

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

Bill No. 181-31 (LS)

Introduced By:

Sam Mabini, Ph.D.
V.A. Ada

Am

MAY 14 PM 12:18

**AN ACT TO AMEND TITLE 16 GUAM CODE
ANNOTATED, CHAPTER 5 RELATIVE TO THE
CREATION OF TRUCK WEIGH STATIONS ON
GUAM**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Intent.** *I Liheslaturan Guahån* finds that the
3 impending military buildup and the subsequent influx of personnel, people,
4 workers and equipment, will add to the amount of stress on Guam's already
5 overburdened infrastructure. As a result, the infrastructure, more specifically,
6 public roadways are and will be in need of constant repair and improvement.

7 *I Liheslaturan Guahån* finds that the current financial state of the
8 Government of Guam will limit the degree of roadway improvements, including
9 those needed in villages. There needs to be a mechanism to ensure 1) funding for
10 future roadway improvements are secured; and 2) heavy and overweight
11 equipment be effectively and efficiently regulated.

12 *I Liheslaturan Guahån* finds the need to protect the physical and
13 environmental integrity of the island's roadway infrastructure. This includes
14 effective and efficient regulations, enforcement of stiffer fines for heavy

1 equipment, aggregate, cargo, freight, heavy materials and other equipment that
2 may pose a potential threat to public and private road infrastructures

3 *I Liheslaturan Guahån* finds that the fines collected from the citation of
4 overweight, over-wide, over-length and unsafe heavy equipment and/or materials
5 may be used to offset the cost of repair, maintenance and calibration of equipment
6 used to determine weight limitations and infractions. These funds collected may
7 also be used to make improvements to Guam’s roadway infrastructure.

8 *I Liheslaturan Guahån* finds that with a dedicated fund for the improvement
9 of public roadways and an effective and efficient system to regulate and fine over-
10 weight, over-length, over-wide equipment; there will not only be readily available
11 funds to make improvements, but also a system to make Guam’s roads safer.

12 **Section 2. Amending §5112, 16 Guam Code Annotated, Chapter 5, to be**
13 **revised and subsequence order to read as follows:**

14 **“§5117. Penalties.**

15 (b) All permit fees ~~and fines~~ shall be deposited in to the “Better Public
16 Service Fund” of the Department of Revenue of Taxation, to be used by the
17 Division of Motor Vehicles/Motor Carrier Safety Assistance Program.

18 **(c) Establishment of the Roadway Improvement Fund:**

19 Upon enactment of this Act, the “Roadway Improvement Fund” will be
20 established. This fund shall be maintained separate and apart from any other fund
21 of the Government of Guam, and independent records, and an independent bank
22 account shall be kept in connection with the “Roadway Improvement Fund”
23 therein. The “Roadway Improvement Fund” will be administered by the
24 Department of Public Works. This fund will be utilized at the sole discretion of the
25 Director of Department of Public Works. The Director may delegate the
26 administration of the “Roadway Improvement Fund” to any person(s) he/she may
27 deem necessary, as to the effective and efficient administration of this fund. The

1 “Roadway Improvement Fund” shall be utilized for the sole purpose of funding
2 roadway improvements not covered by the Federal Highway Administration. The
3 “Roadway Improvement Fund” shall be subject to an annual audit by the Office of
4 the Public Accountability.

5 (d) All monies received as fines, as a result of overweight, over-width, over-
6 length, unsafe equipment and/or material’s, by the Department of Revenue and
7 Taxation will be deposited to the “Roadway Improvement Fund.”

8 (1) A percentage of the “Roadway Improvement Fund” shall be
9 directed to be utilized for the sole purpose of funding calibration,
10 maintenance, repair and improvements to equipment used to
11 determine over-weight, over-length, over-wide equipment and
12 materials.”

13 **Section 3. Permits for Excessive Size and Weight. §5114, 16 Guam Code**
14 **Annotated, Chapter 5 is hereby amended and subsequent numbers to be**
15 **revised in sequence to read as follows:**

16 “(a) A surety bond in a minimum amount of ~~Five Hundred Dollars (\$500)~~
17 One Thousand Dollars (\$1000), or proper evidence of current and adequate
18 insurance, must be filed with the Director of Public Works before a permit will be
19 issued for transporting over-width, over-length, over- weight loads on the highway,
20 except when the applicant is a Territorial, Federal Government Agency.

21 (b) The Director of Public Works, or his authorized representative,
22 may in his discretion, upon application, in writing good cause being shown
23 therefore, issue a special permit in writing authorizing the applicant to operate or
24 move a vehicle or combination of vehicles of a size or weight exceeding the
25 maximum specified in this Chapter, or otherwise not in conformity with the
26 provisions of this Chapter, upon the highways of Guam. A permit issued under this

1 Section shall not authorize the operation or moving of any vehicle or combination
2 of vehicles without the compliance with Chapter 7 of this Title.

3 (1) Any and all permit(s) issued under this provision shall be assessed
4 a permit flat fee of Ten Dollars (\$10.00) each.

5 (2) Any and all permit(s) issued under this provision may also be
6 assessed a fee of \$0.25/pound over the maximum allowable gross
7 vehicle weight authorized in §5107.

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

12 (g) A flat fee of Ten Dollars (\$10.00) shall be assessed for all vehicles
13 20,000lbs and under. A fee of Two Dollars (\$2.00) will be imposed for every
14 5000lbs thereafter. This fee shall be charged for each permit and no other permit
15 shall be issued until said fee has been paid.”

16 **Section 4. Addition of §5117, 16 Guam Code Annotated, Chapter 5 to**
17 **read as follows:**

18 “**§5117. Satellite Weigh Stations.** Satellite Weigh Stations shall be used to
19 determine proper weight limits as defined in this chapter. These Satellite Weigh
20 Stations shall be regulated by the Department of Revenue of Taxation, and shall be
21 held to the standards and requirements regulated by law.

22 a. Scales (static, weigh-in motion) *shall* be used to determine weight of
23 heavy equipment, materials. Appropriate weight limitations will be
24 adhered to as defined in this chapter.

25 1. Calibration of Satellite Weigh Station Scales *shall* be done every
26 fiscal year. It is the responsibility of the Division of Weights and
27 Measure of the Department of Revenue and Taxation to ensure that

1 calibration of any and all scales used to determine proper weight
2 limitations for heavy equipment be made. Calibration of these
3 scales shall adhere to and be made under the regulation of the
4 Department of Revenue and Taxation and all other associated
5 agencies.

6 (a). Maintenance shall be done every quarter or as soon as
7 maintenance is deemed necessary.

8 (b). Repair shall be made at the soonest possible time as to not
9 disrupt commerce or business.

10 2. Satellite Weigh Station locations shall be determined by the Head
11 of the Division of Weights and Measures, in conjunction with, the
12 Director of the Department of Revenue and Taxation, and Director
13 of the Department of Public Works.

14 3. All associated cost accrued for repairs, maintenance, and
15 calibration shall be funded in part or in whole from a percentage
16 from the "Roadway Improvement Fund."

17 **Section 5. Effective Date.** These rules and regulations shall become law
18 upon enactment.

19 **Section 6. Severability.** If any provision of this Law or its application to
20 any person or circumstance is found to be invalid or contrary to law, such
21 invalidity shall not affect other provisions or applications of this Law which can
22 be given effect without the invalid provisions or applications, and to this end the
23 provisions of this Law are severable.