

TESTIMONY BEFORE  
31<sup>TH</sup> LEGISLATURE OF THE VIRGIN ISLANDS  
NOVEMBER 22, 2016

HONORABLE SENATORS OF THE 31<sup>ST</sup> LEGISLATURE, MY NAME IS WYSTAN BENJAMIN, FORMER FEDERAL AID HIGHWAY PROGRAM MANAGER FOR THE TERRITORY OF THE U.S. VIRGIN ISLANDS. I COME TO YOU HERE TODAY ON BEHALF OF MYSELF. NOT REPRESENTING ANY GOVERNMENT AGENCY. I WAS ALSO NOT ASKED TO APPEAR BY ANYONE IN THIS ROOM. LAST WEDNESDAY I SAT IN THE FRONT ROW SEAT 3 FEET AWAY FROM MY BROTHER'S CASKET LISTENING TO MY SISTER IN LAW REMINISCE ABOUT HOW MY BROTHER WOULD ALWAYS TELL HER TO "FIGHT, FIGHT FOR WHAT IS RIGHT". YOU SEE MY SISTER IN LAW AND I, LITTLE DID WE KNOW, SHARE SOME SIMILAR QUALITIES. WE WOULD ALWAYS TRY OUR BEST TO BE METICULOUS, THOROUGH, COURTEOUS AND PROFESSIONAL WITH HOW WE WOULD GO ABOUT OUR BUSINESS, HOPE EVERYONE WOULD DO THE SAME AND EVERYTHING WOULD WORK ITSELF OUT. WELL LIFE AS MANY OF US HAVE FOUND OUT IS NOT THAT SIMPLE. A STRONG FEELING CAME OVER ME AT THE SERVICE COMPELLING ME TO BE HERE TODAY AFTER SEEING THE RECENT NEWS REGARDING THE MAIN ST. PROJECT.

THE PURPOSE OF ME BEING HERE TODAY IS NOT TO FIGHT, NOT TO PROVIDE ANY TESTIMONY NOR ANSWER ANY QUESTIONS REGARDING THE MAIN ST PROJECT. I BELIEVE THAT YOU ALREADY HAVE AT YOUR DISPOSAL THE AGENCY HEADS THAT CAN PROVIDE THE ANSWERS TO ANY QUESTIONS THAT YOU CAN ASK OF ME. I AM SIMPLY HERE TO SHED SOME LIGHT ON MY SITUATION AS A RESULT OF THIS PROJECT AND TO SEEK CLOSURE REGARDING MY CONTRACT SO I CAN MOVE ON WITH MY PERSONAL LIFE.

21 YEARS AGO, IN MARCH OF 1995 AFTER RETURNING HOME TO VISIT MY FAMILY FOR WHAT SHOULD HAVE BEEN JUST AN EXTENDED STAY, I WAS ASKED BY THEN

COMMISSIONER ANNE ABRAMSON IF I CAN JOIN AND ASSIST WITH THE NEWLY IMPLEMENTED FEDERAL AID PROGRAM AT THE DEPT. OF PUBLIC WORKS. SHE EXPLAINED THAT THEY WERE LOOKING FOR QUALIFIED LOCAL ENGINEERS THAT CAN BE TRAINED TO EVENTUALLY TAKE OVER AND RUN THE PROGRAM. YOU SEE AT THE TIME THE DEPARTMENT WAS FORCED TO HIRE FEDERAL HIGHWAY ADMINISTRATION RETIREES FROM ABROAD TO HELP TO LAUNCH THE PROGRAM AND TRAIN WHATEVER LOCAL STAFF THAT WAS BROUGHT ON BOARD. I SIGNED ON AND 21 YEARS LATER, HERE I AM. WHAT I DID NOT KNOW AT THE TIME WAS THAT IT WAS AND STILL IS VERY DIFFICULT TO FIND QUALIFIED LOCAL ENGINEERS WITH DEPT. OF TRANSPORTATION RELATED EXPERIENCE. I STARTED FROM THE GROUND UP AS AN ASSISTANT CONSTRUCTION ENGINEER AND WORKED UNDER NUMEROUS TRAINED PROFESSIONALS FROM THE FEDERAL HIGHWAY ADMINISTRATION WITH COUNTLESS YEARS OF EXPERIENCE IN TRANSPORTATION RELATED PROJECTS. I WORKED UNDER FIVE GOVERNORS AND 7 COMMISSIONERS DURING MY TIME IF I REMEMBER THEM ALL. I REMEMBER BEING ONE OF 2 INDIVIDUALS IN THE ST THOMAS/ST JOHN DISTRICT MANAGING THE ENTIRE PROGRAM AT ONE POINT. AT ONE POINT MY TITLE ON ONE OF MY CONTRACTS WAS DESIGN & CONSTRUCTION PROGRAM MANAGER. A TITLE NOW SHARED BY THREE INDIVIDUALS AND IT TECHNICALLY SHOULD BE FOUR, TWO IN EACH DISTRICT. I WEAR THOSE YEARS EVERY DAY LIKE CLOTHES ON YOUR BACK. THEY WERE NOT EASY.

ON JUNE 21, 2016, A DAY THAT THE DEPARTMENT WAS BEING CALLED BEFORE THIS LEGISLATURE I WAS CALLED INTO COMMISSIONER JAMES' OFFICE AND ASKED TO STEP ASIDE FROM MY POST AS THE HIGHWAY PROGRAM MANAGER FOR THE TERRITORY. I

SIMPLY ASKED THAT HE PROVIDE ME THE REQUEST IN WRITING SO I CAN BE FORMALLY DIRECTED. I RECEIVED A PARTIAL TERMINATION LETTER FROM COMMISSIONER JAMES BASICALLY TELLING ME THAT I SHOULD CEASE WORK ACTIVITY FOR THE DEPARTMENT AND HE WILL GET BACK TO ME AFTER DISCUSSING MY AGREEMENT WITH THE GOVERNMENT WITH COMMISSIONER BENNETT. YOU SEE MY CONTRACT REQUIRES THAT I RECEIVE A FORMAL TERMINATION LETTER FROM THE CONTRACTING OFFICER, IN THIS CASE COMMISSIONER BENNETT WITH AN EFFECTIVE DATE AND 30 DAYS NOTICE; AND THAT I BE COMPENSATED FOR THIS TIME INCLUDING AND UP TO THE EFFECTIVE DATE OF THE 30 DAYS. UPON SUBMITTAL OF MY TIME SUBSEQUENT TO THE JUNE 21<sup>ST</sup> LETTER FROM COMMISSIONER JAMES, THE SIGNED COPIES BEING RETURNED TO ME WERE HAND MARKED IN BLUE INK "30 - DAY NOTICE" WITH AN ARROW DOWN INDICATING HE HAD STARTED COUNTING MY NOTICE FROM JUNE 21<sup>ST</sup>. UPON SUBMITTING MY TIME FOR COMPENSATION DUE FOR PERIOD ENDING JULY 23<sup>RD</sup>, COMMISSIONER JAMES DID NOT SIGN, FOR REASONS I INDUCED THERE WAS 1 DAY THAT OVERLAPPED THE DATE OF HIS LETTER.

THIS SITUATION FORCED ME TO GET LEGAL COUNSEL AND AS A RESULT I FINALLY RECEIVED A FORMAL NOTICE FROM COMMISSIONER BENNETT DATED OCTOBER 4, 2016 WITH AN EFFECTIVE TERMINATION DATE OF NOVEMBER 2, 2016. DURING THIS TIME I COULD NOT MAKE ANY REAL COMMITMENTS FOR FURTHER CAREER OPPORTUNITIES, BECAUSE OF POTENTIAL CONFLICTS WITH MY CONTRACT, BY NOT HAVING CLOSURE. UPON SUBMITTING DOCUMENTATION FOR COMPENSATION DUE THROUGH MY TERMINATION DATE, I ONLY RECEIVED A SIGNED COPY OF MY COMPENSATION FOR PERIOD THROUGH JULY 23, 2016 AND NOT FOR THE REMAINDER.

HONORABLE LADIES AND GENTLEMEN IN THE ROOM TODAY, THIS CONFIRMED NUMEROUS SIGNS OF HOW BUSINESS WAS GOING TO BE CONDUCTED AT THE DEPT. OF PUBLIC WORKS.

THE FEDERAL AID PROGRAM HERE IN THE TERRITORY OF THE U.S. VIRGIN ISLANDS IS ONE OF THE MOST DYNAMIC AND ECONOMICALLY IMPACTFUL PROGRAMS HERE IN THE TERRITORY. I HAVE ALWAYS PREACHED FOR THE PROTECTION OF THE INTEGRITY OF THE PROGRAM, AND THE NUTURING OF THE RELATIONSHIPS AND PARTNERSHIPS FORMED WITH FEDERAL HIGHWAY ADMINISTRATION RESOURCE CENTERS ALL OVER THE U.S. MAINLAND. WE DO NOT HAVE TO LOOK VERY FAR FOR AN EXAMPLE OF WHAT CAN HAPPEN WHEN THESE FACTORS ARE BREACHED. WE WERE CONTINUALLY GIVEN EXAMPLES BY FEDERAL HIGHWAY AND COMPARED TO THE PROGRAM OF OUR NEIGHBORS IN PUERTO RICO. THEY WERE ALWAYS PROUD OF THE WORK WE DID. OUR RECORD HERE IN THE TERRITORY IS ONE THAT SPEAKS FOR ITSELF DESPITE OUR CHALLENGES.

LADIES AND GENTLEMEN THE FEDERAL AID PROGRAM DOES NOT BELONG EXCLUSIVELY TO ME OR ANY ONE OF US BUT TO THE TERRITORY OF THE VIRGIN ISLANDS. I HAVE FULLFILLED MY OBLIGATION TO THE TERRITORY AND THE PEOPLE OF THE VIRGIN ISLANDS AS PER MY CONTRACT AND DID MY BEST TO PROTECT THE GOVERNMENT AND THE PEOPLE'S BEST INTEREST. ALL I SIMPLY ASK IS FOR CLOSURE SO I CAN MOVE ON WITH MY LIFE AND MY FAMILY.

I THANK YOU FOR ALLOWING THIS TIME AND ASK THAT I BE EXCUSED FROM THE WELL.