

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
83-36 (COR)	Tina Rose Muña Barnes James C. Moylan	AN ACT TO <i>AMEND</i> §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO <i>REPEAL</i> §5103 AND §5105, AND TO <i>ADD</i> §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.	3/15/21 1:52 p.m.	3/19/21	Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation	5/18/21 11:00 a.m.	7/8/21 10:03 a.m.	Request: 3/22/21 4/12/21	



THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON
EDUCATION,
SELF DETERMINATION
AND HISTORIC
PRESERVATION,
INFRASTRUCTURE,
BORDER SAFETY,
FEDERAL AND
FOREIGN AFFAIRS,
AND
MARITIME
TRANSPORTATION

July 6, 2021

The Honorable Therese M. Terlaje
Speaker
I Mina'trentai Sais na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: The Honorable Tina Rose Muña Barnes 
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 83-36 (COR)

Håfa Adai Speaker Terlaje,

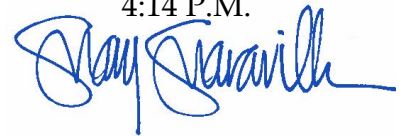
Transmitted herewith is the Committee Report on **Bill No. 83-36 (COR)** by the Vice Speaker Tina Rose Muña Barnes and Senator James Moylan – “AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.”

Committee votes are as follows:

<u>1</u>	TO DO PASS
<u> </u>	TO NOT PASS
<u>4</u>	TO REPORT OUT ONLY
<u> </u>	TO ABSTAIN
<u> </u>	TO PLACE IN INACTIVE FILE

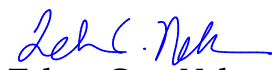
**COMMITTEE ON RULES
RECEIVED:**

July 6, 2021
4:14 P.M.



Revision Rec'd:
July 8, 2021 @ 8:39 A.M.

Sincerely,


Telena Cruz Nelson



THE OFFICE OF SENATOR TELENA CRUZ NELSON

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COMMITTEE REPORT

Bill No. 83-36 (COR)

“AN ACT TO AMEND §5101, §5104, §5107,
§5109, §5112, §5114, §5118 AND §5120 TO
REPEAL §5103 AND §5105, AND TO ADD §5119,
and ALL TO CHAPTER 5 OF TITLE 16, GUAM
CODE ANNOTATED, RELATIVE TO THE SIZE,
WEIGHT, AND LOAD LIMITATIONS, AND
RESTRICTIONS OF CERTAIN VEHICLES”

Introduced By: Vice Speaker Tina Rose Muña Barnes
and Senator James Moylan



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July 6, 2021

MEMORANDUM

To: **All Members**
Committee on Education, Self-Determination and Historic Preservation,
Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime
Transportation

From: **Senator Telena Cruz Nelson** 
Committee Chairperson

Subject: **Committee Report on Bill. No. 83-36 (COR)**

Transmitted herewith for your consideration is the Committee Report Bill No. 83-36 (COR) "AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES."

This report includes the following:

- Copy of COR Referral of Bill No. 83-36 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimonies & Supporting Documents
- Copy of Bill No. 83-36 (COR)
- Copy of Fiscal Note from Bureau of Budget and Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING

163 CHALAN SANTO PAPA

HAGÁTNA, GUAM 96910

TEL 671-472-2461

COR@GUAMLEGISLATURE.ORG

March 19, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

From: **Vice Speaker Tina Rose Muña Barnes**
Chairperson, Committee on Rules

Re: **Referral of Bill No. 83-36 (COR)**

Buenas yan Håfa adai.

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 83-36 (COR) - Tina Rose Muña Barnes and James C. Moylan – "AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES."

Please ensure that the subject bill is referred to the **Committee on Education, Self-Determination, and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation**, chaired by Senator Telen Cruz Nelson.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,


Vice Speaker Tina Rose Muña Barnes
Chairperson, Committee on Rules

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FIRST NOTICE of Virtual Public Hearing on Tuesday, May 18, 2021 at 11:00 A.M.

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Mon, May 10, 2021 at 9:00 AM

To: phnotice@guamlegislature.org

Cc: Ed Pocaigue <sgtarms@guamlegislature.org>, Audio / Video <av@guamlegislature.org>, mis <mis@guamlegislature.org>

Bcc: Tihu Lujan <tihualujan@guamlegislature.org>, Vince Perez-Customs <vincent.perez@cqa.guam.gov>, philip taijeron <philip.taijeron@cqa.guam.gov>, Ignacio Peredo <ike.peredo@cqa.guam.gov>

May 10, 2021

MEMORANDUM

To: All Honorable Senators, Stakeholders and Media
From: Senator Telena Cruz Nelson
Subject: **FIRST NOTICE of Virtual Public Hearing on Tuesday, May 18, 2021 at 11:00 A.M.**

Buenas yan Håfa Adai! Please be advised that the Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation will convene a Virtual Public Hearing on Tuesday, May 18, 2021 at 11:00 a.m., via *I Liheslaturan Guåhan* Zoom Conference platform. The agenda includes the following:

Tuesday, May 18, 2021 at 11:00 A.M.

- **Bill No. 87-36 (COR)** - Mary Camacho Torres / Telena Cruz Nelson / Tina Rose Muña Barnes, "AN ACT TO *ADD* A NEW ARTICLE 4 TO CHAPTER 73, DIVISION 7, TITLE 5, GUAM CODE ANNOTATED, AND TO *AMEND* § 6603(c), ARTICLE 6, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, AND TO FURTHER REPEAL § 6604, ARTICLE 6, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING ASSET FORFEITURE FOR THE GUAM CUSTOMS & QUARANTINE AGENCY AND TO FURTHER ESTABLISHING A CUSTOMS LOCAL FORFEITURE ACCOUNT"
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Written testimonies may be delivered to the Office of Senator Telena Cruz Nelson at 173 Aspinall Avenue, Suite 202A, Ada Plaza Center, Hagåtña, Guam 96910 or via email to senatortcnelson@guamlegislature.org. The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearing. In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance or accommodations should contact the Office of Senator Telena Cruz Nelson via phone call at 671-989-7696 or via email at senatortcnelson@guamlegislature.org.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 or Channel 112-4, and stream online via *I Liheslaturan Guåhan*'s live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation! *Si Yu'os Ma'åse'!*



The Office of Senator Telena Cruz Nelson

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678

Email: senatortcnelson@guamlegislature.org

4 attachments

18MAY2021 FIRST NOTICE.pdf
73K

Bill No. 59-36 (COR).pdf
606K

Bill No. 83-36 (COR).pdf
920K

Bill No. 87-36 (COR).pdf
1201K



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May 10, 2021

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ADA'S PLAZA CENTER, STE 202 A, 173 ASPINALL AVENUE HAGÁTÑA, GUAM 96910
TEL: (671) 989-7696 / 4678 | EMAIL: senatortcnelson@guamlegislature.org



SECOND NOTICE of Virtual Public Hearing on Tuesday, May 18, 2021 at 11:00 A.M.

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Thu, May 13, 2021 at 9:00 AM

To: phnotice@guamlegislature.org

Cc: Ed Pocaigue <sgtarms@guamlegislature.org>, mis <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>

Bcc: Tihu Lujan <tihualujan@guamlegislature.org>, Ignacio Peredo <ike.peredo@cqa.guam.gov>, Vince Perez-Customs <vincent.perez@cqa.guam.gov>, philip taijeron <philip.taijeron@cqa.guam.gov>

May 13, 2021

MEMORANDUM

To: All Honorable Senators, Stakeholders and Media
From: Senator Telena Cruz Nelson
Subject: **SECOND NOTICE of Virtual Public Hearing on Tuesday, May 18, 2021 at 11:00 A.M.**

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The Office of Senator Telena Cruz Nelson

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

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May 13, 2021

MEMORANDUM

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TEL: (671) 989-7696 / 4678 | EMAIL: senatortcnelson@guamlegislature.org



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Invitation to Participate: Virtual Public Hearing on Tuesday, May 18, 2021 at 11:00 a.m.

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Fri, May 14, 2021 at 4:46 PM

To: Vice Speaker Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Bcc: ag@oagguam.org, "Leevin T. Camacho" <lcamacho@oagguam.org>, rcpp@triton.uog.edu, "Mr. JOHN JOSEPH RIVERA" <jrivera@triton.uog.edu>, atsantos@triton.uog.edu, Ignacio Peredo <ike.peredo@cqa.guam.gov>, Vince Perez-Customs <vincent.perez@cqa.guam.gov>, philip taijeron <philip.taijeron@cqa.guam.gov>, Vince Arriola <vince.arriola@dpw.guam.gov>

Buenas yan Hafa adai!

Senator Nelson is inviting and encouraging your participation in a Virtual Public Hearing to be held at 11:00 a.m., Tuesday, May 18, 2021, via *I Liheslaturan Guåhan* Zoom Conference platform. The agenda includes the following:

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SUBMITTING TESTIMONY

Written Testimony: submit via email to senatortcnelson@guamlegislature.org

We kindly ask participants to sign up to provide virtual testimony via Zoom by contacting the Office of Senator Telena Cruz Nelson via email at senatortcnelson@guamlegislature.org or (671) 989-7696.

Si Yu'us Ma'åse'!



The Office of Senator Telena Cruz Nelson

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

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Email: senatortcnelson@guamlegislature.org



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Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Zoom and Google Drive Link for the Virtual Public Hearing on Tuesday, May 18, 2021 at 11:00 a.m.

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org> Mon, May 17, 2021 at 8:00 AM
To: "Speaker Therese M. Terlaje" <senatorterlajegum@gmail.com>, "Office of Senator Amanda L. Shelton" <officeofsenatorshelton@guamlegislature.org>, Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, Sabina Perez <sabina@senatorperez.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, "Office of Senator Clynton E. Ridgell" <sen.cridgell@teleguam.net>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Office of Senator Moylan Guam Legislature <officeofsenatormoylan@guamlegislature.org>, "Frank F. Blas Jr." <office@senatorfrankblas.com>, Mary Camacho Torres <senatormary@guamlegislature.org>, "Senator V. Anthony Ada" <senatorvanthonyada@gmail.com>, "Office Of Senator Telo T. Taitague" <senatortelot@gmail.com>, "Office of Senator Joanne M. Brown" <office@senatorjoannebrown.com>, Chris Duenas <senatorchrisduenas@gmail.com>
Cc: Ed Pocaigue <sgtarms@guamlegislature.org>, mis <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>
Bcc: Tihu Lujan <tihualujan@guamlegislature.org>, Ignacio Peredo <ike.peredo@cqa.guam.gov>, Vince Perez-Customs <vincent.perez@cqa.guam.gov>, philip taijeron <philip.taijeron@cqa.guam.gov>, ag@oagguam.org, "Leevin T. Camacho" <lcamacho@oagguam.org>, rcpp@triton.uog.edu, "Mr. JOHN JOSEPH RIVERA" <jrivera@triton.uog.edu>, atsantos@triton.uog.edu, Vince Arriola <vince.arriola@dpu.guam.gov>

Buenas yan Håfa Adai,

Please be advised that the Office of Senator Telena Cruz Nelson will convene for a Virtual Public Hearing on Tuesday, May 18, 2021 at 11:00 a.m., via *I Liheslaturan Guåhan* Zoom Conference platform.

On the agenda are the following items:

Bill No. 87-36 (COR) - Mary Camacho Torres / Telena Cruz Nelson / Tina Rose Muña Barnes, "AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 73, DIVISION 7, TITLE 5, GUAM CODE ANNOTATED, AND TO AMEND § 6603(c), ARTICLE 6, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, AND TO FURTHER REPEAL § 6604, ARTICLE 6, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING ASSET FORFEITURE FOR THE GUAM CUSTOMS & QUARANTINE AGENCY AND TO FURTHER ESTABLISHING A CUSTOMS LOCAL FORFEITURE ACCOUNT"

Bill No. 59-36 (COR) - James C. Moylan / V. Anthony Ada / Christopher M. Dueñas, "AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 73 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN INTERAGENCY WORKING GROUP FOR THE DEVELOPMENT OF A 'BUILD-LEASE-TRANSFER PLAN' FOR THE CONSTRUCTION OF A CUSTOMS SATELLITE INSPECTION, HOLDING, AND SECURED STERILE FACILITY AREA AND THE PROCUREMENT OF A STATIONARY X-RAY SCANNING PORTAL"

Bill No. 83-36 (COR) - Tina Rose Muña Barnes / James C. Moylan, "AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES"

We kindly ask that you do not share this following link with individuals who have not confirmed attendance with our office. Please advise them to contact us at (671) 989-7696 or senatortcnelson@guamlegislature.org.

You can access files for this hearing at this shared link:



Guam Legislature is inviting you to a scheduled Zoom meeting.

Topic: Virtual Public Hearing - Telena C. Nelson
Time: May 18, 2021 11:00 AM Guam, Port Moresby

Join Zoom Meeting



Meeting ID: [REDACTED]
Passcode: [REDACTED]

We ask for your cooperation and assistance in order to ensure a smooth and productive hearing by following the virtual guidelines:

1. Please LOG IN **no later than 10:45 a.m.** We will go live at 11:00 a.m.;
2. Please ensure that your VIDEO remains ON and you are visible throughout the hearing;
3. Participants must be visible at all times and as much as possible, not engaged in other activity during the hearing;
4. As much as possible, log in from an area with good lighting and little to no background noise and good internet connectivity;
5. Please MUTE your AUDIO unless called upon to present, respond or to ask questions;
6. Further hearing protocol and decorum requirements will be announced at the beginning of the hearing;
7. If you are having technical difficulties, kindly log off and return using the same link, we will work toward reconnecting you.
8. You may contact the Guam Legislature MIS Division at mis@guamlegislature.org if you are having technical issues.
9. Further hearing protocol and decorum requirements will be announced at the beginning of the hearing.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 112.4, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation.

Si Yu'os Ma'åse'



The Office of Senator Telena Cruz Nelson

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678

Email: senatortcnelson@guamlegislature.org



THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON
EDUCATION,
SELF DETERMINATION
AND HISTORIC
PRESERVATION,
INFRASTRUCTURE,
BORDER SAFETY,
FEDERAL AND
FOREIGN AFFAIRS,
AND
MARITIME
TRANSPORTATION

Virtual Public Hearing

Tuesday, May 18, 2021
11:00 A.M.

Agenda

- I. Call to Order at 11:00 a.m.
- II. Opening Remarks by Senator Telena C. Nelson, Committee Chairperson
- III. Items for discussion –
 - **Bill No. 87-36 (COR)** - Mary Camacho Torres / Telena Cruz Nelson / Tina Rose Muña Barnes, “AN ACT TO *ADD* A NEW ARTICLE 4 TO CHAPTER 73, DIVISION 7, TITLE 5, GUAM CODE ANNOTATED, AND TO *AMEND* § 6603(c), ARTICLE 6, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, AND TO FURTHER REPEAL § 6604, ARTICLE 6, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING ASSET FORFEITURE FOR THE GUAM CUSTOMS & QUARANTINE AGENCY AND TO FURTHER ESTABLISHING A CUSTOMS LOCAL FORFEITURE ACCOUNT”
 - **Bill No. 59-36 (COR)** - James C. Moylan / V. Anthony Ada / Christopher M. Dueñas, “AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 73 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN INTERAGENCY WORKING GROUP FOR THE DEVELOPMENT OF A ‘BUILD-LEASE-TRANSFER PLAN’ FOR THE CONSTRUCTION OF A CUSTOMS SATELLITE INSPECTION, HOLDING, AND SECURED STERILE FACILITY AREA AND THE PROCUREMENT OF A STATIONARY X-RAY SCANNING PORTAL”
 - **Bill No. 83-36 (COR)** - Tina Rose Muña Barnes / James C. Moylan, “AN ACT TO *AMEND* §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES”
- IV. Closing Remarks
- V. Adjournment

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 112-4 or Docomo customers without set top boxes, and stream online via I Liheslaturan Guåhan's live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

Si Yu'os Ma'åse'



OFFICE OF VICE SPEAKER TELENA CRUZ NELSON

COMMITTEE ON EDUCATION, SELF-DETERMINATION AND HISTORIC
PRESERVATION, INFRASTRUCTURE, BORDER SAFETY, FEDERAL AND
FOREIGN AFFAIRS, AND MARITIME TRANSPORTATION

Bill No. 83-36 (COR)

Public Hearing Sign-in Sheet


Tuesday, May 18, 2021 • 11:00 a.m.

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMON Y	ORAL TESTIMON Y	CONTACT NUMBER	EMAIL ADDRESS
Director Vince Arriola	Guam Dept. of Public Works	✓	✓	✓		
Lyndon Kobayashi	Guam Dept. of Public Works	✓		✓		
General Manager Hermie Queja	Micronesian Brokers	✓	✓	✓		
Eddie Cruz	Guam Contractors Association	✓		✓		



The Honorable
LOURDES A. LEON GUERRERO
Maga' Håga • Governor

The Honorable
JOSHUA F. TENORIO
Sigundo Maga' Låhi • Lieutenant Governor


public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
VINCENT P. ARRIOLA
Director
LINDA J. IBANEZ
Deputy Director

18 MAY 2021

Honorable Telen Cruz Nelson
Senator, 36th Guam Legislature
I Mina'trentai Sais na Liheslåturan Guåhan
Committee on Education and Infrastructural Advancement, Border Protection and Maritime
Transportation, Guåhan Preservation and Self-Determination, and Federal and Foreign Relations
173 Aspinall Avenue
Suite 202A Ada's Plaza Center
Hagatna, Guam 96910

Hafa Adai Senator Nelson and members of the Committee,

My name is Vincent P. Arriola, and I am the Director of the Department of Public Works. I am pleased to appear before you today and offer testimony in support of Bill No. 83-36.

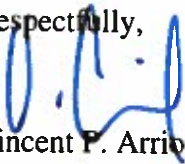
This Bill addresses a number of issues related to our primary arterial roadways, that are the main haul routes, where large vehicles haul goods from the Port of Guam to storage warehouses in the Harmon Industrial Park and the surrounding area. It includes modifications to the allowable size and weights of large vehicles that are allowed on Guam's main roadways. This was a cooperative effort with the Guam Contractors Association, Chamber of Commerce and the trucking and wholesaling industries, the Department, our highway consultants and we feel this provides a good balance of economic needs of the industry with functional usage and future structural integrity of some of our main roads.

The Bill specifically identifies Designated Haul Road Highway's Routes 1, 8, 11 and 16 that will allow heavier vehicle use. These roads are arterial roadways primarily used to transport goods from the Port Authority of Guam to the Harmon Industrial Park and surrounding areas, where the clear majority of wholesaler, Trucking companies, Freight forwarders, etc. conduct business. Due to the importance and heavy truck usage of these Roads, the Department supports the need for a higher design standard to ensure their continued function for mobility and economic benefits.

With regard to the size and weight limitations enumerated in Bill 83-36, we believe these amendments allow for improved commerce, hopefully limiting price increases in our island's economy, while still maintaining safe and improved roadways. You will notice that there is a graduated increase in the overall weight limits to the year 2024. This was intentionally offered because a major Department of Defense funded reconstruction of Route 1 and replacement of two Route 1 Bridges along the Haul Routes, is slated to occur around that time. It involves strengthening and repaving the outer lanes of Route 1 from Naval Station to Route 3 and along Route 3 to Camp Blaz, as well as the replacement of the Asan and Fonte Bridge. These lanes and these two bridges along Route 1 will have a load capacity significantly higher than current standards. Please note, the Department bi-annually inspects all Guam's bridges to assess their current conditions and load carrying capacity.

Thank you for allowing the Department to comment on this Bill.

Respectfully,



Vincent P. Arriola

Public Hearing for BILL 83-36 to amend PUBLIC LAW 33-106
May 18 2021

Senator Telena Cruz Nelson and.....Good Morning and Hafa Adai.

My name is Hermie Queja and I am the General Manager for Micronesian Brokers, Inc., an affiliate of the Jones & Guerrero Co. I am here to provide a written testimony in favour of amending Public Law 33-106 and to express my support for the passage of Bill 83-36.

Micronesian Brokers, Inc, aka “MBI”, is a wholesale distribution company which imported approximately 472 containers of consumer goods into our island of Guam last year. For over 45 years MBI has provided products and services to Guam’s foodservice and retail customers. As a distributor of fast moving consumer goods we are an intermediary or “middleman” for our customers’ supply chain. MBI imports goods from various suppliers, stores them in our distribution facility in Maite and then resells those goods to our valued customers.

MBI imports dry, chilled and frozen goods on a weekly basis from the US mainland, New Zealand, Australia and Asia. For the dry side we import rice, sugar, canned meat products, UHT milk and many others whereas on the frozen side we import frozen beef, poultry, seafood, dairy products such as butter and cheese and a variety of frozen prepared foods.

In the logistics world it can be a good thing to be heavy – particularly when it comes to containerized cargo. Let me explain. In the US mainland overweight containers are prohibited from travelling on State Highways, but they are permitted to travel on designated haul roads. These designated haul roads are located in what is called the *overweight corridor or sometimes referred to as the “green zone”*. For example, in the Port of Oakland vicinity, the overweight corridor provides overweight trucks with a route to legally transport cargo containers from a consolidator to the Port itself. Warehouse and logistics centers for freight forwarders and consolidators are strategically located within the green

zone. For this reason MBI primarily utilizes the Overweight Corridor to consolidate and load its frozen beef, poultry and seafood products. The benefits of utilizing the overweight corridor cannot be over-stated. Simply put, shipping out of the green zone keeps the cost of goods down.

If the weight requirements as mandated by PL 33-106 were to be enforced today wholesalers would have to reduce the amount of cargo in a container by as much as 15% or approximately 8,000 lbs. Reducing the load capacity in a container would raise prices on consumer goods. Why? With a lesser load factor the freight cost is now absorbed by the fewer products in the container thus increasing the landed cost for each item. The increased costs for goods will be passed on to retailers and foodservice operators. Ultimately, the end-consumer bears the burden of paying more at the cash registers.

For the past two years I have sat in a committee where the Director of DPW, Mr. Vince Arriola, was present to hear our concerns about the need to update and modernize sections of PL 33-106 relative to size, weight, load limitations and restrictions of certain vehicles. I truly commend Mr. Arriola for his wisdom and guidance during this process. Hammering out specific sections of the law was such an arduous task for the committee members as it went through various revisions, but with the valuable assistance of the Department of Public Works and Mr. Vince Arriola as well as various industry stakeholders and consultants, we prevailed by finally arriving at a finished product – Bill 83-36.

Senator Nelson and Senators of the 36th Legislature, I plead with you to support the passage of Bill 83-36. Remember how invaluable the overweight corridor or green zone has been for businesses the US mainland? It provides truckers with a designated route to legally transport overweight container. Likewise, Bill 83-36 proposes a similar scenario, namely, re-classifying certain major routes on island as “Designated Haul Road Highways” with a reconstructed lane in each direction.....and with a higher standard design allowing for the movement of heavier vehicles.

Senators, allow me to pose a question? What is the alternative if this Bill lacks your support? As an importer let me share with you the adverse effect it'll have on consumer goods if weights and measures aren't adjusted and if specific highways do not become designated haul roads:

- Bag of Sugar - 1kg & 2kg - would increase by a factor of +16%
- Sack of Rice - 25 lb & 50lb - would increase by a factor of +17%
- Case of Chicken Thighs would increase by a factor of +18%.

I could go on citing other examples, but the point is clear. Adjusting the weights and measures of a container downward would only increase the cost of goods entering our island and, ultimately, driving the cost of living upwards.

Therefore, Bill 83-36 as written strikes the right balance:

1. Guam's highways are protected as containers will only traverse on designated haul road highways
2. Size and weight limitations for certain vehicles travelling Guam's roads are updated and modernized.
3. Cost of consumer goods entering our island are not negatively impacted.

Sen. Nelson and esteemed Senators of the 36th Guam Legislature, I urge you to do the right thing for our island residents by supporting the passage of Bill 83-36.



GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS

May 17, 2021

THE HONORABLE TELENA CRUZ NELSON
Chairperson, Committee on Education, Self Determination and
Historic Preservation, Infrastructure, Border Safety, Federal and
Foreign Affairs, and Maritime Transportation
I Mina' Trentai Sais Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: BILL 83-36. AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.

Hafa Adai Chairwoman Nelson and Committee Members,

Thank you for the opportunity to provide comments on Bill No. 83-36.

The Guam Chamber of Commerce stands in support of Bill 83-36 which makes amendments towards the size, weight, load limitations, and restrictions of certain vehicles, as it applies to the haul road from Piti to Harmon on Route 1. We appreciate the work and cooperation between the authors of the bill, the Department of Public Works and our member haulers and wholesale merchants over the past year and a half in discussing how to address the stress and impact the implementation of PL 33-106 has had on our residents, which essentially contributed to increased cost of goods because of the law's stringent restrictions on large trucks and hauling vehicles.

Bill 83-36 boils down to reducing and stabilizing transportation costs from the Port Authority of Guam to Harmon, where many of our wholesale warehouses are located. When the Transportation Enforcement Screening Station (TESS) statute was established several years ago under PL 33-105, the concerning factor for businesses was the implementation of stiff measurements for large vehicles resulting in additional fees, forcing importers to increase the cost of goods to their customers, which would eventually be passed to the end user. While we recognize that the intent of the TESS Law was to provide sustainability for our roads, it was quickly recognized that some balance needed to be identified and addressed.

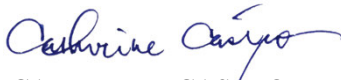
Because of Guam's unique location, our community has had to work with the high cost of shipping consumer goods and products to our island. There are many factors which lead to the costs of goods, and transportation is a critical component in the process. While wholesalers may not be able to guarantee that the passage of this measure would reduce the cost of everyday products at the retail end, it would allow them to reduce their expenditures. Therefore, economic factors such as competition and supply & demand would drive consumer decisions at the retail front. As a wholesaler recently stated, *"I can't promise you that if this bill passes that my product would be cheaper at the store, but what I can assure you is that if it does pass, there won't be another reason to increase its cost to the retailer."* This bill, if passed, would allow for some semblance of the stabilization of transportation costs.

May 17, 2021

The Guam Chamber of Commerce represents over 400 business members. We also represent several entities that would benefit positively with the passage of this measure, which in turn, we believe, would translate to some relief at the cash registers.

As we work cooperatively to bring ourselves out of an economic blight caused by a global pandemic, any relief would be very helpful for our families. It is with this belief that our organization supports Bill 83-36 and encourages senators of the 36th Guam Legislature to pass the measure as drafted. We thank the authors of the bill for their support as well as the Department of Public Works and member businesses who worked diligently together on this compromised measure. As always, we are open to a discussion with lawmakers on this and other measures. *Si Yu'os Ma'ase*.

Sincerely,


CATHERINE CASTRO
President

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

February 25, 2021

Vice Speaker Tina Rose Mulla Barnes

MR. JAMES MARTINEZ, *President*
GUAM CONTRACTORS ASSOCIATION
506 Mariner Avenue
Barrigada, Guam 96913

MAR 09 2021

Time 12:00 PM
Received By: *[Signature]*

RE: PROPOSED BILL - AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119 ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES

Hafa Adai Mr. Martinez:

Governor Lourdes A. Leon Guerrero and I are pleased to transmit herewith a proposed bill for the designation of the haul roads in Guam, and the modernization of size, weight, and load restrictions for commercial vehicles that make use of our island's roads. This proposed bill has undergone multiple revisions following numerous working group meetings, in coordination with the Department of Public Works ("DPW") and various industry stakeholders and consultants, including hours of dedicated effort on the part of Jay Forsyth.

Though this effort was stalled in previous administrations, we believe resolution of the issue at this time is both timely and appropriate. This bill is suitable for introduction in the 36th Guam Legislature in its present form, and, assuming its passage in substantially the same form, the Governor is prepared to sign it into law. Several senators have expressed interest in advocating for this legislation. We will work on the best strategy to see to its passage.

This bill designates haul roads for the transport of goods between the Port of Guam and the industrial center in Harmon, and will enable local businesses to deliver critical goods to the island. Additionally, it introduces critical updates to size and weight limitations for vehicles traveling Guam's roads, which is of paramount importance during the current public health emergency. As a leader in the industry, we welcome any feedback you or your members may have to improve upon this proposed bill, and we look forward to working with you to ensure its implementation in the very near future.

[Signature]
JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lt. Governor of Guam

Enclosure(s): Proposed Bill

cc: Honorable Lourdes A. Leon Guerrero, Governor of Guam

FILE COPY

I MINA TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. -36 ()

Introduced by: _____

AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. The Legislature finds that the designation of haul roads in Guam is necessary to transport products from the Port of Guam to warehouses in Harmon and other areas, where products can be unloaded, sorted, stored and transported on delivery trucks that meet the requirements of the bridge formula and more weight restrictive regulations. This legislation does not eliminate the bridge formula, needed to protect island bridges, especially south of the Port of Guam. It classifies specific haul roads in order to efficiently and affordably assist commerce. This legislation also updates and modernizes specific sections of the law concerning size of the trucks on Guam's roads.

Section 2. §5101 of Chapter 5, Title 16, Guam Code Annotated, is hereby *amended* to read as follows:

§ 5101. Definitions.

As used in this Chapter, the following definitions will hold true:

1 (a) Axle: The common axis of rotation of one (1) or more wheels,
2 whether in one (1) or more segments and regardless of the number of wheels
3 carried thereon.

4 (b) Axle Group: An assemblage of two (2) or more consecutive axles
5 considered together in determining their combined load effect on a bridge or
6 pavement structure.

7 (c) Axle Load: The total weight transmitted to the road by a single axle.

8 (d) Connecting Mechanism: An arrangement of parts interconnecting
9 two (2) or more consecutive axles to the frame of a vehicle in such a manner
10 as to equalize the load between the axles.

11 ~~(e) Continuous Trip Permit: A special permit issued for oversize or~~
12 ~~overweight loads, valid for multiple days, multiple routes and/or between~~
13 ~~multiple points of destination, for the duration of a specific project, but not to~~
14 ~~exceed ninety (90) days, unless deemed warranted otherwise by the DPW~~
15 ~~Director.~~

16 (e) Designated Haul Road Highway: Designated haul road highways
17 with a reconstructed lane in each direction with a higher standard design
18 allowing for the movement of heavier vehicles. Shall include the following:

19 Route 1

20 Route 8

21 Route 11

22 Route 16

23 Other highways to be designated by the Director of Public Works as
24 they are reconstructed for heavier use.

25
26 (f) Gross Combination Weight (GCW): The total weight of the power
27 unit and the total weight of the towed unit and any load thereon.

1 (g) Gross Combination Weight Rating (GCWR): The value specified
2 by the manufacturer as the loaded weight of a combination (articulated) motor
3 vehicle. In the absence of a value specified by the manufacturer, GCWR will
4 be determined by adding the GVWR of the power unit and the total weight of
5 the towed unit and any load thereon.

6 (h) Gross Vehicle Weight (GVW): The total weight of the loaded
7 vehicle. This includes the vehicle itself and the cargo that is loaded within that
8 vehicle.

9 (i) Gross Vehicle Weight Rating (GVWR): The value specified by the
10 manufacturer as the loaded weight of a single motor vehicle.

11 (j) Gross Weight: The weight of a vehicle and/or vehicle combination
12 without load, plus the weight of any load thereon.

13 (k) Height: The total vertical dimension of any vehicle above the
14 ground surface including any load and load holding device thereon.

15 (l) Highway: The entire width between the boundary lines of every
16 publicly maintained surface, when any part thereof is open to the use of the
17 public for purposes of vehicular travel; synonymous and interchangeable in
18 usage with "street."

19 (m) Length: The total longitudinal dimension of any vehicle or
20 combination of vehicles, including any load or load holding devices thereon.

21 (n) Lift Axle: An axle designed to be raised when not in use and
22 lowered to help reduce the weight imposed on an axle group.

23 (o) Load: A weight or quantity of anything resting upon a support.

24 (p) Motor Vehicle: A vehicle which is self-propelled. ~~or propelled by~~
25 ~~electric power obtained from overhead trolley wires, but not operating upon or~~
26 ~~propelled by electric power obtained from overhead trolley wires, but not~~
27 ~~operating upon rails.~~

1 (q) Owner: A person, other than a lien holder, having the property in
2 or title to a vehicle, including a person entitled to use and possession of a
3 vehicle subject to a security interest in another person, but excluding a lessee
4 under a lease not intended as security.

5 (r) Portable Scales: A movable weighing device.

6 (s) Primary Road: A primary road is a road with two (2) or more lanes
7 each way, or any road with at least two (2) contiguous miles with a speed limit
8 of thirty-five (35) miles per hour or greater.

9 (t) Scale Tolerance: An allowable variation in the static weight of an
10 axle load in accordance with, but not exceeding, the precision of the scale
11 involved.

12 (u) Secondary Road: A secondary road is any road, paved or unpaved,
13 that does not meet the definition of "primary road" as herein stated.

14 (v) Semi-Trailer: A vehicle designed for carrying persons or property
15 and drawn by a truck-tractor on which parts of its weight and load rests.

16 (w) Single Axle: An assembly of two (2) or more wheels, whose centers
17 are on one (1) transverse vertical plane or may be included between two (2)
18 parallel transverse vertical planes forty (40) inches or less apart extending the
19 full width of the vehicle.

20 (x) Single Axle Weight: The total weight transmitted to the road by a
21 single axle.

22 ~~(x) Single Trip Permit: A special permit issued for oversize or~~
23 ~~overweight loads, valid for a single trip on a specified route between~~
24 ~~predetermined points of origin and destination, and which shall expire within~~
25 ~~twenty four (24) hours.~~

26 (y) Special Permit: A written authorization to move or operate on a
27 highway, a vehicle or vehicles with indivisible load of a size and/or weight

1 exceeding the limits prescribed for vehicles in regular operation. ~~Said permit~~
2 ~~may be for a single trip or for a continuous trip.~~

3 (z) Static Scales: An immovable measuring scale, similar to a rule, that
4 is attached to the edge of an optical comparator screen.

5 (aa) Tandem Axle: Any two (2) or more consecutive axles whose
6 centers are more than forty (40) inches and not more than ninety-six (96)
7 inches apart, and are individually attached and/or articulated from a common
8 attachment to the vehicle including a connecting mechanism designed to
9 equalize the load between the axles.

10 (bb) Tandem Axle Weight: The total weight transmitted to the road by
11 a tandem axle.

12 (cc) Trailer: A vehicle designed for carrying persons or property and
13 drawn by a motor vehicle which carries no part of the weight and load of the
14 trailer on its own wheels.

15 (dd) Tridem Axle: Any (3) or more consecutive axles whose centers
16 are more than forty (80) inches and not more than one hundred forty-four(144)
17 inches apart, and are individually attached and/or articulated from a common
18 attachment to the vehicle including a connecting mechanism designed to
19 equalize the load between the axles.

20 (ee) Tridem Axle Weight: The total weight transmitted to the road by a
21 tridem axle.

22 (ff) Truck: A motor vehicle designed, used or maintained primarily for
23 the transportation of property.

24 (gg) Truck-Tractor: A motor vehicle designed for drawing other
25 vehicles, but not for a load other than a part of the weight of the vehicle and
26 load drawn.

1 (hh) Vehicle: A device in, upon or by which any person or property
2 may be transported or drawn upon a highway.

3 (ii) Vehicle Combination: A truck-tractor and semi-trailer, either with
4 or without a full trailer, or a truck with one (1) or more full trailers.

5 (ji) Weigh-in-Motion Scales: Weighing-in-Motion (WIM) is, as the
6 name implies, the process of weighing a vehicle as it is moving along the
7 highway in an effort to estimate the equivalent static weight of the vehicle.

8 (kk) Wheel Load: The total load transmitted to the road by a wheel.
9 Dual wheels that share an axle mounting are considered a single wheel for
10 load requirements.

11 (ll) Width: The total outside transverse dimension of a vehicle,
12 including any load or load holding devices thereon, but excluding approved
13 safety devices and tire bulge due to load.

14 **Section 3.** §5103 of Chapter 5, Title 16, Guam Code Annotated, is hereby
15 *repealed*.

16 **Section 4.** §5104 of Chapter 5, Title 16, Guam Code Annotated, is hereby
17 *amended* to read as follows:

18 **§ 5104. Height, Length and Width of Vehicles and Loads.**

19 No vehicle, including any load and load holding devices thereon, shall
20 exceed a total height of fifteen (15) feet, a width of eight and a half (8.5) feet,
21 or a length of sixty-five (65) feet, for public roads, streets or highways, and a
22 length of eighty-five (85) feet on designated haul road highways. Any vehicle
23 or loads exceeding the dimensions in height, length or width shall obtain a
24 Special Permit from the Director of the Department of Public Works as
25 specified in this Chapter.

1 **Section 5.** §5105 of Chapter 5, Title 16, Guam Code Annotated, is hereby
2 *repealed.*

3 **Section 6.** §5107 of Chapter 5, Title 16, Guam Code Annotated, is hereby
4 *amended* to read as follows:

5 **§ 5107. Gross Weight, Axle, and Wheel Loads.**

6 No motor vehicle or combination of vehicles equipped wholly with
7 pneumatic tires, which has a gross weight, an axle load, or a wheel load in
8 excess of the limits set forth in this Section shall be operated or moved upon
9 any public road, street, or highway; and no vehicle or combination of vehicles
10 shall be operated on or moved over any bridge or other highway structure if
11 the gross weight, including vehicle and load, exceeds the posted maximum
12 gross weight limitation for the bridge or other highway structure.

13 (a) The total gross weight, in pounds, imposed on any public
14 road, street, or highway, except designated haul roads highways, by any
15 axle group on a vehicle or combination of vehicles *shall not* exceed the
16 following when the distance between the first and last axles of the group
17 under consideration is:

18 (1) forty (40) inches or less; the axle load *shall not* exceed
19 twenty thousand (20,000) pounds, or the axle manufacturers
20 rating, whichever is less;

21 (2) more than forty (40) inches, but not more than eight (8)
22 feet; the tandem axle weight imposed *shall not* exceed thirty-six
23 thirty-four thousand (36,000 34,000) pounds and allowable to
24 forty six thousand (46,000) pounds or the axle manufacturers
25 rating, whichever is less, on Designated Haul Roadways.

26 (3) more than eighty-six (86) inches, but not more than one
27 hundred forty-four (144) inches; the tridem axle weight imposed

1 shall not exceed fifty thousand (50,000) and allowable to sixty
2 thousand (60,000) pounds or the axle manufacturers rating,
3 whichever is less, on Designated Haul Roadways.

4 (4) any additional lift axle designed to help distribute
5 weight is limited to twenty thousand (20,000) pounds, or the axle
6 manufacturers rating whichever is less.

7 (b) The total gross weight, in pounds, imposed on any public
8 road, street, or highway, except on designated haul road highways, by
9 any axle group on a vehicle or combination of vehicles *shall not* exceed
10 that resulting from application of the Bridge Formula:

11 $W = 500 (LN/(N-1) + 12N + 36)$ when the distance
12 between the first and last axles of the axle group under
13 consideration is over eight (8) feet and where

14 W = maximum gross weight in pounds carried on any axle
15 group,

16 L = distance in feet between the outer axles of any axle
17 group, to the nearest foot, and

18 N = number of axles in group under consideration;
19 provided that two (2) consecutive sets of tandem axles may carry
20 a gross load of thirty-six thousand (36,000) pounds each
21 providing the overall distance between the first and last axles of
22 such consecutive sets of tandem axles is thirty-six (36) feet or
23 more; and provided also that the overall gross weight *does not*
24 exceed eighty thousand (80,000) pounds.

25 (c) The total gross weight, in pounds, imposed on any designated
26 haul road highways, by any axle group on a vehicle or combination of

1 vehicles shall not exceed the following when the distance between the
2 first and last axles of the group under consideration is:

3 (1) forty (40) inches or less; the axle load shall not exceed
4 twenty thousand (20,000) pounds, or the axle manufacturers
5 rating, whichever is less;

6 (2) more than forty (40) inches, but not more than eight (8)
7 feet; the tandem axle weight imposed shall not exceed:

8 (i) thirty-six thousand (36,000) pounds through
9 December 31, 2021 or once constructed to a higher design
10 standard;

11 (ii) forty thousand (40,000) pounds starting January
12 1, 2022 through December 31, 2023; and

13 (iii) forty-eight thousand (48,000) pounds starting
14 January 1, 2024.

15 (3) more than eighty-six (86) inches, but not more than one
16 hundred forty-four (144) inches; the tridem axle weight imposed
17 shall not exceed:

18 (i) forty-six thousand (46,000) pounds through
19 December 31, 2023; and

20 (ii) fifty-two thousand (52,000) pounds starting
21 January 1, 2024.

22 (4) any additional lift axle designed to help distribute
23 weight is limited to twenty thousand (20,000) pounds, or the axle
24 manufacturers rating, whichever is less.

25 (de) No vehicle or combination of vehicles shall be used or
26 operated on any public road, street, or highway with:

1 (1) a load upon any single, ~~or tandem~~ or tridem axle, or
2 combination of axles which exceeds the carrying capacity of the
3 axles specified by the manufacturer; or

4 (2) with a total weight in excess of its designed capacity as
5 indicated by its designed gross vehicle weights or gross
6 combination weights.

7 (e) The single axle weight *shall not* exceed twenty thousand
8 (20,000) pounds.

9 (f) Maximum Weight shall be eighty thousand (80,000) pounds,
10 Gross Vehicle Weight, for a combination of truck tractor and semi-
11 trailer combinations but allowable to ninety-five thousand (95,000)
12 pounds on designated haul roads.

13 (g) The maximum wheel load imposed upon any public road,
14 street, or highway *shall not* exceed eight hundred ~~a thousand~~ (800
15 ~~4,000~~) pounds per inch of tire tread width or the tire manufacturers
16 rating listed on the tire, whichever is less.

17 (h) The Director of the Department of Public Works (DPW
18 Director) may place and maintain signs to limit the gross weight of a
19 vehicle or combination of vehicles traveling over a bridge or other
20 highway structure in the interest of public safety when it is determined
21 that the theoretical load carrying capacity of the bridge or structure is
22 less than the maximum gross vehicular weight allowed by this Chapter.

23 (i) The DPW Director may issue a Special - Permit for a vehicle
24 that meets the axle group load requirements of the formula in
25 Subsection (a~~b~~) of this Section, but with a gross vehicle weight in
26 excess of the allowable weights stated in this Section ~~eighty thousand~~

1 ~~(80,000) pounds~~. Such special permit ~~shall~~ may be issued in accordance
2 with § 5114 of this Chapter.

3 **Section 7.** §5109 of Chapter 5, Title 16, Guam Code Annotated, is hereby
4 *amended* to read as follows:

5 **§ 5109. Authority to Stop, Inspect and Weigh Vehicles; Removal of**
6 **Excess Loads.**

7 (a) For purposes of the enforcement of this Chapter, the Director of
8 Revenue and Taxation (DRT Director) and the DPW Director shall have such
9 powers of enforcement as may be necessary to implement their respective
10 responsibilities under this Chapter.

11 (1) The DRT Director, whose Department is primarily
12 responsible for implementing and enforcing this Chapter as it relates to
13 the registration and safety of vehicles, may delegate enforcement to the
14 Administrator of the Division of Motor Vehicles/Motor Carrier Safety
15 Assistance Program (DMV/MCSAP).

16 (2) The DPW Director, whose Department is primarily
17 responsible for implementing and enforcing this Chapter as it relates to
18 truck gross weight and the safety and maintenance of Guam's public
19 roads, streets and highways, may delegate the enforcement of this
20 Chapter to the Administrator of the Division of Highways.

21 (b) For the purpose of the safety, welfare and health of the general
22 public, and the safe transportation of hazardous materials, waste and other
23 materials on any public road, street or highway, and the enforcement of this
24 Chapter and of all rules adopted pursuant to this Chapter, the responsibilities
25 of each agency shall be as follows:

26 (1) Department of Revenue and Taxation (DRT):

1 (A) inspect business premises, buildings, freight and
2 equipment of commercial motor carriers;

3 (B) stop and inspect freight and equipment of all motor
4 carriers operating on any public road, street or highway,
5 including designated haul road highways, except that any motor
6 carrier with military cargo shall be permitted to proceed, unless
7 safety to the general public dictates otherwise, to the vehicle's
8 destination for appropriate review therein and such action shall
9 not be a violation of this Chapter;

10 (C) inspect shipping papers and hazardous waste manifests
11 of all motor carriers and persons subject to this Chapter operating
12 on any public road, street or highway, including designated haul
13 road highways;

14 (D) during the course of an inspection, weigh any vehicle
15 and/or combination of vehicles equipped wholly with pneumatic
16 tires to ensure compliance with the provisions of § 5107 of this
17 Chapter;

18 (E) whenever a police officer or DMV/MCSAP inspector,
19 upon inspection of a vehicle and/or load, determines the
20 existence of a violation, a citation may be issued. The vehicle
21 may be allowed to proceed directly to its own shop or facility for
22 correction. When a vehicle is found to be unsafe to the driver or
23 the public, the police officer or DMV/MCSAP inspector has the
24 authority to direct the discontinuance of the vehicle passage and
25 require corrective action on the spot as appropriate, and such
26 vehicle shall not be allowed back into normal operations until
27 corrections are made;

1 (F) every peace ~~police~~ officer, or DMV/MCSAP inspector
2 may shall assist in the enforcement of this Chapter and of all rules
3 adopted pursuant to this Chapter and may issue citations for
4 violations as appropriate; and

5 (G) fines collected from citations issued by DMV/MCSAP
6 inspectors for violations of this Subsection shall be deposited in
7 the Better Public Service Fund and expended in accordance with
8 §16101 of Chapter 161, Title 11, Guam Code Annotated.

9
10 (2) Department of Public Works (DPW):

11 (A) operate the Truck Enforcement Screening Station
12 (TESS) Facility located on Route 11 to weigh vehicles and/or
13 combinations of vehicles operating on Guam's roads, streets, or
14 highways;

15 (B) every peace ~~police~~ officer or DPW inspector having
16 reason to believe that the weight or dimension of a vehicle
17 operating on a public road, street or highway, including
18 designated haul road highways, either with or without load, is in
19 violation of the provisions of this Chapter, shall be authorized to
20 require the driver to stop and submit to an inspection of same by
21 means of portable scales, static scales, or weigh-in-motion
22 scales, or as otherwise appropriate, except that any motor carrier
23 with military cargo shall be permitted to proceed, unless safety
24 to the general public dictates otherwise, to the vehicle's
25 destination for appropriate review therein and such action shall
26 not be a violation of this Chapter. Violations for any dimensions
27 or GVW in excess of permissible limits, as established by the

1 provisions of this Chapter, shall be subject to the penalties ~~cited~~
2 ~~in~~ provided in DPW Rules and Regulations pursuant to § 5112(a)
3 of this Chapter;

4 (C) whenever a peace ~~police~~ officer or DPW inspector,
5 upon weighing a vehicle and load, as provided above, determines
6 that the GVW exceeds allowable limits, such peace ~~police~~-officer
7 or DPW inspector may require the driver to stop the vehicle in a
8 suitable area where corrective action can be determined by the
9 peace ~~police~~ officer or DPW inspector. Corrective action may
10 include removal of the non-conforming portion of the load and
11 distribution to another vehicle, or allowance of the vehicle to
12 proceed to another location for unloading. Nothing herein is
13 intended to waive any applicable fines;

14 (D) any DMV/MCSAP trained and certified peace ~~every~~
15 ~~police~~-officer or DPW inspector may assist in the enforcement of
16 this Chapter and of all rules adopted pursuant to this Chapter and
17 issue citations for violations as appropriate;

18 (E) fines collected from citations issued by DPW
19 inspectors for violations of this Subsection shall be deposited in
20 the TESS Facility Fund, and shall be expended in accordance
21 with §5118 of this Chapter.

22 (c) Any driver of a vehicle who fails or refuses to stop and submit the
23 vehicle, either with or without load, to an inspection and/or weighing, or who
24 fails or refuses when directed by a police peace officer, DMV inspector, or
25 DPW inspector upon inspection and/or weighing of the vehicle to discontinue
26 the operation of the vehicle and otherwise comply with the provisions of this
27 Section shall be guilty of a civil violation, and subject to fines and penalties

as provided in DPW Rules and Regulations..~~Each violation for failure or refusal to stop and submit the vehicle to an inspection and/or take subsequent corrective actions shall be subject to the following:~~

~~(1) a first violation shall be subject to a penalty of One Hundred Dollars (\$100.00);~~

~~(2) a second violation of the provisions of this Subsection within a six (6) month period from the date of the first violation shall be subject to a penalty of Two Hundred Dollars (\$200.00);~~

~~(3) a third violation of the provisions of this Subsection within a six (6) month period from the date of a second violation shall be subject to a penalty of Five Hundred Dollars (\$500.00);~~

~~(4) a fourth violation of the provisions of this Subsection within a six (6) month period from the date of the third violation shall be subject to a penalty of One Thousand Dollars (\$1,000.00) and the operator shall be subject to revocation of their driver's license.~~

Section 8. §5112 of Chapter 5, Title 16, Guam Code Annotated, is hereby amended to read as follows:

§ 5112. Penalties.

(a) Every person, entity or organization convicted of a violation of any of the provisions of this Chapter for which another penalty is not provided *shall* be guilty of a civil violation and subject to a fine as provided in DPW Rules and Regulations. ~~a penalty of up to Five Hundred Dollars (\$500.00).~~ Every person, entity or organization found to be in violation of the weight limitations established in this Chapter shall be subject to the following:

~~(1) for a first violation, such person, entity or organization shall be guilty of a civil violation and punished by a fine of up to Five~~

~~Hundred Dollars (\$500.00) and Twenty five Cents (\$0.25)/pound over the maximum allowable load authorized in § 5107;~~

~~(2) for a second violation within a six (6) month period from the date of the first violation, such person, entity or organization shall be guilty of a civil violation and punished by a fine of up to Seven Hundred Fifty Dollars (\$750.00) and Fifty Cents (\$0.50)/pound over the maximum allowable load authorized in § 5107; and~~

(3b) Should a person, entity or organization be found guilty of a third violation of the weight limitations established by this Chapter within six (6) months after a second violation, such person, entity or organization *shall* be guilty of a civil violation and subject to fine as provided in DPW Rules and Regulations ~~of not less than One Thousand Dollars (\$1,000.00) and Seventy-five Cents (\$0.75)/pound over the maximum allowable load authorized in § 5107;~~ and the responsible party, as defined in Subsection (d) of this Section, may have their Guam business license revoked in accordance with the following:

(A1) The Director of the Department of Public Works (DPW Director) *shall* notify the responsible party (respondent), in writing, of the finding of a third violation of this Section.

(B2) The respondent may request, in writing, an administrative hearing to dispute the findings of the Director. Said request for a hearing must be delivered, in writing, to the Office of the DPW Director within fifteen (15) calendar days from the date of receipt of the DPW Director's findings.

(C3) Notwithstanding §9220 of Chapter 9 of Title 5, Guam Code Annotated, the hearing *shall* be conducted by the DPW Director who *shall* be the hearing officer. The Office of the Attorney General or a

1 Special Assistant Attorney General, appointed by the Attorney General,
2 *shall* assist in providing advice to the DPW Director when matters of
3 law arise. The hearing process *shall* be subject to the procedures of
4 Chapter 9 of Title 5, Guam Code Annotated, with the exception noted
5 above, to § 9220 of the same. The findings of the Director, upon the
6 delivery to the respondent, *shall* fulfill the requirements of §9201 of
7 Chapter 9 of Title 5, Guam Code Annotated.

8 (D4) In the event that the DPW Director affirms the finding of a
9 third violation is valid, or if no hearing is requested in writing within
10 fifteen (15) calendar days from the date of receipt of the findings by the
11 respondent, the DPW Director may request, in writing, that the
12 appropriate licensing entity revoke the respondent's license to do
13 business on Guam immediately, for a period of up to three (3) years, as
14 determined by the Director. Upon receipt of the DPW Director's written
15 recommendation, the appropriate licensing entity may suspend such
16 license to do business on Guam in accordance with the recommendation
17 of the DPW Director. The hearing required of this Subsection *shall*
18 fulfill the requirements to suspend a business license found in Chapter
19 9 of Title 5 GCA.

20 (4) Any person found to be in violation of the dimensional limitations
21 established by this Chapter shall be guilty of a civil violation and
22 subject to fines and penalties as provided in DPW Rules and
23 Regulations. ~~the following:~~

24 ~~If the excess dimension (length or width) is as follows, the fine shall~~
25 ~~be:~~

Up to 5 feet	\$ 50.00
Over 5 feet and up to 10 feet	\$100.00

1 Over 10 feet and up to 15 feet ————— \$150.00

2 Over 15 feet ————— \$200.00,

3 plus \$10.00 for each additional foot.

4
5 ~~(5) Any person who commits any of the acts prohibited by this Section~~
6 ~~or any rules adopted to enforce this Chapter where no penalty is~~
7 ~~provided for shall be guilty of a civil violation and shall be fined not~~
8 ~~less than Five Hundred Dollars (\$500.00), as determined by the DPW~~
9 ~~Director.~~

10 (c) Promulgation of Rules. DPW shall promulgate rules and regulations
11 authorized by this Section, or which it may deem necessary or appropriate to
12 give effect to this Section, pursuant to the Administrative Adjudication Law.

13 (d) All fines levied by a DMV/MCSAP inspector in accordance with
14 the applicable provisions of this Chapter shall be deposited in the Better Public
15 Service Fund of the Department of Revenue and Taxation, to be used by the
16 Division of Motor Vehicles in accordance with § 16101 of Chapter 16, Title
17 11, Guam Code Annotated.

18 (e) All fines levied by a DPW/TESS inspector and any permits and
19 administrative fees collected by the Department of Public Works in
20 accordance with this Chapter shall be deposited in the TESS Facility Fund and
21 shall be expended in accordance with § 5118 of this Chapter.

22 (f) Responsible Party.

23 (1) Import Shipping Containers Under Seal. Any importer or
24 consignee, whether an individual or an entity, organization, or
25 company, whose shipping container placed under seal has been
26 determined to be in violation of § 5107 of this Chapter shall be

1 responsible for any fine, penalty, handling, additional
2 transportation or other associated cost (including storage).

3
4 (2) Export Shipping Containers Under Seal. Any exporter,
5 whether an individual or an entity, organization, or company,
6 whose shipping container placed under seal has been determined
7 to be in violation of § 5107 of this Chapter shall be responsible
8 for any fine, penalty, handling, additional transportation or other
9 associated cost (including storage).

10 (3) Local Containers Under Seal. Any individual and any
11 organization, entity, or company loading a shipping container
12 under seal not designated for export that has been determined to
13 be in violation of § 5107 of this Chapter shall be responsible for
14 any fine, penalty, handling, additional transportation or other
15 associated cost (including storage). (4) All Other Local Transport
16 Not Under Seal. Any individual or any cargo transporting entity,
17 organization, or company determined to be in violation of § 5107
18 of this Chapter shall be responsible for any fine, penalty,
19 handling, additional transportation or other associated cost
20 (including storage) prescribed in this Section.

21 (eg) The fine schedules of the Superior Court of Guam and the
22 Commercial Vehicle Safety Alliance (CVSA) for violations cited
23 during roadside inspections, and the method for penalty assessment
24 outlined in the Federal Uniform Fine Assessment (UFA) Program,
25 specifically for violations identified as a result of a Compliance
26 Review, are hereby adopted pursuant to fines and fees as applicable to
27 Guam.

1 (h) For the purposes of this Section, person means the driver of the
2 vehicle, unless the driver is an employee and is operating the vehicle in
3 the scope and course of employment, in which case person means the
4 employer of the driver. In the case of the transportation of a sealed
5 container or transportation by flatrack, person means:

- 6 (1) the individual or company the cargo is consigned to; or
7 (2) the individual or company located on Guam shipping the
8 cargo.

9 The owner of the vehicle or combination of vehicles may request the
10 operator be held harmless and the citation be transferred to that owner
11 of the vehicle or combination of vehicles. The consignee or the shipper
12 shall not be cited if the power units' (tractors') drive axle group is
13 overweight, and the weight is not more than that allowed for a tandem
14 axle with any applicable tolerances.

15 (i) All permit and administrative fees, fines and reimbursements
16 generated under this Chapter (applicable to the Department of Public
17 Works) shall be deposited in the Tess Facility Fund, and shall not lapse
18 at the end of the fiscal year, but shall roll over into the next fiscal year
19 or until expended in accordance with § 5118 of this Chapter.

20 **Section 9.** §5114 of Chapter 5, Title 16, Guam Code Annotated, is hereby
21 *amended* to read as follows:

22 **§ 5114. Permits for Excess Size and Weight.**

23 (a) A surety bond in a minimum amount of Five Hundred Dollars
24 (\$500.00), or proper evidence of adequate insurance, must be filed with the
25 Director of Public Works before a permit will be issued for transporting over-
26 width, over-length or over-weight loads on the highway, except when the
27 applicant is a territorial or federal government agency.

1 (b) The Director of Public Works, or his authorized representative, may
2 in his discretion, upon application in writing and good cause being shown
3 therefore, issue a special permit in writing authorizing the applicant to operate
4 or move a vehicle or combination of vehicles of a size or weight exceeding
5 the maximum specified in this Chapter, or otherwise not in conformity with
6 the provisions of this Chapter, upon the highways of Guam. A permit issued
7 under this Section *shall not* authorize the operation or moving of any vehicle
8 or combination of vehicles without the compliance with Chapter 7 of this
9 Title.

10 (c) The application for any such permit *shall* specifically describe the
11 vehicle or combination of vehicles and load to be operated or moved, and the
12 particular highways for which the permit to operate is requested, and ~~whether~~
13 ~~such permit is requested for a single trip, or for continuous operation for a~~
14 ~~designated period of time~~ the period for which such permit is requested. Such
15 application shall be requested by the vehicle registered owner or duly
16 authorized representative.

17 (d) The Director of Public Works, or his authorized representative, is
18 authorized to issue or withhold such permit at his discretion, or, if such a
19 permit is issued, to limit the number of trips or to establish time limitations
20 within which the vehicles described may be operated, or to prescribe the
21 conditions of the operations of such vehicle or vehicles when necessary to
22 assure against undue damage to the highway foundations, surfaces or
23 structures, and may require such undertaking or other security as may be
24 deemed necessary to compensate for any injury to any such highway
25 foundations, surfaces or structure. Each permit *shall* be valid only for a
26 designated number of consecutive calendar days as specified in the permit,
27 but in no event shall a permit be granted for a period longer than ten (10) days.

1 (e) At the discretion of the Director of Public Works or his authorized
2 representative, blanket permits ~~will~~ may be issued for over-sized vehicles
3 already registered with the Department of Revenue and Taxation presently on
4 island, and said over-sized vehicles may be subject to time-of operations
5 restrictions.

6 (f) Every such permit *shall* be carried in the vehicle or combination of
7 vehicles to which it refers and *shall* be open to inspection by any police
8 officer. It *shall* be unlawful for any person to violate any of the terms or
9 conditions of such permits.

10 (g) All permitted vehicle or combination of vehicles to which it refers
11 must display two (2) warning signs in addition to the permit number. Each
12 warning sign *shall* consist of black letters at least twelve inches (12") high
13 and not less than one and a half inches (1½") wide on a yellow background.
14 The sign *shall* state "OVERSIZED LOAD" or "WIDE LOAD," as provided
15 in the permit, and include the permit number. One sign will either be bumper-
16 mounted or roof-mounted. If one of the signs is roof-mounted, then the other
17 sign must be at the rear of the towed unit or at the rear of the load. The permit
18 number shall consist of black letters at least ten inches (10") high and not less
19 than one and a half inches (1½") wide. Clearance lights are also required
20 during night time travel. Voids (holes) may be cut in the warning signs, as the
21 signs must not cover any vehicle light or reflector.

22 ~~(h) A fee shall be charged for each permit issued by the DPW Director~~
23 ~~as follows:~~

24 ~~(1) Single trip permit for oversize and overweight loads: Fifty~~
25 ~~Dollars (\$50.00).~~

26 ~~(2) Continuous trip permit for oversize and overweight loads:~~
27 ~~One Hundred Dollars (\$100.00).~~

1 ~~All permits may include date, time and route restrictions as~~
2 ~~determined by the DPW Director. Such fees shall be deposited in the~~
3 ~~TESS Facility Fund of the Department of Public Works, and shall be~~
4 ~~expended in accordance with § 5118 of this Chapter.~~

5 (h) Promulgation of Rules. DPW shall promulgate rules and regulations
6 authorized by this Section, or which it may deem necessary or appropriate to
7 give effect to this Section, pursuant to the Administrative Adjudication Law.

8 (i) Any vehicle issued with a permanent special equipment license or
9 requiring a special permit, as required under this Chapter, shall be prohibited
10 from operating on the highways during the hours of 7:00 to 9:00 a.m., 12:00
11 to 1:00 p.m., and 4:00 to 6:00 p.m., Mondays through Fridays, except in cases
12 of emergencies or at the direction of the Director of Public Works.

13 **Section 10.** §5118 of Chapter 5, Title 16, Guam Code Annotated, is hereby
14 *amended* to read as follows:

15 **§ 5118. Truck Enforcement Screening Station (TESS) Facility Fund.**

16 Notwithstanding any law to the contrary, a revolving fund, designated
17 as the TESS Facility Fund (Fund), *shall* be established separate and apart from other
18 funds of the government of Guam, and separate records *shall* be kept therefore. The
19 Director of Public Works *shall* administer the Fund and *shall* issue vouchers
20 properly certifying the use of the Fund's monies. The DPW Director is authorized
21 to use revenues in the Fund and any interest derived therefrom to supplement any
22 activity undertaken pursuant to Article 1, Chapter 54 of Title 5, Guam Code
23 Annotated, for the operation and maintenance of the TESS Facility, or to establish,
24 operate and maintain similar compliance facilities or programs. All monies in the
25 Fund are hereby appropriated and are *not* subject to *I Maga'håga's* transfer
26 authority.

1 **Section 11.** §5119 is hereby *added* to Chapter 5 of Title 16, Guam Code
2 Annotated, to read as follows:

3 **§ 5119. Exemptions.**

4 (a) Tow Trucks: A wrecker *may* tow any disabled truck or other motor
5 vehicle or combination of vehicles to a place for repairs, parking, or storage
6 from the point that the vehicle was disabled without being in violation of
7 Guam weight limits, however all axles on the tow vehicle *shall* have an
8 operational braking system.

9 (b) Non-Commerce Vehicle: Well drilling rigs, Concrete Pumps,
10 Cranes, Boom Trucks and Bucket Trucks and other Heavy Equipment that do
11 not carry cargo may be-registered and licensed as a Special Equipment (SE
12 plate) vehicle. If such vehicles do not meet the Height, Width and Weight
13 restrictions, they may travel on the highways with a Special Permit issued
14 under this Chapter.

15 (c) Fire Trucks, Ambulances and Other Emergency Vehicles: Fire
16 trucks, ambulances and other emergency vehicles, utilized by Government of
17 Guam agencies, are *exempt* from Guam laws governing size, weight, and load.
18

19 **Section 12.** §5120 is hereby *added* to Chapter 5 of Title 16, Guam Code
20 Annotated, to read as follows:

21 **§ 5120. Rules and Regulations.** The Department of Public Works shall
22 promulgate rules and regulations as may be necessary to carry out the purposes of
23 this Act within ninety (90) days after the enactment of this act. Such rules and
24 regulations shall be adopted in conformance with the Administrative Adjudication
25 Act.

26 **Section 13. Severability.** If any provision of this Act or its application to any
27 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*

1 *not* affect other provisions or applications of this Act that can be given effect without
2 the invalid provision or application, and to this end the provisions of this Act are
3 severable.

4

5 **Section 14. Effective Date.** This Act *shall* become effective upon enactment.

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CHAPTER 5
SIZE, WEIGHT AND LOAD LIMITATIONS AND
RESTRICTION OF CERTAIN VEHICLES

- § 5101. Definitions.
- § 5102. Size, Weight and Load Limitations.
- § 5103. Width of Vehicles and Loads.
- § 5104. Height of Vehicles and Loads.
- § 5105. Length of Vehicles and Loads.
- § 5106. Trailers and Towed Vehicles.
- § 5107. Gross Weight, Axle, and Wheel Loads.
- § 5108. Performance Requirements.
- § 5109. Authority to Stop, Inspect and Weigh Vehicles; Removal of Excess Loads.
- § 5110. Restrictions of Certain Vehicles.
- § 5111. Liability for Damage to Highways or Structures.
- § 5112. Penalties.
- § 5113. Proceedings to Make Owner Co-defendant.
- § 5114. Permits for Excess Size and Weight.
- § 5115. Restriction of Use of Highways: Effective Date.
- § 5116. Carrier Safety and Hazardous Material Regulations.
- § 5117. Accounts, Records, and Reports. Inspection.
- § 5118. Truck Enforcement Screening Station (TESS) Facility Fund.

§ 5101. Definitions.

As used in this Chapter, the following definitions will hold true:

(a) Axle: The common axis of rotation of one (1) or more wheels, whether in one (1) or more segments and regardless of the number of wheels carried thereon.

(b) Axle Group: An assemblage of two (2) or more consecutive axles considered together in determining their combined load effect on a bridge or pavement structure.

(c) Axle Load: The total weight transmitted to the road by a single axle.

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(d) **Connecting Mechanism:** An arrangement of parts interconnecting two (2) or more consecutive axles to the frame of a vehicle in such a manner as to equalize the load between the axles.

(e) **Continuous Trip Permit:** A special permit issued for oversize or overweight loads, valid for multiple days, multiple routes and/or between multiple points of destination, for the duration of a specific project, but not to exceed ninety (90) days, unless deemed warranted otherwise by the DPW Director.

(f) **Gross Combination Weight (GCW):** The total weight of the power unit and the total weight of the towed unit and any load thereon.

(g) **Gross Combination Weight Rating (GCWR):** The value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

(h) **Gross Vehicle Weight (GVW):** The total weight of the loaded vehicle. This includes the vehicle itself and the cargo that is loaded within that vehicle.

(i) **Gross Vehicle Weight Rating (GVWR):** The value specified by the manufacturer as the loaded weight of a single motor vehicle.

(j) **Gross Weight:** The weight of a vehicle and/or vehicle combination without load, plus the weight of any load thereon.

(k) **Height:** The total vertical dimension of any vehicle above the ground surface including any load and load holding device thereon.

(l) **Highway:** The entire width between the boundary lines of every publicly maintained surface, when any part thereof is open to the use of the public for purposes of vehicular travel; synonymous and interchangeable in usage with "street".

(m) **Length:** The total longitudinal dimension of any vehicle or combination of vehicles, including any load or load holding devices thereon.

(n) **Load:** A weight or quantity of anything resting upon a support.

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(o) Motor Vehicle: A vehicle which is self-propelled or propelled by electric power obtained from overhead trolley wires, but not operating upon rails.

(p) Owner: A person, other than a lienholder, having the property in or title to a vehicle, including a person entitled to use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security.

(q) Portable Scales: A movable weighing device.

(r) Primary Road: A primary road is a road with two (2) or more lanes each way, or any road with at least two (2) contiguous miles with a speed limit of thirty-five (35) miles per hour or greater.

(s) Scale Tolerance: An allowable variation in the static weight of an axle load in accordance with, but not exceeding, the precision of the scale involved.

(t) Secondary Road: A secondary road is any road, paved or unpaved, that does not meet the definition of “primary road” as herein stated.

(u) Semi-Trailer: A vehicle designed for carrying persons or property and drawn by a truck-tractor on which parts of its weight and load rests.

(v) Single Axle: An assembly of two (2) or more wheels, whose centers are on one (1) transverse vertical plane or may be included between two (2) parallel transverse vertical planes forty (40) inches or less apart extending the full width of the vehicle.

(w) Single Axle Weight: The total weight transmitted to the road by a single axle.

(x) Single Trip Permit: A special permit issued for oversize or overweight loads, valid for a single trip on a specified route between predetermined points of origin and destination, and which shall expire within twenty-four (24) hours.

(y) Special Permit: A written authorization to move or operate on a highway, a vehicle or vehicles with indivisible load of a size and/or

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weight exceeding the limits prescribed for vehicles in regular operation. Said permit may be for a single trip or for a continuous trip.

(z) Static Scales: An immovable measuring scale, similar to a ruler, that is attached to the edge of an optical comparator screen.

(aa) Tandem Axle: Any two (2) or more consecutive axles whose centers are more than forty (40) inches and not more than ninety-six (96) inches apart, and are individually attached and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between the axles.

(bb) Tandem Axle Weight: The total weight transmitted to the road by a tandem axle.

(cc) Trailer: A vehicle designed for carrying persons or property and drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels.

(dd) Truck: A motor vehicle designed, used or maintained primarily for the transportation of property.

(ee) Truck-Tractor: A motor vehicle designed for drawing other vehicles, but not for a load other than a part of the weight of the vehicle and load drawn.

(ff) Vehicle: A device in, upon or by which any person or property may be transported or drawn upon a highway.

(gg) Vehicle Combination: A truck-tractor and semi-trailer, either with or without a full trailer, or a truck with one (1) or more full trailers.

(hh) Weigh-in-Motion Scales: Weighing-in-Motion (WIM) is, as the name implies, the process of weighing a vehicle as it is moving along the highway in an effort to estimate the equivalent static weight of the vehicle.

(ii) Wheel Load: The total load transmitted to the road by a wheel. Dual wheels that share an axle mounting are considered a single wheel for load requirements.

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(jj) Width: The total outside transverse dimension of a vehicle, including any load or load holding devices thereon, but excluding approved safety devices and tire bulge due to load.

SOURCE: GC § 23200, enacted by P.L. 13-016:1 (May 7, 1975). Amended by P.L. 29-027:3 (Oct. 24, 2007). Subsections (e), (f), (g), (h), (p), (x), and (ff) were added by P.L. 31-027:4 (Apr. 18, 2011) without subsection designations. Amended by P.L. 33-106:2 (Dec. 2, 2015) without subsection designations.

2015 NOTE: Pursuant to P.L. 33-106:10, “This Act shall be come effective sixty (60) days after enactment.

Subsection designations were added to adhere to the Compiler’s alpha-numeric scheme in accordance with the authority granted by 1 GCA § 1606.

§ 5102. Size, Weight and Load Limitations.

(a) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway, any vehicle or vehicles of a size, weight or a load exceeding or otherwise failing to comply with the limitations or requirements stated in this Chapter.

(b) The provisions of this Chapter governing size, weight and load shall not apply to a vehicle operated under the terms of a special permit issued as herein provided.

SOURCE: GC § 23201, enacted by P.L. 13-016:1 (May 7, 1975).

§ 5103. Width of Vehicles and Loads.

No vehicle, including any load and load holding device thereon shall exceed a total width of one hundred two (102) inches.

SOURCE: GC § 23202, enacted by P.L. 13-016:1 (May 7, 1975).

§ 5104. Height of Vehicles and Loads.

No vehicle, including any load and load holding devices thereon, shall exceed a total height of fifteen (15) feet for public roads, streets or highways.

SOURCE: GC § 23203, enacted by P.L. 13-016:1 (May 7, 1975), amended by P.L. 29-027:4 (Oct. 24, 2007), and P.L. 33-106:3 (Dec. 2, 2015).

2015 NOTE: Pursuant to P.L. 33-106:10, “This Act shall be come effective sixty (60) days after enactment.

§ 5105. Length of Vehicles and Loads.

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(a) No vehicle, including any load and load holding devices, shall exceed a total length of forty (40) feet extreme overall dimension, inclusive of front and rear bumpers.

(b) A bus, equipped with three (3) axles, shall not exceed an equal overall length, inclusive of front and rear bumpers of forty (40) feet.

(c) No combination of two (2) vehicles coupled together, including any load thereon, shall have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet, except as otherwise provided in respect to the use of a pole or pipe dolly as authorized in Subsection 5105(f) of this Chapter.

(d) No other combinations of vehicles shall consist of more than two (2) units, except that one (1) truck-tractor semi-trailer may haul one (1) trailer. No such combinations, including any load, shall exceed an overall length, inclusive of front and rear bumpers of sixty-five (65) feet.

(e) Subject to the foregoing provisions of this Chapter limiting the length of vehicles and loads, the load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles shall not exceed more than three (3) feet beyond the foremost part of that vehicle. The load upon any vehicle operated alone, or the load upon the rear vehicle of a combination of vehicles shall not extend more than six (6) feet beyond the rear of the fixed bed or body of the vehicle, unless that vehicle is followed by an escort vehicle with a rotating yellow beacon and a sign stating "Long Load."

(f) The limitations as to the length of vehicles and loads heretofore stated in § 5105 shall not apply to any load upon a pole or pipe dolly as defined in Subsection 1102(y). No poles or pipes or structural materials or crane which cannot be dismembered, provided, that no pole or pipe or material or crane exceeds eighty (80) feet in length, shall be so transported unless a permit has first been obtained as authorized in § 5114.

SOURCE: GC § 23204, enacted by P.L. 13-016:1 (May 7, 1975).

§ 5106. Trailers and Towed Vehicles.

(a) When one (1) vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and said drawbar or other connection shall not exceed fifteen (15) feet from one vehicle to the other, except the connection between any two (2) vehicles

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transporting poles, pipes, machinery or other objects of a structural nature which cannot readily be dismembered.

(b) When one (1) vehicle is towing another, and the connection consists of a chain, rope or cable, that connection shall be not less than ten (10) feet and no more than fifteen (15) feet, and there shall be displayed upon such a connection, a white flag or cloth, not less than twelve (12) inches on an edge. When one (1) vehicle is towing another, their speed shall not exceed twenty-five (25) miles per hour or the posted speed limit, whichever is lower.

SOURCE: GC § 23205, enacted by P.L. 13-016:1 (May 7, 1975).

§ 5107. Gross Weight, Axle, and Wheel Loads.

No motor vehicle or combination of vehicles equipped wholly with pneumatic tires, which has a gross weight, an axle load, or a wheel load in excess of the limits set forth in this Section shall be operated or moved upon any public road, street, or highway; and no vehicle or combination of vehicles shall be operated on or moved over any bridge or other highway structure if the gross weight, including vehicle and load, exceeds the posted maximum gross weight limitation for the bridge or other highway structure.

(a) The total gross weight, in pounds, imposed on any public road, street, or highway by any axle group on a vehicle or combination of vehicles *shall not* exceed the following when the distance between the first and last axles of the group under consideration is:

(1) forty (40) inches or less; the axle load *shall not* exceed twenty thousand (20,000) pounds;

(2) more than forty (40) inches, but not more than eight (8) feet; the tandem axle weight imposed *shall not* exceed thirty-four thousand (34,000) pounds.

(b) The total gross weight, in pounds, imposed on any public road, street, or highway by any axle group on a vehicle or combination of vehicles *shall not* exceed that resulting from application of the Bridge Formula:

$$W = 500 (LN/(N-1) + 12N + 36)$$
 when the distance between the first and last axles of the axle group under consideration is over eight (8) feet and where

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- W = maximum gross weight in pounds carried on any axle group,
- L = distance in feet between the outer axles of any axle group, to the nearest foot, and
- N = number of axles in group under consideration; provided that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more; and provided also that the overall gross weight *does not* exceed eighty thousand (80,000) pounds.
- (c) No vehicle or combination of vehicles shall be used or operated on any public road, street, or highway with:
- (1) a load upon any single or tandem axle or combination of axles which exceeds the carrying capacity of the axles specified by the manufacturer; or
 - (2) with a total weight in excess of its designed capacity as indicated by its designed gross vehicle weights or gross combination weights.
- (d) The single axle weight *shall not* exceed twenty thousand (20,000) pounds.
- (e) The maximum wheel load imposed upon any public road, street, or highway *shall not* exceed ten thousand (10,000) pounds.
- (f) The Director of the Department of Public Works (DPW Director) may place and maintain signs to limit the gross weight of a vehicle or combination of vehicles traveling over a bridge or other highway structure in the interest of public safety when it is determined that the theoretical load carrying capacity of the bridge or structure is less than the maximum gross vehicular weight allowed by this Chapter.
- (g) The DPW Director may issue an Overweight Vehicle Load Permit for a vehicle that meets the axle group load requirements of the formula in Subsection (b) of this Section, but with a gross vehicle weight in excess of eighty thousand (80,000) pounds. Such special permit *shall* be issued in accordance with § 5114 of this Chapter.

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SOURCE: GC § 23206, enacted by P.L. 13-016:1 (May 7, 1975). Amended by P.L. 33-106:4 (Dec. 2, 2015).

2015 NOTE: Pursuant to P.L. 33-106:10, “This Act shall be come effective sixty (60) days after enactment.

§ 5108. Performance Requirements.

(a) Brake performance shall conform to the requirements set forth in the most recent Uniform Vehicle Code of the National Committee on Uniform Traffic Laws and Ordinances.

(b) Linkage between any combination of vehicles shall conform to the current recommended practice of the Society of Automotive Engineers.

(c) Vehicles in regular operations shall be permissible only when such loads are transmitted to the highway surface through wheels equipped with pneumatic tires, and no such tire equipment shall be designed for use or used with an operating inflation pressure in excess of one hundred five (105) pounds per square inch.

(d) Vehicles in regular operation shall be permissible only when on said vehicles, the wheels of the last axle in contact with the highway surface are covered by fendering and/or mud flaps, or a similar device that will deflect any object thrown by the wheels in motion.

(e) Vehicles in regular operation shall have their identification numbers painted in a contrasting color and at a minimum height of three (3) inches. These numbers shall be in a conspicuous place on the front and rear of that vehicle. The company name will be clearly displayed on the side doors of all vehicles in regular operation. Numbers, license plates and all lights shall be wiped clean before any and all hauls.

(f) Vehicles operated on any highway and loaded and carrying any of the following loads shall have said load covered and secured in such manner as to prevent said load or covering from being loosened, detached or in any manner creating litter or constituting a hazard to other users of the highway:

(1) Any trash, refuse or garbage of composition which is of such nature as to permit any portion or piece of such to be loosened or detached.

(2) Sand, soil, crushed rocks or aggregate of less than four inches (4") per unit/pebble or other standard measure for such aggregate.

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(3) Any liquid or similar load that if leaking will cause a road hazard.

(4) Any other load, which in the opinion and discretion of the Guam Police Department, the Guam Environmental Protection Agency, the Department of Public Health and Social Services, or the Department of Parks and Recreation, poses a potential hazard or potential litter is such load were not covered and/or secured.

(5) The Guam Police Department shall promulgate rules and regulations, pursuant to the Administrative Adjudication Law, governing the enforcement of this subparagraph (f), which regulations shall not include any requirement for a permit for the private hauling of loads unless the same are hazardous and being hauled commercially, but shall include a requirement that trucks must be equipped with mudflaps to prevent their tires from ejecting pebbles and other debris to following vehicles.

SOURCE: GC § 23207, enacted by P.L. 13-016:1 (May 7, 1975). Subsection (f) is R/R by P.L. 20-100:1.

§ 5109. Authority to Stop, Inspect and Weigh Vehicles; Removal of Excess Loads.

(a) For purposes of the enforcement of this Chapter, the Director of Revenue and Taxation (DRT Director) and the DPW Director shall have such powers of enforcement as may be necessary to implement their respective responsibilities under this Chapter.

(1) The DRT Director, whose Department is primarily responsible for implementing and enforcing this Chapter as such relates to the registration and safety of vehicles, may delegate enforcement to the Administrator of the Division of Motor Vehicles/Motor Carrier Safety Assistance Program (DMV/MCSAP).

(2) The DPW Director, whose Department is primarily responsible for implementing and enforcing this Chapter as such relates to truck gross weight and the safety and maintenance of Guam's public roads, streets and highways, may delegate the enforcement of this Chapter to the Administrator of the Division of Highways.

(b) For the purpose of the safety, welfare and health of the general public, and the safe transportation of hazardous materials, waste and other

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materials on any public road, street or highway, and the enforcement of this Chapter and of all rules adopted pursuant to this Chapter, the responsibilities of each agency shall be as follows:

(1) Department of Revenue and Taxation (DRT):

(A) inspect business premises, buildings, freight and equipment of commercial motor carriers;

(B) stop and inspect freight and equipment of all motor carriers operating on any public road, street or highway, except that any motor carrier with military cargo shall be permitted to proceed, unless safety to the general public dictates otherwise, to the vehicle's destination for appropriate review therein and such action shall not be a violation of this Chapter;

(C) inspect shipping papers and hazardous waste manifests of all motor carriers and persons subject to this Chapter operating on any public road, street or highway;

(D) during the course of an inspection, weigh any vehicle and/or combination of vehicles equipped wholly with pneumatic tires to ensure compliance with the provisions of § 5107(c)(1) and (2) of this Chapter;

(E) whenever a police officer or DMV/MCSAP inspector, upon inspection of a vehicle and/or load, determines the existence of a violation, a citation may be issued. The vehicle may be allowed to proceed directly to its own shop or facility for correction. When a vehicle is found to be unsafe to the driver or the public, the police officer or DMV/MCSAP inspector has the authority to direct the discontinuance of the vehicle passage and require corrective action on the spot as appropriate, and such vehicle shall not be allowed back into normal operations until corrections are made;

(F) every police officer, or DMV/MCSAP inspector shall assist in the enforcement of this Chapter and of all rules adopted pursuant to this Chapter and may issue citations for violations as appropriate; and

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(G) fines collected from citations issued by DMV/MCSAP inspectors for violations of this Subsection shall be deposited in the Better Public Service Fund and expended in accordance with § 16101 of Chapter 161, Title 11, Guam Code Annotated.

(2) Department of Public Works (DPW):

(A) operate the Truck Enforcement Screening Station (TESS) Facility located on Route 11 to weigh vehicles and/or combinations of vehicles operating on Guam's roads, streets, or highways;

(B) every police officer or DPW inspector having reason to believe that the weight or dimension of a vehicle operating on a public road, street or highway, either with or without load, is in violation of the provisions of this Chapter, shall be authorized to require the driver to stop and submit to an inspection of same by means of portable scales, static scales, or weigh-in-motion scales, or as otherwise appropriate, except that any motor carrier with military cargo shall be permitted to proceed, unless safety to the general public dictates otherwise, to the vehicle's destination for appropriate review therein and such action shall not be a violation of this Chapter. Violations for any dimensions or GVW in excess of permissible limits, as established by the provisions of this Chapter, shall be subject to the penalties cited in § 5112(a) of this Chapter;

(C) whenever a police officer or DPW inspector, upon weighing a vehicle and load, as provided above, determines that the GVW exceeds allowable limits, such police officer or DPW inspector may require the driver to stop the vehicle in a suitable area where corrective action can be determined by the police officer or DPW inspector. Corrective action may include removal of the non-conforming portion of the load and distribution to another vehicle, or allowance of the vehicle to proceed to another location for unloading. Nothing herein is intended to waive any applicable fines;

(D) every police officer or DPW inspector shall assist in the enforcement of this Chapter and of all rules adopted pursuant to this Chapter and issue citations for violations as appropriate;

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(E) fines collected from citations issued by DPW inspectors for violations of this Subsection shall be deposited in the TESS Facility Fund, and shall be expended in accordance with § 5118 of this Chapter.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle, either with or without load, to an inspection and/or weighing, or who fails or refuses when directed by a police officer, DMV inspector, or DPW inspector upon inspection and/or weighing of the vehicle to discontinue the operation of the vehicle and otherwise comply with the provisions of this Section shall be guilty of a civil violation. Each violation for failure or refusal to stop and submit the vehicle to an inspection and/or take subsequent corrective actions shall be subject to the following:

(1) a first violation shall be subject to a penalty of One Hundred Dollars (\$100.00);

(2) a second violation of the provisions of this Subsection within a six (6) month period from the date of the first violation shall be subject to a penalty of Two Hundred Dollars (\$200.00);

(3) a third violation of the provisions of this Subsection within a six (6) month period from the date of a second violation shall be subject to a penalty of Five Hundred Dollars (\$500.00);

(4) a fourth violation of the provisions of this Subsection within a six (6) month period from the date of the third violation shall be subject to a penalty of One Thousand Dollars (\$1,000.00) and the operator shall be subject to revocation of their driver's license.

SOURCE: GC § 23208, enacted by P.L. 13-016:1 (May 7, 1975); Subsection (e) amended by P.L. 13-187:150. Amended by P.L. 29-027:5 (Oct. 24, 2007). Subsection (a) amended by P.L. 31-027:5 (Apr. 18, 2011). Subsection (c) amended by P.L. 31-027:6 (Apr. 18, 2011). Amended by P.L. 33-106:5 (Dec. 2, 2015).

2015 NOTE: Pursuant to P.L. 33-106:10, "This Act shall be come effective sixty (60) days after enactment.

§ 5110. Restriction of Certain Vehicles.

(a) It is unlawful for any person to drive or move, or the owner to cause or knowingly permit to be driven on any highway, off-road heavy construction equipment, steel rollers, solid rubber tires, sheeps-foot, tracks, tracks with lugs, tires that incorporate steel mats or chains and/or any other

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wheel, vehicle or contrivance that the Director of Public Works or his authorized representative deems harmful or destructive to the highway surface, except for those vehicles that are engaged in actual work on or near the highway.

(b) The provisions of this Section governing restrictions of certain vehicles from the highway shall not apply to any said vehicle or vehicles that are transported by trailer, so long as the total gross weight does not exceed the maximum allowable weight provided in § 5107.

SOURCE: GC § 23209, enacted by P.L. 13-016:1 (May 7, 1975).

§ 5111. Liability for Damage to Highways or Structures.

(a) Any person driving or moving any vehicle, object or contrivance, including any person operating or moving a vehicle or combination of vehicles, either legally or under a special permit authorized in § 5114, shall be liable for all damage any highway or highway structure may sustain as the result of any careless, negligent or illegal driving or moving of said vehicle, combination of vehicles, object or contrivance.

(b) Any person driving or moving any vehicle, object or contrivance, including any person operating or moving a vehicle or combination of vehicles either legally or under a special permit authorized in § 5114, shall be liable for all damage to structures spanning the highway, or a part of the highway, by reason of vehicles or load heights in excess of that which such structure will permit, when the clearance height of the vehicle or load or load-holding device thereon is in excess of thirteen (13) feet six (6) inches.

(c) Any person driving or moving any vehicle, object or contrivance, including any person operating or moving a vehicle or combination of vehicles either legally or under a special permit authorized in § 5114, shall be liable for all damage to structures spanning the highway, or part of the highway, by reason of vehicles or load width in excess of that which such structure will permit and, in any event, where the width of the vehicle or load is in excess of one hundred two (102) inches.

(d) Any vehicle or combination of vehicles of an unusually large size or weight shall be required to obtain a special hauling permit at least forty-eight (48) hours in advance of the expected moving date. At this time the owner of said vehicle or combination of vehicles will provide proof that arrangements have been made for the removal and replacement of overhead and off-road

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obstructions, routing, authorized testing of the highway surface, police escort and any other requirements deemed necessary for moving by the Director of Public Works or his authorized representative. All costs shall be borne by the owner.

(e) Whenever such driver or mover is not the owner of any vehicle or combination of vehicles, object or contrivance, but is so driving or moving same with the express or implied permission of the owner, then the owner and driver or mover shall be jointly and severally liable for any damage.

(f) Any such damage may be recovered in a civil action.

SOURCE: GC § 23210, enacted by P.L. 13-016:1 (May 7, 1975).

§ 5112. Penalties.

(a) Every person, entity or organization convicted of a violation of any of the provisions of this Chapter for which another penalty is not provided *shall* be guilty of a civil violation and subject to a penalty of up to Five Hundred Dollars (\$500.00). Every person, entity or organization found to be in violation of the weight limitations established in this Chapter *shall* be subject to the following:

(1) for a first violation, such person, entity or organization *shall* be guilty of a civil violation and punished by a fine of up to Five Hundred Dollars (\$500.00) and Twenty-five Cents (\$0.25)/pound over the maximum allowable load authorized in § 5107;

(2) for a second violation within a six (6) month period from the date of the first violation, such person, entity or organization *shall* be guilty of a civil violation and punished by a fine of up to Seven Hundred Fifty Dollars (\$750.00) and Fifty Cents (\$0.50)/pound over the maximum allowable load authorized in § 5107; and

(3) should a person, entity or organization be found guilty of a third violation of the weight limitations established by this Chapter within six (6) months after a second violation, such person, entity or organization *shall* be guilty of a civil violation and subject to fine of *not less than* One Thousand Dollars (\$1,000.00) and Seventy-five Cents (\$0.75)/pound over the maximum allowable load authorized in § 5107; and the responsible party, as defined in Subsection (d) of this Section, may have their Guam business license revoked in accordance with the following:

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(A) The Director of the Department of Public Works (DPW Director) *shall* notify the responsible party (respondent), in writing, of the finding of a third violation of this Section.

(B) The respondent may request, in writing, an administrative hearing to dispute the findings of the Director. Said request for a hearing must be delivered, in writing, to the Office of the DPW Director within fifteen (15) calendar days from the date of receipt of the DPW Director's findings.

(C) Notwithstanding § 9220 of Chapter 9 of Title 5, Guam Code Annotated, the hearing *shall* be conducted by the DPW Director who *shall* be the hearing officer. The Office of the Attorney General or a Special Assistant Attorney General, appointed by the Attorney General, *shall* assist in providing advice to the DPW Director when matters of law arise. The hearing process *shall* be subject to the procedures of Chapter 9 of Title 5, Guam Code Annotated, with the exception noted above, to § 9220 of the same. The findings of the Director, upon the delivery to the respondent, *shall* fulfill the requirements of § 9201 of Chapter 9 of Title 5, Guam Code Annotated.

(D) In the event that the DPW Director affirms the finding of a third violation is valid, or if no hearing is requested in writing within fifteen (15) calendar days from the date of receipt of the findings by the respondent, the DPW Director may request, in writing, that the appropriate licensing entity revoke the respondent's license to do business on Guam immediately, for a period of up to three (3) years, as determined by the Director. Upon receipt of the DPW Director's written recommendation, the appropriate licensing entity may suspend such license to do business on Guam in accordance with the recommendation of the DPW Director. The hearing required of this Subsection *shall* fulfill the requirements to suspend a business license found in Chapter 9 of Title 5 GCA.

(4) Any person found to be in violation of the dimensional limitations established by this Chapter *shall* be guilty of a civil violation and subject to the following:

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If the excess dimension (length or width) is as follows, the fine *shall* be:

Up to 5 feet	\$ 50.00
Over 5 feet and up to 10 feet	\$100.00
Over 10 feet and up to 15 feet	\$150.00
Over 15 feet	\$200.00,
plus \$10.00 for each additional foot.	

(5) Any person who commits any of the acts prohibited by this Section or any rules adopted to enforce this Chapter where no penalty is provided for *shall* be guilty of a civil violation and *shall* be fined *not less than* Five Hundred Dollars (\$500.00), as determined by the DPW Director.

(b) All fines levied by a DMV/MCSAP inspector in accordance with the applicable provisions of this Chapter *shall* be deposited in the Better Public Service Fund of the Department of Revenue and Taxation, to be used by the Division of Motor Vehicles in accordance with § 16101 of Chapter 16, Title 11, Guam Code Annotated.

(c) All fines levied by a DPW/TESS inspector and any permits and administrative fees collected by the Department of Public Works in accordance with this Chapter *shall* be deposited in the TESS Facility Fund and *shall* be expended in accordance with § 5118 of this Chapter.

(d) Responsible Party.

(1) Import Shipping Containers Under Seal. Any importer or consignee, whether an individual or an entity, organization, or company, whose shipping container placed under seal has been determined to be in violation of § 5107 of this Chapter *shall* be responsible for any fine, penalty, handling, additional transportation or other associated cost (including storage).

(2) Export Shipping Containers Under Seal. Any exporter, whether an individual or an entity, organization, or company, whose shipping container placed under seal has been determined to be in violation of § 5107 of this Chapter *shall* be responsible for any fine,

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penalty, handling, additional transportation or other associated cost (including storage).

(3) Local Containers Under Seal. Any individual and any organization, entity, or company loading a shipping container under seal not designated for export that has been determined to be in violation of § 5107 of this Chapter *shall* be responsible for any fine, penalty, handling, additional transportation or other associated cost (including storage).

(4) All Other Local Transport Not Under Seal. Any individual or any cargo transporting entity, organization, or company determined to be in violation of § 5107 of this Chapter *shall* be responsible for any fine, penalty, handling, additional transportation or other associated cost (including storage) prescribed in this Section.

(e) The fine schedules of the Superior Court of Guam and the Commercial Vehicle Safety Alliance (CVSA) for violations cited during roadside inspections, and the method for penalty assessment outlined in the Federal Uniform Fine Assessment (UFA) Program, specifically for violations identified as a result of a Compliance Review, are hereby adopted pursuant to fines and fees as applicable to Guam.

(f) For the purposes of this Section, *person* means the driver of the vehicle, unless the driver is an employee and is operating the vehicle in the scope and course of employment, in which case *person* means the employer of the driver. In the case of the transportation of a sealed container or transportation by flatrack, *person* means:

- (1) the individual or company the cargo is consigned to; or
- (2) the individual or company located on Guam shipping the cargo.

The owner of the vehicle or combination of vehicles may request the operator be held harmless and the citation be transferred to that owner of the vehicle or combination of vehicles. The consignee or the shipper *shall not* be cited if the power units' (tractors') drive axle group is overweight, and the weight is *not more than* that allowed for a tandem axle with any applicable tolerances.

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(g) All permit and administrative fees, fines and reimbursements generated under this Chapter (applicable to the Department of Public Works) *shall* be deposited in the Tess Facility Fund, and *shall not* lapse at the end of the fiscal year, but *shall* roll over into the next fiscal year or until expended in accordance with § 5118 of this Chapter.

SOURCE: GC § 23211, enacted by P.L. 13-016:1 (May 7, 1975); Subsection (a) as amended by P.L. 13-187:151. Amended by P.L. 29-027:6 (Oct. 24, 2007). Subsection (b) amended by P.L. 31-027:7 (Apr. 18, 2011). Subsection (d) added by P.L. 31-027:8 (Apr. 18, 2011). Amended by P.L. 33-106:6 (Dec. 2, 2015).

2015 NOTE: Pursuant to P.L. 33-106:10, “This Act shall be come effective sixty (60) days after enactment.

§ 5113. Proceedings to Make Owner Co-Defendant.

In any provision, limitation or requirement of this Chapter of an employee of the owner of the vehicle concerning which the violation occurred, employed to operate the vehicle, the court shall, on the request of such employee, take appropriate action to make the owner of the vehicle a co-defendant. In the event it is found that the employee has reasonable grounds to believe that the vehicle or vehicles operated by him as such employee did not violate any provision, limitation or requirement, the court may dismiss the charges against the employee.

SOURCE: GC § 23212, enacted by P.L. 13-016:1 (May 7, 1975).

§ 5114. Permits for Excess Size and Weight.

(a) A surety bond in a minimum amount of Five Hundred Dollars (\$500.00), or proper evidence of adequate insurance, must be filed with the Director of Public Works before a permit will be issued for transporting over-width, over-length or over-weight loads on the highway, except when the applicant is a territorial or federal government agency.

(b) The Director of Public Works, or his authorized representative, may in his discretion, upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight exceeding the maximum specified in this Chapter, or otherwise not in conformity with the provisions of this Chapter, upon the highways of Guam. A permit issued under this Section *shall not* authorize the operation or moving of any vehicle or combination of vehicles without the compliance with Chapter 7 of this Title.

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(c) The application for any such permit *shall* specifically describe the vehicle or combination of vehicles and load to be operated or moved, and the particular highways for which the permit to operate is requested, and whether such permit is requested for a single trip, or for continuous operation for a designated period of time.

(d) The Director of Public Works, or his authorized representative, is authorized to issue or withhold such permit at his discretion, or, if such a permit is issued, to limit the number of trips or to establish time limitations within which the vehicles described may be operated, or to prescribe the conditions of the operations of such vehicle or vehicles when necessary to assure against undue damage to the highway foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any such highway foundations, surfaces or structure. Each permit *shall* be valid only for a designated number of consecutive calendar days as specified in the permit, but in no event shall a permit be granted for a period longer than ten (10) days.

(e) At the discretion of the Director of Public Works or his authorized representative, blanket permits will be issued for over-sized vehicles presently on island, and said over-sized vehicles may be subject to time-of operations restrictions.

(f) Every such permit *shall* be carried in the vehicle or combination of vehicles to which it refers and *shall* be open to inspection by any police officer. It *shall* be unlawful for any person to violate any of the terms or conditions of such permits.

(g) All permitted vehicle or combination of vehicles to which it refers must display two (2) warning signs in addition to the permit number. Each warning sign *shall* consist of black letters at least twelve inches (12") high and not less than one and a half inches (1½") wide on a yellow background. The sign *shall* state "OVERSIZED LOAD" or "WIDE LOAD," as provided in the permit, and include the permit number. One sign will either be bumper-mounted or roof-mounted. If one of the signs is roof-mounted, then the other sign must be at the rear of the towed unit or at the rear of the load. The permit number shall consist of black letters at least ten inches (10") high and not less than one and a half inches (1½") wide. Clearance lights are also

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required during night time travel. Voids (holes) may be cut in the warning signs, as the signs must not cover any vehicle light or reflector.

(h) A fee *shall* be charged for each permit issued by the DPW Director as follows:

(1) Single trip permit for oversize and overweight loads: Fifty Dollars (\$50.00).

(2) Continuous trip permit for oversize and overweight loads: One Hundred Dollars (\$100.00).

All permits may include date, time and route restrictions as determined by the DPW Director. Such fees *shall* be deposited in the TESS Facility Fund of the Department of Public Works, and *shall* be expended in accordance with § 5118 of this Chapter.

(i) Any vehicle issued with a permanent special equipment license or requiring a special permit, as required under this Chapter, *shall* be prohibited from operating on the highways during the hours of 7:00 to 9:00 a.m., 12:00 to 1:00 p.m., and 4:00 to 6:00 p.m., Mondays through Fridays, except in cases of emergencies or at the direction of the Director of Public Works.

SOURCE: GC § 23213, enacted by P.L. 13-16-1. Amended by P.L. 33-106:7 (Dec. 2, 2015).

2015 NOTE: Pursuant to P.L. 33-106:10, “This Act shall be come effective sixty (60) days after enactment.

§ 5115. When the Director of Public Works May Restrict the Use of Highways.

(a) The Director of Public Works or his authorized representative may prohibit the operations of certain vehicles upon any highway, or impose restrictions as to the weight of vehicles to be operated upon any highway, whenever any highway, by reason of deterioration, rain or other climatic conditions which will seriously damage the highway unless the use of vehicles thereon is prohibited or the weight thereon is reduced. Such prohibition or restriction shall be effective when notice thereof are erected upon the highway affected and/or effected when notice is given by publication.

(b) Effective Date. This Act shall be effective immediately provided that those provisions of this Act which limit height, width and length as

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defined in § 5101 shall not be applicable to vehicles which were duly registered on the date that this Act became law until April 30, 1982.

SOURCE: GC § 23214, enacted by P.L. 13-016:1 (May 7, 1975).

§ 5116. Carrier Safety and Hazardous Material Regulations.

(a) The Director of the Department of Revenue and Taxation (“Director”) is authorized to promulgate as Guam regulations, either:

(1) the Federal Motor Carrier Safety Regulations (49 CFR Parts 385, 386, 390 through 399), *except* such portions as may be determined by the Director to be inapplicable, and highway-related portions of the Federal Hazardous Materials Regulations (49 CFR Parts 107, 171 through 173, 177, 178 and 180); or

(2) such Guam regulations applicable to motor carrier safety, including highway transportation of hazardous materials, as are compatible with Federal regulations.

The regulations promulgated by the Director shall be effective as interim regulations until such date as they may be amended pursuant to the Administrative Adjudication Law, Chapter 9 of Title 5 of the Guam Code Annotated.

(b) The Director is authorized to promulgate regulations providing for the right of entry and inspection; the right to inspect commercial motor vehicles; and the right to inspect and copy documents necessary to determine compliance with applicable law, rules and regulations related to motor carrier requirements by government personnel sufficient to enforce the Regulations adopted pursuant to Subsections (a) and (c) of this Section and to perform the activities set forth in Guam’s Enforcement Plan for implementation of the Regulations. Such Regulations shall be effective as interim Regulations from the date of promulgation until such date as they be amended pursuant to the Administrative Adjudication Law.

(c) Whenever the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations used by the government of Guam referenced in this § 5116(a)(1) pursuant to this Chapter are updated, the Department of Revenue and Taxation is authorized to automatically adopt such updates as Guam regulations, subject to the promulgation of rules pursuant to procedures required under the Administrative Adjudication Law.

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(d) The regulations adopted in this Section *shall* be applicable to both interstate commerce and intrastate commerce. Furthermore, the Department of Revenue and Taxation, Guam Motor Carrier Safety Assistance Program (MCSAP) personnel *shall* have the authority to enforce the regulations on both intrastate and interstate motor vehicle carriers.

SOURCE: Added by P.L. 19-4:15. Subsection (a) amended by P.L. 25-50:1. Amended by P.L. 27-66:2. Subsection (d) added by P.L. 31-027:9 (Apr. 18, 2011).

2015 NOTE: Pursuant to P.L. 32-223:1 (Dec. 29, 2014), 49 CFR Part 180 was adopted as the Guam Motor Carrier Safety and Hazardous Material Regulations. These regulations are found at Chapter 13, Division 2 of Title 30 of the Guam Administrative Rules and Regulations. P.L. 32-223:1(b) further stated that “the Compiler of Laws shall appropriately reference 49 CFR Part 180 in an appropriate Subparagraph of §5116 of Chapter 5 of Title 16, Guam Code Annotated, as the version ‘adopted’ by the government of Guam.” However, the reference to 49 CFR Part 180 was not made in § 5116, as the Compiler could not comply with this legislative instruction without acting beyond the scope of the general authority granted by 1 GCA § 1606.

Subsection designations were added to subsection (a) pursuant to the authority granted by 1 GCA § 1606.

§ 5117. Accounts, Records, and Reports. Inspection.

(a) The Director of Revenue and Taxation may require annual, periodic, or special reports from all motor carriers, prescribe the manner and form in which the reports shall be made, and require from the carriers specific and full, true, and correct answers to all questions which the Director may deem necessary for the safety regulation of motor carrier vehicles.

(b) The Director may prescribe the forms of any and all records and memoranda to be maintained by motor carriers as related to the safety of motor carrier operations consistent with the guidelines set forth in Title 30, Guam Administrative Rules and Regulations. The Director or Director’s duly authorized representative *shall* at all reasonable times and places consistent with § 9302, 30 GAR, Division 2, Article 3 have access to and authority, under the Director’s or representative’s order, to inspect and examine any and all equipment of motor carriers and *shall* have authority to inspect and copy any and all books, records, memoranda, and other documents as are related to the safety of motor carrier operations.

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(c) Each motor carrier operating vehicle in Guam *shall* keep all records and reports required by this Section at an office or place of business located within Guam.

SOURCE: Added by P.L. 31-027:10 (Apr. 18, 2011).

§ 5118. Truck Enforcement Screening Station (TESS) Facility Fund.

Notwithstanding any law to the contrary, a revolving fund, designated as the TESS Facility Fund (Fund), *shall* be established separate and apart from other funds of the government of Guam, and separate records *shall* be kept therefore. The Director of Public Works *shall* administer the Fund and *shall* issue vouchers properly certifying the use of the Fund's monies. The DPW Director is authorized to use revenues in the Fund and any interest derived therefrom for the operation and maintenance of the TESS Facility, or to establish, operate and maintain similar compliance facilities or programs. All monies in the Fund are hereby appropriated and are *not* subject to *I Maga'låhi's* transfer authority.

SOURCE: Added by P.L. 33-106:8 (Dec. 2, 2015).

2015 NOTE: Pursuant to P.L. 33-106:10, "This Act shall be come effective sixty (60) days after enactment.



THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON
EDUCATION,
SELF DETERMINATION
AND HISTORIC
PRESERVATION,
INFRASTRUCTURE,
BORDER SAFETY,
FEDERAL AND
FOREIGN AFFAIRS,
AND
MARITIME
TRANSPORTATION

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 83-36 (COR) was introduced on March 15, 2021 by Vice Speaker Tina Rose Muña Barnes and Senator James Moylan. The Bill was referred by the Committee on Rules to the Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation on March 19, 2021.

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators, stakeholders, and all main media broadcasting outlets on Monday, May 10, 2021 (5-Day Notice), and again on Thursday, May 13, 2021 (48-Hour Notice). Notice was also provided on the Guam Legislature website at www.guamlegislature.org.

Senators Present

Senator Telen Cruz Nelson, Committee Chairperson
Vice Speaker Tina Rose Muña Barnes, Prime Sponsor
Senator Mary Torres, Committee Member
Senator Telo Taitague, Committee Member
Senator Joanne Brown
Senator James Moylan
Senator V. Anthony Ada

Appearing before the Committee

Director Vincent Arriola, Guam Department of Public Works
Lyndon Kobayashi, Guam Department of Public Works
General Manager Hermie Queja, Micronesia Brokers
Eddie Cruz, Guam Contractors Association

II. SUMMARY OF TESTIMONY & DISCUSSION

The Virtual Public Hearing was Called-to-Order at 11:04 A.M.

Senator Telen Cruz Nelson, Committee Chairperson: Thank you all for being here. The Committee on Education Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs and Maritime Transportation will now convene this virtual public hearing.

Today is Tuesday, May 18, 2021, and it is currently 11:01 in the morning. For the record and in accordance with the Open Government Law, public notices were sent out via email to all senators, stakeholders, and all main media broadcasting outlets on Monday, May 10th, 2021 and the Second Notice on Thursday May 13th, 2021 notice of today's hearing was also available on the Guam legislature's website.

Joining me today for this public hearing are senators Mary Camacho Torres, who's also the Vice Chair of this committee, Senate, uh, Vice Speaker, Tina Muña Barnes, Senator Tony Ada, Senator Joanne Brown, Senator Telo Taitague, Senator James Moylan. And I believe that is it. Thank you, colleagues, for being here today.

Some general rules of conduct, all must abide by the rules of conduct and quality assurance standards. Please keep your video on at all times and ensure you are in a room with little interruption and adequate lighting specifically to make sure the participants' face is visible at all times.

The host of this hearing will mute participants and so-called up called upon by the chair when called to speak, please ensure that you are un-muted and that you're speaking into your microphone.

Questions and testimony shall be confined to the substance or nature of the agenda, personal inference as to the character or the motive of any Senator or any individual testifying is not permitted.

Today's agenda that we initially sent out was to hear in this order Bill Number 87-36, Bill Number 59-36 and 83-36. However, there has been a special request that was sent to this committee to accommodate some of the stakeholders in regarding Bill No. 83-36. So we will entertain bill number 83-36 first and then we will move on with 87-36 and 59-36.

Okay. At this time, I would now like to invite the primary sponsor of the bill by speaker Tina Muña Barnes to introduce the bill. Vice Speaker.

Vice Speaker Tina Muña Barnes, Prime Sponsor: *Si Yu'os Ma'åse'* Majority Leader, Madam chair, and manana si Yu'os to all our colleagues and all the panel members here this morning. Thank you for holding this hearing today. I, along with Senator Moylan introduced Bill 83-36 at the request of some of our business stakeholders. Last term, a similar measure was introduced as Bill 71-35.

I know that last term there was some concern with Bill 71-35 and so I had committed to working with the Administration and DPW to see how we can find a middle ground.

What we have today, ladies and gentlemen, is a culmination of months of work and dialogue, between our Lt. Governor, DPW, Guam Contractors Association, and the offices of Senator Moylan and myself.

I would like to enter into the record, a letter from our *Segundo Maga'låhi* to the President of the Guam Contractors Association sharing the administration's support for this measure.

For me, the logic and reasoning behind introducing this measure is simple. Right now, we are imposing a higher tariff for big trucks that need to go from the Port to local warehouses. As a result, what could be done in one trip -- is taking multiple trips; ultimately holding the end consumer with these higher costs. Throughout the nation, the cost for raw materials are going up, we must step in before our People once again absorb these costs.

Cost of living is high, and while I support the need to protect our roads, what I want to point out is that this measure only impacts Haul Roads on Guam -- roads that higher weight trucks will traverse on with the ongoing construction of Camp Blaz.

The Navy understands the impact of the Buildup on our roads, and have also committed funds for the reconstruction for heavier use, as well as the rehabilitation at the end of the Buildup.

I want to point out another reason as to why this bill is important. This Body has passed multiple measures last term aimed at reducing the carbon footprint of this Island. We passed laws requiring energy efficiency, yet we also passed a measure to now use four trucks - to do the job of one. We all have seen the impact of global warming, and the rising fuel costs - we must act now.

Lastly, Madam Chair, I want to also take the time to thank you and all my colleagues here today who voted unanimously to pass Bill 2 and create a transshipment task force.

We saw with the data presented by the World Bank and the United Nations that there is a critical need for improving logistics and supply chains within Asia Pacific.

We see that based on the research, Guam is a prime candidate to house this new initiative, and passage of this Bill now will only make transshipment much easier to do on Guam. We can get bulk goods, take them to a warehouse in Harmon, break them up into individual containers then ship them to its final destination.

Again, Madam Chair, now more than ever, we need to get this done. We need to get creative, lower costs of living, and look at how we can cut the red tape and further diversify our economy.

Uh, Madam chair, I will note for the record that there may be a technical fix needed to the title, and I hope we can make the correction in the committee. The fiscal, uh, note, uh, to this, uh, Madam chair was also submitted and, uh, in part, um, Uh, their concern is, um, that the primary concern and major impact of the proposed legislation is to the Guam roads, bridges, and highways, and whether the government of Guam have the ability to pay for the repairs and maintenance of the roads, infrastructure that may result with the passage of the proposed changes of the current law.

And as I stated in my statement, uh, there, there has been a commitment as, as, um, uh, so the Navy does understand the impacts of the buildup to our roads, and they have also committed funds for their reconstruction, for the heavier use, as well as the rehabilitation at the end of the buildup. So, I wanted to just make that clarification and reiterate, write that in my statement.

So, thank you. I want to thank again, my co-sponsor, for helping me in this endeavor as we were working on it last term, and now this term still, thank you, Madam chair for holding this meeting today. *Saina Ma'åse*.

Senator Telen Cruz Nelson, Committee Chairperson: Thank you. Vice speaker. I would now like to acknowledge Mr. Hermie Queja from MBI Guam. Are you, would you like to give testimony on bill number 83-36?

Mr. Hermie Queja, General Manager for Micronesian Brokers, Inc.: Senator Telen Nelson, Yes. I would like to present my testimony.

Senator Telen Cruz Nelson, Committee Chairperson: Yes, please proceed.

Mr. Hermie Queja, General Manager for Micronesian Brokers, Inc.: All right. So, Senator Telena Cruz Nelson senators of the 36 squam legislature, ladies and gentlemen. Good morning. And that, and half a day, my name is Hermie and I am the General Manager for Micronesian Brokers, Inc, which is an affiliate of the Johnson Guerrero company on here to provide a written testimony in favor of amending Public Law, 33-106 and to express my support for the passage of Bill 83-36. MBI or Micronesian brokers is, um, Wholesale distribution company, which imported approximately 472 containers of consumer goods into our Island of Guam, last year. For over 45 years, MBI has provided products and services to Guam's food service and retail customers.

As a distributor of fast moving consumer goods, we are an intermediary or middleman for our customers supply chain, MBI imports goods from various suppliers, stores them in our distribution facility here at Maite and then resells them, uh, those goods to our valued customers. We import dry chilled and frozen goods on a weekly basis from the U.S. mainland, New Zealand, Australia and different parts of Asia. For the dry side, we import rice, sugar, canned meat products, UHD milk and many others.

Whereas on the frozen side, we import frozen beef, poultry, seafood dairy products, such as butter and cheese, and a variety of frozen prepared foods. You know, in the logistics world, it can be a good thing to be heavy, particularly when it comes to containerized cargo.

Let me explain. In the U S mainland overweight containers are prohibited from traveling on state highways, but they are permitted to travel on designated haul roads. These designated haul roads are located in what are called overweight corridors, or sometimes referred to as green zones. For example, in the port of Oakland vicinity, where we port, where we export most of our, our containers though, overweight corridor provides overweight trucks with a route to legally transport cargo containers from a consolidate or a freight forwarder to the port itself, Warehouse and logistics centers for freight forwarders and consolidators are strategically located within the green zone.

For this reason, MBI primarily utilizes the overweight corridor to consolidate and unload its frozen beef products, poultry, and seafood. So, the benefits of utilizing the overweight corridor cannot be overstated and simply put, shipping out of the green zone keeps the cost of goods down. You know, if the weight requirements as mandated by public law, 33-106 were to be enforced today, wholesalers would have to reduce the amount of cargo in a container by as much as 15% or approximately 8,000 pounds.

Reducing the load capacity in a container would raise prices on consumer goods. Why? Well, simply with a lesser load factor, the freight cost is now absorbed by the fewer products in the container. Thus, in cross increasing the landed cost for each item. The increased costs for goods

will be passed on to retailers and food service operators and ultimately you and I, the end consumer will bear the burden of pain more at the cash registers.

You know, for the past two years, I have sat in a committee where the director of the Department of Public Works. Mr. Vince Arriola was present to hear our concerns about the need to update and modernize sections of Public Law 33-106, relative to size, weight, load limitations, weight, risk, weight restrictions for certain vehicles. And I want to truly commend Mr. Arriola for his wisdom and guidance through this process. Hammering out specific sections of the law was such an arduous task for the committee members as it went through various revisions. But with the valuable assistance of the Department of Public Works and Mr. Arriola, as well as various stakeholders and consultants, we prevailed.

We finally arrived at the finished product bill 83-36. And I want to thank, especially Vice Speaker Tina Muña Barnes, and of course the sponsor, Senator Jim Moylan for sponsoring this bill. Senator Nelson and senators of the 36th Guam Legislature. I plead with you to support the passage of Bill 83-36.

Remember how invaluable the overweight corridor or green zone has been for businesses in the U.S. mainland. It provides truckers with a designated route to legally transport overweight cars, overweight containers. Likewise bill 83-36 proposes a similar scenario, namely reclassifying certain major routes on Island as designated haul road highways with a reconstructed lane in each direction and with a highest standard design, allowing for the movement of heavier containers and vehicles.

Senators allow me to pose a question. What is the alternative? If this bill lacks your support as an importer, let me share with you the adverse effect they'll have on consumer goods.

If weights and measures aren't adjusted. And if specific highways do not become designated haul roads, let's take a bag of sugar, one kg, or two kg that would increase by factor of 16% plus 16%; sack of rice for all rice eaters on Island, whether it be Calrose, Jasmine, that would increase by factor of 17%; case of chicken thighs would increase by factor of 18%.

No, I could go on citing other examples, but the point is clear: adjusting the weights and measures of a container downward would only increase the cost of goods entering our Island and ultimately driving the cost of living upwards. Therefore bill 83-36 as written for me and for many of the members of this committee, including our Vice Speaker and Senator Jim Moylan, um, it, this bill strikes the right balance. Number one Guam's highways are protected as containers will only traverse on designated haul roads. Number two size and weight limitations for certain vehicles,

traveling Guam's roads are updated and modernized. And number three, the cost of consumer goods entering our Island are not negatively impacted.

Senator Nelson and the esteemed senators of the 36th Guam Legislature. I urge you to do the right thing for our Island residents by supporting the passage of bill 83-36. Thank you for giving me this opportunity to provide a written testimony.

Senator Telen Cruz Nelson, Committee Chairperson: Thank you, Mr. Queja, we will now call on the forgive me director, Director, Vince Arriola, to give testimony on the bill. I should have caught you first, but please proceed.

Vince Arriola, Director of the Department of Public Works: Not at all. Thank you very much, Senator. Thank you so much for, uh, putting us ahead of my colleague, Ike Peredo. I really appreciate it very much, but yeah, let me let, I'll begin with my testimony.

Senator Nelson and members of the committee, other senators, thank you so much for participating in this, in this hearing. My name is Vince Arriola and I'm the Director of the Department of Public Works. I am pleased to appear before you today to offer testimony and support a bill number 83-36. This bill addresses a number of issues related to our primary arterial roadways that are the main haul routes where large vehicles haul goods from the port of Guam to storage warehouses in the Harmon industrial park and the surrounding area.

It includes modifications to the allowable size and weights of large vehicles that are allowed on Guam's main roadways. This was a cooperative effort with the Guam Contractors Association, Chamber of Commerce and the trucking and wholesaling industries, the department - our highway consultants, and we feel this provides a good balance of the economic needs of the industry with functional usage and future structural integrity of some of our main roads.

The bill specifically identifies designated haul road highways Routes 1, 8, 11, and 16, that will allow heavier vehicle use. These roads are arterial roadways, primarily used to transport goods from the Port Authority of Guam to the Harmon Industrial Park and surrounding areas where the clear majority of wholesaler, trucking companies, freight forwarders, et cetera, conduct business due to the importance and heavy truck uses of these roads.

The department supports the need for a higher design standard to ensure their continued function for mobility and economic benefits. With regard to the size and weight limitations enumerated in Bill 83-36. We believe these amendments allow for improved commerce, hopefully limiting price increases in our Island's economy while still maintaining safe and improved roadways.

You will notice that there is a graduated increase in the overall weight limits to the year 2024. This was intentionally offered because the major Department of Defense funded reconstruction of Route 1 and the replacement of two Route 1 bridges along the haul roads is slated to occur around that time.

It involves strengthening and repaving the outer lanes of route one from Naval station to Route 3 and along Route 3 to Camp Blas, as well as the replacement of the Asan and Fonte bridge. These lanes and these two bridges along route one will have a load capacity, significantly higher than current standards.

Please note the department annually inspects all of Guam bridges to assess their current conditions and load carrying capacity. Thank you for allowing me and the department to comment, comment on the bill. Thank you very much, Senator.

Senator Telen Cruz Nelson, Committee Chairperson: Thank you, Director Arriola, uh, Director Peredo, are you going to give testimony on the Bill? No. Okay. Um, Mr. Eddie Cruz, would you like to give testimony on this bill?

Eddie Cruz, Guam Contractors Association: Yes, Sorry. I had to unmute my microphone. Of course. Um, I was hoping others would comment first, so that way I can do the cleanup, but, uh, I think, uh, between, uh, Director Arriola and Hermie Queja, they basically stated a large part of the problem.

And I was off Island when, uh, Public Law 33-106 was in the legislature and then signed into law. And as I came back, I noticed a bunch of discrepancies. Um, to give you some background since 1980, when I returned from college as an engineer, I, uh, I was, I had participated in many bills that controlled the weights and measures, and also the laws regulating, uh, commerce on Guam.

So, I kind of have a background in this. Um, what has happened in the past, our practice was, um, because our Island grew in population and our economy grew as we were so used to reconstructing highways that we didn't have a strict practice of maintenance. So for the time being up to about 1990, that was fine.

Now we're getting to the point where we have increased highways. Uh we've we need to really practice, uh, maintenance. And so, because maintenance wasn't an issue. We see some deterioration and in the last decade, We've had to resurface some of the major highways. So that caused a big concern of whether trucks really do damage the road.

Since Public Law 33-106 was signed. We've drastically done a bunch of research on the highways, plus the construction practices of how we construct these highways and what the formula is of the road base and the, and the asphalt structure. Based on our studies, we found that, uh, most of the newer highways were constructed well within the needs of what we transport with the exception of the few large loads, like major cranes and stuff like that.

However, Public Law 33-106, took it a lot further and followed federal mandates for interstate highways, which are much more stringent as Hermie Queja stated. There are haul roads in the United States that are called various different names, but they do lie in, in Green belt areas. But the United States of America, uh, on the mainland has alternate ways to move heavy cargo and heavy cargo can be transported on waterways through barges of ships, or that can be transported on railways, which have higher standards.

So that brings me back to Guam and Guam does not have any options besides possibly floating a barge into Merizo Bay. Um, so, so we, we really don't have any alternatives and that, that brings me to the, uh, reasoning to try to find a compromise that we can have and still enjoy our roadways without having to spend too much money on maintenance.

So, the specifics of this deals with having to have more axles and more tires on our heavier loads and that compensates for the wear and tear on the asphalt. Of course, it's a little bit higher friction, but we feel like we can afford to go that extra mile. Because as far as going green, we will have less vehicles on the highway and less vehicles on the highway means less of a carbon footprint plus less traffic.

We won't have to reconstruct our highways to have more lanes. So going back to those heavier loads, um, if you really look at the regulations on shipping ocean containers and ocean freight, and look at the difference between that and highway traffic and how we can transport those loads, there's a big disparity because one has a different standard based on coast guard standards.

And the other one has a different standard, which is much less. So now, where do we find that common ground? Do we have a way that we can break these loads? What they call divisible loads and transport them? Um, because of the space of the port, we, we, we can't afford that. We don't have enough real estate there.

And because in the past that the zoning laws on Guam, uh, there was a lot of spot zoning. So we have industrial areas, light industrial areas and distributor areas in various parts of the Island. So we need to think about that and address those because it's not fair to just say we're going to have a haul road to Harmon where there's other businesses that compete with them in various parts of the Island, like Maite and Barrigada and Dededo so those were, we had to take into account.

And so, on this, uh, Haul road bill 83-36. We listed a bunch of highways to start out with and let me just mention that, that is a start to developing the whole highways because haul highways, uh, based on this bill that we propose, there may be other highways that can be added.

And I'll give you an example. Route 3 is undergoing reconstruction right now, the small portion of route nine between Anderson air force base, which is where route one connects to and the camp Blas area needs to be reconstructed once that's reconstructed. And there's been a study done to make sure that those hallways, that, I mean that highway can handle the heavier loads we've given some flexibility to the Director of Public Works to designate that as a haul way, haul highway. There are other roadways that we can also do that on one is Route 15, which is already being used as a haul road. However, it's not designated because it has a standard that was kind of like a band aid fix.

It was repaved just to take care of those, uh, trucks and go up and down, uh, without causing damage to it. But that highway eventually will have to be reconstructed so we can accommodate the heavy construction modes coming from the businesses on the back road, like Hawaiian Rock and Smithbridge, and so forth.

But we, we did a thorough study and we did do a thorough study on the South. I know Senator Peto Terlaje has been, uh, very vocal about the roads in the South, and I could sympathize with them because I drive that frequently and I see what has happened. And I kind of think that we need to re-look at how, uh, The transportation, the solid waste goes to the zone down that highway, uh, affects that highway and what we can do to mitigate that because it, technically, it is a substandard for those loads, but without driving consumer costs up, I think we need to start with something that government of Guam has control of, and that is proposing these haul road highways and in implementing the law so we can keep the costs down.

So, uh, just based on that, I am in favor of bill 83-36, because it addresses all the problems. It addresses the engineering problems where we need to, uh, preserve our highways and also do it in a manner that's safe, like having extra axles on trailers, um, having additional links if we have overload, uh, loads and so forth.

But, uh, uh, you know, I had been in lots of discussion with Director Arriola and he asked me many questions. And so, my questions are based on science and engineering. And, and so I basically gave them the answers. They said, yes, we can live with these weight limits. And as we adjust the highways and strengthen them, strengthen the bridges, um, we can live with that.

I think it's a, it's a win-win formula. And if you take the gamble of which do you do? Do you restrict the loads, uh, like, uh, Public Law, 33-106, uh, proposed, or do we find a compromise that we can adjust? And, uh, this compromise far outweighs keeping the costs of living on Guam down. So, um, you know, there's any questions feel free to call me or email me and I will be glad to sit down with any of the senators that have further questions, but I think that it, uh, this is a start and it does protect the Southern highways because, uh, public law, 33-106 will still be in effect and it will still restrict the loads, try to protect those roadways without having any effect on it.

So, in effect this, uh, Bill 83-36 only affects haul ways. So, I just want to get that clear. Thank you.

Senator Telen Cruz Nelson, Committee Chairperson: Thank you, Mr. Cruz. I do not. Um, I do not see anyone else testifying for this bill, bill number 83-36. Okay. So then we will move on to Vice Speaker Barnes and for her questions or comments. Vice Speaker.

Vice Speaker Tina Muña Barnes, Prime Sponsor: Thank you. So very much a Majority Leader, Madam chair, uh, for, for, again, this hearing again, and allowing the, um, testimony in, if I can note for the record, um, uh, the testimony from Mr. Cruz or Mr. Queja if they're written, uh, if they can submit it to the, um, to the committee, please. Uh, just for record purposes, I know there was a request on the chat, but more importantly, um, there's also one from Guam Chamber. Um, Madam chair, if you, if it could be submitted. also, to the record

Senator Telen Cruz Nelson, Committee Chairperson: It's in the google drive, Vice Speaker.

Vice Speaker Tina Muña Barnes, Prime Sponsor: Thank you. Thank you very much. I appreciate that. I don't have any questions. I, uh, with the exception maybe of Mr. Arriola is still here. Um, I know that Mr. Cruz spoke about the possibility of Route 15, Route 9 and Route 3, and maybe I'd like to ask him, what are his personal thoughts on the consideration and authorizing of him to, for those routes to be added as hauls, um, in the near future, especially knowing that the, um, that resources will be coming into harden these roads.

So, if Mr. Arriola could, could share his thoughts.

Vince Arriola, Director of DPW: Okay. Thank you very much Vice Speaker, I guess, as most of you already know, we do have the, our federal highway program that we implement here at the Department of Public Works. And we do, we do have the Guam Transportation Improvement Plan, also, uh, GTIP, and so, um, we don't have 15, uh, scheduled for anything in the next two years, Route 15 and the next two years. But what basically takes place is we do road and highway assessments. Uh, and, and their future uses as well. So based on that, uh, the assessments that we

do, we assess the condition we assess the future use. We do traffic counts. Uh, we do a number of, uh, reviews and assessments to see, uh, and of course consider road degradation, uh, to basically determine what roads go on the GTIP and, and, uh, of course a lot of it is dependent on available funding.

So, we are constantly looking at all the, all the major routes, uh, throughout the Island can include Route 15, Route 10, Route 4, and, uh, you know, based on the availability of, of funding, uh, we, we basically go out there and we attack them and we get them on online for either restrengthening uh, some, uh, some of the projects we have are also just a, uh, a rather, um, uh, um, heavy duty patchwork that we do, uh, which we did along route eight, about two years ago. Uh, that, that seemed to be very, very, um, uh, advantageous for us as opposed to paving the entire road. We just, we basically did a lot of cutouts and restrengthened the, the, the, the weak areas of, of the, the Route 8 there.

And so, we're, we're looking to do that, uh, actually this year to, uh, to a number of highways, as soon as we can get this, uh, our, our, this contract signed, uh, and it's all federally funded, but you're correct. We are looking, we're hopeful that we'll, we'll get additional federal funding from, uh, FHWA this year, as, as part of all our COVID issues.

Vice Speaker Tina Muña Barnes, Prime Sponsor: Thank You Director Arriola, again, madam chair for giving me the opportunity to present this bill today. Thank you.

Senator Telen Cruz Nelson, Committee Chairperson: Thank you. As I speak here, I'd also like to acknowledge the presence of the Minority Leader. Senator Chris Duenas. Thank you for joining us, Senator. I'll now call on Senator Moylan. If you have any questions or comments,

Senator James Moylan: Thank you Madam Chair, no questions, just want to say thank you for the hard work Mr. Cruz has put in and Hermie and, and several others and, and how we were able to bring this bill forward from the 35th to the 36. And I thank the sponsor for the introduction. I think we came up with a great compromise and especially with the support of the director there, Mr. Arriola, uh, in conjunction with the governor's office, uh, working together for our small businesses and also helping our consumers at the same time. So thank you very much, uh, for introducing the bill and moving this forward. Thank you, Madam chairman.

Senator Telen Cruz Nelson, Committee Chairperson: Thank you. Senator Moylan, Senator Mary Torres.

Senator Mary Camacho Torres, Committee Vice Chair: Thank you madam Chair, I appreciate the testimony today. Uh, it's, it's actually quite useful in, in recognizing the balance that was struck

with, um, the previous bill introduced in this bill 83. Um, the haul roads is certainly a welcome addition to it, uh, including the investment that the federal government has committed to put in.

But I, I wanted to ask, what do you expect would be the conversion of, um, like, uh, of containers that are, are at present weight limits right now to overweight containers? Should this bill pass with the vast majority of containers being shipped to Guam? Um, likely be overweight containers as a result of 83?

No. Okay, Mr. Cruz is shaking his head. All right. Um, so that's a good thing. The other question that I had is were there any considerations given, or are there considerations that you're aware of in other jurisdictions that utilize haul roads? Um, are there considerations given to the limits on, on the allowable times to traverse these roadways?

Mr. Eddie Cruz, Guam Contractors Association: Can I answer that real quick?

Senator Mary Camacho Torres, Committee Vice Chair: Yes, please.

Mr. Eddie Cruz, Guam Contractors Association: Okay. So there, there are, uh, there are laws and regulations in the books right now. Public works does have regulations as far as travel times have overloaded weights, but it's based on a lot of it is based on what the hazard is. So if it's only a few thousand pounds over, which, uh, that's why we're adjusting these weights on the haul roads, it's not a big amount.

Only about 20% of them will probably, uh, exceed the limits. And most of these limits don't have anything to do with, uh, really the, the, the weight on, uh, and the damage on the road. So to speak, it has to do what they call the bridge formula, which a bridge formula is a, is a scientific calculation based on how much impact a vehicle has on a certain structure.

We don't have big, long bridges. So, there's no concern, uh, for damage to big, long bridges, but we do have smaller bridges and we still want to protect those. So that's why in the South where we have substandard bridges and we have smaller bridges that haven't been maintained. We want to keep those, uh, within the, the, the, the regulation standards of bill 33 or law, Public Law, 33-106, but there already are, uh, procedures in place for obtaining permits in, in the event that these bigger loads have to go down. Those roads and proposed fines have been addressed and we've discussed them. And those fines will have to go through a different process of course, for the legislature to get passed, but they will address any damage that those heavier loads will do on highways that are not haul roads.

So, uh, I think to answer your question, yes, uh, DPW is very aware of that. DPW has the flexibility to control those. DPW has the, uh, the authority to require escorts and various monitoring and hardening of certain areas. In the event, they have to go through a different route. Or have to cross over, uh, you know, to get on back on the haul road.

So, we've, we've already, uh, looked at all those and to answer your question, yes, there, there are things in place, and there are other States that have similar procedures that we have observed, studied, and tried to find a solution for Guam, which is basically the same thing. We, we follow those procedures.

The only procedure we don't follow is most States have a website and a, and a way that they get permitting and get approved and get the permit. Guam doesn't have that yet, but so far, uh, DPW is very good about, uh, getting us permits in a, in a short time. So, I have to thank them for that. And it hasn't, uh, impeded any commerce for those types of loads, but yes, there is a concern for those heavier loads.

But we've addressed it. And if you look at the, the facts of, of a public law or Bill 83-36, which has the weights on there has the restrictions, but because it doesn't, uh, the haul roads don't cross over too many bridges, and most of those bridges are either hardened or we'll be up for hardening pretty quickly, um, those weight limitations, as far as the bridge formula will not affect that. Thank you.

Senator Mary Camacho Torres, Committee Vice Chair: Yes. Thank you for that explanation. My point is simply from the point, and I understand the hazards and we have noticed when there are movements of poles or heavy equipment, uh, or even the movement of war equipment and bombs and things like that, that we, we know that those are, are often done, you know, under very certain stringent circumstances and, and guidance.

But I'm referring specifically to the hazard, to persons in these, these routes now that are essentially the, the major routes on Guam that are heavily traversed. By the general population of Guam. And then that's my concern. You've got, you've got mopeds and small vehicles, these little mini Japanese cars now on the road bicyclists using the shoulder of the road. And, and so my concern is, you know, in some foreign jurisdictions that I've visited a lot of that heavy traversing of overweight equipment or certain types of industrial equipment tends to move only at certain hours. And usually, it's between the wee hours of the night or morning where the general public is not using the same roadways.

And that's what I was talking about. I know it doesn't make for good commerce, but. I believe that on Guam's roads being that many of our roads are unlike, they're constructed like major highways,

but they're used as, as, uh, you know, secondary roads in some ways. And that people come in and out of them.

There's a lot of stop and go. There's a lot of left turns in, um, and that's, that's the general safety that I was referring to in terms of limiting the movement of these types of overweight vehicles, because it is quite daunting, uh, uh, is to cruise. It is quite daunting to, to drive by and have those seams barreling by you.

Mr. Eddie Cruz, Guam Contractors Association: Senator can I answer that really quickly? Um, as far as those movements, if, if prior to, to Public Law 33-106, it was basically wide open. There was no regulation of these weights, these weights that were we're proposing now, uh, these overloads. They have been traveling down the highways for decades, uh, the bigger loads, which you are concerned with, like transformers and power plants and stuff.

I had done many of those moves. You're absolutely correct. We did them in the wee hours of the morning. We did it under escorts. We did it with police blocking the intersections. So that's all in the flexibility of the Department of Public Works. They have the ability to restrict us on those kinds of loads.

The other loads we're talking about are just the ones that are normal container loads basically. And they have been traveling up and down the highways for decades. It's just trying to adjust these weights. We can allow them to legally do it, but do it with better equipment. So that way it doesn't damage the road.

Now I wanted to make a note that these haul roads the military was proposing and DPW through discussion. I wasn't part of the discussion. But they wanted to use the outermost lane on the highways, but that's fine and dandy on a, on a highway that has basically two lanes in each direction to turn in lane and the center. But when you're talking about areas that have curbs and sidewalks and, and power poles, very close to the edge of the roadway, I brought up the opposition to that and I asked him and said, can you please relook at that? Because that poses a hazard, like exactly what you said.

If you've got a bicycle dodging in and out of a driveway to go around an obstacle like these GTA, boxes and, and signs to try and go around them, that is a hazard. And if you have a big, heavy truck going down that outside lane, you know, Lord knows what could happen. So, I've asked him, I said, if there's a three lane highway going either direction, can we use that center lane? Additionally, if you look at the design of our utilities, a lot of the manholes go on the outside lane now because there's no real standard that was followed there, they're all over the roadways.

But even the culvert boxes for the drainage during the right-hand outside lane next to the curb. If you drive in the rain, you'll see that it's flooded. What happens to a vehicle that hits that water. It wants to go towards the curb. So that is a hazard and being, having a loaded truck that also poses a hazard. So, I've asked director Arriola to go back and look at that and reconsider whether it's better to have it on all the way on the outside, which truckers called the suicide lane, because they're constantly slamming on the brakes for cars entering and crossing the roadway. And also trying to dodge bicyclists and maybe pedestrians.

So being in that center of the three lanes going each direction, I think that's a better deal. If it were up in Dededo or towards Yigo where there's a shoulder, then absolutely restrict them to the outside lane there. That's perfect. But you know, we have to be creative on this. Guam is pretty unique. Our highways are a little bit different from what they have in the States. You're absolutely correct. In California, most of your residential areas have a solid wall between that and a major highway that trucks use. Guam doesn't have that regulation. I asked in 1983, I said, can you guys come up with a new zoning regulation where new subdivisions build a solid concrete or some kind of solid wall between the highway and the residential subdivisions so children don't chase their ball out on the highway. And because of funding, they told me, no. We couldn't afford that. Same with bike lanes. We would like to have... see a bike lane on every major highway where there's a curb and sidewalk. And that way they would have a safe place to travel.

But of course, we only have so much real estate. We only have so much of an Eastman, so we have to share it with utilities, power poles, signage, and so forth. So we kind of have to think out of the box here and say, you know, how safe can we go on? What can we afford? And that's why I asked, Director Arriola. Can you relook at those and look in the areas like Tamuning and Dededo where they have curves and there's three lanes going either direction. Can we move that part in lane to the center of those three lanes? I think that's a safe compromise. But going back to your question, Senator Torres, you're absolutely correct. Safety is the utmost, uh, concern. And we need to have people monitoring that. And in the original proposal to the changes of Public Law, 33-106, we even tried to add other law enforcement agencies and other agencies that can question whether these loads are overweight or where they're safe or what, but of course we need to tackle one issue at a time.

And that's why we scaled everything down. And we said, okay, let's just ask for scope, uh, haul roads first. And then we'll look at other concerns and address those as they come up. And as we have funding. So, you know, we could have changed the world in one bill, or we could have done it another way. And we've chosen to try to, uh, prevent the impedance of commerce first. And then we'll work our way and we'll look at these other things because there are the concerns and the majority of them are not really highway usage concerns. They're design concerns. They're designs between the contractor and department of public works, between the engineers and the

military and, you know, other people to use the road. There's so many people that use the roads for different reasons. I see those little vehicles that you're concerned with, my big concern is do they meet DLT standards? Are they safe in a roll over? Are they safe in a crash?

You know, previously we didn't allow those. They were... those are JDM vehicles designed for the Asian market and because of our strict national highway and DLT standards, we didn't allow them. I don't know what has progressed through the years where now they're allowing those, they're allowing right-hand drives and everything else. You know, but that's none of my business. It's out of my job description right now. So those are things I'm glad you're bringing them up because those are important, but we need to address, uh, immediately something the GovGuam has the control of, and that's these haul roads that we can keep the consumer costs down.

Herbie talked about Tan Maria and Tun Jose. You know, if they're on a fixed income from a retirement, from the Government of Guam or they're getting Medicare or whatever it is, they get social security. The impact of this law 33-106 is going to hurt them. They're going to have to choose between having dinner or paying you for utilities or paying for gas to go to a doctor's visit and that's what concerns me.

Senator Mary Camacho Torres, Committee Vice Chair: Yeah. Well, thank you, Mr. Cruz. I was just thinking really about public safety and I know that those are also issues that will come up when they design those haul rooms, which is a good thing. But thank you.

Eddie Cruz, Guam Contractors Association: You're correct. And I hope they do a task force to study that and not wait until the actual construction comes in and then we see the problems. So we need to, I'm glad you, you senators are looking at that because those are things that you need to question as these projects come up and I appreciate that. Thank you.

Committee Chairperson Telen Cruz Nelson: Thank you Senator Torres. Senator Pedro, do you have any questions or comments at this time?

Senator José “Pedro” Terlaje: Thank you very much, Madam Chair. I just want to just mention that Public Law 33-106 was passed out during my time when I was Chair for DPW. And I want to thank Eddie Cruz and Hermie for their input with, you know, with their testimony. And, you know, the Bill 83-36 is another good thing that came about and then looked at. I want to thank the Vice Speaker for introducing bill 83-36, because this 83-36 invigorated, you know, the Public Law 33-106. And I want to thank the Vice speaker and Senator Moylan for introducing this bill. Thank you very much.

Committee Chairperson Telena Cruz Nelson: Thank you, Senator Pedro. Senator Brown, do you have any questions at this time?

Senator Joanne Brown: Thank you very much Madam Chair. I actually do. And I just wanted to check with the director of DPW. I mean, really, if we're this all started with regards to mandating, you know, restrictions with regards to the weights of these containers and these trucks on the road had to do with federal highway and the funds that they provide annually to the Government of Guam and to the people of Guam in constructing our main roads.

All our main roads on Guam pretty much are funded by the federal government into millions of dollars and certainly that's one of the reasons also why the facility down there at the port was constructed to do the weights on these containers as they left Guam. So, I wanted to ask, have that question answered. I mean, the director did mention he had been consulting with his engineers there. But what is the position of the federal highway with regards to these increased weights? Because we're already seeing, and certainly since my time there at DPW, we're already seeing some of the newer roadways, including the tri-intersection at route 8. I see it also fairly regularly looking at route 4 I mean route 4 and route 10 with Mangilao and Chalan Pago, some of these intersections that have since been rebuilt or resurfaced. And I certainly know the thickness and a lot of the time and effort that was put into constructing the tri intersection to accommodate these additional weights. But we already see the ridging of these roadways within a matter of what, less than seven, eight years.

So, I wanted some feedback with regards to what the federal highways position because. They're the ones that essentially require that the waste station be constructed and that the weights be of these containers be checked. And that's the primary concern. And I think almost any resident that drives in our roadways are going to tell you the quality of our roads you know, even though... while we continue to see upgrades and improvements and bridges that are being built. I was there with the reconstruction of the Agana bridge, *the Talo'fo'fo* Bridge, the *Ylig* Bridge, I mean just *Ylig* itself was over \$11 million to rebuild that particular bridge and took, goodness, several years in the whole process before everything was finally completed. So, I do want to know from DPW is: what is the position of the federal highway with regards to these increased loads? Cause that's the reason those restrictions were proposed. I mean, that came from the federal highway and is that going to affect our funding that we receive for road construction? Because that's all paid for by the federal taxpayer.

Eddie Cruz, Guam Contractors Association: If Vince is not available, can I answer that question? Cause I was in the conversation with Vince to answer that question.

Senator Joanne Brown: Well, I'd actually like Vince to answer that question since he's the official government representative for DPW, what is the official position of federal highway? Is he still on, Madam Chair?

Senator Mary Camacho Torres, Committee Vice Chair: Director Arriola, are you still there?

Eddie Cruz, Guam Contractors Association: He had to attend a funeral. So, I think he's left the Zoom meeting.

Senator Joanne Brown: Well, if not certainly Mr. Cruz, if you want to respond, I think we probably should still after follow up with DPW with federal highway. Because as I mentioned, you know, in my experience, that was the main reason why these restrictions were put in place. The federal government didn't want to continue to provide funding, you know, if we were not going to regulate the weights on the roadways.

Eddie Cruz, Guam Contractors Association: You know, Senator Brown, I appreciate your concern to that. We studied that thing. And we communicated with our Congress man and our Congresswoman at the time, Madeleine Bordallo. And what happened and we do have a letter that was given to DPW and given to the Lieutenant Governor, the Governor and the Legal Counsel that says absolutely that there is no truth to that. What you're saying about highway funds. You know, and that was brought on by, FHWA, representatives that if we didn't control the weights, that they would take the funding back, that we'd have to repay it. But we have a letter from the Secretary of Transportation that says absolutely not. And we have documents on the committee from Congress that actually state that, that, because we're a territory, there's certain things that are a little different. And, those were exceptions that were put into the law from Congress that allocated the funds. So, to answer your question, no, there's no truth to that.

And as far as addressing what you're talking about we did studies on all the highways. A lot of those highways that you're talking about are not seven to eight years old. They're way over 10 years, the expected life of the friction surface at the top is only 10 years. And of course, according to...

Senator Mary Camacho Torres, Committee Vice Chair: I'm sorry, May I interrupt you?

Eddie Cruz, Guam Contractors Association: Yes, please.

Senator Mary Camacho Torres, Committee Vice Chair: I believe that we have Mr. Lyndon Kobayashi who could answer on the behalf of the director.

Eddie Cruz, Guam Contractors Association: Oh, good okay.

Senator Mary Camacho Torres, Committee Vice Chair: I, I didn't recognize that he was here. So, if I may defer the answer since it was asked of DPW.

Eddie Cruz, Guam Contractors Association: Sure.

Senator Mary Camacho Torres, Vice Chair: And they can answer in their official capacity. Thank you, Mr. Cruz. And I apologize for the interruption.

Lyndon Kobayashi, DPW: Thank you, Senators. Can you guys hear me? I just want to check first. Okay. So, to Senator Brown's question on what's federal highway consulted and the impacts on funding. So, the upcoming project that Vince referred to wherever we would be restrengthening the outside lanes that's a DOD funded project or DPW just receive funds to design it. Federal highways is okay with upgrading the standards to shrink to a higher design standards. Granted DPW has a plan to implement, enforce and so forth. And the funding is acceptable by federal highways as far as trying to allowing them to design the higher standard. It shouldn't jeopardize any other funds.

Senator Joanne Brown: I mean, I understand the design to a higher standard because I'm sure for DOD as well. I mean things over these roadways that they're paying for. I'm sure they're going to want a higher standard. That doesn't answer my question. And contrary to Mr. Cruz, you know, I did service DPW for two years. I did interact on a fairly regular basis with federal highway, perhaps at the higher level, they had a different position. But with regards to the federal officials that we did deal with from Hawaii.

That's one of the main reasons that the weigh station was constructed. And I was also there when that project was put in place and constructed, as well as the rebuilding of route 11 that went to the Port Authority of Guam again, funded by the federal government. So, well, I appreciate Mr. Cruz's input from his perspective, if he does have these letters, that's wonderful. But at the same time, the information that was provided for us at the time that the weight scales. Cause otherwise why bother constructing a weight scale station? What would be the logic in putting that in place? If we weren't concerned about any of the weights on the roadway or the perspective that additional weights of a certain load are not going to adversely affect the quality of our roads.

And I bring this up because I have no issue of, they have no issue and it's not going to affect the federal funding. But I think we're seeing over time, the deterioration of our main roads. We're seeing also for example, which we run into, I do every day with regards to the sort of manholes, for example, when the roads were originally constructed, they were all smooth and flush. But we

see as time goes on with the weight and, you know, eventual traffic going on back and forth over these roadways. You're seeing the sinking of that asphalt. You're seeing some of these manholes that were constructed, you know, with a border of concrete now are actually road hazards because of the asphalt surrounding it continue to deteriorate. So that does not address ultimately the issue of the deterioration of the roadways and what work or funding is going to be addressed to address that.

I mean, let's look at the main roads, route one, Let's look at route 10. Let's look at, oh my goodness, let's look at hospital road. I mean, the list goes on here on Guam of roadways that are damaged. And then who's going to regulate it. Let me ask that question. Who's going to be regulating where these trucks are going. Is DPW going to be out on the road, doing this as DPW going to know what load or weights are going on there? How's DPW currently with revenue tax addressing the weights of containers coming out of the port now. So, what are your answers to those questions? Because those questions are questions. I know many of our people have just simply because they continue to just see, even with our newer roadways, just the deterioration and the lack of our ability and what they see as a timely fashion to address, you know, rebuilding and resurfacing these roadways.

Committee Chairperson Telen Cruz Nelson: Excuse me, may I interject, Senator Brown? Mr. Kobayashi, would like to comment.

Lyndon Kobayashi, DPW: Thank you. So, Senator Brown, those are really good concerns. So, I guess to answer your first question on why is it, why was the test facility built? So the test facility was built to help, to help enforce and to help preserve the roads. So, what's being proposed with this haul is the truck corridor that's along route 1, which is funded for construction. You asked about funding earlier. As far as deterioration and assessment of, you know, the deteriorating roads. So DPW is required over two years to inspect all the bridges on Guam. And every two to four years that we've been doing a pavement analysis or pavement assessment for the condition of all the roads.

And that's kind of what feeds into DPW's capital improvement plan for future projects. So as a result of that, DPW has an ongoing ID IQ construction contract which allows as needed paving contracts to be issued to a contractor via task order. And that's fed into based on the pavement assessments where deterioration is assessed. As far as impact it's about 10, DPW has a project that's programmed for construction to do pavement repairs to route 10, as well as for about 14. As far as regulating, and enforcing it, DPW does have a plan to issue out the purchase mobile scales to be able to check, you know, areas outside the truck corridor to ensure that they're complying with the current law. So those are in process.

Senator Joanne Brown: Is the waste scale station still consistently active and in checking loads coming out now out of the port on a regular basis, is it an operation? Does it continue to stay in operation?

Lyndon Kobayashi, DPW: Sorry. Yeah. The test scales has been down since summer. So DPW is in the process of trying to get it recalibrated and updated too.

Senator Joanne Brown: Summer of what year? This year? Last year? We're just starting?

Lyndon Kobayashi, DPW: I think, summer of last year.

Senator Joanne Brown: The weight scales at the port have been down for one year?

Lyndon Kobayashi, DPW: Correct.

Senator Joanne Brown: So, there's no activity going on with regards to measuring or weighing any of the loads coming out of the port?

Lyndon Kobayashi, DPW: As of summer, no.

Senator Joanne Brown: And how long is it going to take? It's been a year. That's a long time to be inoperable.

Lyndon Kobayashi, DPW: Yeah. So right. I know right now that it's currently being, it's currently being repaired right now as we speak.

Senator Joanne Brown: And do you have any, I'm just noticing around there. Are there any current activities and construction right now? I've not seen any lately in the last couple of years. Am I missing anything? Are there any new roadways that are being worked on in the last couple of years? Even now, currently. Is there any new word, DPW projects on the main roads that are federally funded?

Lyndon Kobayashi, DPW: Yes. So, route 3, we just finished widening route 3 out there by Camp Blas. That was the largest project DPW has ever putting up but out. Right now...

Senator Joanne Brown: That's been ongoing for the last 10 years. Route 3. Yes. Anything else around the Island besides route 3?

Lyndon Kobayashi, DPW: Yes. So right now, we're in the process of awarding the route 28 singsong paving project. So that one should be hopefully by summer. And then that 1 resurfacing from route 30, which is Carlos Camacho Road to Airport road. We're looking at trying to do a resurfacing along there. Shortly.

Senator Joanne Brown: Well, I look forward to those projects again, I still don't have a real sense of clarification with regards to... the actual... I was out here in the 33rd Guam legislature when that legislation was passed, but I know the key issue as to how the waits were determined. That was a concern, was the impact of the weights of these containers and the trucks would have on the roadway and concerns about deterioration. I mean, obviously a lot of federal money has been invested into the construction of the roadways. We want to ensure that those are maintained. These, you know, there's this issue of this haul and I think it's great. They're identifying these as these new haul roads, but these roads were not originally designed for that. And if DPW, who is doing your, who is the engineer doing the inspections on these bridges?

Lyndon Kobayashi, DPW: So, we have an IDQ contract that we're in the process of every two years per stewardship with the Government of Guam, federal highways. We are required to do this. So right now, it's, we're working on the contract to be able to issue that to a consultant, private consultants.

Senator Joanne Brown: Who currently does the assessment, is it an engineer that you guys hired from a private contract to do it? Who does it?

Lyndon Kobayashi, DPW: Yes.

Senator Joanne Brown: Is it done by your consultants for federal highway or you have a separate contract outside of that, specifically for DPW to do the assessments?

Lyndon Kobayashi, DPW: There's a separate consultant, um, that, that DPW hires to do those assessments, the bridge inspection.

Senator Joanne Brown: And do you have any in-house engineer from DPW currently in staff?

Lyndon Kobayashi, DPW: Right now, the consultant at DPW does have capabilities to do it, but we've been... in order to ensure quality work, we've been alternating between consultant and getting independent looks at it just to ensure that, you know, it's being looked at by separate folks.

Senator Joanne Brown: I appreciate your answer. Again, I just think, Madam Chair, that one question really does need to be answered with regards to what weight limit has been determined

by federal highway. I mean, if they're able to distribute these loads, I think it would be good to see an official or current response to ensure that it doesn't affect the ability of our program and certainly our people to be able to receive federal funding.

I appreciate Mr. Cruz's input, but again, I mean, I have my own firsthand experience and firsthand knowledge in working with federal highway. If their policy has since changed, it certainly would be good to see in writing what their official position is with regards to the funding that they provide in the maintenance of the highway, which under that agreement is the responsibility of the Government of Guam once these roads are built. But I think our people see quite often that while we build the roads, we do almost little to maintain them. Be it markings on the road signs on the road, repairs and filling of damage to the roadway potholes. I mean, the list goes on. I mean, if there's probably one of the key things are people probably will relay a tremendous dissatisfaction is our inability to continue to pave and maintain the roadway. But with that, thank you very much, Madam Chair for the opportunity to inquire and provide questions with regards to this bill.

Committee Chairperson Telen Cruz Nelson: Thank you, Senator Brown. Um, Mr. Kobayashi, if you could please submit to the committee the clarification on the question that Senator Brown had on the weight limits required by federal highways.

Lyndon Kobayashi, DPW: Yes. Will do so.

Committee Chairperson Telen Cruz Nelson: Thank you. Okay, Senator Taitague, do you have any questions or comments?

Senator Telo Taitague: Well, thank you, Madam Chair. I too had a question with regards to federal highways and I thank Senator Brown for asking that question. In fact, you know, being a former director, there are a lot of the questions I had to with answering, but what was, what I found kind of disturbing was the fact that the weight station has been down for, for quite some time, you know, to monitor those trucks that are going onto the road right now.

I did have a question with regards and this would probably be for DPW, or I don't know if you're able to answer this question, but it's regarding the rules and regulations on what type of, what type of administrative rules and regulations that you plan on considering for Bill 83, if adopted.

Lyndon Kobayashi, DPW: Yeah. Okay. Sorry. So, the rules and regulations for this, proposed Bill 83-36 they're in process right now. I think that's all I can say that it's being, I know that it's being worked on and it's in process.

Senator Telo Taitague: Okay. Can you give me a little bit some, what are some of the types that are rules and regs that are going to be involved?

Lyndon Kobayashi, DPW: So, I know that some of the older fees from the previous law are old and outdated, so we've been working with the industry to update those as well as some of the permit fees potentially. So I know that those are the reason, I think one of the reasons why we wanted to separate those rules and regs from this bill was to allow change over time. Because like with the previous bill before Bill 83-36 you know, the weight law had been in place for, you know, something like 50 years, right? So, those fees were very outdated.

So I think having it as a separate rules and regulation, it would allow DPW to be able to be able to adjust those based on, you know, the current needs. But I'm not fully involved in that, that's in process. Eddie I don't know if you want to talk a bit more about, about the club, about the fees and the permit amounts that's being worked on separately.

Eddie Cruz, Guam Contractors Association: If I could, we've worked with the bolt administrations, Governor Calvo administration, and, and currently Governor Leon Guerrero's administration. And those fees and penalties have to be done separately, I think because of the way that the legislature wants to be a part of that. So it has to have approval of the legislature, from what I understand.

Now, of course they were old, they were, the fees were established during, uh, the committee that I served on with Juan Limtiaco, formerly of Pacific Trucking. And what it is, we came up with an updated one as per both Director Leon Guerrero with the previous administration's request and also have a Director Arriola. And we thought that if anything, the penalties should be stricter than the permit fees or, you know, the fees required to transport overloaded trailers by special permit. So being that what it is that's probably going to be a separate bill is going to come up before you senators and you can address that.

But I think the whole idea, and I see the concern that Senator Brown had for the weight station, but you got to remember, that's not the only way to regulate the weights. We have weights of the containers as they come into the port. We have weights of trucks as they come out of the scales at various areas.

So those alone, we can use those. That's not, you know, the test facility is not the only solution to monitoring these trucks and they've been very proactive at it and also pieces of equipment that were transported on low boys. Those all have scale weights of the vehicles. So we have other ways to determine whether they're overloaded or what and the director has the flexibility to make a determination if he deems that a load is overloaded. And can be questioned because of the law

as it's written now and allows them to take that container or load that they suspect is overweight and can take it to a scale somewhere, whether it be at Hawaiian Rock, Smith bridge or any other place that they have a commercial scale is used for covers and weigh it.

And that's what they've been doing. So, I think there still is some protection in there. I don't think there's a big concern that perhaps we're allowing these damaging loads go up and down the road. But I think the user fee for the permits, uh, have to be adjusted. And it's also based on what WSP Parsons determined was the damage to the roadways by overweight trucks. So we haven't, we have the night number on that already, and that's given us an idea how to adjust those fees and penalties. But I think the penalties enough are going to deter truckers from traveling overweight loads without a permit. If I could answer that. Okay.

Senator Telo Taitague: Yes, sir. Well, thank you Mr. Kobayashi, for answering some of that question and of course, finishing it off, Ed. I greatly appreciated it. You and I have spoken before and talked about axles and things, but you know, on page 23 of the bill and also page 25, it mentions rules and regulations, you know, so it mentions it twice and, and that's why I brought it up because you have it first in chapter five of title 16, and then again on page 23, you have it again to promulgate rules and regulations in this section.

So, it's there twice. So that's the question I was asking. If you are, you are asking about putting a separate legislation to promulgate rules and regs and fees and fines. I'm not sure if it could all be combined together because on page 23, it definitely has costs associated with that. So, I'm, we'll look at it further I'm sure.

And I wanted to also bring up something, as you said earlier, that to ease my mind, because it's kind of scary to know that these trucks are going on the road that are not even being weighed, but you're seeing right now over the Port Authority they're weighing these trucks are already at the port. Is that what you're saying, Ed?

Eddie Cruz, Guam Contractors Association: Okay. What I'm saying is, and, and it's another way of, of figuring this out. We did this many years with motor carriers. Motor carrier has weights on the registration of the vehicle, has a weight on the trailer, has a weight on the truck. So you take that weight and you combine it with the weight of the actual bill of lading number of that container and that gives you a gross vehicle. Weight gives you an idea within so many thousand pounds, whether it's overweight or not. And basically, it's like doing a calculation on a bridge formula. You have these numbers, you put them together, you plug them in and it gives you maybe not exact to the pound, but it gives you an idea of whether they're overweight or not.

Now, if that's what you're talking about, that's what motor carrier has been doing for years. In fact, they had a program back in the early 2000s where they wanted truckers to put the weight of the vehicle itself on the side of the vehicle like they do in some States. And then when they pull you over or they inspect you, or you go through a checkpoint, they take your manifests, which you're required to have. You have to have a document that says what you're hauling, how much it weighs, where did it come from? Where is it going? And they use that and they add it to the weight of the vehicle. And that's how they figured it out in the old days, whether you're overweight or not. And that was a really good process because we didn't have a TESS Facility.

Now we have a TESS facility. I think the problem that Senator Brown is talking about is we need to make sure it's funded to be maintained and you know, because of where the tropics. And the tropics like that has problems. I don't, you know, I don't think it's anybody's fault.

Senator Telo Taitague: So, my, so again, my question was, if they're doing it currently right now and your response to that was explaining how things are done. So, I just wanted to make sure that your answer is yes, they are currently doing it.

Eddie Cruz, Guam Contractors Association: Yes, Absolutely.

Senator Telo Taitague: Now, you know, you talked about how to put it on, on the vehicle itself. The weight of that truck, I mean, that might be part of the rules and regs, uh, to incorporate cause that seems easy enough, especially those who are enforcing the law, that they could look at both to see if it concurs.

Eddie Cruz, Guam Contractors Association: Well Senator, I propose that and what the problem was it's already written on the registration, so it's kind of a redundant thing. I, you know, offered to have that because it gives visibility where a motor carrier sees the truck going by, automatically, they know that's the truck and they can look at the load and they say, well, he normally carries 12 ton, so it looks like it's more than 12 ton. Now it gives you the idea to question it, right?

So that was my proposal. But you know, you got to remember that we've got limited personnel, we've got limited capacity to do these. And that's why we built the TESS Station because, uh, that way we can control the, the, the loads coming out of the port. Now it only controls it one way, you got to remember that, it controls it only coming out of the port. There is no scale procedure going into the port. So, when you're exporting, recycled materials or maybe, aggregate, that's going to another Island project, those aren't necessarily inspected because they're going the opposite direction.

But, there are other ways to do it. And we were proposing that within the next 25 years, we want to have at least two to three more weight stations along the way on the major routes, basically on the haul routes. So that way they could control 85 to 90% of the traffic, commercial truck traffic, and then going to other places, they could always be rerouted down to the main haul roads to get inspected. So, I think there's, there's safeguards in place and we've had a lot of good discussion, a lot of good ideas. Unfortunately, a lot of it has to do with personnel and, and operational costs, but, uh, you know, we can always dream that direction and hope to go that direction because I think we're all on the same page. We're all together looking at how we can preserve our roadways.

And I think part of it too is like, Lyndon, I was hoping he'd speak of it cause he has a big part in the play on that. And it's maintenance of the asphalt. You resurface it every 10 years, whether recommended. And we haven't been doing that. So, you know, that's part of the program we need to look at. Maybe you Senators can look at it and fund it or request that they come up with a procedure where they analyze it every so many years and then go back and at a request for funding from either the feds or with GovGuam. You know, that's our, we can use our highway funds for that.

Senator Telo Taitague: Well, I greatly appreciate all the work you've put into this, Ed. And I think there's something that you said that's very important before any of this legislation is considered is the personnel and the operational costs in order to move this legislation through. You know, we can't just push it through and then expect, you know, cross our fingers that there's some funding.

I think the most important thing here is safety, safety of our people on the streets. That's first and foremost. And I think if we're going to move forward with this legislation, the rules and regs might be able to address some of the shortfalls or the outdated funding or fines that were in place in 19 forgotten, incorporate that.

But we're talking about if this bill passes and it starts right away, it needs the funding, it needs the funding. And you're right. You mentioned that and you just hope moving forward that anytime we, any of us introduce legislation, that you have the funding to back it up. But I thank you so much for all your work and appreciate the time you spent with me personally, to explain, especially about axles. And I noticed there's a lot of information in this legislation addressing the axles and how the importance of the distribution of weight in the trucks itself.

Eddie Cruz, Guam Contractors Association: That's a big factor in safety, also, Senator, and I appreciate talking to you and I hope that, you know, I have an open door. If any of you want to speak to me I'd be willing to meet with you and absolutely: funding, maintenance, and safety. Safety is the utmost considered factor there. Thank you so much.

Senator Telo Taitague: Thank you so much. Thank you, Madam chair for the opportunity.

Senator Telenia Cruz Nelson, Committee Chairperson: Thank you, Senator Telo, Senator Chris Duenas. Do you have any questions or comments at this time?

Senator Chris Duenas: Just a few comments, Madam Chair. It's been a very productive public hearing. I want to thank you, *Si Yu'os Ma'åse'* for the opportunity for all of us to listen. I think I want to thank Hermie Queja uh, you know, for obviously the economic impact, you know, review for us here. And then of course, Eddie Cruz has given us a real in-depth information with regard to the engineering aspect and as well, like, I want to thank DPW for having their representative ready to answer the question.

So, it seems like a lot of thorough work has been done, Eddie, I don't know if you were involved, but I know in Buildup One, there was a civilian military task force that was put together, so whole roads are not really anything new. Particularly when the Buildup One was proposed. I believe as Director Arriola was discussing the *Hagåtña* bridge and several other improvements that have been done, particularly with regard to Route 1. We're a product of that of that workmanship going forward.

So, just wanted to ask you that question real quick. Cause I think that, you know, to focus and get the emphasis of this bill, I think it's the haul roads and understanding what that means with regard to these weight limits. So, were you a part of that? Other than that, it seems like you've really got this down in terms of the engineering aspect.

Eddie Cruz, Guam Contractors Association: Unfortunately, I wasn't part of that group, but being Guam as small as it is, they consulted with me along the way and they asked me what I thought about it, and I've had many discussions with them and we discussed many of the bridges. Um, as some of you may know my dad used to own one of the major equipment company. We hauled all the big transformers for the, for GPA. I personally hauled the fast tracks all over the Island, including the ones to *Talo'fo'fo*. And so I know about these bridges. I know about hauling the refinery equipment to where we cross that small bridge next to the Island Equipment facility there and we had to shore them.

I shared the one at USO personally, as a young engineer when we first moved some other equipment through there. And when Pacific trucking did some hauling of the power generation to Dededo and Yigo along with the Japanese, we consulted as far as using the trailers as specialized equipment to move those. And so, I took a personal part of shoring, those bridges also, including the ones that were getting ready to reconstruct. The one in, you know, on Route 1 to the military

is going to pay for it. So that there's a lot of history there. And even though I wasn't an active participant, I'm a lousy politician, to be honest with you.

But, I'm part of team Guam. And I want to see projects that benefit us. And I want to protect our roads. I share Senator Brown's concern. You know, we live here, this is our road. We want safe highways, you know, what can we do to do it? You know, property is very finite and very costly. So, we have to come up with compromises. It's not like in the mainland where we can just widen the freeway. You know, for many years we've been asking to have a Middle or the Island, uh, basically a freeway going from one end to the other that can be hardened that can take care of commerce and also take care of express travel from the North to the South.

But unfortunately, you know, real estate prices in the economy, the way it is, we can't afford that. You know, everybody screams when they say, when the senators proposed to increase the, the, the liquid fuel tax or the BPT or something to try to pay for things. But in reality, we've got to come up with a compromise. And actually, this Bill 83-36 is a compromise because we try to address everything, including the fines and the penalties and fees, but it was just too much to pose at one time. And that's why we decided, well, we've got to do something about the whole roads because the construction is ongoing with the military and we need to put some restrictions and some limits and give some flexibility to DPW to say, okay, this route, this load, can't go this way. Or if you want to take this low, you need to give us some money to repair the manholes or whatever it is that it damages. And that's why I am concerned. And I appreciate all of you. Thank you for your questions. And if you have any other questions, please feel free to contact me.

Senator Chris Duenas: Yeah. Eddie. I like to get a hold of you next week and spend some time with you after the session is done. I want to get some more information, but I think with the focus on the whole roads and this compromise, you know, we've got a sound proposal up before us. I look forward to the answer as well, in terms of the clarification from federal highway, then that's just important information for us, but I appreciate the author's both the author's work on this and I look forward to working it through the committee process. Eddie thanks a lot. Hermie thanks. And Madam Chair, *Si Yu'os Ma'åse*.

Senator Mary Camacho Torres, Vice Chair: Okay. Thank you, Senator Duenas. I believe every Senator has had a chance to ask questions of the panel. So, I would like to invite now the main sponsor of the bill if she would like to have closing remarks at this time.

Vice Speaker Tina Muña Barnes, Prime Sponsor: Thank you. Madam Chair, for the opportunity to close. I just want to state for the record as we've been working on this bill for the last term and this term, I think it's important to realize that we come together working with the administration, working with DPW, working with my colleagues, Senator Moylan and others like

you to push this measure forward. Some of the questions that were brought up, I even spoke today in my opening statement about the possibility of the task force in bringing as we look at diversification, even looking at the task force of the, of the transshipment task force to see how we can do to address concerns that have been brought up.

So, this I think is a positive bill moving forward again, it's got the support again of all of the stakeholders that have come to the table, and I'm hoping that we can move this bill forward and maybe even see how we can get it into this May session. Madam Chair, as I know that we're going up into the budget session. But I want to thank all the key players the business stakeholder should literally have taken the time for months to literally try and work all the questions and the inquiries that have come our way to move this bill forward. So thank you. And again, to my co-sponsor Senator James, thank you for not giving up. And I thank you, Madam chair, I truly appreciate this hearing today was long awaited.

Senator Mary Camacho Torres, Committee Vice Chair: Thank you very much, Vice Speaker...

Senator Telo Taitague: If I may, Madam Chair, if I may, we are still getting the information from the federal side too. I just wanted to make sure that is for the record too that we said we would wait to hear from the federal side. Thank you.

Senator Mary Camacho Torres, Committee Vice Chair: Thank you, Senator Taitague, moving along we do have on the next item agenda.

The public hearing was adjourned at 1:38 P.M.


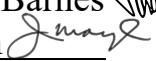
III. FINDINGS & RECOMMENDATIONS

The Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation hereby reports out Bill No. 83-36 (COR "AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES", introduced by Vice Speaker Tina Rose Muña Barnes and Senator James C. Moylan, with the recommendation to do pass).

I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2020 (SECOND) Regular Session

Bill No. 83-36 (COR)

Introduced by:

Tina Rose Muña Barnes 
James C. Moylan 

AN ACT TO *AMEND* §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO *REPEAL* §5103 AND §5105, AND TO *ADD* §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. The Legislature finds that the designation of haul roads in Guam is necessary to transport products from the Port of Guam to warehouses in Harmon and other areas, where products can be unloaded, sorted, stored and transported on delivery trucks that meet the requirements of the bridge formula and more weight restrictive regulations. This legislation does not eliminate the bridge formula, needed to protect island bridges, especially south of the Port of Guam. It classifies specific haul roads in order to efficiently and affordably assist commerce. This legislation also updates and modernizes specific sections of the law concerning size of the trucks on Guam's roads.

Section 2 §5101 of Chapter 5, Title 16, Guam Code Annotated, is hereby amended to read as follows:

“§ 5101. Definitions.

As used in this Chapter, the following definitions will hold true:

1 Axle: The common axis of rotation of one (1) or more wheels, whether
2 in one (1) or more segments and regardless of the number of wheels carried
3 thereon.

4 (b) Axle Group: An assemblage of two (2) or more consecutive axles
5 considered together in determining their combined load effect on a bridge or
6 pavement structure.

7 (c) Axle Load: The total weight transmitted to the road by a single
8 axle.

9 (d) Connecting Mechanism: An arrangement of parts
10 interconnecting two (2) or more consecutive axles to the frame of a vehicle in
11 such a manner as to equalize the load between the axles.

12 ~~(e) Continuous Trip Permit: A special permit issued for oversize or~~
13 ~~overweight loads, valid for multiple days, multiple route's and/or between~~
14 ~~multiple points of destination, for the duration of a specific project, but not~~
15 ~~to exceed Ninety (90) days, unless deemed warranted otherwise by the DPW~~
16 ~~Director.~~

17 (e) Designated Haul Road Highway: Designated haul road highways
18 with a reconstructed lane in each direction with a higher standard design
19 allowing for the movement of heavier vehicles. Shall include the following:

20 Route 1

21 Route 8

22 Route 11

23 Route 16

24 Other highways to be designated by the Director of Public Works as they are
25 reconstructed for heavier use.

1 (f) Gross Combination Weight (GCW): The total weight of the
2 power unit and the total weight of the towed unit and any load thereon.

3 (g) Gross Combination Weight Rating (GCWR): The value
4 specified by the manufacturer as the loaded weight of a combination
5 (articulated) motor vehicle. In the absence of a value specified by the
6 manufacturer, GCWR will be determined by adding the GVWR of the power
7 unit and the total weight of the towed unit and any load thereon.

8 (h) Gross Vehicle Weight (GVW): The total weight of the loaded
9 vehicle. This includes the vehicle itself and the cargo that is loaded within that
10 vehicle.

11 (i) Gross Vehicle Weight Rating (GVWR): The value specified by
12 the manufacturer as the loaded weight of a single motor vehicle.

13 (j) Gross Weight: The weight of a vehicle and/or vehicle
14 combination

15 without load, plus the weight of any load thereon.

16 (k) Height: The total vertical dimension of any vehicle above the
17 ground surface including any load and load holding device thereon.

18 (l) Highway: The entire width between the boundary lines of every
19 publicly maintained surface, when any part thereof is open to the use of the
20 public for purposes of vehicular travel; synonymous and interchangeable in
21 usage with “street.”

22 (m) Length: The total longitudinal dimension of any vehicle or
23 combination of vehicles, including any load or load holding devices thereon.

24 (n) Lift Axle: An axle designed to be raised when not in use and
25 lowered to help reduce the weight imposed on an axle group.

26 (o) Load: A weight or quantity of anything resting upon a support.

1 (p) Motor Vehicle: A vehicle which is self-propelled, ~~or propelled~~
2 ~~by electric power obtained from overhead trolley, vires, but not operating~~
3 ~~upon or propelled by electric power obtained from overhead trolley wires, but~~
4 ~~not operating upon rails.~~

5 (q) Owner: A person, other than a lien holder, having the property in
6 or title to a vehicle, including a person entitled to use and possession of a
7 vehicle subject to a security interest in another person, but excluding a lessee
8 under a lease not intended as security.

9 (r) Portable Scales: A movable weighing device.

10 (s) Primary Road: A primary road is a road with two (2) or more
11 lanes each way, or any road with at least two (2) contiguous miles with a speed
12 limit of thirty-five (35) miles per hour or greater.

13 (t) Scale Tolerance: An allowable variation in the static weight of
14 an axle load in accordance with, but not exceeding, the precision of the scale
15 involved.

16 (u) Secondary Road: A secondary road is any road, paved or
17 unpaved, that does not meet the definition of "primary road" as herein stated.

18 (v) Semi-Trailer: A vehicle designed for carrying persons or
19 property and drawn by a truck-tractor on which parts of its weight and load
20 rests.

21 (x) Single Axle: An assembly of two (2) or more wheels, whose
22 centers are on one (1) transverse vertical plane or may be included between
23 two (2) parallel transverse vertical planes forty (40) inches or less apart
24 extending the full width of the vehicle.

25 (x) Single Axle Weight: The total weight transmitted to the road by
26 a single axle.

1 ~~(x) Single Trip Permit: A special permit issued for oversize or~~
2 ~~overweight loads, valid for a single trip on a specified route between~~
3 ~~predetermined points of origin and destination, and which shall expire within~~
4 ~~twenty four (24) hours.~~

5 (y) Special Permit: A written authorization to move or operate on a
6 highway, a vehicle or vehicles with indivisible load of a size and/or weight
7 exceeding the limits prescribed for vehicles in regular operation. ~~Said permit~~
8 ~~may be for a single trip) or for a continuous trip.~~

9 (z) Static Scales: An immovable measuring scale, similar to a rule,
10 that is attached to the edge of an optical comparator screen.

11 (aa) Tandem Axle: Any two (2) or more consecutive axles whose
12 centers are more than forty (40) inches and not more than ninety-six (96)
13 inches apart, and are individually attached and/or articulated from a common
14 attachment to the vehicle including a connecting mechanism designed to
15 equalize the load between the axles.

16 (bb) Tandem Axle Weight: The total weight transmitted to the road
17 by a tandem axle.

18 (cc) Trailer: A vehicle designed for carrying persons or property and
19 drawn by a motor vehicle which carries no part of the weight and load of the
20 trailer on its own wheels.

21 ~~(dd) Tridem Axle: Any (3) or more consecutive axles whose centers~~
22 ~~are more than forty (80) inches and not more than one hundred forty-four(1~~
23 ~~44) inches apart, and are individually attached and/or articulated from a~~
24 ~~common attachment to the vehicle including a connecting mechanism~~
25 ~~designed to equalize the load between the axles.~~

1 (ee) Tridem Axle Weight: The total weight transmitted to the road by
2 a tridem axle.

3 (ff) Truck: A motor vehicle designed, used or maintained primarily
4 for the transportation of property.

5 (gg) Truck-Tractor: A motor vehicle designed for drawing other
6 vehicles, but not for a load other than a part of the weight of the vehicle and
7 load drawn.

8 (hh) Vehicle: A device in, upon or by which any person or property
9 may be transported or drawn upon a highway.

10 (ii) Vehicle Combination: A truck-tractor and semi-trailer, either
11 with or without a full trailer, or a truck with one (1) or more full trailers.

12 (jj) Weigh-in-Motion Scales: Weighing-in-Motion (WIM) is, as the
13 name implies, the process of weighing a vehicle as it is moving along the
14 highway in an effort to estimate the equivalent static weight of the vehicle.

15 (kk) Wheel Load: The total load transmitted to the road by a wheel.
16 Dual wheels that share an axle mounting are considered a single wheel for
17 load requirements.

18 (ll) Width: The total outside transverse dimension of a vehicle,
19 including any load or load holding devices thereon, but excluding approved
20 safety devices and tire bulge due to load.

21 **Section 3.** §5103 of Chapter 5, Title 16, Guam Code Annotated, is hereby
22 repealed.

23 **Section 4.** §5104 of Chapter 5, Title 16, Guam Code Annotated, is hereby
24 amended to read as follows:

25 **“§ 5104. Height, Length and Width of Vehicles and Loads.**

1 No vehicle.\ including any load and load holding devices thereon, shall
2 exceed a total height of fifteen (15) feet, a width of eight and a half (8.5) feet,
3 or a length of sixty-five (65) feet, for public roads, streets or highways, and a
4 length of eighty-five (85) feet on designated haul road highways. Any vehicle
5 or loads exceeding the dimensions in height, length or width shall obtain a
6 Special Permit from the Director of the Department of Public Works as
7 specified in this Chapter.”

8 **Section 5.** §5105 of Chapter 5, Title 16, Guam Code Annotated, is hereby
9 *repealed.*

10 **Section 6.** §5107 of Chapter 5, Title 16, Guam Code Annotated, is hereby
11 *amended* to read as follows:

12 **“§ 5107. Gross Weight, Axle, and Wheel Loads.**

13 No motor vehicle or combination of vehicles equipped wholly with
14 pneumatic tires, which has a gross weight, an axle load, or a wheel load in
15 excess of the limits set forth in this Section shall be operated or moved upon
16 any public road, street, or highway; and no vehicle or combination of vehicles
17 shall be operated on or moved over any bridge or other highway structure if
18 the gross weight, including vehicle and load, exceeds the posted maximum
19 gross weight limitation for the bridge or other highway structure.

20 (a) The total gross weight, in pounds, imposed on any public road,
21 street, or highway, except designated haul roads- highways, by any axle group
22 on a vehicle or combination of vehicles shall not exceed the following when
23 the distance between the first and last axles of the group under consideration
24 is:

1 (1) forty (40) inches or less; the axle load shall not exceed
2 twenty thousand (20,000) pounds, or the axle manufacturers rating,
3 whichever is less;

4 (2) more than forty (40) inches, but not more than eight (8)
5 feet; the tandem axle weight imposed shall not exceed thirty-six ~~thirty~~
6 ~~four~~ thousand (36,000 ~~34,000~~) pounds ~~and allowable to forty six~~
7 ~~thousand (46,000) pounds or the axle manufacturers rating, whichever~~
8 ~~is less, on Designated Haul Roadways.~~

9 (3) more than eighty-six (86) inches, but not more than one
10 hundred forty-four (144) inches; the tridem axle weight imposed shall
11 not exceed fifty thousand (50,000) and allowable to sixty thousand
12 (60,000) pounds or the axle manufacturers rating, whichever is less, on
13 Designated Haul Roadways.

14 (4) any additional lift axle designed to help distribute weight
15 is limited to twenty thousand (20,000) pounds, or the axle
16 manufacturers rating whichever is less.

17 (b) The total gross weight, in pounds, imposed on any public road,
18 street, or highway, except on designated haul road highways, by any axle
19 group on a vehicle or combination of vehicles shall not exceed that resulting
20 from application of the Bridge Formula:

21 $W = 500 (LN/(N-1) + 12N + 36)$ when the distance between the
22 first and last axles of the axle group under consideration is over eight
23 (8) feet and where

24 W = maximum gross weight in pounds carried on any axle group,
25 L = distance in feet between the outer axles of any axle group, to
26 the nearest foot, and

1 N = number of axles in group under consideration; provided that
2 two (2) consecutive sets of tandem axles may carry a gross load of
3 thirty-six thousand (36,000) pounds each providing the overall distance
4 between the first and last axles of such consecutive sets of tandem axles
5 is thirty-six (36) feet or more; and provided also that the overall gross
6 weight does not exceed eighty thousand (80,000) pounds.

7 (c) The total gross weight, in pounds, imposed on any designated
8 haul road highways, by any axle group on a vehicle or combination of vehicles
9 shall not exceed the following when the distance between the first and last
10 axles of the group under consideration is:

11 (1) forty (40) inches or less; the axle load shall not exceed
12 twenty thousand (20,000) pounds, or the axle manufacturers rating,
13 whichever is less;

14 (2) more than forty (40) inches, but not more than eight (8)
15 feet; the tandem axle weight imposed shall not exceed:

16 (i) thirty-six thousand (36,000) pounds through
17 December 31, 2021 or once constructed to a higher design
18 standard;

19 (ii) forty thousand (40,000) pounds starting January 1,
20 2022 through December 31, 2023; and

21 (iii) forty-eight thousand (48,000) pounds starting
22 January 1, 2024.

23 (3) more than eighty-six (86) inches, but not more than one
24 hundred forty-four (144) inches; the tridem axle weight imposed shall
25 not exceed:

1 (i) forty-six thousand (46,000) pounds through
2 December 31, 2023; and

3 (ii) fifty-two thousand (52,000) pounds starting January
4 1,2024.

5 (4) any additional lift axle designed to help distribute weight
6 is limited to twenty thousand (20,000) pounds, or the axle
7 manufacturers rating, whichever is less.

8 (de) No vehicle or combination of vehicles shall be used or operated on
9 any public road, street, or highway with:

10 (1) a load upon any single.i-eF-tandem or tridem axle.i or
11 combination of axles which exceeds the carrying capacity of the axles
12 specified by the manufacturer; or

13 (2) with a total weight in excess of its designed capacity as
14 indicated by its designed gross vehicle weights or gross combination
15 weights.

16 (e) The single axle weight shall not exceed twenty thousand (20,000)
17 pounds.

18 (f) Maximum Weight shall be eighty thousand (80,000) pounds,
19 Gross Vehicle Weight, for a combination of truck tractor and semi- trailer
20 combinations but allowable to ninety-five thousand (95,000) pounds on
21 designated haul roads.

22 (g) The maximum wheel load imposed upon any public road, street,
23 or highway shall not exceed eight hundred a thousand (800 1,000) pounds per
24 inch of tire tread width or the tire manufacturers rating listed on the tire,
25 whichever is less.

1 (h) The Director of the Department of Public Works (DPW Director)
2 may place and maintain signs to limit the gross weight of a vehicle or
3 combination of vehicles traveling over a bridge or other highway structure in
4 the interest of public safety when it is determined that the theoretical load
5 carrying capacity of the bridge or structure is less than the maximum gross
6 vehicular weight allowed by this Chapter.

7 (i) The DPW Director may issue a Special - Permit for a vehicle that
8 meets the axle group load requirements of the formula in Subsection (a~~b~~) of
9 this Section, but with a gross vehicle weight in excess of the allowable weights
10 stated in this Section ~~eighty thousand (80,000) pounds~~. Such special permit
11 shall may be issued in accordance with § 5114 of this Chapter.

12 **Section 7.** §5109 of Chapter 5, Title 16, Guam Code Annotated, is hereby
13 *amended* to read as follows:

14 **“§ 5109. Authority to Stop, Inspect and Weigh Vehicles;**
15 **Removal of Excess Loads.**

16 (a) For purposes of the enforcement of this Chapter, the Director of
17 Revenue and Taxation (ORT Director) and the DPW Director shall have such
18 powers of enforcement as may be necessary to implement their respective
19 responsibilities under this Chapter.

20 (1) The DRT Director, whose Department is primarily
21 responsible for implementing and enforcing this Chapter as it relates to
22 the registration and safety of vehicles, may delegate enforcement to the
23 Administrator of the Division of Motor Vehicles/Motor Carrier Safety
24 Assistance Program (OMV/MCSAP).

25 (2) The DPW Director, whose Department is primarily
26 responsible for implementing and enforcing this Chapter as it relates to

1 truck gross weight and the safety and maintenance of Guam's public
2 roads, streets and highways, may delegate the enforcement of this
3 Chapter to the Administrator of the Division of Highways.

4 (b) For the purpose of the safety, welfare and health of the general
5 public, and the safe transportation of hazardous materials, waste and other
6 materials on any public road, street or highway, and the enforcement of this
7 Chapter and of all rules adopted pursuant to this Chapter, the responsibilities
8 of each agency shall be as follows:

9 (1) Department of Revenue and Taxation (DRT):

10 (A) inspect business premises, buildings, freight and
11 equipment of commercial motor carriers;

12 (B) stop and inspect freight and equipment of all motor
13 carriers operating on any public road, street or highway,
14 including designated haul road highways, except that any motor
15 carrier with military cargo shall be permitted to proceed, unless
16 safety to the general public dictates otherwise, to the vehicle's
17 destination for appropriate review therein and such action shall
18 not be a violation of this Chapter;

19 (C) inspect shipping papers and hazardous waste
20 manifests of all motor carriers and persons subject to this Chapter
21 operating on any public road, street or highway, including
22 designated haul road highways;

23 (D) during the course of an inspection, weigh any
24 vehicle and/or combination of vehicles equipped wholly with
25 pneumatic tires to ensure compliance with the provisions of §
26 5107 of this Chapter;

1 (E) whenever a police officer or DMV/MCSAP
2 inspector, upon inspection of a vehicle and/or load, determines
3 the existence of a violation, a citation may be issued. The vehicle
4 may be allowed to proceed directly to its own shop or facility for
5 correction. When a vehicle is found to be unsafe to the driver or
6 the public, the police officer or DMV/MCSAP inspector has the
7 authority to direct the discontinuance of the vehicle passage and
8 require corrective action on the spot as appropriate, and such
9 vehicle shall not be allowed back into normal operations until
10 corrections are made;

11 (F) every peace ~~police~~ officer, or DMV/MCSAP
12 inspector may ~~shall~~ assist in the enforcement of this Chapter and
13 of all rules adopted pursuant to this Chapter and may issue
14 citations for violations as appropriate; and

15 (G) fines collected from citations issued by
16 DMV/MCSAP inspectors for violations of this Subsection shall
17 be deposited in the Better Public Service Fund and expended in
18 accordance with §16101 of Chapter 161, Title 11, Guam Code
19 Annotated.

20 (2) Department of Public Works (DPW):

21 (A) operate the Truck Enforcement Screening Station
22 (TESS) Facility located on Route 11 to weigh vehicles and/or
23 combinations of vehicles operating on Guam's roads, streets, or
24 highways;

25 (B) every peace ~~police~~ officer or DPW inspector having
26 reason to believe that the weight or dimension of a vehicle

1 operating on a public road, street or highway, including
2 designated haul road highways, either with or without load, is in
3 violation of the provisions of this Chapter, shall be authorized to
4 require the driver to stop and submit to an inspection of same by
5 means of portable scales, static scales, or weigh-in-motion
6 scales, or as otherwise appropriate, except that any motor carrier
7 with military cargo shall be permitted to proceed, unless safety
8 to the general public dictates otherwise, to the vehicle's
9 destination for appropriate review therein and such action shall
10 not be a violation of this Chapter. Violations for any dimensions
11 or GVW in excess of permissible limits, as established by the
12 provisions of this Chapter, shall be subject to the penalties ~~cited~~
13 ~~in~~ provided in OPW Rules and Regulations pursuant to § 5112(a)
14 of this Chapter;

15 (C) whenever a peace ~~police~~ officer or OPW inspector,
16 upon weighing a vehicle and load, as provided above, determines
17 that the GVW exceeds allowable limits. such peace ~~police~~ officer
18 or OPW inspector may require the driver to stop the vehicle in a
19 suitable area where corrective action can be determined by the
20 peace police officer or DPW inspector. Corrective action may
21 include removal of the non-conforming portion of the load and
22 distribution to another vehicle, or allowance of the vehicle to
23 proceed to another location for unloading. Nothing herein is
24 intended to waive any applicable fines;

25 (D) any OMV/MCSAP trained and certified peace
26 ~~every police~~ officer or OPW inspector may assist in the

1 enforcement of this Chapter and of all rules adopted pursuant to
2 this Chapter and issue citations for violations as appropriate;

3 (E) fines collected from citations issued by OPW
4 inspectors for violations of this Subsection shall be deposited in
5 the TESS Facility Fund, and shall be expended in accordance
6 with §5118 of this Chapter.

7 (c) Any driver of a vehicle who fails or refuses to stop and submit
8 the vehicle, either with or without load, to an inspection and/or weighing, or
9 who fails or refuses when directed by a police peace officer, OMV inspector,
10 or OPW inspector upon inspection and/or weighing of the vehicle to
11 discontinue the operation of the vehicle and otherwise comply with the
12 provisions of this Section shall be guilty of a civil violation, and subject to
13 fines and penalties as provided in DPW Rules and Regulations. ~~Each violation~~
14 ~~for failure or refusal to stop and submit the vehicle to an inspection and/or~~
15 ~~take subsequent corrective actions shall be subject to the following:~~

16 ~~(1) a first violation shall be subject to a penalty of One~~
17 ~~Hundred Dollars (\$100.00);~~

18 ~~(2) a second violation of the provisions of this Subsection~~
19 ~~within a six month period from the date of the first violation shall be~~
20 ~~subject to a penalty of Two Hundred Dollars (\$200.00);~~

21 ~~(3) a third Violation of the provisions of this Subsection~~
22 ~~within a six. (6) month period from the date of a second violation shall~~
23 ~~be subject to a penalty of Five Hundred Dollars (\$500.00);~~

24 ~~(4) a fourth violation of the provisions of this Subsection~~
25 ~~within a six (6) month period from the date of the third violation shall~~

1 ~~be subject to a penalty of one Thousand Dollars (\$1,000.00) and the~~
2 ~~operator shall be subject to revocation of their driver's license.~~

3 **Section 8.** §5112 of Chapter 5, Title 16, Guam Code Annotated, is hereby
4 *amended* to read as follows:

5 **“§ 5112. Penalties.**

6 (a) Every person, entity or organization convicted of a violation of
7 any of the provisions of this Chapter for which another penalty is not provided
8 shall be guilty of a civil violation and subject to a fine as provided in DPW
9 Rules and Regulations. ~~a penalty of up to Five Hundred Dollars (\$500.00).~~
10 ~~Every person, entity or organization found to be in violation of the weight~~
11 ~~limitations established in this Chapter shall be subject to the following:~~

12 ~~(1) for a first violation, such person, entity or organization~~
13 ~~shall be guilty of a civil violation and punished by a fine of up to Five~~
14 ~~Hundred Dollars (\$500.00) and Twenty-five Cents (\$0.25)/pound over~~
15 ~~the maximum allowable load authorized in § 5107;~~

16 ~~(2) for a second violation within a six (6) month period from the~~
17 ~~date of the first violation, such person, entity or organization shall be~~
18 ~~guilty of a civil violation and punished by a fine of up to Seven Hundred~~
19 ~~Fifty Dollars (\$750.00) and Fifty Cents (\$0.50)/pound over the~~
20 ~~maximum allowable load authorized in § 5107; and~~

21 ~~(3-b)~~ should a person, entity or organization be found guilty of a third violation
22 of the weight limitations established by this Chapter within six (6) months
23 after a second violation, such person, entity or organization shall be guilty of
24 a civil violation and subject to fine as provided in the DPW Rules and
25 Regulations ~~of not less than One Thousand Dollars (\$1,000.00) and Seventy-~~
26 ~~five Cents (\$0.75)/pound over the maximum allowable load authorized in §~~

1 ~~5107;~~ and the responsible party, as defined in Subsection (d) of this Section,
2 may have their Guam business license revoked in accordance with the
3 following:

4 (~~A~~ 1) The Director of the Department of Public Works (DPW
5 Director) shall notify the responsible party (respondent), in writing, of
6 the finding of a third violation of this Section.

7 (~~B~~ 2) The respondent may request, in writing, an administrative
8 hearing to dispute the findings of the Director. Said request for a
9 hearing must be delivered, in writing, to the Office of the DPW Director
10 within fifteen (15) calendar days from the date of receipt of the DPW
11 Director's findings.

12 (~~C~~ 3) Notwithstanding §9220 of Chapter 9 of Title 5, Guam
13 Code Annotated, the hearing shall be conducted by the DPW Director
14 who shall be the hearing officer. The Office of the Attorney General or
15 a Special Assistant Attorney General, appointed by the Attorney
16 General, shall assist in providing advice to the DPW Director when
17 matters of law arise. The hearing process shall be subject to the
18 procedures of Chapter 9 of Title 5, Guam Code Annotated, with the
19 exception noted above, to § 9220 of the same. The findings of the
20 Director, upon the delivery to the respondent, shall fulfill the
21 requirements of §9201 of Chapter 9 of Title 5, Guam Code Annotated.

22 (~~D~~ 4) In the event that the DPW Director affirms the finding of
23 a third violation is valid, or if no hearing is requested in writing within
24 fifteen (15) calendar days from the date of receipt of the findings by
25 the respondent, the DPW Director may request, in writing, that the
26 appropriate licensing entity revoke the respondent's license to do

1 business on Guam immediately, for a period of up to three (3) years, as
2 determined by the Director. Upon receipt of the DPW Director's written
3 recommendation, the appropriate licensing entity may suspend such
4 license to do business on Guam in accordance with the recommendation
5 of the DPW Director. The hearing required of this Subsection shall
6 fulfill the requirements to suspend a business license found in Chapter
7 9 of Title 5 GCA.

8 (4 c) Any person found to be in violation of the dimensional
9 limitations established by this Chapter shall be guilty of a civil violation and
10 subject to fines and penalties as provided in DPW Rules and Regulations. ~~the~~
11 following:

12 ~~If the excess dimension (length or width) is as follows, the fine shall~~
13 ~~be~~

14 Up to 5 feet	\$ 50.00
15 Over 5 feet and up to 10 feet	\$100.00
16 Over 10 feet and up to 15 feet	\$150.00
17 Over 15 feet	\$200.00,
18 plus \$10.00 for each additional foot.	

19 ~~(5) Any person who commits any of the acts prohibited by this~~
20 ~~Section or any rules adopted to enforce this Chapter where no penalty is~~
21 ~~provided for shall be guilty of a civil violation and shall be fined not less than~~
22 ~~Five Hundred Dollars (\$500.00), as determined by the DPW Director~~

23 (c) Promulgation of Rules. DPW shall promulgate rules and
24 regulations authorized by this Section, or which it may deem necessary or
25 appropriate to give effect to this Section, pursuant to the Administrative
26 Adjudication Law.

1 (d) All fines levied by a DMV/MCSAP inspector in accordance with
2 the applicable provisions of this Chapter shall be deposited in the Better Public
3 Service Fund of the Department of Revenue and Taxation, to be used by the
4 Division of Motor Vehicles in accordance with § 16101 of Chapter 16, Title
5 11, Guam Code Annotated.

6 (e) All fines levied by a DPW/TESS inspector and any permits and
7 administrative fees collected by the Department of Public Works in
8 accordance with this Chapter shall be deposited in the TESS Facility Fund and
9 shall be expended in accordance with § 5118 of this Chapter.

10 (f) Responsible Party.

11 (1) Import Shipping Containers Under Seal. Any importer or
12 consignee, whether an individual or an entity, organization, or
13 company, whose shipping container placed under seal has been
14 determined to be in violation of § 5107 of this Chapter shall be
15 responsible for any fine, penalty, handling, additional transportation or
16 other associated cost (including storage).

17 (2) Export Shipping Containers Under Seal. Any exporter,
18 whether an individual or an entity, organization, or company, whose
19 shipping container placed under seal has been determined to be in
20 violation of § 5107 of this Chapter shall be responsible for any fine,
21 penalty, handling, additional transportation or other associated cost
22 (including storage).

23 (3) Local Containers Under Seal. Any individual and any
24 organization, entity, or company loading a shipping container under
25 seal not designated for export that has been determined to be in
26 violation of § 5107 of this Chapter shall be responsible for any fine,

1 penalty, handling, additional transportation or other associated cost
2 (including storage). (4) All Other Local Transport Not Under Seal. Any
3 individual or any cargo transporting entity, organization, or company
4 determined to be in violation of § 5107 of this Chapter shall be
5 responsible for any fine, penalty, handling, additional transportation or
6 other associated cost (including storage) prescribed in this Section.

7 (eg) The fine schedules of the Superior Court of Guam and the
8 Commercial Vehicle Safety Alliance (CVSA) for violations cited during
9 roadside inspections, and the method for penalty assessment outlined in the
10 Federal Uniform Fine Assessment (UFA) Program, specifically for violations
11 identified as a result of a Compliance Review, are hereby adopted pursuant to
12 fines and fees as applicable to Guam.

13 (h) For the purposes of this Section, person means the driver of the
14 vehicle, unless the driver is an employee and is operating the vehicle in the
15 scope and course of employment, in which case person means the employer
16 of the driver. In the case of the transportation of a sealed container or
17 transportation by flatrack, person means:

- 18 (1) the individual or company the cargo is consigned to; or
19 (2) the individual or company located on Guam shipping the cargo.

20 The owner of the vehicle or combination of vehicles may request the
21 operator be held harmless and the citation be transferred to that owner of the
22 vehicle or combination of vehicles. The consignee or the shipper shall not be
23 cited if the power units' (tractors') drive axle group is overweight, and the
24 weight is not more than that allowed for a tandem axle with any applicable
25 tolerances.

1 (i) All permit and administrative fees, fines and reimbursements
2 generated under this Chapter (applicable to the Department of Public Works)
3 shall be deposited in the Tess Facility Fund, and shall not lapse at the end of
4 the fiscal year, but shall roll over into the next fiscal year or until expended in
5 accordance with § 5118 of this Chapter.

6 **Section 9.** §5114 of Chapter 5, Title 16, Guam Code Annotated, is hereby
7 amended to read as follows:

8 **“§ 5114. Permits for Excess Size and Weight.**

9 (a) A surety bond in a minimum amount of Five Hundred Dollars
10 (\$500.00), or proper evidence of adequate insurance, must be filed with the
11 Director of Public Works before a permit will be issued for transporting over
12 width, over-length or over-weight loads on the highway, except when the
13 applicant is a territorial or federal government agency.

14 (b) The Director of Public Works, or his authorized representative,
15 may in his discretion, upon application in writing and good cause being shown
16 therefore, issue a special permit in writing authorizing the applicant to operate
17 or move a vehicle or combination of vehicles of a size or weight exceeding
18 the maximum specified in this Chapter, or otherwise not in conformity with
19 the provisions of this Chapter, upon the highways of Guam. A permit issued
20 under this Section shall not authorize the operation or moving of any vehicle
21 or combination of vehicles without the compliance with Chapter 7 of this
22 Title.

23 (c) The application for any such permit shall specifically describe
24 the vehicle or combination of vehicles and load to be operated or moved, and
25 the particular highways for which the permit to operate is requested, and
26 ~~whether such permit is requested for a single trip, or for continuous operation~~

1 ~~for a designated period of time the period for which such permit is requested.~~
2 ~~Such application shall be requested by the vehicle registered owner or duly~~
3 ~~authorized representative.~~

4 (d) The Director of Public Works, or his authorized representative,
5 is authorized to issue or withhold such permit at his discretion, or, if such a
6 permit is issued, to limit the number of trips or to establish time limitations
7 within which the vehicles described may be operated, or to prescribe the
8 conditions of the operations of such vehicle or vehicles when necessary to
9 assure against undue damage to the highway foundations, surfaces or
10 structures, and may require such undertaking or other security as may be
11 deemed necessary to compensate for any injury to any such highway
12 foundations, surfaces or structure. Each permit shall be valid only for a
13 designated number of consecutive calendar days as specified in the permit,
14 but in no event shall a permit be granted for a period longer than ten (10)
15 days.

16 (e) At the discretion of the Director of Public Works or his
17 authorized representative, blanket permits will may be issued for over-sized
18 vehicles already registered with the Department of Revenue and Taxation
19 ~~presently on island~~, and said over-sized vehicles may be subject to time-of
20 operations restrictions.

21 (f) Every such permit shall be carried in the vehicle or combination
22 of vehicles to which it refers and shall be open to inspection by any police
23 officer. It shall be unlawful for any person to violate any of the terms or
24 conditions of such permits.

25 (g) All permitted vehicle or combination of vehicles to which it
26 refers must display two (2) warning signs in addition to the permit number.

1 Each warning sign shall consist of black letters at least twelve inches (12")
2 high and not less than one and a half inches (1½") wide on a yellow
3 background. The sign shall state "OVERSIZED LOAD" or "WIDE LOAD,"
4 as provided in the permit, and include the permit number. One sign will either
5 be bumper-mounted or roof-mounted. If one of the signs is roof-mounted, then
6 the other sign must be at the rear of the towed unit or at the rear of the load.
7 The permit number shall consist of black letters at least ten inches (10") high
8 and not less than one and a half inches (1½") wide. Clearance lights are also
9 required during night time travel. Voids (holes) may be cut in the warning
10 signs, as the signs must not cover any vehicle light or reflector.

11 ~~(h) A fee shall be charged for each permit issued by the DPW~~
12 ~~Director as follows:-~~

13 ~~(1) Single trip permit for oversize and overweight loads: Fifty~~
14 ~~Dollars (\$50.00).-~~

15 ~~(2) Continuous trip permit for oversize and overweight loads:~~
16 ~~One Hundred Dollars (\$100.00).-~~

17 ~~All permits may include date, time and route restrictions as determined~~
18 ~~by the DPW Director. Such fees shall be deposited in the TESS Facility Fund~~
19 ~~of the Department of Public Works, and shall be expended in accordance with~~
20 ~~§ 5118 of this Chapter.~~

21 (h) Promulgation of Rules. DPW shall promulgate rules and
22 regulations authorized by this Section, or which it may deem necessary or
23 appropriate to give effect to this Section, pursuant to the Administrative
24 Adjudication Law.

25 (i) Any vehicle issued with a permanent special equipment license
26 or requiring a special permit, as required under this Chapter, shall be

1 prohibited from operating on the highways during the hours of 7:00 to 9:00
2 a.m., 12:00 to 1:00 p.m., and 4:00 to 6:00 p.m., Mondays through Fridays,
3 except in cases of emergencies or at the direction of the Director of Public
4 Works.

5 **Section 10.** §5118 of Chapter 5, Title 16, Guam Code Annotated, is hereby
6 *amended* to read as follows:

7 **“§ 5118. Truck Enforcement Screening Station (TESS) Facility**
8 **Fund.**

9 Notwithstanding any law to the contrary, a revolving fund, designated
10 as the TESS Facility Fund (Fund), shall be established separate and apart from
11 other funds of the government of Guam, and separate records shall be kept
12 therefore. The Director of Public Works shall administer the Fund and shall
13 issue vouchers properly certifying the use of the Fund’s monies. The DPW
14 Director is authorized to use revenues in the Fund and any interest derived
15 therefrom to supplement any activity undertaken pursuant to Article 1,
16 Chapter 54 of Title 5, Guam Code Annotated, for the operation and
17 maintenance of the TESS Facility, or to establish, operate and maintain similar
18 compliance facilities or programs. All monies in the Fund are hereby
19 appropriated and are not subject to I *Maga'haga*’s transfer authority.”

20 **Section 11.** §5119 is hereby added to Chapter 5 of Title 16, Guam Code
21 Annotated, to read as follows:

22 **“§ 5119. Exemptions.**

23 (a) Tow Trucks: A wrecker may tow any disabled truck or other
24 motor vehicle or combination of vehicles to a place for repairs, parking, or
25 storage from the point that the vehicle was disabled without being in violation

1 of Guam weight limits, however all axles on the tow vehicle shall have an
2 operational braking system.

3 (b) Non-Commerce Vehicle: Well drilling rigs, Concrete Pumps,
4 Cranes, Boom Trucks and Bucket Trucks and other Heavy Equipment that do
5 not carry cargo may be-registered and licensed as a Special Equipment (SE
6 plate) vehicle. If such vehicles do not meet the Height, Width and Weight
7 restrictions, they may travel on the highways with a Special Permit issued
8 under this Chapter.

9 (c) Fire Trucks, Ambulances and Other Emergency Vehicles: Fire
10 trucks, ambulances and other emergency vehicles, utilized by Government of
11 Guam agencies, are exempt from Guam laws governing size, weight, and
12 load.”

13 **Section 12.** §5120 is hereby added to Chapter 5 of Title 16, Guam Code
14 Annotated, to read as follows:

15 **“§ 5120. Rules and Regulations.** The Department of Public Works
16 shall promulgate rules and regulations as may be necessary to carry out the
17 purposes of this Act within ninety (90) days after the enactment of this act.
18 Such rules and regulations shall be adopted in conformance with the
19 Administrative Adjudication Act.”

20 **Section 13. Severability.** If any provision of this Act or its application to any
21 person or circumstance is found to be invalid or contrary to law, such invalidity shall
22 not affect other provisions or applications of this Act that can be given effect without
23 the invalid provision or application, and to this end the provisions of this Act are
24 severable.

25 **Section 14. Effective Date.** This Act shall become effective upon enactment.



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÅTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

April 12, 2021

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Vice Speaker Tina Rose Muña Barnes
Chairperson, Committee on Rules

Re: Fiscal Notes for Bill Nos. 83-36 (COR) and 103-36 (COR)

Buenas yan Håfa adai,

Attached, please find the fiscal notes for the following bills:

Bill No. 83-36 (COR)
Bill No. 103-36 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 83-36 (COR)

AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, AND ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.

Department/Agency Appropriation Information			
Dept./Agency Affected: Department of Public Works (DPW)		Dept./Agency Head: Vincent P. Arriola, Director	
Department's General Fund (GF) appropriation(s) to date: N/A			-
Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund (\$11,054,309); Territorial Educational Facilities Fund (\$7,254,262)			<u>18,308,571</u>
			<u>\$18,308,571</u>
Dept./Agency Affected: Department of Revenue and Taxation (DRT)		Dept./Agency Head: Daphne T. Mansapit Shimizu, Director	
Department's General Fund (GF) appropriation(s) to date:			8,945,336
Department's Other Fund (Specify) appropriation(s) to date: Banking and Insurance Enforcement Fund (\$479,765); Better Public Service Fund (\$1,410,919); Tax Collection Enhancement Fund (\$919,948)			<u>2,810,632</u>
			<u>\$11,755,968</u>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2020 Unreserved Fund Balance		\$0	\$0
FY 2021 Adopted Revenues	\$0	\$0	\$0
FY 2021 Appro. (P.L. 35-99 thru _____)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Better Public Service Fund	1/	1/	1/	1/	1/	1/
TESS Facility Fund	1/	1/	1/	1/	1/	1/
Total	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>

- Does the bill contain "revenue generating" provisions? / / Yes / X / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / X / N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ / X / N/A
- Does the Bill establish a new program/agency? / / Yes / X / No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / X / No
Is there a federal mandate to establish the program/agency? / / Yes / X / No
- Will the enactment of this Bill require new physical facilities? / / Yes / X / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes / / No
/ X / Requested agency comments not received by due date / / Other:

Analyst: William P. Altino Date: 4/9/21 Director: Lester L. Carlson, Jr. Date: APR 12 2021

Footnotes:

1/ See attached comments on Bill 83-36 (COR).

COMMENTS ON BILL NO. 83-36 (COR)

Bill No. 83-36 (COR) is an act to amend §5101, §5104, §5107, §5109, §5112, §5114, §5118 and §5120 to repeal §5103 and §5105, and all to Chapter 5 of Title 16, Guam Code Annotated, relative to the size, weight, and load limitations, and restrictions of certain vehicles. The Bureau notes that a correction to the Bill's preamble is required as it incorrectly refers to amend §5120 instead of to add §5120.

The Bill 83-36 is similar to the previously introduced Bill No. 71-35 (LS) in the 35th *I Liheslaturan Guåhan*. The intent of Bill No 83-36 (COR) is to increase the allowed size, weight and load of certain vehicles on Guam roads in attempt to ultimately reduce the cost of goods. It will classify specific haul roads in order to efficiently and affordably assist commerce as well as updates and modernizes specific sections of the law concerning size of the trucks on Guam's roads. Bill 83-36 differs from that of Bill 71-35 as it does not eliminate the Federal Bridge Formula within the current law and it changes the maximum vehicle weight for a combination of truck-tractor and semi-trailer combinations of 80,000 pounds, to be allowable up to 95,000 pounds on designated haul routes. Bill 71-35 had proposed to double the current permissible total gross weight capacity to be allowable up to 160,000 pounds.

The current statute enforces weight limits and safe operations of commercial vehicles on Guam's highways and establishes penalties for violations as well as permit requirements. The penalties start at \$100.00 for non-compliant vehicles. Those who continue to violate the weight regulations could potentially get their licenses revoked. The Departments of Public Works (DPW) and Revenue and Taxation (DRT) are the enforcement authorities to inspect vehicles and cite them for violations if they are overweight or carrying loads that exceed the length limits without special permits. The enforcement of these penalties to non-compliant commercial vehicles is to protect Guam's roads from the wear and tear caused by commercial vehicles that exceed weight limits.

The Bureau had sought input on the financial impact of the proposed Bill 83-36 from both DPW and DRT and have not received any official comments from either department as of the date of this fiscal note.

However, the Bureau does anticipate that should Bill 83-36 be enacted, there will be potential decreases in the revenue collections to the Better Public Service (BPS) Fund in terms of fines collected from citations issued by the Department of Revenue Taxation (DRT) Division of Motor Vehicle Motor Carrier Assistance Program (DMV/MCAP), and to the Truck Enforcement Screening Station (TESS) Facility Fund in terms of fines collected from citations and permits granted by the Department of Public Works Division of Highway.

The 3 year average (FY2018, FY2019, FY2020) revenue collections of the BPS Fund relative to fees and fines total \$15,696 per year based on data extracted from the Bureau's Special Revenue Fund Tracking Reports, and for the TESS Facility Fund relative to fines and permits is \$86,980 per year based on the total annual revenue collected for the Fund according to the government of Guam's AS400 financial management information system.

A more detailed data relative to the decrease of revenue collections cannot be specifically quantified at this time, although, the decrease in these two noted Special Funds could potentially impact the future operation of the DRT Division of Motor Vehicles, and the future operation and maintenance of the DPW TESS Facility.

The primary concern and major impact of the proposed legislation is to Guam's roads, bridges and highways and whether the government of Guam have the ability to pay for the repairs and maintenance of the road infrastructure that may result with the passage of the proposed changes of the current law.




OFFICE OF VICE SPEAKER TELENA CRUZ NELSON

COMMITTEE ON EDUCATION, SELF-DETERMINATION AND HISTORIC PRESERVATION
INFRASTRUCTURE, BORDER SAFETY, FEDERAL AND FOREIGN AFFAIRS, AND
MARITIME TRANSPORTATION

COMMITTEE VOTE SHEET

Bill. No. 83-36 (COR) - Vice Speaker Tina Rose Muña and Senator James C. Moylan

“AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Telen Cruz Nelson Chairperson 6/19/21		✓				
Senator Amanda Shelton Vice Chairperson	e-vote 5/20/21			✓		
Senator Therese Terlaje Member						
Senator Sabina Perez Member	e-vote 6/22/21			✓		
Senator Clynton Ridgell Member	e-vote 5/20/21			✓		
Senator Telo Taitague Member						
Senator Mary Torres Member	e-vote 7/6/21			✓		



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Request for E-Vote: Bill No. 83-36 (COR).

Office of Senator Amanda L. Shelton <officeofsenatorshelton@guamlegislature.org>

Thu, May 20, 2021 at 10:57 AM

To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To report out only.

Respectfully,



Senator Amanda L. Shelton

Legislative Secretary

*Chairwoman, Committee on Air Transportation, Parks,
Tourism, Higher Education, and the Advancement of
Women, Youth, and Senior Citizens*

Office of the People • Senator Amanda L. Shelton

36th Guam Legislature

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Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Request for E-Vote: Bill No. 83-36 (COR).

Clynt Ridgell <clyntridgell@guamlegislature.org>

Thu, May 20, 2021 at 2:49 PM

To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To report out only

[Quoted text hidden]



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Request for E-Vote: Bill No. 83-36 (COR).

Sabina Perez <sabina@senatorperez.org>

Tue, Jun 22, 2021 at 10:33 PM

To: Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To report out only

On Thu, May 20, 2021 at 12:52 PM Office of Senator Sabina Perez <office@senatorperez.org> wrote:

[Quoted text hidden]

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Office of Senator Sabina Flores Perez

Committee on the Environment, Revenue & Taxation, Labor, Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

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--



Senator Sabina Perez

Office of Senator Sabina Perez

36th Guam Legislature • *I Mina'trentai Sais na Liheslaturan Guåhan*

Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics,
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Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Request for E-Vote: Bill No. 83-36 (COR).

Senator Mary C. Torres <senatormary@guamlegislature.org>

Tue, Jul 6, 2021 at 4:07 PM

To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To report out only.

--

Office of Senator Mary Camacho Torres

Suite 807, DNA Building

[238 Archbishop Flores St.](#)

[Hagatna, Guam 96910](#)

T: 475-6279 E:senatormary@guamlegislature.org

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