

Milwaukee Water Works

July 13, 2009

To Alderman Ashanti Hamilton
Of the City of Milwaukee
Chair of the Judiciary & Legislation Committee
Room 205 - City Hall

Re: Claim of Ronald Sherrill
C.I. File No. 09-L-36

Dear Alderman Hamilton:

In response to questions raised at the June 29, 2009 hearing, we provide the following information.

As you recall, the claimant alleges that on February 3, 2009 he sustained damages when a water main broke and the water, debris and mud damaged his parking lot. Our investigation revealed that on February 3, 2009 at 4:02 a.m., an 8-inch water main broke at 6430 West Fond du lac Avenue. On March 5, 2009 at 4:40 a.m., an 8-inch water main broke at 6414 West Fond du lac Avenue. The water main was located under the sidewalk and the force of the water travelled down the sidewalk into the parking lot and into the adjacent alley at 6446 West Fond du lac Avenue.

A question was asked about whether water mains often break near the same location repeatedly. It was suggested that repeated breaks might indicate a lack of maintenance of the water main. The water main in this block is a cast iron pipe which was installed in 1956. This type of main may experience multiple unpredictable breaks along its length during the 75-100 years that the main is expected to be in service. The two breaks in the section of the main in the 6400 block of West Fond du Lac Avenue were not specifically related. Water main breaks can be caused by structural defects, physical stresses (such as freezing ground), corrosion, or pressure increases but not lack of maintenance.

It was asked how the Milwaukee Water Works deals with ice and mud in the aftermath of a water main break in winter. This main break was handled consistently with other similar situations. When notified that the main breaks had occurred, a Distribution Utility Investigator responded and immediately conducted an emergency water shutoff due to the amount of water and potential damage it may cause. The flow of the water from the break

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continued down the sidewalk into the parking lot and into the adjacent alley at 6446 West Fond du lac Avenue. Upon arrival, Milwaukee Water Works notified DPW-Sewers to open the catch basins to allow water to drain away, completed the necessary repairs to the water main and cleaned up the area as best as conditions would allow. Some ice and mud did remain on the street and the private property affected by the break. For liability reasons, Milwaukee Water Works does not enter private property or conduct clean-up or restoration efforts on private property. In extreme circumstances in the public way, heavy equipment can be employed to scrape ice off pavement and sidewalks and salt spread to encourage melting. Generally, with warming temperatures, the ice gradually disappears without intervention. Mud is removed from the public way with street sweepers. Distribution crews are assigned to respond to emergency situations as a priority to cleanup efforts.

Regarding the cracks in the pavement of the parking lot at 6446 West Fond du lac Avenue, Milwaukee Water Works visited the site and did observe cracks in the claimant's concrete parking lot. Our investigation revealed that the defects on the claimant's property were pre-existing. There are several cracks in the parking lot with grass in them indicating that the cracks were present prior to the main breaks.

In summary, Milwaukee Water Works responded in a timely manner when notified of the main breaks and followed standard procedures regarding their repair and cleanup. Therefore, we feel that Milwaukee Water Works is not liable for damages.

Very truly yours,



Carrie M. Lewis
Superintendent
Milwaukee Water Works

CL:bf

c: Committee Members