

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

February 29, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No.362-31 (LS) "AN ACT TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2012 ", which I signed into law on February 27, 2012 as Public Law 31-189.

Senseramente,

RAY TENORIO

I Maga'lahren Guåhan para pa'go
Acting Governor of Guam

31-11-1374⁴ OS
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 2/29/12
Time 3:18
Received by JS

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

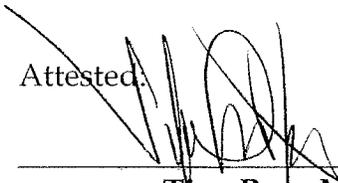
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 362-31 (LS), "AN ACT TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2012", was on the 17th day of February, 2012, duly and regularly passed.



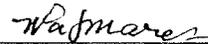
Judith T. Won Pat, Ed.D.
Speaker

Attested:



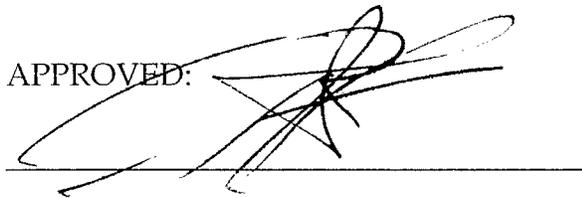
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17 day of FEB., 2012, at 1:22 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: Feb. 27, 2012

Public Law No. 31-189

- 1 §27102. Definitions.
- 2 §27103. Purpose.
- 3 §27104. Bicycle Safety Rules and Regulations.
- 4 §27105. Penalty.
- 5 §27106. Operation of a Bicycle.
- 6 §27107. Traffic Laws.
- 7 §27108. Riding on a Bicycle.
- 8 §27109. Clinging to Vehicle.
- 9 §27110. Riding on a Roadway or Bike Path.
- 10 §27111. Carrying Articles on a Bicycle.
- 11 §27112. Bicycle Lamps and Brakes.
- 12 §27113. Severability.

13 **§ 27101. Title.** This Chapter may be cited or referred to as “*The*
14 *Bicycle Safety Act of 2012.* ”

15 **§ 27102. Definitions.** For purposes of this Chapter:

16 (a) *bicycle* means a human-powered vehicle with two (2) wheels in
17 tandem designed to transport, by the action of pedaling, one (1) or more
18 persons seated on one (1) or more seat(s) on its frame. *Bicycle* also includes
19 a human-powered vehicle designed to transport by pedaling which has more
20 than two (2) wheels, where the vehicle is used on a public highway or street,
21 public bicycle path or other public right-of-way, but *does not* include a
22 tricycle;

23 (b) *operator* means a person who travels on a bicycle seated on a
24 seat from which that person is intended to and can pedal the bicycle;

25 (c) *passenger* means any person who travels on a bicycle in any
26 manner *except* as an operator;

1 (d) *protective bicycle helmet* or *helmet* means a piece of headgear
2 which meets or exceeds the minimum bicycle safety standards for protective
3 bicycle helmets set by the U.S. Consumer Product Safety Commission
4 (CPSC), American National Standards Institute (ANSI), the American
5 Society for Testing and Materials (ASTM), or the Snell Memorial
6 Foundation, or which is otherwise approved by the Governor's Highway
7 Safety Representative, or his or her designee;

8 (e) *public bicycle path* means a right-of-way used primarily by
9 bicycles and pedestrians;

10 (f) *restraining seat* means a seat, separate from the seat of the
11 operator of the bicycle, that is fastened securely to the frame of the bicycle
12 and is adequately equipped to restrain the passenger in such seat and protect
13 such passenger from the moving parts of the bicycle;

14 (g) *tricycle* means a three (3)-wheeled human-powered vehicle.

15 (h) *highway* or *street* means the entire width between boundary
16 lines of every way publicly maintained, when any part thereof is open to the
17 use of the public for purposes of vehicular travel; and

18 (i) *sidewalk* means that portion of a street between the curb lines,
19 or the lateral lines of a roadway, and the adjacent property lines, intended
20 for the use of pedestrians.

21 **§ 27103. Purpose.** The purpose of this Chapter is to reduce the
22 incidence of disability and death resulting from injuries incurred in
23 bicycling accidents by requiring that, while riding on a bicycle on highways,
24 streets and sidewalks, all bicycle operators and passengers wear approved
25 protective bicycle helmets.

1 **§ 27104. Bicycle Safety Rules and Regulations.** With regard to
2 any bicycle operated over any highway, street or sidewalk, it *shall* be
3 unlawful:

4 (a) for any person to operate or be a passenger on a bicycle
5 *unless* at all times when so engaged such person wears a protective
6 bicycle helmet of a good fit, and fastened securely upon the head with
7 the straps of the helmet;

8 (b) for any person to be a passenger on a bicycle *unless*, with
9 respect to any person who weighs *fewer than* thirty-three (33) pounds,
10 or is *less than* forty (40) inches in height, the person can be and is
11 properly seated in, and adequately secured to a restraining seat;

12 (c) for any parent or legal guardian of a person below twelve
13 (12) years of age to knowingly permit such person to operate or be a
14 passenger on a bicycle in violation of Subsections (a) or (b);

15 (d) to rent or lease any bicycle to or for the use of any person
16 *unless*:

17 (1) the person is in possession of a protective bicycle
18 helmet of good fit at the time of such rental or lease; or

19 (2) the rental or lease includes a protective bicycle
20 helmet of good fit, and the person intends to wear the helmet,
21 as required by Subsection (a), at all times while operating or
22 being a passenger on the bicycle;

23 (e) for any person to operate a bicycle during the evening
24 hours without either affixing retro reflective material to the bicycle or
25 wearing retro reflective accessories or articles of clothing; and

1 (f) for any person to transport a child under the age of one
2 (1) year on a bicycle.

3 **§ 27105. Penalty.**

4 (a) *Except* as provided in Subsection (b), any adult person
5 violating any requirements set forth in §27104, commits a violation and
6 *shall* be assessed a civil penalty of Fifty Dollars (\$50.00).

7 (b) Upon commission of the first offense within a twelve (12)-
8 month period under §27104(c), it *shall* be a defense that the accused has
9 since the date of the violation purchased or provided a protective bicycle
10 helmet or a restraining seat, and uses and intends to use or causes to be used
11 or intends to cause to be used the same as the law requires.

12 (c) In no event shall failure to wear a protective bicycle helmet or
13 to secure a passenger to a restraining seat be admissible as evidence in a
14 trial of any civil action.

15 (d) A law enforcement officer observing any violation of this
16 Chapter *shall* issue a warning to the violator for the first offense and a
17 citation to the violator for the second or subsequent offense, but *shall not*
18 arrest or take into custody any person solely for a violation of this Chapter.

19 **§ 27106. Operation of a Bicycle.**

20 (a) It *shall* be a petty misdemeanor for any person to do any act
21 forbidden or fail to perform any act required in §§ 27106 - 27112.

22 (b) The parent of any child and the guardian of any ward *shall not*
23 authorize or knowingly permit any such child or ward to violate any of the
24 provisions of this Chapter.

1 (c) These regulations applicable to bicycles *shall* apply whenever a
2 bicycle is operated upon any highway or upon any path set aside for the
3 exclusive use of bicycles subject to those exceptions stated herein.

4 **§ 27107. Traffic Laws.**

5 (a) Every person riding a bicycle upon a roadway is granted all of
6 the rights and is subject to all of the duties applicable to the driver of a
7 vehicle by this Chapter and the Vehicle Code of Guam.

8 (b) The operator of a vehicle overtaking from behind, a bicycle
9 proceeding on the same side of a roadway *shall* pass to the left of such
10 bicycle at a safe distance until safely clear.

11 **§ 27108. Riding on a Bicycle.**

12 (a) A person propelling a bicycle *shall not* ride other than upon or
13 astride a permanent and regular seat attached thereto.

14 (b) No bicycle shall be used to carry more persons at one (1) time
15 than the number for which it is designed or equipped.

16 (c) No person shall play on a highway other than upon the
17 sidewalk thereof, or in any part of a roadway or use thereon roller skates,
18 coasters or any similar vehicle or toy or article on wheels or a runner, *except*
19 in such areas as may be specifically designated for that purpose.

20 **§ 27109. Clinging to Vehicle.**

21 (a) No person riding upon any bicycle, shall attach to said bicycle,
22 roller skates, or toy vehicle. No person riding upon any bicycle shall attach
23 said bicycle person's own body, to any streetcar or vehicle upon a roadway.

24 (b) The provisions of this Section *shall not* be construed to
25 prohibit the attachment of a bicycle trailer or bicycle semitrailer to a bicycle
26 if such trailer or semitrailer is designed specifically for such purpose.

1 **§ 27110. Riding on a Roadway or Bike Path.**

2 (a) (1) Any person operating a bicycle upon a roadway at *less*
3 *than* the normal speed of traffic at the time and place and under the
4 conditions then existing *shall* ride as close as practicable to the right-hand
5 curb or edge of the roadway, *except* under any of the following situations:

6 (A) when overtaking and passing another vehicle
7 proceeding in the same direction;

8 (B) when preparing for a left turn at an intersection or
9 into a private road or driveway; or

10 (C) when reasonably necessary to avoid conditions
11 including, but *not* limited to, fixed or moving objects, parked or
12 moving vehicles, pedestrians, animals, surface hazards, or
13 substandard width lanes that make it unsafe to continue along
14 the right-hand curb or edge. For purposes of this Section,
15 "substandard width lane" means a lane that is too narrow for a
16 bicycle and another vehicle to travel safely side by side within
17 the lane.

18 (2) This Subsection *does not* apply to a certified police
19 cyclist engaged in the lawful performance of duty relating to traffic
20 control.

21 (b) (1) Persons riding bicycles upon a roadway *shall not* ride
22 more than two (2) abreast, *except* on paths or parts of roadways set
23 aside for the exclusive use of bicycles. Persons riding two (2) abreast
24 *shall not* impede the normal and reasonable movement of traffic and,
25 on a laned roadway, *shall* ride within a single lane.

1 (2) This Subsection *does not* apply to a certified police
2 cyclist engaged in the lawful performance of duty relating to traffic
3 control or in pursuit of an actual or suspected violator of the law.

4 **§ 27111. Carrying Articles on a Bicycle.** No person operating a
5 bicycle shall carry any package, bundle or article which prevents the driver
6 from keeping *at least* one (1) hand upon the handlebars.

7 **§ 27112. Bicycle Lamps and Brakes.** (a) Every bicycle, when
8 in use at night, *shall* be equipped with a lamp on the front which shall emit a
9 white light visible from a distance of *at least* five hundred (500) feet to the
10 front, and with a red reflector on the rear which shall be visible from all
11 distances from fifty (50) feet to three hundred (300) feet to the rear when
12 directly in front of lawful upper beams of head lamps on a motor vehicle. A
13 lamp emitting a red light visible from a distance of five hundred (500) feet
14 to the rear may be used in addition to the red reflector.

15 (b) Every bicycle *shall* be equipped with a brake or brakes which
16 will enable its driver to stop the bicycle within twenty-five (25) feet from a
17 speed of ten (10) miles per hour on dry, level, clean pavement.

18 **§ 27113. Severability.** *If* any provision of this law or its
19 application to any person or circumstance is found to be invalid or contrary
20 to law, such invalidity *shall not* affect other provisions or applications of
21 this law which can be given effect without the invalid provisions or
22 applications, and to this end the provisions of this law are severable.”



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

Thirty-First
Guam Legislature

February 10, 2011

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muna-Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duchas
Member
- Senator Mana Silva-Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Uno na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairman, Committee on Rules

RE: Committee Report on Bill No. 362-31 (COR) as Amended.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 362-31 (COR) – "AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE 'BICYCLE SAFETY ACT OF 2011,'"** hereby reports out with the recommendation **TO REPORT OUT ONLY.**

Committee Votes are as follows:

<u>3</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>4</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Other Committee Membership:

- Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs
- Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform
- Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources
- Member, Committee on Education and Public Libraries
- Member, Committee on Guam Military Buildup and Homeland Security
- Member, Committee on Municipal Affairs, Tourism, Housing and Recreation

Sincerely,


ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments

2011 FEB 12 AM 9:47



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT ON
Bill No. 362-31 (COR)
Amended by the Committee on
Public Safety, Law Enforcement & Judiciary

AN ACT TO ADD A NEW CHAPTER 27
TO TITLE 16 ~~18~~ OF THE GUAM CODE
ANNOTATED, RELATIVE TO
BICYCLE SAFETY, AND TO CITE THE
ACT AS THE "BICYCLE SAFETY ACT
OF 2012 ~~2011~~."



Thirty-First
Guam Legislature

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muna-Barnes
Member
- Senator Judith P. Guchertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva-Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

- Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs
- Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform
- Member, Committee on
Education and Public Libraries
- Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
- Member, Committee on Guam
Military Buildup and Homeland
Security
- Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

February 8, 2012

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Judiciary

FROM: Senator Adolpho B. Palacios, Sr. 
Committee Chairman

SUBJECT: Committee Report on Bill No. 362-31 (COR) as Amended.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 362-31 (COR) as Amended – "AN ACT TO ADD A NEW CHAPTER 27 TO TITLE 16 ~~18~~ OF THE GUAM CODE ANNOTATED, RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE 'BICYCLE SAFETY ACT OF 2012 ~~2011~~."** – sponsored by Senator Frank F. Blas, Jr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of **Bill No. 362-31 (COR) as Amended**
- Copy of **Bill No. 362-31 (COR) as Introduced**
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Fiscal Note request for **Bill No. 362-31 (COR)**
- Copy of COR Referral of **Bill No. 362-31 (COR)**
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE VOTING SHEET:

Bill No. 362-31 (COR) as Amended – “AN ACT TO ADD A NEW CHAPTER 27 TO TITLE 16 48 OF THE GUAM CODE ANNOTATED, RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE ‘BICYCLE SAFETY ACT OF 2012 2011.’” — sponsored by Senator Frank F. Blas, Jr.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		<input checked="" type="checkbox"/>		2/9/12 <input checked="" type="checkbox"/>		
Thomas C. Ada Vice Chairman				2/9/12 <input checked="" type="checkbox"/>		
Tina R. Muña-Barnes Member		<input checked="" type="checkbox"/>				
Judith P. Guthertz, DPA Member						
Rory J. Respicio Member		2/9/12 <input checked="" type="checkbox"/>				
Dennis G. Rodriguez, Jr. Member				2/9/12 <input checked="" type="checkbox"/>		
Judith T. Won Pat, Ed.D. Member						
V. Anthony Ada Member		2/9/12 <input checked="" type="checkbox"/>				
Christopher M. Duenas Member						
Mana Silva Taijeron Member				2/9/12 <input checked="" type="checkbox"/>		
Aline A. Yamashita, Ph.D. Member						



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 362-31 (COR) – “An act to add Chapter 27 to Title 18 of the Guam Code Annotated relative to bicycle safety, and to cite the act as the ‘Bicycle Safety Act of 2011.’” – Senator Frank F. Blas, Jr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement & Judiciary convened the public hearing on **November 30, 2011** at **9:05 a.m.** in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 362-31 (COR) - “An act to add Chapter 27 to Title 18 of the Guam Code Annotated relative to bicycle safety, and to cite the act as the ‘Bicycle Safety Act of 2011’” sponsored by Senator Frank F. Blas, Jr.

Public Hearing Requirements:

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on **November 18 and 21, 2011 (5-day Notice)** and on **November 28, 2011 (48-Hour notice)**, pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

Senators Present:

Senator Adolpho B. Palacios, Sr., Chairman
Senator Aline A. Yamashita, Ph.D., Member
Senator V. Anthony Ada, Member
Senator Mana Silva Taijeron, Member
Senator Frank F. Blas, Jr.

Individual(s) Registered for oral or written testimony:

Carl Dominguez, Deputy Director, for Director Joanne Brown, Department of Public Works, provided oral and written testimony in support of the Bill.
Darryl A. Taggerty, Co-Chair, I Bike Committee, Guam Cycling Federation, provided oral and written testimony in support of the Bill.
Phillip Tydingco, Chief Deputy Attorney General, Office of the Attorney General, provided oral testimony on the Bill.

Cil Javier, Coordinator, Office of Pedestrian Safety, Department of Public Works, provided oral testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr., convened the public hearing at 9:05 a.m., read the agenda, recognized the Senators in attendance, explained the procedures of the public hearing, and deferred to its primary sponsor, Senator Frank F. Blas, Jr., to provide an overview of the Bill.

Senator Frank F. Blas, Jr., stated that the Bill was prepared in collaboration with the bicycling community to assure that there is guidance and policy to ensure the safety of bicyclists and other members of the community. He said that the Bill provides for protective gear when young riders operate a bicycle.

Chairman Adolpho B. Palacios, Sr., called Director Carl Dominguez and Darryl Taggerty to testify.

Director Carl Dominguez read the prepared written testimony of Director Joanne Brown. Director Brown wrote that the Department of Public Works supports the Bill. She said that the Uniform Guidelines for State Highway Safety Programs No. 14, which is being implemented by the Office of Highway Safety, require that pedestrian and bicycle programs include a highway and traffic engineering component. Director Brown proposed that bicycles not be operated on sidewalks, cyclists be required to wear helmets and, after dark, reflective clothing, and guidelines for the use of a restraining seat. She proposed amended language for the Bill. (*See attached written testimony.*)

Darryl A. Taggerty read his prepared written testimony. Mr. Taggerty supports the Bill. He said that helmets protect the most sensitive part of an operator's body in the event of an accident. Mr. Taggerty points out that the section on Traffic Laws confers right and duties of bicycle operators equivalent to vehicle operators. He suggested several amendments. (*See attached written testimony.*) Departing from his written testimony, Darryl Taggerty discussed the behaviors of aggressive driving as a form of bullying. Mr. Taggerty said that a one-inch difference in the pavement can cause a bike to fall over. He said that some motorists do not give adequate space to bicycle riders in response to this risk. Mr. Taggerty said that although he does not like riding on a sidewalk, sometimes it is a safer location. He pointed out that some police officers have

insisted that bicyclists ride on the sidewalk. He believes that motorists and bicyclists can drive and ride safely.

Chief Deputy Phil Tydingco stated that the Office of the Attorney General supports the intent of the Bill. He said that he has prosecuted cases involving bicycle accidents. Mr. Tydingco discussed a number of sections proposed may conflict with existing law. He suggested that there may need to be a mark-up meeting to assure that the statutes are consistent. Chief Deputy Tydingco pointed out that the provisions should be in Title 16, not Title 18. He said that §27106(c) may not belong in the penalty section. Mr. Tydingco said that §27105 should allow the officers discretion and he believes that subsection (d) is not needed. He pointed out that there may be confusion with the existing statute which says that bicycles should be ridden on paths, but the definition of paths is unclear. He said that §27106, it should be a petty misdemeanor, no more than 60 days and no more than \$500. About §27108(c) Mr. Tydingco said that the term "highway" might be clarified and pointed out that often the term "roadway" is used.

Senator Frank F. Blas, Jr., said that his intent was to separate bicycle safety from the motor vehicles. He agreed that there are times when it is safer to ride on a bicycle than on the roadway. He said that some bicyclists ride from the Aurora Hotel to Chamorro Village and there is no consistent safe place to ride throughout that trip. Deputy Director Carl Dominguez said that they took the position because of pedestrians and the occasional concrete power poles in the middle of a sidewalk. Senator Blas said that he believes it should be up to the individual to discern the safest way to ride. Mr. Taggerty said that two problems are guy-wires and the bases of former signposts. He said that sometimes there is no way to go but on the road.

Senator Aline A. Yamashita, Ph.D., said that those who ride wheelchairs are even more challenged. She stated that whenever there is a highway plan, she is concerned that they do not always include bike lanes. She asked about the intended master plan and bicycle paths. Deputy Director Dominguez said that one issue is whether there is enough rights of way or funding to accommodate them.

Senator Yamashita said that there used to be bike racks at the public schools, but that children are no longer allowed to ride bicycles to school. She asked whether there have been conversations with the school system and helping people begin riding bicycles again. Mr. Taggerty said that they have not yet. He said that his stepdaughter needed written permission to ride a bicycle to school. Mr. Taggerty said that when schools are

within the village, it is a matter of public policy that bicyclists are able to ride safely. He discussed intimidation and inadequate accommodation for bicycle riders. Mr. Taggerty said that there need to be the cooperation of the school system, Department of Public Works, law enforcement and the legislature to make a safe bicycling environment.

Senator V. Anthony Ada asked about bicycle safety information. Ms. Cil Javier said that they do outreach every year at many schools for bicycle safety. Senator Ada asked whether they do bicycle safety checks. Ms. Javier said that they have not done that, but they provide helmets to children. Senator Ada made a suggestion about bicycle safety checks in the village. Deputy Director Dominguez said that they will begin addressing bicycle safety more in 2012.

Chairman Palacios indicated an interest in a mark-up meeting. Chairman Palacios declared that Bill No. 362-31 (COR) has been duly heard. The Chairman concluded the hearing and requested that written testimony be submitted. He adjourned the hearing at **10:50 a.m.**

III. WRITTEN TESTIMONIES

Joanne Brown, Director, Department of Public Works. *(Summarized in Section II.)*

Darryl A. Taggerty, Co-Chair, I Bike Committee, Guam Cycling Federation.

November 30, 2011. *(Summarized in Section II.)* **December 9, 2011.** *(Summary follows.)*

Darryl A. Taggerty, Co-Chair, I Bike Committee, Guam Cycling Federation.

December 9, 2011. Mr. Darryl Taggerty wrote that the Governor or the Director of Public Works should demonstrate executive leadership by scheduling interagency meetings and directing staff to develop plans and programs under current laws. He said that developing smooth shoulders into dedicated lanes is somewhat cheaper than constructing bicycle paths. Mr. Taggerty said that over sixty percent (60%) of reported bicycling injuries do not involve a motor vehicle and many of them are due to loss of control due to uneven surface conditions. He urged the passage of Bill 362-31 (COR). *(See attached written testimony.)*

No further written testimony was received in the ten (10) days following the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out Bill No. 362-31 (COR), as Amended, with the recommendation **TO REPORT OUT.**

1	§27110.	Riding on Roadways and Bike
2		Paths.
3	§27111.	Carrying Articles on Bicycles.
4	§27112.	Bicycle Lamps and Brakes.
5	§27113.	Severability.

7 **§27101. Title.** This Chapter may be cited or referred to as “*The Bicycle*
8 *Safety Act of 2011.*”

9 **§27102. Definitions.** For purposes of this Chapter, the following words
10 and phrases are defined to mean:

11 (a) “*Bicycle*” means a human-powered vehicle with two (2) wheels in
12 tandem designed to transport, by the action of pedaling, one (1) or more persons
13 seated on one (1) or more saddle seats on its frame. “*Bicycle*” also includes a
14 human-powered vehicle designed to transport by pedaling which has more than
15 two (2) wheels where the vehicle is used on a public highway or street, public
16 bicycle path or other public right-of-way, but does not include a tricycle;

17 (b) “*Operator*” means a person who travels on a bicycle seated on a
18 saddle seat from which that person is intended to and can pedal the bicycle;

19 (c) “*Passenger*” means any person who travels on a bicycle in any
20 manner except as an operator;

21 (d) “*Protective bicycle helmet*” means a piece of headgear which
22 meets or exceeds the impact standards for protective bicycle helmets set by the
23 American National Standards Institute (ANSI) or the Snell Memorial
24 Foundation, or which is otherwise approved by the commissioner of safety;

25 (e) “*Public bicycle path*” means a right-of-way used primarily by
26 bicycles and pedestrians;

1 (f) "*Restraining seat*" means a seat separate from the saddle seat of
2 the operator of the bicycle that is fastened securely to the frame of the bicycle
3 and is adequately equipped to restrain the passenger in such seat and protect
4 such passenger from the moving parts of the bicycle;

5 (g) "*Tricycle*" means a three-wheeled human-powered vehicle.

6 (h) "*Highway*" or "*street*" means the entire width between boundary
7 lines of every way publicly maintained, when any part thereof is open to the use
8 of the public for purposes of vehicular travel; and

9 (i) "*Sidewalk*" means that portion of a street between the curb lines, or
10 the lateral lines of a roadway, and the adjacent property lines, intended for use
11 of pedestrians.

12 **§27103. Purpose.** The purpose of this Chapter is to reduce the
13 incidence of disability and death resulting from injuries incurred in bicycling
14 accidents by requiring that, while riding on a bicycle on highways, streets and
15 sidewalks, all bicycle operators and passengers under sixteen (16) years of age
16 wear approved protective bicycle helmets.

17 **§27104. Bicycle Safety Rules and Regulations.** With regard to any
18 bicycle operated over any highway, street or sidewalk, it is unlawful:

19 (1) For any person under sixteen (16) years of age to operate or
20 be a passenger on a bicycle unless at all times when so engaged such
21 person wears a protective bicycle helmet of good fit fastened securely
22 upon the head with the straps of the helmet;

23 (2) For any person to be a passenger on a bicycle unless, with
24 respect to any person who weighs fewer than forty pounds (40 lbs.), or is
25 less than forty inches (40") in height, the person can be and is properly
26 seated in and adequately secured to a restraining seat;

1 (3) For any parent or legal guardian of a person below twelve
2 (12) years of age to knowingly permit such person to operate or be a
3 passenger on a bicycle in violation of Paragraphs (1) or (2); and

4 (4) To rent or lease any bicycle to or for the use of any person
5 under sixteen (16) years of age unless:

6 (A) The person is in possession of a protective bicycle
7 helmet of good fit at the time of such rental or lease; or

8 (B) The rental or lease includes a protective bicycle
9 helmet of good fit, and the person intends to wear the helmet, as
10 required by subdivision (1), at all times while operating or being a
11 passenger on the bicycle.

12 **§27105. Penalty.** (a) Except as provided in Subsection (b), any adult
13 person violating any requirements set forth in §27104, commits a violation and
14 shall be assessed a civil penalty of Two Hundred Dollars (\$200.00).

15 (b) Upon commission of the first offense within a twelve-month
16 period under §27104(3), it shall be a defense that the accused has since the date
17 of the violation purchased or provided a protective bicycle helmet or a
18 restraining seat, and uses and intends to use or causes to be used or intends to
19 cause to be used the same as the law requires.

20 (c) In no event shall failure to wear a protective bicycle helmet or to
21 secure a passenger to a restraining seat be admissible as evidence in a trial of
22 any civil action.

23 (d) A law enforcement officer observing any violation of this part shall
24 issue a warning to the violator for the first offense and a citation to the violator
25 for the second or subsequent offense, but shall not arrest or take into custody
26 any person solely for a violation of this part.

1 **§27106. Operation of Bicycles.** (a) It shall be a Class C misdemeanor
2 for any person to do any act forbidden or fail to perform any act required in §§
3 27106 - 27112.

4 (b) The parent of any child and the guardian of any ward shall not
5 authorize or knowingly permit any such child or ward to violate any of the
6 provisions of this Chapter.

7 (c) These regulations applicable to bicycles shall apply whenever a
8 bicycle is operated upon any highway or upon any path set aside for the
9 exclusive use of bicycles subject to those exceptions stated herein.

10 **§27107. Traffic Laws.** (a) Every person riding a bicycle upon a
11 roadway is granted all of the rights and is subject to all of the duties applicable
12 to the driver of a vehicle by this Chapter and the Vehicle Code of Guam.

13 (b) Overtaking a bicycle the operator of a vehicle overtaking from
14 behind, a bicycle proceeding on the same side of a roadway shall pass to the left
15 of such bicycle at a safe distance until safely clear.

16 **§27108. Riding on Bicycle.** (a) A person propelling a bicycle shall not
17 ride other than upon or astride a permanent and regular seat attached thereto.

18 (b) No bicycle shall be used to carry more persons at one (1) time than
19 the number for which it is designed or equipped.

20 (c) No person shall play on a highway other than upon the sidewalk
21 thereof, or in any part of a highway or use thereon roller skates, coasters or any
22 similar vehicle or toy or article on wheels or a runner, except in such areas as
23 may be specially designated for that purpose.

24 **§27109. Clinging to Vehicles.** (a) No person riding upon any bicycle,
25 shall attach to such bicycle, roller skates, or toy vehicle, or such person's own
26 body, to any streetcar or vehicle upon a roadway.

1 (b) The provisions of this Section shall not be construed to prohibit the
2 attachment of a bicycle trailer or bicycle semitrailer to a bicycle if such trailer
3 or semitrailer is designed specifically for such purpose.

4 **§27110. Riding on Roadways and Bike Paths.**

5 (a) (1) Any person operating a bicycle upon a roadway at less than
6 the normal speed of traffic at the time and place and under the conditions
7 then existing shall ride as close as practicable to the right-hand curb or
8 edge of the roadway, except under any of the following situations:

9 (A) When overtaking and passing another vehicle
10 proceeding in the same direction;

11 (B) When preparing for a left turn at an intersection or
12 into a private road or driveway; or

13 (C) When reasonably necessary to avoid conditions
14 including, but not limited to, fixed or moving objects, parked or
15 moving vehicles, pedestrians, animals, surface hazards, or
16 substandard width lanes that make it unsafe to continue along the
17 right-hand curb or edge. For purposes of this Section, "substandard
18 width lane" means a lane that is too narrow for a bicycle and
19 another vehicle to travel safely side by side within the lane.

20 (2) This subsection does not apply to a certified police cyclist
21 engaged in the lawful performance of duty relating to traffic control.

22 (b) (1) Persons riding bicycles upon a roadway shall not ride more
23 than two (2) abreast except on paths or parts of roadways set aside for the
24 exclusive use of bicycles. Persons riding two (2) abreast shall not impede
25 the normal and reasonable movement of traffic and, on a laned roadway,
26 shall ride within a single lane.

1 (2) This subsection does not apply to a certified police cyclist
2 engaged in the lawful performance of duty relating to traffic control or in
3 pursuit of an actual or suspected violator of the law.

4 **§27111 Carrying Articles on Bicycle.** No person operating a bicycle
5 shall carry any package, bundle or article which prevents the driver from
6 keeping at least one (1) hand upon the handlebars.

7 **§27112. Bicycle Lamps and Brakes.** (a) Every bicycle, when in use
8 at nighttime, shall be equipped with a lamp on the front which shall emit a
9 white light visible from a distance of at least five hundred feet (500 feet) to the
10 front and with a red reflector on the rear which shall be visible from all
11 distances from fifty feet (50 feet) to three hundred feet (300 feet) to the rear
12 when directly in front of lawful upper beams of head lamps on a motor vehicle.
13 A lamp emitting a red light visible from a distance of five hundred feet (500
14 feet) to the rear may be used in addition to the red reflector.

15 (b) Every bicycle shall be equipped with a brake or brakes which will
16 enable its driver to stop the bicycle within twenty-five feet (25 feet) from a
17 speed of ten miles per hour (10 mph) on dry, level, clean pavement.

18 **§27113. Severability.** *If any provision of this law or its application to*
19 *any person or circumstance is found to be invalid or contrary to law, such*
20 *invalidity shall not affect other provisions or applications of this law which can*
21 *be given effect without the invalid provisions or applications, and to this end*
22 *the provisions of this law are severable.”*

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 362-31 (LS)

As Amended by the Committee on Public Safety
Law Enforcement and Judiciary.

Introduced by:

F. F. Blas, Jr.

**AN ACT TO ADD A NEW CHAPTER 27 TO TITLE 16
18 OF THE GUAM CODE ANNOTATED, RELATIVE
TO BICYCLE SAFETY, AND TO CITE THE ACT AS
THE "BICYCLE SAFETY ACT OF 2012 2011."**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Chapter 27 is hereby *added* to Title 16 ~~18~~ of the Guam
3 Code Annotated, to read as follows:

4 **"CHAPTER 27.**

5 **BICYCLE SAFETY.**

6 **§27101. Title.**

7 **§27102. Definitions.**

8 **§27103. Purpose.**

9 **§27104. Bicycle Safety Rules and Regulations.**

10 **§27105. Penalty.**

11 **§27106. Operation of a Bicycles.**

12 **§27107. Traffic Laws.**

13 **§27108. Riding on a Bicycles.**

14 **§27109. Clinging to a Vehicles.**

15 **§27110. Riding on a Roadways ~~and~~ or Bike Paths.**

16 **§27111. Carrying Articles on a Bicycles.**

1 **§27112. Bicycle Lamps and Brakes.**

2 **§27113. Severability.**

3
4 **§27101. Title.** This Chapter may be cited or referred to as “*The Bicycle*
5 *Safety Act of 2012 ~~2011~~.*”

6 **§27102. Definitions.** For purposes of this Chapter, ~~the following words~~
7 ~~and phrases are defined to mean:~~

8 (a) “*Bicycle*” means a human-powered vehicle with two (2) wheels in
9 tandem designed to transport, by the action of pedaling, one (1) or more persons
10 seated on one (1) or more ~~saddle~~ seat(s) on its frame. “*Bicycle*” also includes a
11 human-powered vehicle designed to transport by pedaling which has more than
12 two (2) wheels, where the vehicle is used on a public highway or street, public
13 bicycle path or other public right-of-way, but does not include a tricycle;

14 (b) “*Operator*” means a person who travels on a bicycle seated on a
15 ~~saddle~~ seat from which that person is intended to and can pedal the bicycle;

16 (c) “*Passenger*” means any person who travels on a bicycle in any
17 manner except as an operator;

18 (d) “*Protective bicycle helmet*” or “*helmet*” means a piece of headgear
19 which meets or exceeds the ~~impact~~ minimum bicycle safety standards for
20 protective bicycle helmets set by the U.S. Consumer Produce Safety
21 Commission (CPSC), American National Standards Institute (ANSI), the
22 American Society for Testing and Materials (ASTM) or the Snell Memorial
23 Foundation, or which is otherwise approved by the Governor’s Highway Safety
24 Representative or his or her designee ~~commissioner of safety~~;

25 (e) “*Public bicycle path*” means a right-of-way used primarily by
26 bicycles *and* pedestrians;

1 (f) "*Restraining seat*" means a seat separate from the saddle seat of
2 the operator of the bicycle that is fastened securely to the frame of the bicycle
3 and is adequately equipped to restrain the passenger in such seat and protect
4 such passenger from the moving parts of the bicycle;

5 (g) "*Tricycle*" means a three-wheeled human-powered vehicle.

6 (h) "*Highway*" or "*street*" means the entire width between boundary
7 lines of every way publicly maintained, when any part thereof is open to the use
8 of the public for purposes of vehicular travel; and

9 (i) "*Sidewalk*" means that portion of a street between the curb lines, or
10 the lateral lines of a roadway, and the adjacent property lines, intended for use
11 of pedestrians.

12 **§27103. Purpose.** The purpose of this Chapter is to reduce the
13 incidence of disability and death resulting from injuries incurred in bicycling
14 accidents by requiring that, while riding on a bicycle on highways, streets and
15 sidewalks, all bicycle operators and passengers ~~under sixteen (16) years of age~~
16 wear approved protective bicycle helmets.

17 **§27104. Bicycle Safety Rules and Regulations.** With regard to any
18 bicycle operated over any highway, street or sidewalk, it is unlawful:

19 (1) For any person ~~under sixteen (16) years of age~~ to operate or
20 be a passenger on a bicycle unless at all times when so engaged such
21 person wears a protective bicycle helmet of good fit fastened securely
22 upon the head with the straps of the helmet;

23 (2) For any person to be a passenger on a bicycle unless, with
24 respect to any person who weighs fewer than thirty-three ~~forty~~ pounds
25 (~~33~~ 40 lbs.), or is less than forty inches (40") in height, the person can be
26 and is properly seated in and adequately secured to a restraining seat;

1 (3) For any parent or legal guardian of a person below twelve
2 (12) years of age to knowingly permit such person to operate or be a
3 passenger on a bicycle in violation of Paragraphs (1) or (2); and

4 (4) To rent or lease any bicycle to or for the use of any person
5 ~~under sixteen (16) years of age unless:~~

6 (A) The person is in possession of a protective bicycle
7 helmet of good fit at the time of such rental or lease; or

8 (B) The rental or lease includes a protective bicycle
9 helmet of good fit, and the person intends to wear the helmet, as
10 required by subdivision (1), at all times while operating or being a
11 passenger on the bicycle;:

12 (5) For any person to operate a bicycle during nighttime without
13 either affixing retroreflective material to the bicycle or wearing
14 retroreflective accessories or articles of clothing; and

15 (6) For any person to transport a child under the age of one (1)
16 year on a bicycle.

17 **§27105. Penalty.**

18 (a) Except as provided in Subsection (b), any adult person violating any
19 requirements set forth in §27104, commits a violation and shall be assessed a
20 civil penalty of Two Hundred Dollars (\$200.00).

21 (b) Upon commission of the first offense within a twelve- (12-) month
22 period under §27104(3), it shall be a defense that the accused has since the date
23 of the violation purchased or provided a protective bicycle helmet or a
24 restraining seat, and uses and intends to use or causes to be used or intends to
25 cause to be used the same as the law requires.

1 (c) In no event shall failure to wear a protective bicycle helmet or to
2 secure a passenger to a restraining seat be admissible as evidence in a trial of
3 any civil action.

4 ~~(d) A law enforcement officer observing any violation of this part shall~~
5 ~~issue a warning to the violator for the first offense and a citation to the violator~~
6 ~~for the second or subsequent offense, but shall not arrest or take into custody~~
7 ~~any person solely for a violation of this part.~~

8 **§27106. Operation of a Bicycles.**

9 (a) It shall be a petty Class C misdemeanor for any person to do any act
10 forbidden or fail to perform any act required in §§ 27106 - 27112.

11 (b) The parent of any child and the guardian of any ward shall not
12 authorize or knowingly permit any such child or ward to violate any of the
13 provisions of this Chapter.

14 (c) These regulations applicable to bicycles shall apply whenever a
15 bicycle is operated upon any highway or upon any path set aside for the
16 exclusive use of bicycles subject to those exceptions stated herein.

17 **§27107. Traffic Laws.**

18 (a) Every person riding a bicycle upon a roadway is granted all of the
19 rights and is subject to all of the duties applicable to the driver of a vehicle by
20 this Chapter and the Vehicle Code of Guam.

21 ~~Overtaking a bicycle the~~ The operator of a vehicle overtaking
22 from behind, a bicycle proceeding on the same side of a roadway shall pass to
23 the left of such bicycle at a safe distance until safely clear.

24 **§27108. Riding on a Bicycle.**

25 (a) A person propelling a bicycle shall not ride other than upon or astride
26 a permanent and regular seat attached thereto.

1 (b) No bicycle shall be used to carry more persons at one (1) time than
2 the number for which it is designed or equipped.

3 (c) No person shall play on a highway other than upon the sidewalk
4 thereof, or in any part of a roadway ~~highway~~ or use thereon roller skates,
5 coasters or any similar vehicle or toy or article on wheels or a runner, except in
6 such areas as may be specially designated for that purpose.

7 **§27109. Clinging to a Vehicles.**

8 (a) No person riding upon any bicycle, shall attach to such bicycle, roller
9 skates, or toy vehicle, or such person's own body, to any streetcar or vehicle
10 upon a roadway.

11 (b) The provisions of this Section shall not be construed to prohibit the
12 attachment of a bicycle trailer or bicycle semitrailer to a bicycle if such trailer
13 or semitrailer is designed specifically for such purpose.

14 **§27110. Riding on a Roadways ~~and~~ or Bike Paths.**

15 (a) (1) Any person operating a bicycle upon a roadway at less than
16 the normal speed of traffic at the time and place and under the conditions
17 then existing shall ride as close as practicable to the right-hand curb or
18 edge of the roadway, except under any of the following situations:

19 (A) When overtaking and passing another vehicle
20 proceeding in the same direction;

21 (B) When preparing for a left turn at an intersection or
22 into a private road or driveway; or

23 (C) When reasonably necessary to avoid conditions
24 including, but not limited to, fixed or moving objects, parked or
25 moving vehicles, pedestrians, animals, surface hazards, or
26 substandard width lanes that make it unsafe to continue along the
27 right-hand curb or edge. For purposes of this Section, "substandard

1 width lane" means a lane that is too narrow for a bicycle and
2 another vehicle to travel safely side by side within the lane.

3 (2) This subsection does not apply to a certified police cyclist
4 engaged in the lawful performance of duty relating to traffic control.

5 (b) (1) Persons riding bicycles upon a roadway shall not ride more
6 than two (2) abreast except on paths or parts of roadways set aside for the
7 exclusive use of bicycles. Persons riding two (2) abreast shall not impede
8 the normal and reasonable movement of traffic and, on a laned roadway,
9 shall ride within a single lane.

10 (2) This subsection does not apply to a certified police cyclist
11 engaged in the lawful performance of duty relating to traffic control or in
12 pursuit of an actual or suspected violator of the law.

13 **§27111. Carrying Articles on a Bicycle.** No person operating a bicycle
14 shall carry any package, bundle or article which prevents the driver from
15 keeping at least one (1) hand upon the handlebars.

16 **§27112. Bicycle Lamps and Brakes.** (a) Every bicycle, when in use
17 at nighttime, shall be equipped with a lamp on the front which shall emit a
18 white light visible from a distance of at least five hundred (500) feet (~~500 feet~~)
19 to the front and with a red reflector on the rear which shall be visible from all
20 distances from fifty (50) feet (~~50 feet~~) to three hundred (300) feet (~~300 feet~~) to
21 the rear when directly in front of lawful upper beams of head lamps on a motor
22 vehicle. A lamp emitting a red light visible from a distance of five hundred
23 (500) feet (~~500 feet~~) to the rear may be used in addition to the red reflector.

24 (b) Every bicycle shall be equipped with a brake or brakes which will
25 enable its driver to stop the bicycle within twenty-five (25) feet (~~25 feet~~) from a
26 speed of ten (10) miles per hour (~~10 mph~~) on dry, level, clean pavement.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Wednesday, November 30, 2011

Bill No. 362-31 (COR) - AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011." - sponsored by Senator Frank F. Blas, Jr.

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
<input checked="" type="checkbox"/> CAROL DUNKLEWEZ	DRUG COURT'S OF GUAM	646-3232	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Chief Justice Carbothid	Supreme Court	475-3778	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> DANIEL A. MAGEEY	I BIKE WITH MY FRIENDS	888-7672	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Phil Tydeman	ABO		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



JOANNE M.S. BROWN
Director
CARL V. DOMINGUEZ
Deputy Director

November 30, 2011

The Honorable Adolpho B. Palacios, Sr., Chairman
Committee on Public Safety, Law Enforcement & Judiciary
I Mina'Trentai Uno Na Liheslaturan Guåhan

Re: Bill No. 362-31(LS), An act to add Chapter 27 to Title 18 of the Guam Code Annotated relative to bicycle safety, and to cite the Act as the "BICYCLE SAFETY ACT OF 2011."

Good morning Mr. Chairman and Members of the Committee. Thank you for giving the Department of Public Works an opportunity to provide this testimony on Bill No. 362-31 (LS).

The Department of Public Works administers federal grants from the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA). The grant awards are to implement and administer programs and projects on Engineering, Education, and Enforcement with the goal of reducing highway fatalities and serious injuries on all public roads.

Education: The Uniform Guidelines for State Highway Safety Programs No. 14, which are being implemented by the DPW Office of Highway Safety (OHS), has a section covering Pedestrian and Bicycle Safety. Under this section, each state and territory should develop and implement a comprehensive highway safety program to achieve a significant reduction in traffic crashes, fatalities, and injuries on public roads. The highway safety program should include comprehensive pedestrian and bicycle safety programs that promotes safe pedestrian and bicycle practices and educates drivers to share the road safely with other road users.

The Uniform Guidelines also state that we must ensure that pedestrian and bicycle programs include a highway and traffic engineering component that is coordinated with enforcement and educational efforts, such as:

- Pedestrian, bicycle, and school bus loading zone signals, signs and markings
- Parking regulations
- Traffic-calming or other approaches for slowing traffic and improving safety;
- On-road facilities (e.g., signed routes, marked lanes, wide curb lanes, paved shoulders);

- Sidewalk design;
- Pedestrian facilities such as sidewalks, crosswalks, curb ramps, and paths;
- Off-road bicycle facilities (trails and paths); and
- Accommodations for people with disabilities.

Pedestrian and bicyclist safety requires the support and coordinated activity of multidisciplinary agencies, at both the State and local levels. In Guam, this includes the DPW Highway Engineering and the Office of Highway Safety, law enforcement agencies, Department of Education, Department of Public Health and Social Services, Guam Memorial Hospital, Department of Revenue and Taxation, and the community at large.

The U.S. Department of Transportation's Traffic Safety Facts for 2009 shows that a total of 630 pedalcyclists were killed in 2009 and an additional 51,000 were injured in motor vehicle traffic crashes. The term pedalcyclist is defined in this report as bicyclists and other cyclists on two-wheel non-motorized vehicles, tricycles, and unicycles powered solely by pedals. Pedalcyclist deaths accounted for 2 percent of all motor vehicle traffic fatalities, and made up 2 percent of all the people injured in traffic crashes during the year.

Engineering: Road constructions are on-going. Many roadways, whether routed or secondary, still do not have sidewalks or bicycle lanes. More studies and considerations on how pedestrians and bicyclists can cross the street and safely travel to their destinations are needed. These include:

- Traffic calming improvements which can reduce pedestrian-vehicle crashes;
- Locations without sidewalks or bicycle lanes.
- Adequate street lighting, crosswalks and crossing signals/signage;
- Educating children on bicycle and pedestrian safety when riding, walking and crossing roads; and
- Enforcing speed limits in school zones.

We proposed the following revisions be made to this Bill to make it even more effective:

- Bicycles shall not be operated on sidewalks.
- Pedalcyclists of all ages should be mandated to wear helmets.
- The maximum age, weight, and height to require the usage of a restraining seat should be 3 years, 33 pounds, and 40 inches, respectively.
- Limit the minimum age for a child to be transported on a bicycle to one year.
- Child restraint seats shall meet the ASTM 1625-00 safety standard.

In order to prevent the use of inappropriate helmets, we recommend the following language referring to standards be used:

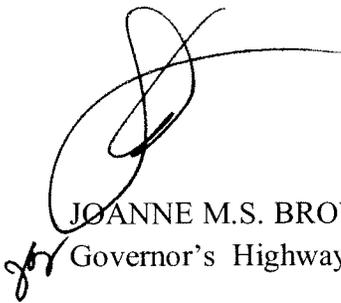
- “A bicycle helmet shall meet or exceed the minimum bicycle helmet safety standards set by the U.S. Consumer Product Safety Commission (CPSC), the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or the Snell Memorial Foundation”.
- In §27102(d), the words “commissioner of safety” be replaced by Governor’s Highway Safety Representative or his or her designated representative.

Mr. Chairman, we also recommend the mandatory usage of reflective clothing when riding a bicycle after dark.

We strongly support this bill. However, we recommend that before it is goes forward, the committee meet with DPW Highway Engineering and the Office of Highway Safety, law enforcement agencies, Department of Education, Department of Public Health and Social Services, Guam Memorial Hospital, Department of Revenue and Taxation, and the community at large to discuss further details and issues that we all share in making our island roadways safe. Bicycling and walking already play a major role in our transportation system, but we must focus on the risk that pedestrians and bicyclists face today and what we can do to improve safety for these common modes of transportation on Guam.

Attached for your review and ready reference, is the Guam Integrated Traffic Safety Information System Data on pedacycle injuries and fatalities by age for the last three years.

Thank you and Si Yu’os Ma’ase.



JOANNE M.S. BROWN

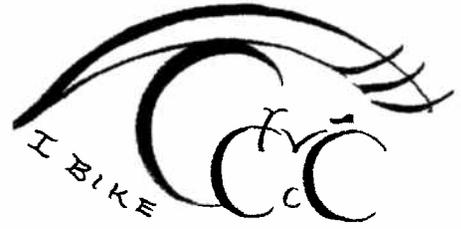
Governor’s Highway Safety Representative

Guam Integrated Traffic Safety Information System – Office of Highway Safety

Governors Office of Highway Safety - General Analysis 9 -
Pedalcycle Injuries/Fatalities by Age 11/29/2011

Age	2008			2009			2010		
	Injuries	Fatalities		Injuries	Fatalities		Injuries	Fatalities	
0-4	0	0		1	0		0	0	
5-9	0	0		1	0		0	0	
10-14	0	0		2	0		2	0	
15-19	0	0		2	0		1	0	
20-24	0	0		2	0		1	0	
25-29	1	0		0	1		2	0	
30-34	0	0		1	0		0	0	
35-39	1	0		4	0		0	0	
40-44	3	0		2	0		1	0	
45-49	4	0		2	0		1	0	
55-59	1	0		1	0		0	0	
65-69	2	0		0	0		0	0	
NOT STATED	0	0		0	0		0	0	
Total	12	0		18	1		8	0	

Filter: Where CrashReport.CrashDate between '1/1/2007' And '12/31/2010'



Testimony on Bill No. 362-31 (COR):

“AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE “*BICYCLE SAFETY ACT OF 2011.*”

Before the Committee on Public Safety, Law Enforcement and Judiciary

November 30, 2011

By I Bike Committee Co-Chair Darryl A. Borja Taggerty

darryl@guamtech.com

Dear Mr. Chairman, Members of this Committee, and primary sponsor Senator F.F. Blas, Jr.:

Good morning. I am Darryl Taggerty, co-chair (with Mr. Tom Renfro) of Guam Cycling Federation's I Bike Committee, which organized in August to improve conditions on Guam rights-of-way for persons traveling by bicycle. I appear before this committee today **in full support of Bill No. 362-31**, and urge you to report it out of committee with a recommendation To Do Pass.

Thank you very much Senator Frank Blas, for authoring this bill, and to Senators Chris Duenas, Tony Ada, Aline Yamashita, Sam Mabini, and Dennis Rodriguez Jr., and to the Chairman of this Committee Adolpho Palacios, for co-sponsoring Bill 362, as indicated by your signatures on the As Filed version.

I fully endorse the stated Purpose of this new Chapter 27, as articulated in proposed §27103, that will require each bicycle operator and passenger under 16 years of age to wear an approved bicycle helmet. This is valuable guidance to younger riders who are still developing their coordination and skill at estimating speed and distance of other users of the road. Without benefit of a heavy metal enclosure, an approved helmet will help protect the most sensitive part of the operator's body in a mishap.

Proposed §27107, "Traffic Laws", is an important new provisions that will help motor vehicle operators and bicycle operators alike to understand how existing Rules of the Road (16 GCA Article 3, generally) apply to situations where they encounter one another public rights of way: §27107 is practically an extension of Article 3. However, there is no appropriate place for these provisions to be inserted within Article 3. §27107(a) clarifies and confers the rights and duties of

bicycle operators on a roadway to be identical to vehicle operators. (The status of the bicycle itself as a vehicle is stated in 16GCA §3308.) For further clarity, I suggest that the word "riding" on page 5 line 10 be replaced with "operating". §27107(b) is very closely related to §§3318 – 3320, as it describes the clearance a vehicle operator must provide when approaching a bicycle from behind and passing it. It should, however, be amended by deleting the first three words and the comma to read: "The operator of a vehicle overtaking from behind a bicycle proceeding on the same side of a roadway shall pass to the left of such bicycle at a safe distance and speed until safely clear."

§27108(a) and (b) are substantially identical to 3306(a) and (b). Perhaps the Committee would consider adding a new Section 2 to Bill 362 to remove references to human powered bicycles from §3306, and retain references to motorized bicycles.

§27110(a)(1) can become an important new addition to Guam traffic laws, by clarifying to motor vehicle operators and bicycle operators alike that bicycles may be operated in the developed portion of public rights-of-way, and that there are circumstances where safe operation of a bicycle may require travel away from the right hand portion of the lane.

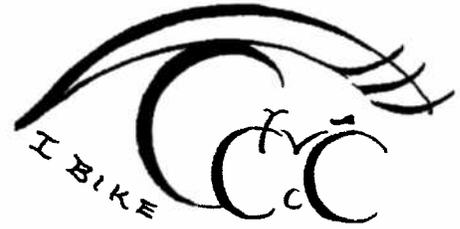
§27110(b) allows riding two abreast, which is prohibited by current policy §3307(b).

This Committee might consider adding a new Section 3 to amend §3307, removing references to human powered bicycles, or to delete §3307 in its entirety upon enactment of §27110. If §3307 is only amended, I would ask that §3307(c), requiring use of bicycle paths when provided, be deleted as unnecessary. Bicycle paths, when they are someday provided, will be the preferred route for bicycle operators, unless conditions on the paths are such that traveling on the roadways is truly safer, as anticipated by §27110(a)(1)(C). Path conditions that would compel operators to ride on the street may include: insufficient path design width for safe operation at speeds greater than 12 miles per hour, frequent pedestrian use, deteriorating or uneven surfaces or the presence of debris.

Other details this Committee may consider for amendment are: (1) to delete all references to "saddle", since there exists a type of bicycle that is necessarily equipped by design with a chair-like seat instead of a saddle (a "recumbent"); and (2) to clarify a reference to "commissioner of safety" in §27102(d). Perhaps the author was referring to the U.S. Consumer Product Safety Commission.

As with many laws, Bill 362 is neither perfect nor complete. For the policy direction and leadership it offers, however, it should be passed with recommended amendments. By addressing Bicycle Safety in 2011 - 2012, you are confirming Guam's public roadways policy dating back to the 1950's that bicycle operators are legitimate users of public rights of way, and that all users are expected to share common public facilities in an orderly manner as provided by law. Thank you very much for your efforts!

I am available to answer questions posed by members of this Committee and other members of the public appearing before you today, and remain available to work with you and your respective staff members to prepare this bill and accompanying report for consideration and passage in legislative session.



Further Testimony on Bill No. 362-31 (COR):

**“AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED
RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE “*BICYCLE SAFETY
ACT OF 2011.*”**

For the Committee on Public Safety, Law Enforcement and Judiciary

December 9, 2011

By I Bike Committee Co-Chair Darryl A. Borja Taggerty

darryl@quamtech.com

Dear Mr. Chairman, Members of this Committee and primary sponsor Senator F.F. Blas, Jr.:

Thank you for allowing me to extend my remarks from those I made in the public hearing on November 30. I would like to comment on testimony provided by the Department of Public Works and stress several points about the government's role in promoting bicycle safety.

I applaud DPW's candid admission that it is required to address bicycle safety in a comprehensive manner as part of its federally-funded highway safety programs, and that highway engineering to promote safer streets for cyclists is also required. Likewise, the department explicitly recognizes that coordinated action and support by other executive agencies to promote pedestrian and bicycle safety is needed. After years of official disinterest, much can and should be done with existing resources to incorporate safety promotions into traffic management, highway design and enforcement. The Department's suggestion that the Legislature should meet with a variety of agencies before establishing policies contained in Bill 362 must not be taken seriously. The Governor or Director of Public Works should demonstrate executive leadership by scheduling interagency meetings and directing federally-funded staff to develop effective plans and programs under current laws.

In the November 30 public hearing, we discussed the use of public rights-of-way by persons traveling by choice using different methods at different speeds, from motor vehicles to bicycles, pedestrians and wheelchairs. Cyclists use sidewalks where and when they feel safer. The same cyclists will continue to use roads when they can travel at speeds that would be unsafe

on sidewalks or shoulders. Developing smooth shoulders into dedicated lanes is a cheaper and immediate accommodation. Eventually, bicycle paths should be constructed where sufficient width of right of way or public land exists. They can be much safer for children and recreational cyclists. Faster cyclists will still ride on roads, however, if paths become too congested, are not maintained or are too narrow to be safe. Safe cycling facilities and conditions are needed by both adult cyclists who are motorists too, as well as by inexperienced or younger cyclists who are not familiar with rules of the road or at anticipating motorist behavior. Until Guam residents and visitors can enjoy traveling our beautiful island on a complete network of dedicated cycling facilities, we need Bill 362's helmet and standardized rider seat law for youngsters, and policy affirmation of a cyclist's right to use developed facilities in the public rights-of way.

DPW's suggestion that bicycles should be banned from sidewalks is a common urban solution to separating relatively fast bicycles from nearly stationary pedestrians and stationary objects. In fact, statistics show that over 60% of reported bicycling injuries do not involve motor vehicles, but are predominantly a result of losing control due to uneven surface conditions, colliding with fixed obstructions, and imprudent operation. Serious sidewalk hazards to cyclists on Guam include sign posts, hydrants, missing surface sections for planter boxes, guy wires and conflicting traffic priorities at driveways, small side roads and other intersections. The department's suggestion also runs counter to the unposted police ban on cyclists using San Vitores Road, which has been enforced for over ten years (though not with the knowledge of former GPD counsel and now Deputy Attorney General Phil Tydingco, according to comments he made before this Committee on November 30).

Roadways, shoulders and sidewalks can be made safer for cyclists (and pedestrians!) through faithful implementation of rights-of-way design standards and maintenance. Risky behavior by all rights-of-way users can be discouraged through education and enforcement. On behalf of the Guam Cycling Federation, I accepted the Department of Public Works' invitation to meet and work closely with department staff to address these areas of concern which are well within their funded mandates.

In closing, Guam Cycling Federation urges passage of Bill No. 362 at your earliest opportunity, as your contribution towards improving safety on public roadways.

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 362-31 (LS)**

AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Works	Dept./Agency Head: Joanne M.S. Brown
Department's General Fund (GF) appropriation(s) to date:	9,022,816
Department's Other Fund (Specify) appropriation(s) to date: Base Operations - DPW Building & Design Fund (DPWBDF) \$497,806, Guam Highway Fund (GHF) \$8,484,373, Solid Waste Operations Fund (SWOF) \$6,246,626; Health Cost Account - GHF \$205,611, DPWBDF \$6,906; Utilities Cost Account - GHF \$1,306,215, SWOF \$200,000 (not including public streetlights appropriations - Street Light Fund \$3,473,531, Tourist Attraction Fund \$212,482, GHF \$2,222,100)	16,947,537
Total Department/Agency Appropriation(s) to date:	\$25,970,353

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance ¹		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 31-75 & 31-77)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Judicial Building Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? /X/ Yes / / No
If Yes, see attachment. 1/
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes / / No
/ / Requested agency comments not received by due date /X/ Other: Time constraints

Analyst: <u>Angela Flores</u>	Date: <u>4/23/11</u>	Director: <u>John A. Rios</u>	Date: <u>11/28/11</u>
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Footnotes:
1/ There will be a potential fiscal impact relative to civil penalties of \$200 assessed to persons violating any requirements under the proposed Bicycle Safety Act for deposit into the Judicial Building Fund. However, in its present form that impact cannot be determined at this time. Please note the Bill's preamble intends to add a new Chapter 27 to Title 18. However there already exists a Chapter 27 under Title 18 which pertains to Limited Partnerships. Rather the intent may have been to amend Title 16, instead of Title 18 GCA by adding a new Chapter 27.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Handwritten note: *11/1/2011 5:35*

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Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

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Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

November 1, 2011

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Judith P. Guthertz**
Acting Committee on Rules

Subject: **Referral of Bill Nos. 362-31 (LS) AND 363-31 (LS)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 362-31 (LS) AND 363-31 (LS).

Please ensure that the subject bills are 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 Unu na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

(1) Attachment

I Mina Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

November 1, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoes? Overridden? Public Law?
362-31 (LS)	F. F. Blas, Jr., Chris M.Duenas, V.A.Ada, A.A.Y amashita, Ph.D., Sam Mabini; A.B.Palacios, Sr.; D.G. Rodriguez, Jr.	AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."	11/1/11 9:23a.m.	11/1/11		Committee on Public Safety, Law Enforcement & Judiciary			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
WEDNESDAY, NOVEMBER 30, 2011 – 9:00 A.M.**

FOR IMMEDIATE RELEASE
(Hagatna, Guam – November 21, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at **9:00 a.m., Wednesday, November 30, 2011** at *I Liheslaturan Guahan's Public Hearing Room* in *Hagatna*, based on the following schedule:

- **Bill No. 366-31 (LS)** – AN ACT TO AMEND §4401 OF ARTICLE 4, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE APPOINTMENT AND AUTHORITY OF MAGISTRATE JUDGES. – sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 362-31 (COR)** – AN ACT TO *ADD* CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "*BICYCLE SAFETY ACT OF 2011.*" – sponsored by Senator Frank F. Blas, Jr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

###

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Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com

Subject: First Notice of Public Hearing - November 30, 2011

From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

To: phnotice@guamlegislature.org; telo.taitague@guam.gov;

Cc: amier@mvguam.com; clynt@spbguam.com; dcrisost@guampdn.com; dmgeorge@guampdn.com; editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbguam.com; kstokish@gmail.com; kstone@ite.net; life@guampdn.com; mabuhaynews@yahoo.com; mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbguam.com; nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com; rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com; therese.hart.writer@gmail.com; zita@mvguam.com;

Date: Friday, November 18, 2011 3:25 PM

Hafa Adai! Please see attached press release regarding a public hearing scheduled for 9:00 am, Wednesday, November 30, 2011. Thank you for your kind attention!

*Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)*



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

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**FOR IMMEDIATE RELEASE
(Hagatna, Guam – November 21, 2011)**

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Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com

First Notice of Public Hearing on November 30, 2011

1

[Hide Details](#)**FROM:** Julian Janssen

Monday, November 21, 2011 8:40 AM

TO: phnotice@guamlegislature.org | telo.taitague@guam.gov**CC:** amier@mvguam.com | clynt@spbguam.com | dcrisost@guampdn.com

dmgeorge@guampdn.com | editor@mvguam.com | egthompson@guampdn.com

jason@kuam.com | jtyquiengco@spbguam.com | kstokish@gmail.com

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slimtiaco@guampdn.com | therese.hart.writer@gmail.com | zita@mvguam.com

Hafa adai! Please see attached press release regarding a public hearing scheduled for 9:00 a.m. on Wednesday, November 30, 2011. Thank you for your kind attention.

Sincerely,

Julian Janssen

Policy Analyst

Office of Senator Adolpho B. Palacios, Sr.

Chairman, Committee on Public Safety, Law Enforcement and Judiciary

The Thirty-First Guam Legislature

I Mina' Trentai Unu Na Liheslaturan Guåhan

Phone: 472-5047/8 Fax: 472-5022

1 Attached files | 410KB

Public Noti...

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR. 
Chairman

PRESS RELEASE

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WEDNESDAY, NOVEMBER 30, 2011 – 9:00 A.M.**

FOR IMMEDIATE RELEASE
(Hagatna, Guam – November 18, 2011)

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PRESS RELEASE

**SECOND NOTICE OF PUBLIC HEARING
WEDNESDAY, NOVEMBER 30, 2011 – 9:00 A.M.**

FOR IMMEDIATE RELEASE

(Hagatna, Guam – November 28, 2011)

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Destination	Start Time	Time	Prints	Result	Note
SPEAKER JUDI WON PAT	11-28 08:35	00:00:21	001/001	OK	
VICE SPRAKER BJ CRUZ	11-28 08:36	00:00:20	001/001	OK	
SENATOR TINA MUNA-BA	11-28 08:37	00:00:19	001/001	OK	
SENATOR RORY RESPICI	11-28 08:37	00:00:22	001/001	OK	
SENATOR JUDI GUTHERT	11-28 08:38	00:00:23	001/001	OK	
SENATOR THOMAS ADA	11-28 08:38	00:00:17	001/001	OK	
SENATOR BEN PANGELIN	11-28 08:39	00:00:18	001/001	OK	
SENATOR FRANK BLAS J	11-28 08:39	00:00:20	001/001	OK	
SENATOR V ANTHONY AD	11-28 08:40	00:01:08	001/001	OK	
SENATOR RODRIGUEZ	11-28 08:42	00:00:19	001/001	OK	
SENATOR CHRIS DUENAS	11-28 08:46	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-Code, RTX: Re-TX,
RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-Fax: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
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- **Bill No. 366-31 (LS) — AN ACT TO AMEND §4401 OF ARTICLE 4, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE APPOINTMENT AND AUTHORITY OF MAGISTRATE JUDGES.** — sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 362-31 (COR) — AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."** — sponsored by Senator Frank F. Blas, Jr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

November 18, 2011

RECEIVED

[Handwritten signature]

MEMORANDUM

TO: Chairman, Committee on Rules, Federal, Foreign & Micronesia Affairs, and Human & Natural Resources

FROM: Chairman, Committee on Public Safety, Law Enforcement & Judiciary *[Handwritten signature]*

SUBJECT: Use of Public Hearing Room on Wednesday, November 30, 2011.

Hafa Adai! Following the confirmation with your staff on the availability of the Public Hearing Room, the Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing at 9:00 am on the date referenced above. The Committee will receive comments from the public relative to several bills which have been referred to the Committee for disposition.

This correspondence acknowledges that the Public Hearing Room is available for use on November 30, 2011 by the Committee on Public Safety, Law Enforcement and Judiciary as detailed above.

Please do not hesitate to contact this office should you have questions concerning this matter

Si Yu'os Ma'ase!

cc: Executive Director
Clerk of the Legislature
Sergeant-at-Arms
MIS



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trentai Uno Na Liheslaturan Guåhan

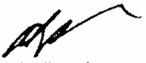
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

November 18, 2011

COPY

MEMORANDUM

TO: Senator Frank F. Blas, Jr.

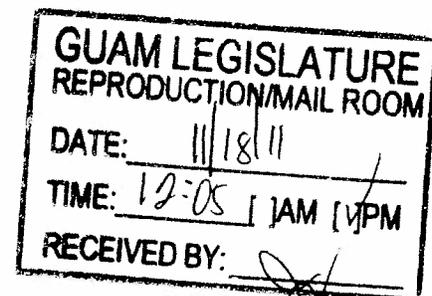
FROM: Chairman, Committee on Public Safety, Law Enforcement & Judiciary 

SUBJECT: **Public Hearing scheduled for November 30, 2011.**

The Committee on Public Safety, Law Enforcement and Judiciary will conduct a public hearing at **9:00 a.m. on Wednesday, November 30, 2011** at the Guam Legislature's Public Hearing Room, and among the items on the agenda are the following Bills of which you are the author:

Bill No. 362-31 (COR) – AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011." – sponsored by Senator Frank F. Blas, Jr.

You may notify the appropriate government agencies, organizations, and persons who may wish to provide written and/or oral testimony on these bills. Thank you for your kind attention.



Destination	Start Time	Time	Prints	Result	Note
SENATOR FRANK BLAS J	11-18 12:02	00:00:18	001/001	OK	

Note TMR: Timer TX, PDL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CAPL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-Code, RTX: Re-TX,
 RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
 LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
 DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trenta Uno Na Libeslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
 Chairman

November 18, 2011

MEMORANDUM

TO: Senator Frank F. Blas, Jr.
 FROM: Chairman, Committee on Public Safety, Law Enforcement & Judiciary
 SUBJECT: Public Hearing scheduled for November 30, 2011.

The Committee on Public Safety, Law Enforcement and Judiciary will conduct a public hearing at 9:00 a.m. on Wednesday, November 30, 2011 at the Guam Legislature's Public Hearing Room, and among the items on the agenda are the following Bills of which you are the author:

Bill No. 362-31 (COR) – AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011." – sponsored by Senator Frank F. Blas, Jr.

You may notify the appropriate government agencies, organizations, and persons who may wish to provide written and/or oral testimony on these bills. Thank you for your kind attention.

Destination	Start Time	Time	Prints	Result	Note
SUPREME COURT	11-18 15:04	00:00:24	001/001	OK	
SUPREME CJ CARBULLID	11-18 15:08	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-Code, RTX: Re-TX, RLV: Relay, MEX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

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Thirty-First
 Guam Legislature

Committee Members:

- Senator Thomas C. Ada
 Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
 Member
- Senator Tina R. Muña-Barnes
 Member
- Senator Judith P. Guthertz, DPA
 Member
- Senator Rovy J. Respicio
 Member
- Senator Dennis G. Rodriguez, Jr.
 Member
- Senator V. Anthony Ada
 Member
- Senator Christopher M. Duenas
 Member
- Senator Mana Silva-Taljeron
 Member
- Senator Aline A. Yamashita, Ph.D.
 Member

Other Committee Membership:

- Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs
- Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform
- Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources
- Member, Committee on Education and Public Libraries
- Member, Committee on Guam Military Buildup and Homeland Security
- Member, Committee on Municipal Affairs, Tourism, Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Uno Na Liheslaturan Guahan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

November 18, 2011

F. Philip Carbullido
 Chief Justice
 Supreme Court of Guam
 Guam Judicial Center
 120 West O'Brien Drive
 Hagatna, Guam 96910

RE: Public Hearing on Wednesday, November 30, 2011

Hafa adai Chief Justice Carbullido,

The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Wednesday, November 30, 2011 beginning at 9:00 a.m. Included on the agenda are the following bills which concern the Supreme Court of Guam:

Bill No. 362-31 (LS) — An act to *add* Chapter 27 to Title 18 of the Guam Code Annotated relative to bicycle safety, and to cite the act as the "Bicycle Safety Act of 2011". — Sponsored by Senator Frank Blas, Jr.

Bill No. 366-31 (LS) — An act to amend §4401 of Article 4, Division 1, Title 7, Guam Code Annotated, relative to the appointment and authority of Magistrate Judges. — Sponsored by Senator Adolpho B. Palacios, Sr.

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Senseramente,


SENATOR ADOLPHO B. PALACIOS, SR., MPA, BS/CJA

Destination	Start Time	Time	Prints	Result	Note
PDN	11-18 15:17	00:00:35	001/001	OK	
KUAM	11-18 15:18	00:00:28	001/001	OK	
PNC	11-18 15:19	00:00:21	001/001	OK	
K57	11-18 15:20	00:00:18	001/001	OK	
HIT RADIO 100	11-18 15:20	00:00:19	001/001	OK	
KSTO	11-18 15:21	00:00:40	001/001	OK	
GLIMPSES	11-18 15:22	00:00:19	001/001	OK	
MARIANAS VARIETY	11-18 15:23	00:00:25	001/001	OK	
KSTEREO/KISH	11-18 15:24	00:00:40	001/001	OK	
JOY 92 FM	11-18 15:25	00:00:18	001/001	OK	
KPRG	11-18 15:25	00:00:19	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FOD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan
 SENATOR ADOLPHO B. PALACIOS, SR. *[Signature]*
 Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
 WEDNESDAY, NOVEMBER 30, 2011 – 9:00 A.M.**

**FOR IMMEDIATE RELEASE
 (Hagatna, Guam – November 18, 2011)**

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 9:00 a.m., Wednesday, November 30, 2011 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, based on the following schedule:

- **Bill No. 366-31 (LS) – AN ACT TO AMEND §4401 OF ARTICLE 4, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE APPOINTMENT AND AUTHORITY OF MAGISTRATE JUDGES.** – sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 362-31 (COR) – AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."** – sponsored by Senator Frank F. Blas, Jr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Healer Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

Destination	Start Time	Time	Prints	Result	Note
9898678	11-28 08:56	00:00:20	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**SECOND NOTICE OF PUBLIC HEARING
WEDNESDAY, NOVEMBER 30, 2011 – 9:00 A.M.**

**FOR IMMEDIATE RELEASE
(Hagatna, Guam – November 28, 2011)**

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 9:00 a.m., Wednesday, November 30, 2011 at *Liheslaturan Guåhan's* Public Hearing Room in *Hagåtña*, based on the following schedule:

- **Bill No. 366-31 (LS) – AN ACT TO AMEND §4401 OF ARTICLE 4, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE APPOINTMENT AND AUTHORITY OF MAGISTRATE JUDGES.** – sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 362-31 (COR) – AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."** – sponsored by Senator Frank F. Blas, Jr.

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Destination	Start Time	Time	Prints	Result	Note
PDN	11-28 08:19	00:00:34	001/001	OK	
KJAM	11-28 08:23	00:00:44	001/001	OK	
PNC	11-28 08:24	00:00:21	001/001	OK	
K57	11-28 08:25	00:00:17	001/001	OK	
HIT RADIO 100	11-28 08:26	00:00:18	001/001	OK	
GLIMPSES	11-28 08:27	00:00:18	001/001	OK	
MARIANAS VARIETY	11-28 08:28	00:00:19	001/001	OK	
KSTEREO/KISH	11-28 08:29	00:00:39	001/001	OK	
JOY 92 FM	11-28 08:30	00:00:17	001/001	OK	
KPRG	11-28 08:30	00:00:18	001/001	OK	
KSTO	11-28 08:34	00:00:40	001/001	OK	

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RLV: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
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TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trenta! Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**SECOND NOTICE OF PUBLIC HEARING
WEDNESDAY, NOVEMBER 30, 2011 — 9:00 A.M.**

**FOR IMMEDIATE RELEASE
(Hagåtña, Guam — November 28, 2011)**

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 9:00 a.m., Wednesday, November 30, 2011 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, based on the following schedule:

- **Bill No. 366-31 (LS) – AN ACT TO AMEND §4401 OF ARTICLE 4, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE APPOINTMENT AND AUTHORITY OF MAGISTRATE JUDGES.** – sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 362-31 (COR) – AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."** – sponsored by Senator Frank F. Blas, Jr.

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Destination	Start Time	Time	Prints	Result	Note
6483476	11-28 08:58	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
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Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**SECOND NOTICE OF PUBLIC HEARING
WEDNESDAY, NOVEMBER 30, 2011 – 9:00 A.M.**

**FOR IMMEDIATE RELEASE
(Hagåtña, Guam – November 28, 2011)**

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 9:00 a.m., Wednesday, November 30, 2011 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, based on the following schedule:

- **Bill No. 366-31 (LS) – AN ACT TO AMEND §4401 OF ARTICLE 4, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE APPOINTMENT AND AUTHORITY OF MAGISTRATE JUDGES.** – sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 362-31 (COR) – AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."** – sponsored by Senator Frank F. Blas, Jr.

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Destination	Start Time	Time	Prints	Result	Note
4784727	11-28 09:00	00:00:56	000/001	No Ans	

Note

TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
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 I-FAX: Internet Fax

Result

OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
 Chairman

PRESS RELEASE

**SECOND NOTICE OF PUBLIC HEARING
 WEDNESDAY, NOVEMBER 30, 2011 – 9:00 A.M.**

FOR IMMEDIATE RELEASE

(Hagåtña, Guam – November 28, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 9:00 a.m., Wednesday, November 30, 2011 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, based on the following schedule:

- **Bill No. 366-31 (LS) – AN ACT TO AMEND §4401 OF ARTICLE 4, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE APPOINTMENT AND AUTHORITY OF MAGISTRATE JUDGES.** – sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 362-31 (COR) – AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."** – sponsored by Senator Frank F. Blas, Jr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
WEDNESDAY, NOVEMBER 30, 2011 – 9:00 A.M.**

FOR IMMEDIATE RELEASE
(Hagatna, Guam – November 21, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at **9:00 a.m., Wednesday, November 30, 2011** at ***I Liheslaturan Guåhan's Public Hearing Room*** in *Hagåtña*, based on the following schedule:

- **Bill No. 366-31 (LS)** – AN ACT TO AMEND §4401 OF ARTICLE 4, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE APPOINTMENT AND AUTHORITY OF MAGISTRATE JUDGES. – sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 362-31 (COR)** – AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "*BICYCLE SAFETY ACT OF 2011.*" – sponsored by Senator Frank F. Blas, Jr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

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Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PUBLIC HEARING

WEDNESDAY, NOVEMBER 30, 2011

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Discussion:
 - **Bill No. 366-31 (LS)** – AN ACT TO AMEND §4401 OF ARTICLE 4, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE APPOINTMENT AND AUTHORITY OF MAGISTRATE JUDGES.
– sponsored by Senator Adolpho B. Palacios, Sr.
 - **Bill No. 362-31 (COR)** – AN ACT TO ADD CHAPTER 27 TO TITLE ~~18~~ ¹⁶ OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011." – sponsored by Senator Frank F. Blas, Jr.
- IV. Closing Remarks
- V. Adjournment

2011 MAY -1 AM 9:23

I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular Session

Bill No. 362-31(LS)

Introduced by:

F. F. Blas, Jr. *FD*
CHRIS M. DUENAS *SA*
V. A. ADA *CP*

ALINE YAMASHITA *AL*
SAMABINI *Sam*
H.B. P. P. P. *P. P. P.*

AN ACT TO ADD CHAPTER 27 TO TITLE 18 OF THE GUAM CODE ANNOTATED RELATIVE TO BICYCLE SAFETY, AND TO CITE THE ACT AS THE "BICYCLE SAFETY ACT OF 2011."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Chapter 27 is hereby added to Title 18 of the Guam Code Annotated to read as follows:

"CHAPTER 27.
BICYCLE SAFETY.

6	§27101.	Title.
7	§27102.	Definitions.
8	§27103.	Purpose.
9	§27104.	Bicycle Safety Rules and
10		Regulations.
11	§27105.	Penalty.
12	§27106.	Operation of Bicycles.
13	§27107.	Traffic Laws.
14	§27108.	Riding on Bicycles.
15	§27109.	Clinging to Vehicles.

1	§27110.	Riding on Roadways and Bike
2		Paths.
3	§27111.	Carrying Articles on Bicycles.
4	§27112.	Bicycle Lamps and Brakes.
5	§27113.	Severability.

7 **§27101. Title.** This Chapter may be cited or referred to as “*The Bicycle*
8 *Safety Act of 2011.*”

9 **§27102. Definitions.** For purposes of this Chapter, the following words
10 and phrases are defined to mean:

11 (a) “*Bicycle*” means a human-powered vehicle with two (2) wheels in
12 tandem designed to transport, by the action of pedaling, one (1) or more persons
13 seated on one (1) or more saddle seats on its frame. “*Bicycle*” also includes a
14 human-powered vehicle designed to transport by pedaling which has more than
15 two (2) wheels where the vehicle is used on a public highway or street, public
16 bicycle path or other public right-of-way, but does not include a tricycle;

17 (b) “*Operator*” means a person who travels on a bicycle seated on a
18 saddle seat from which that person is intended to and can pedal the bicycle;

19 (c) “*Passenger*” means any person who travels on a bicycle in any
20 manner except as an operator;

21 (d) “*Protective bicycle helmet*” means a piece of headgear which
22 meets or exceeds the impact standards for protective bicycle helmets set by the
23 American National Standards Institute (ANSI) or the Snell Memorial
24 Foundation, or which is otherwise approved by the commissioner of safety;

25 (e) “*Public bicycle path*” means a right-of-way used primarily by
26 bicycles and pedestrians;

1 (f) "*Restraining seat*" means a seat separate from the saddle seat of
2 the operator of the bicycle that is fastened securely to the frame of the bicycle
3 and is adequately equipped to restrain the passenger in such seat and protect
4 such passenger from the moving parts of the bicycle;

5 (g) "*Tricycle*" means a three-wheeled human-powered vehicle.

6 (h) "*Highway*" or "*street*" means the entire width between boundary
7 lines of every way publicly maintained, when any part thereof is open to the use
8 of the public for purposes of vehicular travel; and

9 (i) "*Sidewalk*" means that portion of a street between the curb lines, or
10 the lateral lines of a roadway, and the adjacent property lines, intended for use
11 of pedestrians.

12 **§27103. Purpose.** The purpose of this Chapter is to reduce the
13 incidence of disability and death resulting from injuries incurred in bicycling
14 accidents by requiring that, while riding on a bicycle on highways, streets and
15 sidewalks, all bicycle operators and passengers under sixteen (16) years of age
16 wear approved protective bicycle helmets.

17 **§27104. Bicycle Safety Rules and Regulations.** With regard to any
18 bicycle operated over any highway, street or sidewalk, it is unlawful:

19 (1) For any person under sixteen (16) years of age to operate or
20 be a passenger on a bicycle unless at all times when so engaged such
21 person wears a protective bicycle helmet of good fit fastened securely
22 upon the head with the straps of the helmet;

23 (2) For any person to be a passenger on a bicycle unless, with
24 respect to any person who weighs fewer than forty pounds (40 lbs.), or is
25 less than forty inches (40") in height, the person can be and is properly
26 seated in and adequately secured to a restraining seat;

1 (3) For any parent or legal guardian of a person below twelve
2 (12) years of age to knowingly permit such person to operate or be a
3 passenger on a bicycle in violation of Paragraphs (1) or (2); and

4 (4) To rent or lease any bicycle to or for the use of any person
5 under sixteen (16) years of age unless:

6 (A) The person is in possession of a protective bicycle
7 helmet of good fit at the time of such rental or lease; or

8 (B) The rental or lease includes a protective bicycle
9 helmet of good fit, and the person intends to wear the helmet, as
10 required by subdivision (1), at all times while operating or being a
11 passenger on the bicycle.

12 **§27105. Penalty.** (a) Except as provided in Subsection (b), any adult
13 person violating any requirements set forth in §27104, commits a violation and
14 shall be assessed a civil penalty of Two Hundred Dollars (\$200.00).

15 (b) Upon commission of the first offense within a twelve-month
16 period under §27104(3), it shall be a defense that the accused has since the date
17 of the violation purchased or provided a protective bicycle helmet or a
18 restraining seat, and uses and intends to use or causes to be used or intends to
19 cause to be used the same as the law requires.

20 (c) In no event shall failure to wear a protective bicycle helmet or to
21 secure a passenger to a restraining seat be admissible as evidence in a trial of
22 any civil action.

23 (d) A law enforcement officer observing any violation of this part shall
24 issue a warning to the violator for the first offense and a citation to the violator
25 for the second or subsequent offense, but shall not arrest or take into custody
26 any person solely for a violation of this part.

1 **§27106. Operation of Bicycles.** (a) It shall be a Class C misdemeanor
2 for any person to do any act forbidden or fail to perform any act required in §§
3 27106 - 27112.

4 (b) The parent of any child and the guardian of any ward shall not
5 authorize or knowingly permit any such child or ward to violate any of the
6 provisions of this Chapter.

7 (c) These regulations applicable to bicycles shall apply whenever a
8 bicycle is operated upon any highway or upon any path set aside for the
9 exclusive use of bicycles subject to those exceptions stated herein.

10 **§27107. Traffic Laws.** (a) Every person riding a bicycle upon a
11 roadway is granted all of the rights and is subject to all of the duties applicable
12 to the driver of a vehicle by this Chapter and the Vehicle Code of Guam.

13 (b) Overtaking a bicycle the operator of a vehicle overtaking from
14 behind, a bicycle proceeding on the same side of a roadway shall pass to the left
15 of such bicycle at a safe distance until safely clear.

16 **§27108. Riding on Bicycle.** (a) A person propelling a bicycle shall not
17 ride other than upon or astride a permanent and regular seat attached thereto.

18 (b) No bicycle shall be used to carry more persons at one (1) time than
19 the number for which it is designed or equipped.

20 (c) No person shall play on a highway other than upon the sidewalk
21 thereof, or in any part of a highway or use thereon roller skates, coasters or any
22 similar vehicle or toy or article on wheels or a runner, except in such areas as
23 may be specially designated for that purpose.

24 **§27109. Clinging to Vehicles.** (a) No person riding upon any bicycle,
25 shall attach to such bicycle, roller skates, or toy vehicle, or such person's own
26 body, to any streetcar or vehicle upon a roadway.

1 (b) The provisions of this Section shall not be construed to prohibit the
2 attachment of a bicycle trailer or bicycle semitrailer to a bicycle if such trailer
3 or semitrailer is designed specifically for such purpose.

4 **§27110. Riding on Roadways and Bike Paths.**

5 (a) (1) Any person operating a bicycle upon a roadway at less than
6 the normal speed of traffic at the time and place and under the conditions
7 then existing shall ride as close as practicable to the right-hand curb or
8 edge of the roadway, except under any of the following situations:

9 (A) When overtaking and passing another vehicle
10 proceeding in the same direction;

11 (B) When preparing for a left turn at an intersection or
12 into a private road or driveway; or

13 (C) When reasonably necessary to avoid conditions
14 including, but not limited to, fixed or moving objects, parked or
15 moving vehicles, pedestrians, animals, surface hazards, or
16 substandard width lanes that make it unsafe to continue along the
17 right-hand curb or edge. For purposes of this Section, "substandard
18 width lane" means a lane that is too narrow for a bicycle and
19 another vehicle to travel safely side by side within the lane.

20 (2) This subsection does not apply to a certified police cyclist
21 engaged in the lawful performance of duty relating to traffic control.

22 (b) (1) Persons riding bicycles upon a roadway shall not ride more
23 than two (2) abreast except on paths or parts of roadways set aside for the
24 exclusive use of bicycles. Persons riding two (2) abreast shall not impede
25 the normal and reasonable movement of traffic and, on a laned roadway,
26 shall ride within a single lane.

1 (2) This subsection does not apply to a certified police cyclist
2 engaged in the lawful performance of duty relating to traffic control or in
3 pursuit of an actual or suspected violator of the law.

4 **§27111 Carrying Articles on Bicycle.** No person operating a bicycle
5 shall carry any package, bundle or article which prevents the driver from
6 keeping at least one (1) hand upon the handlebars.

7 **§27112. Bicycle Lamps and Brakes.** (a) Every bicycle, when in use
8 at nighttime, shall be equipped with a lamp on the front which shall emit a
9 white light visible from a distance of at least five hundred feet (500 feet) to the
10 front and with a red reflector on the rear which shall be visible from all
11 distances from fifty feet (50 feet) to three hundred feet (300 feet) to the rear
12 when directly in front of lawful upper beams of head lamps on a motor vehicle.
13 A lamp emitting a red light visible from a distance of five hundred feet (500
14 feet) to the rear may be used in addition to the red reflector.

15 (b) Every bicycle shall be equipped with a brake or brakes which will
16 enable its driver to stop the bicycle within twenty-five feet (25 feet) from a
17 speed of ten miles per hour (10 mph) on dry, level, clean pavement.

18 **§27113. Severability.** *If any provision of this law or its application to*
19 *any person or circumstance is found to be invalid or contrary to law, such*
20 *invalidity shall not affect other provisions or applications of this law which can*
21 *be given effect without the invalid provisions or applications, and to this end*
22 *the provisions of this law are severable.”*