

I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) REGULAR SESSION

Bill No. 305 (EC)

Introduced by:

v.c. pangelinan

2008 MAY 28 AM 10:18

AN ACT TO AMEND §66210 AND §71105 OF 21 GCA
RELATIVE TO THE PLACING OF UTILITIES ON
PUBLIC EASEMENTS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds
3 that roadwork and other excavations throughout the island have in many
4 instances led to the needless damage of utilities. The damage caused creates
5 problems oftentimes affecting customers with telephone, communications,
6 video, internet, water, or power services. *I Liheslatura* further finds that these
7 damages could have been minimized or entirely prevented. While current
8 law requires the location of all underground utilities that would be affected to
9 be identified prior to the start of such projects as excavations, most times the
10 approved plans are changed to reflect actual field conditions. The requirement
11 to submit as built plans at the completion of the project would provide greater
12 accuracy in identifying the field placement of the infrastructure. These
13 drawings will provide the exact field location of underground facilities and
14 lines and give better guidance for future projects.

15 It is therefore the intent of *I Liheslatura* to require an as built drawing to
16 be submitted to the Department of Public Works upon the completion of any

1 placement of underground facilities and lines on public easements.

2 **Section 2.** Section 66210 of Title 21 Guam Code Annotated Chapter 66 is
3 hereby amended to read as follows:

4 **“§ 66210. Approved Plans: Changes Prohibited.**

5 Approved plans and specifications shall not be changed, modified or
6 altered in any manner affected by the provisions of this or other applicable
7 laws, without express written authorization from the building official, and all
8 work shall be done in accordance with the approved plans and specifications.

9 In the event that field conditions require slight variations to permitted
10 specifications or plot layout of projects affecting underground facilities on
11 public easements, permittee shall maintain and file an *as built* drawing with the
12 Department of Public Works within thirty (30) days of completion of the
13 work. Failure to file *as built* drawing shall waive the permittee’s or operator’s
14 right to recover from a subsequent contractor for any damage to the
15 underground facilities pursuant to Chapter 71 of this Title 21, Guam Code
16 Annotated.”

17 **Section 3.** Section 71105 of Title 21 Guam Code Annotated, Chapter 71
18 is hereby amended to read:

19 **“§ 71105. Response to Notice of Intent to Excavate or Demolish.**

20 (a) Each operator notified in accordance with § 71153 of this Chapter,
21 shall, not less than five (5) working days in advance of the proposed
22 excavation or demolition (unless a shorter period is provided by
23 agreement between the person responsible for the excavation or
24 demolition and the operation), supply, by use of maps when

1 appropriate, the following information to the person responsible for
2 the excavation or demolition:

3 (1) The approximate location and description of all of its
4 underground utilities which may be damaged as a result of
5 the excavation or demolition, including as built drawings of
6 the utilities or underground facilities maintained by the
7 operator filed at the Department of Public Works in
8 accordance with 21 GCA §66210.

9 (2) The location and description of all utility markers indicating
10 the approximate location of the underground utilities.

11 (3) Any other information that would assist that person in
12 locating and thereby avoiding damage to the underground
13 utilities including, the provision of adequate temporary
14 markings in indicating the approximate location of the
15 underground utility in locations where permanent utility
16 markers do not exist.

17 (b) For purposes of this Section, the approximate location of
18 underground utilities is defined as a strip of land at least three (3)
19 feet wide but not wider than the width of the utility plus 1.5 feet on
20 either side of the utility.

21 (c) Failure by the operator to maintain and provide as built drawings
22 from Department of Public Works' or its own records existing prior
23 to the excavation or demolition shall preclude operator from
24 recovering for repair of damages to underground utilities, facilities,

1 or lines as provided for in Chapter 71.”

2 **Section 4. Severability.** If any of the provisions of this Act or the
3 application thereof to any person or circumstance is held invalid, such
4 invalidity shall not affect any other provision or application of this Act which
5 can be given effect without the invalid provision or application, and to this
6 end the provisions of this Act are severable.