


I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 28-31 (cor)

Introduced by:

V. A. Ada 

2011 JAN 12 PM 2:57



AN ACT TO REPEAL AND REENACT SECTION 53101, AMEND SECTIONS 53103 AND 53104 AND TO ADD A NEW SECTION 53109 TO CHAPTER 53 OF TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PERMITTED UTILITY ENCROACHMENTS.

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

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3 **Section 1.** Section 53101 of Chapter 53 of Title 5 of the Guam Code Annotated is
4 hereby *repealed* and *reenacted* to read as follows:

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6 **“53101. Definitions.**

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8 As used in this Chapter

9 (a) *Department* means the Department of Public Works.

10 (b) *Director* means the Director of Public Works.

11 (c) *Encroachment* means any tower, pole, poleline, pipe, pipeline, fence,
12 billboard, stand or building, or any not structure or infrastructure particularly
13 mentioned, except for infrastructure belonging to a utility.

14 (d) *Highway* means all or any part of the entire width of a right of way, whether or
15 not such entire area is actually used for highway purposes.

1 (e) *Utility* means the Guam Power Authority, the Guam Waterworks Authority or
2 their legal successors, public or legally licensed purveyors of telephone, television,
3 internet or telecommunications services.
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6 **Section 2.** Section 53103 of Chapter 53 of Title 5 of the Guam Code Annotated is
7 hereby *amended* to read as follows:
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9 **§ 53103. Permit Terms.**

10 Any permit issued under the provisions of this Chapter may provide that the permittee
11 will pay the entire expense of replacing the highway in as good condition as before
12 for repairs made to existing infrastructure, and may provide such other conditions as
13 to the location and the manner in which the work is to be done as the Department
14 finds reasonably necessary for the protection of the highways. All permits shall
15 provide that they are revocable, for cause, upon ~~five~~ thirty (30) days' written notice
16 by the Department. Cause for revocation is any asset of any permittee that is
17 adversely affecting the use, repair, improvement or access to the highway or as
18 specified in §53107 (b)(c)(d) of this Chapter. The expenses to the permittee "of
19 replacing the highway in as good condition as before," supra, shall be waived to the
20 extent that there are local government and/or federal funds available or accessible for
21 such purposes.
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23 **Section 3.** Section 53104 of Chapter 53 of Title 5 of the Guam Code Annotated is
24 hereby *amended* to read as follows:
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26 **§53104. Cost of Work Supervision.**

27 The Department may, but is not required to, supervise any work done under any
28 permit issued under the provisions of this Chapter, in which event, the permittee shall

1 pay the reasonable cost of such supervision to the Department except to the extent
2 that there are local government and/or federal funds available or accessible for such
3 purposes.

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5 **Section 4.** A new §53109 is hereby *added* to Chapter 53 of Title 5 of the Guam Code
6 Annotated to read as follows:

7 **§53109. Relocation of Utilities, Telecommunications and Cable Infrastructure**
8 **for Federally Funded Highway/Road Projects.** Notwithstanding any other
9 provision of law the cost to *relocate* any permitted assets or infrastructure of any
10 utility defined in this Chapter shall be paid for by local or federal funds except to the
11 extent the utility is making the request to move their infrastructure, in which case the
12 utility shall bear the cost of relocation unless federal or local funding is available for
13 such purposes. All costs to relocate all non-utility private infrastructure shall be paid
14 by the owner of such infrastructure.

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