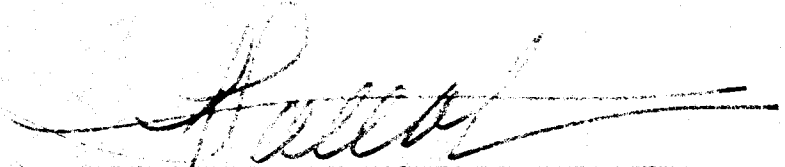


FIFTEENTH GUAM LEGISLATURE
1980 (SECOND) Regular Session

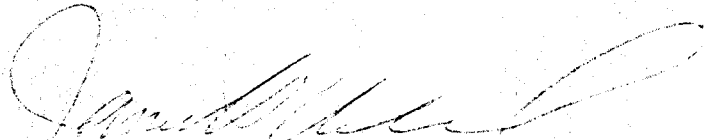
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 157, "An Act relating to underground utility damage prevention and for other purposes", was on the 11th day of January 1980, duly and regularly passed.



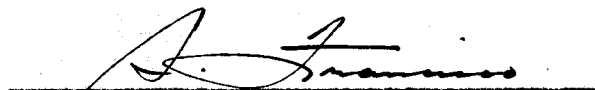
THOMAS V. C. TANAKA
Speaker

ATTESTED:



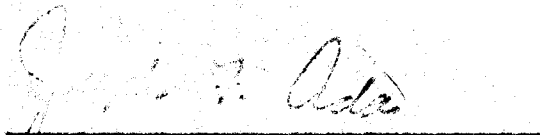
JAMES H. UNDERWOOD
Legislative Secretary

This Act was received by the Governor this 23rd day of January, 1980, at 2:15 o'clock P.M.



SHERRA L. FRANCISCO
Assistant Staff Officer
Governor's Staff

APPROVED:



JOSEPH F. ADA
Acting Governor of Guam

DATED: 2/1/80 2:05 p.m.
P.L. 15-100

FIFTEENTH GUAM LEGISLATURE
1980 (SECOND) Regular Session

Bill No. 157

Introduced by

J. H. Underwood
T. C. Crisostomo
P. F. Perez, Jr.
C. C. Bamba

AN ACT RELATING TO UNDERGROUND UTILITY
DAMAGE PREVENTION AND FOR OTHER PURPOSES.

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

2 Section 1. A new Chapter I-A is added to Title XXII of
3 the Government Code to read:

4 "Chapter I-A

5 Underground Utility Damage Prevention

6 Section 21050. Definitions. As used in this Chapter:

7 (1) 'Damage' includes the substantial weaning of
8 structural or lateral support of an underground utility;
9 penetration or destruction of any protective coating,
10 housing, or other protective device of an underground
11 utility; and the partial or complete severance of an
12 underground utility.

13 (2) 'Demolish' or 'demolition' means any operation
14 by which a structure or mass of material is wrecked, razed,
15 rendered, moved or removed by means of any tools, equip-
16 ment or discharge of explosives.

17 (3) 'Excavate' or 'excavation' means an operation
18 for the purpose of the movement or removal of earth, rock
19 or other materials in or on the ground by use of mechanized
20 equipment or by discharge of explosives, including augering,
21 backfilling, digging, ditching, drilling, grading, plowing-
22 in, pulling-in, ripping, scraping, trenching, and tunneling,
23 but not including the tilling of soil for agricultural
24 purposes.

1 (4) 'Mechanized equipment' means equipment operated
2 by means of mechanical power, including trenchers, bull-
3 dozers, power shovels, augers, back hoes, scrapers, drills,
4 cable and pipe plows, and other equipment used for plowing-
5 in cable or pipe.

6 (5) 'Person' means any individual, any corporation,
7 partnership, association, or any other entity organized
8 under the laws of the territory of Guam.

9 (6) 'Utility' means any line, system or facility used
10 for producing, storing, conveying, transmitting or distri-
11 buting communication, electricity, water or sewage.

12 (7) 'Operator' means the agencies responsible for
13 operating the public utilities of Guam specifically Guam
14 Power Authority, Guam Telephone Authority and the Public
15 Utility Agency of Guam.

16 (8) 'Working day' means every day, except Saturday,
17 Sunday and national and legal holidays.

18 Section 21051. Excavation and Demolition Permits.
19 A permit issued pursuant to law, authorizing excavation or
20 demolition operations, shall not be deemed to relieve a
21 person from the responsibility of complying with the
22 provisions of this Chapter.

23 Section 21052. Prohibition. Except as provided in
24 Section 21055 of this Chapter, no person may excavate in
25 a street, highway, public space, a private easement of an
26 operator, or near the location of a utility installed on
27 the premises of a customer served by such utility, or
28 demolish a building without having first ascertained the
29 location of all underground utilities that would be affected
30 by the proposed excavation or demolition.

1 Section 21053. Notice of Intent to Excavate or
2 Demolish. Except as provided in Section 21055 of this
3 Chapter, before commencing any excavation or demolition
4 operation designated in Section 21052 of this Chapter,
5 each person responsible for that excavation or demolition
6 shall serve written notice or intent to excavate or
7 demolish at least three (3) but not more than ten (10)
8 full working days on Guam Power Authority, Guam Telephone
9 Authority, Public Utility Agency of Guam and the village
10 Commissioners of the project site, if such operator has
11 underground utilities located in the proposed area of
12 excavation or demolition. The written notice shall contain
13 the name, address and telephone number of the person filing
14 the notice of intent and, if different, the person respon-
15 sible for the excavation or demolition, the starting date,
16 anticipated duration, and type of excavation or demolition
17 operation to be conducted, the location of the proposed
18 excavation or demolition, and whether or not explosives
19 are to be used.

20 Section 21054. Response to Notice of Intent to
21 Excavate or Demolish. (a) Each operator notified in
22 accordance with Section 21053 of this Chapter, shall, not
23 less than five (5) working days in advance of the proposed
24 excavation or demolition (unless a shorter period is
25 provided by agreement between the person responsible for
26 the excavation or demolition and the operation), supply,
27 by use of maps when appropriate, the following information
28 to the person responsible for the excavation or demolition:

29 (1) The approximate location and description
30 of all of its underground utilities which may be
31 damaged as a result of the excavation or demolition.

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

4 (3) Any other information that would assist that
5 person in locating and thereby avoiding damage to the
6 underground utilities including, the provision of
7 adequate temporary markings indicating the approximate
8 location of the underground utility in locations where
9 permanent utility markers do not exist.

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

15 Section 21055. Emergency Excavation or Demolition.
16 Compliance with the notice requirements of Section 21053
17 of this Chapter is not required of persons responsible for
18 emergency excavation or demolition to ameliorate an imminent
19 danger to life, health or property, provided, however, that
20 those persons give, as soon as practicable, oral notice of
21 the emergency excavation or demolition to each operator
22 having underground utilities located in the area where that
23 excavation or demolition is to be performed and requests
24 emergency assistance from each operator so identified in
25 locating and providing immediate protection to its under-
26 ground utilities. An 'imminent danger to life, health or
27 property' means whenever there is a substantial likelihood
28 that loss of life, health or property will result before
29 the procedures under this Chapter can be fully complied
30 with.

1 Section 21056. Precautions to Avoid Damage. In
2 addition to the notification requirements of Section 21053
3 of this Chapter, each person responsible for any excavation
4 or demolition operation designated in Section 21052 of this
5 Chapter shall:

6 (1) Plan the excavation or demolition to avoid
7 damage to or minimize interference with underground
8 utilities in and near the construction area.

9 (2) Maintain a clearance between an underground
10 utility and the cutting edge or point of any mechanized
11 equipment, taking into account the known limit of
12 control of such cutting edge or point, as may be
13 reasonably necessary to avoid damage to such utility.

14 (3) Provide such support for underground
15 utilities in and near the construction area, including
16 during backfill operations, as may be reasonable for
17 the protection of such utilities.

18 Section 21057. Excavation or Demolition Damage. Each
19 person responsible for any excavation or demolition
20 operation designated in Section 21052 of this Chapter that
21 results in any damage to an underground utility shall,
22 immediately upon discovery of that damage, notify the
23 operator of such utility of the location and nature of the
24 damage and shall allow the operator reasonable time to
25 accomplish necessary repairs before completing the
26 excavation or demolition in the immediate area of such
27 utility.

28 Section 21058. Damages: Cost of Repairing. Any
29 person who damages a utility line is subject to pay for all
30 costs incurred by the operator to restore the utility to its
31 original condition.

1 Section 21059. Civil Penalties. Any person who
2 violates any provision of this Chapter shall be subject to
3 a civil penalty not to exceed One Thousand Dollars (\$1,000)
4 for each such violation. Actions to recover the penalty
5 provided for in this Section shall be brought by the
6 Attorney General at the request of any person in the
7 territory of Guam in which the cause, or some part thereof,
8 arose or in which the defendant has its principle place of
9 business or resides. All penalties recovered in any such
10 actions shall be paid into the General Fund. This Chapter
11 does not affect any civil remedies for personal injury or
12 property (including underground utilities) damage except as
13 otherwise specifically provided for in this Chapter."

14 Section 2. New Section 17402 and 17402.1 are added to the
15 Government Code to read:

16 "Section 17402. Any permitted sign which contains a
17 message in a language other than English or Chamorro in
18 Roman alphabet characters shall contain a meaningful trans-
19 lation in the English or Chamorro language which shall be
20 printed on the sign using Roman alphabet characters. The
21 Chamorro Language Commission shall assist in translating
22 and approve all Chamorro translations required by this
23 Section for existing and new signs. The English or Chamorro
24 translation must predominate the sign.

25 Section 17402.1. Any person who violates the provision
26 of Section 17402 of this Chapter shall be subject to a civil
27 penalty not to exceed One Thousand Dollars (\$1,000) for
28 each such violation. Actions to recover the penalty
29 provided for in this Section shall be brought by the
30 Attorney General at the request of any person in the
31 territory of Guam. All penalties recovered in any such
32 action shall be paid into the General Fund."

1 Section 3. The sum of Five Thousand Dollars (\$5,000) is
2 appropriated from the General Fund to the Department of Public
3 Works for the purpose of renting a crane and a dump truck to
4 correct the flooding problem on Umang River in the municipality
5 of Agat.

6 Section 4. The sum of One Hundred Twenty Thousand Seven
7 Hundred Fifty-Six Dollars (\$120,756) is appropriated from the
8 General Fund to the Department of Vocational Rehabilitation to
9 be used for the local support of workshop staff who provide
10 guidance to the sheltered employees and other clients in the
11 Department of Vocational Rehabilitation.

12 Section 5. The sum of Fifteen Thousand Dollars (\$15,000)
13 is appropriated from the General Fund to the Guam Memorial
14 Hospital Authority for the purpose of repairing the air con-
15 ditioning system in the old Guam Memorial Hospital building.

16 Section 6. Effective Date. The provisions of Section 1
17 of this Act shall take effect one hundred twenty (120) days after
18 its enactment.

19 Section 7. The sum of Thirty-Six Thousand Dollars (\$36,000)
20 is appropriated from the General Fund to the Guam Museum for the
21 acquisition of museum showcases.

15TH GUAM LEGISLATURE

VOTING RECORD

BILL/RESOLUTION NO. 157, as amended

MAIN SPONSOR GHK
NOT VOTING

SENATOR	AYE	NAY	NOT VOTING	ABSENT
AGUON, Katherine B.	✓			
BAMBA, Cecilia C.	✓			
BLAS, Frank F.	✓			
CHARFAUROS, Edward T.	✓			
CRISOSTOMO, Thomas C.	✓			
DUENAS, Edward R.	✓			
ESPALDON, Ernesto M.	✓			
KASPERBAUER, Carmen A.	✓			
LAMORENA, Alberto C., III	✓			
PALOMO, Antonio M.	✓			
PALOMO, Benigno M.	✓			
PEREZ, Peter, Jr.	✓			
QUAN, John F.	✓			
QUITUGUA, Franklin J.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SUDO, Ramon Q.	✓			
TAITANO, Richard F.	✓			
TANAKA, Thomas V. C.	✓			
UNDERWOOD, James H.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

21