

DEPARTMENT OF PUBLIC WORKS  
UNITED STATES VIRGIN ISLANDS



# COMMITTEE ON HOUSING, TRANSPORTATION & TELECOMMUNICATIONS

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Commissioner  
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Good morning Senator Marvin Blyden, Chairperson of the Committee on Housing, Transportation & Telecommunications; Committee members and staff; all other senators in attendance today; as well as those in the listening and viewing audience.

My name is Derek Gabriel and I am the Commissioner for the Department of Public Works (DPW). I am here at the committee's request to provide an update on the status of broadband implementation territory-wide and the Department's role in this process. Specifically, I will address the Department's role in providing excavation permits for the ongoing Liberty VI undergrounding project.

The Department of Public Works is statutorily responsible for the maintenance and upkeep of all roadways, highways, and transportation infrastructure in the Territory. As such, we are responsible for the review and approval of all excavation requests in and/or near our roads. All applications must be accompanied by several due diligence documents such as design drawings and trench details, maps, traffic control plans, road repair details, and contracts – just to name a few. Permit applications are posted on the department's website and can be submitted electronically. These reviews are performed by DPW's existing staff from local and highway engineering. In some instances, depending on the extent of the project and route, we rely on assistance from our consultants and colleagues from the Federal Highway Administration. To date, we have not added staff to focus solely on this gargantuan task. For FY 2024, the Liberty VI project is responsible for approximately 80% of the excavation permits submitted for review and approval. As a reminder, DPW is

responsible for the construction, maintenance and repairs over 1,800 miles of roads, bridges, highways and transportation infrastructure, in addition to administering cemeteries, the GVI's capital improvement program, mass transit among several other things.

Since 2021, we have been working with AT&T, and now Liberty VI, to expedite excavation permit applications to keep their ambitious and aggressive project schedule. As we all know, Phase 1 of this project had significant challenges for which our motoring public bore the brunt of those issues. In the current phase, Liberty VI has proposed using micro-trenching as a minimally invasive way of accomplishing their objective. While this application has been used in the VI, our experience is very limited. To this end, our team operates with careful consideration and insists on receiving adequate information from applicants when approving permits, especially when using this method. According to the existing policy, the applicant lines must be buried 18-24 inches below the roadway to prevent future conflicts with planned road maintenance or reconstruction. Given the fact that applicants expect to install shallow in the pavement structure (above the 18–24" requirement), there are inherent challenges, and every application must be scrutinized and considered on a case-by-case basis.

Therefore, we will only accept applications that meet a satisfactory standard. The potential of being liable for any errors after installation that aren't identified early on can present conflicts for the department. Considering this, we have included additional special

conditions in our telecommunications applications including a five-year warranty and agreements for line relocation when necessary. Our goal is to mitigate risk and minimize our liability in this regard. The need to relocate a line or multiple lines may arise for the purpose of emergency road maintenance or an upcoming planned project. It is important to have these items in place up front as, once installed, these lines effectively become a part of our built infrastructure.

While the DPW team and Liberty VI team, along with its cadre of consultants, continue to meet regularly, we recognize and acknowledge the project's challenges, particularly those surrounding restoration schedule and methods. DPW recently informed Liberty VI that the current restoration method is not properly adhering to road surfaces and needs to be revisited in favor of full asphalt restoration. We understand this comes with its own challenges, such as the availability of asphalt and qualified paving contractors and increased costs and so we're taking the time to jointly re-evaluate all options available.

Another inherent challenge is accommodating future utility undergrounding plans. We know that both WAPA and the Waste Management Authority have plans to replace their respective lines (underground electrical – WAPA; replacement and new potable water lines – WAPA; wastewater lines – Waste Management Authority). Typically, wastewater lines are the lowest in the trench because it's a gravity-fed system, with all other utility lines following above. In this case, we will have to find ways to avoid disruptions to Liberty's lines when it is time to accommodate the other utilities.

I am pleased to report our records show Liberty VI has no open applications pending before DPW. To date, we have processed well over 30 applications and reviewed dozens more territory-wide with a value of over \$1M to the department. Some applications do have conflicts and challenges, such as lagging restoration schedules, utility conflicts and issues with proposed restoration methods and quality, and have been placed on a temporary “hold” until resolutions can be hammered out. As always, we are committed to ensuring safe roadways for our residents while providing proper oversight as statutorily required.

Before closing, I want to make it clear that we are dedicated to working with every infrastructure partner, public or private, as we all seek to improve, enhance, and strengthen our infrastructure and networks for the benefit of our residents and visitors. We will continue improving our own processes through this effort as we know undergrounding will become the standard instead of the exception. Thank you for the opportunity to testify and we will remain available to answer any questions you may have.