

COMMITTEE ON DISASTER RECOVERY AND
INFRASTRUCTURE

10/09/2025-AMENDED AND REPORTED OUT TO THE FLOOR

09/12/2025-REPORTED OUT TO THE COMMITTEE N RULES AND JUDICIARY

BILL NO. 36-0110

Thirty-Sixth Legislature of the Virgin Islands

July 10, 2025

An Act amending title 20 Virgin Islands Code, part I, chapter 1 to require a permit from the Virgin Islands Department of Public Works before the excavation of any public roadway

PROPOSED BY: Senators Angel L. Bolques, Jr. and Avery L. Lewis
Co-sponsor: Hubert L. Frederick

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 20 Virgin Islands Code, part I, chapter 1 is amended by inserting the following section 8:

§ 8. Excavation of public roads; permits, fees, and fines

(a) The Virgin Islands Department of Public Works (“the Department”) shall regulate the excavation of public roads in the Virgin Islands. No individual, corporation, or entity shall excavate any public road without first obtaining a permit from the Commissioner of the Department of Public Works.

(b) The Department shall establish a fee schedule for excavation permits. The fees must be commensurate with the size, duration, and impact of the excavation on the public road and its users. All fees collected must be used exclusively for the maintenance and improvement of public roads and must be deposited into the District Public Road Fund.

(c) The Department shall charge a fee for the following:

- (1) excavation permits, based on the project's size and scope;
- (2) inspection of the work during and after completion to ensure compliance with regulations and safety standards;
- (3) services to identify and mark underground utilities;
- (4) necessary environmental assessments, if the excavation has potential environmental impacts;
- (5) costs associated with traffic control measures and road closures;
- (6) restoration of the road and adjacent areas including sidewalks, curbs, and landscaping;
- (7) disposal of waste material generated from the excavation;
- (8) damage to public property or utilities for repair and replacement; and
- (9) any costs incurred to ensure compliance with safety regulations and compliance standards, including specialized equipment or procedures.

(d) Standards and Regulations

The Department shall establish standards and regulations for the excavation of public roads, which must include safety measures, traffic management, restoration of excavated areas, and timeframes for completion of work. All excavation work must comply with the standards and regulations set forth by the Department.

(e) Fines and Penalties

After an opportunity to be heard, any individual, corporation, or entity found to be in violation of this section for an unauthorized excavation, non-compliance with standards and regulations, or failure to pay the required fees, is subject to pay a fine as established by the Department. Repeat offenders may be subject to increased fines and or suspension of future permit privileges.

(f) Emergency excavations by public utility agencies

(1) Notwithstanding any other provision of this section, the Virgin Islands Water and Power Authority (WAPA), the Virgin Islands Waste Management Authority (VIWMA), or any other public utility agency may conduct emergency excavation on a public roadway without first obtaining a permit from the Department of Public Works (DPW) when:

(a) a failure of electrical, water, sewer, or other critical utility services creates an imminent threat to life, health, or public safety; or

(b) immediate excavation is necessary to restore essential services to the public.

(2) Upon commencement of such emergency excavation, the agency shall notify the Commissioner of DPW immediately, by email, phone, fax, or other official means, providing the location, scope, and purpose of the excavation. Submission of a formal permit application may follow the notification, but notification to the Commissioner is required on the same business day as commencement. If the excavation occurs on a weekend or legal holiday, notification must be made no later than the next business day.

(3) All emergency work performed under this subsection remains subject to the roadway restoration standards established in subsection (g), and DPW may inspect the site to ensure compliance.

(4) Emergency excavation performed under this subsection does not exempt the responsible agency from fines or penalties for failure to comply with restoration standards, as provided in subsection (e).

(g) Roadway restoration standards

(1) Any individual, corporation, public utility, or other entity that excavates a public roadway shall restore the roadway in accordance with standards prescribed by

DPW, including specifications for pavement thickness, materials, compaction, and resurfacing techniques.

(2) Restoration must return the roadway to a condition equal to or better than its condition prior to excavation.

(3) Where trenching or significant roadway disruption occurs, the responsible party shall repave the entire affected lane or, if required by DPW, the entire width of the roadway, to ensure safety, long-term durability, and uniformity.

(4) Temporary patching is not sufficient restoration.

(5) A party that fails to restore a roadway in compliance with this subsection shall be subject to penalties and fines under subsection (e), and future permit privileges may be suspended or revoked.

SECTION 2. (a) This act takes effect 90 days after its enactment.

(b) Not later than 90 days after the effective date of this act, the Department shall create a permit application that must provide for the inclusion of the location of the excavation, the purpose, and the estimated duration of the excavation, and any other information the Department considers necessary.

(c) Not later than 90 days after the effective date of this act, the Department may promulgate additional rules for the administration and enforcement of this act.

BILL SUMMARY

This bill amends title 20 Virgin Islands Code, part 1, chapter 1 to require a permit from the Department of Public Works before the excavation of any public roadway and sets a schedule of fees associated with the excavation of the roadway.

BR25-0075/March 26, 2025/AA

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