

The Virgin Islands Consortium

Committee on Housing, Transportation, Infrastructure, and Telecommunication passed two important infrastructure bills

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Lawmakers heard testimonies from several governmental agencies supporting two bills, which were presented during Fridays Committee hearing on Housing, Transportation, Infrastructure, and Telecommunication. Bill No. 33-0041, sponsored by senators Steven Payne and Oakland Benta, is an Act amending title 3, chapter 9 of the Virgin Islands Code, by adding a new subchapter establishing requirements for the construction and repair of roads and highways within the Territory of the Virgin Islands.

This bill is the move in the right direction of the Territory pursuing a Complete Streets initiative. The Complete Streets Program is a national Initiative under the AARP network that assists communities in advancing pedestrian infrastructure and systems through thoughtful, impactful, and generational legislation.

The program also reflects compliance with the ADA, which stipulates that the local government ensures that people with disabilities have the appropriate accommodations and access to the pedestrian routes in the public right of way.

Julien E. Henley Sr., the Territorial ADA Coordinator, told legislators that there are several concerns regarding the vulnerable population's access to traverse the streets of the Territory independently.

Currently, in the Territory, there is a lack of inaccessible bus stops, insufficient sidewalks, curb cuts, ramps, and Accessible Pedestrian Signals (APS) at signalized intersections. There are also many potholes, unpaved, broken, or disconnected surfaces. These problems create an environment that makes it impossible for people with disabilities to maneuver safely.

According to Kimberley Causey-Gomez, Commissioner for the Virgin Islands Department of Human Services, "This bill will be an enormous accomplishment for the Territory. The initiative provides safe, reliable, and convenient mobility options that connect people to schools, jobs, grocery stores, and other daily destinations, whether they are walking, biking, driving, or taking public transit." "These initiatives will truly help all our residents to be safe, to include our seniors, preschoolers, and persons with disabilities who may require additional time while traversing the roads," said Ms. Causey-Gomez.

Justa E. Encarnacion, Commissioner of the Virgin Islands Department of Health, stated that the Complete Street Initiative could impact the overall health and well-being of those in the community." I support the present bill which will help eliminate the disparity between non-affected and individuals with disabilities, among the most vulnerable members of the population," said Ms. Encarnacion.

Per the Virgin Islands Police Department's Traffic Investigation Bureau testimony, from January 1, 2019, to June 2020, there have been roughly 8,094 citations for traffic violations of the VI Code; and out of those 8,094 incidents, it contributed to at least 11 fatalities. Among calendar years 2015- 2019, the Territory's construction zone accidents accounted for .55% of traffic-related incidents. Therefore, based on the data VIPD has concluded that most of the incidents recorded are related to motor vehicular travel.

The passing of this bill is not only beneficial to those living in the Territory but also those who visit. Alma Winkfield, Vice President of the Virgin Islands Trail Alliance in St. Croix, said, "multiple transportation options improve our quality of life, reduce isolation for many, provide entrepreneurial opportunities, expand the tourism product, reduce greenhouse gases, and support disaster recovery efforts and health emergencies as well. Complete Streets = Complete Solutions."

The sidewalks' construction and the different specifications will be determined by Public Works, the Antilitter and Beautification Commission, and VIWMA. The funds used to pay for the Complete Streets Program will come from the Antilitter and Beautification fund.

Along with Bill No. 33-0041, Senators also heard testimony from the Department of Natural Resources on behalf of Bill No. 33-0351 sponsored by senator Athneil "Bobby" Thomas and Marvin Blyden. This bill provides amnesty to property owners who have enclosed or have started to enclose the remaining usable space under their houses without submitting building plans to the DPNR for approval.

While senators agreed that the bill is extremely beneficial to homeowners and renters seeking a place to live, they also highlighted that the construction of basement units strengthens existing homes' foundations. Nonetheless, Jean-Pierre L. Oriol, Commissioner for the Department of Planning & Natural Resources, expressed that the bill needs further amendments that will allow DPNR to set up a program to review and create standards for the applicant to ensure legal compliance. "As written, this measure has consequences that allow DPNR no oversight for corrective action, and as such, we implore that if it is to move forward, specific amendments be made to allow some oversight by the Department," said Mr. Oriol.

In 2011, Senators Carlton "Ital" Dowe and Louis Patrick Hill offered a first amnesty bill, which allowed owners of hillside homes to build extra living space or apartments in any usable space beneath them, regardless of existing zoning. Mr. Oriol told lawmakers that the Department is concerned with establishing another amnesty program, which rewards property owners who have committed violations against the zoning law and building code. "Authorizing another amnesty program may encourage property owners to construct illegally because the thinking is future amnesties will be sanctioned," said Mr. Oriol.

Mr. Thomas told his colleagues that the amnesty would only apply to those who meet the obligatory requirements. "The goal of the measure is to make sure we do things properly, we don't want people illegally adding on where they can't meet the requirements outlined by DPNR," said Mr. Thomas. Mr. Thomas expounded by letting the committee know that his bill is an opportunity for homeowners to create equity and provide homes for families searching for a place to live.

Both bills were favorably voted on by the committee and will be forwarded to the Committee of Rules and Judiciary for further consideration and amendments.