

Floor Amdt
Offered by
Rep. JP Sablan

Adopted
12/18/2024

**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2024

Third Special Session, 2024

H. B. 23-113, HS1

A BILL FOR AN ACT

To provide greater authority to government transit buses owned and operated by the Commonwealth Office of Transit Authority (COTA); to establish traffic safety measures, enhance public engagement, ensure fiscal responsibility, and comply with existing CNMI laws and federal standards; and for other purposes.

**BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** Currently public transportation,
2 including but not limited to buses, trains, subways, and taxis provides significant
3 benefits to society. These benefits include less traffic and congestion and travel
4 that is less stressful because there is no need to drive or worry about finding a
5 parking space.

6 Operating a public transportation that can provide these benefits and more,
7 was a priority for the Commonwealth legislature and consequently, Public Law 17-
8 43 was enacted to establish the Commonwealth Office of Transit Authority
9 (COTA) to develop a public transportation system.

HOUSE BILL 23-113, HS1

1 The Legislature finds that COTA currently uses government transit buses
2 for their operations along a fixed route. Moreover, it is necessary and appropriate
3 to establish guidelines with respect to how vehicles should pass or over-take COTA
4 transit buses while they load and unload their passengers. Such guidelines shall
5 serve to better protect COTA's passengers as well as improve overall roadway
6 safety while promoting a safer public transportation system in the Commonwealth.

7 As of result of the recent successful implementation of the fixed routes,
8 COTA has generated a passenger fixed route data as follows: 5,337 passengers from
9 November 2023 to December 2023; 3,565 passengers in January 2024; 2,382
10 passengers in February 2024; 3,769 passengers in March 2024; 4,729 passengers in
11 April 2024; and 6,521 passengers in May 2024. Based on the present data, the use
12 of government transit buses owned by COTA has been increasing and it is only a
13 matter of time before COTA opens additional fixed routes. With the additional
14 routes, the Legislature finds that the number of passengers who avail of the COTA
15 services shall increase dramatically. Cognizant of such usage, the Legislature finds
16 that there is a need to implement protective measures to prevent future injuries and
17 fatalities.

18 The Legislature finds that public transportation plays a vital role in
19 improving traffic safety, reducing congestion, and providing accessible travel
20 options for all residents, including senior citizens, persons with disabilities, and
21 indigent individuals. Public Law 17-43 established the Commonwealth Office of

HOUSE BILL 23-113, HS1

1 Transit Authority (COTA) to develop and oversee a comprehensive transportation
2 system. To ensure continued success, it is necessary to implement safety measures,
3 clarify roles, and align transit operations with federal and CNMI laws.

4 This Act reaffirms COTA's collaborative framework with the Department
5 of Public Safety (DPS) and other agencies to promote public safety and operational
6 efficiency while maintaining legislative oversight of fiscal responsibilities.

7 **Section 2. Amendment.** Title 9 of the Commonwealth Code, Division 1,
8 General Provisions, Section 1103, "Further Definitions" is hereby amended by
9 adding a new subsection (u) to read as follows:

10 " (u) "Government transit bus" means a government-operated
11 commercial vehicle bus under the authority of ~~operated by~~ the
12 Commonwealth Office of Transit Authority (COTA), used for public
13 transportation of passengers along fixed routes or other designated services,
14 including but not limited to shuttle and demand-responsive services."

15 **Section 3. Amendment.** Title 9 of the Commonwealth Code, Division 5,
16 Rules of the Road, Chapter 6, Stopping, Standing, and Parking, Article 1. "General"
17 is hereby amended by adding a new section 5607 to read as follows:

18 **"§5607. Passing a Government Transit Bus.**

19 (a) Restricted Passing: No vehicle operator of a vehicle which meets
20 or shall overtakes any or pass a government transit bus that has stopped for
21 loading or unloading the purpose of taking on or discharging passengers

1 ~~may pass the stopped government transit bus on the side on which~~ where
2 ~~passengers are entering or leaving~~ exiting until the bus has resumed motion
3 ~~and passengers have reached a safe location.~~ the government transit bus
4 ~~until the stopped government transit bus has started and any passengers who~~
5 ~~may have alighted have reached the side of the highway. But where a safety~~
6 ~~zone has been established, or at an intersection where traffic is controlled~~
7 ~~by a police officer or mechanical traffic signal lights, a vehicle need not be~~
8 ~~brought to a full stop before passing a stopped government transit bus, but~~
9 ~~may proceed past the government transit bus at a speed not greater than is~~
10 ~~reasonable and proper and in no event at a speed greater than 10 miles per~~
11 ~~hour, and shall exercise due caution for the safety of all pedestrians.~~

12 (1) Exceptions:

13 i) Vehicles may proceed past a stopped transit bus in
14 designated safety zones or at intersections controlled by
15 traffic signals or police officers at a speed not exceeding 10
16 miles per hour.

17 ii) Drivers must exercise due caution for pedestrians at all
18 times.

19 (2) Enforcement: The Department of Public Safety (DPS) shall
20 enforce this provision in collaboration with COTA, ensuring uniform
21 application of traffic regulation.

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(b) Failure to Yield Right Of Way To Government Transit Bus.

~~(1) A person commits the offense of failure to yield the right of way to a government transit bus entering traffic if the person does not yield the right of way to a government transit bus when:~~

~~(A) A yield sign as described in subsection (2) of this section is displayed on the back of the government transit bus;~~

~~(B) The person is operating a vehicle that is overtaking the government transit bus from the rear of the government transit bus;~~

~~and~~

~~(C) The government transit bus, after stopping to receive or discharge passengers, is signaling an intention to enter the traffic lane occupied by the person.~~

~~(2) The yield sign referred to in subsection (1)(A) of this section shall warn a person operating a motor vehicle approaching the rear of a government transit bus that the person must yield when the government transit bus is entering traffic. The yield sign shall be illuminated by a flashing light when the bus is signaling an intention to enter a traffic lane after stopping to receive or discharge passengers. The Commonwealth Office of Transit Authority (COTA) shall adopt by rule the message on the yield sign, specifications for the size, shape, color, lettering and illumination~~

1 of the sign and specifications for the placement of the sign on a government
2 transit bus.

3 (3) This section does not relieve a driver of a government transit bus
4 from the duty to drive with due regard for the safety of all persons using the
5 roadway.

6 (1) Vehicle operators must yield the right of way to a government
7 transit bus signaling an intention to reenter traffic after stopping to load or
8 unload passengers, provided the bus displays a yield sign illuminated by
9 flashing lights.

10 (2) Specifications for Yield Signs: COTA shall develop and
11 implement specifications for yield signs in consultation with DPS, ensuring
12 compliance with national and CNMI standards.

13 (43) Penalties: Any person who violates Violations of subsection
14 (b) is guilty of constitute an infraction punishable by a fine of not less than
15 \$50 but not more than \$250.

16 (4) Appeals Process: Cited individuals may appeal penalties
17 through the CNMI Traffic Court.

18 (c) Establishment of Subaccounts for COTA and DPS. Financial
19 Oversight:

HOUSE BILL 23-113, HS1

1 (1) Revenue Management: Fines collected under this Act shall be
2 deposited into the general fund and allocated to COTA and DPS
3 subaccounts for transportation safety programs, subject to legislative
4 appropriation.

5 (2) Annual Reporting: COTA and DPS shall submit annual reports
6 to the Legislature, detailing fine revenues, expenditures, and the impact of
7 traffic rules on public safety.

8 (3) Transparency and Audits: Subaccounts shall undergo annual
9 audits by the CNMI Office of the Public Auditor, and findings shall be
10 published publicly.

11 (d) Collaborative Framework:

12 (1) COTA shall operate under the guidance of the Public
13 Transportation Advisory Board, as established by Public Law 17-43, to
14 ensure compliance with transportation goals and safety standards.

15 (2) DPS and COTA shall coordinate traffic safety campaigns and
16 public education initiatives, promoting awareness of new traffic rules.

17 (3) Public Hearings shall be held prior to the implementation of
18 significant traffic regulations, with public feedback incorporated into final
19 rulemaking.

20 (e) Environmental and Public Health Considerations:

HOUSE BILL 23-113, HS1

1 (1) Emissions Standards: COTA shall ensure that all transit vehicles
2 meet CNMI environmental standards, prioritizing the use of electric or
3 hybrid vehicles in future procurements.

4 (2) Safety Features: All buses shall be equipped with safety features
5 such as first aid kits, fire extinguishers, and wheelchair-accessible ramps.

6 (3) Public Health Initiatives: COTA shall implement priority
7 seating policies for elderly and disabled passengers.

8 (f) Compliance with Federal Standards:

9 (1) COTA shall ensure all traffic rules and operational practices
10 align with Federal Transit Administration (FTA) requirements to maintain
11 grant eligibility..

12 (2) COTA shall submit biannual reports to the Governor and
13 Legislature on the progress and outcomes of federally funded projects.

14 ~~Notwithstanding any laws or statutes to the contrary, the CNMI~~
15 ~~Department of Finance shall establish two subaccounts into which all fines~~
16 ~~collected pursuant to 9 CMC section 5607 (b) (4) Failure to Yield Right Of~~
17 ~~Way To Government Transit Bus, shall be evenly divided and deposited.~~
18 ~~The expenditure authority for one subaccount shall be the Secretary of the~~
19 ~~Commonwealth Office of Transit Authority and the expenditure of the other~~
20 ~~subaccount shall be the Commissioner of the Department of Public Safety.~~
21 ~~The funds in these subaccounts shall be available to each expenditure~~

1 ~~authority without any further legislative appropriation and said funds shall~~
2 ~~not lapse.~~²²

3 **Section 4. Severability.** If any provisions of this Act or the application of
4 any such provision to any person or circumstance should be held invalid by a court
5 of competent jurisdiction, the remainder of this Act or the application of its
6 provisions to persons or circumstances other than those to which it is held invalid
7 shall not be affected thereby.

8 **Section 5. Savings Clause.** This Act and any repealer contained herein
9 shall not be construed as affecting any existing right acquired under contract or
10 acquired under statutes repealed or under any rule, regulation, or order adopted
11 under the statutes. Repealers contained in this Act shall not affect any proceeding
12 instituted under or pursuant to prior law. The enactment of the Act shall not have
13 the effect of terminating, or in any way modifying, any liability, civil or criminal,
14 which shall already be in existence on the date this Act becomes effective.

15 **Section 6. Effective Date.** This Act shall take effect upon its approval by
16 the Governor, or it becoming law without such approval.

Prefiled: 6/21/2024

Date: _____

Introduced by: /s/ Rep. John Paul P. Sablan
/s/ Rep. Julie M.A. Ogo

Reviewed for Legal Sufficiency by:

/s/ Joseph L.G. Taijeron, Jr.
House Legal Counsel