



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

NOV 20 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 165 (COR) "AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE GUAM MASS TRANSIT AUTHORITY" which was I have signed into law as **Public Law No. 26-57**.

The rules and regulations were prepared by the Guam Mass Transit Authority were transmitted to the Legislature on June 11, 2001 according to the Administrative Adjudication Law.

Very truly yours,

Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

OFFICE OF THE LEGISLATIVE SECRETARY	
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MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

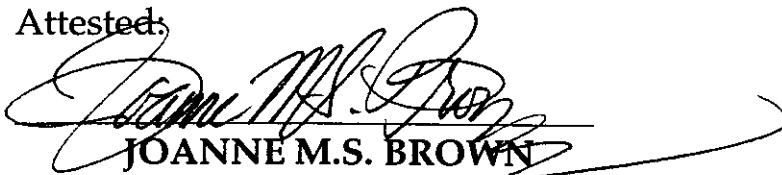
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 165 (COR), "AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE GUAM MASS TRANSIT AUTHORITY," was on the 25th day of September, 2001, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 8th day of November, 2001,
at 4:00 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: 11-20-01

Public Law No. 26-57

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 165 (COR)

As amended.

Introduced by:

F. P. Camacho
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
E. B. Calvo
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
L. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
A. L.G. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO ADOPT THE RULES AND
REGULATIONS OF THE GUAM MASS TRANSIT
AUTHORITY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the Guam Mass Transit Authority (“GMTA”) has been operating
4 without rules and regulations for years, to the detriment of both the authority
5 and its passengers. GMTA has prepared proposed rules and regulations for
6 the operation of the Guam’s mass transit system and conducted hearings on
7 the proposed rules, while the Committee on Tourism, Transportation and

1 Economic Development held a public hearing on the proposed regulations on
2 July 6, 2001.

3 The concerns of the public and the Committee have been addressed in
4 amendments to the Rules and Regulations. *I Liheslaturan Guåhan* finds that it
5 is critical to have these rules and regulations implemented in a timely manner
6 to provide a framework for the conduct of the Guam Mass Transit Authority
7 and the passengers of the mass transit system.

8 **Section 2. Approval of GMTA Rules and Regulations.** The following
9 rules and regulations for the Guam Mass Transit Authority are hereby
10 approved. These rules and regulations are attached and incorporated herein.

11 **Section 3. Severability.** *If* any provision of this Law or its
12 application to any person or circumstance is found to be invalid or contrary to
13 law, such invalidity shall *not* affect other provisions or applications of this
14 Law which can be given effect without the invalid provisions or application,
15 and to this end the provisions of this Law are severable.

16

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1 **Section 1. General Provisions.**

2 **1.01. Purpose.** To establish and promulgate rules and
3 regulations pertaining to Guam Mass Transit Authority's ("GMTA's")
4 Guam Public Transportation System, which includes Fixed Route,
5 Demand Response and Paratransit Services.

6 **1.02. Methods Whereby the Public May Obtain Information.**

7 The public may obtain information as to matters within the
8 jurisdiction of GMTA's services by inquiring at:

9 (a) GMTA Office located at 236 East O'Brien Drive,
10 Hagåtña, Guam 96910;

11 (b) call 671-475-4682 for GMTA Administration Offices,
12 671-475-4621 for operations of the Guam Public Transportation
13 system, or 671-475-7401 TTY;

14 (c) inquiry may be made in person, telephone or by
15 submitting a written request for information to GMTA, ATTN:
16 Ombudsperson, 236 East O'Brien Drive, Hagåtña, Guam 96910;

17 (d) information concerning the operations of paratransit
18 services can be obtained by calling 671-475-4621/22, or 671-475-
19 7433, Monday through Sunday, 8:00 A.M. to 5:00 P.M., including
20 holidays; *and*

21 (e) information regarding lost and found, trip
22 reservations, cancellations and customer service inquiries shall be
23 directed to Guam Public Transit System, ATTN: Contract General
24 Manager, 236 East O'Brien Drive, Hagåtña, Guam 96910, 671-475-
25 4621/22.

1 **Section 2. Definitions.**

2 2.01. "*Accessible*" means, with respect to vehicles and facilities,
3 complying with the accessibility requirements of 49 Parts 37 and 38 of
4 the Code of Federal Regulation ("CFR").

5 2.02. "*ADA*" means Americans with Disabilities Act of 1990, as it
6 may be amended from time to time.

7 2.03. "*Cardholder*" means an individual determined ADA
8 Paratransit Eligible for Guam Paratransit Service. Cardholder status
9 cannot be assigned or transferred.

10 2.04. "*Companion*" means an individual accompanying a
11 Cardholder. To be viewed as "accompanying" the Cardholder, a
12 companion must have the same origin and destination as the eligible
13 individual (49 CFR Part 37, Category III Eligibility, Subpart F).

14 2.05. "*Contractor*" means the entity contracted by GMATA to
15 manage, operate and maintain GMATA's Guam Public Transit System.

16 2.06. "*Curb-to-Curb*" means service provided from safe pick-up
17 points, which are curbside adjacent to public street, roadways or any
18 appropriate off-street locations.

19 2.07. "*Demand Response Service*" means any system of transporting
20 individuals, including the provisions of designated public
21 transportation service by public entities and the provision of
22 transportation service by private entities, including, but *not* limited to,
23 specified public transportation service, which is *not* a fixed route
24 system.

1 2.08. "Designated Public Transportation" means
2 transportation provided by a public entity, other than public school
3 transportation, by bus, rail, or other conveyance, other than
4 transportation by aircraft or intercity or commuter rail transportation,
5 that provides the general public with general or special service,
6 including charter service, on a regular and continuing basis.

7 2.09. "Disability" means with respect to an individual, a
8 physical or mental impairment that *substantially* limits one (1) or more
9 major life activities of such individual; a record of such an impairment;
10 or being regarded as having such an impairment.

11 (a) The phrase "*physical or mental impairment*" means:

12 (1) any physiological disorder or condition, cosmetic
13 disfigurement or anatomical loss affecting one (1) or more of
14 the following body systems: neurological; musculoskeletal;
15 special sense organs; respiratory, including speech organs,
16 cardiovascular, reproductive, digestive, genito-urinary,
17 hemic and lymphatic; skin; and endocrine;

18 (2) any mental or psychological disorder, such as
19 mental retardation, organic brain syndrome, emotional or
20 mental illness, and specific learning disabilities;

21 (3) the term "*physical or mental impairment*" includes,
22 but is *not* limited to, such contagious or non-contagious
23 diseases and conditions as orthopedic, visual, speech and
24 hearing impairments; cerebral palsy, epilepsy, muscular

1 dystrophy, multiple sclerosis, cancer, heart disease, diabetes,
2 mental retardation, emotional illness, specific learning
3 disabilities, HIV disease, tuberculosis, drug addiction and
4 alcoholism;

5 (4) the phrase "*physical or mental impairment*" does
6 *not* include homosexuality or bisexuality;

7 (5) the phrase "*major life activities*" means functions
8 such as caring for one's self, performing manual tasks,
9 walking, seeing, hearing, speaking, breathing, learning and
10 work;

11 (6) the phrase "*has a record of such an impairment*"
12 means has a history of, or has been misclassified as having, a
13 mental or physical impairment that *substantially* limits one
14 (1) or more major life activities;

15 (7) the phrase "*is regarded as having such an*
16 *impairment*" means:

17 (i) has a physical or mental impairment that
18 does *not* substantially limit major life activities, but
19 which is treated by the public or private entity as
20 constituting such a limitation;

21 (ii) has a physical or mental impairment that
22 *substantially* limits a major life activity *only* as a result
23 of the attitudes of others toward such an impairment;
24 *or*

1 (iii) has none of the impairments defined in
2 Paragraph (1) of this definition, but is treated by a
3 public or private entity as having such an impairment;

4 (8) the term "*disability*" does *not* include:

5 (i) transvestism, transsexualism, pedophilia,
6 exhibitionism, voyeurism, gender identity disorders
7 *not* resulting from physical impairments, or other
8 sexual behavior disorders;

9 (ii) compulsive gambling, kleptomania or
10 pyromania; *or*

11 (iii) psychoactive substance abuse disorders
12 resulting from the current illegal use of drugs.

13 **2.10. "DISID"** means Department of Integrated Services for
14 Individuals with Disabilities.

15 **2.11. "Door-to-Door"** means service provided from the door of the
16 pick-up location to the door of the drop-off location.

17 **2.12. "Facility"** means all or any portion of buildings, structures,
18 sites, complexes, equipment, roads, walks, passageways, parking lots, or
19 other real or personal property, structure or equipment location.

20 **2.13. "Fixed Route Service"** means a system of transporting
21 individuals, other than by aircraft, including provisions of designated
22 public transportation services by public entities and the provision of
23 transportation service by private entities, including, but *not* limited to,

1 specified public transportation service, on which a vehicle is operated
2 along a prescribed route according to a fixed schedule.

3 2.14. "GMTA" means Guam Mass Transit Authority.

4 2.15. "*Individual with a Disability*" means a person who has a
5 disability, but does *not* include an individual who is currently engaging
6 in the illegal use of drugs, when a public or private entity acts on the
7 basis of such use. "*Individual with a Disability*" shall have the same
8 meaning ascribed to that term in 49 CFR § 37.3, as the same may from
9 time to time be amended.

10 2.16. "*Operates*" includes, with respect to a fixed route or demand
11 responsive system, the provision of transportation service by a public or
12 private entity itself, or by a person under a contractual or other
13 arrangement or relationship with the entity.

14 2.17. "*Other Mobility Aids*" means aids to the ADA paratransit
15 eligible individual's mobility and life support equipment. This includes
16 service animals, respirators, portable oxygen and other life support
17 equipment.

18 2.18. "*Paratransit*" means comparable transportation service
19 required by the ADA for individuals with disabilities who are unable to
20 use fixed route transportation services.

21 2.19. "*Paratransit Service*" means GMTA's accessible demand
22 response service for individuals determined to be ADA paratransit
23 eligible.

1 2.20. "*Passenger*" means any individual other than the operator,
2 who boards a public transit service vehicle. This includes the ADA
3 paratransit eligible Cardholder, Personal Care Attendant, companions,
4 and service animals.

5 2.21. "*Personal Care Attendant*" means someone designated or
6 employed *specifically* to help a Cardholder meet that person's personal
7 needs. A "*companion*," defined above at 2.04, does *not* count as a
8 personal care attendant, *unless* the Cardholder makes use of a personal
9 care attendant, and the companion is actually acting in that capacity.
10 (49 CFR Part 37, § 37.123-5).

11 2.22. "*Private Entity*" means any entity *other* than a public entity.

12 2.23. "*Public Entity*" means:

13 (a) any state or local government;

14 (b) any department, agency, special purpose district,
15 or other instrumentality of one (1) or more state or local
16 governments.

17 2.24. "*Public School Transportation*" means transportation by
18 school bus vehicles of schoolchildren, personnel, and equipment to and
19 from a public elementary or secondary school, and school-related
20 activities.

21 2.25. "*Section 504*" means Section 504 of the Rehabilitation Act of
22 1974, as amended.

23 2.26. "*Service Animal*" shall have the same meaning as ascribed to
24 that term in 49 CFR § 37.3, as the same may from time to time be

1 amended. Further, "*service animal*" means any guide dog, signal dog or
2 other animal individually trained to work or perform tasks for an
3 individual with a disability, alerting individuals with disabilities with
4 impaired hearing to intruders or sounds, providing minimal protection
5 or rescue work, pulling a wheelchair or fetching dropped items.

6 2.27. "*Specified Public Transportation*" means transportation by
7 bus, rail or any other conveyances, other than aircraft, provided by a
8 private entity to the general public, with general or special service,
9 including charter service, on a regular and continuing basis.

10 2.28. "*Subscription Service*" means a service delivered to a
11 Cardholder without calling to book a reservation at *least* fourteen (14)
12 days in advance.

13 2.29. "*Transit System*" includes GMATA and the entity(ies) that
14 provide comprehensive management, operations and maintenance of
15 the Guam Public Transit System.

16 **Section 3. Procedures – Guam Public Transit System.**

17 3.01. GMATA's Guam Public Transit System's ("*GPTS's*") fixed
18 route service operates on established - fixed routes and stops *only* at
19 designated GMATA stops at designated times (Appendix 5). Deviation
20 from established fixed routes are *not* permitted.

21 3.02. GMATA's demand response service:

22 (a) GPTS's Demand Response Service operates on a first-
23 come-first-serve basis. Persons requesting this service must call in
24 advance to reserve a ride (same day reservations only). No

1 advance reservations for the following day's service will be
2 accepted *except* for rides between 6 a.m. and 8:00 a.m.
3 Transportation on this system is strictly from curb-to-nearest fixed
4 route stop.

5 (b) Persons requiring accessible transportation service on
6 GPTS's Demand Response Service must specify this need when
7 requesting for a ride.

8 (c) Subscription Service for GPTS's Demand Response
9 Service is *not* permitted.

10 (d) **No-Show (Missed Trips).** A demand response
11 passenger who is a "no-show" three (3) times in a month may be
12 subject to the suspension of public transit service at the discretion
13 of the General Manager of GMTA. The first such suspension of
14 service shall be for *no longer than* thirty (30) calendar days.
15 Suspensions for violations of this rule after the first suspension
16 shall be for *not more than* one hundred eighty (180) calendar days.
17 Prior to suspending service to any passenger, the General
18 Manager of GMTA or that person's authorized representatives
19 shall send *at least* one (1) written notice warning the passenger
20 that a subsequent failure of the passenger to appear at the
21 scheduled pick-up time will result in a suspension of services.

22 (e) Make reservations for demand response service *at least*
23 two (2) hours in advance. For rides ride between 6 a.m. and 8 a.m.,
24 passengers may make requests *prior to* 5 p.m. the day before the

1 ride. Inform dispatch personnel *if* an accessible vehicle is
2 required.

3 (f) Be at the proper pick-up point at the scheduled time.
4 Allow *at least* ten (10) minutes leeway before and after the
5 scheduled pick-up time to account for possible variations in the
6 operator's schedule.

7 (g) Cancel service *if* the trip is *not* needed. *If* the trip is *not*
8 canceled at *least* one (1) hour before the scheduled pick-up time,
9 the passenger will be considered a "no-show."

10 (h) Provide and use an adequate child auto restraint for
11 any child *less than* forty (40) pounds.

12 (i) Make sure that all sores, wounds, cuts, abrasions, etc.,
13 are properly covered and bandaged.

14 **3.03. Regular Fares (Refer to Appendix 6).**

15 (a) One (1) Ride Pass for One Dollar (\$1.00). Valid for one (1)
16 destination.

17 (b) One (1) Day Pass for Three Dollars (\$3.00). Valid for service
18 on the date circled.

19 (c) One (1) Week Pass for Fifteen Dollars (\$15.00). Valid for the
20 seven (7) day period through date circled.

21 (d) One (1) Month Pass for Fifty-five Dollars (\$55.00). Valid for
22 Thirty (30) day period through date circled.

1 (e) One (1) Year Pass for Five Hundred Fifty Dollars (\$550.00).
2 Valid for Three Hundred Sixty-five (365) day period through date
3 circled.

4 **3.04. Discounted Fares (Appendix 6).** The following special
5 fares shall apply to students and senior citizens Fifty-five (55) years and
6 older. Persons requesting special fares must provide proof of eligibility
7 (e.g., Valid Student I.D. or Senior Citizen Card, as applicable).

8 (a) One (1) Ride Pass for thirty-five cents (\$0.35). Valid for one
9 (1) destination.

10 (b) One (1) Day Pass for One Dollar (\$1.00). Valid for service on
11 the date circled.

12 (c) One Week Pass for Five Dollars (\$5.00). Valid for the seven
13 (7) day period through date circled.

14 (d) One Month Pass for Twenty Dollars (\$20.00). Valid for
15 thirty (30) day period through date circled.

16 (e) One Year Pass for One Hundred Ninety-five Dollars
17 (\$195.00). Valid for three Hundred Sixty-five (365) day period through
18 date circled.

19 **3.05.** There are no credits or extensions for passes *not* utilized
20 during a validation period.

21 **3.06.** Service animals shall ride fare free.

22 **3.07.** Passengers must have readily available for presentation, fare
23 passes, Rider Cards, or exact change *prior* to boarding.

1 **3.08.** Passengers, at their discretion, may pay above fare
2 requirements *if they do not* have exact change (i.e. \$5.00 for \$1.00 fare).
3 *However*, no change shall be returned to the passenger.

4 **3.09. GMTA's Paratransit Service.**

5 (a) Paratransit service is a part of the Guam Public Transit
6 System serving individuals who are paratransit eligible in
7 accordance with the American with Disabilities Act of 1990
8 (ADA); CFR 49, Part 37, Subpart F, § 37.123.

9 (b) Any individual desiring to use paratransit services
10 shall first file an application with GMTA.

11 (c) GMTA shall certify an applicant as ADA Paratransit
12 Eligible for paratransit service. This certification shall be based
13 upon the criteria established in §3.10 below.

14 **3.10. ADA Paratransit Eligibility Criteria.**

15 (a) Any person with a disability who is unable, as a result
16 of a physical or mental impairment and without the assistance of
17 another person, to board or disembark from any public transit bus
18 which is readily accessible to persons with disabilities.

19 (b) Any person with a disability who needs the assistance
20 of a wheelchair lift or other boarding assistance device and is able
21 to board, ride and disembark from any public transit bus which is
22 readily accessible to persons with disabilities *if* the person wants
23 to travel on a route of the public transit system at a time when a

1 public transit bus does *not* provide designated bus service on the
2 route.

3 (1) A person is eligible under this Section with
4 respect to travel on an otherwise accessible route *if* the
5 public transit bus is precluded because the lift cannot be
6 deployed, the lift will be damaged *if* it is deployed, or
7 temporary conditions at the stop, *not* under the control of
8 GMATA, precludes the safe use of the stop by all passengers.

9 (2) A person using a common wheelchair is eligible
10 under this Section *if* the person's wheelchair cannot be
11 accommodated on an existing public transit bus even *if* the
12 public transit bus is accessible to other persons with
13 disabilities and their mobility devices.

14 (c) Any person with a disability who has a specific
15 impairment related condition, which prevents such person from
16 traveling to and from official bus stops on the public transit
17 system.

18 (1) *Only* specific impairment-related conditions,
19 which prevents the person from traveling to and from
20 official bus stops is a basis for eligibility under this Section.
21 A condition which makes traveling to and from official bus
22 stops more difficult for a person with a specific impairment-
23 related condition than for a person who does *not* have the

1 condition, but does *not* prevent travel, is *not* a basis for
2 eligibility under this Section.

3 (2) Architectural barriers *not* under the control of
4 GMTA providing fixed route service and environmental
5 barriers do *not* form a basis for eligibility under this Section.
6 The interaction of such barriers with a person's specific
7 impairment-related condition may form a basis for
8 eligibility, *if* the effect is to prevent the person from traveling
9 to and from official bus stops.

10 **3.11. Application Procedures.**

11 (a) Applications for paratransit service can be obtained
12 through GMTA at the following location:

13 236 East O'Brien Drive
14 Hagåtña, GU 96910
15 Call 671-475-4682
16 671-475-7401 TTY

17 (b) ADA Paratransit Eligibility Determination for
18 paratransit service shall be determined by GMTA in accordance
19 with §§ 3.15 and 4.08 of this part.

20 (c) GMTA's Planning Division shall be responsible for
21 initial and final ADA paratransit eligibility determinations.

22 (d) GMTA shall notify in writing, and other accessible
23 formats as requested, of the initial decision regarding an
24 applicant's eligibility.

25 (e) Applicants will be provided paratransit service on a
26 presumption of eligibility *if* an initial determination is *not* made by

1 GMTA within twenty-one (21) calendar days of the receipt of a
2 completed application. Applicants are also entitled to paratransit
3 service during the twenty-one (21) day application period.

4 (f) Upon eligibility (unconditional or conditional)
5 certification by GMTA, an applicant will be notified in writing and
6 issued a Paratransit Rider Card (Appendix 3).

7 (g) The Paratransit Rider Card shall be effective up
8 through the expiration date shown on the card. Eligibility should
9 be renewed thereafter sixty (60) days *prior* to the expiration of the
10 eligibility term to ensure uninterrupted service. Persons
11 requesting renewal must resubmit a completed ADA paratransit
12 eligibility application to GMTA for approval and re-certification,
13 *unless* such persons can demonstrate that their disability is
14 permanent.

15 (h) A temporary card may be issued to an ADA
16 paratransit eligible person whose disabling condition is *not*
17 expected to remain permanent.

18 (i) Every qualified applicant shall be issued an ADA
19 Paratransit Rider eligibility photo card. The card must have a
20 picture of the rider and the picture must be taken at the GMTA
21 Administration Office. The card is non-transferable and is for the
22 *exclusive* use of the bearer. A fee of Three Dollars (\$3.00) will be
23 charged for the initial issue card. Abuse of the card privilege may
24 be cause for revocation or suspension thereof for a period of *not*

1 longer than twelve (12) months, at the discretion of the General
2 Manager of GMTA.

3 (j) Visitors will be provided Paratransit services, but must
4 comply with application procedures and qualifications set forth
5 herein.

6 (k) Duplicate for lost cards may be issued upon request,
7 but shall be limited to three (3) per year. *If* the Card is lost,
8 destroyed, damaged or stolen, report to GMTA's Administration
9 Office and a replacement card will be issued for the duration left
10 on the original application at a cost of Three Dollars (\$3.00).

11 (l) Any person issued an ADA paratransit rider card,
12 under this Section, who is found guilty of the transfer of or
13 fraudulent use of a pass and rider card, shall be denied the use of
14 the paratransit rider card to ride the public transit for one (1) year
15 from the date of such violation.

16 (m) A Personal Care Attendant ("PCA") for an ADA
17 paratransit eligible Cardholder must be registered with GMTA. A
18 PCA shall pay no fare when accompanying the qualified rider on
19 paratransit. The PCA shall have the same origin and destination
20 as the eligible individual and shall *not* be picked up or dropped off
21 at any location other than that which is the same as the ADA
22 paratransit eligible Cardholder.

23 (n) **Companions.** The ADA requires entities to provide
24 paratransit service to one (1) person accompanying the eligible
25 individual, with others served on a space-available basis. The one

1 (1) individual is guaranteed space on the vehicle and can be
2 anyone – family member, business associate, friend, date, etc.
3 GMATA does require that the eligible individual reserve a space for
4 the companion when the individual reserves that person’s own
5 ride.

6 This one (1) companion rides even if this means that there is
7 less room for other eligible individuals. Additional individuals
8 beyond the first companion may ride *only* on a space-available
9 basis; that is, they do *not* displace other ADA paratransit eligible
10 individuals. *If* there is a Personal Care Attendant on the trip, the
11 eligible individual may still bring a companion, plus additional
12 companions, on a space-available basis. GMATA requires that, in
13 reserving the trip, the eligible individual reserve a space for the
14 attendant. To prevent potential abuse of this provision, the rule
15 provides that a companion (e.g. friend or family member) does *not*
16 count as a Personal Care Attendant *unless* the eligible individual
17 regularly makes use of a Personal Care Attendant and the
18 companion is *actually* acting in that capacity. GMATA requires that
19 an eligible individual indicate whether that person travels with a
20 Personal Care Attendant during the individual’s initial
21 certification process for ADA paratransit eligibility. *If* someone
22 does *not* indicate the use of an attendant, then any individual
23 accompanying that person would be regarded simply as a
24 companion. To be considered as “accompanying” the eligible

1 individual, a companion must have the same origin and
2 destination points as the eligible individual.

3 (o) **Additional Information.** Any application
4 containing insufficient information will be returned to the
5 applicant.

6 **3.12. Appeal.** A person denied ADA paratransit eligibility is
7 notified in writing by GMTA stating the reasons for denial. Within
8 fifteen (15) calendar days of receipt of such notice, or such additional
9 time as may be permitted by GMTA's General Manager, such persons
10 may appeal the decision to the GMTA Grievance and Appeals Board.
11 Paratransit service shall be provided to an application under appeal on
12 a presumption of eligibility *if* a decision on their appeal is *not* made
13 within thirty (30) calendar days of the completion of the appeal process.

14 **Non-transference of Passes, Rider Card, and Penalty.**

15 Any pass or identification card issued by GMTA is *not*
16 transferable and shall *not* be used by any person other than by the
17 person to whom it was issued. Any person issued such pass or
18 rider card based upon false application/certification, or who
19 knowingly permits another to use the Rider Card, or who alters
20 their card shall be penalized by having their eligibility for
21 paratransit services revoked for a period of one (1) year from the
22 date of violation.

23 **3.13. Door-to-door Service.** Paratransit is *not* a door-to-door
24 service, nor is any other GMTA public transportation service.

1 **3.14. Curb-to-Curb Service.** Transportation service provided for
2 paratransit service shall be to and from accessible pick-up and drop off
3 points, which are curbside adjacent to public streets, roadways or any
4 appropriate off-street location. Operators will leave after waiting *at least*
5 five (5) minutes beyond the scheduled pick-up time, or five (5) minutes
6 after they arrive *if* they arrive later than the scheduled pick-up time.

7 **3.15.** ADA paratransit eligible persons described in Section
8 3.02(b) may also be provided service or paratransit feeder service to an
9 accessible fixed route where such service enables the individual to use
10 the fixed route bus service for that person's trip. (Reference 49 CFR §§
11 37.123 (e)(2) & (3)).

12 **3.16.** The following individuals are ADA paratransit eligible:

13 (a) any individual with a disability who is unable, as a
14 result of a physical or mental impairment, including a vision
15 impairment, and without the assistance of another individual,
16 *except* the operator of a wheelchair lift or other boarding assistance
17 devices, to board, ride or disembark from any vehicle on the
18 system which is readily accessible to and usable by individuals
19 with disabilities;

20 (b) any individual with a disability who needs the
21 assistance of a wheelchair lift or other boarding assistance device
22 and is able, with such assistance, to board, ride and disembark
23 from any vehicle which is readily accessible to and usable by
24 individuals with disabilities *if* the individual wants to travel on a

1 route on the system during the hours of operation of the system at
2 a time, or within a reasonable period of such time, which such
3 vehicle is *not* being used to provide designated public
4 transportation on the route;

5 (c) an individual with a disability who has a specific
6 impairment-related condition, which prevents such individual
7 from traveling to a boarding location or from a disembarking
8 location on such system;

9 (d) only a specific impairment-related condition, which
10 prevents the individual from traveling to a boarding location, or
11 from a disembarking location, is a basis for eligibility under this
12 Section. A condition, which makes traveling to boarding location
13 or from a disembarking location more difficult for a person with a
14 specific impairment-related condition than for an individual who
15 does not have the condition, but does *not* prevent the travel, is *not*
16 a basis for eligibility under this Section; *and*

17 (e) architectural barriers *not* under the control of the
18 public entity providing fixed route service and environmental
19 barriers (e.g. distance, terrain, weather) do *not*, standing alone,
20 form a basis for eligibility under this Section. The interaction of
21 such barriers with an individual's specific impairment-related
22 condition may form a basis for eligibility under this Section, *if* the
23 effect is to prevent the individual from traveling to a boarding
24 location or from a disembarking location.

1 **3.17.** Any individual with a disability who has a specific
2 impairment-related condition which prevents such individual from
3 traveling to a boarding location or from a disembarking location is a
4 basis for eligibility under this Service for ADA paratransit eligible
5 persons described above (§ 3.15) may also be provided to an accessible
6 fixed route where such service enables the individual to use the fixed
7 route bus system for that person's trip.

8 **3.18. Fares.** Any person issued a pass/coupon/ticket under
9 these rules and regulations to utilize the paratransit service shall pay a
10 fare of Thirty-five cents (\$0.35) per person per one-way passenger trip.
11 "All-day" passes are available for One Dollar (\$1.00) (Appendix 6).

12 **3.19.** Service Animals shall ride fare free.

13 **3.20.** ADA paratransit Cardholders must present their Rider
14 Card to ride the public transit service at the paratransit fare rates
15 described above in § 3.17.

16 **3.21. Service Request.** Service request must be made to the
17 Contractor at *least* one (1) day and *up to* fourteen (14) days in advance.
18 Reservations must be made the day *prior* (between the hours of 8:00 a.m.
19 to 5:00 p.m.) for the next service day from 6:00 a.m. to 7:30 p.m.,
20 including all holidays. Same day reservations will be accepted on a
21 space available basis only. Facsimile requests are acceptable; *provided*,
22 the sender has given a contact number to confirm the reservation.
23 Service requests may be negotiated by GMTA, but shall *not* require an
24 ADA paratransit eligible individual to schedule a trip to begin more

1 than one (1) hour before, or after the individual's desired departure
2 time.

3 **3.22. Subscription Service.** Subscription service may be
4 provided by the Contractor; *provided*, the Cardholder meets the
5 qualification criteria set forth below:

6 (a) trip purpose shall be *exclusively* for medical, school,
7 training, day care, and/or work;

8 (b) there shall be *no more than* one (1) PCA or companion
9 to accompany a Cardholder (A PCA and a companion both cannot
10 ride as a subscription); and

11 (c) a Cardholder requesting subscription service shall *not*
12 be prevented from requesting non-subscription service otherwise
13 specified in these rules.

14 **3.23. Requesting and Canceling Service.** *If* a Cardholder is
15 unable to request and/or cancel service due to that person's disability,
16 an individual responsible for the Cardholder or a sponsoring agency
17 may do so on behalf of the Cardholder by providing trip information
18 and the ADA Paratransit Rider Card number. Facsimile requests are
19 accepted; *provided*, requestor has a contact number.

20 **3.24. PCA or Companion.**

21 (a) *If* the qualified and registered health care professional
22 has specified that the Cardholder requires a "Personal Care
23 Attendant" said Personal Care Attendant is *not* considered a
24 companion and shall pay no fare. *If* the health care professional

1 has specified that the Cardholder requires a "travel" attendant,
2 said Cardholder must be accompanied by the "travel" attendant
3 when riding. A travel attendant is *not* considered a companion
4 and shall pay no fare.

5 (b) A Cardholder is permitted to have one (1) companion
6 to ride with the Cardholder. Said companion is considered a
7 passenger and must pay the prevailing fare, (*not* the discounted
8 fares). More than one (1) companion may be accommodated on a
9 space-available basis *only*. Each companion shall pay the
10 prevailing fare.

11 (c) A Personal Care Attendant, travel attendant, and/or
12 companion shall enter and exit the vehicle at the same location as
13 the Cardholder.

14 3.25. Destination (Arrival Point).

15 (a) The Contractor is responsible for the safe curb-to-curb
16 transportation of the passenger. The Contractor does *not* provide
17 door-to-door service.

18 (b) Any Cardholder who is unable to care for oneself due
19 to a physical or mental disability shall be met by a responsible
20 individual upon arrival at the destination. *If* no such individual is
21 available, the Operator shall notify dispatch for instructions. The
22 Operator shall prepare an incident report recording the date and
23 time of the incident as well as the Cardholder name and drop-off

1 address. This incident shall be deemed a misconduct and subject
2 to § 4.02(g) of these rules.

3 **3.26. Passenger Responsibility.**

4 (a) Make reservations for service *at least* one (1) day in
5 advance, between the hours of 8:00 a.m. and 5:00 p.m. Inform
6 dispatch *if* you are to be accompanied by a Personal Care
7 Attendant and / or companion.

8 (b) Be at the proper pick-up point at the scheduled time.
9 Allow *at least* ten (10) minutes leeway before and after the
10 scheduled pick-up time to account for possible variations in the
11 Operator's schedule.

12 (c) Cancel reservations *if* the trip is *not* needed. *If* the trip
13 is *not* canceled *at least* one (1) hour before the scheduled pick-up
14 time, the Cardholder will be considered a "no-show".

15 (d) Display the Cardholder's ADA Paratransit Rider Card
16 at the pick-up point. Passengers without their card may *not* be
17 allowed to ride in the vehicle. *If* a passenger is unable to assume
18 this responsibility and is *not* traveling with a Personal Care
19 Attendant or companion, it shall be the responsibility of the
20 person who arranged the trip to display the passenger's Rider
21 Card to the operator.

22 (e) Provide industry-approved seat belts for wheelchairs
23 and to assure that such seat belts are fastened *prior* to boarding the

1 wheelchair lift. Wheelchair securement (tie-downs) devices will
2 be provided by the Contractor and secured by the Operator.

3 (f) Provide and use an adequate child auto restraint for
4 any child *less than* forty (40) pounds.

5 (g) Have a travel attendant accompany the Cardholder at
6 all times, *if* required by the Cardholder's health care professional.

7 (h) Make sure that all sores, wounds, cuts, abrasions, etc.,
8 are properly covered and bandaged.

9 **3.27. Operator Responsibility.** The responsibilities of the
10 Paratransit service operator shall be as follows:

11 (a) to assist all passengers while boarding or
12 disembarking;

13 (b) to ensure that all wheelchairs and other mobility aids
14 are secured and attached to the vehicle;

15 (c) for safety purposes, to inspect and assure that all
16 passengers are properly secured by means of seat belts, harnesses,
17 and / or other restraining devices before the vehicle is put into
18 motion;

19 (d) to assist passengers who are unable to fasten
20 restraining devices due to a disability;

21 (e) to report all cases of misconduct, in writing, to GMTA;
22 *and*

23 (f) maintain a one-hundred percent (100%) trip
24 completion level and a ninety-five percent (95%) on-time
25 performance. Ratio shall be based upon arrival and departure

1 times specified by a trip schedule. A bus will be considered on
2 time *if* it arrives on/or within ten (10) minutes *before* a scheduled
3 time, or departs on/or within ten (10) minutes of a scheduled
4 time. A bus arriving earlier than ten (10) minutes of a scheduled
5 time, or departing *more than* ten (10) minutes after a scheduled
6 time is considered "late." *If* this provision of the rules is in conflict
7 with the contract between a service provider and GMTA, the
8 contractor shall be held to the higher standard.

9 **3.28. No-Shows (Missed Trips).**

10 (a) A Cardholder who is a "no-show" three (3) or more
11 times in a month may be subject to the suspension of paratransit
12 service to that person at the discretion of the General Manager of
13 GMTA. The first such suspension of paratransit service shall be
14 for *no longer than* thirty (30) days. Suspensions for violations of
15 this rule after the first suspension shall be for *not* more than one
16 hundred eighty (180) calendar days.

17 (b) *Prior* to suspending service to any Cardholder, the
18 General Manager of GMTA or that person's authorized
19 representatives shall send *at least* one (1) written notice warning
20 the Cardholder that a subsequent failure of the Cardholder to
21 appear at the scheduled time will result in suspension.

22 **3.29. Restraining and Safety Devices.**

23 (a) Passengers who refuse to use or allow to be used
24 wheelchair tie-down, or other restraining and safety devices as

1 required for their safety and the safety of others while the vehicle
2 is in motion, shall *not* be allowed to ride in paratransit service
3 vehicles.

4 (b) Wheelchair passengers must ensure that their
5 wheelchairs are equipped with a seat belt or shoulder restraining
6 device. Passengers with wheelchairs, which are *not* equipped
7 with personal restraints, will be denied service.

8 (c) Passengers with wheelchairs shall ride *only* at
9 designated securement locations in the vehicle, where such
10 locations exists.

11 (d) When an occupied wheelchair is secured in accordance
12 with the manufacturer's instructions, the securement system shall
13 limit the movement of the occupied wheelchair to *no more than*
14 two (2) inches in any direction while the vehicle is operating.

15 **Section 4. Activities and/or Conditions Prohibited on Guam's Public**
16 **Transit System.**

17 4.01. It shall be a violation of this Section for a person, who is
18 doing or has done any of the following activities on a public transit
19 vehicle, to either refuse or fail to *immediately* cease and desist from doing
20 any of the following activities *after* being requested to do so by the
21 operator, another agent of the transit system or a police officer:

22 (a) consuming any form of food or beverage, or carrying
23 or possessing any food, beverage in a container other than a
24 container that is tightly closed, covered or packaged so to

1 minimize the possibility of accidental spillage when the container
2 is shaken or dropped; *provided*, that nothing contained in this
3 Section shall be construed as prohibiting the carrying or
4 possession of groceries in a suitable bag or other containers;

5 (b) using or playing any television, radio, recording
6 playback device, musical instrument or other sound-producing
7 device, *unless* the device is connected to a headphone or earphone
8 which limits the sound to the individual user. Nothing contained
9 in this Section shall be construed as prohibiting the operator of the
10 bus or vehicle from using or playing such devices for official
11 business, or as prohibiting the use of personally-owned
12 telephones and pagers;

13 (c) carrying or possessing any live animals, *except* a
14 service animal properly harnessed and accompanied by the
15 individual with a disability owning the service animal, or to
16 whom the service animal has been furnished, and *except* for small
17 animals properly kept in enclosed containers. (This Section shall
18 *not* be construed as prohibiting a police officer from carrying or
19 possessing an animal used for law enforcement purpose.);

20 (d) discarding, disposing of, placing, throwing, or
21 dropping any litter, in or from the bus or vehicle, *except* into
22 receptacles designated for that purpose;

23 (e) failing or refusing to vacate seats designated as
24 priority seating for elderly or persons with disabilities, or the fold-

1 down or other moveable seat area designated for wheelchair
2 securement, when requested to do so by the operator, any other
3 agent of the transit system, or a police officer; *provided*, that
4 nothing contained in this Section shall be construed as requiring
5 other elderly or disabled passenger to vacate seats designated as
6 priority seating for elderly or disabled passengers; and further
7 provided, that nothing contained in this Section shall be construed
8 as requiring the operator or other agent of the transit system to
9 enforce a request that other passengers move from a priority
10 seating area or wheelchair securement area;

11 (f) carrying or possessing any flammable, combustible,
12 explosive, corrosive, or highly toxic liquid or other substance,
13 article or material which is likely to cause harm to others or to
14 emit any foul noxious dust, mist, fume, gas, vapor, or odor;
15 *provided*, that nothing contained in this Section shall be construed
16 as prohibiting a person from carrying or possessing any match or
17 any cigar, or pipe lighter, which is *not* lighted or smoldering;

18 (g) spitting, expectorating, urinating or defecating in, on
19 or from the bus or vehicle; *provided*, that nothing contained in this
20 Section shall be construed as applying to any person who cannot
21 comply with this Subdivision as a result of a disability, age or a
22 medical condition;

23 (h) obstructing, impeding, hindering, interfering with or
24 otherwise disrupting the safe and efficient operation of the bus or

1 vehicle, or any operator or other agent of the transit system in the
2 performance of that individual's official duties;

3 (i) defacing or causing property damage to bus or vehicle;

4 (j) causing physical and/or emotional harm to
5 passengers in the bus or vehicle;

6 (k) boarding the bus through the rear exit door, *unless*
7 directed to do so by the operator, any agent of the transit system,
8 or a police officer; *or*

9 (l) opening the emergency exit door or any emergency
10 exit window.

11 **4.02.** When boarding a public transit bus or vehicle:

12 (a) Knowingly failing or refusing to pay the applicable
13 fare for transportation on the bus or vehicle, in cash,
14 coupon/ticket, or in the required manner.

15 (b) Presenting a pass, transfer, badge, or other fare
16 medium for transportation on such bus or vehicle, when the
17 person presenting such fare medium knows it has not been
18 provided, authorized, or sold by or for the transit system, or
19 knows that the pass, transfer, badge, or other fare medium is *not*
20 valid for the place, time and manner in which it is presented, or
21 knows that presentation of the pass, transfer, badge, or other fare
22 medium violated a restriction on the transfer or use of such fare
23 medium imposed by GMATA's rules and regulations.

1 (c) The operator of any public transit service vehicle, or
2 any other agent of the transit system, or any police officer may
3 refuse to allow any person to board the bus or vehicle:

4 (1) when the passenger appears to be intoxicated on
5 liquor or drugs;

6 (2) when the person is engaged in activities that, *if*
7 such activities occurred in the bus or vehicle, would violate
8 the provisions of § 5.01 *if* conducted in violation of the
9 request of the operator, agent or police officer;

10 (3) when the person is engaged in activities that, *if*
11 such activities occurred in the bus or vehicle, would violate
12 any other law; *or*

13 (4) when it appears that the person intends to
14 engage in any of the activities referred to in § 4.01(b) or
15 4.01(c) in the bus or vehicle.

16 (d) In addition, the operator of any public transit service
17 vehicle or any other agent of the transit system may refuse to
18 transport any such person who has already boarded the bus or
19 vehicle; and the operator, agent or any police officer may cause
20 such person to be ejected from the bus or vehicle. It shall be a
21 violation of this Section for a person to board a public transit
22 service vehicle *after* being requested not to do so by the operator,
23 another agent of the transit system or police officer for the reasons
24 specified in this Subsection, or for a person to refuse or fail to

1 *immediately* exit a public transit bus or vehicle when requested by
2 the operator, another agent of the transit system, or a police officer
3 to do so for any of the reasons specified in this Section.

4 (e) No person shall remove or deface signs required to be
5 erected by or under the authority of this Article.

6 (f) No person shall throw or place hot burning substances
7 or objects, such as cigars, cigarettes or the contents of a burning
8 pipe in, upon or in close proximity to any object or structure in a
9 public transit service vehicle, which is combustible or liable to
10 damage by heat, fire or explosion.

11 (g) **Misconduct.**

12 (1) Any passenger who, after being warned by
13 the operator, repeatedly misbehaves or who is
14 considered offensive to others, or is a threat to others,
15 may be denied public transit services.

16 (2) The Contractor shall report incidents of
17 misconduct, in writing, to the General Manager of
18 GMTA *no later than* three (3) calendar days from the
19 date of incident. After reviewing the report provided
20 on the incident, the General Manager, or that person's
21 authorized representative, shall take appropriate
22 action as deemed necessary, including but *not* limited
23 to:

24 (i) providing an oral or written warning
25 that suspension of services pursuant to these

1 regulations may be imposed *if* such misconduct
2 is repeated; *or*

3 (ii) suspending public transit services
4 pursuant to these regulations.

5 **Section 5. Penalty.**

6 **5.01.** Any person, found by an operator of a public transit
7 vehicle, agent of the transit system, or by a police officer, violating § 4 of
8 these rules and regulations, shall be subject to the following:

9 (a) suspension of public transit services for a period of ten
10 (10) calendar days for offenses of §§ 4.01(a) – (d);

11 (b) suspension of public transit services for a period of
12 thirty (30) calendar days for second offenses of §§ 4.01(a) – (d);

13 (c) suspension of public transit services for a period of
14 one hundred eighty (180) days for more than two (2) offenses of §§
15 4.01(a) – (d), and for offenses of §§ 4.01(e) – (g); *and*

16 (d) suspension of public transit services for a period of
17 three hundred sixty-five (365) days for more than two (2) offenses
18 of §§ 4.01(e) – (i), and 4.02(a) – (f).

19 **5.02. Extreme Misconduct.**

20 (a) *Except* as otherwise provided, the Contractor may
21 deny public service to any Cardholder or passenger when the
22 Cardholder or passenger caused, or may cause, an immediate
23 danger or harm to other passengers or the operator. The

1 Contractor shall notify the GMTA General Manager immediately,
2 in writing, when such action is taken.

3 (b) The GMTA General Manager shall thereafter conduct
4 an investigation and determine whether probable cause exists to
5 *immediately* suspend public transit service to the Cardholder or
6 passenger.

7 (c) The passenger or Cardholder may appeal the General
8 Manager's decision by filing an application for appeal with
9 GMTA's Grievance and Appeals Board.

10 **Section 6. Suspension of Service.** Service to a Cardholder or
11 passenger may be suspended for a period of *not* longer than three hundred
12 sixty-five (365) days at the discretion of the General Manager of GMTA, his or
13 her designee, or the GMTA Grievance and Appeals Board for any violation of
14 these rules or regulations, or any other law or rule relative to the public transit
15 service program or the use thereof. Suspension of service(s) shall be stayed
16 pending prior written notice to the offender. Notice of suspension of
17 service(s) shall be issued fifteen (15) calendar days *prior* to the effective date of
18 the suspension.

19 **6.01.** *Prior* to the suspension of services, GMTA shall ensure that
20 the following procedures are followed (Appendix 7):

21 (a) notify the individual in writing that GMTA proposes
22 to suspend service, citing with specificity the basis of the proposed
23 sanctions and setting forth the proposed sanction;

1 (b) provide the individual an opportunity to be heard and
2 to present information and arguments; *and*

3 (c) provide the individual with written notification of the
4 decision and the reasons for it.

5 6.02. The appeals process of § 7 is available to an individual on
6 whom sanction have been imposed under this Section. The sanction is
7 stayed pending the outcome of the appeal.

8 **Section 7. Appeals.**

9 7.01. Written notice of a revocation or suspension indicating the
10 reason(s) for the suspension shall be given to any Cardholder or
11 passenger whose service or Rider Card has been suspended or revoked
12 *at least* fifteen (15) calendar days *prior* to the effective day of the
13 revocation or suspension.

14 7.02. Such Cardholder or passenger may file, appeal and request
15 a hearing within fifteen (15) calendar days from the issuance and
16 delivery (date delivered or mailed) of notice (suspension/revocation), or
17 such additional time as may be permitted by the General Manager. The
18 request for a hearing to appeal the suspension or revocation shall be
19 made in writing and addressed to the GMTA Grievance and Appeals
20 Board at 236 East O'Brien Drive, Hagåtña, GU 96910.

21 7.03. Within fifteen (15) working days from the filing of such
22 notice of appeal, the GMTA Grievance and Appeals Board shall conduct
23 a hearing at which time the appellant shall be entitled to be heard in
24 person, or through counsel, and shall be given a full and fair

1 opportunity to present any fact showing the reason why the suspension
2 or revocation was in error.

3 7.04. The requirements of § 7.03 are subject to the establishment
4 of a quorum by the Appeals and Review Board.

5 7.05. The GMTA Grievance and Appeals Board shall have the
6 power to affirm, reverse or modify the decision of the General Manager
7 based upon findings of facts. This decision shall be the final decision of
8 GMTA. All findings of fact and conclusions of law, and decisions and
9 orders of the General Manager or GMTA Grievance and Appeals Board
10 shall be in written form, kept on file for a period of two (2) years and
11 open to public inspection.

12 7.06. A copy of the Board's findings and decision shall be
13 forwarded to the appellant *no later than* five (5) working days after the
14 hearing of an appeal.

15 7.07. The provisions of this Article shall in no way limit the
16 provisions of any other Federal or local law, or rule.

17 **Section 8. Emergency Service.** The purpose of GMTA's service is
18 *solely* to provide public transportation. The public transit service shall *not*
19 provide ambulance-type, emergency service for a Cardholder, PCA's or other
20 passengers requiring *immediate* medical attention.

21 **Section 9. Steps for Filing a Complaint.**

22 9.01. All verbal and written complaints shall be direct to GMTA's
23 Ombudsperson. This shall include all complaints received by GMTA's

1 contractor for the Guam Public Transit System. Written complaints
2 shall be addressed to the following:

3 Guam Mass Transit Authority

4 ATTN: Ombudsperson

5 236 East O'Brien Drive

6 Hagåtñā, Guam 96910

7 9.02. GMTA's Ombudsperson shall address complaints within
8 three (3) working days from the date a complaint is received. Should
9 additional time be needed to resolve a complaint, GMTA's
10 Ombudsperson shall notify the complainant of such. This extension
11 shall *not* exceed two (2) working days.

12 9.03. All complaints should be specific as to the exact date, time,
13 place, and a full description and sequence of events of the alleged
14 incident or violation of GMTA's Rules and Regulations (Appendix 1).
15 Include the names, *if known*, of any GMTA or GMTA contract employee
16 involved, as well as the names of any person witnessing the event.

17 9.04. A written determination as to the validity of the complaint
18 and a description of the resolution, *if any*, shall be issued by the
19 Ombudsperson and forwarded to the complainant *no later than* three (3)
20 working days after its filing.

21 9.05. The right to a prompt and equitable resolution of a
22 complaint filed hereunder shall *not* impair a person's pursuit of other
23 remedies (e.g. local and Federal entities). Utilization of this grievance
24 procedure is *not* a prerequisite to the pursuit of other remedies.

1 **Section 10. Bundles and Personal Articles.**

2 **10.01.** Any bundle or personal article that can be stored under a
3 passenger's seat or on a passenger's lap without interfering with the
4 comfort or endangering the safety of other passengers shall be allowed
5 on board public transit service vehicles. Passengers in possession of
6 bundles or personal articles that cannot be stored as indicated above
7 shall be denied entry to public transit service vehicles by the operator.

8 **10.02.** The General Manager of GMATA shall from time to time
9 grant waivers to this rule in the event a passenger demonstrates
10 qualified public purpose. The Contractor will inform the General
11 Manager in writing of such requests for waivers, confirm the
12 availability of space on the transit vehicle(s) and any operational
13 impacts this request may create.

14 **10.03.** It shall be the passenger's sole responsibility to remove
15 personal bundles and articles. Such removal of personal effects shall *not*
16 take longer than five (5) minutes so as not to detain other passengers
17 longer than necessary, or otherwise interfere with normal operations.

18 **Section 11. Lost and Found.** Articles found left behind on the
19 public transit vehicle will be turned into the Operations Manager. Articles
20 will be held for forty-five (45) calendar days. All items left unclaimed will be
21 donated to Goodwill Industries of Guam, Inc.'s Thrift Shop. *If you discover*
22 *you have left any item(s) on a bus, please call the Dispatch Office at 671-*
23 *475-7433 on the same day of the loss. If you discover your loss after the day*

- 1 you rode the bus, you should contact the Operations Manager at 671-475-4613
- 2 voice or 671-475-7401(TTY).

PUBLIC TRANSIT CONSUMER COMPLAINT FORM

DATE and TIME: _____

CONTROL NUMBER: _____

All complaints are forwarded to GMTA's Ombudsperson and coordinated with GMTA's Contract Administrator.
All complaints shall be resolved within 72 hours and the Complainant notified of resolution.

PART I - Complainant Information	
Name: _____ Source: Phone () Personal Visit () Mail () Other ()	Mailing Address: _____ Contact Number: _____
PART II - Nature of Complaint	
_____ _____ _____ _____ _____ _____ _____	
Name of Person Taking Complaint: _____	
PART III - Operational Information	
Date/Time of Incident: _____ Service Component: GMTA Admin () Paratransit () Fixed Route () Demand Response () Other ()	Vehicle License No. and Route: _____ Driver's Name: _____ Date/Time Reported to Contractor and Acknowledgment: _____
PART IV - Findings and Course of Action Taken	
<u>Findings</u>	<u>Course of Action Taken</u>
_____ _____ _____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____ _____ _____
PART V - Status	
Complaint Resolved ()	Complaint Forwarded to GMTA Appeals Committee ()

**ADA
PARATRANSIT**

**GUAM MASS
TRANSIT AUTHORITY**

**GUAM PUBLIC TRANSIT
SYSTEM ADA
PARATRANSIT
APPLICATION FORM**

In compliance with the Americans with Disabilities Act of 1990 (ADA), the Guam Mass Transit Authority (GMTA) provides "paratransit" service to anyone with a disability who cannot use the standard Guam Public Transit Service buses. The Guam Paratransit Service is intended only for those trips that the person cannot make on the Guam Public Transit Service. This application form is intended to determine when and under what circumstances the applicant can use the Guam Paratransit Service and when paratransit service is required. Before completing this application form, please read the enclosed letter which describes eligibility for ADA paratransit service in more detail.

INSTRUCTIONS FOR COMPLETING THIS FORM:

Be sure to read the enclosed letter before you complete this form.

The applicant (or someone assisting them) must complete PARTS 1-6. A Guam licensed physician must complete and sign the MEDICAL VERIFICATION section.

All questions must be answered. Incomplete forms will be returned.

Copies of this form are available in large print and other accessible format upon request.

If you have any questions or need assistance completing this form, call GMTA ADA Paratransit Eligibility Coordinator at 671-475-4682 (Voice), 671-475-7401 (TTY), or 671-475-4600 (Facsimile).

WHEN COMPLETED, PLEASE RETURN THE ENTIRE FORM TO:

**Guam Mass Transit Authority
ATTN: ADA Eligibility Coordinator
236 East O'Brien Dr.
Hagatna, GU 96910**

Dear Customer:

Thank you for inquiring about applying to be eligible for our "ADA Paratransit" service. Enclosed is a copy of an "ADA Paratransit Application Form". *Please read this and the enclosed material carefully before completing the application form.*

"ADA Paratransit" service is provided by the Guam Mass Transit Authority (GMTA) to individuals who, because of a **disability**, are **prevented** from using our standard Guam Public Transit Service (Fixed Route and Demand Response Services). This might include not being able to get to or from bus stops, not being able to get on or off buses, or not being able to understand how to ride and use the system.

GMTA will provide paratransit service to persons determined "ADA Paratransit Eligible" for those trips that cannot be made using the Guam Public Transit Service. You may, for example, be able to use the Guam Public Transit Service for some trips if stops are nearby and there are no barriers which prevent you from getting to and from the bus. At other times, you might not be able to get to and use the bus. ADA paratransit service is meant to assist you at these times.

There are two (2) types of ADA paratransit eligibility. These are:

- **Unconditional** - this eligibility is granted if your disability prevents you from using the Guam Public Transit Service for any trips that you might need to make.
- **Conditional** - this eligibility is granted if you can use the Guam Public Transit Service buses under certain circumstances, but need Guam Paratransit Service for certain trips.

To enable us to accurately determine your eligibility for this service, please fill out the enclosed application form as **completely and thoroughly as possible**. The questions are meant to determine the specific limitations you have in using the Guam Public Transit Service. They are also meant to determine **when and under what circumstances you can use the Guam Public Transit Service buses or when the Guam Paratransit Service is required**.

After you have completed Parts 1-6, please have a Guam licensed physician complete the last page. It is important that all section of the application form are complete. **If any sections are left blank, the form will be returned to you.**

Information about your disability which you provide in the application will be kept strictly confidential.

If you need assistance in completing the form, or have questions about ADA service and eligibility, please feel free to call our office at:

671-475-4682 (Voice)
671-475-7401 (TTY)
671-475-4600 (Facsimile)

Material is also available in large print, and can be provided in another format if needed. Just call and let us know the format you require.

Complete applications will be processed within twenty-one (21) calendar days of receipt. You will be notified by letter of your eligibility for ADA service. If you have not heard from us in twenty-one (21) calendar days, please call and we will provide you with paratransit service until your application is processed. Please note that in some instances, we may not be able to determine your eligibility without further information. In this case, we may ask you to schedule an in-person assessment with a local rehabilitation center to allow us to better understand your disability and transportation needs. Transportation to the center and all cost associated with the assessment will be covered by GMTA.

If you are determined to be eligible for ADA service (either unconditional or conditional), a "Rider's Guide", which provides information about the service and how to use it will be sent to you. We will also arrange a time for a photo to be taken for your ADA paratransit "Rider Card".

If it is determined that you are able to use the Guam Public Transit Service and therefore are not eligible for Guam Paratransit Service, we will notify you in writing of the exact reasons for this determination. An opportunity to appeal this decision in person will also be provided.

Sincerely,

GENERAL MANAGER
Guam Mass Transit Authority

Information about your disability which you provide in the application will be kept **strictly confidential**.

If you need assistance in completing the form, or have questions about ADA service and eligibility, please feel free to contact our office at:

671-475-4682 (Voice)
671-475-7401 (TTY)
671-475-4600 (Facsimile)

Material is also available in large print, and can be provided in another format if needed. Just call and let us know the format you require.

Complete applications will be processed within twenty-one (21) calendar days of receipt. You will be notified by letter of your eligibility for ADA service. If you have not heard from us in twenty-one (21) calendar days, please call and we will provide you with paratransit service until your application is processed. Please note that in some instances, we may not be able to determine your eligibility without further information. In this case, we may ask you to schedule an in-person assessment with a local rehabilitation center (i.e., Guam Vocational Rehabilitation Center) to allow us to better understand your disability and transportation needs. Transportation to the center and all cost associated with the assessment will be covered by GMTA.

If you are determined to be eligible for ADA service (either unconditional or conditional), a "Rider's Guide", which provides information about the service and how to use it will be sent to you at the address provided in your application. We will also arrange a time for a photo to be taken for your ADA paratransit "Rider Card" at GMTA's Administration Office.

If it is determined that you are able to use the Guam Public Transit Service and therefore are not eligible for Guam Paratransit Service, we will notify you in writing of the exact reasons for this determination. An opportunity to appeal this decision in person will also be provided.

Sincerely,

GENERAL MANAGER
Guam Mass Transit Authority

Last Name: _____ First Name: _____ MI: _____
Mailing Address: _____ Zip Code: _____
Home Address: _____ Apt./Bldg. No.: _____
Telephone No.: (Home) _____ (Work) _____
Social Security No.: _____

If someone assisted you in completing this form, please identify them below:

Name: _____ Phone: _____

Do you need to have information and material given to you in any of the following ways (check all that you need):

Large Print Audio Tape Braille Other: _____

Please give us the name and telephone number of someone we can call in an emergency.

Name: _____ Phone No.: _____

Relationship: _____

PART 2. APPLICANT CERTIFICATION
--

Please indicate below the reason(s) why you are seeking ADA paratransit eligibility (check all that apply):

- I can use the Guam Public Transit Service (Fixed and Demand Response) to go some place, but in other places I cannot get to or from the bus stop.
- I can use the Guam Public Transit Service sometimes, but only if they are equipped with wheelchair lifts.
- Because of my disability, I can never use the Guam Public Transit Service.

I understand that the purpose of this evaluation form is to determine if there are times when I cannot use the Guam Public Transit Service provided by GMTA and must therefore use the Guam Paratransit Service. I understand that the information about my disability contained in this application will be kept confidential and shared only with professionals involved in evaluating my eligibility. I certify that, to the best of my knowledge, the information in this evaluation form is true and correct. I understand that providing false or misleading information could result in my eligibility status being re-examined as well as other actions by GMTA.

Applicant's Signature: _____ Date: _____

1. What type or types of disabilities prevent you from using the Guam Public Transit Service (Fixed Route or Demand Response - Check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Physical Disability | <input type="checkbox"/> Visual Impairment/Blindness |
| <input type="checkbox"/> Developmental Disability | <input type="checkbox"/> Mental Illness |
| <input type="checkbox"/> Other | <input type="checkbox"/> None |

Please describe your disability in more detail: _____

2. Is the disability described above temporary or permanent?

- Temporary, I expect it to last for another _____ months.
- Permanent
- Controlled with medication.
- I don't know.

3. Please indicate below if you use any of the following mobility aids or equipment.

- | | | |
|--|--|---|
| <input type="checkbox"/> Cane | <input type="checkbox"/> Long White Cane | <input type="checkbox"/> Leg Braces |
| <input type="checkbox"/> Crutches | <input type="checkbox"/> Walker | <input type="checkbox"/> Picture Board |
| <input type="checkbox"/> Alphabet Board | <input type="checkbox"/> Manual Wheelchair | <input type="checkbox"/> Powered Wheelchair |
| <input type="checkbox"/> Powered Scooter | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Service Animal (describe): _____ | | |
| <input type="checkbox"/> I don't use any of the above aids or equipment. | | |

Note: We may not be able to accommodate you if your wheelchair/scooter is longer than 48" or wider than 32" or if your total weight with your wheel chair is more than 600 pounds.

4. Do you require the assistance of a Personal Care Attendant (someone who assists you with daily life functions)?

- YES, I need assistance when I travel with:
 - Mobility
 - Reading
 - Eating
 - Transfers
 - Medication
 - Other _____
- No

TRANSIT SERVICE

5. **Have you ever used the Guam Public Transit Service?**

- YES, I typically use the Guam Public Transit Service _____ times a week.
- YES, I used to but stopped because _____.
- NO

6. **Is there something that might help you ride the buses (check all that apply)?**

- YES, route and schedule information.
- YES, learning to use the buses.
- YES, Being able to get buses with lifts.
- Yes, a communication aid.
- YES, if bus stops were closer to where I live and where I need to go.
- YES, (describe): _____.
- NO, none of these would help.

7. **Can you ask for and follow written or oral instructions to use the Guam Public Transit Service?**

- YES
- NO
- SOMETIMES
- I don't know because I have never tried to use the buses.

If NO or SOMETIMES, please check all that apply:

- I get too confused and might get lost.
- Other people cannot understand me.
- I probably could with instruction.
- Other: _____

8. **Are you able to get to and from bus stops on your own?**

- YES
- NO
- SOMETIMES
- I don't know because I have never tried.

If NO or SOMETIMES, please check all that apply:



- I can't get places if there are no curb-cuts.
- I can't if the street or sidewalk is too steep.
- I cannot cross busy street & intersection.
- I cannot travel outside when it is too hot.
- I can't find my way at night because of a vision problem.
- I get confused and cannot find my way.
- I probably could with instruction.
- I feel unsafe traveling alone.
- Other: _____

- I cannot travel outside my house/apartment.
- I can get to the curb in front of my house/apartment.
- I can travel up to three (3) blocks (1/4 mile).
- I can travel up to six (6) blocks (1/2 mile).
- I can travel up to nine (9) blocks (3/4 mile).

10. Can you wait up to thirty (30) minutes for a Guam Public Transit Service bus as a bus stop?

- YES
 - Yes, but only if the stop has a bench and shelter.
 - YES, but I don't lie to wait that long.
 - NO (explain): _____
-



11. Can you get on and off a Guam Public Transit Service bus?

- YES
- NO 
- SOMETIMES 
- I don't know because I have never tried.

If NO or SOMETIMES, please check all that apply:

- Only if the bus has a wheelchair lift.
- I cannot climb the stairs.
- I don't want to use the lift.
- I probably could with instruction.
- Other: _____

12. If you are able to get on and off the Guam Public Transit Service buses, can you get to a seat or wheelchair position by yourself and ride the bus?

- YES
- NO 
- SOMETIMES 
- I don't know because I have never tried.

If NO or SOMETIMES, please check all that apply:

- I need someone to help me.
- I have a balance problem.
- I have trouble finding a seat.
- I need the seat nearest the door.
- Other: _____

amendment. But when a question is *not* debatable, an amendment to that question is *not* debatable.

Section 9.03.03. Debate Confined. Debate must be confined to the question before the Body, and debate on a bill is confined to the bill under consideration, and does *not* extend to criticism of other bills before *I Liheslaturan Guahan* or in committee, even though they relate to the same subject.

Section 9.03.04. Calls to Order. A Member who resorts to persistent irrelevance, or to persistent repetition after the attention of *I Liheslaturan Guahan* has been called to the matter, may be directed to discontinue that Member's speech by the Presiding Officer.

Section 9.03.05. Debate on Non-Reported Bills. It is out of order to refer in debate to a bill or other matter *not* yet reported by a Committee. Neither is it in order to refer to proceedings of a Committee, *unless* the Committee has formally reported its proceedings to the House.

Section 9.03.06. Amendment to Main Question. When a question is under debate and an amendment is proposed, the amendment then becomes the question under consideration. When an amendment is pending, the debate must be confined to the merits of the amendment, *unless* it is of such a nature that its decision practically decides the Main Question.

Section 9.03.07. Division. When a question has been divided, general discussion continues on the first division, but brief debate should be permitted on the remaining divisions.

Votes Required.

Section 9.04. *Unless* otherwise required by the laws of Guam or under these Rules, any action(s) which can be taken by *I Liheslaturan Guahan* requires an affirmative vote of eight (8) Members.

Articles will be held for 45 calendar days. All items left unclaimed will be donated to Goodwill Industries of Guam, Inc.'s Thrift Shop. If you discover you have left any item(s) on a bus, please call the Dispatch office at 671-475-7433 on the same day of the loss. If you discover your loss after the day you rode the bus, you should contact the Operations Manager at 671-475-4613 voice or 671-475-7401(TTY).

Addressing *I Liheslaturan Guåhan*.

Section 9.02. When a Senator desires to address *I Liheslaturan Guåhan* the Member shall raise that Member's hand. When the Speaker recognizes the Member by calling the Member by name or by indicating that he is recognized, the Member is entitled to the Floor and may address *I Liheslaturan Guåhan*. Members shall be recognized in the order in which they raise their hands, *except* for the Majority Leader, who may be recognized ahead of others for purposes of making procedural motions.

Speaking in Debates.

Section 9.03. A Member has a right to speak only once for a period *not* to exceed fifteen (15) minutes on a question, at the same stage of procedure, on the same day or even on another day, if the debate be adjourned or recessed. However, a Member who has made a motion or amendment shall be permitted to close the debate as final speaker, speaking in closing for *not more* than ten (10) minutes. Time to speak may *not* be yielded from more than one (1) Member to another. A Member who yields that Member's time on a question yields all that Member's time on that question, and may *not* later speak, even if all the time yielded was *not* used.

The Speaker shall time each Member who speaks, and may appoint a timekeeper, who need *not* be a Member. The Speaker may *not* yield, but the Speaker may speak if the Speaker *temporarily* relinquishes the Chair. These time limits on speaking may be amended, suspended or modified for a particular, specific matter or Legislative Day from time to time upon ten (10) votes of the Members, or may be amended, suspended or modified by the Committee on Rules for a particular, specific matter or specific Legislative Day.

Section 9.03.01. Motion After Debate. When a Member has exhausted that Member's right to speak, that Member may still make any motion having a higher precedence.

Section 9.03.02. Amendments. When an amendment is offered, or any other motion is made, the amendment or other motion then becomes the question under consideration. In regard to the right to debate, such a question is treated as a new question. A Member who has spoken once on the Main Question may speak again on an

Articles found left behind on the public transit vehicle will be turned in to the Operations Manager.

Section 11: Lost and Found

- 10.03 It shall be the passenger's sole responsibility to remove personal bundles and articles. Such removal of personal effects shall not take longer than five (5) minutes so as not to detain other passengers longer than necessary or otherwise interfere with normal operations.
- 10.02 The General Manager of GMTA shall from time to time grant waivers to this rule in the event a passenger demonstrates qualified public purpose. The Contractor will inform the General Manager in writing of such requests for waivers, confirm the availability of space on the transit vehicle(s) and any operational impacts this request may create.

- 10.01 Any bundle or personal article that can be stored under a passenger's seat or on a passenger's lap without interfering with the comfort or endangering the safety of other passengers shall be allowed on board public transit service vehicles. Passengers in possession of bundles or personal articles that cannot be stored as indicated above shall be denied entry to public transit service vehicles by the operator.

Section 10: Bundles and Personal Articles

- 9.05 The right to a prompt and equitable resolution of a complaint filed hereunder shall not impair a person's pursuit of other remedies (e.g., Local and Federal entities). Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- 9.04 A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Ombudsperson and forwarded to the complainant no later than three (3) working days after its filing.
- 9.03 All complaints should be specific as to the exact date, time, place, and a full description and sequence of events of the alleged incident or violation of GMTA's Rules and Regulations (Appendix 1). Include the names, if known, of any GMTA or GMTA contract employee involved, as well as the names of any person witnessing the event.
- 9.02 GMTA's Ombudsperson shall address complaints within three (3) working days from the date a complaint is received. Should additional time be needed to resolve a complaint, GMTA's Ombudsperson shall notify the complainant of such. This extension shall not exceed two (2) working days.

Guam Mass Transit Authority
 ATTN: Ombudsperson
 236 East O'Brien Drive
 Hagåtña, Guam 96910

- 9.01 All verbal and written complaints shall be direct to GMTA's Ombudsperson. This shall include all complaints received by GMTA's contractor for the Guam Public Transit System. Written complaints shall be addressed to the following:

Section 9: Steps for Filing a Complaint

up to seventy (70) calendar days after submission for public hearing and eighty (80) calendar days after submission for reporting out by a majority vote of all Members taken at a public hearing or by a resolution signed by a majority of all Members of the Committee. The Chairperson may extend the time periods set forth herein by giving written notice to the Speaker and the Chairperson of the Committee on Rules.

If a Committee Report is *not* submitted within the times or under the provisions herein specified, the nomination is *automatically* placed in the Legislative Concurrences File for action on the *next* Legislative Day, and if no public hearing has been held, *I Liheslaturan Guahan* shall resolve into the Committee of the Whole to take public input when the matter is heard upon the next Legislative Day, with the Committee of the Whole to be chaired by the most Senior Majority Member of *I Liheslaturan Guahan* who is *not* the Chairperson of the Committee to which the nomination was referred.

Section 8.01.02. Rejection. Failure of a nominee to receive eight (8) votes as required by these Rules shall be considered as a rejection of the nominee by *I Liheslaturan Guahan* and the matter may be taken up again only after a “*Motion to Reconsider*” has been adopted in accordance with these Rules. Eight (8) votes shall be necessary for a “*Motion to Refer the Nomination Back to Committee*.”

RULE IX.

DECORUM AND DEBATE.

When Motion Shall be Debated.

Section 9.01. No motion shall be debated until the same be distinctly announced. If the motion is to amend a bill or resolution, it shall be reduced to writing, *unless* waived by the Speaker.

- specificity the basis of the proposed sanctions and setting forth the proposed sanction.
 - b. Provide the individual an opportunity to be heard and to present information and arguments.
 - c. Provide the individual with written notification of the decision and the reasons for it.
- 6.02 The appeals process of Section 7 is available to an individual on whom sanction have been imposed under this Section. The sanction is stayed pending the outcome of the appeal.

Section 7: Appeals

- 7.01 Written notice of a revocation or suspension indicating the reason(s) for the suspension shall be given to any cardholder or passenger whose service or Rider Card has been suspended or revoked at least fifteen (15) calendar days prior to the effective day of the revocation or suspension.
- 7.02 Such cardholder or passenger may file and appeal and request a hearing within fifteen (15) calendar days from the issuance and delivery (date delivered or mailed) of notice (suspension/revocation) or such additional time as may be permitted by the General Manager. The request for a hearing to appeal the suspension or revocation shall be made in writing and addressed to the GMTA Grievance and Appeals Board at 236 East O'Brien Drive, Hagatna, GU 96910.
- 7.03 Within fifteen (15) working days from the filing of such notice of appeal, the GMTA Grievance and Appeals Board shall conduct a hearing at which time the appellant shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any fact showing the reason why the suspension or revocation was in error.
- 7.04 The requirements of Section 7.03 are subject to the establishment of a quorum by the Appeals and Review Board.
- 7.05 The GMTA Grievance and Appeals Board shall have the power to affirm, reverse or modify the decision of the General Manager based upon findings of facts. This decision shall be the final decision of GMTA. All findings of fact and conclusions of law and decisions and orders of the General Manger or GMTA Grievance and Appeals Board shall be in written form, kept on file for a period of two (2) years and open to public inspection.
- 7.06 A copy of the Board's findings and decision shall be forwarded to the appellant no later than five (5) working days after the hearing of an appeal.
- 7.07 The provisions of this article shall in no way limit the provisions of any other federal or local law, or rule.

Section 8: Emergency Service

The purpose of GMTA's service is solely to provide public transportation. The public transit service shall not provide ambulance-type, emergency service for a cardholder, PCA's, or other passengers requiring immediate medical attention.

Sponsorship of Bills and Resolutions.

Section 7.11. The name of any Senator added as a Main Sponsor or co-sponsor to any bill or resolution may be removed from the bill or resolution upon a written request of the Senator submitted to the Clerk of the Legislature at any time prior to the presentment of such bill or resolution to *I Maga'lahaen Guahan*. Any such action shall be recorded in the Legislative Journal on the next Legislative Day. If there are no named sponsors left on the bill or resolution after passage, it shall be transmitted to *I Maga'lahaen Guahan* as having been sponsored by *I Maga'lahaen Guahan*.

RULE VIII.

CONFIRMATION OF APPOINTMENTS BY I MAGA'LAHEN GUAHAN.

General Rule.

Section 8.01. *Except* on the last day of its Regular Session, when any Committee Reports to *I Liheslaturan Guahan* on the confirmation of appointments by *I Maga'lahaen Guahan*, the same shall *not* be debated or discussed on the Floor until the following Legislative Day, *unless* ten (10) Members vote to take action on the Committee Report and recommendation of the Committee to which the appointment was referred. The Committee Report shall be a public document once released by the Committee Chairperson for public review.

Section 8.01.01. Motion to Confirm. Confirmation of appointments by *I Maga'lahaen Guahan* shall initially be taken up under Motions by a "*Motion to Confirm*." Following debate and discussion, the "*Motion to Confirm*" shall be placed in the Voting File to be voted on in accordance to the provisions of these Rules.

A public hearing shall be had upon every nomination submitted by *I Maga'lahaen Guahan* within fifty (50) calendar days of submission to *I Liheslaturan Guahan*, regardless of whether it is complete, and such nomination shall be reported out to the Body or submitted to the Clerk of the Legislature for reporting out within sixty (60) calendar days of submission to *I Liheslaturan Guahan*. These times may be extended to

- (1) Any passenger who, after being warned by the operator, repeatedly misbehaves or who is considered offensive to others, or is a threat to others, may be denied ~~paratransit service to include other~~ public transit services.
- (2) The Contractor shall report incidents of misconduct in writing to the General Manager of GMTA no later than three (3) calendar days from the date of incident. After reviewing the report provided on the incident, the General Manger or his/her authorized representative shall take appropriate action as deemed necessary, including but not limited to:
 - (a) Providing a oral or written warning to ~~the cardholder~~ that suspension of services pursuant to these regulations may be imposed if such misconduct is repeated; or
 - (b) Suspending ~~GPTS~~ public transit service to the ~~cardholder~~ passenger pursuant to these regulations.

Section 5: Penalty

- 5.01 Any person, found by an operator of a public transit vehicle, agent of the transit system, or by a police officer, violating Section 4 of these rules and regulations, shall be subject to the following:
- a. Suspension of public transit services for a period of ten (10) calendar days for offenses of Section 4.01.a - d.
 - b. Suspension of public transit services for a period of thirty (30) calendar days for second offenses of Section 4.01.a - d.
 - c. Suspension of public transit services for a period of one hundred eighty (180) days for more than two (2) offenses of Section 4.01.a - d., and for offenses of Sections 4.01.e - g.
 - d. Suspension of public transit services for a period of three hundred sixty-five days for more than two (2) offenses of Sections 4.01.e - i, and 4.02.a - f.
- 5.02 Extreme Misconduct.
- a. Except as otherwise provided, the Contractor may deny public service to any cardholder or passenger when the cardholder or passenger caused or may cause an immediate danger or harm to other passengers or the operator. The Contractor shall notify the GMTA General Manger immediately in writing when such action is taken.
 - b. The GMTA General Manager shall thereafter conduct an investigation and determine whether probable cause exists to immediately suspend public transit service to the cardholder or passenger.
 - c. The passenger or cardholder may appeal the General Manager's decision by filing an application for appeal with GMTA's Grievance and Appeals Board.

Section 6: Suspension of Service

Service to a cardholder or passenger may be suspended for a period of not longer than three hundred sixty-five (365) days at the discretion of the General Manger of GMTA, his or her designee, or the GMTA Grievance and Appeals Board for any violation of these rules or regulations or any other law or rule relative to the pubic transit service program or the use thereof. *Suspension of service(s) shall be stayed pending prior written notice to the offender. Notice of suspension of service(s) shall be issued fifteen (15) calendar days prior to the effective date of the suspension.*

- 6.01 Prior to the suspension of services, GMTA shall ensure that the following procedures are followed (Appendix 7):
- a. Notify the individual in writing that GMTA proposes to suspend service, citing with

Speaker and Chairperson on Rules, to make technical corrections *after* voting and *before* presentment to *I Maga 'lahen Guahan* if a correction was *not* made to the bill *before* it was voted upon by the Body.

The question of the waiver of engrossment must be divided from a "*Motion to Place in Third Reading File*." Any bill to which there have been no amendments, *except* changes in sponsorship, or grammatical or spelling corrections, need *not* be engrossed before voting.

Section 7.07.01. Technical Amendments Authorized. The Legislative Counsel shall, absent a motion by the Body otherwise, make technical corrections as part of the engrossment process, which may be done before and after voting by the Body, and add all Members as sponsors to a bill before transmission to *I Maga 'lahen Guahan*.

Section 7.07.02. Form of Technical Corrections. The Legislative Counsel shall be authorized to make technical corrections, which shall include, but not be limited to, the following: incorporating amendments passed by the Body, correcting spelling, correcting grammar, changing the citation, changing the title, correcting formatting, correcting punctuation, renumbering sections and correcting section sequence.

Certain Bills and Resolutions *Not* Engrossed Before Adoption.

Section 7.08. Bills. Bills *not* containing any amendments to the body of the bill need *not* be engrossed before voting on them for passage by the Body.

Section 7.09. Resolutions. Resolutions do *not* have to be engrossed before final action is taken on them during Session.

Enrolling Bills and Resolutions.

Section 7.10. After passage, all bills and resolutions shall be enrolled immediately. An enrolled copy of such bill or resolution shall be prepared in an appropriate number of copies and examined to ascertain that it is a true and accurate copy of the measure as it was passed. It shall then be authenticated by the signatures of the Speaker and the Legislative Secretary and be presented without delay to *I Maga 'lahen Guahan*.

- g. Spitting, expectorating, urinating or defecating in, on or from the bus or vehicle; provided that nothing contained in this section shall be construed as applying to any person who cannot comply with this subdivision as a result of a disability, age, or a medical condition.
 - h. Obstructing, impeding, hindering, interfering with or otherwise disrupting the safe and efficient operation of the bus or vehicle or any operator or other agent of the transit system in the performance of that individual's official duties.
 - i. Defacing or causing property damage to bus or vehicle.
 - j. Causing physical and or emotional harm to passengers in the bus or vehicle.
 - k. Boarding the bus through the rear exit door, unless directed to do so by the operator, any agent of the transit system, or a police officer.
 - m. Opening the emergency exit door or any emergency exit window.
- 4.02 When boarding a public transit bus or vehicle:
- a. Knowingly failing or refusing to pay the applicable fare for transportation on the bus or vehicle, in cash, coupon/ticket, or in the required manner.
 - b. Presenting a pass, transfer, badge, or other fare medium for transportation on such bus or vehicle, when the person presenting such fare medium knows it has not been provided, authorized, or sold by or for the transit system, or knows that the pass, transfer, badge, or other fare medium is not valid for the place, time and manner in which it is presented, or knows that presentation of the pass, transfer, badge, or other fare medium violated a restriction on the transfer or use of such fare medium imposed by GMTA's rules and regulations.
 - c. The operator or any public transit service vehicle or any other agent of the transit system or any police officer may refuse to allow any person to board the bus or vehicle:
 - (1) When the passenger appears to be intoxicated on liquor or drugs;
 - (2) When the person is engaged in activities that, if such activities occurred in the bus or vehicle, would violate the provisions of Section 5.01 if conducted in violation of the request of the operator, agent, or police officer;
 - (3) When the person is engaged in activities that, if such activities occurred in the bus or vehicle, would violate any other law; or
 - (4) When it appears that the person intends to engage in any of the activities referred to in subdivision 4.01b or 4.01c in the bus or vehicle. - d. In addition, the operator of any public transit service vehicle or any other agent of the transit system may refuse to transport any such persons who has already boarded the bus or vehicle and the operator, agent or any police officer may cause such person to be ejected from the bus or vehicle. It shall be a violation of this section for a person to board a public transit service vehicle after being requested not to do so by the operator, another agent of the transit system or police officer for the reasons specified in this subsection, or for a person to refuse or fail to immediately exit a public transit bus or vehicle when requested by the operator, another agent of the transit system, or a police officer to do so for any of the reasons specified in this section.
 - e. No person shall remove or deface signs required to be erected by or under the authority of this article.
 - f. No person shall throw or place hot burning substances or objects such as cigars, cigarettes or the contents of a burning pipe in, upon or in close proximity to any object or structure in a public transit service vehicle, which is combustible or liable to damage by heat, fire or explosion.
 - g. Misconduct by ADA paratransit eligible individuals.

further action be removed from the Consent Calendar and assigned the place it would have had in the ordinary course of legislative procedure.

Section 7.06.03. Objections. Prior to the consideration of a bill or resolution on the Consent Calendar, the Speaker shall first ask the question whether any Member objects to such consideration of the bill or resolution. If any two (2) or more Members at that time object from the Floor, the bill or resolution shall, without further action, be removed from the Consent Calendar and assigned the place it would have had in the normal course of legislative procedure.

If at any time it appears to the Speaker that two (2) or more Members object to consideration of the bill or resolution on the Consent Calendar, he shall further request for objections. If any two (2) or more Members, pursuant to the Speaker's request or otherwise, object from the Floor to consideration of the bill or resolution in the Consent Calendar at any time before the question of its final placement in the Third Reading File is put to *I Liheslaturan Guáhan*, the bill or resolution shall without further action be removed from the Consent Calendar and assigned a place it would have had in the ordinary course of legislative procedure.

Section 7.06.04. Copies. No motion from the Floor to place a resolution or bill on the Consent Calendar shall be in order, *unless* copies of the bill or resolution have been distributed to all Members prior to, or at the time of, the making of the motion.

Engrossing Bills Before Passage.

Section 7.07. All bills shall be engrossed *before* final action is taken on them in *I Liheslaturan Guahan*. Engrossment shall consist of comparing the printed or duplicated bill with the original introduced, or as amended by a Committee or as substituted, whichever is the form of the bill under debate on the Floor, and any amendments adopted, to ascertain that it is correct. When a bill is reported correctly engrossed, a copy shall be furnished each Member and it shall be substituted in the File for the original bill. Any bill on Third Reading found to be incorrectly engrossed, as determined by the Speaker, shall be *automatically* referred to Second Reading, but only for purposes of correcting the engrossment. Ten (10) votes shall be necessary to waive the engrossment on a bill. The Legislative Counsel shall have the authority, upon notification to the

- a. Passengers who refuse to use or allow to be used wheelchair tie-down, or other restraining and safety devices as required for their safety and the safety of others while the vehicle is in motion, shall not be allowed to ride in paratransit service vehicles.
 - b. Wheelchair passengers must ensure that their wheelchairs are equipped with a seatbelt or shoulder harness restraining device. Passengers with wheelchairs, which are not equipped with personal restraints, will be denied service.
 - c. Wheelchairs shall ride only at designated securement locations in the vehicle, where such locations exist.
 - d. When an occupied wheelchair is secured in accordance with the manufacturer's instructions, the securement system shall limit the movement of the occupied wheelchair to no more than two (2) inches in any direction while the vehicle is operating.
- 4.01 It shall be a violation of this section for a person, who is doing or has done any of the following activities on a public transit vehicle, to either refuse or fail to immediately cease and desist from doing any of the following activities after being requested to do so by the Operator, another agent of the transit system, or a police officer:
- a. Consuming any form of food or beverage or carrying or possessing any food, beverage in a container other than a container that is tightly closed, covered or packaged so to minimize the possibility of accidental spillage when the container is shaken or dropped; provided that nothing contained in this section shall be construed as prohibiting the carrying or possession of groceries in a suitable bag or other container.
 - b. Using or playing any television, radio, recording playback device, musical instrument, or other sound-producing device, unless the device is connected to a headphone or earphone which limits the sound to the individual user. Nothing contained in this section shall be construed as prohibiting the operator of the bus or vehicle from using or playing such devices for official business, or as prohibiting the use of personally owned telephones and pagers.
 - c. Carrying or possessing any live animals, except a service animal properly harnessed and accompanied by the individual with a disability owning the service animal or to whom the service animal has been furnished, and except for small animals properly kept in enclosed containers. This section shall not be construed as prohibiting a police officer from carrying or possessing an animal used for law enforcement purposes.
 - d. Discarding, disposing of, placing, throwing, or dropping any litter, in or from the bus or vehicle, except into receptacles designated for that purpose.
 - e. Failing or refusing to vacate seats designated as priority seating for elderly or persons with disabilities or the fold-down or other moveable seat area designated for wheelchair securement, when requested to do so by the operator, any other agent of the transit system, or a police officer; provided that nothing contained in this section shall be construed as requiring elderly or disabled passengers; and further provided that nothing contained in this section shall be construed as requesting the operator or other agent of the transit system to enforce a request that other passengers move from priority seating area or wheelchair securement area.
 - f. Carrying or possessing any flammable, combustible, explosive, corrosive, or highly toxic liquid or other substance, article or material which is likely to cause harm to others or to emit any foul noxious dust, mist, fume, gas, vapor, or odor; provided that nothing contained in this section shall be construed as prohibiting a person from carrying or possessing any match or any cigar, or pipe lighter, which is not lighted

Section 4: Activities and/or Conditions Prohibited on Guam's Public Transit System

Section 4:

The Chairperson of the Committee of the Whole shall set forth the rules to be applied during the Committee of the Whole which are *not* inconsistent with the rules already established herein for the Committee of the Whole and in Mason's Manual.

Section 7.05.05. Committee Reports. The Committee on Rules, or its authorized Subcommittee, may report to *I Liheslaturan Guahan* any bill for Second Reading a bill for which a Committee Report has *not* been filed, but has been prepared, if such Committee Report is filed during the Session in which the bill is in Second Reading. The Committee Report and recommendation of the Standing Committee to which the bill was referred concerning a bill recommended for placement on the Second Reading File or in the Inactive File shall be a public document once released by the Committee Chairperson for public review.

Consent Calendar.

Section 7.06. *I Liheslaturan Guahan* shall have a Consent Calendar as follows:

Section 7.06.01. Routine Matter. If the Committee on Rules determines that a bill or resolution recommended for passage, without amendment or substitution, is of a routine nature, or otherwise of a nature which likely will *not* be opposed, it may place the bill or resolution on the Consent Calendar. Any Member who determines that a bill or resolution is of a routine nature, or otherwise is of a nature which likely will *not* be opposed, that person may, upon a motion adopted by a vote of eight (8) Members of *I Liheslaturan Guahan* place such bill or resolution on the Consent Calendar.

Section 7.06.02. Debate. Bills and resolutions on the Consent Calendar shall be taken up for debate in order listed on the Calendar. No more than five (5) minutes shall be allotted to the Primary Sponsor, or Committee Chairperson, for explanation of the bill or resolution. No other Member may debate more than two (2) minutes. No Member may yield that Member's time on the Consent Calendar to another Member. In the event that the time limits set forth in this Section are exceeded, the Speaker shall close the debate and move to place the bill in the Third Reading File, which motion shall be undebatable. If such motion shall fail, the bill or resolution shall without

- leeway before and after the scheduled pickup time to account for possible variations in the operator's schedule.
- c. Cancel reservations if the trip is not needed. If the trip is not canceled at least one (1) hour before the scheduled pickup time, the cardholder will be considered a "No-Show".
- d. Display his or her ADA Paratransit Rider Card at the pickup point. Passengers without their card may not be allowed to ride in the vehicle. If a passenger is unable to assume this responsibility and is not traveling with a personal care attendant or companion, it shall be the responsibility of the person who arranged the trip to display the passenger's Rider Card to the operator.
- e. Provide industry approved seat belts for wheelchairs and to assure that such seat belts are fastened prior to boarding the wheelchair lift. Wheelchair securement (tie-downs) devices will be provided by the Contractor and secured by the Operator. Provide and use an adequate child auto restraint for any child less than forty (40) pounds.
- g. Have a "travel" attendant accompany the cardholder at all times, if required by the cardholder's health care professional.
- h. Make sure that all sores, wounds, cuts, abrasions, etc., are properly covered and bandaged.
- 3.27 Operator Responsibility. The responsibilities of the Paratransit service operator shall be as follows:
- a. To assist all passengers while boarding or disembarking.
- b. To ensure that all wheelchairs and other mobility aids are secured and attached to the vehicle.
- c. For safety purposes, to inspect and assure that all passengers are properly secured by means of seat belts, harnesses, and/or other restraining devices before the vehicle is put into motion.
- d. To assist passengers who are unable to fasten restraining devices due to a disability.
- e. To report all cases of misconduct in writing to GMTA.
- f. Maintain a 100% trip completion level and a 95% on-time performance. Ratio shall be based on arrival and departure times specified by a trip schedule. A bus will be considered on time if it arrives on/or within ten (10) minutes before a scheduled pick-up time or departs on/or within ten (10) minutes of a scheduled pick-up time. A bus arriving earlier than ten (10) minutes of a scheduled pick-up time or departing more than ten (10) minutes after a scheduled pick-up time is considered "late." If this provision of the rules is in conflict with the contract between a service provider and GMTA, the contractor shall be held to the higher standard.
- 3.28 No-Shows (Missed Trips)
- a. A cardholder who is a "No-Show" three (3) or more times in a month may be subject to the suspension of paratransit service to him/her at the discretion of the General Manager of GMTA. The first such suspension of paratransit service shall be for no longer than thirty (30) days. Suspensions for violations of this rule after the first suspension shall be for not more than one hundred eighty (180) calendar days.
- b. Prior to suspending service to any cardholder, the General Manager of GMTA or his/her authorized representatives shall send at least one (1) written notice warning the cardholder that a subsequent failure of the cardholder to appear at the scheduled pickup time will result in suspension.
- 3.29 Restraining and Safety Devices.

Calendar or the Second Reading File, it shall be placed at the foot of the Third Reading File. The bills upon Third Reading shall be considered in the order in which they appear in the File.

Section 7.05.01. Inactive File. An Inactive File shall be kept to which bills or resolutions may be transferred at the request of the Author, or on motion duly adopted by the affirmative vote of eight (8) Members. A bill shall be transferred to the Inactive File, or referred back to the reporting Committee, when it has been Passed on File without action three (3) successive times. A bill or resolution may be removed from the Inactive File by an affirmative vote of nine (9) Members. Bills vetoed by *I Maga'lahañ Guahan* that are *not* overridden by the end of the tenth (10th) Legislative Day shall go back to motions on the Session Agenda until the end of the tenth (10th) Legislative Day.

Section 7.05.02. No Debate During Third Reading. Bills and resolutions in the Third Reading File shall be voted upon in the order they appear upon the File and shall *not* be debated or amended.

Section 7.05.03. Order of Voting. Matters reaching the Voting File shall be voted upon in the order they appear, and shall *not* be debated or amended.

Section 7.05.04. Committee of the Whole. Bills reported to *I Liheslaturan Guahan* containing an appropriations shall be considered by *I Liheslaturan Guahan* in a Committee of the Whole chaired by the Chairperson of the Committee on Ways and Means, or the Chairperson's designee, who must be a Member, *prior* to a vote on final passage, *unless* such consideration is waived by nine (9) votes. Likewise, bills containing an appropriation from the Tourist Attraction Fund shall be considered by *I Liheslaturan Guahan* in a Committee of the Whole chaired by the Chairperson of the Committee on Tourism, Economic Development and Parks, or the Chairperson's designee, who must be a Member, *prior* to a vote on final passage, *unless* such consideration is waived by nine (9) votes. Bills containing legislative appropriations shall be considered by *I Liheslaturan Guahan* in a Committee of the Whole chaired by the Chairperson of the Committee on Rules, Government Reform, Reorganization and Federal Affairs, or the Chairperson's designee, who must be a Member, *prior* to a vote on final passage, *unless* such consideration is waived by nine (9) votes.

- 3.26 Passenger Responsibility.
 - a. Make reservations for service at least one (1) day in advance, between the hours of 8:00 a.m. and 5:00 p.m. Inform dispatch if you are to be accompanied with by personal care attendant and/or companion.
 - b. Be at the proper pickup point at the scheduled time. Allow at least ten (10) minutes before or after the individual's desired departure time.
- 3.25 Destination (Arrival Point).
 - a. The Contractor is responsible for the safe curb-to-curb transportation of the passenger. The Contractor does not provide door-to-door service.
 - b. Any cardholder who is unable to care for him or herself due to a physical or mental disability shall be met by a responsible individual upon arrival at the destination. If no such individual is available, the operator shall notify dispatch for instructions. The operator shall prepare an incident report recording the date and time of the incident as well as the cardholder name and drop off address. This incident shall be deemed a misconduct and subject to Section 4.02.g of these rules.
- 3.24 Personal Care Attendant or Companion.
 - a. If the qualified and registered health care professional has specified that the cardholder requires a "Personal Care Attendant" said personal care attendant is not considered a companion and shall pay no fare. If the health care professional has specified that the cardholder requires a "travel" attendant, said cardholder must be accompanied by the "travel" attendant when riding. A "Travel" attendant is not considered a companion and shall pay no fare.
 - b. A cardholder is permitted to have one companion to ride with him or her. Said companion is considered a passenger and must pay the prevailing fare (not the discounted fare). More than one companion may be accommodated on a space available basis only. Each companion shall pay the prevailing fare.
 - c. A personal care attendant, travel attendant, and/or companion shall enter and exit the vehicle at the same location as the cardholder.
- 3.23 Requesting and Canceling Service. If a cardholder is unable to request and/or cancel service due to his or her disability, an individual responsible for the cardholder or a sponsoring agency may do so on behalf of the cardholder by providing trip information and the ADA Paratransit Rider Card number. Facsimile requests are accepted, provided requestor has a contact number.
 - a. Trip purpose shall be exclusively for medical, school, training, day care, and/or work.
 - b. There shall be no more than one (1) PCA or companion to accompany a cardholder. A PCA and a companion both cannot ride as a subscription.
 - c. A cardholder requesting subscription service shall not be prevented from requesting non-subscription service otherwise specified in these rules.
- 3.22 Subscription Service. Subscription service may be provided by the Contractor, provided the Cardholder meets the qualification criteria set forth below:
 - a. Trip purpose shall be exclusively for medical, school, training, day care, and/or work.
 - b. There shall be no more than one (1) PCA or companion to accompany a cardholder. A PCA and a companion both cannot ride as a subscription.
 - c. A cardholder requesting subscription service shall not be prevented from requesting non-subscription service otherwise specified in these rules.

date of the nominee's term of office and the name of the person the nominee is replacing. A public hearing shall be required for all appointees. (See also §8.01.)

Section 7.03.02. Bill. On a bill the Committee Report shall include a digest setting forth the purpose and essential elements of the bill and a digest of the testimony and evidence of those testifying at the public hearing thereon.

Section 7.03.03. Voting Sheet. The voting sheet accompanying the Committee Report shall be in the following format:

“to place in

Committee Members: to pass: not to pass: abstain: Inactive File:”

No Placement on Session Agenda Without a Report.

Section 7.04. No bill shall be placed on the Session Agenda *unless* accompanied by a Committee Report conforming to the requirements of these Rules, or *unless* the public hearing on the bill has been waived in accordance with §2103 of Title 2 of the Guam Code Annotated, *Public Hearings Mandatory*, by the Speaker during Session pursuant to motion made during the “Motions” part of the Session Agenda. In the event that the public hearing is waived as provided for herein, the bill may be placed on the Session Agenda with eight (8) votes of the Members. Section 2103 may *not* be waived without the affirmative vote of ten (10) Members, such vote being taken on the *same* Legislative Day.

Except as specifically allowed, no bill may be reported out of Committee, nor placed on the Floor without a majority of the Committee Members of the Committee to which it was referred voting to pass without qualifications. Votes with comment, to report out only or to abstain shall *not* be counted as “*do pass.*” When a bill is reported out, the Clerk of the Legislature shall serve a copy of the Committee Report on the office of the Prime Sponsor.

Order of Reading File.

Section 7.05. All bills and resolutions when reported to *1 Liheslaturan Guåhan* may be placed on the Session Agenda by the Committee on Rules, or its authorized Subcommittee. After a bill or resolution has been amended and debated under the order Consent

or paratransit feeder service to an accessible fixed route where such service enables the individual to use the fixed route bus service for his or her trip. (Reference 49 CFR 37.123 (e)(2) & (3)).

3.16 The following individuals are ADA paratransit eligible:

- a. Any individual with a disability who is unable, as a result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.
- b. Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, which such vehicle is not being used to provide designated public transportation on the route.
- c. An individual with a disability who has a specific impairment related condition, which prevents such individual from traveling to a boarding location or from a disembarking location on such system.
- d. Only a specific impairment related condition, which prevents the individual from traveling to a boarding location, or from a disembarking location, is a basis for eligibility under this Section. A condition, which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this Section.
- e. Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this Section. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this Section, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

3.17 Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this Service for ADA paratransit eligible persons described above (Section 3.15) may also be provided to an accessible fixed route where such service enables the individual to use the fixed route bus system for his or her trip.

3.18 Fares. Any person issued a pass/coupon/ticket under these rules and regulations to utilize the paratransit service shall pay a fare of \$0.35 per person per one-way passenger trip. "All-day" passes are available for \$1.00 (Appendix 6).

3.19 Service animals shall ride fare free.

3.20 ADA paratransit cardholders must present their Rider Card to ride the public transit service at the paratransit fare rates described above in Section 3.17.

3.21 Service Request. Service request must be made to the Contractor at least one (1) day and up to fourteen (14) days in advance. Reservations must be made the day prior (between the

Section 7.01.01. Hearing Officer. The Chairperson of a Committee hearing a bill or resolution, or the Chairperson's designee *if* such designee is a Member of the Committee, is the official hearing officer for such bill or resolution and has the power and authority to conduct the hearing by the Member's self, *provided*, that all Members of *I Liheslaturan Guahan* shall be given written notice of such hearing as provided in §7.01, *supra*, and any Member of *I Liheslaturan Guahan* may attend and take part in such hearing, questioning witnesses and otherwise participating.

Committee Amendments.

Section 7.02. Any Standing Committee may recommend amendments to any bill referred to it which are germane to, and *not* inconsistent with, the subject as expressed in the title, or may recommend a germane substitute bill. In making substantive changes in a bill by substituting it, the Committee shall note thereon:

“As Substituted by the Committee on [name of the Committee].”

A Committee may *not* change the sponsorship of a bill or resolution nor may it add co-sponsors, provided that the Committee on Rules may add all Members not listed as sponsors at the end of the listing. The Committee on Rules may make amendments to a bill before it, provided they are germane.

Formal Reports by Standing Committees.

Section 7.03. A Standing Committee, or its authorized Subcommittee, upon reporting back to *I Liheslaturan Guahan* on bills or appointments referred to it, shall prepare and submit to *I Liheslaturan Guahan* a formal, written Committee Report which, in addition to the Committee's recommendations and vote thereon, shall contain the following:

Section 7.03.01. Appointments. On appointments of *I Maga'lahen Guahan*, the Committee Report shall include the nominee's resume, a digest covering the testimony and evidence of those testifying at such public hearing. On appointments to government boards and commissions, the Committee Report shall include the expiration

- 3.12 Appeal. A person denied ADA paratransit eligibility is notified in writing by GMTA stating the reasons for denial. Within 15 calendar days of receipt of such notice or such additional time as may be permitted by GMTA's General Manager, such persons may appeal the decision to the GMTA Grievance and Appeals Board. Paratransit service shall be provided to an application under appeal on a presumption of eligibility if a decision on their appeal is not made within thirty (30) calendar days of the completion of the appeal process. Non-transference of Passes, Rider Card, and Penalty. Any pass or identification card issued by GMTA is not transferable and shall not be used by any person other than by the person to whom it was issued. Any person issued such pass or rider card based upon false application/certification or who knowingly permits another to use the Rider Card or who alters their card shall be penalized by having their eligibility for paratransit services revoked for a period of one (1) year from the date of violation.
- 3.13 Door-to-door Service. Paratransit is not a door-to-door service, nor is any other GMTA public transportation service.
- 3.14 Curb-to-Curb Service. Transportation service provided for paratransit service shall be to and from accessible pickup and drop off points, which are curbside adjacent to public streets, roadways, or any appropriate off-street location. Operators will leave after waiting at least five (5) minutes beyond the scheduled pickup time or five (5) minutes after they arrive if they arrive later than the scheduled pickup time.
- 3.15 ADA paratransit eligible persons described in Section 3.02(b) may also be provided service

n. Companions. The ADA requires entities to provide paratransit service to one person accompanying the eligible individual, with others served on a space-available basis. The one individual is guaranteed space on the vehicle and can be anyone – family member, business associate, friend, date, etc. GMTA does not require that the eligible individual reserve a space for the companion when the individual reserves his or her own ride. This one companion rides even if this means that there is less room for other eligible individuals. Additional individuals beyond the first companion may ride only on a space-available basis; that is, they do not displace other ADA paratransit eligible individuals. If there is a personal care attendant on the trip, the eligible individual may still bring a companion, plus additional companions, on a space-available basis. GMTA requires that, in reserving the trip, the eligible individual reserve a space for the attendant. To prevent potential abuse of this provision, the rule provides that a companion (e.g., friend or family member) does not count as a personal care attendant unless the eligible individual regularly makes use of a personal care attendant and the companion is actually acting in that capacity. GMTA requires that an eligible individual indicate whether he or she travels with a personal care attendant during the individual's initial certification process for ADA paratransit eligibility. If someone does not indicate the use of an attendant, then any individual accompanying him or her would be regarded simply as a companion. To be considered as "accompanying" the eligible individual, a companion must have the same origin and destination points as the eligible individual.

o. Additional information. Any application containing insufficient information will be returned to the applicant.

amendment or matter is germane may also be challenged, and if the challenge is successful, such amendment or matter shall *not* be considered by the Body. Unrelated appropriations shall *not* be considered germane; provided, that the annual budget bill for the operation of the government of Guam, or to the supplements to the annual budget bill, shall be considered germane.

Section 6.04.07. Violations. If the Chairperson of the Committee on Rules finds that a bill has been submitted, introduced or reported out which violates this Section, the Chairperson shall take appropriate action to return it to the Primary Sponsor or the Committee concerned for correction or reintroduction, or the Speaker may accept the bill for discussion without the non-germane amendment.

Guam Resolutions for External Organizations.

Section 6.05. All resolutions to be submitted for introduction to organizations, in meetings or conferences, other than *I Liheslaturan Guåhan*, when such resolutions are to be submitted as proposals by *I Liheslaturan Guåhan*, or by a Member of *I Liheslaturan Guåhan*, when the Membership in the organization or attendance of the Member at the meeting or conference is as a representative of *I Liheslaturan Guåhan*, and such Membership and attendance is funded by legislative funds, shall be first approved by *I Liheslaturan Guåhan*, time permitting, or by the Committee on Rules as a Rules Resolution.

RULE VII.

CONSIDERATION OF BILLS, RESOLUTIONS AND APPOINTMENTS.

Notice of Hearing.

Section 7.01. It shall be the duty of the Chairperson of each Standing Committee, or the designated hearing officer, to deliver to the Executive Director a notice setting forth the name of the Committee, the date and time of any hearing and the subject matter of the hearing, including the number and title of all bills or resolutions that have been duly referred to such Committee. The first such notice shall be given at least five (5) days prior to the hearing.

under this section. The interaction of such barriers with a person's specific impairment related condition may form a basis for eligibility, if the effect is to prevent the person from traveling to and from official bus stops.

3.11

Application Procedures.

a. Applications for paratransit service can be obtained through GMTA at the following location:

236 East O'Brien Drive
 Hagama, GU 96910
 Call 671-475-4682
 671-475-7401 TTY

b. ADA Paratransit Eligibility Determination for paratransit service shall be determined by GMTA in accordance with Section 3.15 and 4.08 of this part. GMTA's Planning Division shall be responsible for initial and final ADA paratransit eligibility determinations.

d. GMTA shall notify in writing, and other accessible formats as requested, of the initial decision regarding an applicant's eligibility.

e. Applicants will be provided paratransit service on a presumption of eligibility if an initial determination is not made by GMTA within twenty-one (21) calendar days of the receipt of a completed application. Applicants are also entitled to paratransit service during the 21 day application period.

f. Upon eligibility (unconditional or conditional) certification by GMTA, an applicant will be notified in writing and issued a Paratransit Rider Card (Appendix 3). The Paratransit Rider Card shall be effective up through the expiration date shown on the card. Eligibility should be renewed thereafter 60 days prior to the expiration of the eligibility term to ensure uninterrupted service. Persons requesting renewal must resubmit a completed ADA paratransit eligibility application to GMTA for approval and re-certification, unless such persons can demonstrate that their disability is permanent.

h. A temporary card may be issued to an ADA paratransit eligible person whose disabling condition is not expected to remain permanent.

i. Every qualified applicant shall be issued an ADA Paratransit Rider eligibility photo card. The card must have a picture of the rider and the picture must be taken at the GMTA Administration Office. The card is non-transferable and is for the exclusive use of the bearer. A fee of \$3.00 will be charged for the initial issue card. Abuse of the card privilege may be cause for revocation or suspension thereof for a period of not longer than twelve (12) months at the discretion of the General Manager of GMTA.

j. Visitors will be provided Paratransit services, but must comply with application procedures and qualifications set forth herein.

k. Duplicate for lost cards may be issued upon request but shall be limited to three per year. If the Card is lost, destroyed, damaged, or stolen, report to GMTA's Administration Office and a replacement card will be issued for the duration left on the original application at a cost of \$3.00.

l. Any person issued an ADA paratransit rider card, under this section, who is found guilty of the transfer of or fraudulent use of a pass and rider card, shall be denied the use of the paratransit rider card to ride the public transit for one (1) year from the date of such violation.

m. A personal care attendant (PCA) for an ADA paratransit eligible cardholder must be registered with GMTA. A PCA shall pay no fare when accompanying the qualified

(iii) **Budget Bill.** The annual budget bill for the government and one (1) supplement to the annual budget bill, collectively referred to herein as “budget bill,” shall be referred to the Committee on Ways and Means. The Committee on Ways and Means shall thereafter refer the relevant parts of the budget bill to the Standing Committees having purview over that particular part of the budget bill.

The Standing Committees shall then timely compile their respective budgets, after public hearing, and refer the parts of the budget bill back to the Committee on Ways and Means, which shall without amendment or substitution, compile the budget bill and produce a Committee Report for reporting out to the Body. The Standing Committees may amend or substitute the portion of the budget bill referred to their respective Committee by the Committee on Ways and Means.

Section 6.04.05.03. *De Minimis.* Where the impact of a substantive bill on appropriations is *de minimis*, it shall be referred *only* to the Principal Committee.

Section 6.04.05.04. *Legislative Appropriations; Other Branches.* Bills relating to appropriations solely for *I Liheslaturan Guåhan* shall be referred exclusively to the Committee on Rules. Bills relating to appropriations from the Tourist Attraction Fund shall go to the Committee on Tourism, Economic Development and Parks, exclusively.

Section 6.04.06. *Amendments.* A Committee may add amendments to a bill *only if* the amendments are germane to the subject matter of a bill. Likewise, only germane amendments may be made in the Session or in the Committee of the Whole. A Member may challenge the germaneness of an amendment matter at any time. The Speaker may rule *sua sponte* at anytime, that an amendment is *not* germane. Any amendments or matters in violation of this Section which are so ruled by the Speaker to be non-germane shall be out of order and shall *not* be considered by *I Liheslaturan Guåhan* unless *I Liheslaturan Guåhan* overrules the decision of the Presiding Officer in the manner provided for by these Rules. A decision of the Presiding Officer that an

(2) Architectural barriers not under the control of GMTA providing fixed route service and environmental barriers do not form a basis for eligibility prevent travel, is not a basis for eligibility under this section.

(1) Only specific impairment related conditions, which prevents the person from traveling to and from official bus stops is a basis for eligibility under this section. A condition which makes traveling to and from official bus stops more difficult for a person with a specific impairment related condition than for a person who does not have the condition, but does not prevent travel, is not a basis for eligibility under this section.

c. Any person with a disability who has a specific impairment related condition, which prevents such person from traveling to and from official bus stops on the public transit system.

(2) A person using a common wheelchair is eligible under this section if the person's wheelchair cannot be accommodated on an existing public transit bus even if the public transit bus is accessible to other persons with disabilities and their mobility devices.

(1) A person is eligible under this section with respect to travel on an otherwise accessible route if the public transit bus is precluded because the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of GMTA, precludes the safe use of the stop by all passengers.

b. Any person with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able to board, ride and disembark from any public transit bus which is readily accessible to persons with disabilities if the person wants to travel on a route of the public transit system at a time when a public transit bus does not provide designated bus service on the route.

a. Any person with a disability who is unable, as a result of a physical or mental impairment and without the assistance of another person, to board or disembark from any public transit bus which is readily accessible to persons with disabilities.

ADA Paratransit Eligibility Criteria.

c. GMTA shall certify an applicant as ADA Paratransit Eligible for paratransit service. This certification shall be based on the criteria established in Section 3.10 below.

b. Any individual desiring to use paratransit services shall first file an application with GMTA.

a. Paratransit service is a part of the Guam Public Transit System serving individuals who are paratransit eligible in accordance with the American with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123.

3.08 Passengers, at their discretion, may pay above fare requirements if they do not have exact change (i.e., \$5.00 for \$1.00 fare). However, no change shall be returned to the passenger.

3.07 Passengers must have readily available for presentation, fare passes, Rider Cards, or exact change prior to boarding.

3.06 Service animals shall ride fare free.

3.05 There are no credits or extensions for passes not utilized during a validation period.

c. One Week Pass for \$5.00. Valid for the 7-day period through date circled.

d. One Month Pass for \$20.00. Valid for 30-day period through date circled.

e. One Year Pass for \$195.00 Valid for 365-day period through date circled.

Section 6.04.05.02. Appropriations. Bills which contain appropriation matters shall be referred sequentially as follows:

(i) *Simultaneously*, to the Principal Committee and to the Committee on Ways and Means, which shall constitute a secondary referral of the bill. The Principal Committee may conduct the public hearing.

The Committee on Ways and Means shall within thirty (30) days of the referral provide a report on the Bill's fiscal impact to the government of Guam ("Fiscal Impact Report"), which report shall be given to the Committee on Rules. The Committee on Rules shall then promptly forward the Fiscal Impact Report to the Principal Committee which shall evaluate it and make it a part of the bill's committee report. Failure to provide a Fiscal Impact Report shall *not* delay the reporting out of the bill.

Only the Principal Committee may amend or substitute the bill. The Principal Committee may waive the Fiscal Impact Report, *provided*, the Speaker certifies that the Bill is an emergency bill endangering the health, safety or welfare of the community.

(ii) The Chairperson of the Committee on Rules may refer a bill to multiple Committees, designating a Principal Committee and the Secondary Committee(s). The Principal Committee shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body. Within thirty (30) days of referral, the Secondary Committee(s) may provide written input to the Committee on Rules, which shall then timely refer the input to the Principal Committee. The input from the Secondary Committee(s) shall be made a part of the bill's Committee Report.

The Principal Committee may waive input by Secondary Committee(s), *provided*, the Speaker certifies that the Bill is an emergency bill endangering the health, safety or welfare of the community.

2.29 *Transit System*. Includes GMATA and the entity or entities that provide comprehensive management, operations, and maintenance of the Guam Public Transit System.

Section 3: Procedures – Guam Public Transit System

3.01 GMATA's Guam Public Transit System's (GPTS) **fixed route** service operates on established - fixed routes and stops only at designated GMATA stops at designated times (Appendix 5). Deviation from established fixed routes are not permitted.

3.02 GMATA's **demand response** service:
 a. GPTS's Demand Response service operates on a first-come-first-serve basis. Persons requesting this service must call in advance to reserve a ride (same day reservations only). No advance reservations for the following day's service will be accepted except for rides between 6 a.m. and 8:00 a.m. **Transportation on this system is strictly from curb-to-nearest fixed route stop.**
 b. Persons requiring accessible transportation service on GPTS's demand response service must specify this need when requesting for a ride.
 c. Subscription service for GPTS's demand response service is not permitted.
 d. No-Show (Missed Trips). A demand response passenger who is a "No-Show" three (3) times in a month may be subject to the suspension of public transit service at the discretion of the General Manager of GMATA. The first such suspension of service shall be for no longer than thirty (30) calendar days. Suspensions for violations of this rule after the first suspension shall be for not more than one hundred eighty (180) calendar days. Prior to suspending service to any passenger, the General Manager of GMATA or his/her authorized representatives shall send at least one (1) written notice warning the passenger that a subsequent failure of the passenger to appear at the scheduled pick-up time will result in a suspension of services.
 e. Make reservations for demand response service at least two (2) hours in advance. For rides between 6 a.m. and 8 a.m., passengers may make requests prior to 5 p.m. the day before the ride. Inform dispatch personnel if an accessible vehicle is required.

f. Be at the proper pickup point at the scheduled time. Allow at least ten (10) minutes leeway before and after the scheduled pickup time to account for possible variations in the operator's schedule.
 g. Cancel service if the trip is not needed. If the trip is not canceled at least one (1) hour before the scheduled pickup time, the passenger will be considered a "No-Show".
 h. Provide and use an adequate child auto restraint for any child less than forty (40) pounds.
 i. Make sure that all sores, wounds, cuts, abrasions, etc., are properly covered and bandaged.

3.03 **Regular Fares** (Refer to Appendix 6).
 a. One Ride Pass for \$1.00. Valid for one destination.
 b. One Day Pass for \$3.00. Valid for service on the date circled.
 c. One Week Pass for \$15.00. Valid for the 7-day period through date circled.
 d. One Month Pass for \$55.00. Valid for 30-day period through date circled.
 e. One Year Pass for \$550.00 Valid for 365-day period through date circled.

3.04 **Discounted Fares** (Appendix 6). The following special fares shall apply to students and senior citizens 55 years and older. Persons requesting special fares must provide proof of eligibility (e.g., Valid Student I.D. or Senior Citizen Card, as applicable).
 a. One Ride Pass for \$0.35. Valid for one destination.
 b. One Day Pass for \$1.00. Valid for service on the date circled.

any bill which violates this Section, as determined by the Chairperson of the Committee on Rules.

No bill shall be entertained on the Floor with non-germane items, *except* as allowed in this Section. The Speaker shall rule on the germaneness of any item of any bill challenged by a Member, and if the Speaker rules that an item is non-germane to the bill's primary subject matter, the item shall be removed prior to the final vote upon the bill.

Section 6.04.02. Committee Introduction. When a bill is introduced by a Committee it shall encompass only matters reasonably related to the subject matter jurisdiction of the Committee, and *except* as otherwise provided in these Rules, shall encompass only one (1) subject matter, and shall *not* encompass unrelated subjects, or pertain to multiple projects, *unless* such projects are necessarily interrelated. Any Committee Chairperson may introduce bills in their Committee's name and relating to the subject matter of their Committee, without prior approval of the Committee Members.

Section 6.04.03. Limitation on Appropriation Bills. No Member may introduce as Primary Sponsor more than twenty (20) appropriation bills in any calendar year, none of which bill may contain more than one (1) item or subject matter of appropriation. There is no limit on the number of bills which may be introduced by the Committee on Ways and Means, or on the number of bills by other Standing Committees on matters relating to their subject matter jurisdiction.

Section 6.04.04. Requests to Ways and Means. Any Member, whether or not a Member of the Committee on Ways and Means, may propose appropriations to said Committee for possible introduction by the Committee on Ways and Means.

Section 6.04.05. Referrals. After introduction the Chairperson of the Committee on Rules shall refer bills as follows:

Section 6.04.05.01. Bills. Bills shall be referred to the Committee having the subject matter jurisdiction to which the bill most pertains (the "*Principal Committee*").

individual who is currently engaging in the illegal use of drugs, when a public or private entity act on the basis of such use. Shall have the same meaning ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

- 2.16 *Operates.* Includes, with respect to a fixed route or demand responsive system, the provision of transportation service by a public or private entity itself or by a person under a contractual or other arrangement or relationship with the entity.
- 2.17 *Other Mobility Aids.* Aids to the ADA paratransit eligible individual's mobility and life support equipment. This includes service animals, respirators, portable oxygen, and other life support equipment.
- 2.18 *Paratransit.* Means comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation service.
- 2.19 *Paratransit Service.* GMATA's accessible demand response service for individuals determined to be ADA paratransit eligible.
- 2.20 *Passenger.* Any individual other than the operator, who boards a public transit service vehicle. This includes the ADA paratransit eligible cardholder, Personal Care Attendant, companions, and service animals.
- 2.21 *Personal Care Attendant (PCA).* Someone designated or employed specifically to help a Cardholder meet his or her personal needs. A companion (defined above at 2.04) does not count as a personal care attendant unless the Cardholder makes use of a personal care attendant and the companion is actually acting in that capacity. (49 CFR Part 37, §37.123-5).
- 2.22 *Private Entity.* Means any entity other than a public entity.
- 2.23 *Public Entity.* Means:
a. Any state or local government;
b. Any department, agency, special purpose district, or other instrumentality of one or more state or local governments.
- 2.24 *Public School Transportation.* Transportation by school bus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school related activities.
- 2.25 *Section 504.* Means Section 504 of the Rehabilitation Act of 1974, as amended.
- 2.26 *Service Animal.* Shall have the same meaning as ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended. Further, "service animal" means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, alerting individuals with disabilities with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
- 2.27 *Specified Public Transportation.* Means transportation by bus, rail, or any other conveyances (other than aircraft) provided by a private entity to the general public, with general or special service (including charter service) on a regular and continuing basis.
- 2.28 *Subscription Service.* A service delivered to a Cardholder without calling to book a reservation at least 14 days in advance.

the Chairperson of the Committee on Rules, and after a voting sheet has been initialed for approval by a majority of the Members of the Committee on Rules.

A certificate shall be attested by the Speaker, the Chairperson of the Committee on Rules, the Legislative Secretary, and the Primary Sponsor introducing the same. The names of sponsors shall be listed on a certificate of commendation or of condolences *only if* each such co-sponsor requests such listing in writing to the Chairperson of the Committee on Rules. A Member of *Liheslaturan Guahan*, whether or not a Member of the Committee on Rules, may request in writing to be a co-sponsor of all resolutions and certificates issued by the Committee on Rules, in which case the Member shall *automatically* be a co-sponsor on each such resolution or certificate, *unless* the Member later in writing requests otherwise.

Presentation of Certificates and Resolutions.

Section 6.03. Each Member shall be given at least twenty-four (24) hours notice of the time and place of the presentation of any Legislative Resolution or of any Committee on Rules resolution or certificate. The Clerk of the Legislature shall *not* release any resolution or certificate for presentation until such notice of presentation has been given. Such twenty-four (24) hour notice requirement of this Section may be waived in writing for *good cause* in unusual circumstances by the Chairperson of the Committee on Rules, *provided*, that immediate notice be given to all Senators as to the time and place of presentation.

General Rules on Bills and Resolutions.

Section 6.04. All provisions of this Section which apply to bills apply equally to resolutions, *unless* clearly inappropriate.

Section 6.04.01. One Subject Matter. When a bill is introduced by a Member, it shall encompass only one (1) subject matter, and shall *not* encompass unrelated subjects or pertain to multiple projects, *unless* such projects are necessarily interrelated, *except* for the annual budget bill and one (1) and only one (1) supplement or revision to the annual budget bill, as designated by the Chairperson of the Committee on Ways and Means. The Committee on Rules shall *not* accept and shall return to the Prime Sponsor

- skin, and endocrine;
 - (2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
 - (3) The term *physical or mental impairment* includes, but is not limited to, such contagious or non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction, and alcoholism;
 - (4) The phrase “*physical or mental impairment*” does not include homosexuality or bisexuality;
 - (5) The phrase “*major life activities*” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and work;
 - (6) The phrase has “*a record of such an impairment*” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities;
 - (7) The phrase “*is regarded as having such an impairment*” means:
 - (i) Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by the public or private entity as constituting such a limitation;
 - (ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or
 - (iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or private entity as having such an impairment.
 - (8) The term “*disability*” does not include:
 - (i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
 - (ii) Compulsive gambling, kleptomania, or pyromania;
 - (iii) Psychoactive substance abuse disorders resulting from the current illegal use of drugs.
- 2.10 *DISID.* Department of Integrated Services for Individuals with Disabilities.
- 2.11 *Door-to-Door.* Service provided from the door of the pickup location to the door of the drop-off location.
- 2.12 *Facility.* All or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, structure, or equipment location.
- 2.13 *Fixed Route Service.* A system of transporting individuals (other than by aircraft), including provisions of designated public transportation services by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.
- 2.14 *GMTA.* Guam Mass Transit Authority.
- 2.15 *Individual with a Disability.* A person who has a disability, but does not include an

such documents is substantially similar shall be decided by the Chairperson of the Committee on Rules.

Section 6.01.08. Special Sessions. No bill or resolution may be introduced at any Special Session called by *I Maga'lahaen Guahan*, unless it relates to the subject matter of the call of the Session.

Section 6.01.09. Names. The names of sponsors other than the Main Sponsor shall be listed on a resolution or a certificate of commendation or condolence only if such co-sponsor requests such listing in writing to the Chairperson of the Committee on Rules.

Section 6.01.10. Bills Introduced at the Request of I Maga'lahaen Guahan. The Committee on Rules shall introduce administration bills, unless any Member or Standing Committee requests and is granted the privilege of introducing the bill, but any such administration bill shall be designated:

"By request of I Maga'lahaen Guahan in accordance with the Organic Act of Guam."

The names of Members of *I Liheslaturan Guahan* may be added underneath by the Standing Committee reporting out the bill. If a bill introduced at the request of *I Maga'lahaen Guahan* contains sections which are non-germane with each other, as determined by the Chairperson of the Committee on Rules, the bill shall be referred to the Inactive File and *I Maga'lahaen Guahan* shall be so notified.

Certificates of Condolences and Commendations.

Section 6.02. A certificate of condolences or of commendation may be issued by the Committee on Rules. No certificate or resolution may be prepared by the Clerk of the Legislature unless issued by the Committee on Rules or *I Liheslaturan Guahan*. Any Member of *I Liheslaturan Guahan* may submit a request to the Committee on Rules that a certificate of condolences or commendation be so issued. The Committee may refer the request to the Clerk of the Legislature who, after referral, shall number, prepare it for signature and deliver it to the Primary Sponsor. Certificates of commendations or condolences shall be issued after review by

Section 2:		Definitions
a.	GMTA Office located at 236 East O'Brien Drive, Hagatna, Guam 96910.	
b.	Call 671-475-4682 for GMTA Administration Offices, 671-475-4621 for operations of the Guam Public Transportation system, or 671-475-7401 TTY.	
c.	Inquiry may be made in person, telephone, or by submitting a written request for information to GMTA, ATTN: Ombudsperson, 236 East O'Brien Drive, Hagatna, Guam 96910.	
d.	Information concerning the operations of paratransit services can be obtained by calling 671-475-4621/22, or 671-475-7433, Monday through Sunday, 8:00 A.M. to 5:00 P.M., including holidays.	
e.	Information regarding lost and found, trip reservations, cancellations, and customer service inquiries shall be directed to Guam Public Transit System, ATTN: Contract General Manager, 236 East O'Brien Drive, Hagatna, Guam 96910, 671-475-4621/22.	

2.01 *Accessible.* Means, with respect to vehicles and facilities, complying with the accessibility requirements of 49 Parts 37 and 38 of the Code of Federal Regulation (CFR).

2.02 *ADA.* Americans with Disabilities Act of 1990, as it may be amended from time to time.

2.03 *Cardholder.* An individual determined ADA Paratransit Eligible for Guam Paratransit Service. Cardholder status cannot be assigned or transferred.

2.04 *Companion.* An individual accompanying a Cardholder. To be viewed as "accompanying" the Cardholder, a companion must have the same origin and destination as the eligible individual (49 CFR Part 37, Category III Eligibility, Subpart F).

2.05 *Contractor.* The entity contracted by GMTA to manage, operate, and maintain GMTA's Guam Public Transit System.

2.06 *Curb-to-Curb.* Service provided from safe pickup points, which are curbside adjacent to public street, roadways, or any appropriate off-street locations.

2.07 *Demand Response Service.* Any system of transporting individuals, including the provisions of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

2.08 *Designated Public Transportation.* Transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyance (other than transportation by aircraft or intercity or commuter rail transportation) that provides the general public with general or special service, including charter service, on a regular and continuing basis.

2.09 *Disability.* With respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

a. The phrase *physical or mental impairment* means:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic,

Section 6.01.02. Not in Session. When *I Liheslaturan Guahan* is *not* in Session, the Clerk of the Legislature shall assign a number to each bill or resolution and shall forward it to the Committee on Rules for introduction. Each bill and resolution shall be introduced in the Committee on Rules by affixing the letters "COR" after the number previously assigned by the Clerk of the Legislature. The Chairperson of the Committee on Rules shall refer each bill or resolution to the appropriate Standing Committee.

Section 6.01.03. Committee Introductions. After bills and resolutions are introduced in the Committee on Rules, the Clerk of the Legislature at the *next* Legislative Session shall read the already so introduced bills and resolutions under the order of introduction of bills and resolutions.

Section 6.01.04. Commendations. Any commendations and congratulations shall be placed on the Consent Calendar following its introduction into the Committee on Rules. If, *after* a Legislative Resolution has been introduced, a resolution or certificate is introduced in the Committee on Rules on the same subject, the *latter* shall *not* be acted upon. If a Rules Resolution or certificate is introduced in the Committee on Rules encompassing the same subject matter, only the first to be submitted may be acted upon.

Section 6.01.05. Form and Style. After the introduction in a Legislative Session, or to the Committee on Rules, the bill shall be sent to the Legislative Counsel by the Clerk of the Legislature for examination and the making of any suggestions to conform the form and style with the form required by these Rules, and to be consistent with the style and placement of enacted law on the same subject, at the Legislative Counsel's discretion. The Legislative Counsel may make stylistic adjustments to an adopted resolution or certificated with the concurrence of its Primary Sponsor.

Section 6.01.06. Committee Bills. Any Committee may introduce a bill or resolution on any subject in the same manner as any Member.

Section 6.01.07. Similar Resolutions. If two (2) or more resolutions, or a resolution and a certificate, or two (2) or more certificates on substantially the same subject matter are adopted, only the document *first* submitted shall issue. Questions as to whether the substance or textual significance of two (2) or more

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Guam Public Transit System

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Section 1: General Provisions

- 1.01 Purpose. To establish and promulgate rules and regulations pertaining to Guam Mass Transit Authority’s (GMTA) Guam Public Transportation System, which includes Fixed Route, Demand Response, and Paratransit services.
- 1.02 Methods Whereby the Public May Obtain Information. The public may obtain information as to matters within the jurisdiction of GMTA’s services by inquiring at:

1 **Section 2. Approval of rules and regulations of the Guam Mass Transit**
2 **Authority.** The following rules and regulations for the Guam Mass Transit
3 Authority are hereby approved. These rules and regulations are attached and
4 incorporated herein.


5
6 **Section 3. Severability.** *If* any provision of this Law or its application
7 to any person or circumstance is found to be invalid or contrary to law, such
8 invalidity shall *not* affect other provisions or applications of this Law which can
9 be given effect without the invalid provisions or application, and to this end the
10 provisions of this Law are severable.

Bank of the ...
ACKNOWLEDGMENT RECEIVED
Received by: *[Signature]*
Time: 10:52 A
Date: 10/14/8

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 165 (COR)

Introduced by:

F. P. Camacho 

**AN ACT TO ADOPT THE RULES AND
REGULATIONS OF THE GUAM MASS TRANSIT
AUTHORITY**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Mass Transit Authority has been operating without rules and
4 regulations for years, to the detriment of both the authority and its passengers.
5 The Guam Mass Transit Authority has prepared proposed rules and regulations
6 for the operation of the island's mass transit system and conducted hearings on
7 the proposed rules, while the Committee on Tourism, Transportation and
8 Economic Development held a public hearing on the proposed regulations on
9 July 6, 2001. The concerns of the public and the Committee have been addressed
10 in amendments to the Rules and Regulations. *I Liheslaturan Guåhan* finds that it is
11 critical to have these rules and regulations implemented in a timely manner to
12 provide a framework for the conduct of the Guam Mass Transit Authority and
13 the passengers of the mass transit system.

14

PERSONAL QUALIFICATIONS STATEMENT

(Use Continuation Sheet where needed)

1. Check option for which you wish to be considered:

Director

Deputy Director

Board/Commission

Guam International Airport Authority

2. Name (Last, First, Middle)

Takano, Carlos Sanchez

3. Mailing Address

P.O. Box 8291, Tamuning, Guam 96931

4. Home Address

598 Pale San Vitores Road, Tumon, Guam 96931

5. Home Telephone

646-6985

6. Work Telephone

649-8751

7. Citizenship

United States

8. Date of Birth (Mo., Day, Year)

8/10/44

9. Age

57

10. Social Security Number

586-05-7586

11. List your prior government of Guam appointments and dates of service:

1967-1968- Personal Management Analyst, Department of Admnsitration,

Government of Guam

1995-Present - Member Board of Director-GIAA

12. List all prior government service whether within or without government of Guam:

N/A

13. List three (3) character and family references (name, address, telephone number):

1) Dennis Rodriguez- Director, Public Heal and Social Services 649-6165

2) Greg Sanchez-MCB 477-9041 (Maite)

3) Rebecca Takano-Fortune 8 789-1687 (Pago Bay Estate)

GENERAL TIRE SALE

	EA	For 2
195/60R14	\$55.00	\$109.00
185/65R14	\$53.00	\$104.00
185/70R14	\$44.00	\$86.00
195/70R14	\$45.00	\$88.00
195/75R14	\$47.50	\$92.00
205/70R14	\$50.00	\$98.00
205/60R15	\$59.95	\$118.00
205/65R15	\$59.95	\$118.00
235/75R15	\$68.00	\$134.00

FREE MOUNTING/BALANCING & ROTATION W/PURCHASE

All tire prices plus disposal fee of three dollars (\$3.00) each.

GOVERNMENT MEETINGS

▲ Continued from Page 8

special accommodations should call 647-5407
GOV GUAM RETIREMENT FUND BOARD OF TRUSTEES: 5:30 p.m. June 26, Retirement Fund conference room, Main. Call 475-8919.
SOUTHERN GUAM SOIL AND WATER CONSERVATION DISTRICT: 7 p.m. June 26, JOG Experiment Station. All interested people welcome. Call 734-3948.
PLANNING COUNCIL: 10 a.m. June 26, Governor's conference room, RJB complex, Adelia. Con-Guam emergency response plan; Land Use Task Force, Guam wetland conservation plan; miscellaneous matters. Call 472-9771/0.
ALCOHOL AND BEVERAGE CONTROL BOARD: 5 p.m. June 27, Department of Revenue and Taxation director's conference room, second floor, Building 113-01,

Mariner Ave., Tiyen. Those who need special accommodations should call 475-1790.
GHURA BOARD OF COMMISSIONERS: 5 p.m. June 27, GHURA conference room. Those who need special accommodations should call 477-9851/4 or TTY/TDD 477-3701.
HISTORIC PRESERVATION REVIEW BOARD AND GUAM PRESERVATION TRUST: 5 p.m. June 27, GPT conference room, Building 13-B, Tiyen. Public meeting. Call 475-6290/1.
GOVERNOR'S EDUCATIONAL TASK FORCE FOR CAPITAL FACILITIES: Rescheduled meeting 10 a.m. June 28, Governor's conference room, RJB complex, Adolup. Finance committee report, properties (land) committee report, structural design/construction committee report, projection committee report. Call 472-9771/0.
CIVIL SERVICE COMMISSION BOARD: 5:00 p.m. June 28, CSC conference room,

490 Chalan Palasio, Agaña Heights. Old, new, general business; executive session. Call 475-1300/01.
WORKFORCE INVESTMENT BOARD: 10 a.m. June 28, Governor's conference room, RJB Complex, Adolup. Those who need special accommodations should call 647-7151.
GUAM LAND USE COMMISSION: 1:30 p.m. June 28, Department of Land Management's conference room, third floor, Room 320, One Stop Building, Anigua. Conditional use permit for Kim Jim Soak; conditional use permit for Arlene T. Paulino, zone change for William C. and Rose Hightower. Call 475-5259.
CONTRACTORS LICENSE BOARD: 10 a.m. June 28, board conference room. Call 646-7262.
GVJ BOARD OF DIRECTORS: 4 p.m. June 28, GVB's main conference room, Tuman. Those who need special accommodations should call 646-5278/9.
CHAMORRO LAND TRUST COMMISSION: 9 a.m. June 28, Building 907, Central Ave., Tiyen. Those who need special accommodations should call 475-4251.
GIAA BOARD OF DIRECTORS: 10 a.m. June 28, terminal's conference room 3, Tamuning. Parking available on ground floor. Those who need special accommodations should call 646-0300.
WORKERS COMPENSATION COMMISSION: 2 p.m. June 28, Department of Labor director's conference room, 110 C St., Tiyen. Agenda copies available at commission's office, upon prior request only. Call 475-0151/2.
PORT AUTHORITY OF GUAM BOARD OF DIRECTORS: 10 a.m. June 29, board conference room, Cabras Island, Piti. Agenda copies available. Those who need special accommodations should call Simon Delos Santos, 477-5931, ext. 430, or pager 720-6056.
COMMITTEE ON TOURISM, TRANSPORTATION AND ECONOMIC DEVELOPMENT: Public hearing 10 a.m. July 3, I Liheslaturan Guahan public hearing room, Hagåtña. Bills no. 95, 113, 26, 38, 112. Those who need special accommodations should call Bernadette Mena, 472-3544.
 July 4: Independence Day holiday. No meetings are scheduled.
MAYORS COUNCIL OF GUAM: 10 a.m. July 5, council's conference room, RJB complex, Adolup.
COMMITTEE ON TOURISM, TRANSPORTATION AND ECONOMIC DEVELOPMENT: Public hearing on testimony of Guam Mass Transit Authority rules and regulations, GEDA e-commerce rules and regulations and confirmation hearing of Christopher S. Murphy to GEDA board of directors, 10 a.m. July 6, I Liheslaturan Guahan public hearing room, Hagåtña. Those who need special accommodations should call Bernadette Mena, 472-3544.
CONTRACTORS LICENSE BOARD: 10 a.m. July 12, 26, board conference room. Call 646-7262.

Pacific Daily News, Tuesday, June 26, 2001 guampdn.com

**MANILA BY DAY.
 MANILA BY NIGHT.
 YOU CHOOSE.**

**Starting up to 11 times weekly
 to Manila, all summer long.**

Now you can choose between a sunrise or sunset arrival in Manila. There's plenty of time to catch up with relatives and friends, shop a little or even relax.

1 treasurer and the principal of the school shall sign all withdrawals
2 drawn against the Student Activities Fund, provided that no
3 checks or withdrawals may be drawn against the Student
4 Activities Fund without disbursement request signed by the
5 student organization advisor and treasurer.

6 (c) The student activities treasurer shall maintain
7 accounts showing the balances due respective student
8 organizations and shall maintain an accurate record of all deposits
9 and expenditures from the Student Activities Fund and shall
10 prepare a monthly financial statement report. Copies of this report
11 shall be given to the Superintendent of Education, principal and
12 student activities sponsor. The records of the student activities
13 treasurer shall be open to inspection at reasonable times by faculty
14 advisors and officers of the student organizations concerned. Such
15 records shall be maintained by the student activities treasurer in
16 accordance with such rules and regulations.

17 (d) Each Student Activities Fund shall be audited as often
18 as required at least annually by the Bureau of Budget and
19 Management Research in cooperation with the Department of
20 Education Fiscal office and a copy of the audit shall be filed with
21 the Student Activities Money Committee and the Board.

22 **Section 6119. Junior Reserve Officers Training Corps**
23 **(‘JROTC’) Fund.** There is created a JROTC Fund to be maintained
24 separate and apart from all other funds of the Government. All money
25 received by the Government from the U.S. Department of Defense for

Public Hearing
10 a.m. Friday, July 6th, 2001

AGENDA

- I. Call to Order
- II. Announcement and Introduction of Members
- III. Confirmation Hearing:
 - Christopher S. Murphy to the Guam Economic Development Authority Board of Directors
- IV. Guam Economic Development Authority E-Commerce Rules and Regulations
- V. Guam Mass Transit Authority Rules and Regulations
- VI. Remarks
- VII. Adjournment

1 (7) the provision of programs for the deaf, blind,
2 emotionally disturbed, crippled and physically handicapped
3 children attending non-public schools. Such services shall be
4 provided in the public school or in public centers or in
5 mobile units located off of the non-public premises as
6 determined by the Superintendent of Education. *If* such
7 services are provided in the public school or in public
8 centers, transportation to and from such facilities shall be
9 provided by the government.

10 (b) *Non-public school* means a nonprofit school, other than a
11 public school within Guam, wherein a resident of Guam may
12 legally fulfill the compulsory school attendance requirements of
13 this Title.

14 **Section 6302. Program of Auxiliary Services.** Students
15 attending non-public schools shall be furnished a program of auxiliary
16 services if such services are available to pupils attending the public
17 schools. Such service shall be of the same quality as that provided
18 public school pupils.

19 **Article 4.**

20 **Pupil Truancy, Suspension and Expulsion.**

21 **Section 6401. Definitions.** As used in this Article:

22 (1) *Board* means the Board of Education or the Board of
23 Trustees of the Guam Community College.

Articles will be held for 45 calendar days. All items left unclaimed will be donated to Goodwill Industries of Guam, Inc.'s Thrift Shop. If you discover you have left any items on a bus, please call the Dispatch office at 671-475-7433 on the same day of the loss. If you discover your loss after the day you rode the bus, you should contact the Operations Manager at 671 475-4613 voice or 671-475 7401(TTY).

1 property or it may provide such use free of charge, in its discretion, if it
2 deems the use to be sufficiently in the public interest.

3 **Section 7103. Unused School Equipment: Utilization of.**

4 (a) The Board of Education is authorized to enter into
5 agreements with non-public schools for the mutual utilization of
6 school equipment for non-religious purposes which is not being
7 used or if being used, during periods of non-use.

8 (b) The Board shall adopt rules and regulations for the
9 mutual utilization of school equipment.

10 **Section 7104. School Facilities; Use of.** The use of school
11 facilities by person(s) or group(s) during non-school hours is hereby
12 authorized.

13 (a) The Board may grant permission for the use of school
14 facilities, including the gymnasium, theater, staff development
15 center, and other DOE facilities located at Tiyan, NAS, Hagatna.
16 The principal or his/her designee shall arrange the scheduling of
17 any non-school activity authorized by the Board and, in addition,
18 serve as liaison between the Board and the requesting party or
19 user group.

20 (b) The Board, in collaboration with the Superintendent
21 and the various school principals/Tiyan facilities manager/staff
22 development manager, shall prescribe such rules and regulations
23 governing the use of school facilities as it may deem necessary.

9.01 All verbal and written complaints shall be direct to GMTA's Ombudsperson. This shall include all complaints received by GMTA's contractor for the Guam Public Transit System. Written complaints shall be addressed to the following:

Guam Mass Transit Authority
 ATTN: Ombudsperson
 236 East O'Brien Drive
 Hagåtña, Guam 96910

9.02 GMTA's Ombudsperson shall address complaints within three (3) working days from the date a complaint is received. Should additional time be needed to resolve a complaint, GMTA's Ombudsperson shall notify the complainant of such. This extension shall not exceed two (2) working days.

9.03 All complaints should be specific as to the exact date, time, place, and a full description and sequence of events of the alleged incident or violation of GMTA's Rules and Regulations (Appendix 1). Include the names, if known, of any GMTA or GMTA contract employee involved, as well as the names of any person witnessing the event.

9.04 A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Ombudsperson and forwarded to the complainant no later than (3) working days after its filing.

9.05 The right to a prompt and equitable resolution of a complaint filed hereunder shall not impair a person's pursuit of other remedies (e.g., Local and Federal entities). Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

Section III: Bundles and Personal Articles

10.01 Any bundle or personal article that can be stored under a passenger's seat or on a passenger's lap without interfering with the comfort or endangering the safety of other passengers shall be allowed on board public transit service vehicles. Passengers in possession of bundles or personal articles that cannot be stored as indicated above shall be denied entry to public transit service vehicles by the operator.

10.02 The General Manager of GMTA shall from time to time grant waivers to this rule in the event a passenger demonstrates qualified public purpose. The Contractor will inform the General Manager in writing of such requests for waivers, confirm the availability of space on the transit vehicle(s) and any operational impacts this request may create.

10.03 It shall be the passenger's sole responsibility to remove personal bundles and articles. Such removal of personal effects shall not take longer than five (5) minutes so as not to detain other passengers longer than necessary or otherwise interfere with normal operations.

Section 11: Lost and Found

Articles found left behind on the public transit vehicle will be turned in to the Operations Manager.

1 donations and other kinds of contributions for the purposes of the
2 Fund.

3 **(b) Same: Expenditures.** Expenditures from the Fund
4 shall be made exclusively for the purpose of supplementing the
5 costs associated with operating the Department of Education
6 interscholastic sports programs.

7 The Department of Education may transfer from the
8 Interscholastic Sports Fund to the Department of Public Works
9 such funds as are necessary to fund in whole or in part
10 interscholastic bus transportation.

11 **(c) Same: Distribution of the Interscholastic Sports**
12 **Fund.** Elementary schools may participate in the solicitation of
13 commercial advertising in their respective schools as provided
14 through the Interscholastic Sports Fund Act. *However*, because the
15 interscholastic sports program exists in the middle and high
16 school levels only, the elementary school that solicits and receives
17 monies for commercial advertising shall deposit all funds into the
18 Interscholastic Sports Fund. The Department of Education shall
19 transfer forty percent (40%) of the total sum of any fees, monetary
20 gifts, donations or contributions collected or derived from the
21 commercial leasing of any part of the facilities for advertising or
22 other such purposes of an elementary school, into 'I Salappe
23 *Facilidat*' account of that respective elementary school. The
24 remaining sixty percent (60%) will remain in the Interscholastic

The purpose of (MTA's service is solely to provide public transportation. The public transit services shall not provide ambulance-type, emergency service for a cardholder, PCAs, or other passengers requiring immediate medical attention.

Section 8: Emergency Service

- 7.07 The provisions of this article shall in no way limit the provisions of any other federal or local law, or rule.
- 7.06 A copy of the Board's findings and decision shall be forwarded to the appellant no later than five (5) working days after the hearing of an appeal.
- 7.05 The GMTA Grievance and Appeals Board shall have the power to affirm, reverse or modify the decision of the General Manager based upon findings of facts. This decision shall be the final decision of GMTA. All findings of fact and conclusions of law and decisions and orders of the General Manager or GMTA Grievance and Appeals Board shall be in written form, kept on file for a period of two (2) years and open to public inspection.
- 7.04 The requirements of Section 7.03 are subject to the establishment of a quorum by the Appeals and Review Board.
- 7.03 Within fifteen (15) working days from the filing of such notice of appeal, the GMTA Grievance and Appeals Board shall conduct a hearing at which time the appellant shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any fact showing the reason why the suspension or revocation was in error.
- 7.02 Such cardholder or passenger may file and appeal and request a hearing within fifteen (15) calendar days from the issuance and delivery (date delivered or mailed) of notice (suspension/revocation) or such additional time as may be permitted by the General Manager. The request for a hearing to appeal the suspension or revocation shall be made in writing and addressed to the GMTA Grievance and Appeals Board at 236 East O'Brien Drive, Hagerman, CA 96910.
- 7.01 Written notice of a revocation or suspension including the reason(s) for the suspension shall be given to any cardholder or passenger whose service or Rider Card has been suspended or revoked at least fifteen (15) calendar days prior to the effective day of the revocation or suspension.

Section 7: Appeals

- 6.02 The appeals process of Section 7 is available to an individual on whom sanction have been imposed under this Section. The sanction is stayed pending the outcome of the appeal.
 - a. Provide the individual an opportunity to be heard and to present information and arguments;
 - b. Provide the individual with written notification of the decision and the reasons for it;

1 the effective date of this Act.”

2 **Section 4.** Section 26210 of Article 2 of Title 11 of the Guam Code
3 Annotated is hereby *repealed*.

4 **Section 5.** Section 26211 of Article 2 of Title 11 of the Guam Code
5 Annotated is hereby *repealed*.

6 **Section 6.** Section 26212 of Article 2 of Title 11 of the Guam Code
7 Annotated is hereby *repealed*.

8 **Section 7.** Section 26213 of Article 2, Chapter 26, Division 2 of Title 11
9 of the Guam Code Annotated is hereby *repealed*.

10 **Section 8.** Section 26214 of Article 2, Chapter 72 of Title 11 of the Guam
11 Code Annotated is hereby *repealed*.

12 **Section 9.** Section 5125 of Article 2 of Title 5 of the Guam Code
13 Annotated is hereby *repealed and reenacted* to read as follows.

14 **“Section 5125. Application of this Chapter to Executive**
15 **Branch.** Every governmental body which is in the purview of the
16 Executive Branch and including Guam Community College, the
17 University of Guam, the Department of Education, the Guam Memorial
18 Hospital and the Guam Visitor’s Bureau shall be governed by Articles 1,
19 3, 6, 7, 10, 11 and 12 of this Chapter, *except* to the extent that any such
20 governmental body or other above-named body may be exempted from
21 the centralized procurement regime of Article 2 of this Chapter, in
22 which event the Director of each such governmental body or other
23 above-named body shall be substituted wherever there is reference to
24 the Public Policy Office or Chief Procurement Officer or Director of

6.01 Prior to the suspension of services, GMATA shall ensure that the following procedures are followed (Appendix 7):
a. Notify the individual in writing that GMATA proposes to suspend service, citing with

Suspension of Service
Section 6:
Service to a cardholder or passenger may be suspended for a period of not longer than three hundred sixty-five (365) days at the discretion of the General Manager of GMATA, his or her designee, or the GMATA Grievance and Appeals Board for any violation of these rules or regulations or any other law or rule relative to the public transit service program or the use thereof. *Suspension of service(s) shall be issued fifteen (15) calendar days prior to the effective date of the suspension.*
be issued pending prior written notice to the offender. Notice of suspension of service(s) shall be

5.02 Extreme Misconduct
a. Except as otherwise provided, the Contractor may deny public service to any cardholder or passenger when the cardholder or passenger caused or may cause an immediate danger or harm to other passengers or the operator. The Contractor shall notify the GMATA General Manager immediately in writing when such action is taken.
b. The GMATA General Manager shall thereafter conduct an investigation and determine whether probable cause exists to immediately suspend public transit service to the cardholder or passenger.
c. The passenger or cardholder may appeal the General Manager's decision by filing an application for appeal with GMATA's Grievance and Appeals Board.

5.01 Penalty
a. Suspension of public transit services for a period of ten (10) calendar days for offenses of Section 4.01 a - d.
b. Suspension of public transit services for a period of thirty (30) calendar days for second offenses of Section 4.01 a - d.
c. Suspension of public transit services for a period of one hundred eighty (180) days for more than two (2) offenses of Section 4.01 a - d, and for offenses of Sections 4.01 e - g.
d. Suspension of public transit services for a period of three hundred sixty-five days for more than two (2) offenses of Sections 4.01 e - i, and 4.02 a - f.

(1) Any passenger who, after being warned by the operator, repeatedly misbehaves or who is considered offensive to others, or is a threat to others, may be denied public transit service to include other public transit services.
(2) The Contractor shall report incidents of misconduct in writing to the General Manager of GMATA no later than three (3) calendar days from the date of incident. After reviewing the report provided on the incident, the General Manager or his/her authorized representative shall take appropriate action as deemed necessary, including but not limited to:
(a) Providing a oral or written warning to the cardholder that suspension of services pursuant to these regulations may be imposed if such misconduct is repeated; or
(b) Suspending ~~PT~~ public transit service to the cardholder passenger pursuant to these regulations.

Government of Guam
FY 2002 Program Performance Based Budget
Document Checklist

Agency: Department of Military Affairs
 Program: OFFICE OF CIVIL DEFENSE /
(EMPG) Non-Terrorism & Terrorism

Department	
Yes	No

BBMR	
Yes	No

GENERAL:

Memorandum of Submittal to BBMR	_____	_____	_____	_____
Budget Certification	_____	_____	_____	_____
Budget Checklist	_____	_____	_____	_____
Organizational Chart	_____	_____	_____	_____

AGENCY REQUIREMENTS:

Agency Narrative Form (BBMR AN-N1)	_____	_____	_____	_____
Agency Fiscal Summary Form (BBMR AFS-1)	xx	_____	_____	_____

PROGRAM REQUIREMENTS:

Program Narrative Form(s) (BBMR PG-N1)	xx	_____	_____	_____
Program Fiscal Summary Form(s) (BBMR PFS-1)	xx	_____	_____	_____
Program Budget Digest Form(s) (BBMR BD-1)	xx	_____	_____	_____
Program Staffing Pattern Form(s) (BBMR SP-1)	xx	_____	_____	_____
Program Staffing Pattern Form(s) (BBMR SP-2)	xx	_____	_____	_____

Federal Program Inventory Form (BBMR FP-1)	xx	_____	_____	_____
Federal Program Inventory Form (BBMR FP-2)	_____	_____	_____	_____

Equipmt. / Capital Listing & Space Requirement Form (BBMR EL-1)	xx	_____	_____	_____
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- or smoldering.
- g. Spitting, expectorating, urinating or defecating in, on or from the bus or vehicle; provided that nothing contained in this section shall be construed as applying to any person who cannot comply with this subdivision as a result of a disability, age, or a medical condition.
- h. Obstructing, impeding, hindering, interfering with or otherwise disrupting the safe and efficient operation of the bus or vehicle or any operator or other agent of the transit system in the performance of that individual's official duties.
- i. Defacing or causing property damage to bus or vehicle.
- j. Causing physical and or emotional harm to passengers in the bus or vehicle.
- l. Boarding the bus through the rear exit door, unless directed to do so by the operator, any agent of the transit system, or a police officer.
- m. Opening the emergency exit door or any emergency exit window.

4.02 When boarding a public transit bus or vehicle:

- a. Knowingly failing or refusing to pay the applicable fare for transportation on the bus or vehicle, in cash, coupon/ticket, or in the required manner.
- b. Presenting a pass, transfer, badge, or other fare medium for transportation on such bus or vehicle, when the person presenting such fare medium knows it has not been provided, authorized, or sold by or for the transit system, or knows that the pass, transfer, badge, or other fare medium is not valid for the place, time and manner in which it is presented, or knows that presentation of the pass, transfer, badge, or other fare medium violated a restriction on the transfer or use of such fare medium imposed by GMTA's rules and regulations.
- c. The operator of any public transit service vehicle or any other agent of the transit system or any police officer may refuse to allow any person to board the bus or vehicle:
 - (1) When the passenger appears to be intoxicated on liquor or drugs;
 - (2) When the person is engaged in activities that, if such activities occurred in the bus or vehicle, would violate the provisions of Section 5.01 if conducted in violation of the request of the operator, agent, or police officer;
 - (3) When the person is engaged in activities that, if such activities occurred in the bus or vehicle, would violate any other law; or
 - (4) When it appears that the person intends to engage in any of the activities referred to in subdivision 4.01b or 4.01c in the bus or vehicle.
- d. In addition, the operator of any public transit service vehicle or any other agent of the transit system may refuse to transport any such persons who has already boarded the bus or vehicle and the operator, agent or any police officer may cause such person to be ejected from the bus or vehicle. It shall be a violation of this section for a person to board a public transit service vehicle after being requested not to do so by the operator, another agent of the transit system or police officer for the reasons specified in this subsection, or for a person to refuse or fail to immediately exit a public transit bus or vehicle when requested by the operator, another agent of the transit system, or a police officer to do so for any of the reasons specified in this section.
- e. No person shall remove or deface signs required to be erected by or under the authority of this article.
- f. No person shall throw or place hot burning substances or objects such as cigars, cigarettes or the contents of a burning pipe in, upon or in close proximity to any object or structure in a public transit service vehicle, which is combustible or liable to damage by heat, fire or explosion.
- g. ~~Misconduct by ADA-paratransit-eligible individuals.~~

Preparedness:

- Training and exercise plan will be established for the whole calendar year for all RACs and emergency responders
- Advanced communication system will be in place with inter-agency and Smartnet interface capability
- CITYWATCH will be in place for greater an enhanced early warning and notification system
- All Mayors will have the capability to communicate with each other and with the OCD for a more efficient and effective overall management of any and all types of emergencies or disasters
- All Mayors and the Mayors' Council will have a Standard Operating Procedure in the mitigation and preparation for, responding to, and recovering from any emergency or disaster
- All OCD emergency response vehicles will be fully operational with radio communication capability
- The Guam Emergency Response Plan (GERP) will guide the emergency management of the island of Guam
- The Government of Guam will have the necessary specialized equipment to address a terrorism/WMD threat
- The School Safety Annex will direct and guide an effective response to any and all school related emergencies or incidents
- All RACs will be fully trained in all aspects of emergency management
- The EOC will have state of the art equipment to enhance the OCD's management of all emergencies or disasters
- The OCD facility will be fully capable for normal operations and emergency activation

Response and Recovery:

- The Guam Emergency Response Plan (GERP) along with its Response Agency Roles and Responsibilities, Specific Hazards and Functional Annexes will provide guidance in all aspects of emergency management
- Training and Exercises will be a major Emergency Management Function that will support the GERP

- a. Passengers who refuse to use or allow to be used wheelchair tie-down, or other restraining and safety devices as required for their safety and the safety of others while the vehicle is in motion, shall not be allowed to ride in paratransit service vehicles.
- b. Wheelchair passengers must ensure that their wheelchairs are equipped with a seatbelt or shoulder harness restraining device. Passengers with wheelchairs, which are not equipped with personal restraints, will be denied service.
- c. Wheelchairs shall ride only at designated securement locations in the vehicle, where such locations exist.
- d. When an occupied wheelchair is secured in accordance with the manufacturer's instructions, the securement system shall limit the movement of the occupied wheelchair to no more than two (2) inches in any direction while the vehicle is operating.

Section 4: Activities and/or Conditions Prohibited on Guam's Public Transit System

- 4.01 It shall be a violation of this section for a person, who is doing or has done any of the following activities on a public transit vehicle, to either refuse or fail to immediately cease and desist from doing any of the following activities after being requested to do so by the Operator, another agent of the transit system, or a police officer:
 - a. Consuming any form of food or beverage or carrying or possessing any food, beverage in a container other than a container that is tightly closed, covered or packaged so to minimize the possibility of accidental spillage when the container is shaken or dropped; provided that nothing contained in this section shall be construed as prohibiting the carrying or possession of groceries in a suitable bag or other container.
 - b. Using or playing any television, radio, recording playback device, musical instrument, or other sound-producing device, unless the device is connected to a headphone or earphone which limits the sound to the individual user. Nothing contained in this section shall be construed as prohibiting the operator of the bus or vehicle from using or playing such devices for official business, or as prohibiting the use of personally owned telephones and pagers.
 - c. Carrying or possessing any live animals, except a service animal properly harnessed and accompanied by the individual with a disability owning the service animal or to whom the service animal has been furnished, and except for small animals properly kept in enclosed containers. This section shall not be construed as prohibiting a police officer from carrying or possessing an animal used for law enforcement purposes.
 - d. Discarding, disposing of, placing, throwing, or dropping any item in or from the bus or vehicle, except into receptacles designated for that purpose.
 - e. Failing or refusing to vacate seats designated as priority seating for elderly or persons with disabilities or the fold-down or other movable seat area designated for wheelchair securement, when requested to do so by the operator, any other agent of the transit system, or a police officer; provided that nothing contained in this section shall be construed as requiring the operator or other agent of the transit system to enforce a request that other passengers move from priority seating area or wheelchair securement area.
 - f. Carrying or possessing any flammable, combustible, explosive, corrosive, or highly toxic liquid or other substance, article or material which is likely to cause harm to others or to emit any foul noxious dust, mist, fume, gas, vapor, or odor; provided that nothing contained in this section shall be construed as prohibiting a person from carrying or possessing any match or any cigar, or pipe lighter, which is not lighted

Received: 8/13/01 – 2:20 p.m.

Bill No. 147 (COR) - by M. C. Charfauros

AN ACT TO REPEAL AND REENACT CHAPTER 5 OF TITLE 11, GUAM CODE ANNOTATED RELATIVE TO GAMING ON GUAM AND TO AUTHORIZE THE DEPARTMENT OF REVENUE AND TAXATION TO CREATE WITHIN THE DEPARTMENT THE “GAMING CONTROL COMMISSION”

Received: 8/15/01 – 1:50 p.m.

Bill No. 148 (COR) - by J. T. Won Pat, V. C. Pangelinan

AN ACT TO AWARD HONORARY HIGH SCHOOL DIPLOMAS TO VETERANS OF WORLD WAR II, KOREAN CONFLICT AND VIETNAM CONFLICT WHO DID NOT GRADUATE FROM HIGH SCHOOL.

Bill No. 149 (COR) - by J. T. Won Pat

AN ACT TO AMEND SUBSECTION (B)(2), (B)(4), AND ADD SUBSECTION (B)(9) OF SECTION 3112 TO CHAPTER 3, DIVISION 1 OF TITLE 7 OF THE GUAM CODE ANNOTATE, RELATIVE TO THE MEMBERSHIP OF THE PUBLIC GUARDIANSHIP REVIEW BOARD.

Received: 8/15/01 – 2:55 p.m.

Bill No. 150 (COR) - by M. C. Charfauros

AN ACT TO REPEAL AND REENACT §1013, 1 GCA, RELATIVE TO THE GUAM ISLAND FAIR AND LIBERATION DAY CARNIVAL

Bill No. 151 (COR) - by M. C. Charfauros

AN ACT TO AMEND CHAPTER 75, 21 GCA, REQUIRING THE CHAMORRO LAND TRUST COMMISSION TO RECORD WITH THE DEPARTMENT OF LAND MANAGEMENT, ALL CHAMORRO HOMELANDS UNDER ITS ADMINISTRATIVE CONTROL

- 3.29 Restraint and Safety Devices.
- 3.28 No-Shows (Missed Trips)
- 3.27 Operator Responsibility. The responsibilities of the Paratransit service operator shall be as follows:
- a. To assist all passengers while boarding or disembarking.
 - b. To ensure that all wheelchairs and other mobility aids are secured and attached to the vehicle.
 - c. For safety purposes, to inspect and assure that all passengers are properly secured by means of seat belts, harnesses, and/or other restraining devices before the vehicle is put into motion.
 - d. To assist passengers who are unable to fasten restraining devices due to a disability.
 - e. To report all cases of misconduct in writing to GMFTA.
 - f. Maintain a 100% trip completion level and a 95% on time performance. Ratio shall be based on arrival and departure times specified by a trip schedule. A bus will be considered on time if it arrives on/or within ten (10) minutes before a scheduled pick-up time or departs on/or within ten (10) minutes of a scheduled pick-up time. A bus arriving earlier than ten (10) minutes after a scheduled pick-up time or departing more than ten (10) minutes after a scheduled pick-up time is considered "late." If this provision of the rules is in conflict with the contract between a service provider and GMFTA, the contractor shall be held to the higher standard.
- 3.27
- c. Cancel reservations if the trip is not needed. If the trip is not canceled at least one (1) hour before the scheduled pickup time, the cardholder will be considered a "No-Show".
 - d. Display his or her ADA Paratransit Rider Card at the pickup point. Passengers without their card may not be allowed to ride in the vehicle. If a passenger is unable to assume this responsibility and is not traveling with a personal care attendant or companion, it shall be the responsibility of the person who arranged the trip to display the passenger's Rider Card to the operator.
 - e. Provide industry approved seat belts for wheelchairs and to assure that such seat belts are fastened prior to boarding the wheelchair lift. Wheelchair securement (tie-downs) devices will be provided by the Contractor and secured by the Operator.
 - f. Provide and use an adequate child auto restraint for any child less than forty (40) pounds.
 - g. Have a "travel" attendant accompany the cardholder at all times, if required by the cardholder's health care professional.
 - h. Make sure that all sores, wounds, cuts, abrasions, etc., are properly covered and bandaged.
- 3.27
- Operator Responsibility. The responsibilities of the Paratransit service operator shall be as follows:
- a. To assist all passengers while boarding or disembarking.
 - b. To ensure that all wheelchairs and other mobility aids are secured and attached to the vehicle.
 - c. For safety purposes, to inspect and assure that all passengers are properly secured by means of seat belts, harnesses, and/or other restraining devices before the vehicle is put into motion.
 - d. To assist passengers who are unable to fasten restraining devices due to a disability.
 - e. To report all cases of misconduct in writing to GMFTA.
 - f. Maintain a 100% trip completion level and a 95% on time performance. Ratio shall be based on arrival and departure times specified by a trip schedule. A bus will be considered on time if it arrives on/or within ten (10) minutes before a scheduled pick-up time or departs on/or within ten (10) minutes of a scheduled pick-up time. A bus arriving earlier than ten (10) minutes after a scheduled pick-up time or departing more than ten (10) minutes after a scheduled pick-up time is considered "late." If this provision of the rules is in conflict with the contract between a service provider and GMFTA, the contractor shall be held to the higher standard.
- 3.28
- a. A cardholder who is a "No-Show" three (3) or more times in a month may be subject to the suspension of paratransit service to him/her at the discretion of the General Manager of GMFTA. The first such suspension of paratransit service shall be for no longer than thirty (30) days. Suspensions for violations of this rule after the first suspension shall be for not more than one hundred eighty (180) calendar days.
 - b. Prior to suspending service to any cardholder, the General Manager of GMFTA or his/her authorized representatives shall send at least one (1) written notice warning the cardholder that a subsequent failure of the cardholder to appear at the scheduled pickup time will result in suspension.
- 3.29
- Restraint and Safety Devices.

(c) GTA shall not give unreasonable preference or advantage to any person or class of persons when providing telecommunications services or engage in any anti-competitive act or practice.

Section 6 – Tariffs of Rates and Charges.

(a) Unless otherwise ordered by the Commission, GTA shall file a tariff indicating the rates and charges and the classifications, terms and conditions of its telecommunications services. The tariff shall be in such form, contain such other information, and be made available to the public in such manner as provided in 28 GAR Chapter 4.

(b) Except as provided in subsection (c), GTA shall not make any change in any rate or charge or any classification, term or condition for any telecommunications service in its tariff except after thirty (30) days' prior notice to the Commission or unless the Commission has previously authorized or approved such change.

(c) Unless otherwise ordered by the Commission, GTA shall not provide or resell any telecommunications service unless tariffs relating to that telecommunications service have been filed and the notice period has expired. Unless otherwise ordered by the Commission, GTA shall not (1) charge, demand, collect or receive greater, lesser, or different compensation for such telecommunications service than the charges specified in its tariffs, (2) refund or remit by any means or device any portion of the charges so specified, or (3) extend to any person any privileges or facilities or employ or enforce any classifications, terms and conditions, except as specified in such tariffs.

(d) GTA may discount or reduce any rate or charge for a telecommunications service in its tariff of current rates and charges by filing notice of such discount or reduction with the

hours of 8:00 a.m. to 5:00 p.m.) for the next service day from 6:00 a.m. to 7:30 p.m., including all holidays. Same day reservations will be accepted on a space available basis only. Facsimile requests are acceptable provided the sender has given a contact number to confirm the reservation. Service requests may be negotiated by GMFTA, but shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one (1) hour before or after the individual's desired departure time.

3.22 Subscription Service. Subscription service may be provided by the Contractor, provided the Cardholder meets the qualification criteria set forth below:

- Trip purpose shall be exclusively for medical, school, training, day care, and/or work.
- There shall be no more than one (1) PCA or companion to accompany a cardholder. A PCA and a companion both cannot ride as a subscription.
- A cardholder requesting subscription service shall not be prevented from requesting non-subscription service otherwise specified in these rules.

3.23 Requesting and Cancelling Service. If a cardholder is unable to request and/or cancel service due to his or her disability, an individual responsible for the cardholder or a sponsoring agency may do so on behalf of the cardholder by providing trip information and the ADA Paratransit Rider Card number. Facsimile requests are accepted, provided requestor has a contact number.

3.24 Personal Care Attendant or Companion.

- If the qualified and registered health care professional has specified that the cardholder requires a "Personal Care Attendant" said personal care attendant is not considered a companion and shall pay no fare. If the health care professional has specified that the cardholder requires a "travel" attendant, said cardholder must be accompanied by the "travel" attendant when riding. A "Travel" attendant is not considered a companion and shall pay no fare.

3.25 Destination (Arrival Point).

- The Contractor is responsible for the safe curb-to-curb transportation of the passenger. The Contractor does not provide door-to-door service.
- Any cardholder who is unable to care for him or herself due to a physical or mental disability shall be met by a responsible individual upon arrival at the destination. If no such individual is available, the operator shall notify dispatch for instructions. The operator shall prepare an incident report recording the date and time of the incident as well as the cardholder name and drop off address. This incident shall be deemed a misconduct and subject to Section 4.02.g of these rules.

3.26 Passenger Responsibility.

- Make reservations for service at least one (1) day in advance, between the hours of 8:00 a.m. and 5:00 p.m. Inform dispatch if you are to be accompanied with by personal care attendant and/or companion.
- Be at the proper pickup point at the scheduled time. Allow at least ten (10) minutes

EXHIBIT B
TECHNICAL STANDARDS

The Guam Public Utilities Commission (“PUC”) shall conduct a rulemaking to adopt minimum technical standards for the Purchaser. The rules shall include, as a minimum, standards for the following areas:

Retention of Records

Required Records and Reports to be Filed with the PUC

Required Records and Reports to be Maintained by the Purchaser

Rules Relating to Complaints and Appeals

Construction and Maintenance of Plant and Equipment

Construction and Maintenance Practices

Adequacy of Service

Basic Telephone Service Standards

Standard Performance Characteristics for Customer Lines

Interexchange Trunking Connections

PBX and Multichannel Lines

Trouble Report Response

Adequacy of Facilities

or paratransit feeder service to an accessible fixed route where such service enables the individual to use the fixed route bus service for his or her trip. (Reference 49 CFR 37.123 (e)(2) & (3)).

3.16 The following individuals are ADA paratransit eligible:

- a. Any individual with a disability who is unable, as a result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.
- b. Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on the system during the hours of operation of the system at a time, or within a reasonable period of such time, which such vehicle is not being used to provide designated public transportation on the route.
- c. An individual with a disability who has a specific impairment related condition, which prevents such individual from traveling to a boarding location or from a disembarking location on such system.
- d. Only a specific impairment related condition, which prevents the individual from traveling to a boarding location, or from a disembarking location, is a basis for eligibility under this Section. A condition, which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this Section.
- e. Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this Section. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this Section, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

3.17 Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this Service for ADA paratransit eligible persons described above (Section 3.15) may also be provided to an accessible fixed route where such service enables the individual to use the fixed route bus system for his or her trip.

3.18 Fares. Any person issued a pass/coupon/ticket under these rules and regulations to utilize the paratransit service shall pay a fare of \$0.35 per person per one-way passenger trip. All-day passes are available for \$1.00 (Appendix 6).

3.19 Service animals shall ride fare free.

3.20 ADA paratransit cardholders must present their Rider Card to ride the public transit service at the paratransit fare rates described above in Section 3.17.

3.21 Service Request. Service request must be made to the Contractor at least one (1) day and up to fourteen (14) days in advance. Reservations must be made the day prior (between the

Commission. A discount in any rate or charge under this subsection shall become effective without Commission review or approval.

(e) Whenever a notice is filed under this section, the Commission may, upon complaint or on its own initiative, suspend in whole or in part the operation and effectiveness of any revised rate, charge, classification, term or condition for a period of not more than six months and enter upon an investigation concerning the lawfulness thereof. After notice and opportunity for hearing, the Commission may approve, reject, or approve with conditions the proposed tariff or make such other order with reference thereto as would be proper in a proceeding initiated after such rate, charge, classification, term or condition had become effective.

(f) The Commission may in its discretion and for good cause shown, modify any requirement of this Section either in particular instances or by general order applicable to special circumstances or conditions, except that the Commission may not increase the notice period specified in subsection (b).

(g) A final order of the PUC shall be subject to review as provided by Section 12018 of Title 12, Chapter 12, Guam Code Annotated, 12 G.C.A. §12018.

Section 7 – Petitions, Complaints and Investigations.

(a) Any interested person complaining of anything done or omitted to be done by GTA in contravention of this Article or the rules, regulations and orders of the PUC may file a petition or complaint with the PUC.

(b) A petition or complaint filed under this section shall be in writing, plainly and distinctly state the grounds thereof, and contain all information on which the person intends to rely to support the petition or complaint. Petitions or complaints that do not meet the requirements of

3.15 ADA paratransit eligible persons described in Section 3.02(b) may also be provided service

waiting at least five (5) minutes beyond the scheduled pickup time or five (5) minutes after they arrive if they arrive later than the scheduled pickup time.
Curb-to-Curb Service: Transportation service provided for paratransit service shall be to and from accessible pickup and drop off points, which are curbside adjacent to public streets, roadways, or any appropriate off-street location. Operators will leave after

3.16 Door-to-door Service: Paratransit is not a door-to-door service, nor is any other GMTA public transportation service.

Non-transference of Passes, Rider Card, and Penalty. Any pass or identification card issued by GMTA is not transferable and shall not be used by any person other than by the person to whom it was issued. Any person issued such pass or rider card based upon false application/certification or who knowingly permits another to use the Rider Card or who alters their card shall be penalized by having their eligibility for paratransit services revoked for a period of one (1) year from the date of violation.
3.17 Appeal: A person denied ADA paratransit eligibility is notified in writing by GMTA stating the reasons for denial. Within 15 calendar days of receipt of such notice or such additional time as may be permitted by GMTA's General Manager, such persons may appeal the decision to the GMTA Grievance and Appeals Board. Paratransit service shall be provided to an application under appeal on a presumption of eligibility if a decision on their appeal is not made within thirty (30) calendar days of the completion of the appeal process.

Companions. The ADA requires entities to provide paratransit service to one person accompanying the eligible individual, with others served on a space- available basis. The one individual is guaranteed space on the vehicle and can be anyone – family member, business associate, friend, date, etc. GMTA does require that the eligible individual reserve a space for the companion when the individual reserves his or her own ride. This one companion rides even if this means that there is less room for other eligible individuals. Additional individuals beyond the first companion may ride only on a space-available basis; that is, they do not displace other ADA paratransit eligible individuals. If there is a personal care attendant on the trip, the eligible individual may still bring a companion, plus additional companions, on a space-available basis. GMTA requires that, in reserving the trip, the eligible individual reserve a space for the attendant. To prevent potential abuse of this provision, the rule provides that a companion (e.g., friend or family member) does not count as a personal care attendant unless the eligible individual regularly makes use of a personal care attendant and the companion is actually acting in that capacity. GMTA requires that an eligible individual indicate whether he or she travels with a personal care attendant during the individual's initial certification process for ADA paratransit eligibility. If someone does not indicate the use of an attendant, then any individual accompanying him or her would be regarded simply as a companion. To be considered as "accompanying" the eligible individual, a companion must have the same origin and destination points as the eligible individual.
Additional Information. Any application containing insufficient information will be returned to the applicant.



Office of Senator

Joanne M. Salas Brown

MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

May 7, 2001

Speaker Antonio R. Unpingco
Mina' Bente Sais Na Liheslaturan Guahan
155 Hesler Street
Hagatna, Guam 96910

Dear Speaker Unpingco:

The Committee on Natural Resources, to which was referred BILL 22 (COR): AN ACT TO AMEND PUBLIC LAW 24-37, AN ACT AUTHORIZING THE USE OF THE "BUILD-OPERATE-TRANSFER" CONCEPT, OR A VARIANT THEREOF, FOR THE PURPOSE OF ALLOWING PRIVATE SECTOR FINANCING OF THE DESIGN, CONSTRUCTION AND OPERATION AND MAINTENANCE OF WATER AND WASTEWATER INFRASTRUCTURE PROJECTS AND TO AMEND PUBLIC LAW 24-294, AN ACT TO ESTABLISH THE RULES AND REGULATIONS FOR THE "BUILD-OPERATE-TRANSFER" PLAN FOR THE GUAM WATERWORKS AUTHORITY (As substituted by the Committee on Natural Resources), wishes to report back to the Legislature its recommendation TO PASS.

The voting sheet is as follows:

TO PASS	<u>10</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are enclosed.

Thank you for your attention to this matter.

Sincerely,



JOANNE M.S. BROWN

Senator and Chairperson
Committee on Natural Resources

Attachments

under this section. The interaction of such barriers with a person's specific impairment related condition may form a basis for eligibility, if the effect is to prevent the person from traveling to and from official bus stops.

Application Procedures:
a. Applications for paratransit service can be obtained through GMATA at the following location:

236 East O'Brien Drive
Hagana, GU 96910
Call 671-475-4682
671-475-7401 TTY

b. ADA Paratransit Eligibility Determination for paratransit service shall be determined by GMATA in accordance with Section 3.15 and 4.08 of this part. GMATA's Planning Division shall be responsible for initial and final ADA paratransit eligibility determinations.

d. GMATA shall notify in writing, and other accessible formats as requested, of the initial decision regarding an applicant's eligibility.

e. Applicants will be provided paratransit service on a presumption of eligibility if an initial determination is not made by GMATA within twenty one (21) calendar days of the receipt of a completed application. Applicants are also entitled to paratransit service during the 21 day application period.

f. Upon eligibility (unconditional or conditional) certification by GMATA, an applicant will be notified in writing and issued a Paratransit Rider Card (Appendix 3). The Paratransit Rider Card shall be effective up through the expiration date shown on the card. Eligibility should be renewed thereafter 60 days prior to the expiration of the eligibility term to ensure uninterrupted service. Persons requesting renewal must resubmit a completed ADA paratransit eligibility application to GMATA for approval and re-certification, unless such persons can demonstrate that their disability is permanent.

h. A temporary card may be issued to an ADA paratransit eligible person whose disabling condition is not expected to remain permanent.

i. Every qualified applicant shall be issued an ADA Paratransit Rider eligibility photo card. The card must have a picture of the rider and the picture must be taken at the GMATA Administration Office. The card is non-transferable and is for the exclusive use of the bearer. A fee of \$3.00 will be charged for the initial issue card. Abuse of the card privilege may be cause for revocation or suspension thereof for a period of not longer than twelve (12) months at the discretion of the General Manager of GMATA.

j. Visitors will be provided Paratransit services, but must comply with application procedures and qualifications set forth herein.

k. Duplicate for lost cards may be issued upon request but shall be limited to three per year. If the Card is lost, destroyed, damaged, or stolen, report to GMATA's Administration Office and a replacement card will be issued for the duration left on the original application at a cost of \$3.00.

l. Any person issued an ADA paratransit rider card, under this section, who is found guilty of the transfer of or fraudulent use of a pass and rider card, shall be denied the use of the paratransit rider card to ride the public transit for one (1) year from the date of such violation.

m. A personal care attendant (PCA) for an ADA paratransit eligible cardholder must be registered with GMATA. A PCA shall pay no fare when accompanying the qualified

Committee Summary Report
March 26, 2001
Bill No. 22 (COR)

Mr. Johnston:

- Responded that the \$53 million bond was basically for water projects, with the exception of the wastewater project in Agat/Santa Rita of two pump stations, an outfall and a treatment plant. The treatment plant was never built, but the two pump stations and outfall exists. The outfall is state-of-the art.

Senator Camacho:

- Inquired as to the master plans implemented under the acronym of PUAG.

Mr. Johnston:

- Replied that the Water Facility Master Plan of 1992 and Wastewater Facility Master Plan developed by Barrett Consulting of 1994 were completed, but GWA could not afford to implement it.

Senator Camacho:

- Questioned the Governor's statement of "strengthening GWA's autonomy".

Mr. Gilliam:

- Explained that the Governor believed that converting the line department into an autonomous agency would enhance its credit worthiness which would qualify it in receiving long-term financing.

Chairperson:

- Questioned whether the Governor was now amenable to implementing the BOT.

Mr. Gilliam:

- Confirmed that the Governor was amenable to the implementation of the BOT. Reiterated that the master plan developed by GWA sought the consensus of the Guam Legislature as it relates to Bill 10.

Discussions concluded on Bill No. 22(COR) before the Committee on Natural Resources.

Prepared by: **Susan L. Corbin**
Legislative Assistant
Office of Senator Joanne M.S. Brown

- c. One Week Pass for \$5.00. Valid for the 7-day period through date circled.
 - d. One Month Pass for \$20.00. Valid for 30-day period through date circled.
 - e. One Year Pass for \$195.00 Valid for 365-day period through date circled.
- 3.05 There are no credits or extensions for passes not utilized during a validation period.
- 3.06 Service animals shall ride fare free.
- 3.07 Passengers must have readily available for presentation, fare passes, Rider Cards, or exact change prior to boarding.
- 3.08 Passengers, at their discretion, may pay above fare requirements if they do not have exact change (i.e., \$5.00 for \$1.00 fare). However, no change shall be returned to the passenger.
- 3.09 GMATA's Paratransit Service:
- a. Paratransit service is a part of the Guam Public Transit System serving individuals who are paratransit eligible in accordance with the American with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123.
 - b. Any individual desiring to use paratransit services shall first file an application with GMATA.
 - c. GMATA shall certify an applicant as ADA Paratransit Eligible for paratransit service. This certification shall be based on the criteria established in Section 3.10 below.
- 3.10 ADA Paratransit Eligibility Criteria:
- a. Any person with a disability who is unable, as a result of a physical or mental impairment and without the assistance of another person, to board or disembark from any public transit bus which is readily accessible to persons with disabilities.
 - b. Any person with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able to board, ride and disembark from any public transit bus which is readily accessible to persons with disabilities if the person wants to travel on a route of the public transit system at a time when a public transit bus does not provide designated bus service on the route.
 - (1) A person is eligible under this section with respect to travel on an otherwise accessible route if the public transit bus is precluded because the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of GMATA, precludes the safe use of the stop by all passengers.
 - (2) A person using a common wheelchair is eligible under this section if the person's wheelchair cannot be accommodated on an existing public transit bus even if the public transit bus is accessible to other persons with disabilities and their mobility devices.
- c. Any person with a disability who has a specific impairment related condition, which prevents such person from traveling to and from official bus stops on the public transit system.
 - (1) Only specific impairment related conditions, which prevents the person from traveling to and from official bus stops is a basis for eligibility under this section. A condition which makes traveling to and from official bus stops more difficult for a person with a specific impairment related condition than for a person who does not have the condition, but does not prevent travel, is not a basis for eligibility under this section.
 - (2) Architectural barriers not under the control of GMATA providing fixed route service and environmental barriers do not form a basis for eligibility.

CHAPTER 3.
BOT COMMITTEE

Section 3-101. Appointment of BOT Committee. The General Manager shall appoint, with the consent of the Board and in concurrence with the director or agency heads, seven (7) representatives from the following departments/agencies to sit on the BOT Committee. The Committee shall consist of one (1) representative from the Guam Waterworks Authority ('GWA'), the Department of Public Works ('DPW'), the Guam Environmental Protection Agency ('GEPA'), the University of Guam: ~~Water, Energy and Environmental~~ Research Institute ('WERI'), the Department of Land Management ('DLM'), the Guam Planning Council ('GPC') and the Guam Economic and Development Authority ('GEDA').

The members should be individuals experienced in the development, financing, construction, or operation of water or wastewater infrastructure projects. The GPUC shall have the right to appoint an observer representative, who shall serve in a non-voting, ex-officio capacity. Each BOT Committee member shall serve until replaced by the Board or the GPUC. The General Manager shall not appoint himself. Each Committee member shall serve for a two (2) year term and said terms shall be staggered in a manner to be determined by the Board. The concurrence of four (4) Committee members shall be necessary to establish a quorum and make any decision.

Section 8. Section 4-101, Chapter 4 of Public Law 24-294 is amended to read:

Section 4-101. Use. The request for Proposal is used to initiate the competitive public bidding for water and wastewater infrastructure projects suitable for ~~the use of~~ under the "Build-Operate-Transfer" concept, or variants thereof.

Section 9. Section 4-103.2, Chapter 4 of Public Law 24-294 is amended to read:

Section 4-103.2. Repayment Scheme. The repayment scheme shall be included in the contract terms accompanying the request for proposals. For the financing, design, construction, operation and maintenance of any infrastructure project undertaken through the Build-Operate-Transfer arrangement, or any of its variations, the project proponent shall be repaid by authorizing it to charge and collect from GWA, its sole wholesale consumer, reasonable tolls, fees and rentals for the use of the project facility not exceeding those incorporated in the contract and, where applicable, the

2.29 *Transit System.* Includes GMTA and the entity or entities that provide comprehensive management, operations, and maintenance of the Guam Public Transit System.

Section 3: Procedures – Guam Public Transit System

3.01 GMTA's Guam Public Transit System's (GPTS) **fixed route** service operates on established - fixed routes and stops only at designated GMTA stops at designated times (Appendix 5). Deviation from established fixed routes are not permitted.

3.02 GMTA's **demand response** service:
 a. GPTS's Demand Response service operates on a first-come-first-serve basis. Persons requesting this service must call in advance to reserve a ride (same day reservations only). No advance reservations for the following day's service will be accepted except for rides between 6 a.m. and 8:00 a.m. Transportation on this system is strictly from curb-to-nearest fixed route stop.
 b. Persons requiring accessible transportation service on GPTS's demand response service must specify this need when requesting for a ride.
 c. Subscription service for GPTS's demand response service is not permitted.
 d. No-Show (Missed Trips). A demand response passenger who is a "No-Show" three (3) times in a month may be subject to the suspension of public transit service at the discretion of the General Manager of GMTA. The first such suspension of service shall be for no longer than thirty (30) calendar days. Suspensions for violations of this rule after the first suspension shall be for not more than one hundred eighty (180) calendar days. Prior to suspending service to any passenger, the General Manager of GMTA or his/her authorized representatives shall send at least one (1) written notice warning the passenger that a subsequent failure of the passenger to appear at the scheduled pick-up time will result in a suspension of services.
 e. Make reservations for demand response service at least two (2) hours in advance. For rides between 6 a.m. and 8 a.m., passengers may make requests prior to 5 p.m. the day before the ride. Inform dispatch personnel if an accessible vehicle is required.
 f. Be at the proper pickup point at the scheduled time. Allow at least ten (10) minutes leeway before and after the scheduled pickup time to account for possible variations in the operator's schedule.
 g. Cancel service if the trip is not needed. If the trip is not canceled at least one (1) hour before the scheduled pickup time, the passenger will be considered a "No-Show".
 h. Provide and use an adequate child auto restraint for any child less than forty (40) pounds.
 i. Make sure that all sores, wounds, cuts, abrasions, etc., are properly covered and bandaged.

3.03 Regular Fares (Refer to Appendix 6).
 a. One Ride Pass for \$1.00. Valid for one destination.
 b. One Day Pass for \$3.00. Valid for service on the date circled.
 c. One Week Pass for \$15.00. Valid for the 7-day period through date circled.
 d. One Month Pass for \$55.00. Valid for 30-day period through date circled.
 e. One Year Pass for \$550.00 Valid for 365-day period through date circled.

3.04 Discounted Fares (Appendix 6). The following special fares shall apply to students and senior citizens 55 years and older. Persons requesting special fares must provide proof of eligibility (e.g., Valid Student I.D. or Senior Citizen Card, as applicable).
 a. One Ride Pass for \$0.35. Valid for one destination.
 b. One Day Pass for \$1.00. Valid for service on the date circled.

1 **Section 2.** Section 5(b) of P.L. 24-37 is amended to read as follows:

2 **(b) Publication of Project List.** It shall be the duty of
3 GWA to give wide publicity of this list of projects eligible
4 for financing under this Act through publication in ~~national~~
5 and, ~~where applicable,~~ ~~international~~ a Guam
6 newspaper[s] of general circulation ~~once every six (6)~~
7 ~~months, for at least a one (1) year period~~ at least three
8 times within a 60-day period, and official notification of
9 interested project proponents registered with GWA. The
10 list of all such infrastructure projects must be part of
11 GWA's water and wastewater infrastructure master
12 plan(s).

13
14 **Section 3. Severability.** If any provision of this Law or its
15 application to any person or circumstance is found to be invalid or contrary to
16 law, such invalidity shall not affect other provisions or applications of this Law
17 which can be given effect without the invalid provisions or application, and to
18 this end the provisions of this Law are severable.

2.16	<i>Operates:</i>	Includes, with respect to a fixed route or demand responsive system, the provision of transportation service by a public or private entity itself or by a person under a contractual or other arrangement or relationship with the entity.
2.17	<i>Other Mobility Aids:</i>	Aids to the ADA paratransit eligible individual's mobility and life support equipment. This includes service animals, respirators, portable oxygen, and other life support equipment.
2.18	<i>Paratransit:</i>	Means comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation service.
2.19	<i>Paratransit Service:</i>	GMFTA's accessible demand response service for individuals determined to be ADA paratransit eligible.
2.20	<i>Passenger:</i>	Any individual other than the operator, who boards a public transit service vehicle. This includes the ADA paratransit eligible cardholder.
2.21	<i>Personal Care Attendant (PCA):</i>	Someone designated or employed specifically to help a Cardholder meet his or her personal needs. A companion (defined above at 2.04) does not count as a personal care attendant unless the Cardholder makes use of a personal care attendant and the companion is actually acting in that capacity. (49 CFR Part 37.123-5).
2.22	<i>Private Entity:</i>	Means any entity other than a public entity.
2.23	<i>Public Entity:</i>	Means: a. Any state or local government; b. Any department, agency, special purpose district, or other instrumentality of one or more state or local governments.
2.24	<i>Public School Transportation:</i>	Transportation by school bus vehicles of school children, personnel, and equipment to and from a public elementary or secondary school and school related activities.
2.25	<i>Section 504:</i>	Means Section 504 of the Rehabilitation Act of 1974, as amended.
2.26	<i>Service Animal:</i>	Shall have the same meaning as ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended. Further, "service animal" means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, alerting individuals with disabilities with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
2.27	<i>Specified Public Transportation:</i>	Means transportation by bus, rail, or any other conveyances (other than aircraft) provided by a private entity to the general public, with general or special service (including charter service) on a regular and continuing basis.
2.28	<i>Subscription Service:</i>	A service delivered to a Cardholder without calling to book a reservation at least 14 days in advance.



GUAM WATERWORKS AUTHORITY

Aturidat Kinalamten Hanom Guahan

Government of Guam

Post Office Box 3010, Hagåtña, Guam 96932

Phone: (671)479-7823/7820 Fax: (671)479-7879

**PUBLIC TESTIMONY ON
BILL 22(COR): AN ACT TO AMEND PL 24-37 AN ACT AUTHORIZING
THE USE OF THE BUILD-OPERATE-TRANSFER CONCEPT,
BILL 44(COR) AN ACT TO ALLOW GWA TO ENTER INTO AN
AGREEMENT WITH THE GUAM HOTEL AND RESTAURANT ASSOCIATION
& BILL 47(LS) : AN ACT TO AMEND & REVISE CHAPTER 14
OF TITLE 12 GCA IN ORDER TO RESTORE
PUBLIC ACCONTABILITY TO THE FINANCES OF GWA**

**Presented by
Herbert J. Johnston, Jr.
March 26, 2001**

Hafa Adai Madame Chairman and members of the Committee on Natural Resources. For the record, I am Herbert Johnston, Jr. and I am the General Manager of the Guam Waterworks Authority. I am here to present testimony on three bills being heard this morning, Bill 22(COR), An Act to Amend Public Law 24-37; Bill 44(COR), An act to allow the Guam Waterworks Authority to enter into an agreement with the Guam Hotel and Restaurant Association for the repair of the Fujita and Southern Link pump stations; and Bill 47(LS), an act to amend and revise Chapter 14 of Title 12 GCA in order to restore public accountability to the finances of the Guam Waterworks Authority.

BILL 22 (COR)

Bill 22 intends to amend PL 24-37 to reduce the publication requirements of public infrastructure projects under consideration for financing under a build-

2.15	<i>Individual with a Disability:</i> A person who has a disability, but does not include an
2.14	<i>GMTA:</i> Guam Mass Transit Authority.
2.13	<i>Fixed Route Service:</i> A system of transporting individuals (other than by aircraft), including provisions of designated public transportation services by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.
2.12	<i>Facility:</i> All or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, structure, or equipment location.
2.11	<i>Door-to-Door:</i> Service provided from the door of the pickup location to the door of the drop-off location.
2.10	<i>DISID:</i> Department of Integrated Services for Individuals with Disabilities.
(8)	<p>The term "disability" does not include:</p> <ul style="list-style-type: none"> (i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders; (ii) Compulsive gambling, kleptomania, or pyromania; (iii) Psychoactive substance abuse disorders resulting from the current illegal use of drugs.
(7)	<p>The phrase "is regarded as having such an impairment" means:</p> <ul style="list-style-type: none"> (i) Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by the public or private entity as constituting such a limitation; (ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or (iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or private entity as having such an impairment.
(6)	The phrase has "a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities;
(5)	The phrase "major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and work;
(4)	The phrase "physical or mental impairment" does not include homosexuality or bisexuality;
(3)	The term <i>physical or mental impairment</i> includes, but is not limited to, such syndromes, emotional or mental illness, and specific learning disabilities:
(2)	Any mental or psychological disorder, such as mental retardation, organic brain skin, and endocrine;

ever made by GWA and with the greatest potential risk to GWA ratepayers, it is only reasonable and consistent with existing regulatory principles, that Bill 22 be amended to explicitly require that the Commission review the request for proposal documents. After this review and approval process, then the BOT committee and the GWA board of directors would conduct the procurement process, consistent with law and the request for proposal documents, and select the contractor.

The Commission appreciates the opportunity to submit its comments concerning Bill 22. Under separate cover, the Commission will also submit comments regarding Bills 44 (COR) and 47 (LS).

Cordially,


Harry M. Boertzel */mly*

Enclosure

cc: PUC Commissioners

- a. **Guam Public Transit System** means the public transit system operated by the Guam Public Transit System.
- b. **Guam Public Transit System** means the public transit system operated by the Guam Public Transit System.
- c. **Guam Public Transit System** means the public transit system operated by the Guam Public Transit System.
- d. **Guam Public Transit System** means the public transit system operated by the Guam Public Transit System.
- e. **Guam Public Transit System** means the public transit system operated by the Guam Public Transit System.

Section 2: Definitions

- 2.01 **Accessible** Means, with respect to vehicles and facilities, complying with the accessibility requirements of 49 Parts 37 and 38 of the Code of Federal Regulation (CFR).
- 2.02 **ADA** Americans with Disabilities Act of 1990, as it may be amended from time to time.
- 2.03 **Cardholder** An individual determined ADA Paratransit Eligible for Guam Paratransit Service. Cardholder status cannot be assigned or transferred.
- 2.04 **Companion** An individual accompanying a Cardholder. To be viewed as "accompanying" the Cardholder, a companion must have the same origin and destination as the eligible individual (49 CFR Part 37, Category III Eligibility, Subpart F).
- 2.05 **Contractor** The entity contacted by GMTA to manage, operate, and maintain GMTA's Guam Public Transit System.
- 2.06 **Curb-to-Curb** Service provided from safe pickup points, which are curbside adjacent to public street, roadways, or any appropriate off-street locations.
- 2.07 **Demand Response Service** Any system of transporting individuals, including the provisions of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.
- 2.08 **Designated Public Transportation** Transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyance (other than transportation by aircraft or intercity or commuter rail transportation) that provides the general public with general or special service, including charter service, on a regular and continuing basis.
- 2.09 **Disability** With respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
- a. The phrase *physical or mental impairment* means:
- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic;

timetable for selection of a BOT project proponent from over one-year to about 180 days.

6. Section 8 of PL 24-37, as amended by PL 24-294, should be deleted in its entirety and appropriate conforming amendments made to Impl. Rules & Regs. 4-103.2, 5-101, and 5-102.

Rationale: The private sector marketplace for the development of water and wastewater infrastructure projects is vibrant and comprised of many potential project proponents. Given reasonable marketing by GWA of potential BOT projects, the authority for direct negotiations should no longer be necessary.

7. A new Section 4-104 should be added to the Impl. Rules & Regs. as follows:

Section 4-104. GPUC Approval. Before any Request for Proposal for a BOT project is published or sent out to any potential bidders, it shall be sent to the GPUC for its prior review and approval. This approval shall be in addition to any approval required under 4-103.2, 12 GCA § 12004, or any applicable GPUC rule or order.

Rationale: BOT projects, while moving direct investment from the public sector to the private sector, involve risk to consumers in the form of future rates and charges. Given that the BOT projects usually are of a long-term nature, future GWA revenue requirements will include the rates and charges associated with the BOT project. Since GWA is the only supplier of water and wastewater services on Guam and the public has no access to alternatives, GPUC review and approval is essential to insure the interest of consumers are safeguarded. Once a BOT contract is awarded, the GPUC is mandated by law to approve rates and charges necessary to satisfy the revenue requirements created by the BOT contract. Consistent with existing GPUC practice and contract approval processes, GPUC review and approval should be obtained prior to the initiation of the procurement process.

8. Section 3 (b) of PL 24-37 should be amended to add, "GWA may bundle several projects and initiatives into a single BOT project for the purpose of bidding."

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GUAM MASS TRANSIT AUTHORITY
Guam Public Transit System

Rules & Regulations

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Appendix 1: GMTA Consumer Complaint Form

Appendix 2: GMTA ADA Paratransit Eligibility Determination Application

Appendix 3: ADA Paratransit Eligibility Determination Process

Appendix 4: ADA Paratransit Eligibility Review Guide

Appendix 5: GPTS Service Schedule

Appendix 6: GPTS Fare Schedule

Appendix 7: GPTS Grievance and Appeals Process

Section 1: General Provisions

1.01 Purpose: To establish and promulgate rules and regulations pertaining to Guam Mass Transit Authority's (GMTA) Guam Public Transportation System, which includes Fixed Route, Demand Response, and Paratransit services.

1.02 Methods Whereby the Public May Obtain Information: The public may obtain information as to matters within the jurisdiction of GMTA's services by inquiring at:

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session**

Bill No. 47 (LS)

As substituted by the Committee on Natural Resources.

Introduced by:

J. M.S. Brown
K. S. Moylan
J. F. Ada _____
T. C. Ada
F. B. Aguon, Jr.
E. B. Calvo
F. P. Camacho
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
L. A. Leon Guerrero
V. C. Pangelinan
A. L. G. Santos
A. R. Unpingco
J. T. Won Pat

AN ACT TO AMEND §§14104, 14106(b)(iii), 14106(b)(iv), AND 14113 AND TO ADD §14113.1; AND TO REPEAL §14107(b), ALL OF TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO RESTORING PUBLIC ACCOUNTABILITY TO THE FINANCES OF THE GUAM WATERWORKS AUTHORITY.

1 **Section 2. Approval of rules and regulations of the Guam Mass Transit**
2 **Authority.** The following rules and regulations for the Guam Mass Transit
3 Authority are hereby approved. These rules and regulations are attached and
4 incorporated herein.

5
6 **Section 3. Severability.** *If* any provision of this Law or its application
7 to any person or circumstance is found to be invalid or contrary to law, such
8 invalidity shall *not* affect other provisions or applications of this Law which can
9 be given effect without the invalid provisions or application, and to this end the
10 provisions of this Law are severable.

1 of each year, a written report on the financial status and workings of the
2 Authority during the previous fiscal year. The Board shall provide said
3 report to *I Magalahaen Guåhan* and *I Liheslaturan Guåhan*. *I Magalahaen*
4 *Guåhan* may request special reports within thirty (30) days after the end
5 of each fiscal quarter.

6 The financial information presented in the reports required by
7 this Section shall be in accordance with the Uniform System of
8 Accounts adopted by the Board.

9 (d) Claims against the Guam Waterworks Authority shall
10 be submitted to the Attorney General of Guam in accordance with the
11 Government Claims Act.

12 **Section 7.** Section 14113.1 of Chapter 14 of Title 12 of the Guam Code
13 Annotated is added:

14 “**Section 14113.1. Annual Budget.** For the purposes of Chapter 14 of
15 Title 12 of the Guam Code Annotated, the term ‘*annual budget*’ means a
16 balanced budget for expenditures of the Guam Waterworks Authority for a
17 fiscal year to be funded by the anticipated revenues and other funds to be
18 received and expended for the same fiscal year, submitted to the *I Liheslaturan*
19 *Guåhan* and approved by law, with amendment and modification as may be
20 desired by the *I Liheslaturan Guåhan*. The budget shall *not* request an
21 appropriation from the General Fund.

22 (a) On or before May 1, of each year, the Board shall approve
23 and submit to *I Liheslaturan Guåhan* the annual budget for the following
24 fiscal year.

25 (b) On or before the start of the following fiscal year, *I*
26 *Liheslaturan Guåhan* shall approve, reject or modify the annual budget.

Clerk of the Legislature

ACKNOWLEDGEMENT RECEIPT
Received by: [Signature]

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 10:50 A
2001 (FIRST) Regular Session Date: 8/21/01

Bill No. 145 (COR)

Introduced by:

F. P. Camacho [Signature]

AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE GUAM MASS TRANSIT AUTHORITY

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

3 that the Guam Mass Transit Authority has been operating without rules and
4 regulations for years, to the detriment of both the authority and its passengers.

5 The Guam Mass Transit Authority has prepared proposed rules and regulations
6 for the operation of the island's mass transit system and conducted hearings on
7 the proposed rules, while the Committee on Tourism, Transportation and
8 Economic Development held a public hearing on the proposed regulations on
9 July 6, 2001. The concerns of the public and the Committee have been addressed

10 in amendments to the Rules and Regulations. *I Liheslaturan Guåhan* finds that it is
11 critical to have these rules and regulations implemented in a timely manner to
12 provide a framework for the conduct of the Guam Mass Transit Authority and
13 the passengers of the mass transit system.

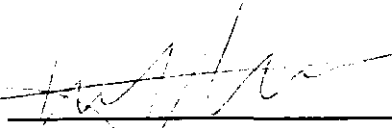
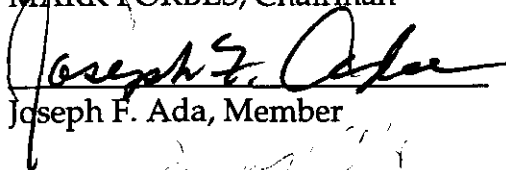

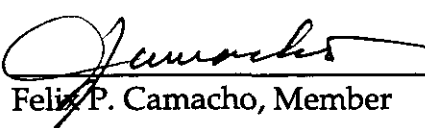
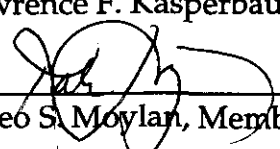
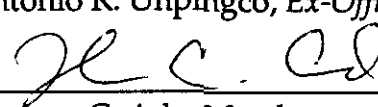
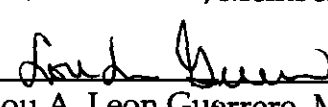

14

Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal Foreign and General Affairs

I Mina' Bente Sais Na Liheslaturan Guahan

Voting Record

BILL NO. 50 "Relative to hearings before the Worker's Compensation Commission."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joseph F. Ada, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joanne M.S. Brown, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eddie B. Calvo, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Felix P. Camacho, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lawrence F. Kasperbauer, Ph. D., Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Kaleo S. Moylan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Antonio R. Unpingco, <i>Ex-Officio Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Thomas C. Ada, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lou A. Leon Guerrero, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vicente C. Pangelinan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Senator Felix Camacho noted that when it comes to the Paratransit System, it appears that the rules and regulations are more stringent than those for regular riders.

Tony Diaz responded that in the Paratransit System, they have to guarantee a ride, otherwise they will be subject to a civil lawsuit. He mentioned that in the demand/response route, there is no guarantee of a ride.

Senator Felix Camacho noted again the discrepancies for Paratransit riders. This one in regards to "Misconduct by ADA." He noted that the rules are stricter for misconduct by Paratransit riders and finds this unfair.

III. FINDINGS

The Committee finds that Bill No. 165(COR), with the amendments made by this Committee, will help provide some measure of protection to both the riders and the Guam Mass Transit Authority.

IV. RECOMMENDATIONS

The Committee on Tourism, Transportation and Economic Development hereby reports out Bill No. 165(COR) with the recommendation ***TO DO PASS***.

COMMITTEE REPORT
TOURISM, TRANSPORTATION AND ECONOMIC
DEVELOPMENT

BILL NO. 165(COR)

“AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE GUAM MASS
TRANSIT AUTHORITY”

I. PUBLIC HEARING

The Committee on Tourism, Transportation and Economic Development held a public hearing on July 6, 2001 at 10:00 a.m. to hear testimony on the rules and regulations of the Guam Mass Transit Authority.

The hearing was called to order by Senator Felix P. Camacho, Chairman of the Committee on Tourism, Transportation and Economic Development. Members present included Senators Ben Pangelinan and Tom Ada. Senator Frank Aguon also attended.

Present to testify was Mr. Tony Diaz of the Guam Mass Transit Authority.

II. TESTIMONY

Senator Felix Camacho questioned why the Paratransit Card has to be revalidated every three years.

Tony Diaz of GMTA replied that they follow the federal recommendations with regard to this issue.

Senator Tom Ada asked “why?” Mr. Tony Diaz replied that the individual may no longer require the service or may have passed away.

Senator Felix Camacho questioned why, if it costs \$3 to purchase the card, does it cost \$6 to replace a lost card?

Mr. Diaz responded that they can keep the replacement price at \$3.

Senator Felix Camacho asked about the discrepancy regarding pickup. Bus drivers only have to wait 5 minutes, while passengers must wait 10 minutes.

Tony Diaz responded that they are just following federal guidelines. He added that the bus schedule would fall behind if the drivers had to wait 10 minutes. He added that they do not have the figures, but they have a lot of “no shows.”

**SUBMITTED
COMMITTEE REPORTS
July 25, 2001
BILL LIST**

Received: July 25, 2001

- 1. Bill No. 129 (COR) (by. Eddie B. Calvo) (Committee on Public Works, Health and Human Services) "AN ACT TO APPROPRIATE TWO MILLION DOLLARS (\$2,000,000.00) FROM THE UNAPPROPRIATED SURPLUS FUNDS OF THE VILLAGE STREETS FUND AND TWO MILLION DOLLARS (\$2,000,000.00) FROM THE UNAPPROPRIATED SURPLUS FUNDS OF THE TERRITORIAL HIGHWAY FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR PUBLIC ASSISTANCE PROGRAMS FOR FISCAL YEAR 2001", Committee on Rules, General Governmental Operations, Reorganization and Reform and Federal, Foreign and General Affairs on July 19, 2001. Committee does hereby report back, with the recommendation **TO DO PASS AS SUBSTITUTED BY COMMITTEE.****

COMMITTEE REPORT

ON

BILL NO. 165 (COR)

“AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE GUAM MASS
TRANSIT AUTHORITY”

COMMITTEE MEMBERS

Chairman: Felix P. Camacho
Vice Chairman: Kaleo Moylan
Ex-Officio Member: Antonio R. Unpingco

Larry Kasperbauer
Joseph Ada
Mark Forbes
Eddie Baza Calvo
Mark Charfauros
Ben Pangelinan
Tom Ada
Lou Leon Guerrero

Received: 7/16/01 - 9:30 a.m.

Bill No. 129 (COR) - by E. B. Calvo, K. S. Moylan

AN ACT TO APPROPRIATE TWO MILLION DOLLARS (\$2,000,000.00) FROM THE VILLAGE STREETS FUND AND TWO MILLION DOLLARS (\$2,000,000.00) FROM THE TERRITORIAL HIGHWAY FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR PUBLIC ASSISTANCE PROGRAMS FOR FISCAL YEAR 2001.

Received: 7/17/01 - 9:30 a.m.

Bill No. 130 (COR) - by F. B. Aguon, Jr.

AN ACT RELATIVE TO ALLOWING GOVERNMENT OF GUAM RETIREES TO PARTICIPATE IN THE GOVERNMENT'S SUPPLEMENTAL GROUP LIFE INSURANCE COVERAGE PROGRAM WITH ADDITIONAL PREMIUMS TO BE PAID SOLELY BY THE RETIREE, THROUGH AMENDING §§4303(c) OF TITLE 4, GUAM CODE ANNOTATED.

Received: 7/19/01 - 9:40 a.m.

Bill No. 131 (COR) - by F. B. Aguon, Jr.

AN ACT RELATIVE TO THE ESTABLISHMENT OF A PRIORITY JOB PLACEMENT PROGRAM IN THE GOVERNMENT OF GUAM FOR CLASSIFIED EMPLOYEES OF THE GUAM HOUSING CORPORATION; PROGRAM SHOULD ASSIST IN RESTORING FINANCIAL INTEGRITY TO THE AGENCY AND ENABLE IT TO CONCENTRATE ON PROVIDING NECESSARY HOUSING FINANCIAL PROGRAMS FOR THE ISLAND COMMUNITY.

Received: 7/23/01 - 2:09 p.m.

Bill No. 132 (COR) - by L. F. Kasperbauer, A. R. Unpingco, F. P. Camacho

AN ACT TO AMEND §§ 15201, 15A301(a)(1), 15A302, 14A401 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE UNIVERSITY OF GUAM'S STUDENT FINANCIAL ASSISTANCE PROGRAM AND TO MAKE CHANGES TO ADMINISTRATIVE RULES AND REGULATIONS AS RECOMMENDED BY THE UNIVERSITY OF GUAM BOARD OF REGENTS.

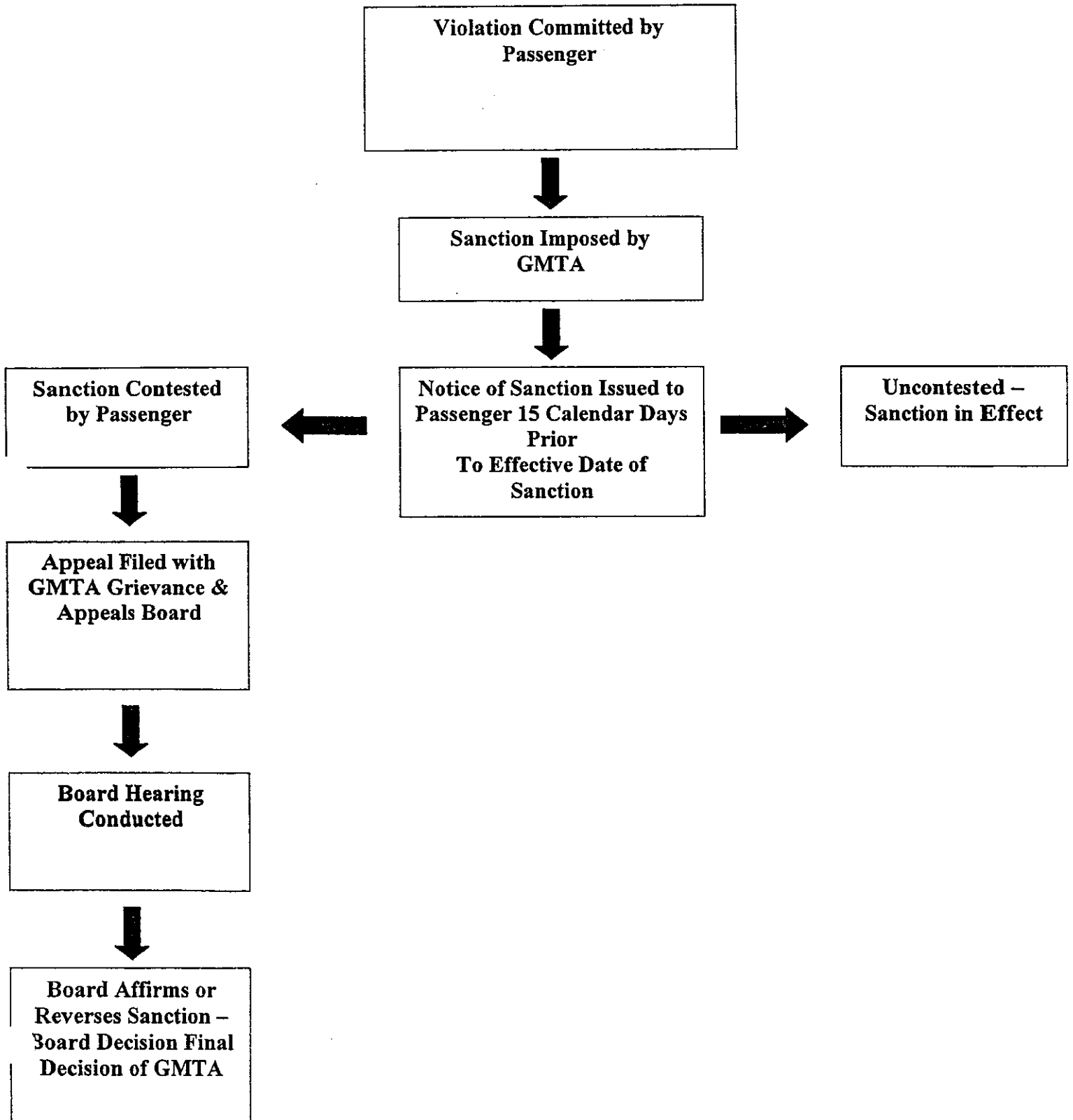
VOTING SHEET

BILL 165(COR)

An Act to Adopt the Rules and Regulations of The Guam Mass Transit Authority

RECOMMENDATION TO						
COMMITTEE MEMBERS	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT ONLY	ABSTAIN	INACTIVE FILE
Senator Felix Camacho	<i>Felix Camacho</i>	✓				
Senator Kaleo Moylan	<i>Kaleo Moylan</i>	✓				
Speaker Antonio Umrigco	<i>Antonio Umrigco</i>					
Vice Speaker Larry Kasperbauer						
Senator Joseph Ada						
Senator Mark Forbes						
Senator Eddie Baza Calvo	<i>Eddie Baza Calvo</i>	✓				
Senator Mark Charfauros	<i>Mark Charfauros</i>	✓				
Senator Ben Pangellman	<i>Ben Pangellman</i>	✓				
Senator Tom Ada	<i>Tom Ada</i>	✓				
Senator Lou Leon Guerrero	<i>Lou Leon Guerrero</i>	✓				

GUAM PUBLIC TRANSIT SYSTEM GRIEVANCE AND APPEALS FLOWCHART



Appendix 6

GPTS Fare Schedule

Regular Fare (Blue Ticket):

One Ride Fare	\$ 1.00
One Day Fare	3.00
One Week Fare	15.00
One Month Fare	55.00
One Year Fare	550.00

Discounted Fare (Yellow Ticket): For Students (6 18 years old) with Student ID Card; and Senior Citizens (55 years an older) with Senior Citizen ID Card.

One Ride Fare	\$.35
One Day Fare	1.00
One Week Fare	5.00
One Month Fare	20.00
One Year Fare	195.00

Discounted Fare (Green Ticket): For Persons with Disabilities who are ADA certified paratransit eligible with Paratransit Rider Card.

One Ride Fare	\$.35
One Day Fare	1.00
One Week Fare	5.00
One Month Fare	20.00
One Year Fare	195.00

GREYLINE NO. 4
Micronesians Mall - Yigo - Micronesians Mall
SUNDAY & HOLIDAY SERVICE ONLY
 Administration: 475-GMTA (4682)

Fax Number: 475-4600

Micronesians Mall - Yigo South to North	1 st Run	2 nd Run	3 rd Run	4 th Run	5 th Run	6 th Run
Chalan Lagan to Dedeco Payless	7:30	9:30	11:30	1:30	3:30	4:30
CHUKA 501						
Yigoko Court						
CHUKA 502						
CHUKA 503						
Yigo - Micronesians Mall	8:30	10:30	12:30			
Yigo - Micronesians Mall North to South						
Yigo - Yigo Market						
Agaña Court	8:30	10:30	12:30			
Santa Ana Subdivision						
Yigoko Court						
Yigoko Court						
Arrived Carrels						
Micronesians Mall	9:30	11:30	1:30			

Hours of Operation:
 Monday - Saturday: Greyline No. 4 - NO SERVICE
 Sundays & Holidays: 7:30 a.m. - 5:30 p.m.



GMTA DEMAND RESPONSE

BUS LINE	SERVICE AREA	HOURS OF OPERATION
● Greyline No. 1	Dededo	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: No Service
● Greyline No. 2	Agaña Gumas	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: No Service
● Greyline No. 2	Yigo	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: No Service
● Greyline No. 3	Latte Heights	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: No Service
● Greyline No. 3	Tamuning	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: No Service
● Redline No. 2	Hagama	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: No Service
	Surrounding Areas	
	Harmon	
	Surrounding Areas	
● Greyline No. 1	Hagama	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: No Service
● Greenline No. 1	Yona	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: No Service
	Surrounding Areas	
	Majolj	
	Inarajan	
● Greenline No. 2	Agat	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: 7:30 a.m. - Last Run 5:30 p.m.
	Surrounding Areas	
	Umatac	
	Mertzo	
● Freedom Express*	Island - Wide	Monday - Saturday: 5:30 a.m. - Last Run 7:30 p.m. Sundays & Holidays: 7:30 a.m. - Last Run 5:30 p.m.

*Paratransit Reservations must be made between the hours of 8:00 A.M.-5:00 P.M. 12 hour reservation required for Sunday & Holiday Service for Southern Shuttle. Contact 475-4623 for reservations.

GMTA Shelter / Bench Locations GMTA (Cur) Side Stops	Hours of Operation: Monday - Saturday: 5:30 a.m. - 7:30 p.m. Sunday & Holidays: 7:30 a.m. - 5:30 p.m.
--	---

Route	7:30	9:30	11:30	1:30	3:30	5:30	7:30
Chamorro Village							
South to North	Run	Run	Run	Run	Run	Run	Run
North to South	Run	Run	Run	Run	Run	Run	Run
Hagatna - Tumon - Mall	Run	Run	Run	Run	Run	Run	Run
South to North	Run	Run	Run	Run	Run	Run	Run
North to South	Run	Run	Run	Run	Run	Run	Run
Hagatna - Agat	Run	Run	Run	Run	Run	Run	Run
South to North	Run	Run	Run	Run	Run	Run	Run
North to South	Run	Run	Run	Run	Run	Run	Run

Route	7:30	9:30	11:30	1:30	3:30	5:30	7:30
Chamorro Village							
South to North	Run	Run	Run	Run	Run	Run	Run
North to South	Run	Run	Run	Run	Run	Run	Run
Hagatna - Agat	Run	Run	Run	Run	Run	Run	Run
South to North	Run	Run	Run	Run	Run	Run	Run
North to South	Run	Run	Run	Run	Run	Run	Run
Hagatna Post Office	Run	Run	Run	Run	Run	Run	Run
South to North	Run	Run	Run	Run	Run	Run	Run
North to South	Run	Run	Run	Run	Run	Run	Run

BLUELINE 2

1a - Agat - Hagatna

BLUELINE

Hagatna - Micronesia Mall - Hagatna

REDLINE NO. 1

Hagatna - Mangilao - Hagatna
Administration: 475-GMTA (4682)

Fax Number: (671) 475-4600

Operations: 475-RIDE (7433)

Hagatna - UOG Field House South to North	1 st Run	2 nd Run	Run	4 th Run	5 th Run	6 th Run	7 th Run	Shift Change	8 th Run	Run	10 th Run	11 th Run	12 th Run	13 th Run	14 th Run	
Chamorro Village	5:30	6:30	7:30	8:30	9:30	10:30	11:30		1:30	2:30	3:30	4:30	5:30	6:30	7:30	
Hagatna Shopping Center								X								
Ace Hardware Eastman																
Optical																
Aerobics Gym																
Department of Public Health																
UOG Field House	5:55	6:55	7:55	8:55	9:55	10:55	11:55		1:55	2:55	3:55	4:55	5:55	6:55		
UOG Field House - Hagatna North to South																
UOG Field House	5:55	6:55	7:55	8:55	9:55	10:55	11:55	X	1:55	2:55	3:55	4:55	5:55	6:55		
Guam Community College																
Stop at Achote Street																
Ace Hardware Mayon																
Stoplight at ITC Bid																
Stoplight at 7-11 Upper Tumon																
Tiyan Gate 3*																
Department of Motor Vehicles*																
DPHSS WIC*																
Department of Revenue & Taxation*																
GMTA Bus Stops Along Tiyan Central Avenue*																
GMTA Bus Stops Along Lower Sunset Road*																
Chamorro Village	6:30	7:30	8:30	9:30	10:30	11:30	12:30		2:30	3:30	4:30	5:30	6:30	7:30		

Legend:

GMTA Shelter / Bench Locations
GMTA WHEELCHAIR STOP

Hours of Operation:
Monday - Saturday: 5:30 a.m. - 7:30 p.m.
Sundays & Holidays: 7:30 a.m. - 5:30 p.m.
***No Service in Tiyan Area After 5:30 p.m.
*No Service Christmas Day and New Year's Day

Effective Date: May 1, 2000

GMTA EXPRESS LINES

Hagatna - Barrigada - Micronesia Mall - Hagatna

Operations: 475-RIDE (7433)

Administration: 475-GMTA (4682)

Fax Number: (671) 475-4600

Chamorro Village-Micronesia Mall South to North	1 st Run	2 nd Run	3 rd Run	4 th Run	5 th Run	6 th Run	7 th Run	Shift Change	8 th Run	9 th Run	10 th Run	11 th Run	12 th Run	13 th Run	14 th Run	
Chamorro Village	5:30	6:30	7:30	8:30	9:30	10:30	11:30		1:30	2:30	3:30	4:30	5:30	6:30	7:30	
Stoplight at ITC Bid								X								
Across Century Plaza																
Crosswalk at ITC																
Stoplight at 7-11 Upper Tumon																
Micronesia Mall	6:00	7:00	8:00	9:00	10:00	11:00	12:00		2:00	3:00	4:00	5:00	6:00	7:00		
Micronesia Mall-Chamorro Village North to South																
Micronesia Mall	6:00	7:00	8:00	9:00	10:00	11:00	12:00	X	2:00	3:00	4:00	5:00	6:00	7:00		
Stoplight at 7-11 Upper Tumon																
Crosswalk at ITC School																
Century Plaza																
Stoplight at Paul Tailoring																
Chamorro Village	6:30	7:30	8:30	9:30	10:30	11:30	12:30		2:30	3:30	4:30	5:30	6:30	7:30		

SUNDAY & HOLIDAY HOURS

- Express Lines: No Service
- Southern Route from Yona to Agat (Route 4, 4A & 17) is a Demand Response.
- Paratransit reservations must be made between the hours of 8:00 A.M.- 5:00 P.M. 12 Hour Reservation is Required.
Contact 475-4623 for reservations.

**APPENDIX 5
GPTS SERVICE SCHEDULE**

Actions:

If this review indicates that certain trips should be able to be made by bus, reviewers should indicate this in the letter of determination.

(6) Temporary Eligibility

If a review of the application indicates conditional or unconditional eligibility, next check to see if the disability is temporary (Question 2 in PART 3). If it is, the applicant should be granted eligibility for the expected duration of the condition. If necessary, call the applicant or the professional to get an estimated length of disability.

(7) Personal Care Attendants (PCA) and Service Animals

If an applicant does not indicate that he/she requires a PCA, note in the letter of determination that **TRAVEL WITH A PERSONAL CARE ATTENDANT IS NOT REQUIRED.**

If a person indicates that he/she does require the assistance of a personal care attendant, check the reason cited against the type of disability for consistency. If there appears to be consistency, note the need for a PCA and the types of assistance needed in the file for use by the operator. If there appears to be an inconsistency, request additional information from the applicant and/or professional.

Similarly, review whether or not the applicant notes that he/she travels with a service animal in Question 3. Follow the procedures as above.

(8) Travel Training Referral

Finally, check to see if the applicant indicated an interest in more information about travel training services in Question 17. If so, travel training should be arranged by GMTA's Paratransit Coordinator. Also check to see if the applicant indicated in questions in Part IV that the major reasons for not being able to use buses might be addressed "with instruction" (Questions 6, 7, 8, 11, 13).

(9) Confidentiality

Information about an applicant's disability, in particular any medical information or diagnosis proved by the applicant or the professional, **should not be shared with anyone outside of the GMTA ADA Paratransit Eligibility Process.** All medical information must be kept strictly confidential.

When setting conditions of eligibility, determine if the level of detail in the application or obtained in follow-up calls allows for exact limitations on fixed route use to be set. For example, if the person has indicated that he/she cannot travel by fixed route when the weather is too hot, is the extent of temperature sensitivity indicated or has sufficient clarifying information been obtained to determine if there are certain times of the year that the person can be expected to use the fixed route bus? Or, if the person indicates a vision impairment is he/she limited from travel in certain areas or at certain times (“night blindness” for example). If additional information is needed to be able to specify exact conditions of eligibility, the applicant or professional should be contacted for additional information. **If after follow-up with the applicant and/or professional it is felt that the applicant can use buses some of the time, but there is not enough specific information to set exact conditions, reviewers should refer the applicant for an in-person assessment.**

It is also important to note whether or not the applicant has a disability that is intermittent or episodic (e.g., changes from day to day). If this has been indicated, and the person indicates that on certain days he/she can use the bus and on other days he/she cannot, unconditional eligibility should be granted but determination letter should note that use of the fixed route service is encouraged whenever possible.

Finally, it is important to consider the number of limitations on fixed route travel and the number of conditions of eligibility that would have to be established. If a review of the application indicates that the person could only be expected to travel on fixed route a small percentage of the time, it might be appropriate to grant unconditional eligibility rather than detail in the determination letter a long list of conditions.

(5) **Eligibility of Frequent Trips**

Once conditions of eligibility have been established, a check of trips that are frequently made by the applicant should be examined to see if travel by bus to these locations is possible. Using a map of the area and the GMTA transit guide, locate the origins and destinations given in Part V of the application. Next, locate the nearest bus routes(s) and stops that would serve each trip. If the applicant can travel only certain distances, check to see if the distances to and from the stops are within the conditions of eligibility established. Similarly, if the applicant requires accessible buses, check to see if the routes(s) are dedicated as 100% accessible. If route(s) are accessible and no other conditions of eligibility would deter bus use, the trip may not be ADA eligible. If the routes(s) are not 100% accessible and no other conditions of eligibility deter travel by bus, make a note to indicate to the applicant that for this particular trip they should use the “Dial-A-Ride” service.

Frequent trips should also be checked in a similar fashion against any other eligibility conditions.

If applicants note in Question 10 that they can only use the bus if the bus stops they need to use have benches and shelters, they should be considered for conditional eligibility WHEN BUS STOPS THEY NEED TO USE ARE NOT EQUIPPED WITH BENCHES AND SHELTERS.

If applicants provide a reason in Question 10 why they cannot wait more than 30 minutes for a bus, consider if the reason is related to the stated medical condition or disability and if waiting is truly "prevented" by the condition/disability. If it is, they should be considered for conditional eligibility WHEN THE TRIP THEY NEED TO MAKE WILL INVOLVE WAITING AT A BUS STOP FOR 30 MINUTES OR MORE.

If applicants indicate on Question 9 that they can travel 1/4 of a mile or more, eligibility should be granted WHEN THE DISTANCE TO OR FROM A BUS STOP IS MORE THAN (THE MAXIMUM TRAVEL DISTANCE INDICATED). If the applicant can only "get to the curb", they should be considered for unconditional eligibility. If they cannot travel outside the house/apartment, the appropriateness of ADA paratransit eligibility needs to be considered. The applicant may need a greater degree of personal assistance in travel than is provided by GMTA.

If applicants note in PART 6 "INFORMATION ABOUT TRAVEL TRAINING" that they have completed training to use certain routes, eligibility should be granted EXCEPT WHEN THE TRIP COULD BE MADE ON ROUTES (NUMBERS OF ROUTES THEY CAN USE).

If applicants indicate that they have learned to read schedules and plan trips, followup with the applicant or with the entity that provided instruction to see if this means they can use any buses. If so, eligibility should be denied unless other factors exist.

Note that an interest in travel training or an indication that a person might be able to use the bus if trained is not a valid reason for denying eligibility. Reviewers should only consider what training has been successfully completed. GMTA cannot require that individuals be travel trained.

If applicants indicate in any of the open-ended questions or explanations sections specific conditions under which they cannot use the bus, conditional eligibility should be considered for those specific conditions. Reasons given should be checked for consistency with the disability/condition cited. Reasons given should also indicate that the applicant cannot perform the task (rather than simply being inconvenience).

When setting conditions of eligibility, consider the answer provided by the applicant in the "APPLICANT'S CERTIFICATION" in PART 2. Establishing conditional eligibility will be consistent if applicants have indicated that they can sometimes use the bus. A reviewer's task in this case is to clearly identify conditions when they cannot use the bus. If applicants indicate they can never use the bus, check this claim against the limitations noted and the type of disability, extent of the disability, and mobility aids used.

- (c) **The person should be referred for an in-person assessment if:**
 - (a) after requesting clarification there is still doubt about the degree of disability or the inability to use fixed route service.

- (d) **A denial of eligibility would be appropriate if:**
 - (a) after requesting clarification, it becomes clear that the person and/or the professional misunderstood the nature of ADA paratransit eligibility and there is no real qualifying disability or condition that prevents use of fixed route buses, or
 - (b) If there is no indication in Questions 5-14 that the applicant cannot use the bus system (i.e. the applicant indicates that (s)he can perform each of the tasks noted).

(4) **Determining Conditions of Eligibility**

Once it is determined that the applicant cannot use fixed route services to travel throughout the ADA paratransit service area under all conditions, a determination must be made as to whether the person can be expected to use fixed route service for at least some of the time.

Following are examples of the types of responses to questions that might result in a determination of conditional eligibility. The phrases in CAPITAL LETTERS are recommended language that might be included as conditions of eligibility in the determination letter.

If applicants note in Question 11 and in the "APPLICANT'S CERTIFICATION" section that they can only use the bus if it has a lift, they should be considered for conditional eligibility **WHEN THE FIXED ROUTE BUS THEY NEED TO USE IS NOT ACCESSIBLE.**

If applicants note in Question 8 that they cannot use the bus if the weather is too hot, determine from other information and/or follow-up inquiries if there are times of the year when the weather can be expected to be suitable for use of fixed route. If there are, applicants should be considered for conditional eligibility **FROM DATE TO DATE** (insert dates that are appropriate).

If applicants note in Question 8 that they cannot use the bus if they have to cross busy streets/intersections, they should be considered for conditional eligibility **WHEN TRAVEL TO AND FROM BUS STOPS INVOLVES CROSSING BUSY STREETS OR INTERSECTIONS.**

If applicants note in Question 8 that they cannot use the bus if streets/sidewalks are too steep or if there are no curbs-cuts, they should be considered for conditional eligibility **WHEN A LACK OF CURB-CUTS OR AN ACCESSIBLE PATH OF TRAVEL PREVENTS TRAVEL TO OR FROM BUS STOPS.**

- D. **the type of mobility aid used (Question 3).** Again, is there consistency between the type of disability noted, the type of mobility aid used and the limitations on use of fixed route service that are noted? An example of an inconsistency might be a person who notes a mental illness and states he/she cannot travel more than three (3) block or use a bus when the weather is too hot. Or, a person who notes paraplegia and use of a powered wheelchair and indicates an inability to wait for buses or travel beyond the curb (without noting other issues such as heat sensitivity, frailty due to age, etc.).

Check reasons cited for not being able to use the bus for possible misunderstandings about the level of assistance that is now provided on the fixed route system. Following are some typical situations to check for:

- A. A person who uses a cane or leg brace may say he/she cannot get on and off a bus. They may not know that they can enter lift-equipped buses by standing on the lift.
- B. A person says he/she cannot get to a seat on the bus may not be aware that drivers will leave their seats to provide assistance.
- C. A person with a vision impairment may say he/she are not able to know when to get off the bus or cannot identify the correct bus to catch. They may not be aware that drivers announce stops.

Actions

- (a) A determination of conditional or unconditional eligibility (as noted below) would be appropriate if each of the following conditions are met:
 - (a) the applicant has submitted a complete application, has no "obvious" disability (blind, uses a walker and is 85, uses a wheelchair, etc.),
 - (b) the answers to the questions are consistent,
 - (c) there is evidence that the degree of disability is consistent with the limitations noted, and
 - (d) the application indicates that the person is not able to use fixed route service to travel throughout the ADA service area under all conditions.
- (b) **Clarifying information should be requested** from the professional and/or the applicant if:
 - (a) there is some questions about the nature of the disability,
 - (b) there is some question about the extent of the disability, or
 - (c) there appear to be inconsistencies in the answers to the questions.

When the applicant or professional are contacted, explain the functional nature of ADA paratransit eligibility. Applications are often submitted inappropriately because the person or the professional does not have a correct understanding of ADA paratransit eligibility.

I may also be important to note the applicant's age. Older persons may not claim a specific type of disability, but may be limited by general frailty.

Actions:

- (a) If the applicant notes no disability but rather a geographic or financial problem, ADA paratransit eligibility should be denied.
- (b) If the disability does not appear to affect a daily life function or the ability to use fixed route service, make a note to contact the applicant and/or the professional and request information about the nature and/or severity of the condition once the rest of the application is reviewed. Explain the functional nature of ADA paratransit eligibility at the time of contact.

(3) Consistency of Limitation Cited

List all the reasons mentioned in Questions 5 through 14 (plus professional verification) that prevent or limit the use of fixed route bus service. Also note the maximum distance that the person can travel on their own from Question 9.

Check the list of reasons given against:

- A. **the "APPLICANTS CERTIFICATION" in PART 2.** Are the answers to the questions consistent with the applicant's statement about being able to sometimes or never use the fixed route service?
- B. **the person's stated disability.** Is there consistency between the limitations noted and the type of disability? For example, you would expect a person who uses a wheelchair to need an accessible bus and to have problems if there are no curb-cuts. Similarly, a person with a vision impairment might note that he/she cannot find their way to and from stops or negotiate unfamiliar areas or busy street. You would not expect a person with a mental or vision impairment to have problems traveling in hot weather or climbing the steps of a bus unless another medical condition or disability is noted.
- C. **the extent of disability.** Is there evidence that the disability noted is severe enough to limit use of the fixed route system to the extent indicated? For example, if a vision impairment is noted, is the degree of vision indicated (for example, blindness, legal blindness?) Is the use of a mobility aid indicated which would suggest a certain level of disability (for example, use of a guide dog, wheelchair, or walker)?

Consistency between the degree of disability and the limitation indicated is particularly important if the disability indicated is a "hidden" disability (e.g., a heart condition, arthritis, a back problem, etc.).

GUAM MASS TRANSIT AUTHORITY
Guam Public Transit System
ADA Paratransit System Eligibility Review Guide

(1) Completeness of the Application

Review the application for completeness. Key questions and sections are:

- The application must be signed and one (1) of the boxes checked in the "APPLICANT'S CERTIFICATION" section (PART 2).
- The "MEDICAL VERIFICATION" section must be completed. Check to make sure that a license number is included. Also check to be sure that each question has been answered to some degree by the physician. Answers need not be extremely detailed for the application to be considered "complete" but should be legible and provide a reasonable level of detail.
- Each question in "General Information" and Parts 3-6 should be answered to some degree. Answers to the open-ended questions [for example, more detailed information about the nature of the disability (Q1, description of conditions that prevent waiting for buses (Q10), etc.] do not have to be extremely detailed for the application to be considered "complete", but there should be evidence of an attempt to provide a reasonable answer to each question.

Actions:

If the application is determined to be incomplete **and the person has not requested assistance in completing the form**, it should be returned to the applicant. Before returning the application, **check to see if the person has requested information in large print, braille or audio tape** and respond appropriately.

(2) Applicant's Disability

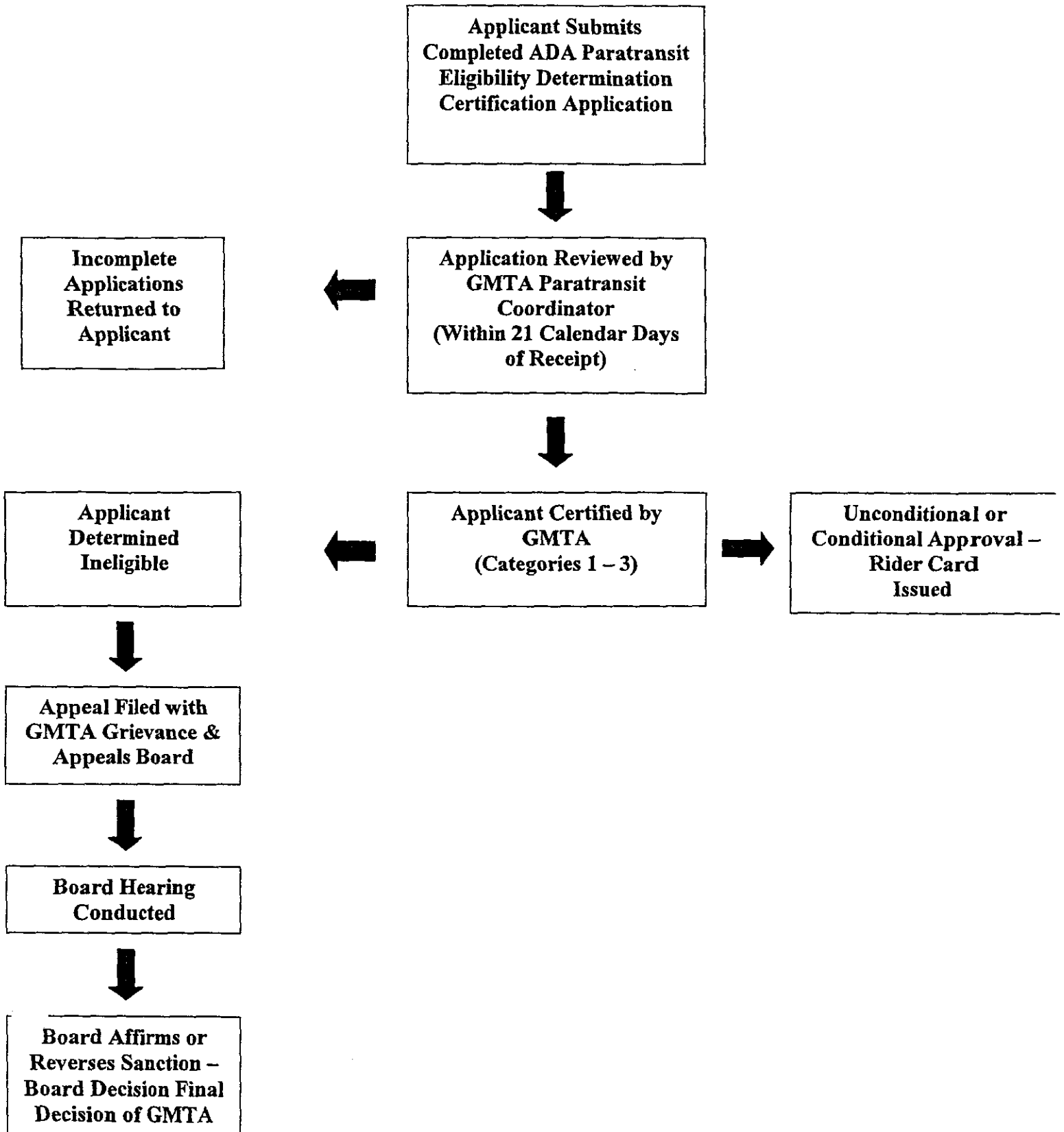
Check Question 1 and the Professional Verification section to determine if the person does, in fact, have a disability. Inability to use fixed route service for any reason other than disability does not qualify a person as ADA paratransit eligible. For example, living in an area that has no bus service is not a valid qualifier. Also, a health condition that would be expected to affect a major life function and use of fixed route buses (e.g., a minor hearing loss or allergy) would not qualify an individual.

Past experience has indicated that applicants or physicians may note a general problem, such as "anxiety" or "pain", as a disability. In these cases, follow-up with the professional or applicant would be appropriate to determine the specific medical diagnosis or disability. For example, if a physician notes that a person "gets anxious waiting for buses", but on follow-up does not indicate that there is a diagnosed mental illness that causes this anxiety, the person should not be considered as having a qualifying disability.

Appendix 4

ADA Paratransit Eligibility Review Guide

**GUAM PUBLIC TRANSIT SYSTEM
ADA PARATRANSIT ELIGIBILITY DETERMINATION
APPLICATION PROCESS**





INFORMATION (to be completed by licensed physician)

The Americans with Disabilities Act of 1990 (ADA) requires that the Guam Mass Transit Authority (GMTA) provide "paratransit" service to anyone with a disability who cannot use standard Guam Public Transit Service (Fixed Route and Demand Response services) buses and who is traveling in an area served by the bus. The applicant who has asked you to review and sign this form is applying to GMTA to be considered eligible for this service. ADA paratransit service is intended only for those trips that the person cannot make on the Guam Public Transit Service.

This application form is intended to determine *when and under what circumstances the applicant can use GMTA's Guam Public Transit System - Paratransit Service.*

Please carefully review the information provided by the applicant in PARTS 2-4 of this form and then answer the questions below.

(a) Please describe the physical and/or cognitive condition which functionally prevents the applicant from using standard Guam Public Transit Service (Fixed Route and/or Demand Response Service):

(b) To the best of your knowledge, is the information provided by the applicant in Parts 2-4 of this application form true and correct?

YES NO (Note exception or additions below)

Signature: _____ Date: _____

Print Name and Title: _____

Current Guam Medical License No.: _____

Business Address: _____

Mailing Address: _____

Telephone No.: _____ Fax: _____

NOTE: Travel training is personal (one-to-one) instruction that teaches an individual how to use the Guam Public Transit Service buses.

16. Have you ever had any personal instruction on riding the Guam Public Transit Service?

- NO, I have not received any personal instruction.
- YES, I received personal instruction through an agency.
Name of Agency: _____
- YES, I received personal instruction from a friend/relative.

Indicate below all of the skills you learned:

- To travel to and from the bus stop.
- To cross streets.
- To ride on the following routes (please list them):
Route No.: _____ Route No.: _____ Route No.: _____
- Reading bus schedules and planning trips.
- Other: _____

Did you complete the above described instruction? YES NO

17. GMTA now offers free instruction to anyone interested in learning how to ride the Guam Pubic Transit System buses. Would you be interested in getting information about this service?

- YES NO

THIS ENDS THE PORTION OF THE FORM TO BE COMPLETED BY THE APPLICANT. THE LAST SECTION (ON THE FOLLOWING PAGE) MUST BE COMPLETED BY A GUAM LICENSED PHYSICIAN.

13. If you able to on and off Guam Public Transit Service buses, do you know where to get off the bus or can you find out by yourself?

- YES
- NO
- SOMETIMES
- I don't know because I have never tried.

Please check all that apply:

- I get confused and Can't remember where I am going.
- I can if the driver calls out the stops.
- I probably could with training.
- Other: _____

14. Are there any other conditions which limit your ability to use the Guam Public Transit Service buses?

- YES (Please describe them below):

- NO

PART 5. CURRENT TRAVEL INFORMATION

15. Please list the three trips that you will make most frequently using the Guam Paratransit Service.

SAMPLE	
<u>From</u>	<u>To (Place and Address)</u>
(1) <u>318 Flores Rosa St., Yona</u>	<u>University of Guam Library</u>

	<u>FROM</u>	<u>To (Place and Address)</u>
(1)	_____	_____
(2)	_____	_____
(3)	_____	_____