MINA BENTE OCHO NA LIHESLATURAN GUAHAN 2006 (SECOND) Regular Session

Bill No. _ (LS) 403 (EC

Introduced by:

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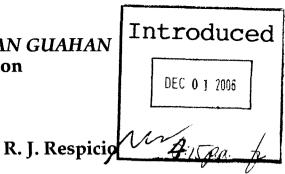
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AN ACT TO AMEND §§3310, 3312 AND 5114 OF CHAPTER 3 OF TITLE 16 GCA RELATIVE TO ADDING ADDITIONAL REASONS OPERATORS OF VEHICLES ON THE ROADWAYS OF GUAM MAY NOT BE REQUIRED TO TRAVEL IN THE RIGHTHAND LANE FOR TRAFFIC OR AS CLOSE AS PRACTICABLE TO THE ROAD'S RIGHT-HAND EDGE OR CURB, AND TO REMOVE A PROHIBITION ON OPERATION DURING CERTAIN HOURS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Statement of Legislative Findings and Purpose. I Mina 2 Bente Ocho Na Liheslaturan Guahån finds that vehicles including trucks, 3 tractors, trailers, or any combination thereof are unable on occasion, to 4 operate on the right-hand lanes of Guam's roadways because of reasons 5 that are not enumerated in Guam law, including but not limited to the 6 following: (a) some lanes are narrower than the 12-foot width widely 7 considered to be the minimum for safety; (b) there is no shoulder or 8 sidewalk along some roadways on which pedestrians can travel and thus 9 they walk in the street; and (c) the edge of some narrower roadways are 10 rutted and unsafe. 11

I Liheslatura finds that safety on our highways must always be of paramount concern in our island's canon of laws, however some operators maintain that they have been cited for traffic violations when refusing to travel in the right-hand lane, because of the unsafe road conditions that they perceived to exist in such lanes.

I Liheslatura additionally finds that the operating hours prohibition contained in §5114 is unduly restrictive and should be changed to the discretion of the Director of Public Works.

Therefore *I Liheslatura* finds that §§3310 and 3312 of Chapter 3 of Title 16 GCA must be amended to provide for greater safety on our roadways and that §5114 of Chapter 3 of Title 16 GCA should be amended to allow operations at all hours unless restricted by the Director of Public Works.

Section 2. §3310 of Chapter 3 of Title 16 GCA is amended to read: "§3310. Driving in Right-Hand Lane.

Upon all highways any vehicle or bicycle shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway or when driving in the lane would be unsafe in the opinion of the operator due to narrow lane width (less than 12 feet), lack of a shoulder or for other reasons affecting highway safety."

Section 3. §3312 of Chapter 3 of Title 16 GCA is amended to read: "§3312. Certain Vehicles to be Driven in Right-Hand Lane.

When any truck, tractor, trailer, or any combination thereof with a gross weight of vehicle and load of ten thousand (10,000) pounds or more is being driven on any highway, it shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway or when driving in the lane would be unsafe in the opinion of the operator due to narrow lane width (less than 12 feet), lack of shoulder or other

reasons affecting highway safety."

Section 4. Subitems (h) and (i) of §5114 of Chapter 3 of Title 16 GCA are amended to read:

- "(h) Any vehicle issued with a permanent special equipment license or requiring a special permit, as required under this Chapter, shall may be prohibited from operating on the highways during the hours of 7:00 to 9:00 a.m., 12:00 to 1:00 p.m. and 4:00 to 6:00 p.m., Mondays through Fridays, except in cases of emergencies or at the direction discretion of the Director of Public Works.
- (i) In the event of disputes over Department of Public Works policy an Appeal Board shall be convened upon written request to the chairman of the Appeal Board. The Board shall consist of three (3) members. One (1) member from the Guam Contractors Association, one or a member from the community at large, and the Director of Public Safety Chief of Police or his authorized representative and the Chairman of the Guam Transit Authority, who shall serve as chairman of this Appeal Board. The decision of the Appeal Board shall be binding on all parties."