



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

04 FEB 2009

2009 FEB - 5 PM 12: 05
EPM

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 305(EC), "AN ACT TO AMEND §66210, SUBPARAGRAPH (7) OF §71101 AND §71105 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE PLACING OF UTILITIES ON PUBLIC EASEMENTS" which was signed into law on January 30, 2009 as Public Law 29-146.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

30-09-0212

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 2/05/09
Time 10:30-
Received by [Signature]

0222

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 305 (EC), "AN ACT TO AMEND §66210, SUBPARAGRAPH (7) OF §71101 AND §71105 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE PLACING OF UTILITIES ON PUBLIC EASEMENTS,"** was on the 30<sup>th</sup> day of December, 2008, duly and regularly passed.



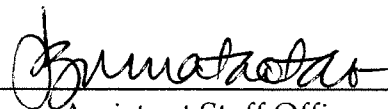
Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Senator and Secretary of the Legislature

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This Act was received by *I Maga'lahaen Guåhan* this 31 day of Dec, 2008, at  
3:10 o'clock P.M.



Assistant Staff Officer  
*Maga'laha*'s Office

APPROVED:



FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 30 JAN 2009

Public Law No. 29-146

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2008 (SECOND) Regular Session**

**Bill No. 305 (EC)**

As substituted by the Committee on  
Judiciary, Natural Resources, Infrastructure  
And Cultural Affairs.

Introduced by:

v.c. pangelinan  
Frank F. Blas, Jr.  
Edward J.B. Calvo  
B. J.F. Cruz  
James V. Espaldon  
Mark Forbes  
Judith P. Guthertz, DPA  
Frank T. Ishizaki  
J. A. Lujan  
Tina Rose Muña Barnes  
A. B. Palacios, Sr.  
R. J. Respicio  
Dr. David L.G. Shimizu  
Ray Tenorio  
J. T. Won Pat, Ed.D.

**AN ACT TO AMEND §66210, SUBPARAGRAPH (7) OF §71101  
AND §71105 OF TITLE 21, GUAM CODE ANNOTATED,  
RELATIVE TO THE PLACING OF UTILITIES ON PUBLIC  
EASEMENTS.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that roadwork and other excavations throughout the island have in many instances  
4 led to the needless damage of utilities. The damage caused creates problems  
5 oftentimes affecting customers with telephone, communications, video, internet,  
6 water, *or* power services. *I Liheslatura* further finds that these damages could have

1 been minimized *or* entirely prevented. While current law requires the location of  
2 all underground utilities that would be affected to be identified prior to the start of  
3 such projects as excavations, most times the approved plans are changed to reflect  
4 actual field conditions. The requirement to submit as built plans at the completion  
5 of the project would provide greater accuracy in identifying the field placement of  
6 the infrastructure. These drawings will provide the exact field location of  
7 underground facilities and lines and give better guidance for future projects.

8 It is, therefore, the intent of *I Liheslatura* to require an as built drawing to be  
9 submitted to the Department of Public Works upon the completion of any  
10 placement of underground facilities and lines on public easements.

11 **Section 2.** §66210 of Chapter 66, Title 21, Guam Code Annotated, is hereby  
12 *amended* to read as follows:

13 **“§66210. Approved Plans: Changes Prohibited.** Approved plans  
14 and specifications *shall not* be changed, modified *or* altered in any manner  
15 affected by the provisions of this *or* other applicable laws, without express  
16 written authorization from the building official, and all work *shall* be done in  
17 accordance with the approved plans and specifications.

18 In the event that field conditions require variations to permitted  
19 specifications *or* plot layout for ongoing and future projects affecting  
20 underground facilities on public easements, permittee *shall* maintain and file  
21 an *as built* drawing with the Department of Public Works within thirty (30)  
22 days of completion of the work. Failure to file *as built* drawing *shall* waive  
23 the permittee’s *or* operator’s right to recover from a subsequent contractor for  
24 any damage to the underground facilities pursuant to Chapter 71 of Title 21,  
25 Guam Code Annotated.”

26 **Section 3.** §71105 of Chapter 71, Title 21, Guam Code Annotated, is hereby  
27 *amended* to read:

1           **“§71105. Response to Notice of Intent to Excavate *or* Demolish.**

2           (a) Each operator notified in accordance with §71104 of this Chapter,  
3           *shall, not less than* five (5) working days in advance of the proposed  
4           excavation or demolition (unless a shorter period is provided by agreement  
5           between the person responsible for the excavation *or* demolition and the  
6           operation), supply, by use of maps when appropriate, the following  
7           information to the person responsible for the excavation or demolition:

8                 (1) The approximate location and description of all of its  
9                 underground utilities which may be damaged as a result of the  
10                excavation *or* demolition, including as built drawings of the utilities  
11                *or* underground facilities maintained by the operator filed at the  
12                Department of Public Works in accordance with §66210 of Title 21,  
13                Guam Code Annotated, *if* available.

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

16               (3) Any other information that would assist that person in locating  
17                and thereby avoiding damage to the underground utilities including,  
18                the provision of adequate temporary markings indicating the  
19                approximate location of the underground utility in locations where  
20                permanent utility markers do *not* exist.

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

24           (c) Failure by the operator to maintain and provide information described  
25           in subsection (a) above *as built* drawings from Department of Public Works’  
26           *or* its own records existing prior to the excavation *or* demolition, *shall*  
27           preclude operator from recovering for repair of damages to underground

1 utilities, facilities, *or* lines as provided for in Chapter 71.”

2 (d) The operator *shall not* be liable for repair of damages to underground  
3 utilities, facilities, *or* lines when it is determined that the damages occurred  
4 within an area cleared by the information described in (a) above.”

5 **Section 4.** §71101, Subparagraph (7) of Title 21, Guam Code Annotated, is  
6 hereby *amended* to read:

7 “(7) *Operator* means any person, individual, governmental agency *or*  
8 their agents, joint venture, firm, partnership, association, *or* corporation who  
9 owns *or* operates, a public *or* private underground facility *or* utility which  
10 furnishes a service *or* material *or* stores, transports, *or* transmits an  
11 electronic communication system, telecommunications system, *or* fiber  
12 optic, electricity, oil, natural gas, gases, steam, mixture of gases, petroleum,  
13 petroleum products, flammable fluids, *or* other substances of like nature *or*  
14 water *or* water systems, sewer systems *or* traffic, drainage control systems,  
15 *or* other items of like nature.

16 *Operator* also means the entities responsible for operating the public  
17 utilities of Guam specifically Guam Power Authority, Guam Waterworks  
18 Authority and the incumbent local exchange carrier as defined by §12102(e),  
19 Title 12, Guam Code Annotated.”

20 **Section 5. Severability.** *If* any of the provisions of this Act or the  
21 application thereof to any person or circumstance is held invalid, such invalidity  
22 shall *not* affect any other provision or application of this Act which can be given  
23 effect without the invalid provision or application, and to this end the provisions of  
24 this Act are severable.