



**Sen. Thomas Ada**  
Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

NOV 13 2015

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

Speaker  
I Mina Trentai Tres Na Liheslaturan Guahan  
155 Hesler Place  
Hagåtña, Guam 96910

*Rory J. Respicio*

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

2015 NOV 13 PM 1:44  
*Speaker*

**RE: Committee Report on Bill No. 147-33 (COR), as amended**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 147-33 (COR), as amended, “**An act to amend §§ 5101, 5104, 5107, 5109, 5112, and 5114, and to add a new § 5118, all of Chapter 5, Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and the Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam’s highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund.**”

Committee votes are as follows:

- 5   TO DO PASS
- TO NOT PASS
- TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

*Si Yu'os ma'åse',*

*Thomas C. Ada*

Thomas C. Ada



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**Chairman**

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Libeslaturan Guåban* • 33<sup>rd</sup> Guam Legislature

**COMMITTEE REPORT**  
**ON**  
**Bill No. 147-33 (COR)**  
**As amended**

**“An act to *amend* §§ 5101, 5104, 5107, 5109, 5112, and 5114, and to *add* a new § 5118, all of Chapter 5, Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and the Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam’s highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund.”**



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Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Libeslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

November 12, 2015

### MEMORANDUM

To: **All Members**  
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement

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

Subject: **Committee Report on Bill No. 147-33 (COR), as amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 147-33 (COR), as amended, “An act to *amend* §§ 5101, 5104, 5107, 5109, 5112, and 5114, and to *add* a new § 5118, all of Chapter 5, Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and the Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam’s highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund.”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 147-33 (COR), As Introduced
- Copy of Bill No. 147-33 (COR), As Amended
- Public Hearing Sign-in Sheet
- Written testimony from: Glenn Leon Guerrero (Department of Public Works)
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 147-33 (COR)
- Notices of Public Hearing
- 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.






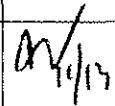
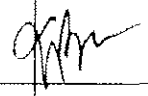
# Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
 Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Libeslaturan Guahan • 33<sup>rd</sup> Guam Legislature*

## COMMITTEE VOTE SHEET

Bill No. 147-33 (COR), as amended, "An act to *amend* §§ 5101, 5104, 5107, 5109, 5112, and 5114, and to *add* a new § 5118, all of Chapter 5, Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and the Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam's highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund."

| COMMITTEE MEMBERS                            | SIGNATURE AND DATE  | TO DO PASS | TO NOT PASS | TO REPORT OUT ONLY | TO ABSTAIN | TO PLACE IN INACTIVE FILE |
|--|---|------------|-------------|--------------------|------------|---------------------------|
| SENATOR THOMAS C. ADA<br>Chairperson         | <br>11/12/15   | ✓          |             |                    |            |                           |
| SENATOR RORY J. RESPICIO<br>Vice Chairperson | <br>11-13-15  |            |             |                    |            |                           |
| VICE SPEAKER BENJAMIN J.F. CRUZ<br>Member    |              | ✓          |             |                    |            |                           |
| SENATOR FRANK B. AGUON, JR.<br>Member        |   |            |             |                    |            |                           |
| SENATOR DENNIS RODRIGUEZ, JR.<br>Member      | <br>11/13    | ✓          |             |                    |            |                           |
| SENATOR NERISSA UNDERWOOD<br>Member          | <br>11/15/15 | ✓          |             |                    |            |                           |
| SENATOR FRANK BLAS, JR.<br>Member            |   |            |             |                    |            |                           |
| SENATOR MARY TORRES<br>Member                |   |            |             |                    |            |                           |
| SENATOR JAMES V. ESPALDON<br>Member          |   |            |             |                    |            |                           |



## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan • 33<sup>rd</sup> Guam Legislature*

### COMMITTEE REPORT DIGEST

#### I. OVERVIEW

Bill No. 147-33 (COR) was introduced on July 24, 2015 by Senator Thomas C. Ada and was subsequently referred on July 24, 2015 by the Committee on Rules to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement convened a public hearing on October 29, 2015 at 10:00 am in *I Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 147-33 (COR).

#### Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on October 22, 2015 (5-Day Notice) and again on October 26, 2015 (48-Hour Notice). Notice was also posted on the Legislature television channel.

#### Senators Present

|                           |                                   |
|---------------------------|-----------------------------------|
| Senator Thomas C. Ada     | <i>Committee Chairperson</i>      |
| Senator Rory J. Respicio  | <i>Committee Vice Chairperson</i> |
| Senator Nerissa Underwood | <i>Committee Member</i>           |
| Senator Mary C. Torres    | <i>Committee Member</i>           |
| Senator V. Anthony Ada    | Legislative Member                |

The public hearing was Called-to-Order at 10:00pm.

#### II. SUMMARY OF TESTIMONY AND DISCUSSION

**Chairperson Ada** calls upon those who have signed up to give testimony.

**Chairperson Ada** reads the testimony from Department of Revenue and Taxation, in support of Bill No. 147-33 (COR). (See attached testimony)

**Glenn Leon Guerrero**, *Director, Department of Public Works*: Director Leon Guerrero introduces Jeff Wilson, as part of the Program Management Team with Parsons Brinckerhoff and he will provide technical support for questions. The Director then reads his testimony in support of Bill No. 147-33 (COR). (See attached testimony)

**Chairperson Ada**: He states that the Committee, DPW, Revenue and Taxation have been working this legislation since the 32<sup>nd</sup> Legislature and there has been numerous discussions between the two government agencies and with the Guam Chamber of Commerce's Transportation Committee.

There has also been a meeting with the Joint Regions Marianas with the concerns they have of specific cargo and have also suggested certain amendments to the bill. He then says

the concern from the Department of Defense, is pulling over a truck that is carrying ammunition or other sensitive materiel, which then can pose security concerns. However, if there are concerns of the truck being overweight then stop them when they leave the ammunition storage or at the destination. The JRM representatives indicated that movement of military munitions and sensitive materiel will be closely coordinated with DPW and DRT in order to eliminate any unnecessary complications with the movement of materiel.

Chairperson Ada continues by asking for clarification about the weight limit being 80,000 pounds but there are situations when that limit will need to be exceeded.

**Jeff Wilson, Program Management Team, Parsons Brinckerhoff:** He started by saying the current weight limit is 76.8 and the proposal is to take it to 80,000 pounds. The 80,000 is the threshold of the Bridge Formula in the United States. What is important is how that load is distributed, therefore the law and the Bridge Formula can allow for additional axles for the additional distribution of the weight and reduce the impact that the load has on the infrastructure. He then says the 80,000 will be the limit that turns it into a permit situation and DPW is to make sure that the load is distributed to the right number of axles. The formula will calculate the number of axles and checks that everything is baseline and in compliance.

**Chairperson Ada:** He asked if the permit center at DPW has been trained on how to use the Bridge Formula?

**Director Leon Guerrero:** He responds that no training has taken place yet. Some companies have come in and requested permits and applications are in place. He then goes to say that DPW knows the process it wants to administer and once that comes into place they will be able to effectuate that.

**Chairperson Ada:** He states that the bill proposes to impose stiff fines for cargo that is over the weigh limit, especially those leaving the Port. If those leaving the Port are found to be overweight, the ideal situation would be to send them back and off load. Chairperson Ada then asks if more explanation can be given for the enforcement of the weight limitations.

**Mr. Wilson:** He replies by saying that there is an understanding that a change over period until majority vehicles get into place. The enforcement will take place at the TESS station, so the weigh-in-motion registers the weight of a vehicle while it is motion but there is a tolerance level. If the weigh-in-motion senses the limit is close it will send the vehicle to pull over to the static scales and that will give a more accurate reading. From that point they can determine weather the vehicle is over weight and a fine will be issued. The facility itself will only be a small percentage of the vehicles that would sit, wait for the scales and be weighed, if the vehicle is in compliance it moves on, if not a fee is issued.

**Chairperson Ada:** He goes on to say that it is important to clarify that the static weight station is right outside of the Commercial Port. That is to capture the trucks that are coming out of the Port and it was discussed that if an overweight load comes through the weight station it cannot go back to the Port. He then goes on to say that there is not enough space in the area of the weight station for devanning. The trucking company takes that chance of having to pay a stiff fine, and that fine increases with every infraction to the point then

consideration of taking away the business license. Chairperson Ada restates that an economic disincentive that is being proposed by the bill is largely due to other limitations, like no room for devanning and the unavailability of going back into the Port.

Chairperson Ada then opens the panel for questioning by the members.

**Senator Underwood:** She asks if data was being kept on the number of times or frequency that trucks have gone over the current weight limit.

START HERE

**Mr. Wilson:** He responds that when the scales were first turned on, there was random testing done to see what weight the trucks were running. It was only a whim and the static scales needs to be calibrated every so often. But it was disused in the committee that when regular operations begin, they would record data and give feedback. That feedback would then be given to the drives, to inform and ease the transition before throwing the switch and changing penalties.

**Chairperson Ada:** He asks if during that trial period, were any vehicles being carrying overweight loads?

**Director Leon Guerrero:** During that trial period there were trucks carrying overweight loads.

**Chairperson Ada:** It is known that the trash trucks have been running over the weight limit, some as high as 100,000 lbs.

**Director Leon Guerrero:** The trash trucks have been issued a waiver for up to 90,000 lbs. but he states that those waivers have since been rescinded. He goes on to say that they are working with the agency and the contractual obligation they have. The first of the year deadline is for them to bring in more assets to allow them to stay within that weight limit.

**Senator Underwood:** She asks if those are temporary waiver and if a limited period of time would be given and after that is when fines would start to be imposed?

**Director Leon Guerrero:** He responds by saying that he is not generous with his waiver and the only other waiver he has offered was to a petroleum company saying they need to supply diesel to the power plants and that his understanding is that the situation is critical. That allows them more time to bring in assets that would them to be in compliance. He then says that he will not grant a waiver just because the reasoning is the price.

**Chairperson Ada:** He asks if the weight limitations being imposed on the petroleum trucks are the same weight limitations on petroleum trucks on the mainland?

**Mr. Wilson:** He responds by saying yes.

**Chairperson Ada:** He states then there should be no reason why they should be exempted.

**Senator Respicio:** He asks the number of non-compliance vehicles there are currently?

**Mr. Wilson:** He responds that he cannot venture to guess what the percentage would be, but his gut would be a single digit number, at least those coming out of the Port. He goes on to say there are tariffs at the Port and the trucks itself is regulated to haul a certain limit. They do suspect on some of the other roads, that some of the construction vehicles and other types could be much more variable and could be higher than what they expect to see at the TESS.

**Senator Respicio:** He restates a statement from made by Director Leon Guerrero, that he would not issue a waiver for oversize and overweight vehicles, in reference to the petroleum trucks. He states that the bill would give him the authority to issue those permits on a case-by-case basis. Senator Respicio then asks how he would revise that statement.

**Director Leon Guerrero:** He apologized, his testimony was written a few months back. He states that he would have to be hard pressed to issue out a permit, it would have to be extremely extenuating circumstances. He gives an example of GPA needing to bring in generators and the bridge formula would have to take place.

**Senator Respicio:** He continues that for some of the newer vehicles if there are more axles, and then they can exceed the 80,000 if the weight is evenly distributed.

**Mr. Wilson:** He replies yes, the example he gives is the trash trucks. Those trucks have a third axle and based on the bridge formula those trucks can legally haul up to 86,000. He goes on to say with the petroleum waiver, he has advised the Director that he goes back to the bridge formula. He goes on to say that the roads are design by ESAL and those are axle loads that need a baseline. A road is like a glass, and if we keep filling it up, it will eventually need to be replaced and in the case of being overweight we are putting a little more in and it will be used sooner.

**Senator Respicio:** He makes reference to an accident that happen a few years ago, when an overweight truck fell onto a car while making a turn.

**Senator V. Anthony Ada:** He states his main concern is the waiver for the petroleum company.

**Director Leon Guerrero:** They wanted to go as high as 97,000 says Director Leon Guerrero. He then states that is stays within the bridge formula.

**Mr. Wilson:** He gives clarification that it will be an overweight situation and that it will be above the bridge formula.

**Senator V. Anthony Ada:** He goes on to say that the road is not the only concern at this point but the safety to the public should that vehicle overturn and create a diesel spill. With that much more diesel or petroleum, he thinks a waiver should not be given. Even if the fuel is for the power plant, they are in a contract with GPA and should not depend on overloading one truck, just to make it convenient.



**Mr. Wilson:** The way he would look at the situation is not looking at the vehicle as being overloaded but rather that vehicle can run loads that high. In his opinion they would never allow an unsafe vehicle to travel the roads.

**Senator V. Anthony Ada:** He continues by reinstating the example Mr. Wilson gives about the glass jar. Just by allowing those petroleum trucks to travel heavy on the roads everyday, takes away from the road. He goes on to say that nothing in his power bill is different because the petroleum company decided to use one truck. It is not fair and not right that a waiver is granted to the petroleum company, so that it is easier for them to transport the fuel. It is part of their contract to transport the fuel from point A to point B. If it takes them 3 trucks to transport 100,000 gallons of fuel then so be it, he goes on to say that it should not be made easier for them. He states that it should not be made convenient for them to use one truck at the cost and the expense of the people.

**Director Leon Guerrero:** He replies that he agrees to the philosophy that the Senator is explaining, but the island is in a power crisis.

**Senator V. Anthony Ada:** He states that the island is in a power crisis but it is not the fuel that is causing the crisis, it is because Cabras 3 and 4 are down. He then gives the example of the trash trucks running heavy, there is no reduction in the tipping fee to the people. So until the tipping fee is reduced, they should distribute the weight amongst their trash trucks. He then says why are we making convenient for the transportation companies and not the people.

**Director Leon Guerrero:** His intention is just to ensure that the power plants don't run out of fuel.

**Senator V. Anthony Ada:** He reinstates that he has not heard from the CCU or GPA that the lack of fuel is the problem for the power crisis. He goes on to say that he doesn't understand the waiver and that from this point on a waiver should not be granted. If it takes three trucks then that is the contractor's responsibility. If Joe Public goes to get gavel and gets pulled over are they going to tell him to distribute his load?

**Director Leon Guerrero:** He responds that they would fine him.

**Senator V. Anthony Ada:** Your testimony states that the heavy the weight the more wear and tear on the road, says Senator Ada. If a standard is in place then everyone should be held to that standard. If granting no waivers is the route we are going to take then so be it but lets not give waivers to the selected few. He then goes on to say that there will fines and penalties but there is a waiver for it, it is something that he just doesn't understand.

**Senator Torres:** She starts by saying that she appreciates the delicate balance the bill provides because the island is a fixed route system. It was notices that the bill does prohibit wide loads and/or overweight loads from traversing on certain roads during a certain period of the day. She then asks if there is a practice amongst the commercial businesses to keep off the highways at a certain point, whether it's designated routes or times. She then asks if there was

to be a happy medium trucks and cars, what would it be? Would it be reasonable to require that these trucks could only be on the road at a certain time?

**Mr. Wilson:** The basic limitations on width, length, height and weight are intended to put the categories of all vehicles into a reasonable box. So if it fits into this category of the box, then it is free to go where it pleases but the approach is not in this bill.

**Senator Torres:** She goes on to say if lane restriction or time travel limitations could be something considered in the future. Her concern is how to make it safer for road travel.

**Director Leon Guerrero:** He responds by saying these are public roads and the only vehicle that could be kept of is the oversize and/or overweight. At this point there is only one waiver in play and that is for Guam Solid Waste trucks.

**Senator Respicio:** He recalled that in a previous legislature by statute had regulated container-hauling trucks to stay on the far right side and insufficient clearance at the driver's discretion. He then says that the same legislation also put a time limit of the travel time these trucks. It may not be in this bill but he says there may be existing statute in play.

**Director Leon Guerrero:** He states that the law has been repealed because the conditions of the roads have changed for the better and allow for more clearance for these trucks.

**Senator Respicio:** He responds that it may only be the requirement that has trucks use the far right lane. But he thinks that they are not allowed to traverse during heavy traffic hours.

**Senator Underwood:** She asks the Director if there is an expenditure report that shows the amount it cost to maintain the roads? And what proportion of the fees expected to come from the bill would then help with the roads?

**Director Leon Guerrero:** He answers by saying that his expenditures come from his request from the budget bill and from the federal highway there is a trust fund that DPW draws from and it is 40% for the territories. There is also a master plan, the Guam Transportation Master Plan that will be updated and that will tell them what they can spend money on. The study that was done to update second and tertiary roads will cost about one billion and that is for those roads alone. He then says the amount to update all the roads will depend on to the extent of the roads.

**Mr. Wilson:** He responds that money that comes from federal funds can't be used to repair or maintain roads. The federal funds have been targeted for taking care of the worse problems first. An example he gives is updated most critical bridges on the routed roads. With that he says the remaining funds have to come from a local source. The money that will come from the permits and the fines will go back to the TESS facility and then it can become self-sufficient.

**Director Leon Guerrero:** He says the goal in this is not to issue fines but rather to be as a regulation. This is to maintain the life expectancy for the roads that will be built us based on

the master plan. He says that in the beginning there will be many fines given out but that is expected because of the learning curve.

**Senator V. Anthony Ada:** He asks the Director how much funds have been waived away? What is collected currently for waivers and permits?

**Director Leon Guerrero:** He responds that the permits are \$25.

**Senator V. Anthony Ada:** Another question is asked, do think the fees that are being proposed are for overweight or oversize loads of \$50 is reasonable?

**Director Leon Guerrero:** He responds yes.

**Senator V. Anthony Ada:** A car dealer pays \$50 per vehicle to get a car from the port to the dealer's lot, he says. But in this case he says we are talking about a vehicle that is oversize or overweight. He then mentions that \$250 is more reasonable and for a continuous trip \$400 would be reasonable. To this day the condition of the roads is something the Senators hear everyday and the condition will always be an issue.

**Mr. Wilson:** He mentions that when the fees were being discussed, there were a number of states that were made comparable. The fee chosen is above the average prices that were researched. Another thing that was looked at was what they fees will be used for. He then mentions that the goal was to maintain the roads and not to generate a revenue fund. The permit cost is just to cover the administrative side.

**Director Leon Guerrero:** When it comes to maintenance of the road there are other avenues that can be looked.

**Senator V. Anthony Ada:** He states that if the \$50 fee is sufficient then he shouldn't go back to the Legislature and request for more money because the money coming in is not enough. He goes on to say that sometimes as a government we neglect to think about what costs are to maintain a facility or a piece of equipment. Government shouldn't be in government to lose money. Waivers are being given to trash truck but yet the tipping fees being aid by the people doesn't reflect the waiver.

**Director Leon Guerrero:** He replies that when he got into office he stopped the waiver and gave the agency until January 2016.

**Chairperson Ada:** He asked if the January 1<sup>st</sup> deadline was driven by when the operator can bring in the smaller equipment?

**Director Leon Guerrero:** Yes, he responded.

**Senator V. Anthony Ada:** Just don't fill up the bigger trucks, he comments. If the truck has a capacity of 80,000 doesn't mean they have to load the truck to that capacity. He asks why they would need to go over?

**Senator Respicio:** He follows up by asking if the larger trucks are permitted but have to carry at the permitted weight, why would the trash company need to bring in smaller trucks, if they could use the current trucks without filling to capacity. He goes on to say that he wants to know if those vehicles need to be mothballed because it can't be permitted to operate on the roadway.

**Director Leon Guerrero:** He replies that he doesn't foresee a situation where the vehicle needs to be mothballed but does foresee that the vehicles will have to be used more frequent. He goes on to say that he will take Senator V. Anthony Ada's inquiries and have more discussions with him. However, at this point in time his responsibility was to lower the weight to maintain the roads. He continues by saying that is route that he is taking and that is also a decision he has made with the trucking companies that are picking up the trash.

**Chairperson Ada:** He mentions that Senator V. Anthony Ada does bring up a good point, that instead of giving a waiver, the operator could just haul less trash to come within the weight limit. However, there is the other factor that the operator has to make more trips during the day and is there enough hours in the day to keep up with the demand. Will there be enough hours in the day to haul a reduced load of trash, as oppose to allowing the continuation of overweight until the rolling stock comes in to pick up the demand. And when those existing stocks come in, it can be run at a lower weight to be in compliance. Chairperson Ada goes on to say that those are situations that should be taken into consideration.

**Senator Respicio:** He states that those situations will still take place if the bill is passed into law. How would the same courtesy be give to trucking companies who also need to bring in assets to be in compliance if the law is passed? He then states that at this point the only feedback they are getting is from the government. He then asks if any pushback is foreseen.

**Director Leon Guerrero:** He replies that he foresees many pushbacks. He then goes to say that he is taking the lead from both Senator Ada's and trying to resolve the situation. This bill is important enough to protect our roads and that is the stance that he is taking. He goes on to say that this bill would give DPW the authority to activate the scales and place portable weight scales around the island, so that this bill could be enforced. The idea is to stay within the weight limit of the roads and the roads can last for the time that they are planned for.

**Senator Respicio:** The bottom line is that those vehicles that can carry beyond the weight limit can be permittable provided they reduce the load size.

**Director Leon Guerrero:** Yes, he responds. Those vehicles are easy to audit and receive data from because they have to be weighed before being brought to Leyon. A cement company was in concern put their trucks fit into the weight limit the bill calls for. He goes on to say there may be some adverse feedback but if the goal is to keep the roads at the weight and design they are made for, the DPW will get there.

**Chairperson Ada:** He asks if the bridge going to GORCO has been evaluated? That is a route used by many petroleum companies and if that bridge should collapse and the truck fall into the river, that has be a devastating environmental impact.

**Mr. Wilson:** He responds yes, it was rated and is now part of the 2-year rating cycle. Federal Highway Administration pays to have that work done and be in compliance with Washington D.C. That particular bridge is load posted and is not a routed road, which means it is not technically eligible to be federally funded along with the other bridges. He goes on to say that that bridges does have structure issues and functional issues as well, for example the lack of guard rails, etc. It is not on the list to be replaced but the most important ones are being addressed first.

**Chairperson Ada:** He asks is that bridge collapsed today, does that isolate the fuel area?

**Director Leon Guerrero:** He replies that it doesn't and that there are pipelines that connect to other terminals to allow for transportation.

Chairperson Ada ends the public hearing for Bill No. 147-33 (COR).

### **III. Findings and Recommendations**

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement finds that testimony presented at the public hearing of Bill No. 147-33 (COR) from the Joint Region Marianas focused on the issue of pulling over military ammunition cargo. It is stated in the testimony, to pull over vehicles carrying sensitive military cargo presents an issue with public safety and security. The Committee has included language into Bill No. 147-33(COR) to address the concern from Joint Regions Marians.


After considering the findings and testimonies given at the public hearing, the Committee hereby reports out **Bill No. 147-33 (COR), as amended** with the recommendation

TO DO PASS

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2015 (FIRST) Regular Session

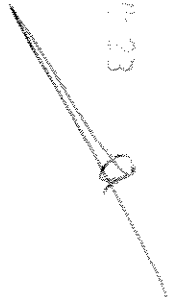
Bill No. 147-33 (COR)

Introduced by:

T. C. Ada 

**AN ACT TO AMEND §§ 5101, 5104, 5107, 5109, 5112, AND 5114, AND TO ADD A NEW § 5118, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORITIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REVENUE AND TAXATION AND THE DEPARTMENT OF PUBLIC WORKS TO ENFORCE WEIGHT LIMITS AND SAFE OPERATIONS OF COMMERCIAL VEHICLES ON GUAM'S HIGHWAYS; ESTABLISHING PENALTIES FOR VIOLATIONS; ESTABLISHING PERMIT REQUIREMENTS; AND ESTABLISHING A TRUCK ENFORCEMENT SCREENING STATION (TESS) FACILITY FUND.**

2015 JUN 10 11:14:23



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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

finds that Guam's public highways, road, and streets must be protected from undue wear and tear caused by commercial vehicles that exceed weight limits that the highways and roads are designed to carry.

*I Liheslaturan Guåhan* further finds that safe travel of vehicles on the highways is equally important. It is imperative that commercial vehicles used to transport material throughout the island are mechanically sound, the operators are properly licensed, and their loads are properly secured. Safe travel can be further assured by establishing inspection programs that would serve to verify the weight of vehicles and their loads, the mechanical soundness of the vehicles, and the proper securement of loads thereon.

1            *I Liheslaturan Guåhan* intends to establish the respective authorities  
2 and responsibilities of the Department of Public Works (DPW) and the  
3 Department of Revenue and Taxation (DRT) to stop, inspect, and weigh  
4 commercial vehicles operating on Guam’s roads and highways.

5            **Section 2.** § 5101 of Chapter 5, Title 16, Guam Code Annotated, is  
6 hereby *amended* to read as follows:

7            “§ 5101. **Definitions.**

8            As used in this Chapter, the following definitions will hold true:

9            *Axle:* The common axis of rotation of one (1) *or* more wheels,  
10 whether in one (1) *or* more segments and regardless of the number of  
11 wheels carried thereon.

12            *Axle Group:* An assemblage of two (2) *or* more consecutive axles  
13 considered together in determining their combined load effect on a  
14 bridge *or* pavement structure.

15            *Axle Load:* The total ~~load~~ weight transmitted to the road by a  
16 ~~single axle all wheels whose centers are included between the two (2)~~  
17 ~~parallel transverse vertical planes forty (40) inches apart, extending~~  
18 ~~across the full width of the vehicle.~~

19            *Connecting Mechanism:* An arrangement of parts interconnecting  
20 two (2) *or* more consecutive axles to the frame of a vehicle in such a  
21 manner as to equalize the load between the axles.

22            *Continuous Trip Permit:* A special permit issued for oversize or  
23 overweight loads, valid for multiple days, multiple routes and/or  
24 between multiple points of destination, for the duration of a specific  
25 project, but not to exceed 90-days, unless deemed warranted  
26 otherwise by the DPW Director.

1           *Gross Combination Weight (GCW)*: The total weight of the  
2 power unit and the total weight of the towed unit and any load  
3 thereon.

4           *Gross Combination Weight Rating (GCWR)*: The value specified  
5 by the manufacturer as the loaded weight of a combination  
6 (articulated) motor vehicle. In the absence of a value specified by the  
7 manufacturer, GCWR will be determined by adding the GVWR of the  
8 power unit and the total weight of the towed unit and any load  
9 thereon.

10          *Gross Vehicle Weight (GVW)*: The total weight of the loaded  
11 vehicle. This includes the vehicle itself and the cargo that is loaded  
12 within that vehicle.

13          *Gross Vehicle Weight Rating (GVWR)*: The value specified by  
14 the manufacturer as the loaded weight of a single motor vehicle.

15          *Gross Weight*: The weight of a vehicle *and/or* vehicle  
16 combination without load, plus the weight of any load thereon.

17          *Height*: The total vertical dimension of any vehicle above the  
18 ground surface including any load and load holding device thereon.

19          *Highway*: The entire width between the boundary lines of every  
20 publicly maintained surface, when any part thereof is open to the use  
21 of the public for purposes of vehicular travel; synonymous and  
22 interchangeable in usage with "street".

23          *Length*: The total longitudinal dimension of any vehicle *or*  
24 combination of vehicles, including any load *or* load holding devices  
25 thereon.

26          *Load*: A weight *or* quantity of anything resting upon a support.



1           *Motor Vehicle:* A vehicle which is self-propelled *or* propelled by  
2 electric power obtained from overhead trolley wires, but not operating  
3 upon rails.

4           *Owner:* A person, other than a lienholder, having the property in  
5 *or* title to a vehicle, including a person entitled to use and possession  
6 of a vehicle subject to a security interest in another person, but  
7 excluding a lessee under a lease not intended as security.

8           *Portable Scales:* A movable weighing device.

9           *Primary Road:* A primary road is a road with two (2) *or more*  
10 lanes each way, *or* any road with at least two (2) contiguous miles  
11 with a speed limit of thirty-five (35) mph *or* greater.

12           *Scale Tolerance:* An allowable variation in the static weight of an  
13 axle load in accordance with, but *not exceeding*, the precision of the  
14 scale involved.

15           *Secondary Road:* A secondary road is any road, paved *or*  
16 unpaved, that does not meet the definition of “primary road” as herein  
17 stated.

18           *Semi-Trailer:* A vehicle designed for carrying persons *or*  
19 property and drawn by a truck-tractor on which parts of its weight and  
20 load rests.

21           *Single Axle:* An assembly of two (2) *or more* wheels, whose  
22 centers are on one (1) transverse vertical plane *or* may be included  
23 between two (2) parallel transverse vertical planes forty (40) inches *or*  
24 less apart extending the full width of the vehicle.

25           *Single Axle Weight:* The total weight transmitted to the road by a  
26 single axle.

1            *Single Trip Permit:* A special permit issued for oversize or  
2            overweight loads, valid for a single trip on a specified route between  
3            predetermined points of origin and destination and *shall* expire within  
4            24-hours.

5            *Special Permit:* A written authorization to move *or* operate on a  
6            highway, a vehicle *or* vehicles with indivisible load of a size *and/or*  
7            weight exceeding the limits prescribed for vehicles in regular  
8            operation. Said permit may be for a single trip or for a continuous trip.

9            *Static Scales:* An immovable measuring scale, similar to a ruler,  
10           that is attached to the edge of an optical comparator screen.

11           *Tandem Axle:* Any two (2) *or more* consecutive axles whose  
12           centers are more than forty (40) inches ~~but less than~~ and not more than  
13           ninety-six (96) inches apart, and are individually attached *and/or*  
14           articulated from a common attachment to the vehicle including a  
15           connecting mechanism designed to equalize the load between the  
16           axles.

17           *Tandem Axle Weight:* The total weight transmitted to the road by  
18           a tandem axle ~~two (2) or more consecutive axles whose centers may~~  
19           ~~be included between parallel transverse planes spaced forty (40)~~  
20           ~~inches but less than ninety six (96) inches apart, extending the full~~  
21           ~~width of the vehicle.~~

22           *Trailer:* A vehicle designed for carrying persons *or* property and  
23           drawn by a motor vehicle which carries no part of the weight and load  
24           of the trailer on its own wheels.

25           *Truck:* A motor vehicle designed, used *or* maintained primarily  
26           for the transportation of property.

1           *Truck-Tractor:* A motor vehicle designed for drawing other  
2 vehicles, but not for a load other than a part of the weight of the  
3 vehicle and load drawn.

4           *Vehicle:* A device in, upon *or* by which any person *or* property  
5 may be transported *or* drawn upon a highway.

6           *Vehicle Combination:* A truck-tractor and semi-trailer, either  
7 with *or* without a full trailer, *or* a truck with one (1) *or* more full  
8 trailers.

9           *Weigh-in-Motion Scales:* Weighing-in-Motion (WIM) is, as the  
10 name implies, the process of weighing a vehicle as it is moving along  
11 the highway in an effort to estimate the equivalent static weight of the  
12 vehicle.

13           *Wheel Load:* The total load transmitted to the road by a wheel.  
14 Dual wheels that share an axle mounting are considered a single  
15 wheel for load requirements.

16           *Width:* The total outside transverse dimension of a vehicle,  
17 including any load *or* load holding devices thereon, but excluding  
18 approved safety devices and tire bulge due to load.”

19           **Section 3.** § 5104 of Chapter 5, Title 16, Guam Code Annotated, is  
20 hereby *amended* to read as follows:

21           **“§ 5104. Height of Vehicles and Loads.**

22           No vehicle, including any load and load holding devices  
23 thereon, *shall* exceed a total height of ~~fourteen (14) feet for secondary~~  
24 ~~roads and~~ fifteen (15) feet for primary public roads, streets or  
25 highways.”

1           **Section 4.** § 5107 of Chapter 5, Title 16, Guam Code Annotated, is  
2 hereby *amended* to read as follows:

3           “~~§ 5107. Maximum Permissible Load Limit. Gross Weight, Axle,~~  
4 ~~and Wheel Loads.~~”

5           ~~Vehicle Gross Weight: The total gross weight imposed on the~~  
6 ~~highway surface by a vehicle, or combination of vehicles, shall~~  
7 ~~be determined by the application of Table I:~~

8                   ~~TABLE I~~

9                   ~~20 Maximum Load per Axle (1000 lbs)~~

10                  ~~36 Maximum Load per Tandem Axle (1000 lbs)~~

11                  ~~36.2 Axle Single Unit~~

12                  ~~56.3 Axle Single Unit~~

13                  ~~54.2 Axle Tractor 1 Axle Trailer~~

14                  ~~68.2 Axle Tractor 2 Axle Trailer~~

15                  ~~76.8 3 Axle Tractor 2 Axle Trailer~~

16                  ~~76.8 Maximum Gross Weight~~

17           ~~No motor vehicle or combination of vehicles equipped wholly~~  
18 ~~with pneumatic tires, which has a gross weight, an axle load, or a~~  
19 ~~wheel load in excess of the limits set forth in this Section shall be~~  
20 ~~operated or moved upon any public road, street, or highway; and no~~  
21 ~~vehicle or combination of vehicles shall be operated on or moved over~~  
22 ~~any bridge or other highway structure if the gross weight, including~~  
23 ~~vehicle and load, exceeds the posted maximum gross weight~~  
24 ~~limitation for the bridge or other highway structure.~~

25           ~~(a) The total gross weight, in pounds, imposed on any~~  
26 ~~public road, street, or highway by any axle group on a vehicle~~  
27 ~~or combination of vehicles shall not exceed the following when~~

1 the distance between the first and last axles of the group under  
2 consideration is:

3 (1) Forty (40) inches or less; the axle load *shall not*  
4 exceed twenty thousand (20,000) pounds.

5 (2) More than forty (40) inches but not more than  
6 eight (8) feet; the tandem axle weight imposed *shall not*  
7 exceed thirty-four thousand (34,000) pounds.

8 (b) The total gross weight, in pounds, imposed on any  
9 public road, street, or highway by any axle group on a vehicle  
10 or combination of vehicles *shall not* exceed that resulting from  
11 application of the Bridge Formula:

$$12 \quad \mathbf{W = 500 (LN/(N-1) + 12N + 36)}$$

13 when the distance between the first and last axles of the axle  
14 group under consideration is over eight (8) feet and where

15  $W$  = maximum gross weight in pounds carried on any  
16 axle group,

17  $L$  = Distance in feet between the outer axles of any axle  
18 group, to the nearest foot, and

19  $N$  = Number of axles in group under consideration;  
20 provided that two (2) consecutive sets of tandem axles may  
21 carry a gross load of thirty-four thousand (34,000) pounds  
22 each providing the overall distance between the first and last  
23 axles of such consecutive sets of tandem axles is thirty-six  
24 (36) feet or more and provided also that the overall gross  
25 weight does not exceed eighty thousand (80,000) pounds.

26 (c) No vehicle or combination of vehicles shall be used  
27 or operated on any public road, street, or highway with:

1 (1) a load upon any single or tandem axle or  
2 combination of axles which exceeds the carrying capacity  
3 of the axles specified by the manufacturer, or

4 (2) with a total weight in excess of its designed  
5 capacity as indicated by its designed gross vehicle  
6 weights or gross combination weights.

7 (d) The single axle weight *shall not* exceed twenty  
8 thousand (20,000) pounds.

9 (e) The maximum wheel load imposed upon any public  
10 road, street, or highway *shall not* exceed Ten thousand (10,000)  
11 pounds.

12 (f) The Director of the Department of Public Works  
13 (DPW Director) may place and maintain signs to limit the gross  
14 weight of a vehicle or combination of vehicles traveling over a  
15 bridge or other highway structure in the interest of public safety  
16 when it is determined that the theoretical load carrying capacity  
17 of the bridge or structure is less than the maximum gross  
18 vehicular weight allowed by this Chapter.

19 (g) The DPW Director may issue an Overweight Vehicle  
20 Load Permit for a vehicle that meets the axle group load  
21 requirements of the formula in paragraph (b) above but with a  
22 gross vehicle weight in excess of eighty thousand (80,000)  
23 pounds. Such special permit *shall* be issued in accordance with  
24 § 5114 of this Chapter.”

25 **Section 5.** § 5109 of Chapter 5, Title 16, Guam Code Annotated, is  
26 hereby *amended* to read as follows:

1           **“§5109. Authority to Stop, Inspect and Weigh Vehicles; Removal**  
2           **of Excess Loads.**

3           (a) For purposes of the enforcement of this part, the Director of  
4           Revenue and Taxation (DRT Director) and the DPW Director, *shall*  
5           have such powers of enforcement as may be necessary to implement  
6           ~~this part~~ their respective responsibilities under this Chapter.

7                     (1) The DRT Director, whose department is primarily  
8                     responsible for implementing and enforcing this chapter as such  
9                     relates to the registration and safety of vehicles, may delegate the  
10                    enforcement of this part to the Administrator of the Division of  
11                    Motor Vehicles/Motor Carrier Safety Assistance Program  
12                    (DMV/MCSAP).

13                    (2) The DPW Director, whose department is primarily  
14                    responsible for implementing and enforcing this Chapter as such  
15                    relates to truck gross weight and the safety and maintenance of  
16                    Guam’s public roads, streets and highways, may delegate the  
17                    enforcement of this part to the Administrator of the Division of  
18                    Highways.

19           (b) For the purpose of safety, welfare and health of the general  
20           public, and the safe transportation of hazardous materials, and waste  
21           and other materials on any public highway, or primary, road, street or  
22           highway, and the enforcement of this part and of all rules adopted  
23           pursuant to this part, the Director, and persons appointed by the  
24           Director, may (1) inspect lands, buildings, freight and equipment of  
25           motor carriers; the responsibilities of each agency shall be as follows:

26                    (1) Department of Revenue and Taxation (DRT):

1                   (A) inspect business premises, buildings, freight  
2 and equipment of commercial motor carriers;

3                   ~~(2)~~ (B) stop and inspect freight and equipment of  
4 all motor carriers operating on any public highway or  
5 primary road, street or highway;

6                   ~~(3)~~ (C) inspect shipping papers and hazardous  
7 waste manifests of all motor carriers and persons subject  
8 to this part operating on any public road, street or  
9 highway; and

10                   ~~(4)~~ stop and inspect similar documents and  
11 equipment status of military vehicles traveling on a  
12 Guam public highway or primary road.

13                   (D) during the course of an inspection, weigh any  
14 vehicle and/or combination of vehicles equipped wholly  
15 with pneumatic tires to ensure compliance with the  
16 provisions of Subsections 5107(c)(1) and 5107(c)(2) of  
17 this Chapter;

18                   ~~Every police officer or Division of Motor~~  
19 ~~Vehicles/Motor Carrier Safety Assistance Program~~  
20 ~~(DMV/MCSAP) inspector shall assist in the enforcement~~  
21 ~~of this part and of all rules adopted pursuant to this part~~  
22 ~~and issue citations for violations as appropriate.~~

23                   ~~(b)~~(E) Whenever a police officer or  
24 DMV/MCSAP inspector, upon inspection of a vehicle  
25 and/or load, determines the existence of a minor  
26 infraction violation, a citation will may be issued, and the  
27 vehicle allowed to proceed to its own shop for correction.



1 The vehicle may be allowed to proceed directly to its  
2 own shop or facility for correction. When a vehicle is  
3 found to be ~~hazardous~~ unsafe to the driver or the public,  
4 the police officer or DMV/MCSAP inspector has the  
5 authority to direct the discontinuance of the vehicle  
6 passage and require ~~the vehicle to be moved to a storage~~  
7 ~~area or government facility, and said vehicle shall remain~~  
8 ~~there until such repairs or corrections as stated can be~~  
9 ~~effected either there, or its own shop.~~ corrective action  
10 on the spot as appropriate and ~~S~~such vehicle ~~will~~ shall  
11 not be allowed back into normal operations until  
12 corrections are made;

13 (F) Every police officer, or DMV/MCSAP  
14 inspector shall assist in the enforcement of this part and  
15 of all rules adopted pursuant to this part and may issue  
16 citations for violations as appropriate; and

17 (G) Fines collected from citations issued by  
18 DMV/MCSAP inspectors for violations of this  
19 Subsection shall be deposited in the *Better Public Service*  
20 *Fund* and expended in accordance with § 16101 of  
21 Chapter 161, Title 11, Guam Code Annotated.

22 (2) Department of Public Works (DPW):

23 (A) operate the Truck Enforcement Screening  
24 Station Facility (TESS Facility) located at Route 11 to  
25 weigh vehicles and/or combinations of vehicles operating  
26 on Guam's roads, streets, or highways.

1                    ~~(e)~~(B) Every police officer *or* ~~DMV/MCSAP~~ DPW  
2 inspector having reason to believe that the weight *or*  
3 dimension of a vehicle operating on a public road, street or  
4 highway, either ~~unladen or~~ with or without load, is  
5 ~~unlawful~~ in violation of the provisions of this Chapter, is  
6 *shall be* authorized to require the driver to stop and submit  
7 to an inspection ~~weighing of the~~ same by means of  
8 portable scales, static scales, or weigh-in-motion scales *or*  
9 as otherwise appropriate. Violations for any dimensions or  
10 GVW in excess of permissible limits, as established by the  
11 provisions of this Chapter, *shall* be subject to the penalties  
12 cited in §5112(a) of this Chapter.

13                    ~~(d)~~(C) Whenever an police officer *or* ~~DMV/MCSAP~~  
14 DPW inspector, upon weighing a vehicle and load, as  
15 provided above, determines that the weight ~~is unlawful~~  
16 GVW exceeds allowable limits, such officer *or*  
17 ~~DMV/MCSAP~~ DPW inspector ~~will~~ may require the driver  
18 to stop the vehicle in a ~~suitable place and remain standing~~  
19 ~~until such portion of the load is removed as may be~~  
20 ~~necessary to reduce the weight of such vehicle such limit~~  
21 ~~as permitted under this Chapter. A two thousand (2000)~~  
22 ~~pound tolerance over and above the maximum permissible~~  
23 ~~weight will be allowed before the removal of load will be~~  
24 ~~required. All material so unloaded shall be cared for by the~~  
25 ~~owner or driver of such vehicle at the risk of said owner or~~  
26 ~~driver~~ area where corrective action can be determined by  
27 the officer *or* DPW inspector. Corrective action may

1 include removal of the non-conforming portion of the load  
2 and distribution to another vehicle, *or* allowance of the  
3 vehicle to proceed to another location for unloading.

4 Nothing herein is intended to waive any applicable fines;

5 (D) Every police officer or DPW inspector *shall*  
6 assist in the enforcement of this part and of all rules  
7 adopted pursuant to this part and issue citations for  
8 violations as appropriate;

9 (E) Fines collected from citations issued by DPW  
10 inspectors for violations of this Subsection *shall* be  
11 deposited in the *TESS Facility Fund* and *shall* be expended  
12 in accordance with § 5118 of this Chapter.

13 (c) ~~(e)~~ Any driver of a vehicle who fails *or* refuses to stop and  
14 submit the vehicle, either ~~unladen~~ *or* with *or* without load, to an  
15 inspection *and/or* weighing, *or* who fails or refuses when directed by  
16 ~~the~~ a police officer, ~~or DMV/MCSAP~~ DMV inspector, *or* DPW  
17 inspector upon inspection *and/or* weighing of the vehicle to stop  
18 discontinue the operation of the vehicle and otherwise comply with  
19 the provisions of this Section *shall* be guilty of a ~~misdemeanor~~ civil  
20 violation. Each violation for failure or refusal to stop and submit the  
21 vehicle to an inspection *and/or* take subsequent corrective actions  
22 *shall* be subject to the following:

23 (1) First violation *shall* be subject to a penalty of \$100;

24 (2) Second violation of the provisions of this Subsection  
25 within a six (6) month period from the date of the first violation  
26 *shall* be subject to a penalty of \$200;

1 (3) Third violation of the provisions of this Subsection  
2 within a six (6) month period from the date of a second  
3 violation *shall* be subject to a penalty of \$500;

4 (4) A fourth violation of the provisions of this Subsection  
5 within a six (6) month period from the date of the third  
6 violation *shall* be subject to a penalty of \$1,000 and the  
7 operator *shall* be subject to revocation of their driver's license."

8 **Section 6.** § 5112 of Chapter 5, Title 16, Guam Code Annotated, is  
9 hereby *amended* to read as follows:

10 **"§ 5112. Penalties.**

11 (a) Every person, entity *or* organization convicted of a violation  
12 of any of the provisions of this Chapter for which another penalty is  
13 not provided *shall* be guilty of a civil violation and subject to a  
14 penalty of up to \$500. Every person, entity or organization found to be  
15 in violation of the weight limitations established in this Chapter *shall*  
16 be subject to the following:

17 (1) ~~for a first conviction thereof,~~ for a first violation, such  
18 person, entity or organization *shall* be guilty of a misdemeanor  
19 civil violation and punished by a fine of ~~not more than~~ up to  
20 Five Hundred Dollars (\$500.00) and \$0.25/pound over the  
21 maximum allowable load as authorized in § 5107;

22 (2) for a second ~~such conviction~~ violation within a ~~two~~  
23 ~~(2) years thereafter~~ six (6) month period from the date of the  
24 first violation, such person, entity or organization shall be guilty  
25 of a ~~misdemeanor~~ civil violation and punished by a fine of up to  
26 ~~not less than Five Hundred Dollars (\$500.00)~~ Seven Hundred  
27 Fifty Dollars (\$750.00) and \$0.2550/pound over the maximum

1 allowable load authorized in § 5107 ~~but not more than Seven~~  
2 ~~Hundred Fifty Dollars (\$750.00) and \$0.50/pound over the~~  
3 ~~maximum allowable load authorized in § 5107; and~~

4 (3) should a person, entity or organization be found  
5 guilty of a third violation of the weight limitations established  
6 by this Chapter ~~upon a third or subsequent conviction~~ within  
7 ~~two (2) years~~ six (6) months after a ~~the first conviction~~ second  
8 violation, such person, entity or organization *shall* be guilty of a  
9 ~~misdemeanor~~ civil violation and subject to fine of *not less than*  
10 ~~Seven Hundred Fifty Dollars (\$750.00) and \$0.50/pound over~~  
11 ~~the maximum allowable load authorized in § 5107 but not more~~  
12 ~~than~~ One Thousand Dollars (\$1,000.00) and \$0.75/pound over  
13 the maximum allowable load authorized in § 5107 and the  
14 responsible party, as defined in Subsection (d) of this Part, may  
15 have their Guam business license revoked in accordance with  
16 the following: - ~~In no event shall any fine exceed One~~  
17 ~~Thousand Dollars (\$1,000.00).~~

18 (A) The Director of the Department of Public  
19 Works (DPW Director) *shall* notify the responsible party,  
20 (respondent), in writing, of the finding of a third violation  
21 of this Section.

22 (B) The respondent may request, in writing, an  
23 administrative hearing to dispute the findings of the  
24 Director. Said request for a hearing must be delivered, in  
25 writing, to the Office of the DPW Director within fifteen  
26 (15) calendar days from the date of receipt of the DPW  
27 Director's Findings.

1 (C) Notwithstanding § 9220 of Chapter 9 of Title 5  
2 of the Guam Code Annotated, the hearing *shall* be  
3 conducted by the DPW Director who *shall* be the hearing  
4 officer. The Office of the Attorney General or a Special  
5 Assistant Attorney General, appointed by the Attorney  
6 General, *shall* assist in providing advice to the DPW  
7 Director when matters of law arise. The Hearing Process  
8 *shall* be subject to the procedures of Chapter 9 of Title 5  
9 of the Guam Code Annotated with the exception noted  
10 above, to § 9220 of the same. The findings of the  
11 Director, upon the delivery to the respondent, *shall* fulfill  
12 the requirements of § 9201 of Chapter 9 of Title 5, Guam  
13 Code Annotated.

14 (D) In the event that the DPW Director affirms the  
15 finding of a third violation is valid, or if no hearing is  
16 requested in writing within fifteen (15) calendar days  
17 from the date of receipt of the findings by the respondent,  
18 the DPW Director may request, in writing, that the  
19 appropriate licensing entity revoke the respondent's  
20 license to do business on Guam immediately, for a period  
21 of up to three years, as determined by the Director. Upon  
22 receipt of the DPW Director's written recommendation,  
23 the appropriate licensing entity may suspend such license  
24 to do business on Guam in accordance with the  
25 recommendation of the DPW Director. The hearing  
26 required of this Subsection *shall* fulfill the requirements

1 to suspend a business license found in Chapter 9, of Title  
2 5 GCA.

3 (4) Any person found to be in violation of the  
4 dimensional limitations established by this Chapter shall be  
5 guilty of a civil violation and subject to the following:  
6

| 7 If the excess dimension (length or width) is: | The fine shall be:                               |
|---|--|
| 8 Up to 5 ft                                    | \$ 50  |
| 9 Over 5 ft and up to 10 ft                     | \$100  |
| 10 Over 10 ft and up to 15 ft                   | \$150  |
| 11 Over 15 ft                                   | \$200, plus \$10 for each<br>12 additional foot. |

13 ~~(6)~~(5) Any person who commits any of the acts  
14 prohibited by this Section or any Rules adopted to enforce this  
15 Chapter where no penalty is provided for shall be guilty of a  
16 civil violation and shall be fined not less than \$500, as  
17 determined by the DPW Director.

18 (b) All ~~permit fees and~~ fines levied by a DMV/MCSAP  
19 inspector in accordance with the applicable provisions of this Chapter  
20 shall be deposited into the Better Public Service Fund of the  
21 Department of Revenue and Taxation, to be used by the Division of  
22 Motor Vehicles in accordance with § 16101 of Chapter 16, Title 11,  
23 Guam Code Annotated.

24 (c) All fines levied by a DPW/TESS Inspector and any permits  
25 and administrative fees collected by the Department of Public Works  
26 in accordance with this Chapter shall be deposited into the TESS

1 Facility fund and shall be expended in accordance with § 5118 of this  
2 Chapter.

3 (e d) Responsible Party.

4 (1) ~~Imported~~ Shipping Containers Under Seal. Any  
5 importer *or* consignee, whether an individual *or* an entity,  
6 organization, or company, whose shipping container placed  
7 under seal has been determined to be in violation of § 5107 of  
8 this part *shall* be responsible for any fine, penalty, handling,  
9 additional transportation or other associated cost (including  
10 storage).

11 (2) Export Shipping Containers Under Seal. Any  
12 exporter, whether an individual *or* an entity, organization, *or*  
13 company, whose shipping container placed under seal has been  
14 determined to be in violation of § 5107 of this part *shall* be  
15 responsible for any fine, penalty, handling, additional  
16 transportation or other associated cost (including storage).

17 (3) Local Containers Under Seal. Any individual and any  
18 organization, entity, or company loading a shipping container  
19 under seal not designated for export that has been determined to  
20 be in violation of § 5107 of this part *shall* be responsible for  
21 any fine, penalty, handling, additional transportation or other  
22 associated cost (including storage).

23 (4) All Other Local Transport Not Under Seal. Any  
24 individual or any cargo transporting entity, organization, *or*  
25 company determined to be in violation of § 5107 of this part  
26 *shall* be responsible for any fine, penalty, handling, additional



1 transportation or other associated cost (including storage)  
2 prescribed in this Section.

3 (d e) The fine schedules of the Superior Court of Guam and the  
4 Commercial Vehicle Safety Alliance (CVSA) for violations cited  
5 during roadside inspections, and the method for penalty assessment  
6 outlined in the Federal Uniform Fine Assessment (UFA) Program,  
7 specifically for violations identified as a result of a Compliance  
8 Review, are hereby adopted pursuant to fines and fees as applicable to  
9 Guam.

10 (f) For the purposes of this Section, "person" means the driver  
11 of the vehicle unless the driver is an employee is operating the vehicle  
12 in the scope and course of employment, in which case "person" means  
13 the employer of the driver. In the case of the transportation of a sealed  
14 container or transportation by flatrack, "person" means:

15 (1) The individual or company the cargo is consigned to;

16 *or*

17 (2) The individual or company located in Guam shipping  
18 the cargo.

19 The owner of the vehicle or combination of vehicles may  
20 request the operator be held harmless and the citation be transferred to  
21 that owner of the vehicle or combination of vehicles. The consignee or  
22 the shipper *shall not* be cited *if* the power units' (tractors') drive axle  
23 group is overweight, and the weight is *not more than* that allowed for  
24 a tandem axle with any applicable tolerances.

25 (g) All permit and administrative fees, fines and  
26 reimbursements generated under this Chapter (*Applicable to the*  
27 *Department of Public Works*) shall be deposited into the TESS Facility

1 Fund, and *shall not* lapse at the end of the fiscal year, but *shall* roll  
2 over into the next fiscal year or until expended in accordance with §  
3 5118 of this Chapter.”

4 **Section 7.** § 5114 of Chapter 5, Title 16, Guam Code Annotated, is  
5 hereby *amended* to read as follows:

6 **“§ 5114. Permits for Excess Size and Weight.**

7 (a) A surety bond in a minimum amount of Five Hundred  
8 Dollars (\$500.00), or proper evidence of adequate insurance, must be  
9 filed with the Director of Public Works before a permit will be issued  
10 for transporting over-width, over-length or over-weight loads on the  
11 highway, except when the applicant is a Territorial or Federal  
12 Government Agency.

13 (b) The Director of Public Works, or his authorized  
14 representative, may in his discretion, upon application, in writing  
15 good cause being shown therefore, issue a special permit in writing  
16 authorizing the applicant to operate or move a vehicle or combination  
17 of vehicles of a size or weight exceeding the maximum specified in  
18 this Chapter, or otherwise not in conformity with the provisions of this  
19 Chapter, upon the highways of Guam. A permit issued under this  
20 Section shall not authorize the operation or moving of any vehicle or  
21 combination of vehicles without the compliance with Chapter 7 of this  
22 Title.

23 (c) The application for any such permit shall specifically  
24 describe the vehicle or combination of vehicles and load to be  
25 operated or moved, and the particular highways for which the permit  
26 to operate is requested, and whether such permit is requested for a  
27 single trip, or for continuous operation for a designated period of time.

1 (d) The Director of Public Works or his authorized  
2 representative is authorized to issue or withhold such permit at his  
3 discretion, or, if such a permit is issued, to limit the number of trips or  
4 to establish time limitations within which the vehicles described may  
5 be operated, or to prescribe conditions of operations of such vehicle or  
6 vehicles when necessary to assure against undue damage to the  
7 highway foundations, surfaces or structures and may require such  
8 undertaking or other security as may be deemed necessary to  
9 compensate for any injury to any such highway foundations, surfaces  
10 or structure. Each permit shall be valid only for a designated number  
11 of consecutive calendar days as specified in the permit, but in no  
12 event shall a permit be granted for a period longer than ten (10) days.

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

17 (f) Every such permit shall be carried in the vehicle or  
18 combination of vehicles to which it refers and shall be open to  
19 inspection by any police officer. It shall be unlawful for any person to  
20 violate any of the terms or conditions of such permits.

21 (g) All permitted vehicle or combination of vehicle to which it  
22 refers must display two (2) warning signs in addition to the permit  
23 number. Each warning sign shall consist of black letters at least  
24 twelve (12") high and not less than one and a half inches (1.1/2") wide  
25 on a yellow background. The sign shall state "OVERSIZED LOAD"  
26 or "WIDE LOAD," as provided in the permit, and include the permit  
27 number. One sign will either be bumper-mounted or roof-mounted. If

1 one of the signs is roof-mounted, then the other sign must be at the  
2 rear of the towed unit or at the rear of the load. The permit number  
3 shall consist of black letters at least ten inches (10") high and not less  
4 than one and a half inches (1.1/2") wide. Clearance lights are also  
5 required during nighttime travel. Voids (holes) may be cut in  
6 warnings signs as signs must not cover any vehicle light or reflector.

7 ~~(g-h)~~ A fee of ~~Five Dollars \$5.00~~ shall be charged for each  
8 permit and no such permit shall be issued until said fee has been paid  
9 by the DPW Director as follows:

10 (1) Single trip permit for oversize and overweight loads:  
11 \$50.00.

12 (2) Continuous trip permit for oversize and overweight  
13 loads: \$100.00.

14 All permits may include date, time and route restrictions as  
15 determined by the DPW Director. Such fees shall be deposited in the  
16 *TESS Facility Fund* for the Department of Public Works and shall be  
17 expended in accordance with § 5118 of this Chapter.

18 ~~(h-i)~~ Any vehicle issued with a permanent special equipment  
19 license or requiring a special permit, as required under this Chapter,  
20 shall be prohibited from operating on the highways during the hours  
21 of 7:00 to 9:00 a.m., 12:00 to 1:00 p.m. and 4:00 to 6:00 p.m.,  
22 Mondays through Fridays, except in cases of emergencies or at the  
23 direction of the Director of Public Works.

24 ~~(i)~~ In the event of disputes over Department of Public Works  
25 policy an Appeal Board shall be convened upon written request to the  
26 chairman of the Appeal Board. The Board shall consist of three (3)  
27 members. One (1) member from the Guam Contractors Association or

1 ~~a member from the community at large, the Director of Public Safety~~  
2 ~~or his authorized representative and the Chairman of the Guam Transit~~  
3 ~~Authority, who shall serve as chairman of this Appeal Board. The~~  
4 ~~decision of the Appeal Board shall be binding on all parties.”~~

5 **Section 8.** A new § 5118 is hereby *added* to Chapter 5, Title 16,  
6 Guam Code Annotated:

7 **§ 5118. TESS Facility Fund.**

8 Notwithstanding any law to the contrary, a revolving fund,  
9 designated as the “TESS Facility Fund,” (the “Fund”) shall be  
10 established separate and apart from other funds of the government of  
11 Guam, and separate records shall be kept therefore. The Director of  
12 Public Works shall administer the Fund and shall issue vouchers  
13 properly certifying the use of the Fund’s monies. The DPW Director  
14 is authorized to use revenues in the Fund and any interest derived  
15 therefrom for the operation and maintenance of the TESS FACILITY  
16 or to establish, operate and maintain similar compliance facilities or  
17 programs. All monies in the Fund are hereby appropriated and are not  
18 subject to *I Maga`láhi`*s transfer authority.”

19 **Section 9. Severability.** *If* any provision of this Law or its  
20 application to any person or circumstance is found to be invalid or contrary  
21 to law, such invalidity *shall not* affect other provisions or applications of this  
22 Law that can be given effect without the invalid provisions or application,  
23 and to this end the provisions of this Law are severable.

24 **Section 10. Effective Date.** This Act *shall* become effective sixty (60)  
25 days after enactment.

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2015 (FIRST) Regular Session**

**Bill No. 147-33 (COR)**

As Amended by the Author.

Introduced by:

T. C. Ada

**AN ACT TO *AMEND* §§ 5101, 5104, 5107, 5109, 5112, AND 5114, AND TO *ADD* A NEW § 5118, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORITIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REVENUE AND TAXATION AND THE DEPARTMENT OF PUBLIC WORKS TO ENFORCE WEIGHT LIMITS AND SAFE OPERATIONS OF COMMERCIAL VEHICLES ON GUAM'S HIGHWAYS; ESTABLISHING PENALTIES FOR VIOLATIONS; ESTABLISHING PERMIT REQUIREMENTS; AND ESTABLISHING A TRUCK ENFORCEMENT SCREENING STATION (TESS) FACILITY FUND.**

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

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

3 finds that Guam's public highways, road, and streets must be protected from  
4 undue wear and tear caused by commercial vehicles that exceed weight  
5 limits that the highways and roads are designed to carry.

6           *I Liheslaturan Guåhan* further finds that safe travel of vehicles on the  
7 highways is equally important. It is imperative that commercial vehicles  
8 used to transport material throughout the island are mechanically sound, the  
9 operators are properly licensed, and their loads are properly secured. Safe  
10 travel can be further assured by establishing inspection programs that would

1 serve to verify the weight of vehicles and their loads, the mechanical  
2 soundness of the vehicles, and the proper securement of loads thereon.

3 *I Liheslaturan Guåhan* intends to establish the respective authorities  
4 and responsibilities of the Department of Public Works (DPW) and the  
5 Department of Revenue and Taxation (DRT) to stop, inspect, and weigh  
6 commercial vehicles operating on Guam’s roads and highways.

7 **Section 2.** § 5101 of Chapter 5, Title 16, Guam Code Annotated, is  
8 hereby *amended* to read as follows:

9 **“§ 5101. Definitions.**

10 As used in this Chapter, the following definitions will hold true:

11 *Axle:* The common axis of rotation of one (1) *or* more wheels,  
12 whether in one (1) *or* more segments and regardless of the number of  
13 wheels carried thereon.

14 *Axle Group:* An assemblage of two (2) *or* more consecutive axles  
15 considered together in determining their combined load effect on a  
16 bridge *or* pavement structure.

17 *Axle Load:* The total ~~load~~ weight transmitted to the road by a  
18 single axle all wheels whose centers are included between the two (2)  
19 parallel transverse vertical planes forty (40) inches apart, extending  
20 across the full width of the vehicle.

21 *Connecting Mechanism:* An arrangement of parts interconnecting  
22 two (2) *or* more consecutive axles to the frame of a vehicle in such a  
23 manner as to equalize the load between the axles.

24 *Continuous Trip Permit:* A special permit issued for oversize or  
25 overweight loads, valid for multiple days, multiple routes and/or  
26 between multiple points of destination, for the duration of a specific

1 project, but not to exceed 90-days, unless deemed warranted  
2 otherwise by the DPW Director.

3 *Gross Combination Weight (GCW):* The total weight of the  
4 power unit and the total weight of the towed unit and any load  
5 thereon.

6 *Gross Combination Weight Rating (GCWR):* The value specified  
7 by the manufacturer as the loaded weight of a combination  
8 (articulated) motor vehicle. In the absence of a value specified by the  
9 manufacturer, GCWR will be determined by adding the GVWR of the  
10 power unit and the total weight of the towed unit and any load  
11 thereon.

12 *Gross Vehicle Weight (GVW):* The total weight of the loaded  
13 vehicle. This includes the vehicle itself and the cargo that is loaded  
14 within that vehicle.

15 *Gross Vehicle Weight Rating (GVWR):* The value specified by  
16 the manufacturer as the loaded weight of a single motor vehicle.

17 *Gross Weight:* The weight of a vehicle *and/or* vehicle  
18 combination without load, plus the weight of any load thereon.

19 *Height:* The total vertical dimension of any vehicle above the  
20 ground surface including any load and load holding device thereon.

21 *Highway:* The entire width between the boundary lines of every  
22 publicly maintained surface, when any part thereof is open to the use  
23 of the public for purposes of vehicular travel; synonymous and  
24 interchangeable in usage with "street".

25 *Length:* The total longitudinal dimension of any vehicle *or*  
26 combination of vehicles, including any load *or* load holding devices  
27 thereon.



1           *Load:* A weight *or* quantity of anything resting upon a support.

2           *Motor Vehicle:* A vehicle which is self-propelled *or* propelled by  
3 electric power obtained from overhead trolley wires, but not operating  
4 upon rails.

5           *Owner:* A person, other than a lienholder, having the property in  
6 *or* title to a vehicle, including a person entitled to use and possession  
7 of a vehicle subject to a security interest in another person, but  
8 excluding a lessee under a lease not intended as security.

9           *Portable Scales:* A movable weighing device.

10          *Primary Road:* A primary road is a road with two (2) *or more*  
11 lanes each way, *or* any road with at least two (2) contiguous miles  
12 with a speed limit of thirty-five (35) mph *or* greater.

13          *Scale Tolerance:* An allowable variation in the static weight of an  
14 axle load in accordance with, but *not exceeding*, the precision of the  
15 scale involved.

16          *Secondary Road:* A secondary road is any road, paved *or*  
17 unpaved, that does not meet the definition of “primary road” as herein  
18 stated.

19          *Semi-Trailer:* A vehicle designed for carrying persons *or*  
20 property and drawn by a truck-tractor on which parts of its weight and  
21 load rests.

22          *Single Axle:* An assembly of two (2) *or more* wheels, whose  
23 centers are on one (1) transverse vertical plane *or* may be included  
24 between two (2) parallel transverse vertical planes forty (40) inches or  
25 less apart extending the full width of the vehicle.

26          *Single Axle Weight:* The total weight transmitted to the road by a  
27 single axle.

1            Single Trip Permit: A special permit issued for oversize or  
2            overweight loads, valid for a single trip on a specified route between  
3            predetermined points of origin and destination and shall expire within  
4            24-hours.

5            *Special Permit:* A written authorization to move *or* operate on a  
6            highway, a vehicle *or* vehicles with indivisible load of a size *and/or*  
7            weight exceeding the limits prescribed for vehicles in regular  
8            operation. Said permit may be for a single trip or for a continuous trip.

9            *Static Scales:* An immovable measuring scale, similar to a ruler,  
10           that is attached to the edge of an optical comparator screen.

11           *Tandem Axle:* Any two (2) *or more* consecutive axles whose  
12           centers are more than forty (40) inches ~~but less than~~ and not more than  
13           ninety-six (96) inches apart, and are individually attached *and/or*  
14           articulated from a common attachment to the vehicle including a  
15           connecting mechanism designed to equalize the load between the  
16           axles.

17           *Tandem Axle Weight:* The total weight transmitted to the road by  
18           a tandem axle ~~two (2) or more consecutive axles whose centers may~~  
19           ~~be included between parallel transverse planes spaced forty (40)~~  
20           ~~inches but less than ninety six (96) inches apart, extending the full~~  
21           ~~width of the vehicle.~~

22           *Trailer:* A vehicle designed for carrying persons *or* property and  
23           drawn by a motor vehicle which carries no part of the weight and load  
24           of the trailer on its own wheels.

25           *Truck:* A motor vehicle designed, used *or* maintained primarily  
26           for the transportation of property.

1           *Truck-Tractor:* A motor vehicle designed for drawing other  
2 vehicles, but not for a load other than a part of the weight of the  
3 vehicle and load drawn.

4           *Vehicle:* A device in, upon *or* by which any person *or* property  
5 may be transported *or* drawn upon a highway.

6           *Vehicle Combination:* A truck-tractor and semi-trailer, either  
7 with *or* without a full trailer, *or* a truck with one (1) *or* more full  
8 trailers.

9           *Weigh-in-Motion Scales:* Weighing-in-Motion (WIM) is, as the  
10 name implies, the process of weighing a vehicle as it is moving along  
11 the highway in an effort to estimate the equivalent static weight of the  
12 vehicle.

13           *Wheel Load:* The total load transmitted to the road by a wheel.  
14 Dual wheels that share an axle mounting are considered a single  
15 wheel for load requirements.

16           *Width:* The total outside transverse dimension of a vehicle,  
17 including any load *or* load holding devices thereon, but excluding  
18 approved safety devices and tire bulge due to load.”

19       **Section 3.** § 5104 of Chapter 5, Title 16, Guam Code Annotated, is  
20 hereby *amended* to read as follows:

21       **“§ 5104. Height of Vehicles and Loads.**

22           No vehicle, including any load and load holding devices  
23 thereon, *shall* exceed a total height of ~~fourteen (14) feet for secondary~~  
24 ~~roads~~ and fifteen (15) feet for primary public roads, streets or  
25 highways.”

1           **Section 4.** § 5107 of Chapter 5, Title 16, Guam Code Annotated, is  
2 hereby *amended* to read as follows:

3           “~~§ 5107. Maximum Permissible Load Limit. Gross Weight, Axle,~~  
4 ~~and Wheel Loads.~~”

5           ~~Vehicle Gross Weight: The total gross weight imposed on the~~  
6 ~~highway surface by a vehicle, or combination of vehicles, shall~~  
7 ~~be determined by the application of Table I:~~

8                           TABLE I

9                           20 Maximum Load per Axle (1000 lbs)

10                          36 Maximum Load per Tandem Axle (1000 lbs)

11                          36 2-Axle Single Unit

12                          56 3-Axle Single Unit

13                          54 2-Axle Tractor 1-Axle Trailer

14                          68 2-Axle Tractor 2-Axle Trailer

15                          76.8 3-Axle Tractor 2-Axle Trailer

16                          76.8 Maximum Gross Weight

17           No motor vehicle or combination of vehicles equipped wholly  
18 with pneumatic tires, which has a gross weight, an axle load, or a  
19 wheel load in excess of the limits set forth in this Section shall be  
20 operated or moved upon any public road, street, or highway; and no  
21 vehicle or combination of vehicles shall be operated on or moved over  
22 any bridge or other highway structure if the gross weight, including  
23 vehicle and load, exceeds the posted maximum gross weight  
24 limitation for the bridge or other highway structure.

25           (a) The total gross weight, in pounds, imposed on any  
26 public road, street, or highway by any axle group on a vehicle  
27 or combination of vehicles shall not exceed the following when

1 the distance between the first and last axles of the group under  
2 consideration is:

3 (1) Forty (40) inches or less; the axle load shall not  
4 exceed twenty thousand (20,000) pounds.

5 (2) More than forty (40) inches but not more than  
6 eight (8) feet; the tandem axle weight imposed shall not  
7 exceed thirty-four thousand (34,000) pounds.

8 (b) The total gross weight, in pounds, imposed on any  
9 public road, street, or highway by any axle group on a vehicle  
10 or combination of vehicles shall not exceed that resulting from  
11 application of the Bridge Formula:

$$12 \quad \mathbf{W = 500 (LN/(N-1) + 12N + 36)}$$

13 when the distance between the first and last axles of the axle  
14 group under consideration is over eight (8) feet and where

15 W = maximum gross weight in pounds carried on any  
16 axle group,

17 L = Distance in feet between the outer axles of any axle  
18 group, to the nearest foot, and

19 N = Number of axles in group under consideration;  
20 provided that two (2) consecutive sets of tandem axles may  
21 carry a gross load of thirty-four thousand (34,000) pounds  
22 each providing the overall distance between the first and last  
23 axles of such consecutive sets of tandem axles is thirty-six  
24 (36) feet or more and provided also that the overall gross  
25 weight does not exceed eighty thousand (80,000) pounds.

26 (c) No vehicle or combination of vehicles shall be used  
27 or operated on any public road, street, or highway with:

1                   (1) a load upon any single or tandem axle or  
2                   combination of axles which exceeds the carrying capacity  
3                   of the axles specified by the manufacturer, or

4                   (2) with a total weight in excess of its designed  
5                   capacity as indicated by its designed gross vehicle  
6                   weights or gross combination weights.

7                   (d) The single axle weight shall not exceed twenty  
8                   thousand (20,000) pounds.

9                   (e) The maximum wheel load imposed upon any public  
10                  road, street, or highway shall not exceed Ten thousand (10,000)  
11                  pounds.

12                  (f) The Director of the Department of Public Works  
13                  (DPW Director) may place and maintain signs to limit the gross  
14                  weight of a vehicle or combination of vehicles traveling over a  
15                  bridge or other highway structure in the interest of public safety  
16                  when it is determined that the theoretical load carrying capacity  
17                  of the bridge or structure is less than the maximum gross  
18                  vehicular weight allowed by this Chapter.

19                  (g) The DPW Director may issue an Overweight Vehicle  
20                  Load Permit for a vehicle that meets the axle group load  
21                  requirements of the formula in paragraph (b) above but with a  
22                  gross vehicle weight in excess of eighty thousand (80,000)  
23                  pounds. Such special permit shall be issued in accordance with  
24                  § 5114 of this Chapter.”

25                  **Section 5.** § 5109 of Chapter 5, Title 16, Guam Code Annotated, is  
26 hereby *amended* to read as follows:

1           **“§5109. Authority to Stop, Inspect and Weigh Vehicles; Removal**  
2           **of Excess Loads.**

3           (a) For purposes of the enforcement of this part, the Director of  
4           Revenue and Taxation (DRT Director) and the DPW Director, *shall*  
5           have such powers of enforcement as may be necessary to implement  
6           ~~this part~~ their respective responsibilities under this Chapter.

7                       (1) The DRT Director, whose department is primarily  
8                       responsible for implementing and enforcing this chapter as such  
9                       relates to the registration and safety of vehicles, may delegate the  
10                      ~~enforcement of this part~~ to the Administrator of the Division of  
11                      Motor Vehicles/Motor Carrier Safety Assistance Program  
12                      (DMV/MCSAP).

13                     (2) The DPW Director, whose department is primarily  
14                     responsible for implementing and enforcing this Chapter as such  
15                     relates to truck gross weight and the safety and maintenance of  
16                     Guam’s public roads, streets and highways, may delegate the  
17                     enforcement of this part to the Administrator of the Division of  
18                     Highways.

19           (b) For the purpose of safety, welfare and health of the general  
20           public, and the safe transportation of hazardous materials, and waste  
21           and other materials on any public highway, or primary, road, street or  
22           highway, and the enforcement of this part and of all rules adopted  
23           pursuant to this part, the Director, and persons appointed by the  
24           Director, may (1) inspect lands, buildings, freight and equipment of  
25           ~~motor carriers;~~ the responsibilities of each agency shall be as follows:

26                     (1) Department of Revenue and Taxation (DRT):

1                   (A) inspect business premises, buildings, freight  
2 and equipment of commercial motor carriers;

3                   ~~(2)~~ (B) stop and inspect freight and equipment of  
4 all motor carriers operating on any public highway or  
5 primary road, street or highway, except that any motor  
6 carrier with military cargo shall be permitted to proceed,  
7 unless safety to the general public dictates otherwise, to  
8 the vehicle's destination for appropriate review therein  
9 and such action shall not be a violation of this Chapter;

10                   ~~(3)~~ (C) inspect shipping papers and hazardous  
11 waste manifests of all motor carriers and persons subject  
12 to this part operating on any public road, street or  
13 highway ; and

14                   ~~(4)~~ stop and inspect similar documents and  
15 equipment status of military vehicles traveling on a  
16 Guam public highway or primary road.

17                   (D) during the course of an inspection, weigh any  
18 vehicle and/or combination of vehicles equipped wholly  
19 with pneumatic tires to ensure compliance with the  
20 provisions of Subsections 5107(c)(1) and 5107(c)(2) of  
21 this Chapter;

22                   ~~Every police officer or Division of Motor~~  
23 ~~Vehicles/Motor Carrier Safety Assistance Program~~  
24 ~~(DMV/MCSAP) inspector shall assist in the enforcement~~  
25 ~~of this part and of all rules adopted pursuant to this part~~  
26 ~~and issue citations for violations as appropriate.~~



1                    ~~(b)~~(E) Whenever an police officer or  
2                    DMV/MCSAP inspector, upon inspection of a vehicle  
3                    and/or load, determines the existence of a ~~minor~~  
4                    infraction violation, a citation ~~will~~ may be issued, ~~and the~~  
5                    ~~vehicle allowed to proceed to its own shop for correction.~~  
6                    The vehicle may be allowed to proceed directly to its  
7                    own shop or facility for correction. When a vehicle is  
8                    found to be ~~hazardous~~ unsafe to the driver or the public,  
9                    the police officer or DMV/MCSAP inspector has the  
10                    authority to direct the discontinuance of the vehicle  
11                    passage and require ~~the vehicle to be moved to a storage~~  
12                    ~~area or government facility, and said vehicle shall remain~~  
13                    ~~there until such repairs or corrections as stated can be~~  
14                    ~~effected either there, or its own shop.~~ corrective action  
15                    on the spot as appropriate and ~~S~~such vehicle will shall  
16                    not be allowed back into normal operations until  
17                    corrections are made;

18                    (F) Every police officer, or DMV/MCSAP  
19                    inspector shall assist in the enforcement of this part and  
20                    of all rules adopted pursuant to this part and may issue  
21                    citations for violations as appropriate; and

22                    (G) Fines collected from citations issued by  
23                    DMV/MCSAP inspectors for violations of this  
24                    Subsection shall be deposited in the Better Public Service  
25                    Fund and expended in accordance with § 16101 of  
26                    Chapter 161, Title 11, Guam Code Annotated.

27                    (2) Department of Public Works (DPW):

1                   (A) operate the Truck Enforcement Screening  
2 Station Facility (TESS Facility) located at Route 11 to  
3 weigh vehicles and/or combinations of vehicles operating  
4 on Guam's roads, streets, or highways.

5                   ~~(e)~~(B) Every police officer *or* ~~DMV/MCSAP~~ DPW  
6 inspector having reason to believe that the weight *or*  
7 dimension of a vehicle operating on a public road, street or  
8 highway, either ~~unladen or~~ with or without load, is  
9 unlawful in violation of the provisions of this Chapter, is  
10 shall be authorized to require the driver to stop and submit  
11 to an inspection weighing of the same by means of  
12 portable scales, static scales, or weigh-in-motion scales or  
13 as otherwise appropriate, except that any motor carrier  
14 with military cargo shall be permitted to proceed, unless  
15 safety to the general public dictates otherwise, to the  
16 vehicle's destination for appropriate review therein and  
17 such action shall not be a violation of this Chapter.  
18 Violations for any dimensions or GVW in excess of  
19 permissible limits, as established by the provisions of this  
20 Chapter, shall be subject to the penalties cited in §5112(a)  
21 of this Chapter.

22                   ~~(d)~~(C) Whenever ~~an~~ police officer *or* ~~DMV/MCSAP~~  
23 DPW inspector, upon weighing a vehicle and load, as  
24 provided above, determines that the ~~weight is unlawful~~  
25 GVW exceeds allowable limits, such officer or  
26 ~~DMV/MCSAP~~ DPW inspector ~~will~~ may require the driver  
27 to stop the vehicle in a suitable place ~~and remain standing~~

1 until such portion of the load is removed as may be  
2 necessary to reduce the weight of such vehicle such limit  
3 as permitted under this Chapter. A two thousand (2000)  
4 pound tolerance over and above the maximum permissible  
5 weight will be allowed before the removal of load will be  
6 required. All material so unloaded *shall* be cared for by the  
7 owner or driver of such vehicle at the risk of said owner ~~or~~  
8 driver area where corrective action can be determined by  
9 the officer or DPW inspector. Corrective action may  
10 include removal of the non-conforming portion of the load  
11 and distribution to another vehicle, *or* allowance of the  
12 vehicle to proceed to another location for unloading.

13 Nothing herein is intended to waive any applicable fines;

14 (D) Every police officer or DPW inspector shall  
15 assist in the enforcement of this part and of all rules  
16 adopted pursuant to this part and issue citations for  
17 violations as appropriate;

18 (E) Fines collected from citations issued by DPW  
19 inspectors for violations of this Subsection shall be  
20 deposited in the TESS Facility Fund and shall be expended  
21 in accordance with § 5118 of this Chapter.

22 (c) ~~(e)~~ Any driver of a vehicle who fails *or* refuses to stop and  
23 submit the vehicle, either ~~unladen or~~ with or without load, to an  
24 inspection *and/or* weighing, *or* who fails or refuses when directed by  
25 ~~the~~ a police officer, or DMV/MCSAP DMV inspector, or DPW  
26 inspector upon inspection *and/or* weighing of the vehicle to ~~stop~~  
27 discontinue the operation of the vehicle and otherwise comply with

1 the provisions of this Section *shall* be guilty of a ~~misdemeanor~~ civil  
2 violation. Each violation for failure or refusal to stop and submit the  
3 vehicle to an inspection and/or take subsequent corrective actions  
4 *shall* be subject to the following:

5 (1) First violation *shall* be subject to a penalty of \$100;

6 (2) Second violation of the provisions of this Subsection  
7 within a six (6) month period from the date of the first violation  
8 *shall* be subject to a penalty of \$200;

9 (3) Third violation of the provisions of this Subsection  
10 within a six (6) month period from the date of a second  
11 violation *shall* be subject to a penalty of \$500;

12 (4) A fourth violation of the provisions of this Subsection  
13 within a six (6) month period from the date of the third  
14 violation *shall* be subject to a penalty of \$1,000 and the  
15 operator *shall* be subject to revocation of their driver's license."

16 **Section 6.** § 5112 of Chapter 5, Title 16, Guam Code Annotated, is  
17 hereby *amended* to read as follows:

18 **"§ 5112. Penalties.**

19 (a) Every person, entity *or* organization convicted of a violation  
20 of any of the provisions of this Chapter for which another penalty is  
21 not provided *shall* be guilty of a civil violation and subject to a  
22 penalty of up to \$500. Every person, entity or organization found to be  
23 in violation of the weight limitations established in this Chapter *shall*  
24 be subject to the following:

25 (1) ~~for a first conviction thereof;~~ for a first violation, such  
26 person, entity or organization *shall* be guilty of a ~~misdemeanor~~  
27 civil violation and punished by a fine ~~of not more than~~ up to

1 Five Hundred Dollars (\$500.00) and \$0.25/pound over the  
2 maximum allowable load as authorized in § 5107;

3 (2) for a second ~~such conviction~~ violation within a ~~two~~  
4 ~~(2) years thereafter~~ six (6) month period from the date of the  
5 first violation, such person, entity or organization shall be guilty  
6 of a ~~misdemeanor~~ civil violation and punished by a fine of up to  
7 ~~not less than Five Hundred Dollars (\$500.00)~~ Seven Hundred  
8 Fifty Dollars (\$750.00) and ~~\$0.25~~50/pound over the maximum  
9 allowable load authorized in § 5107 ~~but not more than Seven~~  
10 ~~Hundred Fifty Dollars (\$750.00)~~ and ~~\$0.50/pound over the~~  
11 ~~maximum allowable load authorized in § 5107; and~~

12 (3) should a person, entity or organization be found  
13 guilty of a third violation of the weight limitations established  
14 by this Chapter ~~upon a third or subsequent conviction~~ within  
15 two ~~(2) years~~ six (6) months after a ~~the first conviction~~ second  
16 violation, such person, entity or organization *shall* be guilty of a  
17 ~~misdemeanor~~ civil violation and subject to fine of *not less than*  
18 ~~Seven Hundred Fifty Dollars (\$750.00)~~ and ~~\$0.50/pound over~~  
19 ~~the maximum allowable load authorized in § 5107 but not more~~  
20 ~~than~~ One Thousand Dollars (\$1,000.00) and \$0.75/pound over  
21 the maximum allowable load authorized in § 5107 and the  
22 responsible party, as defined in Subsection (d) of this Part, may  
23 have their Guam business license revoked in accordance with  
24 the following: ; ~~In no event shall any fine exceed One~~  
25 Thousand Dollars (\$1,000.00).

26 (A) The Director of the Department of Public  
27 Works (DPW Director) shall notify the responsible party,

1 (respondent), in writing, of the finding of a third violation  
2 of this Section.

3 (B) The respondent may request, in writing, an  
4 administrative hearing to dispute the findings of the  
5 Director. Said request for a hearing must be delivered, in  
6 writing, to the Office of the DPW Director within fifteen  
7 (15) calendar days from the date of receipt of the DPW  
8 Director's Findings.

9 (C) Notwithstanding § 9220 of Chapter 9 of Title 5  
10 of the Guam Code Annotated, the hearing *shall* be  
11 conducted by the DPW Director who *shall* be the hearing  
12 officer. The Office of the Attorney General or a Special  
13 Assistant Attorney General, appointed by the Attorney  
14 General, *shall* assist in providing advice to the DPW  
15 Director when matters of law arise. The Hearing Process  
16 *shall* be subject to the procedures of Chapter 9 of Title 5  
17 of the Guam Code Annotated with the exception noted  
18 above, to § 9220 of the same. The findings of the  
19 Director, upon the delivery to the respondent, *shall* fulfill  
20 the requirements of § 9201 of Chapter 9 of Title 5, Guam  
21 Code Annotated.

22 (D) In the event that the DPW Director affirms the  
23 finding of a third violation is valid, or if no hearing is  
24 requested in writing within fifteen (15) calendar days  
25 from the date of receipt of the findings by the respondent,  
26 the DPW Director may request, in writing, that the  
27 appropriate licensing entity revoke the respondent's

1 license to do business on Guam immediately, for a period  
2 of up to three years, as determined by the Director. Upon  
3 receipt of the DPW Director's written recommendation,  
4 the appropriate licensing entity may suspend such license  
5 to do business on Guam in accordance with the  
6 recommendation of the DPW Director. The hearing  
7 required of this Subsection shall fulfill the requirements  
8 to suspend a business license found in Chapter 9, of Title  
9 5 GCA.

10 (4) Any person found to be in violation of the  
11 dimensional limitations established by this Chapter shall be  
12 guilty of a civil violation and subject to the following:

13

| 14 <u>If the excess dimension (length or width) is:</u> | <u>The fine shall be:</u>        |
|---|----------------------------------|
| 15 <u>Up to 5 ft</u>                                    | <u>\$ 50</u>                     |
| 16 <u>Over 5 ft and up to 10 ft</u>                     | <u>\$100</u>                     |
| 17 <u>Over 10 ft and up to 15 ft</u>                    | <u>\$150</u>                     |
| 18 <u>Over 15 ft</u>                                    | <u>\$200, plus \$10 for each</u> |
|   | <u>additional foot.</u>          |

19

20 ~~(6)~~(5) Any person who commits any of the acts  
21 prohibited by this Section or any Rules adopted to enforce this  
22 Chapter where no penalty is provided for shall be guilty of a  
23 civil violation and shall be fined not less than \$500, as  
24 determined by the DPW Director.

25 (b) All permit fees and fines levied by a DMV/MCSAP  
26 inspector in accordance with the applicable provisions of this Chapter  
27 shall be deposited into the Better Public Service Fund of the

1 Department of Revenue and Taxation, to be used by the Division of  
2 Motor Vehicles in accordance with § 16101 of Chapter 16, Title 11,  
3 Guam Code Annotated.

4 (c) All fines levied by a DPW/TESS Inspector and any permits  
5 and administrative fees collected by the Department of Public Works  
6 in accordance with this Chapter shall be deposited into the TESS  
7 Facility fund and shall be expended in accordance with § 5118 of this  
8 Chapter.

9 (e d) Responsible Party.

10 (1) ~~Imported~~ Shipping Containers Under Seal. Any  
11 importer *or* consignee, whether an individual *or* an entity,  
12 organization, or company, whose shipping container placed  
13 under seal has been determined to be in violation of § 5107 of  
14 this part *shall* be responsible for any fine, penalty, handling,  
15 additional transportation or other associated cost (including  
16 storage).

17 (2) Export Shipping Containers Under Seal. Any  
18 exporter, whether an individual *or* an entity, organization, *or*  
19 company, whose shipping container placed under seal has been  
20 determined to be in violation of § 5107 of this part *shall* be  
21 responsible for any fine, penalty, handling, additional  
22 transportation or other associated cost (including storage).

23 (3) Local Containers Under Seal. Any individual and any  
24 organization, entity, or company loading a shipping container  
25 under seal not designated for export that has been determined to  
26 be in violation of § 5107 of this part *shall* be responsible for



1 any fine, penalty, handling, additional transportation or other  
2 associated cost (including storage).

3 (4) All Other Local Transport Not Under Seal. Any  
4 individual or any cargo transporting entity, organization, *or*  
5 company determined to be in violation of § 5107 of this part  
6 *shall* be responsible for any fine, penalty, handling, additional  
7 transportation or other associated cost (including storage)  
8 prescribed in this Section.

9 (~~d~~ e) The fine schedules of the Superior Court of Guam and the  
10 Commercial Vehicle Safety Alliance (CVSA) for violations cited  
11 during roadside inspections, and the method for penalty assessment  
12 outlined in the Federal Uniform Fine Assessment (UFA) Program,  
13 specifically for violations identified as a result of a Compliance  
14 Review, are hereby adopted pursuant to fines and fees as applicable to  
15 Guam.

16 (f) For the purposes of this Section, "person" means the driver  
17 of the vehicle unless the driver is an employee is operating the vehicle  
18 in the scope and course of employment, in which case "person" means  
19 the employer of the driver. In the case of the transportation of a sealed  
20 container or transportation by flatrack, "person" means:

21 (1) The individual or company the cargo is consigned to;

22 *or*

23 (2) The individual or company located in Guam shipping  
24 the cargo.

25 The owner of the vehicle or combination of vehicles may  
26 request the operator be held harmless and the citation be transferred to  
27 that owner of the vehicle or combination of vehicles. The consignee or

1 the shipper shall not be cited if the power units' (tractors') drive axle  
2 group is overweight, and the weight is not more than that allowed for  
3 a tandem axle with any applicable tolerances.

4 (g) All permit and administrative fees, fines and  
5 reimbursements generated under this Chapter (Applicable to the  
6 Department of Public Works) shall be deposited into the Tess Facility  
7 Fund, and shall not lapse at the end of the fiscal year, but shall roll  
8 over into the next fiscal year or until expended in accordance with §  
9 5118 of this Chapter.”

10 **Section 7.** § 5114 of Chapter 5, Title 16, Guam Code Annotated, is  
11 hereby *amended* to read as follows:

12 **“§ 5114. Permits for Excess Size and Weight.**

13 (a) A surety bond in a minimum amount of Five Hundred  
14 Dollars (\$500.00), or proper evidence of adequate insurance, must be  
15 filed with the Director of Public Works before a permit will be issued  
16 for transporting over-width, over-length or over-weight loads on the  
17 highway, except when the applicant is a Territorial or Federal  
18 Government Agency.

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

1 combination of vehicles without the compliance with Chapter 7 of this  
2 Title.

3 (c) The application for any such permit shall specifically  
4 describe the vehicle or combination of vehicles and load to be  
5 operated or moved, and the particular highways for which the permit  
6 to operate is requested, and whether such permit is requested for a  
7 single trip, or for continuous operation for a designated period of time.

8 (d) The Director of Public Works or his authorized  
9 representative is authorized to issue or withhold such permit at his  
10 discretion, or, if such a permit is issued, to limit the number of trips or  
11 to establish time limitations within which the vehicles described may  
12 be operated, or to prescribe conditions of operations of such vehicle or  
13 vehicles when necessary to assure against undue damage to the  
14 highway foundations, surfaces or structures and may require such  
15 undertaking or other security as may be deemed necessary to  
16 compensate for any injury to any such highway foundations, surfaces  
17 or structure. Each permit shall be valid only for a designated number  
18 of consecutive calendar days as specified in the permit, but in no  
19 event shall a permit be granted for a period longer than ten (10) days.

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

24 (f) Every such permit shall be carried in the vehicle or  
25 combination of vehicles to which it refers and shall be open to  
26 inspection by any police officer. It shall be unlawful for any person to  
27 violate any of the terms or conditions of such permits.

1           (g) All permitted vehicle or combination of vehicle to which it  
2 refers must display two (2) warning signs in addition to the permit  
3 number. Each warning sign shall consist of black letters at least  
4 twelve (12") high and not less than one and a half inches (1.1/2") wide  
5 on a yellow background. The sign shall state "OVERSIZED LOAD"  
6 or "WIDE LOAD," as provided in the permit, and include the permit  
7 number. One sign will either be bumper-mounted or roof-mounted. If  
8 one of the signs is roof-mounted, then the other sign must be at the  
9 rear of the towed unit or at the rear of the load. The permit number  
10 shall consist of black letters at least ten inches (10") high and not less  
11 than one and a half inches (1.1/2") wide. Clearance lights are also  
12 required during nighttime travel. Voids (holes) may be cut in  
13 warnings signs as signs must not cover any vehicle light or reflector.

14           ~~(g-h)~~ A fee of Five Dollars \$5.00 shall be charged for each  
15 permit and no such permit shall be issued until said fee has been paid  
16 by the DPW Director as follows:

17                   (1) Single trip permit for oversize and overweight loads:  
18                   \$50.00.

19                   (2) Continuous trip permit for oversize and overweight  
20 loads: \$100.00.

21           All permits may include date, time and route restrictions as  
22 determined by the DPW Director. Such fees shall be deposited in the  
23 TESS Facility Fund for the Department of Public Works and shall be  
24 expended in accordance with § 5118 of this Chapter.

25           ~~(h-i)~~ Any vehicle issued with a permanent special equipment  
26 license or requiring a special permit, as required under this Chapter,  
27 shall be prohibited from operating on the highways during the hours

1 of 7:00 to 9:00 a.m., 12:00 to 1:00 p.m. and 4:00 to 6:00 p.m.,  
2 Mondays through Fridays, except in cases of emergencies or at the  
3 direction of the Director of Public Works.

4 ~~(i) In the event of disputes over Department of Public Works~~  
5 ~~policy an Appeal Board shall be convened upon written request to the~~  
6 ~~chairman of the Appeal Board. The Board shall consist of three (3)~~  
7 ~~members. One (1) member from the Guam Contractors Association or~~  
8 ~~a member from the community at large, the Director of Public Safety~~  
9 ~~or his authorized representative and the Chairman of the Guam Transit~~  
10 ~~Authority, who shall serve as chairman of this Appeal Board. The~~  
11 ~~decision of the Appeal Board shall be binding on all parties.”~~

12 **Section 8.** A new § 5118 is hereby *added* to Chapter 5, Title 16,  
13 Guam Code Annotated:

14 **§ 5118. TESS Facility Fund.**

15 Notwithstanding any law to the contrary, a revolving fund,  
16 designated as the “TESS Facility Fund,” (the “Fund”) shall be  
17 established separate and apart from other funds of the government of  
18 Guam, and separate records shall be kept therefore. The Director of  
19 Public Works shall administer the Fund and shall issue vouchers  
20 properly certifying the use of the Fund’s monies. The DPW Director  
21 is authorized to use revenues in the Fund and any interest derived  
22 therefrom for the operation and maintenance of the TESS FACILITY  
23 or to establish, operate and maintain similar compliance facilities or  
24 programs. All monies in the Fund are hereby appropriated and are not  
25 subject to I Maga'låhi's transfer authority.”

26 **Section 9. Severability.** *If any provision of this Law or its*  
27 *application to any person or circumstance is found to be invalid or contrary*

1 to law, such invalidity *shall not* affect other provisions or applications of this  
2 Law that can be given effect without the invalid provisions or application,  
3 and to this end the provisions of this Law are severable.

4 **Section 10. Effective Date.** This Act *shall* become effective sixty (60)  
5 days after enactment.

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement

Public Hearing

October 29, 2015

10:00 a.m.

*I Liheslaturan Guåhan, Hagåtña*

**Bill No. 147-33 (COR) – T.C. Ada**

An act to amend §§ 5101, 5104, 5107, 5109, 5112, and 5114, and to add a new § 5118, all of Chapter 5, Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and the Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam's highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund.

| NAME<br>(please print) | AGENCY/<br>ORGANIZATION | ORAL<br>TESTIMONY | WRITTEN<br>TESTIMONY | IN<br>FAVOR | NOT IN<br>FAVOR | CONTACT<br>NUMBER | EMAIL<br>ADDRESS     |
|------------------------|-------------------------|-------------------|----------------------|-------------|-----------------|-------------------|----------------------|
| Glenn Leon Guay        | DPW                     |                   | ✓                    | ✓           |                 | 646-3131          | glenn.leon@dpw.gov   |
| Jeff Wilson            | DPW/GTP                 |                   |                      | ✓           |                 | 646-6872          | wilsonje@pbwarrd.com |
|                        |                         |                   |                      |             |                 |                   |                      |
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The Honorable  
**EDDIE BAZA CALVO**  
Governor

The Honorable  
**RAY TENORIO**  
Lieutenant Governor



**GLENN LEON GUERRERO**  
*Director*  
**FELIX C. BENAVENTE**  
*Deputy Director*

October 29, 2015

Honorable Senator Thomas Ada  
Chairman, Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tress Na Liheslaturan Guahan*  
33<sup>rd</sup> Guam Legislature  
Suite 207, Ada Plaza Ctr.  
173 Aspinall Avenue  
Hagatna, Guam 96910

**Reference: Testimony in Support of Bill 147-33 (COR) AN ACT TO AMEND §§ 5101, 5104, 5107, 5109, 5112, AND 5114, AND TO ADD A NEW § 5118, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORITIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REVENUE AND TAXATION AND THE DEPARTMENT OF PUBLIC WORKS TO ENFORCE WEIGHT LIMITS AND SAFE OPERATIONS OF COMMERCIAL VEHICLES ON GUAM'S HIGHWAYS; ESTABLISHING PENALTIES FOR VIOLATIONS; ESTABLISHING PERMIT REQUIREMENTS; AND ESTABLISHING A TRUCK ENFORCEMENT SCREENING STATION (TESS) FACILITY FUND.**

***Buenas Yan Hafa Adai Senator Ada:***

My name is Glenn Leon Guerrero and I am the Director of the Department of Public Works. I want to thank you for the opportunity to testify in support of Bill 147-33 or the Truck Enforcement Screening Station (TESS).

Guam's routed roads, village roads and bridges are a vital resource to the island, transporting people and goods, and serving as the backbone of the Guam's economy. These resources are often taken for granted, assumed they'll last forever and won't require significant funding sources to maintain their integrity. Nothing could be farther from the truth as millions of dollars are spent each year to upgrade only a fraction of our roadway and bridge infrastructure. It is because of the significance of this challenge to maintain our transportation system, that we must takes steps to ensure that those limited federal and local transportation dollars last as long as possible.

Truck weights and the loads they transmit to the roadways and bridges is the most significant factor in affecting their lifespan. Research has shown that an increase in axle weight generally causes an exponential increase in pavement damage. That is, a small increase in axle load causes



much more than a small amount more deterioration, or damage. For instance with flexible pavements like asphalt, the relationship between axle load and pavement deterioration has an exponent power of 3 to 4. In numerical terms, a 5% increase in weight will cause between 16%-22% more deterioration than normal. For rigid pavements like concrete, this relationship is significantly larger. We currently design and construct our roads to the federally accepted standard of 20 years, projecting traffic growth over that 20-year period using current day percentages of trucks versus cars. When overweight vehicles use those roads, they shorten the lifespan and cause repairs and reconstruction to occur much sooner. When they use them often, more significant damage occurs and repairs are often needed right away.

It is with this in mind that in 2010 the Department of Public Works (DPW) in cooperation with the Federal Highway Administration (FHWA) undertook to design and construct a weigh-in-motion (WIM) system, static scale facility, and scale house to monitor the weight of heavy trucks to ensure they remain in conformance with Guam's laws. The facility, known as the Truck Enforcement and Screening Station (TESS), is located on Route 11 near the Port of Guam and was completed in 2013. Since that time, the DPW has been working with the Legislature and the Guam Attorney General's office on updating Chapter 5 of 16 Guam Code Annotated to address the TESS Facility as well as update the law to bring the size, weight and load limitations and restrictions for oversized and overweight (OS/OW) permits into alignment with the majority of states in the U.S. The TESS Facility and the draft legislation are considered to be an integral part of the overall road and infrastructure improvements related to the Guam Buildup.

The changes will allow not only for the monitoring of weight and size at TESS, but will give the DPW the authority of monitor vehicles throughout Guam. The law also includes provisions for a fair and safe assessment of Over Size/ Over weight (OS/OW) vehicles and allows for Specialized Hauling Vehicles (SHV) to safely transport heavier than normal loads by means of a permit process. The provisions aim to not differentiate between different types of roadway users. It aims to equitably regulate the weights and sizes of vehicles on Guam's public roadways, for all users.

Finally, at the time of my appointment the DPW had issued a few OS/OW permits to the Guam Solid Waste Authority (GSWA) and others. While I am allowing a transition time in order to allow GSWA and similarly situated companies time in which to update fleet equipment the OS/OW permits will be revoked effective January 1, 2016. In this respect, so long as I am Director it will be my policy that no OS/OW permits will be issued for loads that can be easily split up and carried at safer and non-damaging weights.

The work in preparing the update to this law has made it abundantly clear that overweight vehicles are severely damaging Guam's roadways. We urgently need a uniform and fair application of the accepted national standard for truck weights and sizes, and the ability to reasonably enforce the law and protect our precious resources.

Thank you for the opportunity to testify. I am free to answer any questions you may have for me.

**God Bless You**



**GLENN LEON GUERRERO**



# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

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## Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 147-33 (COR) – T.C. Ada, "AN ACT TO AMEND §§ 5101, 5104, 5107, 5109, 5112, AND 5114, AND TO ADD A NEW § 5118, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORITIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REVENUE AND TAXATION AND THE DEPARTMENT OF PUBLIC WORKS TO ENFORCE WEIGHT LIMITS AND SAFE OPERATIONS OF COMMERCIAL VEHICLES ON GUAM'S HIGHWAYS; ESTABLISHING PENALTIES FOR VIOLATIONS; ESTABLISHING PERMIT REQUIREMENTS; AND ESTABLISHING A TRUCK ENFORCEMENT SCREENING STATION (TESS) FACILITY FUND."**— on July 29, 2015. COR hereby certifies that BBMR confirmed receipt of this request July 29, 2015 at 10:30 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 147-33 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

**Senator Rory J. Respicio**

*Chairperson, Committee on Rules*

November 13, 2015

**Date**



# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

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Michael F.Q. San Nicolas  
Member

Senator

Nerissa Bretania Underwood  
Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

July 29, 2015

VIA E-MAIL

[joey.calvo@bbmr.guam.gov](mailto:joey.calvo@bbmr.guam.gov)

Jose S. Calvo

Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill No. 147-33(COR)

*Hafa Adai* Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal note for the referenced bill.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**

*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

| Bill Nos.       | Sponsor   | Title  |
|-----------------|-----------|--|
| 147-33<br>(COR) | T. C. Ada | AN ACT TO AMEND §§ 5101, 5104, 5107, 5109, 5112, AND 5114, AND TO ADD A NEW § 5118, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORITIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REVENUE AND TAXATION AND THE DEPARTMENT OF PUBLIC WORKS TO ENFORCE WEIGHT LIMITS AND SAFE OPERATIONS OF COMMERCIAL VEHICLES ON GUAM'S HIGHWAYS; ESTABLISHING PENALTIES FOR VIOLATIONS; ESTABLISHING PERMIT REQUIREMENTS; AND ESTABLISHING A TRUCK ENFORCEMENT SCREENING STATION (TESS) FACILITY FUND. |



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Vice-Speaker  
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Member

Senator  
Dennis G. Rodriguez, Jr.  
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Senator  
Frank Blas Aguon, Jr.  
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Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

July 24, 2015

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

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

**Subject:** **Referral of Bill No. 147-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 147-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

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

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

| BILL NO.        | SPONSOR   | TITLE  | DATE INTRODUCED       | DATE REFERRED | CMTE REFERRED  | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|-----------------|-----------|--|-----------------------|---------------|--|---------------------|-----------------------------|--------------|
| 147-33<br>(COR) | T. C. Ada | AN ACT TO AMEND §§ 5101, 5104, 5107, 5109, 5112, AND 5114, AND TO ADD A NEW § 5118, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORITIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REVENUE AND TAXATION AND THE DEPARTMENT OF PUBLIC WORKS TO ENFORCE WEIGHT LIMITS AND SAFE OPERATIONS OF COMMERCIAL VEHICLES ON GUAM'S HIGHWAYS; ESTABLISHING PENALTIES FOR VIOLATIONS; ESTABLISHING PERMIT REQUIREMENTS; AND ESTABLISHING A TRUCK ENFORCEMENT SCREENING STATION (TESS) FACILITY FUND. | 07/24/15<br>4:23 p.m. | 07/24/15      | Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement |                     |                             |              |



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## 1st Notice of Public Hearing: Thursday, October 29, 2015 – 10:00am and 1:30pm

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Charlene Flores <flores@senatorada.org>

Thu, Oct 22, 2015 at 10:10 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, alfred.leonguerrero@gmail.com, john.camacho@revtax.guam.gov, Maria Flores <maria.flores@revtax.guam.gov>, pedro.leonguerrero@cqa.guam.gov, raffaele.sgambelluri@cqa.guam.gov, Chace Anderson <candersongbb@gmail.com>, Alicia Fejeran <avfejeran@gmail.com>, Glenn LG <glenn.leonguerrero@dpw.guam.gov>, felix.benavente@dpw.guam.gov, joaquin.blaz@dpw.guam.gov, roderick.r.leonguerrero.mil@mail.mil, jbrown@portguam.com, frpangelinan@portguam.com, jcuntalan@portguam.com, Ronnie Santos <ronnie.santos@clb.guam.gov>, eduardo.ordonez@clb.guam.gov, Jere Johnson <jjohnson@hawaiianrock.com>, info@perezbroinc.com, markm@blackguam.com, mr.rubbishman@gmail.com, trucking@ambyth.guam.net, main@coretechintl.com, david.hopkins@fe.navy.mil, joseph.yates@fe.navy.mil, michael.borja@land.guam.gov, james.gillam@dphss.guam.gov, rey.vega@mail.dmhsa.guam.gov, care@gbhwc.guam.gov, theodore.lewis@gmha.org, gmhadmin@gmha.org, superintendent@gdoe.net, info@guamchamber.com.gu, Teresa Topasna <teresa.topasna@cltc.guam.gov>, teresa.topasna@land.guam.gov

October 22, 2015

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1<sup>st</sup> Notice of Public Hearing: Thursday, October 29, 2015 – 10:00am and 1:30pm**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement will be conducting a public hearing on **Thursday, October 29, 2015 at 10:00am and 1:30pm**. This meeting will take place in the Public Hearing Room of *I Liheslaturan Guahan*. The agenda is as follows:

#### 10:00am

#### Bill 147-33 (COR) T.C. Ada

An act to amend §§ 5101, 5104, 5107, 5109, 5112 and 5114, and to add a new §5118, all of Chapter 5,

Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and The Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam's Highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund.

1:30pm

The **Executive Appointment** of Mr. David J. Matanane to serve as a **member** of the **Chamorro Land Trust Commission**.

Bill 192-33 (LS) T.C. Ada

An act to amend Public Law 22-18 to transfer thirty-five (35) acres of lot 10122-r18, municipality of Dededo reserved by the Department of Education for the Astumbo Elementary School to the Chamorro Land Trust Commission for residential and agricultural leasing.

Bill 193-33 (LS) - T.C. Ada

An act to amend Public Law 22-18 to transfer thirty-five (35) acres of lot 10122-r18, municipality of Dededo reserved by the Department of Education for the Astumbo Middle School to the Chamorro Land Trust Commission for residential and agricultural leasing.

Bill 194-33 (LS) - T.C. Ada

An act to transfer lot 3463, Agana Heights to the Chamorro Land Trust Commission for residential and agricultural leasing.

Bill 195-33(LS) - T.C. Ada

An act to amend Public Law 22-18 to Transfer lot 3470, municipality of Chalan Pago reserved for Guam's health care needs to the Chamorro Land Trust Commission for residential and/or agricultural leasing.

Bill 196-33 (LS) - T.C. Ada

An act to transfer four hundred (400) plus lots which have lapsed into foreclosure from all the "Land for the Landless" subdivisions and all other such subdivisions to the Chamorro Land Trust Commission's available lands inventory for Chamorro homelands.

Testimony on **Bill No. 147-33 (COR), Executive Appointment of Mr. David J. Matanane Bill No. 192-33 (LS), Bill No. 193-33 (LS), Bill No. 194-33(LS), Bill No. 195-33(LS), and Bill No. 196-33 (LS)** the should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **Friday, November 6, 2015 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.



--  
Charlene Flores  
Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Tres na Libeslaturan Guåhan - 33rd Guam Legislature*  
671-473-3301

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 **1st PH Notice.pdf**  
635K



Senator Tom Ada

Blaine Dydasco <bdydasco@senatorada.org>

## 2nd notice of Public Hearing

1 message

Blaine Dydasco <bdydasco@senatorada.org>

Mon, Oct 26, 2015 at 10:42 AM

To: phmaterials@guamlegislature.org, phnotice@guamlegislature.org, Media <media@senatorada.org>, Eric Palacios <eric.palacios@epa.guam.gov>, Conchita San Nicolas Taitano <conchita.taitano@epa.guam.gov>, vincent.pereira@epa.guam.gov, michael.omallan@epa.guam.gov, don.quinata@epa.guam.gov, william.austin@fe.navy.mil, jbenavente@gpagwa.com, mcamacho@gpagwa.com, gbotha@gpagwa.com, David Leddy <dleddy@guamchamber.com.gu>, ccastro@guamchamber.com.gu, rdelgado@guamchamber.com.gu, info@ghra.org, bill.ada@ipehq.com, catherine.leonguerrero@exxonmobil.com, ddean@sppcorp.com, jbrown@portguam.com, frpangelinan@portguam.com, Marge Duenas <mduenas@portguam.com>, miller@guamwaterworks.org, annborja@guamwaterworks.org, staylor@guamwaterworks.net, Heidi Ballendorf <heidi@guamwaterworks.org>, glenn.leonguerrero@dpw.guam.gov, eleanor.borja@dpw.guam.gov, felix.benavente@dpw.guam.gov, maria.flores@revtax.guam.gov, john.camacho@revtax.guam.gov, Lou Sablan <lsablan@gpagwa.com>, jtduenas@hotmail.com, jeffcharjohnson@hotmail.com, horeckylaw@teleguam.net, horecky@ite.net, ndynvn@yahoo.com, Lou Palomo <lpalomo@guampuc.com>, marie@guam-peals.org, ray@guam-peals.org, weezierivera@hotmail.com, rick.agustin@grta.guam.gov, Ronnie Santos <ronnie.santos@clb.guam.gov>, weise@guambcc.org, Teresa Topasna <teresa.topasna@land.guam.gov>, "Jhoana M. Casem" <Jhoana.Casem@land.guam.gov>, Michael Borja <michael.borja@land.guam.gov>, dlmdir@land.guam.gov, david.camacho@land.guam.gov, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, dfbrooks@guamopa.org, admin@guamopa.org, jngoza@ozemail.com.au, raunderwood@uguam.uog.edu, jpeter@uguam.uog.edu, lmtoves@uguam.uog.edu, raymond.blas@dpr.guam.gov, Pedro LeonGuerrero <pedro.leonguerrero@cqa.guam.gov>, raffaele.sgambelluri <raffaele.sgambelluri@cqa.guam.gov>, Briana Roberto <briana.roberto@cqa.guam.gov>, roderick.r.leonguerrero@us.army.mil, johnny.lizama@ang.af.mil, martin.manglona@guam.gov, uriah.perez@fe.navy.mil, chuck.ada@guamairport.net, peterroy@guamairport.net, euntalan@guamairport.net, msablan@guamairport.net, Chace Anderson <candersongbb@gmail.com>, Alicia Fejeran <avfejeran@gmail.com>, csr@guamcell.net, clayton4gppc@hotmail.com, Chris Felix <felix@guam.net>, rjdguzman@hotmail.com, mail@cmlaw.us, claudia.acfalle@gsa.guam.gov, robert.kono@gsa.guam.gov, superintendent@gdoe.net, racruz@grtf.com, djtydingco@gta.net, jkriegel@docomopacific.com, jlai@docomopacific.com, Richard Yu <richard.yu@choicephonellc.com>, Rene Lao <rene.lao@choicephonellc.com>, john.compton@itehq.net, mcogadmin@teleguam.net, benito.servino@disid.guam.gov, ed@guamwcc.com, jvy@cccguam.org, afcmst24@yahoo.com, law@guamag.org, anthony.cruz@va.gov, john.blas@westcare.com, sinaguam@gmail.com, joey.sannicolas@gfd.guam.gov, chief@gpd.guam.gov, pio@gpd.guam.gov, bennyb@guamairport.net, jon.calvo@mail.house.gov, frankschacher01@gmail.com, mflores.guam@gmail.com

Cc: Charlene Flores <flores@senatorada.org>, Peter Tran <peter@senatorada.org>, Joseph Borja <jborja@senatorada.org>, Coy Torres <coy@senatorada.org>, Juliette Gillham <juliette@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>

October 26, 2015

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2<sup>nd</sup> Notice of Public Hearing: October 29, 2015 – 10:00am and 1:30pm**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement will be conducting a public hearing on **Thursday, October 29, 2015 at 10:00am and 1:30pm**. This meeting will take place in the Public Hearing Room of *Liheslaturan Guahan*. The agenda is as follows:

**10:00am**

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An act to amend §§ 5101, 5104, 5107, 5109, 5112 and 5114, and to add a new §5118, all of Chapter 5, Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and The Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam's Highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund.

**1:30pm**

The **Executive Appointment** of Mr. David J. Matanane to serve as a **member** of the **Chamorro Land Trust Commission**.

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Bill 195-33(LS) T.C. Ada


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Testimony on **Bill No. 147-33 (COR), Executive Appointment of Mr. David J. Matanane Bill No. 192-33 (LS), Bill No. 193-33 (LS), Bill No. 194-33(LS), Bill No. 195-33(LS), and Bill No. 196-33 (LS)** the should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **Friday, November 6, 2015 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

--  
Blaine Dydasco  
Policy Analyst  
Office of Senator Tom C. Ada  
*I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature*  
Office (671) 473-3301

 **2nd notice of PH.pdf**  
634K

Public Hearing Notice Listserv  
*phnotice@guamlegislature.org (Media, All Senators, and Staff)*

Updated: October 1, 2015

|                                    |                                   |  |
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| coy@senatorada.org                 | joe@toduguam.com                  | millie@tinamunabarnes.com              |
| cyrus@senatorada.org               | joesa@guamlegislature.org         | mindy@kuam.com                         |

Public Hearing Notice Listserv  
*phnotice@guamlegislature.org (Media, All Senators, and Staff)*

Updated: October 1, 2015

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## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

### AGENDA

#### **PUBLIC HEARING**

**Thursday, October 29, 2015**

**Public Hearing Room, *I Liheslaturan Guåhan***

The agenda is as follows:

**10:00am**

#### **Bill No. 147-33 (COR) – T.C. Ada**

An act to amend §§ 5101, 5104, 5107, 5109, 5112, and 5114, and to add a new § 5118, all of Chapter 5, Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and the Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam's highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund.

Testimony on the **Bill No. 147-33 (COR)**, should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [flores@senatorada.org](mailto:flores@senatorada.org), or via facsimile to (671) 473-3303 until **Friday, November 6, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

# Enforcement of weight limits for trucks sought

By Robert Q. Tupaz  
robert@mvguam.com  
Variety News Staff

THE legislative chairman of the committee on transportation and infrastructure wants to ensure that commercial vehicle weight standards for Guam are instituted and enforced.

Sen. Tom Ada introduced a measure Friday which he said would minimize the repair and maintenance requirements for Guam highways, roads and bridges through the enforcement of vehicle weight standards. Bill 147 seeks to address the issue of logistics by establishing penalties and procedures for what Ada's office described as "overweight vehicles."

"In light of recent island-wide projects to improve Guam's roadways, the roadways must be protected from undue wear and tear caused by commercial vehicles that exceed weight limits that the highways and roads are designed to carry," Ada said.

According to Ada, the Federal Highway Administration in collaboration with the Department of Public Works has invested \$288 million and expects to invest another \$60 million in the next four years.

Ada said he wanted to help protect the millions of dollars in investment. "Numerous studies have shown that the damage caused by one overweight truck is equivalent to

the damage caused by 9,000 cars," Ada said. "The safe travel of commercial vehicles on Guam's roadways and protection of roadways and bridges can be assured by implementing inspection programs to verify the weight of the vehicles, their loads, mechanical soundness and proper securement of loads thereon."

The measure institutes penalties which range from \$500 with a quarter charges for each excess pound for the first offense to revocation of a commercial hauler's business license.

Bill 147 also provides the Guam police officers, the Department of Public Works truck enforcement screening station safety inspectors and the Department of Revenue and Taxation Division of Motor Vehicles safety inspectors with broad authority to stop, inspect and weigh all commercial vehicles and issue citations for violations.

Ada said the newly constructed traffic enforcement screening station facility located outside the Guam port on Cabras will be the primary facility used to weigh and inspect commercial vehicles operated on Guam's roadways.

Ada said once the policies and procedures are in place other inspection sites will be set up at random locations for spot checks.





## Sen. Thomas Ada

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*I Mina Trentai Tres Na Libeslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

### PRESS RELEASE

Contact: Peter Tran  
Phone: 473-3301  
Email: peter@senatorada.org

FOR IMMEDIATE RELEASE

### Senator Tom Ada Wants to Keep Overweight Vehicles off Guam's Highways

Hagåtña, Guam: On July 24, 2015, Senator Tom Ada introduced Bill No. 147-33, which seeks to minimize the repair and maintenance requirements of our highways, roads, and bridges, which is now the responsibility of the Government of Guam. The Bill addresses the issue of logistics by establishing penalties and procedures for overweight vehicles. Senator Ada stated: *"In light of recent island-wide projects to improve Guam's roadways, the roadways must be protected from undue wear and tear caused by commercial vehicles that exceed weight limits that the highways and roads are designed to carry."* During the past six years, the Federal Highway Administration (FHWA) in collaboration with GovGuam's DPW, has invested \$288M and expects to invest another \$60M in the next four years according to information obtained from FHWA.

Senator Ada also said *"numerous studies have shown that the damage caused by one overweight truck is equivalent to the damage caused by 9,000 cars"*. He said *"the safe travel of commercial vehicles on Guam's roadways and protection of roadways and bridges can be assured by implementing inspection programs to verify the weight of the vehicles, their loads, mechanical soundness, and proper securement of loads thereon."*

Bill No. 147-33 establishes graduated penalties for operating overweight and unsafe vehicles. For example, the penalty for the first offense is \$500 plus \$0.25 per excess pound. A third offense may result in a penalty of \$1000 plus \$0.75 per excess pound and the possibility of revocation of business license. It would also give greater *"authority and responsibilities to the Department of Public Works and the Department of Revenue and Taxation to stop, inspect,*

*and weigh all commercial vehicles.*” With the passage of this bill, the newly constructed “Truck Enforcement Screening Station” (TESS) Facility located outside the Guam Port in Cabras will be the primary facility used to weigh and inspect commercial vehicles operated on Guam’s roadways. Other inspection sites will be set up at random locations for spot checks. The TESS facility was built with FHWA funds at a cost of approximately \$1,500,000.

With exceptions by special permits for excess size and excess weight, Guam Police Officers, Division of Motor Vehicles Safety Inspectors and Department of Public Works TESS Safety Inspectors will be authorized to issue penalties for violations. Fines collected from the citations will be deposited into the *Better Public Service Fund* and *TESS Facility Fund*.

A copy of Bill No. 147-33 is attached or may be downloaded from Senator Tom Ada’s website ([www.senatorada.org](http://www.senatorada.org)) and the Guam Legislature’s Website. For more information, please contact Senator Tom Ada’s office at 473-3301.

###

## Las Vegas casinos not rushing to join daily fantasy game

LAS VEGAS (AP) — It has been more than a week since Nevada regulators told the daily fantasy sports industry to get a gambling license or get out, and before they made their exits, the top two companies inferred regulators were playing favorites to protect Nevada's golden ticket: casinos and sports books.

There was no playing favorites, say state regulators and casino operators.

The state's sports books, for one, haven't suffered with the recent existence of daily fantasy sports. They kept \$227 million of what was bet on football, basketball, baseball and other sports last year, up 61 percent since 2011, according to Nevada Gaming Control Board statistics.

While last week's legal opi-

nion opened the door for already-licensed gambling establishments to enter the daily fantasy sports game in Nevada, none appear to be rushing to join.

Those lucrative gambling licenses, a result of intense background investigations by Nevada agents who aim to root out unsavory characters from an industry that's only a few decades removed from its mob past and wants it to stay that way, keep their multi-billion dollar operations humming.

They may have clarity in Nevada, but they don't have it outside the state's boundaries. The intense scrutiny and investigations by federal authorities, plus a warning from Nevada's regulators, also hasn't engendered any sort of confidence about stepping into the fray.

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Senator Thomas Ada  
Chairman  
Committee on Lands

### Notice of Public Hearing and Confirmation Hearing

Thursday, October 29, 2015 at 10:00am and 1:30pm.

Public Hearing Room of I Liheslataran Gudhon.

At 10:00am the Committee will hear public testimony on:

**Bill 147-33 - AN ACT RELATIVE TO THE ENFORCEMENT OF WEIGHT LIMITS AND SAFE OPERATIONS OF COMMERCIAL VEHICLES; ESTABLISHING A TRUCK ENFORCEMENT SCREENING STATION (TESS) FACILITY FUND AND OTHER RELATED MATTERS.**

At 1:30pm the Committee will hear public testimony on:

**The Appointment of David J. Matanone to the Chamorro Land Trust Commission**

**Bill 192-33 - AN ACT TO TRANSFER 35 ACRES OF LOT 10122-R18, DEDEDO RESERVED BY THE DEPARTMENT OF EDUCATION TO THE CHAMORRO LAND TRUST COMMISSION FOR RESIDENTIAL AND AGRICULTURAL LEASING**

**Bill 193-33 - AN ACT TO TRANSFER 35 ACRES OF LOT 10122-R18, DEDEDO RESERVED BY THE DEPARTMENT OF EDUCATION TO THE CHAMORRO LAND TRUST COMMISSION FOR RESIDENTIAL AND AGRICULTURAL LEASING**

**Bill 194-33 - AN ACT TO TRANSFER LOT 3463, AGANA HEHOITS TO THE CHAMORRO LAND TRUST COMMISSION FOR RESIDENTIAL AND AGRICULTURAL LEASING**

**Bill 195-33 - AN ACT TO TRANSFER LOT 3470, CHALAN PAGO RESERVED FOR GUAM'S HEALTH CARE NEEDS TO THE CHAMORRO LAND TRUST COMMISSION FOR RESIDENTIAL AND AGRICULTURAL LEASING**

**Bill 196-33 - AN ACT TO TRANSFER FOUR HUNDRED (400) PLUS LOTS FROM THE "LAND FOR THE LANDLESS" PROGRAMS TO THE CHAMORRO LAND TRUST COMMISSION FOR CHAMORRO HOMELANDS**

Individuals requiring special accommodations, auxiliary aids, or services, should submit their request to Blaine Dydasco at 473-3301. Paid for by funds of the Committee.



**Senator Thomas Ada  
Chairman  
Committee on Lands**

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