchase standard, articulated, or large-size diesel buses. Only mid-
18 size or midi-buses may be purchased for use on ITA routes. The
19 Authority shall phase out existing inventory and replace them with
20 zero-emission electric, midi-buses.

21 **§ 6305. Planning, Routes, Fares, and Schedules.**

22 (a) Major activity centers within each village shall be mapped by the
23 Mayors of Guam and submitted to the Commission for use in finalizing
24 village routes, headways, and transfer points. This data shall also be

1 used for the establishment of a routes map that is to be made available
2 to the public through the offices of island Mayors (print), on all SKP and
3 ITA vehicles, as well as online. Route maps shall include shopping
4 centers, major employers, schools and colleges, government offices, and
5 hospitals and clinics.

6 (b) Factors such as headways, running times, number of vehicles,
7 loops, and short turns shall be taken into consideration when planning
8 schedules and routes. SKP loops will be run no less than once per hour
9 per vehicle, except on Sunday and legal holidays. If route planning has
10 an option of extending either of two routes into a new subdivision after
11 the establishment of SKP charter routes, scheduling considerations shall
12 be the deciding factor regarding which of the routes should be extended.

13 (c) All SKP loops and routes shall utilize transfers worth 50% cash
14 value of the established one-way; these transfers may be used to connect
15 to other SKP or ITA vehicles in order to complete one-way travel.
16 Transfers within a zone are valid only for return trips and may not be
17 used one week after issue.

18 (d) The Komision Aturidat (Commission) shall establish a starting
19 fare base for all SKP and ITA routes at two-dollars (\$2.00) per ride; the
20 Commission may adjust from time to time, as is deemed feasible by the
21 Commission, or as requested by the General Manager of the Authority,
22 the prevailing fare rates for individual or entire routes and networks.
23 The Commission must hold a public hearing and publish intent to

- 1 increase or decrease any fare no less than three (3) times over a period of
- 2 ninety- (90-) days prior to such actions.