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

Bill No. 196-31(cov)

Introduced by:

M. Silva Taijeron 

AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC WORKS (DPW) TO CONSIDER AND PERFORM, WHEN DEEMED FEASIBLE, NIGHT TIME CONSTRUCTION WORK ON GUAM'S ROADS; AND TO REQUIRE THE INCLUSION OF QUOTATIONS OR ESTIMATIONS FOR THE COST OF NIGHT TIME CONSTRUCTION, WHEN SOLICITING FOR CONTRACTS ON ROAD CONSTRUCTION PROJECTS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 Guam is seeing an increase in major road construction projects. Many of these
4 construction projects are a result of various factors including the impending
5 population increase and the need to address and repair long-standing issues with our
6 island infrastructure. Consequently, the road construction projects have led to traffic
7 congestion and delays which have become a daily burden to drivers who traverse
8 Guam's roads. These projects have affected our island's economy and has impeded
9 the ability of drivers to travel to and from work.

10 *I Liheslaturan Guåhan* further finds that night time construction is a viable
11 alternative to the current practice of daytime construction. If done correctly, night

1 time construction is efficient for roads and reduces heavy traffic volumes. It further
2 reduces congestion and may allow for the quicker completion of projects.

3 It is the intent of *I Liheslaturan Guåhan* to require the Department of Public
4 Works to consider the option of night time construction for road projects in Guam,
5 and to further require the inclusion of quotes or estimates for the cost of night time
6 construction when soliciting for road project contracts.

7 **Section 2. Consideration of Night Time Work on Major Road**
8 **Construction Projects.** For every major road construction project initiated by the
9 Department of Public Works (DPW) on and after October 1, 2011, DPW shall
10 consider and, where feasible in its judgment, ensure that such construction work is
11 performed no earlier than eight o'clock *post meridiem* (8:00 p.m.) and no later than
12 six o'clock *anti meridiem* (6:00 a.m.). For the purposes of determining whether to
13 engage in night time construction, DPW shall review the following: existing traffic
14 volumes, congestion, traffic control measures and motorist safety; project cost,
15 project quality, inspection obligations, highway user costs, workforce availability and
16 availability of materials; work area lighting and worker safety; and other factors that
17 DPW may deem necessary in the consideration of night time construction.

18 When soliciting formal competition on public contracts for road construction
19 projects, DPW shall require that any quotation or estimation for service be inclusive
20 of the cost of night time construction. DPW may also consider any recommendations
21 and comments submitted from *I Liheslaturan Guåhan*, other government of Guam
22 entities and the general public regarding night time construction. DPW shall prepare
23 a written report of its analysis of each project setting forth such decisions and the
24 reasons therefore, and such report shall be available to the public.

1 Beginning January 31, 2012, and every two (2) years thereafter, DPW shall
2 submit a status report of the night time construction projects to *I Maga'låhen Guåhan*
3 and the Speaker of *I Liheslaturan Guåhan*. Such report shall include, but not be
4 limited to, a description of each project in which night time construction was
5 authorized; the success or failure, as determined by DPW, of the efforts to reduce
6 traffic congestion using night time construction; a general comparison of project
7 quality and overall costs against similar daytime construction projects; and the safety
8 record for night time construction projects.

9 **Section 3. Severability.** *If* any provision of this Law or its application to any
10 person or circumstance is found to be invalid or contrary to law, such invalidity shall
11 *not* affect other provisions or applications of this Law which can be given effect
12 without the invalid provisions or application, and to this end the provisions of this
13 Law are severable.