

DEPARTMENT OF PUBLIC WORKS  
UNITED STATES VIRGIN ISLANDS



# COMMITTEE ON DISASTER RECOVERY, INFRASTRUCTURE & PLANNING

SEPTEMBER 12, 2025

Derek Gabriel

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Commissioner  
Department of Public Works

Good day Senator James, Chairperson of the Committee on Disaster Recovery, Infrastructure & Planning; committee members; all other senators in attendance today; all those seated in the senate chambers; as well as those in the listening and viewing audience. I am Derek Gabriel, Commissioner of the Department of Public Works. Thank you for this opportunity to provide testimony pertaining to roadway excavation permits.

The Department of Public Works has direct oversight responsibilities for all roadway excavations, as well as driveway, burial plot, and roadside advertising permits in the Territory.

Excavation of public roads without proper permitting poses significant risks, including utility damage, environmental impacts, increased costs, and long-term damage to public infrastructure. Prior to this bill amendment, the Virgin Islands Department of Public Works had already implemented a Road Excavation Permit Program to address these issues and guarantee that excavation is conducted safely in harmony with existing roadway and utility systems.

Since late 2022, the executive team at the Department of Public Works has held several meetings with the bill sponsor regarding the existing permit program and its challenges, especially in light of increased undergrounding efforts for public and private utilities. The program's requirements, fees, and regulations are posted on the department's website. I have also attached a copy of the application for your reference.

It is essential to note that the department lacks the necessary resources to enforce compliance. Section E of the proposed bill mentions fines and penalties; however, the department cannot hold applicants accountable for unapproved excavations, disregard for standards, or nonpayment of fees except to withhold future permits, which is not always

practical. To increase effectiveness, I propose granting the department enforcement authority and including provisions for emergency excavations, which are imperative for public safety and critical infrastructure.

Additionally, I advise this Body to grant the Department of Public Works full authority over all its permit programs. The department should directly oversee the management and monitoring of all permits, including full authority over the fee schedule. Currently, the Legislature maintains control over establishing and regulating certain permit fees. This approach will enhance accountability, streamline program management, and guarantee consistency across all permitting processes.

I appreciate the Legislature's commitment to safeguarding our public roads and promoting responsible excavation practices. The Department of Public Works is prepared to collaborate on furthering this legislation and strengthening safeguards for the territory's infrastructure.

This concludes my testimony. Thank you for the opportunity, and I remain available to answer any questions you may have.