

# CITY OF MILWAUKEE



*Handwritten initials*

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May 19, 2003

Progressive Insurance Company  
Attn: Crystal Neitzel, Subrogation Rep.  
P.O. Box 89440  
Cleveland, OH 44101-6440

Your Clm No: 029384987  
RE: C.I. File No: 03-S-166  
Your Insured: Joel Robinett

Dear Ms. Neitzel:

This office is in receipt of your claim in the amount \$3,954.48, relating to damages sustained to your insureds' vehicle on December 19, 2002 as a result of an accident at the intersection of North 91<sup>st</sup> Street and West Bradley Road.

Our investigation reveals that the Infrastructure Services Division records indicate that the Milwaukee Police notified the Traffic Signal Shop at 9:49 a.m. on December 19, 2002 that the signals were "fast-cycling". An electrical mechanic was dispatched and arrived at 10:39 a.m. The mechanic found no problems and left at 10:51 a.m. The accident involving your insured occurred at 1:20 p.m. The shop was never notified, as a result of this accident, about any problems at the intersection. Later that day, at 4:15 p.m., a citizen notified the shop that the signals were in "red flash". An electrical mechanic was dispatched and arrived at 4:50 p.m. The mechanic found that the intersection was operating continuously in a railroad pre-emption mode. The mechanic placed the intersection in "all-red" flash at 4:55 p.m. while attempting to diagnose the cause of the problem. The mechanic found it necessary to replace the DC input card that is used to translate electrical signals from the railroad control circuitry near the intersection. The intersection was returned to normal cycling at 5:15 p.m. The mechanic continued to observe the operation and, after verifying it was proper, left at 6:00 p.m. The DC input card is a solid-state electronic device that does not require any maintenance until failure. As such, the City cannot accept liability. Accordingly, we are denying your claim.

Progressive Insurance Company  
May 19, 2003  
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If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT P. LANGLEY  
City Attorney

*Steven M. Carini*

STEVEN M. CARINI  
Investigator Adjuster

SMC:beg  
1031-2003-626:67763