

February 16, 2004

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Communication from Thomas M. Jacobson, S.C.
on behalf of Manuel Salas
C.I. File No. 03-S-244

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Manuel Salas, 1301 South 21st Street, Milwaukee, WI 53204, alleges through his attorney, Law Offices of Thomas J. Jacobson, S.C., 100 East Wisconsin Avenue, Suite 1680, Milwaukee, WI 53202, that on January 14, 2003 he sustained injuries while he was a passenger on a Milwaukee County Transit System bus which stopped suddenly when the traffic gate for the Wisconsin Avenue Bridge lowered unexpectedly. They claim damages in the amount of \$15,000.00.

Our investigation reveals that the Infrastructure Services Division indicates that the City operates our bridges in accordance with the Code of Federal Regulations and that they were designed in accordance with the American Association of State Highway and Transportation Officials Standards. The Wisconsin Avenue Bridge has both traffic warning lights and bells that operate prior to the traffic gates being lowered. These bridge-operating systems are electronically interlocked. There is a 17 second time delay between the time that the traffic warning lights and bells are activated and the time that the traffic gates may lowered. On January 14, 2003, the bridge had opened several times for a tugboat. The Bridge Operator Supervisor, on site for this

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opening, states that the bridge operated as designed. The warning lights and bells were operating prior to, during and after the gates were lowered. The Milwaukee County Bus was stopped at the bus stop located within a few feet of the warning lights, bells and gates. As the gate was lowered, the bus started to pull out into traffic and then suddenly stopped. The City and its employees are not negligent in this matter and would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2003-1779:77994