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DPW

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SENATOR MARVIN BLYDEN
CHAIRPERSON

COMMITTEE ON HOUSING, TRANSPORTATION,
INFRASTRUCTURE & TELECOMMUNICATIONS



CALL BEFORE YOU DIG INITIATIVE (ACT NO. 7798)



INTRODUCTION

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

I am Derek Gabriel, Commissioner Nominee of the Department of Public Works (DPW). With me today is Jomo McClean, Highway Program Manager and Piotr Gajewski, Design Program Manager. We are here to provide this committee with an update on the Call Before You Dig Legislation.



As both public and private sector partners seek to improve the resiliency of our telecommunications and public utility systems in the Territory, undergrounding of cable conduits and utility lines has become an essential practice. For the Department of Public Works, these projects have a significant impact on the largest area of our jurisdiction – our public roadways. As such, Act 7798 seeks to provide some coordination and notification, to prevent utility disruption, housed within the Department, for these efforts.

Act 7798, referenced as the “Call Before You Dig” legislation, provides for a host of measures intended to coordinate underground utility projects across the Territory. Among other things, a “comprehensive One Call Notification Center” must be established within the Department. The legislation calls for the Notification Center to provide a wide range of services such as notification of demolition or excavation near all underground facilities; development and implementation of a public awareness and damage prevention program; to operate and accept notification calls 24 hours a day; to record and respond to information requests; to establish and maintain a “Positive Response” System; as well as to maintain professional liability and errors and omissions insurance to cover the duties above. To fund these measures, the Underground Facility Damage Prevention and Safety Fund must be established by the Department of Finance. The Act further states that all “Operators” are required to share in the cost to establish the Notification Center.

While we agree with the intent and spirit of the legislation, it is, however, a full-time undertaking that requires immense coordination and lots of resources to implement, namely human capital, physical space, equipment and funding. These items currently all need to be identified.

RECOMMENDATIONS

We believe one of the most difficult parts of this process is having accurate records of our underground infrastructure. We understand our private partners’ concerns regarding releasing proprietary information; however, for this endeavor to be a success, as-builts in a universal digital format must be submitted to the Office of the Lieutenant Governor and

DPW upon completion of each project. To ensure this occurs, the Department suggests including bonding and as-built requirements as part of the excavation permit approval process. These additions will guarantee that accurate, survey-grade as-built drawings are provided prior to project completion. I would like to believe that the implementation of this provision will be embraced by the public sector as it will certainly ensure that the accurate underground mapping needed by any company or third-party contractor is available as their projects come online. Additionally, if the Government of the Virgin Islands, through the Office of the Lieutenant Governor, is expected to maintain a system of record for all public and private underground utilities, their staff will need highly specialized equipment to scan and verify existing infrastructure, as well as new underground lines in order to mitigate the risk and liability associated with this endeavor.

While the law stipulates DPW has the authority to promulgate rules and regulations pertaining to this process, for stronger enforcement, we suggest outlining additional consequences for damaging underground utilities during excavation in the legislation such as license revocation. As you are aware, the Department has limited enforcement capabilities. The most severe enforcement authority we have is to issue a stop work order or refuse to permit future projects, but that may be an “after the fact” action as the underground facilities may have already been impacted.

UTILITY COORDINATION MEETINGS

DPW started hosting monthly utility coordination meetings for recovery projects in late 2019. Attendees include representatives from public and private utilities, as well as agencies involved with funding recovery projects. The meeting objectives touch on several topics, including how to maximize funding to the territory through the grouping of projects. Attendees have also discussed improving coordination between utilities and DPW to facilitate design and construction for all roads and utility projects, including recovery from FEMA, CDBG and FHWA. Ongoing action items include the establishment of a Spatial Digital Library where we are compiling information on existing utilities/mapping, as well

as existing and proposed projects. We have found these meetings to be extremely worthwhile and useful in project planning. I am very excited by our progress in the short time I have been with the Department.

Moving forward, we will continue with monthly coordination meetings, as they have proven to be beneficial in keeping all public and private utilities abreast of upcoming projects, as well as providing a space to coordinate efforts. Most recently, we have used these meetings to gain input from our partners on the implementation of this legislation. Their input has been insightful and, beginning next month, we will be hosting smaller, "breakout" sessions designed to accomplish all the tasks necessary to implement "Call Before You Dig." We are looking at lessons learned here in the Territory as well as best practices from similar jurisdictions on the mainland.

Thank you for the opportunity to present this testimony today on behalf of the Department of Public Works. My team and I will remain to answer any questions you may have.