

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
382-32 (COR)	Michael F.Q. San Nicolas	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.	7/15/14 12:37 p.m.	07/16/14	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations			



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

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July 16, 2014

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MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Thomas C. Ada** 
Acting Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 382-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 382-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

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

Bill No. 382-32 (COR)

Introduced by:

Michael F.Q. San Nicolas

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

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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.