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DISTRICT COURT OF GUAM
TERRITORY OF GUAM

UNITED STATES OF AMERICA,
Plaintiff,
vs.
GOVERNMENT OF GUAM,
Defendant.

Civil Case No. 02-00022

ORDER RE: SPECIAL REPORT

This matter is before the court on the Receiver’s Special Report filed on June 7, 2010. *See* Docket No. 580. Therein, Gershman, Brickner & Bratton, Inc. (“Receiver”) expressed concern over the schedule for the needed improvements to certain roadways and bridges. Specifically, GBB is concerned that the Department of Public Works (“DPW”) has changed both the schedule for improvements and the load limits of the bridges since making its first report to the court in July 2008.¹ The court agrees with GBB that there appears to be a serious lag in the schedules for the completion of the projects. There is lost funding and some projects are now put on an indefinite hold. If DPW’s latest projections bear out, the customers of Solid Waste Management Division will incur significantly higher costs in the increase of trips required to transport smaller loads to the Layon landfill, and residents of the affected routes will be burdened with an increase in truck traffic. The public should not have to shoulder these costs. The court finds it very troubling that there appears to be a lack of candor on the part of DPW. DPW should be prepared to discuss these matters at the August 11, 2010 status hearing.

¹ To ensure DPW stayed on schedule, the court ordered DPW to report the progress and timetable of the necessary improvements at the quarterly status hearings.

1 Because of DPW's failure to address the issues in a timely manner, the court finds it is
2 necessary to take a proactive stance and therefore it is hereby Ordered that DPW shall, through
3 the Attorney General:

4 1) File a weekly report on the status of the projects, beginning June 14, 2010 and every
5 week thereafter. In the event there is a change in the schedule or load limits of any of the
6 bridges, DPW shall immediately report such to the court;

7 2) Provide the court in its June 14, 2010 report the load limits that will be in place when
8 the projects are completed. For the projects that are to be completed in phases, DPW shall
9 provide the load limits that will be in place after each phase is completed;

10 3) Provide the court in its June 14, 2010 report with a determination of which load limit
11 (*i.e.* normal or maximum) will be applicable to the vehicles transporting the waste. Once DPW
12 has made such determinations and informed the court, DPW must immediately notify the court
13 if those determinations change;

14 4) Establish and report to the court within 30 days of this Order, a plan for funding and
15 completion of the needed repairs of typhoon and earthquake damage in the Asalonso area, as
16 well as a schedule to complete the repairs and a plan to address the right of way issues. Once
17 DPW has provided the court with the report, and the court finds the schedule acceptable, DPW
18 shall thereafter immediately notify the court of any change in DPW's funding plan and/or
19 schedule; and

20 5) Complete the roadway widening and guardrail work without further delay giving
21 priority to those areas where the current conditions are most hazardous and immediately report
22 to the court upon such completion in accordance with previous set date.

23 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Jun 07, 2010