



Office of the Governor of Guam

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Governor

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NOV 27 2009

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Submitted herewith is Bill No. 207-30 (COR), "AN ACT TO ADOPT THE PROCEDURES MANUAL FOR THE ACQUISITION, ENFORCEMENT AND MAINTENANCE OF TERRITORIAL HIGHWAY RIGHT-OF-WAY AND STANDARDS; TO REQUIRE LEGISLATIVE APPROVAL OF REVISIONS TO THE GUAM TRANSPORTATION IMPROVEMENT PLAN; TO AMEND §17109 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO RELOCATION ASSISTANCE; AND TO ESTABLISH THE HIGHWAY COMMISSION BY REPEALING AND REENACTING §54101 OF TITLE 5, GUAM CODE ANNOTATED," which I have vetoed.

The Guam Transportation Improvement Plan ("GTIP" formerly referred to as "TTIP") is a program created and authorized by the Federal Highway Authority ("FHWA") pursuant to the Stewardship Agreement that was entered into between the Governor and the FHWA on May 24, 2007 ("Stewardship Agreement"). Under the Stewardship Agreement, the GTIP "may be amended at any time as long as it is processed in accordance with the approved public involvement process." Local legislative approval is not required nor was it contemplated by the Stewardship Agreement.

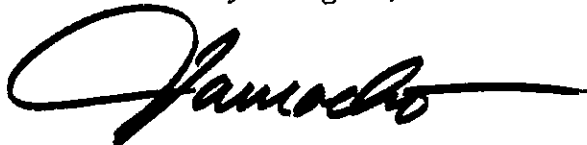
Additionally, the FHWA is the entity charged by the US Congress with the management and oversight of all federally-funded highway projects. This is also clearly stated under Section X of the Stewardship Agreement. All of the projects in the GTIP are federally funded and thus subject primarily to the FHWA's management and oversight.

Section 6 of the Bill, which was subsequently inserted in the original legislation, requires revisions to the GTIP be approved by the Guam Legislature. This is problematic because it does not recognize the Federal Government's absolute authority to oversee its own programs. If the Guam Legislature is permitted to decide which projects can or cannot be within the GTIP, it will violate not only the Stewardship Agreement but possibly other conditions governing federal grant funding. If the conditions for federal funding are violated, such funding will no longer be

available for Guam highway projects and the Government of Guam could be held liable for the return of any improperly expended funds.

I recognize the work of Department of Public Works, its consultants, FHWA and the sponsor of the legislation in crafting the original legislation and its attachments. Unfortunately, the amendment to the original legislation requiring legislative approval of revisions to the GTIP has warranted a veto of the measure as it could jeopardize federal funding for Guam's highway projects and potentially place the government in liability for improperly expended federal funds.

Sins eru yan Magâhet,

A large, stylized handwritten signature in black ink, appearing to read 'Camacho', with a long horizontal flourish extending to the right.

FELIX P. CAMACHO

I Maga' Lâhen Guahan

Governor of Guam

Attachment