

SUBJECT

BOARD RESOLUTION NO. 17-411

Pertaining to settlement of a Summons and Complaint brought by the City Attorney on behalf of the Board of Water Commissioners against Werner Enterprises, Inc. of Nebraska.

BACKGROUND INFORMATION

Staff and the City Attorney's Office are recommending approval of a Settlement and Release Agreement in which Werner Enterprises agrees to pay \$70,000 as full and final settlement of all claims arising out of occurrences and transactions regarding an accident on May 19, 2015.

See attached Report and Settlement Agreement and Release.

RECOMMENDATION

Approval is recommended.

REPORT

Settlement of a Summons and Complaint against Werner Enterprises, Inc.

March 14, 2017

A Summons and Complaint dated February 22, 2016, was served upon Werner Enterprises, Inc. alleging that an unknown Werner Enterprises driver drove a semi-truck with trailer that was involved in an accident on Tuesday, May 19, 2015. It was alleged that the semi-truck driver while turning right on White Bear Avenue from Larpenteur Avenue in St. Paul, Minnesota struck a public fire hydrant and then fled the scene of the accident. Damages for replacement of hydrant, damage to water main and street restoration totaled \$157,902.43.

A Saint Paul Police Department investigation into the accident included the interviews of civilian witnesses who observed a semi-truck with trailer traveling east on Larpenteur Avenue turning right or southbound onto White Bear Avenue. The witnesses told the police that the semi-truck while making its turn drove off of the roadway and struck a city hydrant. In turn, the damaged hydrant caused the water main to burst in several locations on White Bear Avenue, which in turn created holes in the street, forcing water through said holes and pushing water up through the street. A Saint Paul Police sergeant involved in the investigation determined upon review of a store video tape that the semi truck with trailer was owned by Werner Enterprises.

SPRWS total costs arising from this incident amount to \$157,902.43. The street damage and pavement washout arising from the pressure surge required approximately ½ width pavement replacement across an approx. 600 foot stretch of roadway. Upon excavating SPRWS found several 20 foot long, non-adjacent, pipe segments had burst/split. Concern that other pipe sections may have been undermined by the flooding water and perhaps would present leaks not readily evident, SPRWS determined to replace all 6-inch diameter cast iron water main beneath the damaged pavement sections.