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## Bill Establishes Permit System for Road Excavations, Ending \$25 Loophole

**Senator Angel Bolques Jr. introduced Bill 36-0110 requiring DPW permits for public road excavations. The measure creates a graded fee structure, adds enforcement tools, and directs funds into the Public Road Fund to cover restoration and future roadwork.**

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Senator Angel Bolques Jr. has introduced what he described as a “critical piece of legislation that establishes a structured, transparent and enforceable system for the requirement of permitting systems for excavation of public roads in the Virgin Islands.”

Bill 36-0110 would require a permit from the V.I. Department of Public Works before the excavation of any public roadway. For Mr. Bolques, public roads “bear the brunt of heavy

infrastructural work, trenching and commercial use” yet “there has never really been a regulatory framework governing the process of permitting.”

On Friday, he complained to the members of the Committee on Disaster Recovery, Infrastructure, and Planning that “for far too long, companies, including major utility providers, have been allowed to excavate our roads for as little as \$25.” This reality has resulted in what Mr. Bolques characterized as “damaged roads, unsafe conditions, mounting costs and inconvenience for the people of this territory.”

Now, the Department of Public Works will be “authorized to issue excavation permits with a graded fee structure,” Mr. Bolques explained. Fees are expected to reflect the actual cost of excavation, including environmental reviews, utility markings, site inspections, traffic management, and the full restoration of a roadway. Fees collected will be deposited into the District Public Road Fund and used to fund future roadwork.

Bill 36-0110 should not be conflated with the Call Before You Dig Act, which “creates a territory-wide utility coordination and safety systems with notifications, liability coverage and interagency data sharing.” Instead, Bolques’s bill is considered the “first step” to excavation.

Public Works has applauded the lawmaker’s effort. DPW Commissioner Derek Gabriel explained that the agency “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 2022, the department has held several meetings with Bolques regarding the challenges of administering the existing permitting system. Now, Bill 36-0110 codifies that program into law.

A section of the bill speaks to fines and penalties, but Gabriel pointed out that DPW “cannot hold applicants accountable for unapproved excavations, disregard for standards or non-payment of fees, except to withhold future permits.” He therefore requested “granting the department enforcement authority and including provisions for emergency excavations, which are imperative for public safety and critical infrastructure.” He also requested that the Legislature grant “full authority over all of its permit programs,” including “full authority over the fee schedule.”

“Our infrastructure situation is really evolving rapidly; we want the flexibility to be able to address all of our permit programs,” he explained to Senator Clifford Joseph. He understood, though, that such a mandate would be difficult to uphold without enforcement efforts. DPW does not staff officers who could shut down work sites in the event of shoddy work. Senator Milton Potter offered that “we’re going to also need to provide you with added resources in order to effectuate and implement the program.”

Also invited to testify was Christopher George, administrator of the GIS Division. He encouraged lawmakers to differentiate between public and private roads. “The term ‘any public roadway’ has proven historically problematic,” he warned. It would prevent the numerous “legal battles that have sprung from this very specific situation.” Commissioner Gabriel agreed, noting that there is “a lot of ambiguity.”

Lawmakers agreed that a comprehensive conversation of the definitions of public and private roads will happen separately. Notwithstanding any changes that may be needed, committee members agreed with Senator Bolques’s argument that Bill 36-0110 is an “opportunity to modernize the way that we deal with our infrastructure pertinent to our roads.” They voted the bill through to the Committee on Rules and Judiciary.

