

Detailed Incident Report

Date of Incident: September 20th, 2010 at approximately 2:30 pm

Location of Incident: The Intersection of Center Street and Martin Luther King Jr. Blvd (as abbreviated MLK in the recollection below)

Detailed Recollection of the Incident: While travelling eastbound on Center Street on Monday, 20 September 2010, my vehicle sustained severe damage to both the engine's oil pan and transmission housing upon striking an unmarked manhole cover at Center St. and MLK. The details are as follows.

I approached the intersection of Center and MLK. One block from the intersection, I observed the light was red so I reduced my speed in order to stop.

It was clear that MLK Drive was under construction with the center lanes ground down for repaving. The difference between the paved surface and the yet-to-pave surface was significant throughout the intersection, perhaps by 3 to 4 inches. Unfortunately, because the protruding manhole cover was unmarked, I was unable to clearly see the hazard until I entered the intersection once the light turned green. It should be noted that two protruding manhole covers to the north of the intersection, both blocked off to traffic, were marked although inconsistently: the one closest to the intersection was covered only by the black ring typically found at the base of orange construction barrels (See Attachment A) while the next one to the north was marked by a dented construction barrel missing a light. (See Attachment B)

Continuing through the intersection, I attempted to take evasive action but was prevented from doing so by an illegally parked SUV. Further, cars were following at a close distance, eliminating the possibility of an abrupt stop even though traffic volume was moderate. My only choice was to proceed through the intersection, over the protruding manhole cover (See Attachments C and D).

The combination of an uneven road surface with the street clearance of my vehicle's chassis resulted in the undercarriage striking the northernmost edge of the manhole cover with a severe jolt and pronounced scraping sound. Almost instantly, my vehicle began to shake violently. I continued to proceed through the intersection. An onboard warning light immediately indicated low oil pressure and displayed that I should stop the engine promptly. I looked for the nearest place to stop out of traffic which was roughly 1-1/2 blocks from the intersection.

As I approached the curb, I noticed a fluid streak leading from the intersection to my car. It appeared to be oil. Once parked, I crouched to look under my vehicle, and spotted the source of the oil: a gaping hole in the oil pan, with oil steadily streaming out. I looked back to see a trail leading from the point where I exited the intersection to where I was parked. I would estimate

2010 NOV -1 AM 11:57
RECEIVED
CITY OF MILWAUKEE
OFFICE OF THE CITY ATTORNEY
2010 NOV -1 PM 3:00

that I lost approximately 5 quarts of oil. Realizing the loss of oil was significant, I called a tow truck as my vehicle was inoperable. (See Attachments E, F, and G)

While I waited for the tow truck, cars in the parking lane began clearing. It was at this time that I noticed the stains from my vehicle were 1 of 3 similar stains, all beginning at the protruding manhole. Given the definition of the other two streaks I saw, the oldest streak appeared to be at least 2 weeks old. (See Attachment F)

I looked once again underneath the vehicle to notice that, in addition to a crack in the oil pan, the impact of the manhole cover to the oil pan had forced one of the engine mounts to buckle. The engine appeared to have pivoted on the drive axles, forcing the lower portion of the crankcase toward the back of the engine compartment. (See Attachment H)

Shortly after assessing the damage, a tow truck arrived and transported my vehicle to a nearby automotive repair shop. It was here that the true extent of the damage was assessed by a mechanic. Besides the large hole in the oil pan, buckled mount, and disheveled engine position, the mechanic called my attention to a large gouge in the transmission housing. The gouge also had a fairly pronounced crack leading from it. In addition to the gouge, another prominent crack extended from across the lower portion of the transmission housing. (See Attachments H and I)

Shortly after the thorough inspection I had the mechanic draft an estimate for \$713.20 which was later revised to \$4,413.40, which was again further revised three more times to \$6,851.36 as new information became available throughout the repair. In all, the new oil pan, new oil, new clutch kit and flywheel for the used replacement transmission, rebuilt drive axels, assorted seals, hardware, and labor brought the total cost of the repair to \$6,967.94 (an itemized receipt is attached below.)

I currently work 30-40 hours a week at \$8/hr. I simply do not have the means to repair damage of this magnitude, when it is not a matter of my own negligence. Due to the city's failure to properly maintain hazard markings, I am unable to operate my vehicle which is my primary mode of transportation to and from my place of work at Mitchell Field. Further, there is insufficient public transportation from my home in Wauwatosa to the airport. Because my shift starts at 3:45 AM, public transportation is not available at this hour. My further alternatives would not be fiscally feasible, as they would cost more than a day's pay to utilize.

I understand the fact that many of Milwaukee's roads are in need of repair, however, construction has been an ongoing process for many months now and I have never seen a road, seemingly, abandoned in such a state. Take the North Avenue construction, for example, more specifically around Humboldt and Oakland Avenues. I commuted down North Ave. daily throughout the duration of the road construction. Rarely did I see hazardous roads open to the public, or road hazards without marking. The State St. construction was similarly well marked. In fact, the only place I ran into problems with hazard markings and chaos, as I would describe it, was on the streets west of, and including, Martin Luther King Jr. Drive. It is my hopes that,

much like the delayed snow plowing controversy we experienced this winter, this is not a result of the area's demographic.

Given my evidence, being that either the proper resources were not allocated or the proper procedures not enforced, my vehicle has sustained \$4,680.81 as a direct result of the incident and was repaired for a total of \$6,967.64 with essential maintenance. Furthermore, given the evidence that there were prior incidents at this particular intersection, my incident was not an isolated occurrence. In my opinion, the City of Milwaukee was negligent in maintaining proper hazard markings, which would have prevented the extensive damage to my vehicle, which left me without a vehicle for an excess of 3 and a half weeks. This fact made getting to my place of work very expensive and difficult. The extra expense is simply one that I cannot afford after the extensive repair. Therefore a satisfactory resolution would be to have the City of Milwaukee reimburse the cost of repair totaling \$6,967.64 and an additional \$6,000 for the financial hardship I have endured and have yet to endure as a result of this incident. These hardships include my heightened transportation costs, supplemental repairs to the vehicle, which were greater than \$2,000, and the inevitable insurance rate increase in the months ahead.

You may reach me on my cell phone at **414-630-2275** or **carlizawwsun@gmail.com**. Friday through Tuesday 3:45AM to 11:45AM I am scheduled to work, and as such may not always answer my phone, but if a message is left I will promptly return the call at my earliest convenience. I hope we can reach an agreement on this matter and look forward to hearing back.

Singed,

A handwritten signature in black ink, appearing to read "Carl Peterson", with a stylized, flowing script.

October 14th, 2010

Carl Peterson



RIVERSIDE AUTOMOTIVE SERVICE & PARTS, INC.

2750 NORTH OAKLAND AVENUE
MILWAUKEE, WI 53211
(414) 983-0707
www.riversideautomotive.com



INVOICE

Date: Oct 13, 2010

Service Writer: PLB

Work Order: 67.907

Name: Mark Peterson

Address: 416 N. 71st St.

Wauwatosa, WI 53213

Phone# (414) 630-2275 Carl (414) 659-8919 Home

Driver: Mark

Make: 2003 VOLKSWAGEN

Model: GOLF GTI 6SPD

Engine: V6-2792 2.8L

Plate: WI-166NKW

VIN: 9BWDH61J134080965

Odometer In/Out: 93,962/93,962

Comment:

AAA

Hit manhole cover, oil pan damaged

TS Engine

TS REMOVE & REPLACE OIL PAN &/OR GASKET

TS Engine Cleaner

TS Oil Pan

TS Gasket Sealer

BRKCL

022103601HA

00004320373

4.00

1.00

1.00

5.95

284.08

30.88

3.20

95.00

304.00

23.80

284.08

30.88

Service Subtotal

642.76

TS Drive Train

TS R&R Transmission

GTI

TS Used Transmission

69,000 miles on transmission / 6 month warranty part only per Smart Parts

TS Automatic Transmission Fluid

TS Mount

TS Bolt

TS Bolt

TS Mount, Upper

TS Used Subframe

TS Replace Subframe

TS Replace Mounts

400-61531

ATF

1J0199851AM

N90597005

N10546810

1J0199555BS

used

1.00

8.00

1.00

1.00

1.00

1.00

1.00

1.00

1.00

1.00

2,000.00

7.95

170.00

2.20

2.80

128.00

250.00

4.20

2.00

2,000.00

63.60

170.00

2.20

2.80

128.00

250.00

399.00

190.00

Service Subtotal

3,965.60

Exhaust And Clutch

Clutch Kil

Flywheel

Rear crankseal

Breather

Control Arm Bushing

Dip Stick

06A198141C

021105266J

021103051C

1J0721488C

8N0407181B

022115607J

1.00

1.00

1.00

1.00

2.00

1.00

614.15

795.00

39.00

68.07

45.30

19.80

614.15

795.00

39.00

68.07

90.60

19.80

Service Subtotal

1,626.62

Shop Supplies

7.50

7.50

15.00

YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

1. I request an estimate in writing before you begin repairs.

2. Please proceed with repairs, but call me before continuing if the price will exceed \$_____

3. I do not want an estimate.

X

☐ This vehicle received without face to face customer contact.

SHOP REPRESENTATIVE SIGNATURE

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY MATERIALS. YOU AND YOUR EMPLOYEES MAY OPERATE ABOVE VEHICLE FOR PURPOSES OF TESTING, INSPECTION OR DELIVERY AT MY RISK. AN EXPRESS MECHANIC LIEN IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE AMOUNT OF REPAIRS THEREON. YOU WILL NOT BE HELD RESPONSIBLE FOR LOSS OR DAMAGE TO VEHICLE OR ARTICLES LEFT IN VEHICLE IN CASE OF FIRE, THEFT, ACCIDENT OR ANY OTHER CAUSE BEYOND YOUR CONTROL OR FOR ANY DELAYS CAUSED BY UNAVAILABILITY OF PARTS OR DELAYS IN PARTS SHIPMENTS BY THE SUPPLIER OR TRANSPORTER.

PLEASE SEE REVERSE SIDE

X

*Motor vehicle repair practices are regulated by chapter ATCP 132, Wis. Adm. Code administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8811, Madison, Wisconsin 53708-8811.



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Odometer In/Out: 93,962/93,962

Phone# Wauwatosa, WI 53213
Driver: (414) 630-2275 Carl (414) 659-8919 Home
Mark

Drive Train

Rebuilt Drive Axle, RF	shar	1.00	138.00	138.00
Rebuilt Drive Axle, LF	shai	1.00	138.00	138.00
Service Subtotal				276.00

Revision Authorization: Original \$712.20 Revised \$712.20 Difference \$0.00

Peter Bilgo contacted Mark by Phone on Sep 21, 2010 at 4:09 PM. authorized oil pan replacement

TS	Oil, Lube & Filter - Synthetic				
	Includes Up to 5 qts. of synthetic oil, new filter				
	check all fluids, tires, coolant				
	visual inspection of chassis				
TS	Oil Filter	1.00	Included		
TS	Synthetic Oil	5.00	Included		
	OILSYN				
Service Subtotal				72.45	

Revision Authorization: Original \$712.20 Revised \$4,413.40 Difference \$3,701.2

Revision Authorization: Original \$4,413.40 Revised \$5,466.87 Difference \$1,053

Revision Authorization: Original \$5,466.87 Revised \$5,758.32 Difference \$291.4

Revision Authorization: Original \$5,758.32 Revised \$6,851.36 Difference \$1,093

Peter Bilgo contacted Carl by Phone on Sep 27, 2010 at 12:40 PM. authorized clutch replacement
Joe Drezdon contacted Carl by Phone on Oct 08, 2010 at 10:44 AM. Needed flywheel replaced
Peter Bilgo contacted Carl by Phone on Oct 11, 2010 at 9:18 AM. authorized rebuilt drive axles
Peter Bilgo contacted Larry Smith by Direct Contact on Oct 12, 2010 at 9:37 AM. authorized mounts, bolts, used subframe and additional labor (6.2 hrs)

Payment Summary

Check	2,635.17
Check	1,205.96
Mstr Card	3,126.81
Total Paid	6,967.94
Balance	0.00

Charge Summary

Parts	4,922.93
Labor	1,660.50
Sublet Labor	0.00
Hazardous Waste	0.00
Shop Supplies	15.00
Discounts	0.00
Subtotal	6,598.43
Total Tax	369.51
Invoice Total	6,967.94

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I request an estimate in writing before you begin repairs.

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I do not want an estimate.

☐ This vehicle received without face to face customer contact.

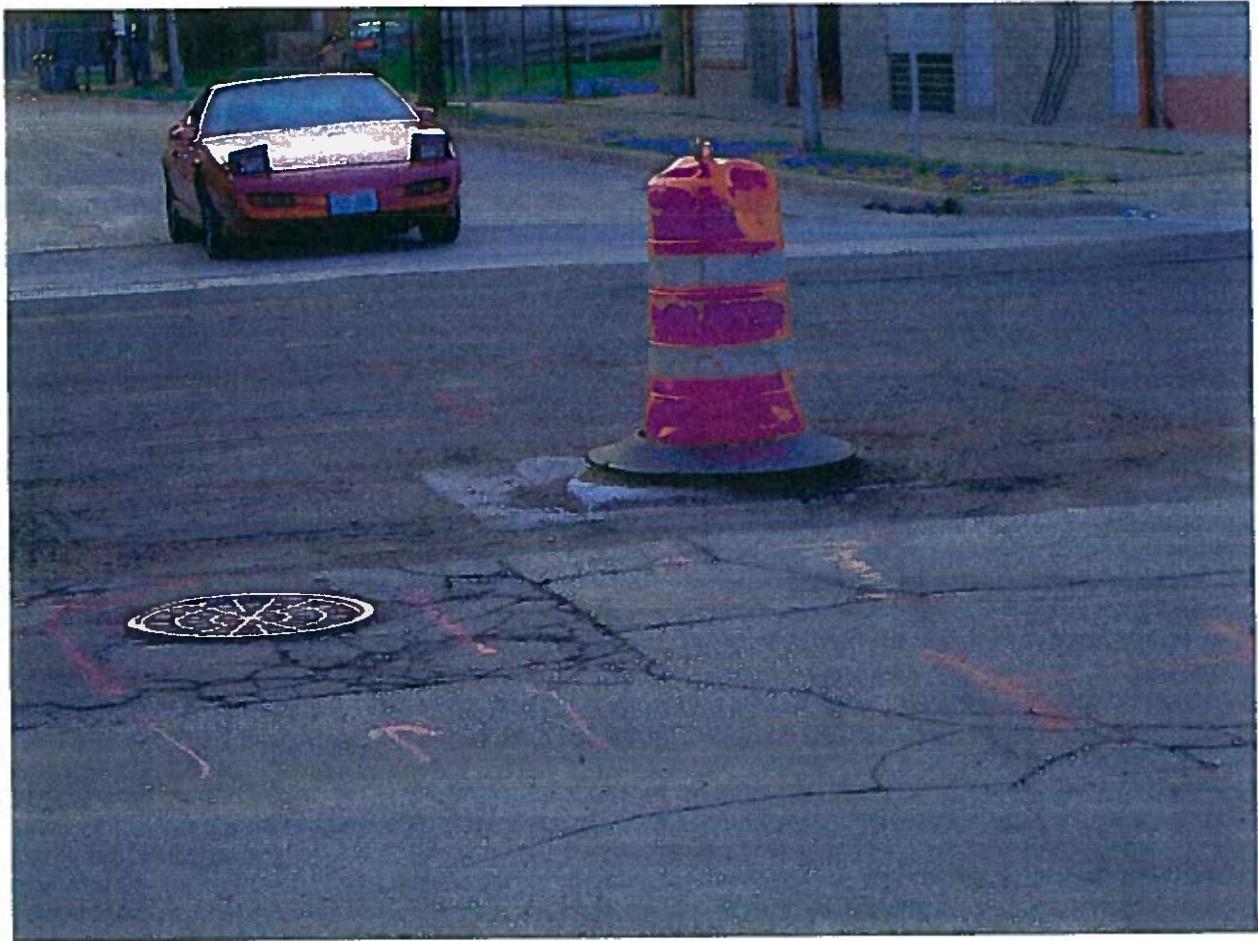
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PLEASE SEE REVERSE SIDE.



Attachment A: A protruding manhole cover marked only by a black ring.



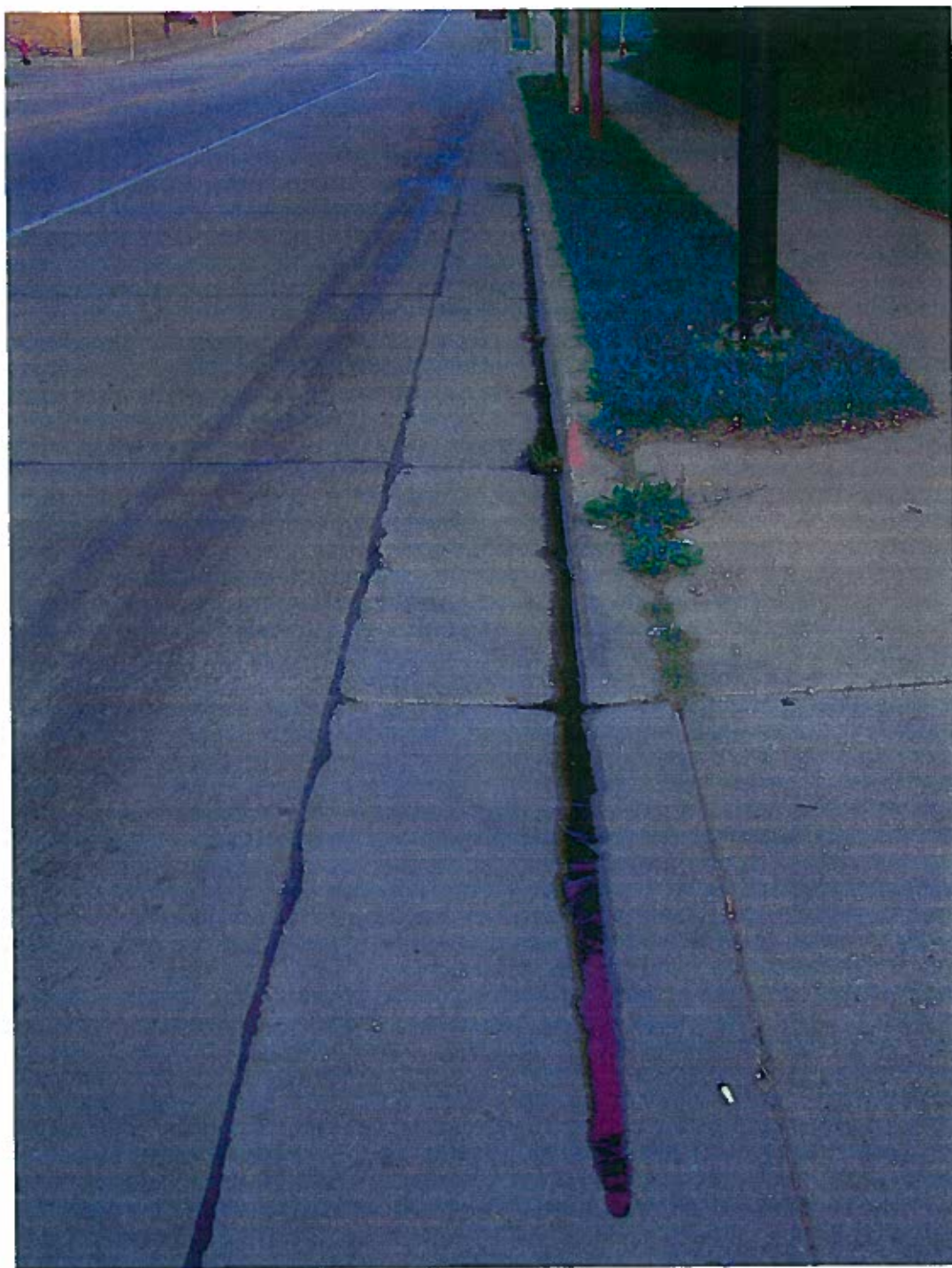
Attachment B: A dented orange barrel sits atop a protruding manhole cover as a vehicle attempts to navigate the intersection.



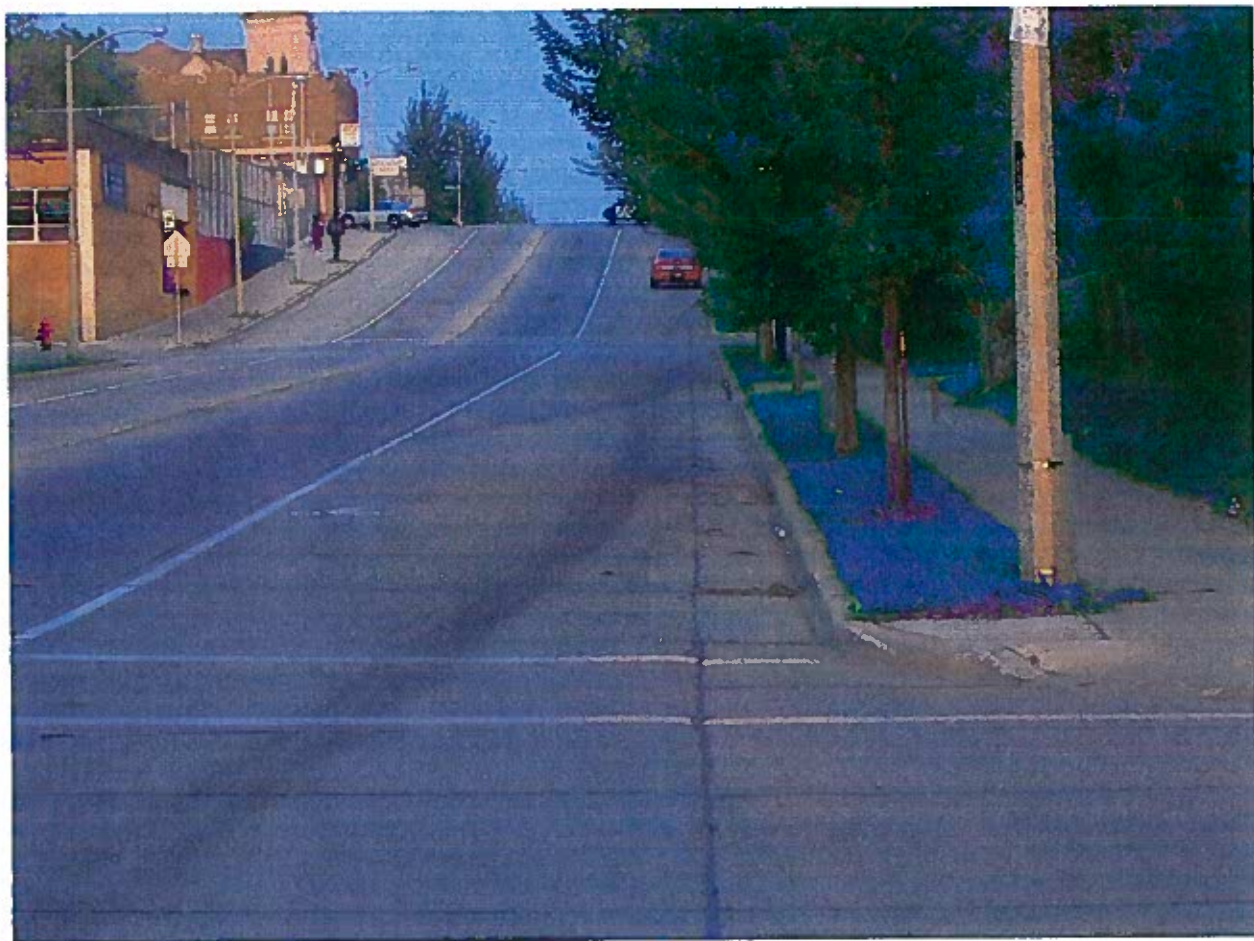
Attachment C : *The unmarked manhole cover located at the intersection of Center St. and Martin Luther King Jr. Drive.*



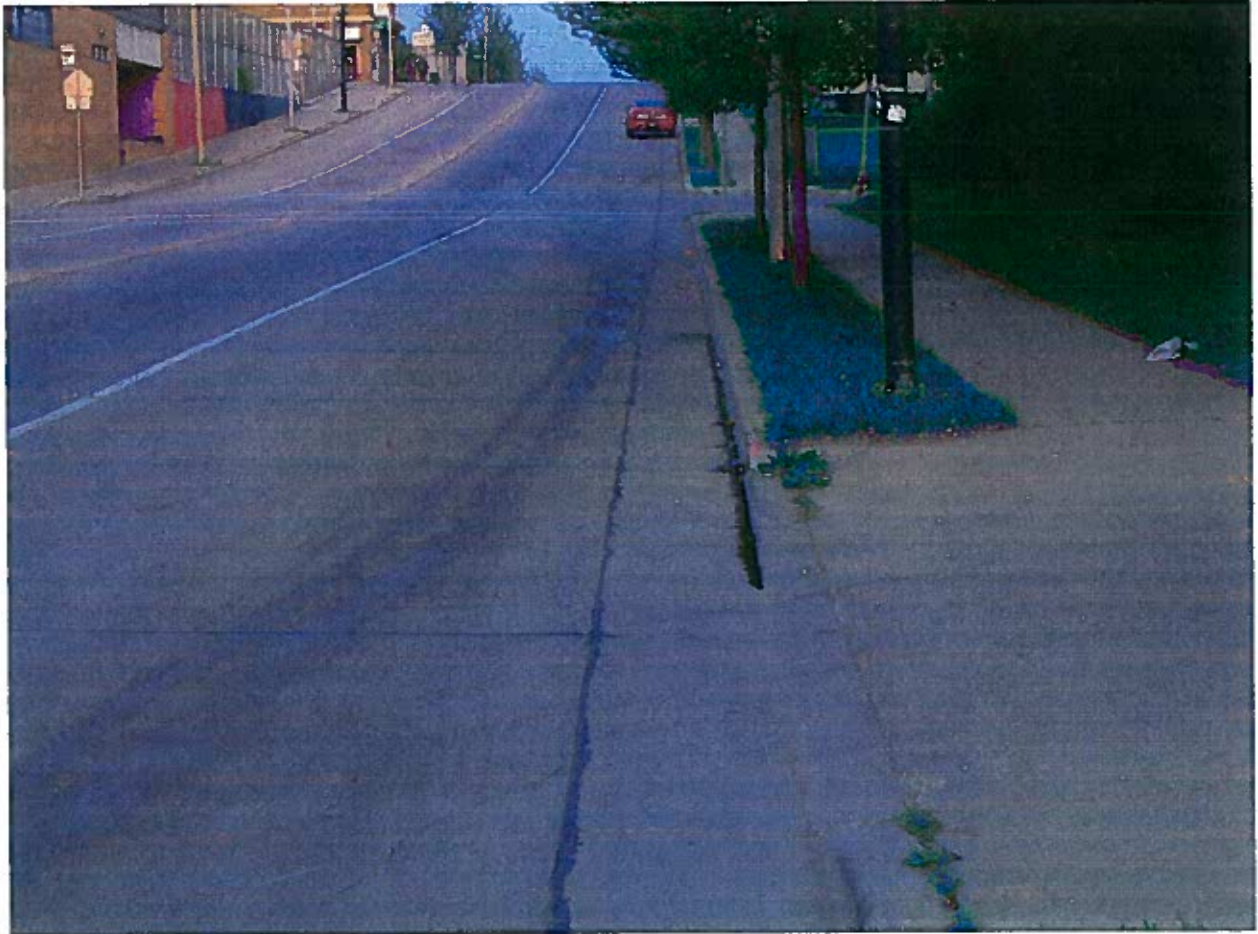
Attachment D: A picture on the very uneven road surface around the manhole cover. Also in this picture: the darker area immediately left of the "3" was fresh oil released from my oil pan.



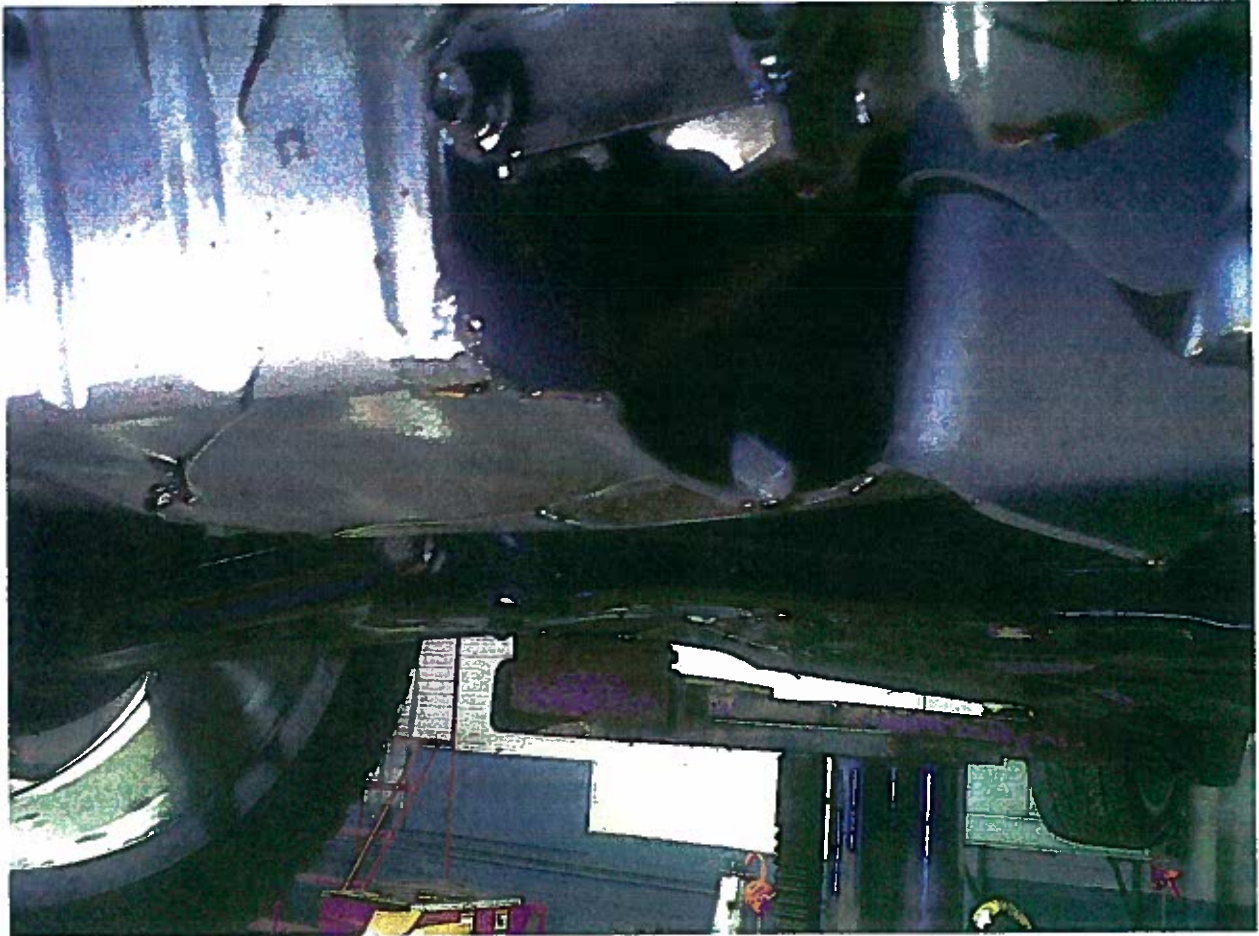
Attachment E: Moments after my vehicle had been towed; a fresh slick of oil can be seen on the nearby pavement. The left-hand slick from when the vehicle was in motion. The right-hand slick developed while the vehicle sat parked.



Attachment F: Two almost identical oil slicks leading away from Center and MLK. The second visible streak was my own.



Attachment G: *The streak shows my vehicle exiting traffic and coming to a stop near the corner of Center St. and 1st Ave.*



Attachment H: *A picture of the cracked and otherwise destroyed oil pan*



Attachment I: Damage from Right to Left: (Right) A Gouge in the transmission housing (Bottom Right) The collapsed mount (Center) A crack through the transmission housing (Left) What is left of the oil pan