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CH. 6 GUAM REGIONAL TRANSIT AUTHORITY

CHAPTER 6
GUAM REGIONAL TRANSIT AUTHORITY

SOURCE: The GMTA was abolished and this Chapter repealed by P.L. 26-76:23(b). “All the powers, duties, responsibilities and jurisdiction of the former GMTA are . . . transferred to the Dept. of Administration.” Reenacted and amended by P.L. 30-005:2 (Mar. 13, 2009).

Article 1. General Provisions.

Article 2. Government.

ARTICLE 1
GENERAL PROVISIONS

§ 6101. Title.

§ 6102. Creation.

§ 6103. Definitions.

§ 6104. Purposes.

§ 6105. Powers.

§ 6101. Title.

This Chapter shall be hereby cited as the ‘Guam Regional Transit Authority Act of 2009’.

§ 6102. Creation.

There is hereby created the Guam Regional Transit Authority, a public corporation. The Guam Regional Transit Authority (GRTA) shall have the exclusive franchise for the furnishing of public transportation within Guam and on its roads and highways. Except for private parking facilities and parking facilities maintained and operated by the J. D. Leon Guerrero Commercial Port of Guam and the A. B. Won Pat International Airport Authority, Guam, GRTA shall have the exclusive franchise within the government of Guam to collect and administer fees for the furnishing, operation and maintenance of public parking on Guam.

§ 6103. Definitions.

As used in this Chapter, unless otherwise indicated:

- (a) Authority means the Guam Regional Transit Authority.
- (b) Board means the Board of Directors of the Authority.

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(c) Director means a member of the Board.

(d) Public Parking means any on-street and off-street parking owned and operated by the government of Guam for purposes of temporary storage of passenger conveyances such as automobiles, pick-up trucks, motorcycles, and vans.

(e) Employee means any person employed by the Guam Regional Transit Authority and as defined by the Civil Service Commission. This definition does not include independent consultants, persons who require legislative confirmation, deputy directors, or elected officials.

(f) Executive Manager means the person employed by the Board to supervise the administration of the Authority.

§ 6104. Purposes.

The Authority is created to plan services, establish, develop, coordinate, promote, own and operate facilities and services that support public transportation and public parking within Guam.

§ 6105. Powers.

(a) The Authority may:

(1) Enter into contracts, leases, concession agreements and permits and to execute all instruments necessary or convenient in the exercise of its purpose and powers, including, without limitation, the purchase of liability and casualty insurance for Authority purposes, adopt a seal and sue or be sued in its own corporate name.

(2) Plan public transit services, devise and follow schedules, operate facilities and terminals, and otherwise engage in the necessary actions to provide public transit service and public parking management.

(3) Acquire personal and real property through negotiation, grant, gift, lease, or permit in accordance with the provisions and subject to the limitations of laws of Guam, including Chapter 5, Title 5, GCA, and hold and use any real and personal property necessary, convenient or useful for the carrying out of any of its powers pursuant to the provisions of this Chapter, and to dispose of the same.

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(4) Receive and disburse Federal funds, submit project grant applications, program of projects to Federal agencies, and enter into formal agreements concerning projects with Federal agencies.

(5) Employ agents and retain or contract for the services of qualified consultants, specialists or experts, as individuals or as organizations, to advise and assist the Authority and its employees, all of which may be accomplished without regard to the portion of the Personnel Laws relative to compensation.

(6) Impose, prescribe, revise policies and collect fees for the purposes of carrying commercial advertisement on real and personal property owned by the Authority or used in the provision of transit services pursuant to this statute.

(7) Adopt such rules and regulations, pursuant to the Administrative Adjudication Law, as may be necessary for the exercise of powers and performance of the duties conferred or imposed upon the Authority or the Board.

(8) Shall enter into contract with the Attorney General to address legal issues.

(b) The Authority shall:

(1) Operate a system of public transportation.

(2) Establish operational routes, schedules, fares and policies consistent with the purpose of the Authority. Such services may be altered or modified only after completing the following:

(A) Public Outreach Notice. The GRTA shall provide notice no less than ten (10) working days before the effective date of the proposed changes. Notices shall be posted, made available and disseminated at the office of the GRTA and within vehicles used to provide the services of the GRTA.

(B) World Wide Web Notice. The GRTA, no less than ten (10) working days before the effective date of the proposed changes, shall publish a World Wide Web (Web) page, available to the public via the GRTA website. The Web page link shall be highly visible on the GRTA's main web page, and should legibly state in bold letters, "Guam Regional Transit Authority Service Change Proposal".

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(C) Public Hearing Notice. The GRTA shall hold at least three (3) public hearings on proposed changes at least thirty (30) days prior to the effective date of the proposed changes. One (1) of the public hearings shall be held in a location in northern Guam; one (1) of the public hearings shall be held in a location in central Guam; and one (1) of the public hearings shall be held in southern Guam.

(i) No public hearing shall be held unless notice of the hearing has been advertised in a newspaper of general circulation at least twice. The notices shall be made five (5) working days and forty-eight (48) hours prior to the first scheduled hearing.

(ii) Any interested party, in person or their authorized representative, shall be afforded an adequate opportunity to participate in the formulation of the proposed changes through the presentation of facts or arguments or the submission of written data or views. All relevant matter presented shall be documented by the GRTA and officially submitted to the Board for disposition.

(D) Notices. All notices shall include the following:

(i) date of notice;

(ii) GRTA point of contact name, telephone number and email;

(iii) effective date of proposed change(s);

(iv) all public hearing dates, locations and times; and

(v) summary of proposed change(s) to established route, schedule fare or policy.

(E) Board Approval. The Board shall approve or disapprove the proposed changes.

(F) Effective Date. No change(s) to established operational routes, schedules, fare and policies shall be effective until after compliance with the provisions of this Section.

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(c) Nothing contained in this Section, or by implication in this Chapter shall be construed to be in any way in derogation or limitation of powers conferred upon or existing in the Authority or in the Board by virtue of the Organic Act and the laws of Guam.

SOURCE: Subsection (b)(2) amended by P.L. 31-268:2 (Dec. 12, 2012).

**ARTICLE 2
GOVERNMENT**

- § 6201. Board of Directors.
- § 6202. Executive Manager.
- § 6203. Personnel.
- § 6204. Guam Regional Transit Authority Fund.
- § 6205. Limited Liability.

§ 6201. Board of Directors.

(a) The Board shall consist of seven (7) Directors. Of these seven (7) Directors, two (2) shall be selected by and from the membership of the Mayor's Council of Guam, and three (3) shall be appointed by *I Maga'lahaen Guåhan* with the advice and consent of *I Liheslatura*. These five (5) Directors shall recommend to the Governor the names of at least four (4) additional candidates for the Board of Directors, two (2) who are representative of mass transit riders, and two (2) who are advocates for the rights of disabled passengers. In order to recommend an individual to the Governor, a majority of the Board must vote to support said candidate (with four (4) Directors constituting a quorum for said vote). From these recommendations, two (2) Directors shall be appointed by *I Maga'lahaen Guåhan* with the advice and consent of *I Liheslatura*. One (1) of the Directors shall be a representative of the Senior Citizen of Guam.

Each director shall serve a term of four (4) years. All vacancies occurring on the Board shall be filled by their respective appointing entity and in the manner outlined in this Section, for the balance of the term.

All members shall be citizens of the United States and must have been residents of Guam for not less than five (5) years preceding the date

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of appointment. All appointments, except the appointments of members appointed from the Mayor's Council, shall be subject to the advice and consent of *I Liheslatura*.

(b) Four (4) Directors shall constitute a quorum of the Board for the transaction of business. The Board may adopt rules and regulations governing the conduct of its affairs. It shall elect a Chairman, Vice-Chairman and Secretary from among its members. The Board may employ one (1) unclassified administrative assistant who shall maintain all records, transactions, and minutes of the Board.

(c) Each Director shall receive the sum of One Hundred Dollars (\$100.00) for attendance at any one (1) meeting of the Board, but such compensation shall not apply to more than one (1) meeting in any one (1) calendar month. No Director shall receive any other compensation for board duties, but shall be reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of his responsibilities, including authorized attendance at meetings held away from Guam.

§ 6202. Executive Manager.

(a) The Board may appoint an Executive Manager, who shall be its chief executive officer. The Executive Manager shall serve at the pleasure of the Board, and the Board shall establish the compensation. The Executive Manager shall, at a minimum, possess the following qualifications:

(1) a combined minimum of six (6) years of operational, supervisory, and management experience working in an organization that provides transportation related services; and

(2) possess at a minimum, from an accredited institution, a Bachelors degree, preferably in the field of business administration, city planning, urban planning, engineering, engineering technology, public administration or closely related field or discipline.

(b) The powers and duties of the Executive Manager include:

(1) To enforce all rules and regulations of the Authority.

(2) To attend, unless excused by the Board, all meetings of the Board and to submit reports on the affairs of the Authority as required by the Board.

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(3) To keep the Board advised on the needs of the Authority and to approve demands for payment of obligations within the purposes and amounts authorized by the Board.

(4) To devote full employment attention to the business of the Authority, to select and appoint the employees of the Authority, except as otherwise provided in this Chapter, and to plan, organize, coordinate and control the services of such employees in the exercise of the powers of the Authority under the general direction of the Board.

(5) To perform such other and additional duties as the Board may require.

SOURCE: Subsection (a)(1) amended by P.L. 31-268:3 (Dec. 26, 2012).

§ 6203. Personnel.

(a) The Board, pursuant to Chapter 4, Title 4, GCA, shall establish rules and regulations governing the selection, promotion, performance evaluation, demotion, suspension, dismissal and other disciplinary action for employees of the Authority. Until such rules and regulations are established by the Board, the personnel rules and regulations of the government of Guam shall be followed.

(b) The Executive Manager shall be an unclassified employee. All other employees of the Authority shall be classified employees.

(c) Each employee of the Authority, shall be eligible to become a member of the Government of Guam Retirement Fund pursuant to § 8105(d), Title 4, GCA.

(d) Each employee of the Authority shall be eligible to participate in government of Guam health and life insurance plans.

(e) The employer's contribution to the Government of Guam Retirement Fund that is assessed by the Fund's Board of Trustees for the benefit of Authority employees who are members of the Fund shall be paid by the Authority.

(f) The employer's contribution to the Worker's Compensation Fund that is assessed by the Worker's Compensation Commission for the benefit of Authority employees shall be paid by the Authority.

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§ 6204. Guam Regional Transit Authority Fund.

(a) The Board shall adopt and maintain a system of accounting which is in accordance with generally accepted accounting principles.

(b) There is established a fund to be known as the “Guam Regional Transit Authority Fund” which the Authority shall maintain separate and apart from the other funds of the government of Guam, and independent records and accounts shall be maintained in connection therewith. The Guam Regional Transit Authority Fund shall be audited annually by an independent certified public accountant or by the Office of Public Accountability.

(c) All monies received by the Authority from whatever source derived shall be deposited in the Guam Regional Transit Authority Fund and used exclusively for the purposes of this statute.

(d) All expenditures, except as otherwise provided by law, shall be made from said Guam Regional Transit Authority Fund.

(e) The Authority shall present an annual report within one hundred twenty (120) days after the end of each fiscal year and, if requested by *I Maga’lahi or I Liheslatura*, the Authority shall present special reports within thirty (30) days after the end of each quarter. The financial information presented in such reports shall be in accordance with the system of accounts adopted by the Board or as delineated by requestor.

2009 NOTE: Reference to Office of Public Auditor changed to Office of Public Accountability pursuant to P.L. 30-027:2 (June 16, 2009).

§ 6205. Limited Liability.

(a) To the extent that any liability of the government of Guam or of the Authority is covered by a policy or policies of insurance, the government waives the limitation of liability found in § 6301, Title 5, GCA; provided, that the government shall not be liable in damages for tort in any amount which exceeds the coverage of insurance and the limitation of liability contained in § 6301 of Title 5, GCA.

(b) All claims made against any policy of insurance purchased by the Authority shall be made in accordance with the procedures and time limitations set forth in the Government Claims Act, except that all claims not in excess of the face amount of the policy shall be presented to the

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Executive Manager of the Authority, who shall present the same to the insurance carrier, carriers or to their designated agents for processing.

(c) If a claim is in excess of the applicable insurance coverage, then the Executive Manager of the Authority shall also present a copy of the claim to the Attorney General, who shall then coordinate the claim as between the government and the insurance carriers, and who shall represent the government in the event of a dispute between the government and the insurance carriers. In the event of said dispute, the Attorney for the Authority shall represent the interests of the Authority.

(d) Each policy of insurance written covering the Authority or its interest shall contain a clause waiving any defense of sovereign immunity which may be raised against the payment of the claim by carrier.

(e) The Executive Manager shall publish, in a newspaper of general circulation in Guam, within ten (10) days after the effective date of any policy insurance purchased. All claims against the authority shall be filed with the authority.
