

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

June 1, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96932

Dear Madam Speaker,

Transmitted herewith is Bill No. 23-31 (COR), entitled: "AN ACT TO REQUIRE A PROJECT PLAN OF ACTION FOR THE RECONSTRUCTION OF THE BILE AND PIGUA BAY BRIDGES IN MALESSO", which I signed into law on May 24, 2011 as **Public Law 31-55**.

I signed this bill into law because I recognize that the people of Guam, especially those living in our southern villages, are greatly affected by the ongoing construction on the Bile Bay and Pigua Bay bridges. Accordingly, although people appreciate the value of knowing their bridges are safe to traverse, the same people also wish to be assured that this construction will not take longer than necessary.

Fortunately, the Director of Public Works has been doing an excellent job of directing the renovation of the Bile Bay and Pigua Bay bridges, while equally advancing these projects at the quickest possible pace. Notwithstanding, *I Liheslaturan Guåhan* should understand that the Federal Highway Administration provides the funding for the Bile Bay and Pigua Bay bridge projects, and Department of Public Works (DPW) is required to meet strict standards for federal compliance. Otherwise, DPW would either have to resort to local funding for these projects or not address them at all. The federal compliance standards may occasionally strain one's patience; however, they are designed to protect the safety of our motoring public and the structural integrity of these bridges over their extended lives.

It is important to note that all road projects must follow a prescribed process intended to ensure that the efforts by the applicable designers and contractors culminates into a project that is safe, economical, professionally managed, and properly executed in accordance with all federal and local regulations and requirements. This includes seeing to it that private property rights are protected when acquiring rights-of-way, which incidentally was the primary reason for any prior delay of these bridge replacement projects in the first place.

As to these bridge projects or for any road project, for that matter, DPW has always been exceedingly forthcoming in providing regular updates and very responsive to concerns raised by either *I Liheslaturan Guåhan* or the general public. This includes updates on any changes to

deadlines as well as ongoing efforts to resolve any delays, which obviates the need for the language contained in Section 4 of the present legislation.

The refurbishment, resurfacing and replacement of many of our roads, intersections and bridges is quite an undertaking and does indeed create a number of inconveniences to our motoring public during construction. However, DPW is working extremely hard to improve the quality and safety of our island roads, and the rebuilding of the Bile Bay and Pigua Bay bridges is no different. These projects require careful planning, the highest degree of professional execution and diligent oversight, which the current Director of Public Works is certainly providing.

This is especially why legislation such as this can be troubling. In a well-intended attempt to ensure oversight to promote convenience for the motoring public, this legislation bespeaks of micromanagement and encroaches prominently into an area seemingly reserved for the exclusive purview of the Executive Branch. While the question remains whether this type of legislation raises concerns for the separation of powers doctrine, the more salient point is that DPW has been highly diligent and attentive to ensuring the Bile Bay and Pigua Bay bridge projects are proceeding as quickly as safety concerns, quality assurances, and Federal regulations will allow.

Senseramente,



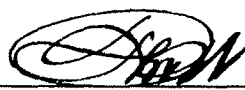
EDDIE BAZA CALVO

Attachment: copy of Bill

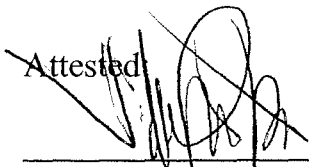
I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 23-31 (COR), "AN ACT TO REQUIRE A PROJECT PLAN OF ACTION FOR THE RECONSTRUCTION OF THE BILE AND PIGUA BAY BRIDGES IN MALESSO"**, was on the 10th day of May, 2011, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested: 

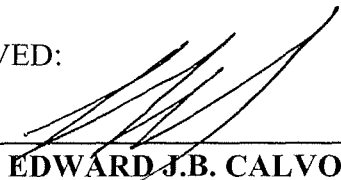
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2011, at
10:30 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: MAY 24 2011

Public Law No. 31-55

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

Bill No. 23-31 (COR)

As substituted by the Committee on Public Works, Transportation,
Utilities and Veterans Affairs, and amended on the Floor.

Introduced by:

M. Silva Taijeron
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO REQUIRE A PROJECT PLAN OF ACTION
FOR THE RECONSTRUCTION OF THE BILE AND
PIGUA BAY BRIDGES IN MALESSO.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that transportation to and from southern villages has been impeded by two (2)
4 bridge projects. In *Malessso*, the two (2) temporary bridges in Bile and *Pigua*
5 continue to reduce the width of the road from two (2) lanes to one (1) lane,
6 allowing only for one (1)-way traffic, and requiring the use of stop signs.

1 The reduction of usable road width in these two (2) sites results in an
2 increase in transportation time to and from southern villages, and forces drivers to
3 encounter potentially-challenging situations.

4 **Section 2. Establishment of a Plan of Action.** It is hereby mandated that
5 the Director of the Department of Public Works commit, in writing, to a project
6 plan of action and timeline within sixty (60) days of enactment of this Act, for
7 completion of the Bile and *Pigua* Bay Bridges, respectively.

8 **Section 3. Resolution of Barriers to Project Completion.** Should the
9 Director of the Department of Public Works determine that any barriers exist to
10 project completion, and that said barriers have the potential to impede
11 implementation of the project plan, the Director must communicate in writing to
12 the Speaker of *I Liheslaturan Guåhan*, specifying the barriers, and an action plan
13 to resolve the impediments.

14 **Section 4. Change of Deadline.** Should the Director determine that the
15 completion deadline is impractical, the Director is required to show cause as to the
16 additional time needed for resolution, and *shall* propose to *I Liheslatura* a revised
17 project plan and timeline for project completion.

18 **Section 5. Severability.** *If* any of the provisions of this Act or the
19 application thereof to any person or circumstance is held invalid, such invalidity
20 shall *not* affect any other provision or application of this Act which can be given
21 effect without the invalid provision or application, and to this end the provisions of
22 this Act are severable.

23 **Section 6. Effective Date.** This Act *shall* become effective upon its
24 enactment into law.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: May 10, 2011

VOTING SHEET

SBill No. 23-31(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15

0

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

April 26, 2011

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Unu Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 23-31 (COR) As Substituted

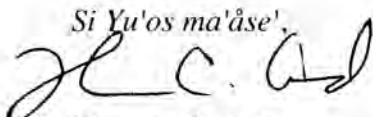
Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 23-31 (COR) – An act to establish a project plan of action for the reconstruction of Bile and Pigua Bay Bridges in Malesso – As Substituted by the Committee on Public Works, Transportation, Utilities and Veterans Affairs.

Committee votes are as follows:

<u> 1 </u>	TO DO PASS
<u> 0 </u>	TO NOT PASS
<u> 0 </u>	TO REPORT OUT ONLY
<u> 0 </u>	TO ABSTAIN
<u> 0 </u>	TO PLACE IN INACTIVE FILE

2011 APR 27 PM 11:33

Si Yu'os ma'åse'

Thomas C. Ada



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

COMMITTEE REPORT ON

BILL No. 23-31 (COR)

AN ACT TO ESTABLISH A PROJECT PLAN OF ACTION FOR THE RECONSTRUCTION OF BILE AND PIGUA BAY BRIDGES IN MALESSO

**As Substituted by the
Committee on Public Works,
Transportation, Utilities and
Veteran Affairs**



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

April 26, 2011

MEMORANDUM

To: **All Members**
Committee on Public Works, Transportation, Utilities and Veterans Affairs

From: **Senator Thomas C. Ada** 
Committee Chairperson

Subject: **Committee Report on Bill No. 23-31 (COR) As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No. 23-31 (COR) – An act to establish a project plan of action for the reconstruction of Bile and Pigua Bay Bridges in Malesso – As Substituted by the Committee on Public Works, Transportation, Utilities and Veterans Affairs.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 23-31 (COR)
- Copy of Bill No. 23-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 23-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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'!



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

COMMITTEE VOTE SHEET

Bill 23-31 (COR) – An act to establish a project plan of action for the reconstruction of Bile and Pigua Bay Bridges in Malessso – As Substituted by the Committee on Public Works, Transportation, Utilities and Veterans Affairs.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson		☒ 4/25/11				
SENATOR ADOLPHO B. PALACIOS, SR. Vice Chairperson		☒ 4/26/11				
VICE SPEAKER BENJAMIN J.F. CRUZ Member		☒ 4/26/11				
SENATOR RORY J. RESPICIO Member		☒ 4/25/11				
SENATOR TINA ROSE MUÑA BARNES Member		☒ 4/25/11				
SENATOR DENNIS G. RODRIGUEZ, JR. Member		☒ 4/25/11				
SENATOR V. ANTHONY ADA Minority Member						
SENATOR ALINE A. YAMASHITA, PH.D. Minority Member		☒ 4/25/11				
SENATOR MANA SILVA TAIJERON Minority Member						
SENATOR CHRISTOPHER M. DUEÑAS Minority Member						

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill 23-31 (COR) was introduced on January 10, 2011 by Senator Mana Silva Taijeron, and was subsequently referred by the Committee on Rules to the Committee on Public Works, Transportation, Utilities and Veterans Affairs on January 12, 2011.

The Committee on Public Works, Transportation, Utilities and Veterans Affairs convened a public hearing on Bill 23-31 (COR) on April 8, 2011 at 9:05 am in *I Liheslatura's* Public Hearing Room, during which the subject of establishing a project plan of action for the reconstruction of Bile and Pigua Bay Bridges was discussed.

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on Thursday, March 31, 2011 (5-Day Notice), and again on Wednesday, April 6, 2011 (48-Hour Notice).

Senators Present

Senator Thomas C. Ada	Committee Chairperson
Senator Adolpho B. Palacios, Sr.	Committee Vice-Chairperson
Senator Mana Silva Taijeron	Committee Member
Senator Aline A. Yamashita	Committee Member
Senator Christopher M. Dueñas	Committee Member
Senator V. Anthony Ada	Committee Member
Senator Frank F. Blas, Jr.	

Individuals Present

Ms. Joanne Brown, Director, Department of Public Works (*provided oral and written testimony*)
Mr. Carl Dominguez, Deputy Director, Department of Public Works (*provided oral testimony*)

II. SUMMARY OF TESTIMONY AND DISCUSSION

The public hearing was Called-to-Order at 9:05 am.

Senator Silva Taijeron: Provides overview of Bill 23-31. States that the intent of bill was to mandate the Government of Guam to commit to a deadline for a completion of longstanding road projects in the south. Informs that the introduction of bill was to raise public discussion and bring it to the forefront. Relays that frustration of residents arose because proper information was not communicated well to them and that their questions were not answered.

States that she met with Department of Public Works (DPW), and now understands the obstacles they face with regard to the Malesso bridges, and the Agat/Umatac road projects. States that according to DPW, the Agat/Umatac road is expected to be complete by this year; the Malesso bridges are more complicated since there environmental concerns that must be taken care of. Is assured that plans are in place and just awaiting execution. Announces that DPW produced an

informational brochure with updates on projects; brochures were distributed to mayors' offices in Umatac and Malesso, and then were handed out to village residents.

Makes the following recommendations for consideration: 1) that any references to the Agat/Umatac road be removed; 2) timeline in Section 2 be removed or extended. Agat/Umatac road construction slated to be completed by the end of this year. Understands that from DPW perspective, imposed timelines are not always feasible, and thus realizes that DPW needs flexibility when certain unforeseen problems arise. Hopes that through the introduction of the bill, residents are better able to receive the proper information due to them.

Mr. Dominguez: Mr. Dominguez is Deputy Director of DPW. States appreciation for the removal of timeline for these projects. Relays that DPW met with bonding company for the Agat/Umatac project, and fired contractor working on the project, and now awaiting on the bonding company to rectify the situation. Anticipates completion of project by end of third quarter if all goes well. In the case of Bile Bay & Pigua bridges, states that timeline is set for early 2013, with funding coming from Federal Highway Administration. Hopes for continued patience from residents of the southern villages.

Senator Silva Taijeron: States that the issues with regard to this related to the lack of information being passed on to the residents of the south. Believes that the Department has really stepped up the release of information, and that this has become a priority for the Department. Acknowledges that it's good for the residents to see and hear this.

Mr. Dominguez: States that it's as high a priority as the tri-intersection project.

Senator Silva Taijeron: Asks if the switch over will take place today.

Mr. Dominguez: Responds 'Yes...scheduled...anyway'.

Senator Tony Ada: Asks if there are any anticipated delays with the bridges in the south.

Ms. Brown: Ms. Brown is Director of DPW. States that, given the timing and funding, DPW is fully aware of the two bridges and that it remains at the top of their list of priorities. Reminds senators that the issue with Bile and Pigua bridges has to do with rights-of-way acquisition—a complicated issue particularly as it pertains to inherited land, which involves tracing who the current owner is and who has legal authority over a piece of property. States that this is research that needs to be done, parties need to be contacted and hopefully an agreeable price can be agreed upon for the piece of property, rather than pursuing condemnation.

Recommends that senators confer with DPW on bills to be introduced, and that DPW is certainly open to discussing what bills may be helpful. States that bills on the agenda today were not conferred with the Department, and suggests that if senators want to assist DPW in moving forward, it might be best to discuss with them directly.

States that DPW is in opposition to Bill 23-31.

Senator Silva Taijeron: Recaps to Director Brown the removal of the timeline, which will allow for more flexibility, and the removal of the Agat/Umatat reference from the bill.

Ms. Brown: States that DPW's preference is that the legislature offer resources rather than more mandates dictating how to use federal funds that already have strict compliance requirements. Realizes the importance of passing legislation, but urges that mandates on how DPW operates and makes its schedules impedes in their ability to work efficiently. Believes that DPW is on top of the road construction happening, including the issues, limitations, and challenges with private contractors on these projects.

Senator Tony Ada: Asks how developed is research on the rights-of-way acquisition.

Ms. Brown: Responds that it is ongoing. States that it is not going to change the schedule, but that rights-of-way is a priority given that this must be done in order to proceed with any type of construction. Informs that preliminary designs for both bridge projects have been reviewed, and they are scheduled on the list for construction. Restates they will be completed, and will be paid for with federal resources.

Senator Blas: Asks about the impact of the roadway construction where these two bridges are located, particularly, how the projects for the road expansion on the eastern side, Route 4, will be coordinated with the Haul Road Network plans. Asks will these bridges hold through until early 2013, considering the continued use of these roads in their current state by residents and truckers with heavy loads.

Ms. Brown: Responds that DPW recognizes the bridges have to be monitored, especially given that the bridges were quickly fixed to address an already deteriorated situation. States that if resources are made available sooner, if land acquisition can be addressed sooner, if full design plans can be addressed sooner bridgework will certainly be expedited. Reminds that DPW's resources are focused on the court-ordered construction of Ylig, Togcha and Talofoto bridges. Recognizes that other bridges in the south, including a couple in Santa Rita need to be assessed. States that some of the bridges are not on routed roads and therefore are not federally funded. However, if bridges are not sound, DPW will dialogue with legislature to see what resources are available to address concerns.

Senator Blas: Asks Deputy Director how he came to date of 2013.

Mr. Dominguez: Responds the timeline was developed from consultants in early February, but is unsure of details, particularly because the federal government will fund this bridge construction.

Ms. Brown: Emphasizes again of such a process. Reminds that Hagåtña bridge will be the most significant bridgework to be undertaken by DPW. Assures once again their awareness of the situation in the south, and that if federal funding can be aligned with the funding for the acquisition of property, then that would help to best move the efforts forward.

Senator Blas: States that he is open to discussions with DPW to address issues that may concern legislation. Believes that while DPW opposes legislation, this issue must still be a priority to the department, and that positive public relations is necessary between both the legislature and DPW.

Ms. Brown: States that there is no argument. Reminds that key staff from DPW met early on with Senator Silva Taijeron to discuss issues; DPW has worked with oversight Chair to update on concerns. Further encourages dialogue between DPW and legislature, not necessarily in the form of public hearings, so as to move things along more efficiently. Believes that with consultation from DPW, the legislature can be very helpful and instrumental in getting out legislation that would best benefit the larger public. Sees this type of legislation as administrative oversight—if DPW was derelict and irresponsible in its duties then believes there may be grounds for this type of legislation. But does not believe this is the case; rather, argues that DPW has been forward and forthcoming with the public in providing the information.

Senator Blas: Asks for shared appreciation from Director Brown that legislation was necessary to address years of waiting from southern residents regarding repair of bridges. States that it is important for the public to see this discussed openly, that there is value in such a discussion.

Ms. Brown: Appreciates the intent, but also wants to ensure that DPW is not accused of not addressing the issue. States that DPW would like to see more support from the legislature that's productive, proactive and helpful. DPW is neither immune to the issues, nor unenlightened, and would rather work proactively with legislature.

Sen. Palacios: Asks if DPW expects any problems completing bridges in timely manner, particularly with regard to acquisition of private property.

Ms. Brown: Responds that process is ongoing now, but reiterates that inherited lands make things more complicated.

Sen. Palacios: Asks when this might be resolved.

Ms. Brown: States that she cannot respond at this time, since DPW does not have the appropriate answers. Assures that DPW will update the legislature when the information is received.

Senator Duenas: States that for the purposes of public safety, he is willing to introduce legislation that sets a timeline for when eminent domain will be exercised. States that under eminent domain, payment of fair market value is still required for the acquisition of private property. Asks if this is the stumbling block. Believes if this route will speed things up then legislature should take this up.

Ms. Brown: Stresses that this is worth discussion, however, reminds that there is a process and that funds must be available to exercise eminent domain. Recognizes two bridges would have been her priority, if it weren't for the court ordered bridge repair work. Assures Senator Duenas

that if there are any hold-ups regarding land issues, he'll be the first she contacts. Appreciates his recommendation.

Senator Duenas: States that land in the south, once research is completed, would be useful for people to know so that perhaps negotiations can begin.

Ms. Brown: Reminds that footprint being discussed is not acres of land, and that huge segments of the southern road system on Route 4 that are not owned by the people of Guam. States that federal funds will not be accessible in the future for road repair if they sit on private property.

Senator Tom Ada: Asks where DPW is in the design work. At the 30%, 60% or 90% completion mark?

Ms. Brown: Replies that they are more than halfway completed, based on her assessment in January.

Senator Tom Ada: Asks if the design is continuing based on assumption that right-of-way will be acquired.

Ms. Brown: Answers that is optimistically what DPW hopes for, "yes." Further states that DPW wants to replace existing bridge, but also ensure that future bridges accommodate increased water flow, etc., and ensure that it is stable.

Senator Tom Ada: Asks if, based on right-of-way acquisition, we are at Step 2 of Step 5.

Ms. Brown: Responds that it depends on how we look at it – there are some parcels that have no clear owner, but further research and contact needs to happen...which is a challenge of what happens with land issues on Guam.

Senator Tom Ada: States that, in reference to legislation exercising eminent domain, he is not convinced that things will necessarily be expedited because the process is then put on someone else's timeline. When the process for condemnation is sought, approval from the legislature is required, as well as further approval from the judiciary—all which can be part of a lengthy procedure. Encourages DPW to exhaust all of its options with right-of-way acquisitions before exercising eminent domain.

Senator Silva Taijeron: Extends appreciation that DPW came out to testify. Makes the point that regardless of whether or not DPW supports the measure, the legislation does bring to the forefront information that the residents of the south had not been getting; they had been waiting six years. States that now there is dialogue, there is information that's being put out to the public so that they're aware of what is going on and where DPW stands in addressing their concerns. Appreciates DPW for putting these issues at the top of their priorities is important.

Senator Tom Ada: Mentions that notice of hearing was transmitted to the Mayors Council, which is relied on to disseminate to the respective mayors around the island. Remains uncertain as to why there is no mayoral representation today.

Continues with Bills 28 & 114.

The public hearing was adjourned at 11:10 am.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Public Works, Transportation, Utilities and Veterans Affairs has substituted Bill No. 23-31 (COR) with the following changes:

- References to the Agat/Umatac Road have been removed;
- Department of Public Works must submit a project plan of action each for Bile and Pigua Bay Bridges within sixty (60) days upon enactment of bill.

The Committee on Public Works, Transportation, Utilities and Veterans Affairs hereby reports out Bill 23-31 (COR), As Substituted by the Committee, with the recommendation To PASS.

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

Bill No. 23-31 (COR)

As Substituted by the Committee on Public Works,
Transportation, Utilities and Veterans Affairs

Introduced by:

M. Silva Taijeron

**AN ACT TO ~~EXPEDITE~~ ESTABLISH A PROJECT
PLAN OF ACTION FOR THE REPAIR
RECONSTRUCTION OF SOUTHERN BILE AND
PIGUA BAY BRIDGES IN MALESSO TO ALLOW
FOR REASONABLE TRANSPORTATION TO AND
FROM SOUTHERN VILLAGES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that transportation to and from southern villages has been ~~inhibited for an unreasonable amount of time~~ impeded by two road bridge projects. ~~On Agat—Umatae Road below Mt. Jumullong Manglo, erosion continues to reduce the width of the road from four usable lanes to two.~~ In Malesso, the two temporary bridges in Bile and Pigua continue to reduce the width of the road from two lanes to one, allowing only for one-way traffic, and requiring the use of stop signs.

The reduction of usable road width in these ~~three construction~~ two sites results in an increase in transportation time to and from southern villages, and forces drivers to encounter potentially-challenging situations.

Section 2. Establishment of a Plan of Action ~~Deadline for Project Completion.~~ It is hereby mandated that the directors of the Department of Public

1 Works ~~and the Department of Land Management~~ commit, in writing, to a project plan
2 of action and timeline ~~final deadline of one hundred and twenty (120)~~ sixty (60) days
3 upon enactment of this bill, for completion of the ~~relevant projects~~ Bile and Pigua Bay
4 Bridges, respectively.

5 **Section 3. Resolution of Barriers to Project Completion.** Should the
6 directors of the ~~above-mentioned agencies~~ Department of Public Works determine that
7 any barriers exist to project completion, and that said barriers have the potential to
8 impede ~~upon the completion deadline~~ implementation of the project plan, the ~~agency~~
9 directors must communicate in writing to the ~~Chairperson of the Committee on~~
10 ~~Utilities, Transportation, Public Works and Veterans' Affairs~~ Speaker of I
11 Liheslaturan Guåhan, specifying the barriers, and an action plan to resolve ~~each prior~~
12 ~~to the deadline~~ the impediments.

13 **Section 4. Change of Deadline.** Should the directors determine that the
14 completion deadline is impractical, ~~they are~~ she or he is required to show cause as to
15 the additional time needed for resolution, and ~~are required to~~ shall propose to *I*
16 *Liheslatura* a revised project plan and timeline for project completion.

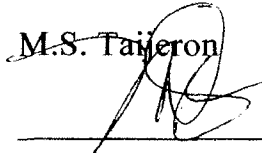
17 **Section 5. Severability.** If any of the provisions of this Act or the application
18 thereof to any person or circumstance is held invalid, such invalidity shall not affect
19 any other provision or application of this Act which can be given effect without the
20 invalid provision or application, and to this end the provisions of this Act are
21 severable.

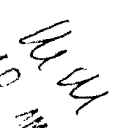
22 **Section 6. Effective Date.** This Act shall become effective upon enactment.

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

Bill No. 23-31 (Cor)

Introduced by:

M.S. Tajerón


2011 JAN 10 PM 11:54


**AN ACT TO *EXPEDITE* THE REPAIR OF
SOUTHERN BRIDGES TO ALLOW FOR
REASONABLE TRANSPORTATION TO AND FROM
SOUTHERN VILLAGES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that transportation to and from southern villages has been inhibited for an unreasonable amount of time by two road projects. On Agat – Umatac Road below Mt. Jumullong Manglo, erosion continues to reduce the width of the road from four usable lanes to two. In Malessso, the two temporary bridges continue reduce the width of the road from two lanes to one, allowing only for one-way traffic, and requiring the use of stop signs.

The reduction of usable road width in these three construction sites results in an increase in transportation time to and from southern villages, and forces drivers to encounter potentially-challenging situations.

Section 2. Establishment of a Deadline for Project Completion. It is hereby mandated that directors of the Department of Public Works and the Department of Land Management commit, in writing, to a final deadline of one

1 hundred and twenty (120) days upon enactment of this bill, for completion of the
2 relevant projects.

3 **Section 3. Resolution of Barriers to Project Completion.** Should directors
4 of the above-mentioned agencies determine that any barriers exist to project
5 completion, and that said barriers have the potential to impede upon the completion
6 deadline, the agency directors must communicate in writing to the Chairperson of the
7 Committee on Utilities, Transportation, Public Works and Veterans' Affairs,
8 specifying the barriers, and an action plan to resolve each prior to the deadline.

9 **Section 4. Change of Deadline.** Should the directors determine that the
10 completion deadline is impractical, they are required to show cause to *I Liheslatura*
11 the additional time needed for resolution, and are required to propose to *I Liheslatura*
12 a revised timeline for project completion.

13 **Section 5. Severability.** If any of the provisions of this Act or the application
14 thereof to any person or circumstance is held invalid, such invalidity shall not affect
15 any other provision or application of this Act which can be given effect without the
16 invalid provision or application, and to this end the provisions of this Act are
17 severable.

18 **Section 6. Effective Date.** This Act shall become effective upon enactment.

RECEIVED
FEB 17 2011
CLERK OF THE HOUSE
HON. J. L. RAY

I Liheslaturan Guåhan, Hagåtña

Bill 23-31 (COR) – M.S. Taijeron

An act to expedite the repair of southern bridges to allow for reasonable transportation to and from southern villages.

[illegible]



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



April 8, 2011

The Honorable Thomas C. Ada, Chairperson
Committee on Utilities, Transportation, Public Works and Veterans Affairs
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Re: Bill No. 23-31 (COR), *An act to expedite the repair of southern bridges to allow for reasonable transportation to and from southern bridges.*

Dear Senator Ada:

The Department of Public Works (DPW) respectfully submits the following testimony in opposition to the above referenced Bill.

On March 9, 2011, the DPW in partnership with the Committee on Transportation, Public Works and Veterans Affairs participated in an informational public briefing on the status of the various southern bridges here at the legislative public hearing room. At that time the DPW and its consultants provided an update on the specific issues related to the Agat-Umatac Road culvert repair project and the Bile and Pigua bridge projects in Malesso. The status, challenges and timelines of these projects were very clearly laid out.

As you may recall, the contractor on the Route 2 Agat-Umatac Road culvert repair project has been terminated and the contractor's bonding company is now charged with completion of the project, which is now moving forward. At that same briefing, the issues related to the delays in replacing the two Malesso bridges were also very clearly outlined, including the history of the projects and our current efforts to move the replacement of those bridges forward as expeditiously as possible.

As you are aware, the Federal Highway Administration provides the funding for these projects and the DPW is required to meet strict standards of federal compliance, otherwise these projects would have to

be funded locally or not be considered at all. These standards are exhaustive, but designed to ensure the safety of our motoring public and the structural integrity of the bridges and culverts over an extended life.

While I appreciate the concerns that served as the nexus for Senator Taijeron's creation of this Bill, *legislating a deadline for the completion of the projects as mandated in Section 3 of the Bill is neither warranted nor practical.* All road projects must follow a prescribed process designed to ensure that the designer's and contractor's efforts result in a project that is safe, economical, professionally managed and properly executed in accordance with all federal and local regulations and requirements. This includes ensuring that private property rights are protected when acquiring rights-of-way which was the primary reason for the delays of the bridge replacements in the first place.

Section 3 of the proposed Bill infers that the DPW has not been forthcoming or cooperative in providing updates on our various road projects to the Committee. I respectfully take exception to this Section and submit that we have been more than forthcoming in providing regular updates and have been very responsive to concerns raised by the legislature or the general public when required. This includes updates on changes to deadlines as well as any on-going efforts to resolve delays as referenced in Section 4.

Although it has been a little over three months since I have taken over the Directorship of DPW, I take my responsibilities on behalf of the people of Guam very seriously. As I have already demonstrated, I am not hesitant to hold our consultants, designers, contractors or my own staff accountable or take decisive action when warranted. I personally take the time to physically visit our current road projects, along with my Deputy Director Carl Dominguez, on a weekly basis and we are constantly responding to numerous constituent concerns related to road construction issues on a daily basis.

The refurbishment, resurfacing and replacement of many of our roads, intersections and bridges is quite an undertaking and does indeed create a number of inconveniences to our motoring public during construction. However, we are working very hard to improve the quality and safety of our island roads including the rebuilding of the Bile and Pigua Bridges. These projects require careful planning, the highest degree of professional execution and diligent oversight that I am charged with providing. To this end, I need the support of the legislature in providing me with the ways and means necessary for the DPW to be as effective and efficient in the execution of these projects rather than attempting to manage them through legislation.

Sincerely,



JOANNE M.S. BROWN



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

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Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
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MAJORITY MEMBERS:

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LEGISLATIVE SECRETARY
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ASST. MAJORITY WHIP

Senator
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Senator
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Senator
vicente c. pangelinan

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Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

January 21, 2011

Memorandum

To: Pat C. Santos
Clerk of the Legislature

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Fiscal Notes

Hafa Adai!

Attached please find the fiscal notes for the bills number listed below.
Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.: 1-31 (LS)
4-31 (LS)
6-31 (LS)
5-31 (LS)
7-31 (LS)
8-31 (COR)
9-31 (COR)
13-31 (COR)
15-31 (COR)
16-31 (LS)
19-31 (COR)
23-31 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2011 JAN 21 PM 3:07

apm

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

BENITA A. MANGLONA
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

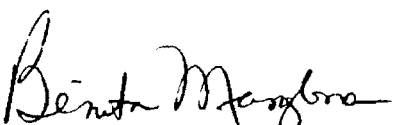
JAN 21 2011

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hester Place
Hagåtña, Guam 96910

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 1-31(LS), 4-31(LS), 6-31(LS), 7-31(LS), 8-31(LS), 13-31, 16-31(COR), 23-31(COR), and Fiscal Note Waivers on Bill Nos.: 5-31(LS), 9-31(LS), 15-31(COR) and 19-31(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


BENITA A. MANGLONA
Acting Director

Enclosures

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 23-31 (COR)**

AN ACT TO EXPEDITE THE REPAIR OF SOUTHERN BRIDGES TO ALLOW FOR REASONABLE TRANSPORTATION TO AND FROM SOUTHERN VILLAGES.

Department/Agency Appropriation Information

Dept./Agency Affected: Public Works	Dept./Agency Head: Joanne M.S. Brown
Department's General Fund (GF) appropriation(s) to date:	8,781,513
Dept's Other Fund (Specify) appropriation(s) to date: DPW Building & Design Fund \$562,012; Solid Waste Operations Fund \$6,446,626; Territorial Highway Fund \$8,564,123	15,572,761
Total Department/Agency Appropriation(s) to date:	\$24,354,274

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$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 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
2. 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
3. Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. 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: [Signature] Date: 1/19/2011 Director: [Signature] Date: JAN 20 2011
Benita A. Mangiona, Acting Director

Footnotes:

1. The Bill has a potential for additional funding impact, however in its present form that impact cannot be determined at this time.



COMMITTEE ON RULES

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 Thomas C. Ada

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Senator
 vicente c. pangelinan

MINORITY MEMBERS:

Senator
 Aline A. Yamashita
 ASST. MINORITY LEADER

Senator
 Christopher M. Duenas

January 12, 2011

MEMORANDUM

To: Pat Santos
 Clerk of the Legislature

Attorney Therese M. Terlaje
 Legislative Legal Counsel

From: Senator Rory J. Respicio
 Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 22-31 (COR) through 26-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 22-31 (COR) through 26-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(4) Attachments

2011 JAN 12 PM 1:00

2

I Mina'trentai Unu Na Liheslaturan Gu ãhan

Bill Log Sheet

Page 1 of 1

Bill Nos.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee/Office Referred
23-31 (COR)	M. Silva Taijeron	An Act To <i>Expedite</i> The Repair Of Southern Bridges To Allow For Reasonable Transportation to And From Southern Villages	1/10/11 11:54 a.m.	1/12/2011		Committee on Utilities, Transportation, Public Works and Veterans Affairs.
24-31 (COR)	T.R. Muña Barnes	An Act To <i>Amend</i> §50103 (P) (4) Of Article 1, Chapter 50 Of Title 12, Guam Code Annotated, (As Amended By Public Law 30-77) Relative To Guam Economic Development Authority Loans And Lending Practices.	1/10/11 4:26 p.m.	1/12/2011		Committee on Health & Human Services Senior Citizens, Economic Development and Election Reform



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

March 31, 2011

MEMORANDUM

To: All Senators

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: April 8, 2011**

Please be advised that the Committee on Public Works, Transportation, Utilities and Veterans Affairs is holding a public hearing on **April 8, 2011**. This meeting will take place in the Public Hearing Room of *I Liheslatura*. The agenda is as follows:

9:00 am – 12:00 pm

Bill 23-31 (COR): An act to *expedite* the repair of southern bridges to allow for reasonable transportation to and from southern villages. **(Sponsor: M.S. Taijeron)**

Bill 28-31 (COR): An act to repeal and reenact Section 53101, amend Section 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. **(Sponsor: V.A. Ada)**

Bill 114-31 (COR): An act to add a new §§54106 and 54107 to Chapter 54 of 5GCA relative to allocating federal funds for mitigation and utilities relocation costs. **(Sponsors: V.A. Ada / C. Duenas / F.F. Blas, Jr.)**

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until April 13, 2011, 5:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Nicole Santos at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

March 31, 2011

MEMORANDUM

To: All Media

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

March 31, 2011

MEMORANDUM

To: All Stakeholders

Fr: Senator Thomas C. Ada 

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Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

First Notice: Public Hearing - April 8, 9am - 12pm

Nicole Santos <nsantos@senatorada.org>

Thu, Mar 31, 2011 at 5:30 PM

To: phnotice@guamlegislature.org

Hafa adai Senators,

Please see attached memo from Senator Tom Ada regarding public hearing notice for **Bills 23-31, 28-31 and 114-31** to be heard on **April 8, 2011** from **9am - 12pm**.

Should you have any questions please don't hesitate to call our office at 473-3301.

Best regards,
Nicole

--

Nicole Santos
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
671-473-3301



Public Hearing - 1st Notc - Apr 8 - senators.pdf

647K

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tanya4families@gmail.com
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tterlaje@guam.net



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

First Notice: Public Hearing - April 8, 9am - 12pm

Nicole Santos <nsantos@senatorada.org>

Thu, Mar 31, 2011 at 5:30 PM

To: media@senatorada.org

Cc: Cyrus Luhr <cyrus@senatorada.org>, Jimmy Camacho <jcamacho@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached memo (pdf & word file) from Senator Tom Ada regarding public hearing notice for **Bills 23-31, 28-31 and 114-31** to be heard on **April 8, 2011** from **9am - 12pm**.

Should you have any questions please don't hesitate to call our office at 473-3301.

Best regards,
Nicole

--

Nicole Santos
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
671-473-3301

2 attachments

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clynt@spbgum.com	clynt@spbgum.com	Member
dmgeorge@guampdn.com	dmgeorge@guampdn.com	Member
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gdumat-ol@guampdn.com	gdumat-ol@guampdn.com	Member
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thebigshow@spbgum.com	thebigshow@spbgum.com	Member
therese.hart.writer@gmail.com	therese.hart.writer@gmail.com	Member
therese@mvguam.com	therese@mvguam.com	Member
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1 - 28



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

First Notice: Public Hearing - April 8, 9am - 12pm

Nicole Santos <nsantos@senatorada.org>

Thu, Mar 31, 2011 at 5:30 PM

To: Joanne Brown <joanne.brown@dpw.guam.gov>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, "Joaquin 'Kin' Blaz Jr." <joaquin.blaz@dpw.guam.gov>, "Richelle S. Takara P.E." <Richelle.TAKARA@dot.gov>, Antoinette Cruz <antoinette.cruz@dpw.guam.gov>, mcogadmin@teleguam.net, Melissa Savares <msavares@guamcell.net>, Charlie Onedera <staff03@guamchamber.com.gu>, chairman@guamchamber.com.gu, "John M. Benavente" <gpagm@ite.net>, Lou Palomo <lpalomo@guampuc.com>, simon sanchez <gdcmgr@ite.net>, Lou Sablan <lsablan@gpagwa.com>, law@guamattorneygeneral.com, Kin Flores <jflores@gpagwa.com>, Sam Taylor <staylor@ite.net>, Graham Botha <gbotha@gpagwa.com>, Ivan Quinata <ivan.quinata@guamepa.net>, Sandra Miller <sandra.miller@ag.guam.gov>, Clifford Guzman <cguzman@galaidegroup.com>, Paul Wolf <wolf@pbworld.com>, Thomas Cruz <thomas@guamwaterworks.org>, Craig Thompson <cthompson@mcvguam.com>, bonnie@mcvguam.com, Larry Perez <larry@gta.net>, Terence Brooks <tmb@guamlaw.net>, sbblas@gpagwa.com, Heidi Ballendorf <heidi@guamwaterworks.org>, mcamacho@gpagwa.com, roushm@guamwaterworks.net, mike.watanabe@ptihq.com, psantos@gta.net, marvin.matsuda@fe.navy.mil, john.devenecia@fe.navy.mil, danielo.tuazon@fe.navy.mil, clarence.lagutang@fe.navy.mil, sonny.rasay@navy.mil, stephen.barker@navy.mil, jcruikshank@mcvguam.com, chris.via@navy.mil, rcortez@ssfm.com, rodney.palacios@fe.navy.mil, keith.hayashi@navy.mil, jwu@docomopacific.net, mike.cepeda@docomopacific.net, titania.cross@usmc.mil
Cc: Tom Ada <tom@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Jimmy Camacho <jcamacho@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached memo from Senator Tom Ada regarding public hearing notice for **Bills 23-31, 28-31 and 114-31** to be heard on **April 8, 2011** from **9am - 12pm**.

[Quoted text hidden]



Public Hearing - 1st Notc - Apr 8 -stakeholders.pdf

674K



First Notice: Public Hearing - April 8, 9am - 12pm

Nicole Santos <nsantos@senatorada.org>

Thu, Mar 31, 2011 at 5:37 PM

To: Ivan Quinata <ivan.quinata@epa.guam.gov>

----- Forwarded message -----

From: **Nicole Santos** <nsantos@senatorada.org>

Date: Thu, Mar 31, 2011 at 5:30 PM

Subject: First Notice: Public Hearing - April 8, 9am - 12pm

To: Joanne Brown <joanne.brown@dpw.guam.gov>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, "Joaquin 'Kin' Blaz Jr." <joaquin.blaz@dpw.guam.gov>, "Richelle S. Takara P.E." <Richelle.TAKARA@dot.gov>, Antoinette Cruz <antoinette.cruz@dpw.guam.gov>, mcogadmin@teleguam.net, Melissa Savares <msavares@guamcell.net>, Charlie Onedera <staff03@guamchamber.com.gu>, chairman@guamchamber.com.gu, "John M. Benavente" <gpagm@ite.net>, Lou Palomo <lpalomo@guampuc.com>, simon sanchez <gdcmgr@ite.net>, Lou Sablan <lsablan@gpagwa.com>, law@guamattorneygeneral.com, Kin Flores <jflores@gpagwa.com>, Sam Taylor <staylor@ite.net>, Graham Botha <gbotha@gpagwa.com>, Ivan Quinata <ivan.quinata@guamepa.net>, Sandra Miller <sandra.miller@ag.guam.gov>, Clifford Guzman <cguzman@galaidegroup.com>, Paul Wolf <wolf@pbworld.com>, Thomas Cruz <thomas@guamwaterworks.org>, Craig Thompson <cthompson@mcvguam.com>, bonnie@mcvguam.com, Larry Perez <larry@gta.net>, Terence Brooks <tmb@guamlaw.net>, sbblas@gpagwa.com, Heidi Ballendorf <heidi@guamwaterworks.org>, mcamacho@gpagwa.com, roushm@guamwaterworks.net, mike.watanabe@ptihq.com, psantos@gta.net, marvin.matsuda@fe.navy.mil, john.devenecia@fe.navy.mil, danielo.tuazon@fe.navy.mil, clarence.lagutang@fe.navy.mil, sonny.rasay@navy.mil, stephen.barker@navy.mil, jcruikshank@mcvguam.com, chris.via@navy.mil, rcortez@ssfm.com, rodney.palacios@fe.navy.mil, keith.hayashi@navy.mil, jwu@docomopacific.net, mike.cepeda@docomopacific.net, titania.cross@usmc.mil

Cc: Tom Ada <tom@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Jimmy Camacho <jcamacho@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

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Public Hearing - 1st Notc - Apr 8 -stakeholders.pdf

674K



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guáhan

April 6, 2011

MEMORANDUM

To: All Senators

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: April 8, 2011**

Please be advised that the Committee on Public Works, Transportation, Utilities and Veterans Affairs is holding a public hearing on **April 8, 2011**. This meeting will take place in the Public Hearing Room of *I Liheslatura*. The agenda is as follows:

9:00 am – 12:00 pm

Bill 23-31 (COR): An act to *expedite* the repair of southern bridges to allow for reasonable transportation to and from southern villages. **(Sponsor: M.S. Taijeron)**

Bill 28-31 (COR): An act to repeal and reenact Section 53101, amend Section 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. **(Sponsor: V.A. Ada)**

Bill 114-31 (COR): An act to add a new §§54106 and 54107 to Chapter 54 of 5GCA relative to allocating federal funds for mitigation and utilities relocation costs. **(Sponsors: V.A. Ada / C. Duenas / F.F. Blas, Jr.)**

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until April 13, 2011, 5:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Nicole Santos at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

April 6, 2011

MEMORANDUM

To: All Media

Fr: Senator Thomas C. Ada 

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guáhan

April 6, 2011

MEMORANDUM

To: All Stakeholders

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: April 8, 2011**

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(Sponsors: V.A. Ada / C. Duenas / F.F. Blas, Jr.)

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Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Second Notice: Public Hearing - April 8, 9am - 12pm

Nicole Santos <nsantos@senatorada.org>

Wed, Apr 6, 2011 at 4:15 PM

To: phnotice@guamlegislature.org

Hafa adai Senators,

Please see attached memo from Senator Tom Ada regarding public hearing notice for **Bills 23-31, 28-31 and 114-31** to be heard on **April 8, 2011** from **9am - 12pm**.

Should you have any questions please don't hesitate to call our office at 473-3301.

Best regards,
Nicole

Nicole Santos
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
671-473-3301



Public Hearing - 2nd Notc - Apr 8 - senators.pdf

660K



to Ada
Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Second Notice: Public Hearing - April 8, 9am - 12pm

Nicole Santos <nsantos@senatorada.org>

Wed, Apr 6, 2011 at 4:16 PM

To: media@senatorada.org

Cc: Cyrus Luhr <cyrus@senatorada.org>, Jimmy Camacho <jcamacho@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached memo (pdf & word file) from Senator Tom Ada regarding public hearing notice for **Bills 23-31, 28-31 and 114-31** to be heard on **April 8, 2011** from **9am - 12pm**.

Should you have any questions please don't hesitate to call our office at 473-3301.

Best regards,
Nicole

--

Nicole Santos
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
671-473-3301

2 attachments



Public Hearing - 2nd Notc - Apr 8 - media.pdf

681K



Public Hearing - 2nd Notc - Apr 8 - media.doc

195K



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Second Notice: Public Hearing - April 8, 9am - 12pm

Nicole Santos <nsantos@senatorada.org>

Wed, Apr 6, 2011 at 4:16 PM

To: Joanne Brown <joanne.brown@dpw.guam.gov>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, "Joaquin 'Kin' Blaz Jr." <joaquin.blaz@dpw.guam.gov>, "Richelle S. Takara P.E." <Richelle.TAKARA@dot.gov>, Antoinette Cruz <antoinette.cruz@dpw.guam.gov>, mcogadmin@teleguam.net, Melissa Savares <msavares@guamcell.net>, Charlie Onedera <staff03@guamchamber.com.gu>, chairman@guamchamber.com.gu, "John M. Benavente" <gpagm@ite.net>, Lou Palomo <lpalomo@guampuc.com>, simon sanchez <gdcmgr@ite.net>, Lou Sablan <lsablan@gpagwa.com>, law@guamattorneygeneral.com, Kin Flores <jflores@gpagwa.com>, Sam Taylor <staylor@ite.net>, Graham Botha <gbotha@gpagwa.com>, Ivan Quinata <ivan.quinata@epa.guam.gov>, Sandra Miller <sandra.miller@ag.guam.gov>, Clifford Guzman <cguzman@galaidegroup.com>, Paul Wolf <wolf@pbworld.com>, Thomas Cruz <thomas@guamwaterworks.org>, Craig Thompson <cthompson@mcvguam.com>, bonnie@mcvguam.com, Larry Perez <larry@gta.net>, Terence Brooks <tmb@guamlaw.net>, sbblas@gpagwa.com, Heidi Ballendorf <heidi@guamwaterworks.org>, mcamacho@gpagwa.com, roushm@guamwaterworks.net, mike.watanabe@ptihq.com, psantos@gta.net, marvin.matsuda@fe.navy.mil, john.devenecia@fe.navy.mil, danielo.tuazon@fe.navy.mil, clarence.lagutang@fe.navy.mil, sonny.rasay@navy.mil, stephen.barker@navy.mil, jcruikshank@mcvguam.com, chris.via@navy.mil, rcortez@ssfm.com, rodney.palacios@fe.navy.mil, keith.hayashi@navy.mil, jwu@docomopacific.net, mike.cepeda@docomopacific.net, titania.cross@usmc.mil
Cc: Tom Ada <tom@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Jimmy Camacho <jcamacho@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached memo from Senator Tom Ada regarding public hearing notice for **Bills 23-31, 28-31 and 114-31** to be heard on **April 8, 2011 from 9am - 12pm**.

[Quoted text hidden]



Public Hearing - 2nd Notc - Apr 8 - stakeholders.pdf

670K



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

AGENDA

PUBLIC HEARING

Friday, April 8, 2011

Public Hearing Room, I Liheslaturan Guåhan

The agenda is as follows:

9:00 am

Bill 23-31 (COR) – M.S. Taijeron

An act to expedite the repair of southern bridges to allow for reasonable transportation to and from southern villages.

Bill 28-31 (COR) – V.A. Ada

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.

Bill 114-31 (COR) – V.A. Ada/C. Dueñas/F.F. Blas, Jr.

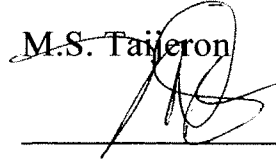
An act to add a new §§54106 and 54107 to Chapter 54 of 5GCA relative to allocating federal funds for mitigation and utilities relocation costs.

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

Bill No. 23-31 (Cor)

Introduced by:

M.S. Taiteron


2011 JAN 10 AM 11:58
M.S. Taiteron

**AN ACT TO *EXPEDITE* THE REPAIR OF
SOUTHERN BRIDGES TO ALLOW FOR
REASONABLE TRANSPORTATION TO AND FROM
SOUTHERN VILLAGES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that transportation to and from southern villages has been inhibited for an unreasonable amount of time by two road projects. On Agat – Umatac Road below Mt. Jumullong Manglo, erosion continues to reduce the width of the road from four usable lanes to two. In Malesso, the two temporary bridges continue reduce the width of the road from two lanes to one, allowing only for one-way traffic, and requiring the use of stop signs.

The reduction of usable road width in these three construction sites results in an increase in transportation time to and from southern villages, and forces drivers to encounter potentially-challenging situations.

Section 2. Establishment of a Deadline for Project Completion. It is hereby mandated that directors of the Department of Public Works and the Department of Land Management commit, in writing, to a final deadline of one

1 hundred and twenty (120) days upon enactment of this bill, for completion of the
2 relevant projects.

3 **Section 3. Resolution of Barriers to Project Completion.** Should directors
4 of the above-mentioned agencies determine that any barriers exist to project
5 completion, and that said barriers have the potential to impede upon the completion
6 deadline, the agency directors must communicate in writing to the Chairperson of the
7 Committee on Utilities, Transportation, Public Works and Veterans' Affairs,
8 specifying the barriers, and an action plan to resolve each prior to the deadline.

9 **Section 4. Change of Deadline.** Should the directors determine that the
10 completion deadline is impractical, they are required to show cause to *I Liheslatura*
11 the additional time needed for resolution, and are required to propose to *I Liheslatura*
12 a revised timeline for project completion.

13 **Section 5. Severability.** If any of the provisions of this Act or the application
14 thereof to any person or circumstance is held invalid, such invalidity shall not affect
15 any other provision or application of this Act which can be given effect without the
16 invalid provision or application, and to this end the provisions of this Act are
17 severable.

18 **Section 6. Effective Date.** This Act shall become effective upon enactment.

RECEIVED
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