

From: [Flierl, Kurt - DOT](#)
To: [frances assa](#)
Cc: [Lopez, Adrian - DOT](#)
Subject: RE: I.D. 2225-14-70, STH 32 - Lake Drive - Scooter Crash August 13th
Date: October 15, 2020 4:53:00 PM

Mrs. Assa – in response to your inquiry:

Sia Prosper's role was field administration of department contract with Lalonde Contractors. From our specifications:

105.7 Authority and Duties of Project Engineer

(1) As the engineer's direct representative, the project engineer has immediate charge of the engineering details of each construction project. The project engineer is responsible for field administration of the project. The engineer authorizes the project engineer to reject defective material and to suspend all work being improperly performed.

With regard to signage indicating any caution on the part of motorists....department plans include a traffic control plan which is comprised of details for accomplishing the work while controlling traffic. Some of these details are standardized for similar applications – (Standard details) - and some are plan and location specific details for signing marking related to unique project work. Our plans included reference to standard details for advanced warning – eg. Road Work Ahead, Shoulder Work, Lane closures ahead, max width etc... I believe plans could be made available to you with a request to our records coordinator.

Plans developed by the department provide direction/guidance to our contractor and project engineer. Relevant Standard Specifications and project specific special provisions for work associated with traffic control:

104.6.1.1 Contractor Responsibilities

(1) The contractor is not liable for damages to or failure of existing facilities unless the damage or failure

results from the contractor's own operations, negligence, or noncompliance with the contract.

(2) The contractor shall maintain only those facilities or portions of facilities, including the roadbed surfaces, on which construction has begun or been completed, or has been damaged by the contractor's operations or has been damaged due to the contractor's negligence or noncompliance

with the requirements of the contract.

(3) The contractor is not responsible for snow removal or ice control operations to maintain traffic on highways open to traffic or closed to through traffic.

(4) These provisions do not relieve the contractor of responsibility for injury or damage caused by the contractor's negligence in properly safeguarding public travel.

104.6.1.2 Construction Operations and Facilities

104.6.1.2.1 General

(1) Conduct construction operations and provide facilities required to maintain the portion of the project

open to the public in a condition that safely and adequately accommodates public traffic. Use

barricades, signs, flaggers, and temporary barrier as specified in part VI, of the WMUTCD and ensure that the contractor's use of the right-of-way conforms to 107.9. Throughout the life of the contract, and as the engineer directs, conduct construction operations and provide facilities as follows:

- Conduct flagging operations conforming to the plan details and the WMUTCD.
- Use drums, barricades, and temporary barrier to delineate and shield abrupt drop-offs and other hazards.
- Furnish, erect, and maintain traffic control devices and facilities conforming to 643.
- Furnish, erect, and maintain temporary pedestrian devices and facilities conforming to 644.

104.6.6 Road Open to All Traffic

(1) If the contract provides for the maintenance of all traffic over or along the road while undergoing improvement or reconstruction, keep the road open to all traffic. Furnish, erect, and maintain the traffic control devices as required to keep the portions of the road being used by public traffic in a condition to safely and adequately accommodate pedestrian and vehicular traffic. The department will pay for necessary work and materials to maintain the roadway at the contract unit prices of the bid items used or as extra work if the necessary bid items are not included in the contract.

CONTRACT SPECIAL PROVISIONS

Stage 4

Close STH 32 mainline overnight at various locations (3 separate segments with curves) for High Friction Surface Treatment (HFST) installation. Closures are short-term without posted detour. New HFST must be ready for traffic 7:00 AM the morning following each overnight closure.

Local access to residences and businesses within the project area shall be maintained to the maximum extent possible. Keep all driveway open at all times except when applying High Friction Surface Treatment. Keep driveways open to the maximum extent possible during HFST application. Provide 72-hour notice to the occupants of the premise prior to closing of the drive approach access for HFST application.

For any sidewalk that will be out of service for more than 4 hours, provide temporary pedestrian access using pedestrian detour plans and the item: Temporary Curb Ramp.

The Village of Whitefish Bay will provide all posting of no parking restrictions necessary to facilitate construction operations. Contact Mr. John Edlebeck at (414) 962-6690 Ext.114 three working days prior to the start of construction. The traffic requirements are subject to change, at the direction of the engineer, in the event of an emergency.

Kurt Flierl, P.E.

Construction Project Manager

WisDOT S.E. Region – Project Development Group

(414) 750-3085

kurt.flierl@dot.wi.gov

From: frances assa <franassa@hotmail.com>

Sent: October 15, 2020 03:50 PM

To: Flierl, Kurt - DOT <Kurt.Flierl@dot.wi.gov>

Subject: Re: I.D. 2225-14-70, STH 32 - Lake Drive - Scooter Crash August 13th

Dear Kurt,

Thank you for the information you provided. I do have additional questions.

Can you please tell me what Sia Prosper's role was with regard to the resurfacing of Lake Drive where I had the accident?

Was there supposed to be signage indicating any caution on the part of motorists or bicycles because of the addition of a new surface?

Whose responsibility is it normally for signage regarding road conditions, where modification to a road is conducted by DOT with contractors: Dot, Contractor, Subcontractor, or Village of Whitefish Bay?

Thanks very much,

Fran Assa

Thank you much,

Fran Assa

From: Flierl, Kurt - DOT <Kurt.Flierl@dot.wi.gov>

Sent: Thursday, August 27, 2020 5:18 PM

To: franassa@hotmail.com <franassa@hotmail.com>

Cc: mark@lciwi.com <mark@lciwi.com>; Sia Prosper <sprosper@singhinc.com>; Edlebeck, John <J.Edlebeck@wfbvillage.org>; Lopez, Adrian - DOT <Adrian.Lopez@dot.wi.gov>

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Mrs. Assa – as discussed, related to Notice of Injury or Notice of Claim, or recovery of damages for

alleged negligence - related to your Scooter Crash of August 13 , please coordinate with:

Mark LaLonde
LaLonde Contractors Inc.
mark@lciwi.com
cell 414-788-0150
office 262-544-1515
fax 262-544-1715
1609 W Lincoln Ave
Waukesha WI 53186

The subcontractor involved with the High Friction Surface Treatment:

Fahrner Asphalt Sealers, LLC
2800 Mecca Drive
Plover WI
54467
(715) 341-2868

The department has a contract with Lalonde Contractors. Our contracts include indemnification/save harmless clauses for governmental entities involved in the project. Without commenting on your crash specifically, our standard specifications capture that the contractor is responsible for roadway maintenance and traffic control including properly safeguarding public travel.

As requested, I've attached the specification related to installation of the High Friction Surface Treatment.

Please call with any questions/concerns.

Kurt Flierl, P.E.
Construction Project Manager
WisDOT S.E. Region – Project Development Group
(414) 750-3085
kurt.flierl@dot.wi.gov