



CITY OF WAUKESHA

Administration

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Committee: Board of Public Works	Date: 4/20/2017
Common Council Item Number: ID 17-0619	Date: 5/2/2017
Submitted By: Fred Abadi, Director of Public Works	City Administrator Approval: Kevin Lahner, City Administrator KL
Finance Department Review: Rich Abbott, Finance Director RA	City Attorney's Office Review: Brian Running, City Attorney BR
Subject: Review and approve the property damage releases for the incident that occurred on or about August 31, 2016, which caused damage to right of way and trackage owned by Wisconsin Central Ltd. near East Moreland Boulevard.	

Details:

On Wednesday, August 31, 2016, Procision Boring, Inc. the boring performing the bore of the storm sewer beneath the railroad tracks as part of the City's E. Moreland Blvd. road reconstruction project. During the work, the bore hit a very large rock measuring about 3 feet across. The rock was protruding about 10% into the bore diameter with the remaining 90% outside and above the bore. Procision Boring, Inc. unknown to the City and the railroad, removed the rock rather than chipping away at the portion of the rock protruding into the bore. By negligently removing the rock, a large void was created under the railroad tracks that ultimately became a sinkhole on the surface. The railroad bed required a temporary emergency repair and then a complete replacement. The cost of the work which is complete totaled \$55,474.90. The City is responsible for paying the railroad because the City is the permit holder for the railroad approved construction work, and the contractor is responsible for paying the City due to the negligent act.

There are two property damage releases required for this incident (attached). The first property damage release, releases the City of Waukesha from all liability from the Wisconsin Central Ltd. The second property damage release, releases the Contractor and the contractor's insurance company from all liability from the City of Waukesha.

Options & Alternatives:

None

Financial Remarks:

No financial implications. The contractor's insurance company will pay the City \$55,474.90 and the City will pass that through to the Wisconsin Central Ltd.

Executive Recommendation:

Approve the property damage releases for the incident that occurred on or about August 31, 2016 which caused damage to right of way and trackage owned by Wisconsin Central Ltd. near East Moreland Boulevard.

