



**GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED STATES**

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**OFFICE OF
THE COMMISSIONER**

TESTIMONY BEFORE THE 31ST LEGISLATURE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

APRIL 8, 2015

HONORABLE SENATOR SAMMUEL SANES, HONORABLE MEMBERS OF THE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION, HONORABLE SENATORS PRESENT, LADIES AND GENTLEMEN,

I AM GUSTAV JAMES, COMMISSIONER DESIGNEE OF THE DEPARTMENT OF PUBLIC WORKS. I APPEAR BEFORE YOU HERE TODAY TO OFFER TESTIMONY ON PROPOSED BILL NO. 31-0004, A BILL REQUIRING NOTIFICATION OF THE PUBLIC AND UTILITIES COMPANIES BEFORE EXCAVATING ON PUBLIC OR PRIVATE LANDS.

FIRST I WOULD LIKE TO OFFER SOME CLARIFICATION OF THE CURRENT PRACTICES AND PROCEDURES. CURRENTLY, IN ORDER TO EXCAVATE WITHIN THE PUBLIC ROAD RIGHT OF WAY, AN ENTITY MUST OBTAIN A PERMIT FROM THE DEPT OF PUBLIC WORKS. THE PERMIT COMES WITH CERTAIN STIPULATIONS, INCLUDING A PRIOR REVIEW AND ACTION PLAN WITH REGARDS TO ANY EXISTING UTILITIES KNOWN TO BE IN THE AREA OF EXCAVATION. ON PRIVATE LANDS OR PUBLIC LANDS OUTSIDE OF THE ROAD WAYS, NO PERMIT FROM DPW IS REQUIRED HOWEVER A PERMIT IS REQUIRED FROM THE DEPT OF PLANNING AND NATURAL RESOURCES FOR MOST PROJECTS INCLUDING EARTH CHANGE.

WE ARE IN AGREEMENT WITH THE PROPOSED LEGISLATION TO THE EXTENT THAT WE AGREE THAT IMPROVEMENT IS WARRANTED AND ACHIEVABLE. THE SYSTEM FOR PROTECTING UNDERGROUND UTILITIES DOES INDEED NEED IMPROVEMENT. IN SOME INSTANCES OUR OWN PUBLIC WORKS UTILITY PIPING IS DAMAGED UNNECESSARILY. OUR STORM DRAINAGE CULVERTS ARE SOMETIMES DESTROYED AND IGNORED BY EXCAVATORS AND BECAUSE OF THE FACT THAT THERE IS NO IMMEDIATE, NOTICEABLE SERVICE INTERRUPTION, THE DAMAGE MIGHT GO UNRECORDED AND UNADDRESSED. DAMAGE TO STORM DRAINAGE CULVERTS BECOMES HIGHLY EVIDENT WHEN THE RAINS COME.

THE FACT IS THAT DAMAGE TO BURIED UTILITIES IS ALMOST ALWAYS ACCIDENTAL AND ALMOST ALWAYS DUE TO A LACK OF KNOWLEDGE ABOUT THE EXISTENCE AND/OR LOCATION OF THE BURIED UTILITY. THE REAL PROBLEM THEREFORE IS INFORMATION. THE EXISTENCE, AVAILABILITY AND SHARING OF INFORMATION. FORTUNATELY WE NOW EXIST IN AN ERA WHEN INFORMATION TECHNOLOGY ALLOWS US TO ACCOMPLISH GREAT THINGS IN THIS ARENA. SO WE SUPPORT A BILL

MANDATING A PERMITTING REQUIREMENT FOR EXCAVATIONS AND WE WOULD LIKE TO ACCOMMODATE THIS MANDATE WITH THE REQUIRED INFORMATION DELIVERED TO THE RIGHT PLACE AT THE RIGHT TIME.

THE PUBLIC WORKS BURIED UTILITIES MAPPING AND EXCAVATION PERMIT CENTER WOULD MAINTAIN ACCURATE DIGITAL RECORDS OF ALL BURIED UTILITIES IN THE TERRITORY AND ISSUE PERMITS WITH PROPER MARKERS ON MAPS, AS REQUIRED TO PROTECT THESE UTILITIES. TO ACCOMPLISH THIS WE WOULD NEED TO MAKE A MODEST INVESTMENT OF APPROXIMATELY \$500,000 THE FIRST YEAR AND \$300,000 PER YEAR FOR THE NEXT 2 YEARS WITH THE COST ADJUSTED FOR INFLATION. REDUCING SOMEWHAT AFTER 3 YEARS. WE WOULD PURCHASE SOME EQUIPMENT AND SOFTWARE AND ESTABLISH A SMALL STAFF WHICH WOULD GATHER THE EXISTING INFORMATION ON BURIED UTILITIES AND CONSOLIDATE THAT INFORMATION INTO A TERRITORY WIDE DATA BASE. SOME DATA WHICH DOES NOT CURRENTLY EXIST IN DIGITAL FORMAT WOULD HAVE TO BE DIGITIZED.

THE LIEUTENANT GOVERNOR'S OFFICE HAS MADE EXCELLENT PROGRESS IN MAPPING AND WE WOULD UTILIZE THESE MAPS, GOOGLE EARTH MAPS AND OTHER WIDELY AVAILABLE DATA TO BUILD OUR DATA BASE. IN ADDITION TO THE UNDERGROUND LAYERS WE WOULD ADD. THE MAPPING EFFORTS COULD BE EXPANDED TO PROVIDE ACCURATE KEY MAPS TO EVERY ADDRESS IN THE TERRITORY SUCH THAT FIRST RESPONDERS COULD FIND ANY LOCATION WITHOUT DELAY.

THE INVESTMENT THAT IS REQUIRED TO BUILD AND MAINTAIN THIS DATA BASE IS SMALL COMPARED TO THE BENEFITS IT WILL BRING. I THEREFORE URGE YOU TO PASS A LAW THAT CREATES THE MANDATE BUT LEAVES THE POLICY TO US SUCH THAT WE CAN ESTABLISH THE APPROPRIATE PROCEDURES TO MATCH THE NEED. I ALSO ASK YOU TO FUND THIS EFFORT WITH THE MODEST SUMS THAT I SET FORTH. WE LOOK FORWARD TO IMPROVING THIS SYSTEM AND WE ARE ANXIOUS TO PUT SOME BRIGHT MINDS TO WORK ON THIS EFFORT.

THANK YOU.