



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 6-25-97

Time: 12pm

Rec'd by: myh

Print Name: Monique Wolfe

JUN 25 1997

**Refer to  
Legislative Secretary**

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>AR</u>
Time	<u>1:50 pm</u>
Date	<u>6-25-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 184 (COR), "AN ACT ADDING A NEW SUBSECTION (b) TO §5123 OF ARTICLE 2 OF CHAPTER 5 OF TITLE 5, AND A NEW §6402 TO ARTICLE 4 OF CHAPTER 6 OF TITLE 12, OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TRANSPORT CARE ATTENDANTS IN PUBLIC TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES.", which I have signed into law today as Public Law No. 24-56.

This legislation is a step in the right direction. The legislation provides for transport care attendants to be hired by the Guam Mass Transit Authority (GMTA) to assist individuals with disabilities during transport on GMTA buses and vans. It is probably a better concept that the hiring of transport care attendants be placed within the new Department of Integrated Services for Persons With Disabilities (DISID), so that this new department can monitor this service properly. Also, the intent of creating the DISID in the first place, as stated by the legislature, was that all services for individuals with disabilities be located for convenience under one agency roof. The separation of transport care attendants to the GMTA makes it necessary for a person with a disability to deal with more than 1 agency for the provision of needed services.


It is noted that the legislature did not make any provision for the funding of the approximately 32 new positions which will immediately be necessary within the GMTA for transport care attendants. Also, under this legislation, the transport care attendants must be certified in First Aid and Cardio Pulmonary Resuscitation (CPR). This education will have to be undertaken by individuals on their own before applying for a transport

care attendant position, or the GMTA will need to also provide the cost of this training.

It is also noted that the legislature provided an appeals procedure for persons who are denied the services of GMTA. Persons with disabilities who may desire to appeal the denial of services to the GMTA are not provided with an attorney to press their case, whereas the GMTA has an attorney at hand who can press its case that the person cannot be accommodated under the available services

Since the legislature has made provision for this desired service as far as the legal mandate, I hope that soon the legislature will make this service more than an unfunded mandate, and will provide funding for 32 transport care attendants, their necessary training, and attorney assistance for persons with disabilities who desire to appeal denial of service to the GMTA. The provision of funding for these items will make this legislation more than an empty promise.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

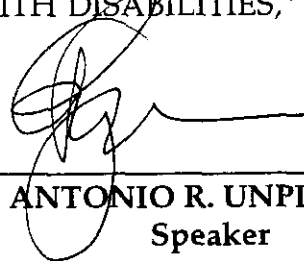
Attachment            00307

cc:    The Honorable Joanne M. S. Brown  
       Legislative Secretary

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 184 (COR), "AN ACT ADDING A NEW SUBSECTION (b) TO §5123 OF ARTICLE 2 OF CHAPTER 5 OF TITLE 5, AND A NEW §6402 TO ARTICLE 4 OF CHAPTER 6 OF TITLE 12, OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TRANSPORT CARE ATTENDANTS IN PUBLIC TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES," was on the 7th day of June, 1997, duly and regularly passed.




ANTONIO R. UNPINGCO  
Speaker

Attested:




JOANNE M.S. BROWN  
Senator and Legislative Secretary

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This Act was received by the Governor this 13<sup>th</sup> day of June, 1997, at  
8:10 o'clock A.M.



Assistant Staff Officer  
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ  
Governor of Guam

Date: 6-25-97

Public Law No. 24-56

**TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session**

**Bill No. 184 (COR)**

Substituted by the Committee on Transportation,  
Telecommunications and Micronesian Affairs,  
and as amended on the Floor.

Introduced by:

L. Leon Guerrero  
C. A. Leon Guerrero  
T. C. Ada  
F. B. Aguon, Jr.  
E. Barrett-Anderson  
A. C. Blaz  
J. M.S. Brown  
Felix P. Camacho  
Francisco P. Camacho  
M. C. Charfauros  
E. J. Cruz  
W. B.S.M. Flores  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
V. C. Pangelinan  
J. C. Salas  
A. L.G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

**AN ACT ADDING A NEW SUBSECTION (b) TO  
§5123 OF ARTICLE 2 OF CHAPTER 5 OF TITLE 5,  
AND A NEW §6402 TO ARTICLE 4 OF CHAPTER 6  
OF TITLE 12, OF THE GUAM CODE ANNOTATED,  
RELATIVE TO REQUIRING TRANSPORT CARE  
ATTENDANTS IN PUBLIC TRANSPORTATION  
FOR INDIVIDUALS WITH DISABILITIES.**

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

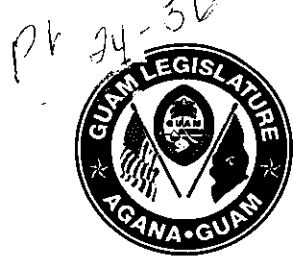
2           **Section 1.** A new Subsection (b) is added to §5123 of Article 2 of  
3 Chapter 5 of Title 5 of the Guam Code Annotated to read:

4           “(b) Public transportation buses, vans and non-rail vehicles, which  
5 are purchased or leased with government funds for fixed route or  
6 demand response systems, must be made readily accessible to and  
7 usable by individuals with disabilities and comply with the acquisition  
8 and service requirements of 49 C.F.R. Part 37 (Subpart D, F and G) and  
9 Part 38 (Subpart B of the Americans with Disabilities Act (‘ADA’)  
10 Accessibility Specifications for Transportation Vehicles).”

11           **Section 2.** A new §6402 is added to Article 4 of Chapter 6 of Title 12 of  
12 the Guam Code Annotated to read:

13           “**Section 6402. Transport Care Attendants.** A Transport Care  
14 Attendant shall be made available when services are required during  
15 transporting individuals with disabilities, as defined hereafter in  
16 accordance with the Americans with Disabilities Act (‘ADA’). The  
17 Transport Care Attendant shall only provide services while stationed in  
18 the vehicle while in motion and may assist the driver with individuals  
19 with disabilities when entering and exiting the vehicle, when needed.  
20 The Transport Care Attendant shall be required to be certified in First  
21 Aid and Cardio Pulmonary Resuscitation (‘CPR’) and proficient in  
22 properly assisting individuals with disabilities to maintain a safe  
23 environment in the vehicle. An individual with disabilities determined  
24 by the Guam Mass Transit Authority to require a transport care  
25 attendant shall not be grounds for exclusion from use of the

1 transportation system. No individual with disabilities may be excluded  
2 from the use of transportation services unless there is clear and  
3 convincing evidence that the individual is a direct threat to himself and  
4 others, even with the presence of a Transport Care Attendant. The  
5 Guam Mass Transit Authority shall conduct a fair hearing within five (5)  
6 working days upon receipt of notice to the individual. Notice to the  
7 individual shall be served within twenty-four (24) hours of the  
8 complaint. No service may be withheld until the determination of the  
9 fair hearing has been issued. The government contract for transportation  
10 of Persons with Disabilities shall allow for an increase to cover the cost  
11 of the Transport Care Attendant.”



**24th Guam Legislature**  
**Sen. Carlotta A. Leon Guerrero**

Union Bank Building, Suite 312  
194 Hernan Cortez Avenue  
Agana, Guam 96910

Tel : (671) 472-3416 / 3418  
Fax : (671) 477-1323  
sencig@kuentos.guam.net

Chairperson :  
Committee on  
**Transportation,**  
**Telecommunications and**  
**Micronesian Affairs**

April 10, 1997

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

Dear Mr. Speaker,

The Committee on Transportation, Telecommunications and Micronesian Affairs, to which was referred Bill No. 184, "An act to require Personal Care Attendants in pulic transportation of disabled individuals", has had the same under consideration, and now wishes to report back the substitute version, **Bill No. 184, "An act to require Transport Care Attendants in Public Transportation for Individuals with Disabilities"**, with the recommendation **To Pass**.

The Committee votes are as follows:

To Pass	<u>10</u>
Not To Pass	_____
Abstain	_____
Inactive File	_____

A copy of the Committee report and all pertinent documents are attached for your information and file.

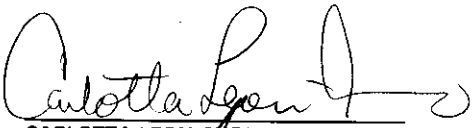

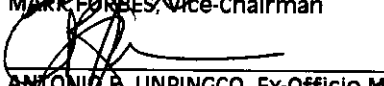
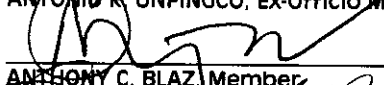
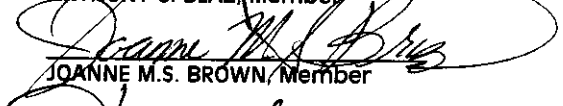
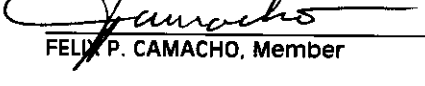


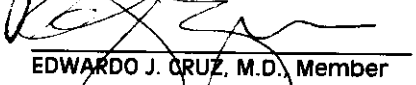

Sincerely yours,

**CARLOTTA A. LEON GUERRERO**  
Chairperson

attachments

**Committee on Transportation, Telecommunications, and Micronesian Affairs**  
 Twenty-Fourth Guam Legislature  
**Voting Record**

**Bill No. 184, "AN ACT TO REQUIRE TRANSPORT CARE ATTENDANTS IN PUBLIC  
 TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES"**

	<b><u>TO PASS</u></b>	<b><u>NOT TO PASS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>INACTIVE FILE</u></b>
 CARLOTTA LEON GUERRERO, Chairperson	✓	—	—	—
 MARK FORBES, Vice-Chairman	✓	—	—	—
 ANTONIO R. UNPINGCO, Ex-Officio Member	✓	—	—	—
 ANTHONY C. BLAZ, Member	✓	—	—	—
 JOANNE M.S. BROWN, Member	✓	—	—	—
 FELIX P. CAMACHO, Member	✓	—	—	—
ALBERTO A. LAMORENA, Member	—	—	—	—
ELIZABETH BARRETT-ANDERSON, Member	—	—	—	—
 LAWRENCE KASPERBAUER, Member	x	—	—	—
 JOHN C. SALAS, Member	✓	—	—	—
 EDUARDO J. CRUZ, M.D., Member	✓	—	—	—
THOMAS C. ADA, Member	—	—	—	—
FRANCISCO P. CAMACHO, Member	—	—	—	—
LOU LEON GUERRERO, Member	—	—	—	—
 VICENTE C. PANGELINAN, Member	✓	—	—	—
FRANCIS E. SANTOS, Member	—	—	—	—
WILLIAM B.S.M. FLORES, Member	—	—	—	—



**COMMITTEE ON TRANSPORTATION,  
TELECOMMUNICATIONS AND MICRONESIAN AFFAIRS**

**COMMITTEE REPORT**

**on**

**BILL 184**

**Substituted by the Committee on Transportation, Telecommunications  
and Micronesian Affairs**

**“An act to require transport care attendants in public transportation for  
individuals with disabilities”**

**Committee Members**

Chairperson:	Senator Carlotta A. Leon Guerrero
Vice-Chairperson	Senator Mark Forbes
Ex-Officio Member	Speaker Antonio R. Unpingco

Senator Elizabeth Barrett-Anderson  
Senator Joanne Brown  
Senator Edwardo J. Cruz  
Senator John C. Salas  
Senator Francisco P. Camacho  
Senator Lou Leon Guerrero  
Senator Francis E. Santos

Senator Anthony C. Blaz  
Senator Felix P. Camacho  
Senator Alberto C. Lamorena V  
Senator Thomas C. Ada  
Senator William S.M. Flores  
Senator Vicente C. Pangelinan  
Senator Lawrence Kasperbauer

## **PUBLIC HEARING SCHEDULE**

The Committee on Transportation, Telecommunications and Micronesian Affairs conducted a Public Hearing on Monday, April 7, 1997 at 6:30 p.m. in the Public Hearing room of the Guam Legislature Temporary Building in Agana.

Committee Members present:            Senator Carlotta A. Leon Guerrero, Chair  
   Senator Felix Camacho  
   Senator Edwardo Cruz, M.D.  
   Senator John Salas  
   Senator Thomas Ada  
   Senator Frank Camacho  
   Senator William Flores  
   Senator Lou Leon Guerrero  
   Senator Ben Pangelinan

Also present:                                Senator Frank Aguon, Jr.

### **SUMMARY OF TESTIMONY**

Eduardo Reyes Chanco, a consumer parent, testified in favor of Bill 184 representing the concerns of consumer families about the unsafe conditions of Para Transit busses. He also made note that the use of "disabled individual or person" was discontinued when the American Disabilities Act of 1990 was signed by President George Bush. It has since been substituted with "individual or persons with disabilities."

Dominic G. Muna, Assistant General Manager for Guam Mass Transit Authority (GMTA), provided testimony in opposition to Bill 184 with the following comments: GMTA's primary mission is to provide public transportation, including transportation of persons with disabilities. It is GMTA's position that Personal Care Attendants (PCA) is a transportation related function best served by the newly formed Department of Integrated Services for Individuals with Disabilities (DISID). He voiced concern that the language in Bill 184 would require a staff of 30 PCA's daily to service both the public and paratransit busses and further stated that the funding source to staff these PCA's was not clearly outlined in the bill. To require GMTA to implement an unfunded mandate would only cripple GMTA's already fragile transit system.

Albert T. San Agustin, Rehabilitation Services and Facilities Administrator for the Department of Vocational Rehabilitation (DVR), testified that DVR reviews applications and provides the certification of persons with disabilities to utilize the Para Transit transportation system under the Mass Transit Authority. He attached a copy of the application along with his testimony to show that it was comprehensive and enables the service provider to determine whether a PCA is needed, recommended or required. Although commending the local initiative, he recommended that a feasibility study be conducted to include identification of its funding sources. He further recommended that

legislative support be in the direction of empowerment through training, orientation and effective use of the existing transportation systems, thus increasing independency and reducing dependency on government services. He also recommended that the supervision of the Para Transit system be placed with DISID.

David Cruz, Chairperson of the Legislative Committee of the Guam Development Disabilities Council, testified in support of the intent of Bill 184, however, questioned which agency would bear responsibility for compliance. In addition, the GDDC recommends that this requirement include all privately owned public transportation vehicles. Mr. Cruz also further stated that there is a need to define which individuals with disabilities who would require PCA services and suggested that a provision in the law that a parent or guardian of the individual make the request to the appropriate service provider.

Sarah Thomas Nededog, representing Servicio Para I ManAmko (SPIMA), recommended that the acronym ADA be correctly spelled out to read American Disabilities Act. In addition, she questioned whether Bill 184 included non-profit organizations such as SPIMA which already provides for PCA but is not funded for this service. She suggested that a new section be included to identify the funding source which could come from a percentage of the liquid fuel tax or \$1 from the recently increased Driver's License fund.

Ben Servino, Project Director for the Guam System for Assistive Technology (GSAT), testified in favor of Bill 184 with recommendations: that "people first" terminology be used throughout the bill to describe persons with disabilities; that subsection (b) be rephrased to reference and cite the relevant subsections of the Americans with Disabilities Act (ADA) to assist in locally reinforcing the federally mandated requirements; that subsection 6401.1 which required a Personal Care Attendant in the transportation of individuals with disabilities be eliminated because the new Department of Integrated Services for Individuals with Disabilities (DISID) should be the lead agency to coordinate the use of Personal Care Attendants for individuals with disabilities and programs or services which serve people with disabilities; and that vehicle operators of persons with disabilities receive training in sensitivity awareness to improve their knowledge in providing service to individuals with disabilities.

Rodney Priest, from the University of Guam, University Affiliated Programs/San Diego State University's Rehabilitation Research and Training Associate, provided written testimony as an individual with a disability. He cited that he could not fully support Bill 184 as it is written because it is in violation of ADA Titles II and III in that it requires a PCA for all riders who are persons with disabilities and not all riders with disabilities need a PCA. He further stated that the responsibility should not be placed with the transportation service provider to make the determination of who needs a PCA since DISID will provide this service already. If the services provider deems it necessary for a safety monitor for its busses, then that is an internal decision and should not have to be legislated.

Peter A. Blas, Executive Director of Guma'Mami, Inc., a non-profit corporation, submitted favorable testimony in support of Bill 184 and emphasized that transportation is a major concern for persons with disabilities. He recommended that Bill 184 specify that "care attendants will be on the Para Transit or "Freedom Express" busses so that language is not misinterpreted that all will receive a transportation attendant, and that seat belts and tie down straps be mandatory on every bus."

Dan Somerfleck, Guam Legal Services, testified in favor of the intent of Bill 184 and highly recommended that the community of Guam take the lead role in providing a better service to individuals with disabilities instead of merely just meeting the minimum requirements as mandated by the Americans with Disabilities Act of 1990.

## **COMMITTEE FINDINGS**

The Committee reviewed the key points of the testimonies submitted for Bill 184 and make the following notations:

1 The Personal Care Attendant issue was debatable among the testimonials submitted. The overwhelming opinion, however, is that the appropriate agency who should bear this responsibility is the Department of Integrated Services for Individuals with Disabilities (DISID). GMTA should be tasked, however, with providing a transport individual or monitor on the bus to assist in establishing control and reassurance for those persons with disabilities who require that special attention and in the absence of a personal care attendant. The correct identification of individuals with disabilities replaced the phrase "disabled individuals."

2 The issue of a funding source was discussed, however, the committee agreed that this issue can be taken up in a separate bill. The current thrust of Bill 184 is to acknowledge the need for an attendant on the busses to assist certain persons with disabilities and thus ensuring the safety of all who ride the bus. In addition, it protects the rights of persons with disabilities from exclusion. The mandate on addressing the personnel issue as well as the funding of such should be a management decision.

3 The Committee concurs that Bill 184 is a positive step toward addressing the much neglected concerns of persons with disabilities and the supporting consumer families, particularly in the area of transportation. The Committee has agreed to several amendments to the original bill as submitted by the author and submits Bill 184 as substituted.

## COMMITTEE RECOMMENDATIONS

The Committee on Transportation, Telecommunications and Micronesian Affairs hereby reports out Bill No. 184, as substituted by the Committee to the 24<sup>th</sup> Guam Legislature with the recommendation **To Pass**.

**FISCAL NOTE  
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

**BBMR-F7**

Bill Number: 184 Date Received: 4/23/97  
 Amendatory Bill: Yes Date Reviewed: 4/24/97  
 Department/Agency Affected: Guam Mass Transit Authority  
 Department/Agency Head: John Palomo, General Manager  
 Total FY Appropriation to Date: \$2,300,000

Bill Title (preamble):  
*An act to require personal care attendants in public transportation of disabled individuals.*

Change in Law: An act adding new subsections

**Bill's Impact on Present Program Funding:**

Increase x Decrease \_\_\_\_\_ Reallocation \_\_\_\_\_ No Change \_\_\_\_\_

Bill is for:  
 Operations x Capital Improvement \_\_\_\_\_ Other \_\_\_\_\_

**FINANCIAL/PROGRAM IMPACT**

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Health & Welfare/Autonomous			

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? \_\_\_ - IF NO, ADD'L AMOUNT REQUIRED \$ \_\_\_\_\_  
 AGENCY/PERSON/DATE CONTACTED: \_\_\_\_\_

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						

ANALYST Christine D.F. Quichocho DATE \_\_\_\_\_ DIRECTOR Joseph E. Rivera, Acting DATE APR 25 1997

FOOTNOTE: Bill no. 184 proposes all motor vehicles purchased or leased by any governmental agency for the purpose of transporting disabled individuals to meet ADA standards. The legislation also requires the employment of a Personal Care Attendant who is certified in First Aid and CPR for each motor vehicle transporting disabled persons. The proposed legislation will impact personnel services and capital outlay requirements for affected agencies/departments in the Health & Welfare area.



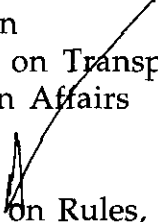
**24th Guam Legislature**  
**Committee on Rules, Government**  
**Reform and Federal Affairs**  
*Senator Mark Forbes, Chairman*



**MAR 25 1997**

**MEMORANDUM**

**TO:** Chairperson  
Committee on Transportation, Telecommunications and  
Micronesian Affairs

**FROM:** Chairman   
Committee on Rules, Government Reform and Federal Affairs

**SUBJECT:** Referral-Bill No. 184

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment

**received**  
Jm 3/25/97



**EDUARDO REYES CHANCO**  
**CONSUMER PARENT**

P.O. BOX 117, AGANA, GUAM 96932 PH: 477-9433  
APRIL 2, 1997

**TESTIMONY: BILL 184 - AN ACT TO REQUIRE  
PERSONAL CARE ATTENDANTS IN PUBLIC  
TRANSPORTATION OF DISABLED INDIVIDUALS**

PLEASE NOTE: 1) USE OF "DISABLED INDIVIDUAL OR PERSON" WAS DISCONTINUED SINCE THE AMERICAN DISABILITIES ACT OF 1990 WAS SIGNED BY PRESIDENT BUSH IN JANUARY 1990. THIS HAS BEEN SUBSTITUTED BY "INDIVIDUAL OR PERSONS WITH DISABILITIES"

2) SUGGEST CHANGE THE THIRD LINE TO READ, "TRANSPORTING INDIVIDUALS (OR PERSONS) WITH DISABILITIES"

I personally believe a PERSONAL CARE ATTENDANT (PCA) is needed for each public bus transporting persons with disabilities. This belief is based on the following information from consumers and parents.

**1. PARATRANSIT SERVICE:**

a. Consumer families have repeatedly expressed their concerns about some PARATRANSIT busses unsafe conditions noted in the past. Some examples are but not limited to the following:

- (1) The lift mechanism is not operable;
- (2) Windows cannot be closed;
- (3) Fumes get into the bus;
- (4) Passengers get nauseated;
- (5) The Air Condition system not working;
- (6) Incidents noted while bus is in motion:
  - (a) Passenger(s) sometimes unbuckled;
    - 1 stands/walks;
    - 2 falls on the floor;
  - (b) Driver get distracted;
    - 1 loses concentration while driving;
    - 2 collision condition with another vehicle highly eminent;

(b) In conclusion, a PCA is essentially necessary to assure persons with disabilities being transported by the driver, remain buckled down on their seats, especially when the bus is in motion.





**G • M • T • A**

**Guam Mass Transit Authority**

**( Aturidat Transporttasion Guahan )**

**Government of Guam**

236 East O'Brien Drive  
Agana, Guam 96910

Telephone : **475-GMTA ( 4682 )**  
Facsimile : **475-4600**

**John M. Palomo**  
General Manager

**Dominic G. Muna**  
Assistant General Manager

April 3, 1997

Honorable Senator Carlotta A. Leon Guerrero  
Chairwoman, Committee on Transportation  
Telecommunications and Micronesian Affairs  
24<sup>th</sup> Guam Legislature  
Union Bank Building, Suite 312  
194 Herman Cortez Ave.  
Agana, GU 96910

RE: Bill No. 184

Dear Senator Leon Guerrero:

Hafa Adai! GMTA has had an opportunity to review the referenced Bill with the Director of the Department of Intergraded Services for Persons with Disabilities. GMTA's comments and concerns are as follows:

1. Bill No. 184 seeks to create a new subsection (6401.1) of Chapter 6 (Guam Mass Transit Authority) Article 4 Title 12 Guam Code Annotated, thus mandating GMTA to provide such provisions (Personal Care Attendant). GMTA's primary mission/business is to provide public transportation, including transportation for persons with disabilities. It is GMTA's position that "Personal Care Attendants" is a transportation related function that would be best served by the newly formed Department of Integrated Service, just as other transportation related services for persons with disabilities are presently performed (i.e., ADA Paratransit Eligibility).
2. Bill No. 184 states in part that. "A Personal Care Attendant... shall be required for each motor vehicle transporting Disable Individuals." Applied as written, this would mandate all GMTA vehicles, both Public and Paratransit vehicles to provide a "Personal Care Attendant" as both transit systems/buses transport persons with disabilities (GMTA's Public Transit system transports persons with disabilities as well). This would require a total staffing of 30 Personal Care Attendants per day (@ 15 per shift).

3. Funding: Bill No 184 (as provided to GMATA) does not provide a funding source for the staffing of Personal Care Attendants (22 for Public Transit & 8 for Paratransit). GMATA's Public and Paratransit fleet are near collapse and have not been replaced due to fiscal restraints. GMATA has made tremendous strides in sustaining an acceptable service fleet to meet ridership demand. To require GMATA to implement an unfunded mandate would only cripple GMATA already fragile transit system.
  
4. GMATA is unclear as to the nature of requiring a Personal Care Attendant. If the concern is that Disabled Individuals may require First Aid and/or CPR, all drivers for are certified to administer this type of care. If the concern is with securing passengers while in transit, all persons with disabilities are secured by drivers prior to departure (i.e., wheelchair passengers, blind). If the concern is the escorting of passengers with disabilities onto or off the transit vehicle, this can be performed by the transit operator. If the concern is with the escorting of an individual with a disability beyond a designated drop-off point, then perhaps this "personalized " service should be administered through a voluntary program with oversight by the Department of Integrated Services.

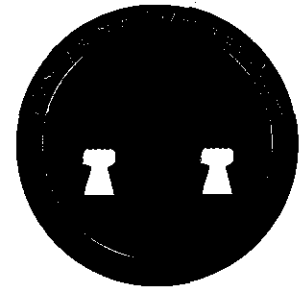
Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at 475-4682.

Dangkolo Na Agradesimiento!

  
DOMINIC G. MUNA  
Acting, General Manager

CARL T.C. GUTIERREZ  
Governor of Guam

MADELEINE Z. BORDALLO  
LT. Governor



April 7, 1997

Office of Senator Carlotta Leon Guerrero  
24th Guam Legislature  
Union Bank building, Suite 312  
194 Hernan Cortez Avenue  
Agana, Guam 96910

Dear Senator Leon Guerrero:

My name is Albert T. San Agustin. I am here to testify on behalf of Director Joseph Cameron and the Department of Vocational Rehabilitation. As the Rehabilitation Services and Facilities Administrator, the Division of Consumer Services reviews applications from persons with severe impairments and certifies their eligibility for the Para Transit transportation systems under the Mass Transit Authority. The paramount objective of the Para Transit system is to provide transportation access to persons identified with severe disabilities.

To qualify for the Para Transit Transportation system, the applicant:

- cannot travel 200 feet without assistance of another person.
- cannot travel 1/4 mile without assistance.
- cannot climb three 12-inch steps without assistance of another person.
- cannot wait for transportation without assistance for ten minutes.
- inability to walk.
- possible health problems if he/she walks 1/4 mile.
- inability to understand traffic routes or unable to use fixed routes.

A physician or health care professional statement of the person's impairment is provided.

Bill No. 184, requires personal care attendants in the public transportation system. It is my understanding that the provision of personal attendants is not required under the Americans with Disabilities Act; nor is it a direct requirement under the Mass Transit Transportation Authority. We commend the local initiative; we recommend however, that a feasibility study be conducted to include identification of its funding sources. We further recommend that legislative support ought to be

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in the direction of empowerment through training, orientation, and effective use of existing transportation systems, thus increasing independency and reducing dependency on government services.

Effective October 1997, the paramount mission of DISID is to identify and initiate programs that will bridge service gaps for all persons with various disabilities. DISID will assume administrative leadership in securing Personal Attendants to qualified persons with various severe disabilities. This leadership should include supervision of the Para Transit System. If the legislature is willing to provide the necessary and appropriate tools, DISID is willing to accept the challenge.

For your information, we want to provide DVR's definition of what constitutes severe disabilities.

Sincerely,



**ALBERT T. SAN AGUSTIN**

attachments