

External Affairs
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October 1, 2001

Alderman Michael Murphy
Milwaukee Common Council
City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202

Dear Alderman Murphy:

I appreciate this opportunity to respond to your proposed City of Milwaukee ordinance file # 001675, relating to notification requirements for public right of way excavations. I understand that the file is scheduled for a hearing before the Public Improvements Committee on Wednesday, October 3rd.

Ameritech fully supports the spirit of the proposed ordinance. In fact, we have practices in place to accomplish what the ordinance intends. However, we believe that certain aspects of the proposed ordinance will be impractical to implement, at least in the fashion proposed. I am hoping a dialogue regarding the implementation of the ordinance could take place prior to, or in addition to the consideration of your proposed legislation during which Ameritech's concerns could be aired and addressed. I am hopeful you will consider my comments on the proposed legislation as part of an open dialogue on this issue.

The proposed ordinance would require that written notification be "served" on council members at least 72 hours prior to the commencement of an excavation project. This "service" provision will be difficult to satisfy because the City lacks a notification delivery process to certify receipt of written notification. In other words, we have no means to assure ourselves that the council member in fact received the required notice. Without proof of receipt by the impacted council members, an attempt by any organization to serve notification could be determined as a failure to notify and presumably result in a penalty for noncompliance with the ordinance.

The City of Milwaukee does currently have in place the ability to provide council members with notification of impending excavation projects. The City's processes for use of public rights of ways by utilities are administered by the Department of Public Works and the Department of City Development. These departments are the City's interface with utilities and contractors conducting excavation projects and have information on those projects that could be disseminated to you and other Council members. Receiving notification directly from DPW and DCD may prove to be a more effective means for council members to be notified of impending right of way excavations in their districts.

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Additionally, DPW is a member of Diggers Hotline, along with Ameritech and other businesses that conduct excavation and street construction projects. By law, sec. 182.0175, Diggers Hotline serves as a utility notification service on excavation projects related to the location of underground utility facilities. Excavators are required to inform Diggers Hotline at least 3 working days before beginning excavation or construction. Diggers Hotline members, such as the DPW, can receive this information on projects and disseminate the information to council members.

With respect to serving written notice to property owners, Ameritech currently engages in a practice of hanging notification on property owner's doors to inform them of pending excavation projects. This process is undertaken to ensure that property owners receive information on excavation projects. Our plan is to continue this process, which has proven to be effective.

Lastly, I want to stress that Ameritech, through its construction, and engineering departments and contractors, works dutifully to keep the City of Milwaukee and residents informed about public excavation projects. Our desire is to provide as much information as possible about such projects before they become unexpected inconveniences to the City or the residents of a neighborhood.

I hope that you will consider my comments on your proposed legislation as constructive suggestions that will bring forth a mutual understanding on this issue. Our major concern is our ability to comply with your current legislative proposal, not for lack of a desire to – we already do so in complying with the Digger's Hotline law – but in not having a reliable means to insure the required notice is received. We want to work with you to ensure that future problems of notification do not re-occur

Thank you in advance for your consideration.

Sincerely,



Dextra Hadnot
External Affairs-Director

C: Ald. Annette Scherbert
Public Improvements Committee Chair

✓ Public Improvement Committee File