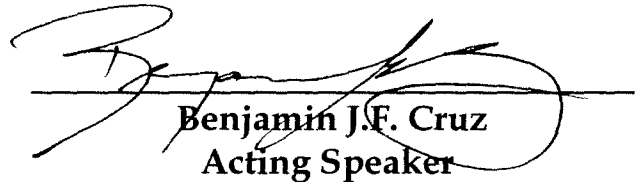



I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

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

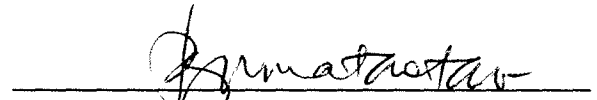
This is to certify that **Substitute Bill No. 207-30 (LS)**, "AN ACT TO ADOPT THE PROCEDURES MANUAL FOR THE ACQUISITION, ENFORCEMENT AND MAINTENANCE OF TERRITORIAL HIGHWAY RIGHT-OF-WAY AND STANDARDS; TO REQUIRE LEGISLATIVE APPROVAL OF REVISIONS TO THE GUAM TRANSPORTATION IMPROVEMENT PLAN; TO AMEND §17109 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO RELOCATION ASSISTANCE; AND TO ESTABLISH THE HIGHWAY COMMISSION BY REPEALING AND REENACTING §54101 OF TITLE 5, GUAM CODE ANNOTATED," was on the 13<sup>th</sup> day of November, 2009, duly and regularly passed.

  
**Benjamin J.F. Cruz**  
Acting Speaker

Attested:

  
**Rory J. Respicio**  
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17 day of Nov, 2009, at 4:25 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

**FELIX P. CAMACHO**  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

**I MINA'TRENTA NA LIHESLATURAN GUÅHAN**  
**2009 (First) Regular Session**

**Bill No. 207-30 (LS)**

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

Introduced by:

T. C. Ada  
Adolpho B. Palacios, Sr.  
J. V. Espaldon  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
v. c. pangelinan  
M. J. Rector  
R. J. Respicio  
Ray Tenorio  
Telo Taitague  
Judith T. Won Pat, Ed.D.

**AN ACT TO ADOPT THE PROCEDURES MANUAL FOR THE ACQUISITION, ENFORCEMENT AND MAINTENANCE OF TERRITORIAL HIGHWAY RIGHT-OF-WAY AND STANDARDS; TO REQUIRE LEGISLATIVE APPROVAL OF REVISIONS TO THE GUAM TRANSPORTATION IMPROVEMENT PLAN; TO *AMEND* §17109 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO RELOCATION ASSISTANCE; AND TO ESTABLISH THE HIGHWAY COMMISSION BY *REPEALING* AND *REENACTING* §54101 OF TITLE 5, GUAM CODE ANNOTATED.**

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

SB 207  
2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3 declares that as a recipient of Federal-aid highway funds, Guam is obligated by  
4 federal law to promulgate and maintain a Right-of-Way (ROW) Procedures  
5 Manual as mandated by the Code of Federal Regulations (CFR) Section  
6 710.201(c). A ROW Procedures Manual serves Guam’s highway and real estate  
7 needs by establishing fair and equitable procedures for the acquisition of property  
8 rights, the development and construction of highways and public transportation,  
9 and the enhancement and preservation of Guam’s natural resources and assets.

10 Title 23 of the Code of Federal Regulations Section 710.201(c) mandates  
11 that each department in a state *or* territory receiving federal highway funding  
12 “*shall maintain a manual describing its right-of-way organization, policies, and*  
13 *procedures. The manual shall describe functions and procedures for all phases of*  
14 *the real estate program, including appraisal and appraisal review, negotiation and*  
15 *eminent domain, property management, and relocation assistance.” The CFR*

16 further obligates other public land acquisition organizations or private consultants  
17 to comply with local laws, regulations, policies and practices when participating in  
18 a Federal-aid project under the oversight of a state *or* territory.

19 *I Liheslaturan Guåhan* finds that the adoption of a ROW Procedures Manual  
20 furthers the objectives and goals of the Guam Transportation Improvement  
21 Program (GTIP, aka the Territorial Transportation Improvement Program or the  
22 TTIP). The projects contained in the GTIP are products of a cooperative process  
23 carried out between the Department of Public Works, local villages, utility  
24 providers, the Department of Administration, local transit operators, and law  
25 enforcement officials.

26 *I Liheslaturan Guåhan* also finds that the ROW Procedures Manual  
27 developed by the Department of Public Works, under the guidance of the Federal

1 Highway Administration, similarly contemplates the cooperation and agreement of  
2 various government of Guam agencies in order to appraise, purchase, and use  
3 property required for transportation purposes. A ROW Procedures Manual is  
4 essential to carrying out the GTIP, and its adoption will ensure compliance with  
5 the requirements for continued federal funding, as well as the improvement and  
6 development of Guam’s highway system.

7 **Section 2.** §17109 of Chapter 17, Title 21 of Guam Code Annotated, is  
8 hereby *amended* to read:

9 **“§17109. Administration.** In order to prevent unnecessary expense  
10 and duplication of functions, and to promote uniform and effective  
11 administration of relocation assistance programs for displaced persons, the  
12 initiating agency *shall* carry out its functions and duties under this Chapter  
13 in accordance with the Right-of-Way Procedures Manual and with the  
14 assistance of the Guam Housing and Urban Renewal Authority, which has  
15 an established organization for conducting relocation assistance programs.”

16 **Section 3. Adoption of Right-of-Way Procedures Manual.**

17 Notwithstanding any other provision of law, rule, regulation, or Executive Order,  
18 the Right-of-Way Procedures Manual developed by the Department of Public  
19 Works, and as hereby *incorporated*, by this reference as *Appendix A*, is hereby  
20 *approved* by *I Mina‘Trenta Na Liheslaturan Guåhan*; and a *new* Article 7 to Title  
21 29, Chapter 1 of the Guam Administrative Rules and Regulations is hereby  
22 *enacted*.

23 **Section 4.** Notwithstanding any other law or regulation, or the provisions  
24 of the 2030 Master Plan, the Guam Transportation Improvement Plan, or the  
25 Rights of Way Manual adopted herein, condemnation of private land through  
26 eminent domain or other proceeding shall require approval by *I Liheslaturan*  
27 *Guåhan* (the Guam Legislature). Notwithstanding any other law or regulation, or

1 the provisions of the 2030 Master Plan, the Guam Transportation Improvement  
2 Plan, or the Rights of Way Manual adopted herein, the establishment or transfer of  
3 any easement of the government of Guam or any of its agencies, autonomous  
4 agencies, instrumentalities, or public corporations *shall* require approval by *I*  
5 *Liheslaturan Guåhan* (the Guam Legislature). This Section *shall not* apply to  
6 issuance of residential leases by the Chamorro Land Trust Commission pursuant to  
7 its rules and regulations.

8 **Section 5.** *No* rights in any real property *shall* be extinguished by adoption  
9 of this Rights-of- Way Manual, the Guam Transportation Improvement Plan, or by  
10 the 2030 Master Plan without further legislative approval. *I Liheslatura* (the  
11 Legislature) hereby reaffirms the policy of the government of Guam to return land  
12 to the original landowners and reaffirms the deeds granted to the Tiyan property  
13 owners.

14 **Section 6.** Revisions to the Guam Transportation Improvement Plan  
15 (“GTIP”) *shall* be subject to Legislative approval.

16 **Section 7.** §54101, Chapter 54 of Title 5, Guam Code Annotated, is  
17 *repealed* and *reenacted* to read:

18 **“§54101. Highway Commission.**

19 (a) There is created a Highway Commission (Commission).

20 (b) Membership. The Commission *shall* be composed of five (5)  
21 members to be constituted as follows: the Director of Public Works, who  
22 *shall* be the chairperson, and four (4) members appointed by *I Maga’lahi*.

23 The four (4) members appointed by *I’Maga’lahi shall* be individuals  
24 recommended by village mayors as prescribed below:

25 (1) One (1) member *shall* be recommended to *I Maga’lahi* by  
26 Mayors from the *Lagu* District.

1 (2) One (1) member *shall* be recommended to *I Maga'lahi* by  
2 Mayors from the *Kattan* District.

3 (3) One (1) member *shall* be recommended to *I Maga'lahi* by  
4 Mayors from the *Luchan* District.

5 (4) One (1) member *shall* be recommended to *I Maga'lahi* by  
6 Mayors from the *Haya* District.

7 The *LAGU* District consists of Dededo and Yigo. The *KATTAN*  
8 District consists of Barrigada, Chalan Pago-Ordot, Mangilao, and  
9 Mongmong-Toto-Maite. The *LUCHAN* District consists of Agaña Heights,  
10 Asan-Maina, Hagatña, Piti, Sinajaña and Tamuning. The *HAYA* district  
11 consists of Agat, Inarajan, Merizo, Santa Rita, Talofoto, Umatac and Yoña.

12 The four (4) members appointed by *I Maga'lahi shall* require the  
13 confirmation of *I Liheslaturan Guåhan*. The appointed members *shall* serve  
14 for terms of three (3) years except that of the first appointed Commission,  
15 one (1) member *shall* be appointed for a term of one (1) year and two (2)  
16 members *shall* be appointed for a two (2) year term. The Chief Engineer for  
17 Highways, Department of Public Works, *shall* act as the Executive Secretary  
18 to the Commission.

19 (c) Duties and Responsibilities. The Commission *shall* review and  
20 *approve* annual road project work plans and any proposed revisions of the  
21 priorities established in the plans.

22 (d) All meetings *shall* be subject to the provisions of 5 GCA Chapter  
23 8, (The Open Government Law).

24 (e) Compensation. The appointed Members of the Commission *shall*  
25 be paid at the rate of Fifty Dollars (\$50) per day for each day on which the  
26 Commission meets, such compensation *shall not exceed* One Hundred  
27 Dollars (\$100) per month.”

1           **Section 8. Severability.** *If* any provision of this Law or its application to  
2 any person or circumstance is found to be invalid or contrary to law, such  
3 invalidity *shall* not affect other provisions or applications of this Law which can be  
4 given effect without the invalid provisions or application, and to this end the  
5 provisions of this Law are severable.