

December 28th, 2020

From:

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To:

Public Safety Committee

900 Quay Street

Manitowoc, WI 54220

Attn: Alderperson Scott McMeans

Subj: Safety concern of excessive speeds by vehicles at the intersection of Waldo Blvd and Fleetwood Drive

My family and I were involved in an accident at the intersection of Waldo Blvd and Fleetwood Drive. To the best of my knowledge, the accident was caused by a vehicle driving at an excessive speed traveling West on Waldo Blvd down the incline of the bridge. I was charged with failure to yield at a stop sign and my statement located below will explain the incident in detail.

I assumed what happened to us was a rare occurrence but, approximately one week after our accident I witnessed a similar accident “almost” occurring to an MLHS student who was in a vehicle behind ours. There were two vehicles traveling West on Waldo Blvd at the top of the hill. The vehicle in the near lane was closest and the vehicle in the far “passing lane” was three vehicle lengths behind the first vehicle. We had just crossed the intersection and were proceeding East on Waldo Blvd. I witnessed the vehicle on Waldo Blvd traveling West that was in the far “passing lane” speed up, pass the first and continue traveling at an excessive speed. Looking at that same vehicle pass us to the left I followed in my side mirror and witnessed the vehicle that had been behind us at the stop sign on Fleetwood Drive was crossing the intersection. That vehicle had just barely cleared the intersection as the speeding vehicle drove behind it and passed it. That vehicle missed hitting the other vehicle by less than 10 feet or so and 1 second. I believe that the MLHS student driving the vehicle across the intersection was not even aware that the other vehicle had just barely missed hitting them. I believe as in the same case as my

accident the student did their legal duty to look both ways and felt it was safe to cross not know that the vehicle they had seen in the far lane traveling West on Waldo Blvd was traveling at a very excessive speed.

I believe that the intersection of Waldo Blvd and Fleetwood Drive is a safety hazard and “will” result in innocent person(s) to be killed by someone driving at an excessive speed over the posted 35 MPH speed limit.

There is no deterrent for any driver that chooses to drive at an excessive speed over the speed limit on Waldo Blvd traveling West at the top of the bridge / hill. In fact, the way the posted speed limits are from 18<sup>th</sup> St to the base of the bridge on Waldo Blvd have progressively increased speed limits. The speed limit goes from 25 MPH to 30 MPH and up to 35 MPH.

The new, nicely improved widening of Waldo Blvd has the look and feel of a “highway” especially on the bridge just prior to the intersection of Fleetwood Drive.

The drivers who “commonly” drive at excessive speeds over the speed limit know that there is no legal deterrent while driving West on Waldo Blvd at the point of the bridge to the stop light on North Rapids Road. There are no cross streets other than Fleetwood Drive on the North side of Waldo Blvd and the Manitowoc police department do not use the few cross South streets to monitor traffic. Basically, this allows “some” drivers to use this section of road as a raceway and go above the speed limit at their will putting others at risk.

I would suggest that common sense “should” prevail and the posted speed limit on Waldo Blvd be 25 MPH. The entire length of Waldo Blvd is in an established residential area with driveways and roads that intersect with Waldo Blvd.

I would also submit that the City of Manitowoc has chosen to keep the only section of Waldo Blvd that has the least amount of residences that intersects with Waldo Blvd at a posted “residential” speed limit of 25 MPH. That section of Wald Blvd being from North 6<sup>th</sup> St to Memorial Drive. Why then does the City choose to put it citizens at risk in a much more dense residential area with a 30 to 35 MPH speed limit?

I humbly ask and pray that the City of Manitowoc Safety Committee consider my plea and for the safety of our citizens take up this matter with urgent and serious consideration before tragedy strikes that could be avoided.

Respectfully,

Michael Merrill

## STATEMENT

December 10<sup>th</sup>, 2020 Michael Merrill – Facts of the accident “As I know them”

I, Michael Merrill (driver) was with my wife and had just picked up my daughter from Manitowoc Lutheran High School. We were on our way to our church, Immanuel Lutheran Church to attend the Wednesday 4 PM Advent service and meet with our two boys who attend school at Immanuel Lutheran Elementary School. It was approximately 3:20 or thereabouts and I was stopped at the stop sign at the intersection of Fleetwood and Waldo Blvd. While waiting patiently to cross Waldo Blvd and continue East on Waldo Blvd, looking to my right, I witnessed one vehicle going East on Waldo Blvd and eventually pass the intersection. After the first vehicle passed the intersection, I looked to my left and witnessed a second vehicle going West on Waldo Blvd and eventually pass the intersection. After the second vehicle passed the intersection, I looked to my right and saw that there were no vehicles traveling East on Waldo Blvd in my view. After having looked right or East on Waldo Blvd, I looked to my left and witnessed two vehicles traveling side by side going West on Waldo Blvd on the hill traveling just across from the point where the “green grass section” section of the median started. Upon witnessing these two vehicles, I was 100% certain if these two vehicles were traveling the speed limit at the distance I viewed them from that I could safely cross the intersection. I then immediately, turned to my right to verify that there were still no vehicles traveling East on Waldo Blvd and saw one vehicle far off in the distance that was not a safety concern. I then proceeded to turn forward and slowly but steadily proceed to enter and cross the intersection. Within 1 to 2 seconds later we impacted the vehicle that I had previously seen in the far lane traveling West on Waldo Blvd and side by side a second vehicle that had been in the near lane.

Understanding and assuming that both vehicles should have been obeying the law and were traveling the speed limit of 35 mph, I had time to cross the intersection in safe manner. It took me approximately “3 to 5 seconds” from the time I witnessed the two vehicles traveling side by side going West on Waldo Blvd to look right and see no vehicles going East on Waldo Blvd to be of any safety concern, look

forward and proceed into the intersection and the “point of impact” with the vehicle that I had previously seen in the far lane traveling West on Waldo Blvd and side by side a second vehicle that had been in the near lane.

The accident occurred. I was hit with the full force of the exploding airbag to my face. I attended quickly to my daughter who was in the back passenger seat behind my wife and then my wife and found they were not injured. I told them to exit the vehicle and get out of the road. After doing this, I exited my vehicle and witnessed the driver of the vehicle we had impacted standing outside her vehicle on the passenger side talking on her cell phone, to whom “?”, I do not believe she had called the police. I questioned if she was okay and if she required and medical assistance. She informed me that she was not hurt and did not require any medical assistance. I then, turned and faced any oncoming West bound vehicles of which “at that moment” was only “one” vehicle. This “one vehicle” was the vehicle I had first witnessed traveling West on Waldo Blvd and “Side by Side” the vehicle we had just impacted with. This “one and same vehicle” was approximately 4 to 5 car lengths East of us and at a full stop and no safety hazard to us. The driver of this vehicle which I had just witnessed seconds prior traveling “Side by Side” the vehicle that I had impacted with had witnessed the entire accident and had plenty of time to stop at a safe distance from the accident site.

I continued to face East Waldo Blvd and waved to stop vehicles that started coming towards the accident site at the same time I phoned the police and notified them of the accident. Shortly afterward two firefighters from the station near by ran out to the accident site and questioned if anyone needed assistance. Then, with the assistance of one of the firefighters by holding my front bumper, I was able to drive my vehicle in reverse out of the intersection into the driveway of the Manitowoc Maintenance Facility and park it. The other driver was able to drive her car into the same driveway. The police arrived shortly after that and spoke with both myself and the other driver. Assuming that I was at fault, because “I did not see the vehicle that we had impacted” apologized tearfully to the other driver telling her that “it was my fault, that I had not seen her vehicle, that I believed I did not see her vehicle because it may have been in the blind spot of my windshield column”. I told the same thing to the police officer again, believing that I was at fault. Sometime later, the other driver's husband arrived and her car was being set up to be towed. During that time, the police officer wrote up a citation/ticket and gave it to me. He explained to me that it was a citation/ticket for “failure to yield at a stop sign”. He explained that I needed to sign the citation/ticket and that it did

not mean that I was pleading guilty or agreeing with the citation/ticket. I signed the citation/ticket. I called my insurance company and explained that I was in an accident. The other vehicle was towed away and the other driver, her husband and her mother who had shown up at some point departed. I waited a while until a tow truck drive arrived and took my vehicle to Van Horn Chrysler Dodge. Three people from my church had stopped to inquire if I needed any assistance during the course of the time I was by my vehicle in the driveway of the Manitowoc Maintenance Facility driveway. I received a ride to my home sometime after my vehicle had been towed by one of these kind people.

Upon arriving home, my 15 year old daughter who is about to get her drivers learner permit, whom I had picked up from H.S and was a passenger in the vehicle we had just had the accident in confronted me. The first thing she spoke to me was, “Dad you were not at fault”, “I saw the whole thing”, “I was paying attention to your driving just like I have been doing because I am trying to learn how to drive”. She continued to say, “I watched you look left at the two cars on the hill”, “then, I watched you look right”, “while you were looking right the car, speeded up”, “I knew you did not see it speeding”, “I knew we were going to hit it but, it happened so fast just braced myself for the crash”.

After she told me this, I soon realized what had actually caused this accident. The accident was not caused because “I had failed to yield at a stop sign” as the police officer assumed. The accident was not caused because “that I could not or did not see the other vehicle because of a blind spot from my vehicles windshield column”. The accident was caused by the “reckless driving and excessive speeding” of the driver of the other vehicle and “not by me”. I had done everything I could in the safest manner possible to avoid an accident and cross the intersection safely with my family. I was “not at fault for the accident”. The driver of the other vehicle “is at fault” for the accident. This other driver could have “killed” my wife, could have “killed” my daughter, and killed “me”. That in fact, had I not been so patient, so safety minded while stopped at that intersection, if I had started across that intersection “just ONE SECOND sooner, the other driver would have “killed us” from her driving her vehicle “Excessively Over” the posted speed limit of 35 mph. But for the Grace of God, He spared our family this tragedy.

The other driver, driving her vehicle excessively over the speed limit is 100% factual and provable based on the fact(s):

First, while waiting at the stop sign, I had witnessed two vehicles “traveling side by side going West on Waldo Blvd on the hill just past the “green grass section” still on the concrete section of the median. The vehicle in the near lane was the vehicle that had stopped 4 to 5 car lengths before the accident site. And the driver of the second vehicle was the vehicle who was impacted at the accident site.

Secondly, my 15 year old daughter who was a passenger in my vehicle and paying attention to my driving and actually witnessed the other driver speeding past the other vehicle, down the hill at us to the point of impact, causing the accident.

Thirdly, I point out that 3 to 5 seconds that transpired after the point at which I witnessed two vehicles “traveling side by side going West on Waldo Blvd on the hill just past the “green grass section” still on the concrete section of the median. The driver of the vehicle that caused the accident, traveled the distance from the point I witnessed her driving her vehicle next to the other vehicle in the far, lane to the point of impact at the accident site in a time equal to “3 to 5” seconds.

\*Waldo Blvd had a posted speed limit of 35 MPH\*

I, Michael Merrill (driver) at stop sign on Fleetwood state that based upon where I witnessed seeing both vehicles side by side on Waldo Blvd using on overhead view and measurements provided by google maps determined that:

Shortest distance of the two vehicles from accident “impact” was approximately:

460 ft

Longest distance of the two vehicles from accident “impact” was approximately:

513 ft

\*When I drove my vehicle at the posted speed limit of 35 mph from the point of which I saw the two vehicles on Waldo Blvd to the accident “impact” site, it took me 9 seconds the first time and 10 seconds the second time.

Based on known and accepted Vehicular - Time, Speed, Distance calculations of:

1 mile per hour = 1.4667 feet per second

10 miles per hour = 14.7 feet per second

20 miles per hour = 29.3 feet per second

25 miles per hour = 36.7 feet per second

30 miles per hour = 44.0 feet per second

35 miles per hour = 51.3 feet per second

40 miles per hour = 58.7 feet per second

45 miles per hour = 66.0 feet per second

50 miles per hour = 73.3 feet per second

55 miles per hour = 80.7 feet per second

60 miles per hour = 88.0 feet per second

65 miles per hour = 95.3 feet per second

In the time of 9 seconds, a vehicle traveling at 35 mph would have traveled a distance of: 460 ft

In the time of 10 seconds a vehicle traveling at 35 mph would have traveled a distance of: 513 ft

\*\*\* Using the “shortest distance”, for a vehicle to travel the same distance of a vehicle who traveled in 9 seconds at the speed of 35 mph and the distance of 460 ft, a vehicle traveling the same distance, using the “most seconds” it could have taken me to see her vehicle, look right, look forward and proceed into the intersection , a vehicle would have to have been traveling at the speed at or near:

60 mph measured at 88.0 feet per second (x) 5 seconds = 440 ft

65 mph measured at 95.3 feet per second (x) 5 seconds = 476.5 ft

**The driver of the vehicle that caused the accident “at the point of impact” was driving excessively above the speed limit at between :**

**\*\*\* 60 and 65 MPH \*\*\***

\*Note: I am a retired US Navy Aircrewman having served and flown in patrol planes for 22 years. I worked as a former Federal Bureau of Investigation member of the **Special Surveillance Group** (SSG) which is a highly classified unit of "Investigative Specialists", that specialize in clandestine vehicular surveillance of foreign nationals and U.S. citizens known or suspected of engaging espionage or terrorism in the U.S. I have FBI Tactical Emergency Vehicle Operations Center (TEVOC) training, where you are taught how to drive safely and effectively—both to track and catch criminals and terrorists and avoid getting harmed by them. The training prepares drivers to handle an array of dangerous situations, from maneuvering out of a common rear-end spinout to more dangerous techniques such as how to ram a threatening vehicle. I am a safe driver. I obey the traffic laws. I have never had a traffic citation/ticket or a vehicular accident in my life.

The testimony I have provided in this document is the truth as I know and understand it to be, so help me God. Michael Merrill