

October 10, 2005

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

Re: Communication from Carmen Falcon
C.I. File No. 05-S-169; 05-S-169-1

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.

Claimants, Carmen Falcon, 3329 West National Avenue, Milwaukee, WI 53215, and William Schwerke, 2743 South Gladstone Place, Milwaukee, WI 53207, allege through State Farm Insurance, by its representative Nakita Hollingsworth, P.O. Box 82613, Lincoln, NE 68501-2613 as subrogee that on January 29, 2005 traffic signal lights at the intersection of South 5th Street and West Becher Street malfunctioned, with eastbound and southbound directions having a green light at the same time, causing the vehicles to collide. They claim damages in the amount of \$7,181.71.

Our investigation reveals the Infrastructure Services Division records indicate that the traffic signal is controlled by a 170-type controller. All of these types used by the City of Milwaukee at signalized intersections have a component called a “conflict monitor” which constantly checks the signal for malfunctions in its operation. The monitor is programmed to not allow conflicting traffic movements to display green at the same time. If it detects the controller trying to display conflicting greens simultaneously, it will put the signal into an all-red flash. The signal will immediately display flashing red in all

directions. The only way for the signal to return to normal operation is for it to be manually reset by the signal repair shop. When the shop is made aware of a problem, such as an all-red flash, a trouble report is started. When the crew makes a repair, such as resetting the signal, the time and date of the repair is recorded on the trouble report.

There is no all-red flash trouble report for this intersection from January 29, 2005 to June 3, 2005. The Wisconsin Motor Vehicle Accident Report completed as a result of this accident notes that the signal was operating, not flashing, when the police officer arrived at the scene. Their insured, Ms. Falcon, also alleged that the signal was repaired on February 17 and February 18, 2005. There is no record of this. After receipt of this claim, the division tested the monitor and found it to be fully operational. It is their finding that the signal at this intersection did not simultaneously display an eastbound and southbound green at any time from January 29, 2005 to February 18, 2005. There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
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