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NEWS

Wife of fisherman who died at Dock Street Dam sues Harrisburg; survivor was 'certain' he'd die, too

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Mike Brook



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A woman has filed a lawsuit against the city of Harrisburg after her husband died in a boating incident at the Dock Street Dam on the Susquehanna River in 2023.

The lawsuit from Elizabeth Hibble claims the city knew how dangerous the dam was and did not do enough to protect boaters, and violated the Dam Safety Act by not having the required warning buoys in place.

Her husband [Michael Brook, 64](#), of Waynesboro, died [after his boat stalled during a fishing trip](#) and got pulled into the roiling waters under the dam. He was at least the 31st person to die at the dam since it was built in 1913, [according to an investigation from PennLive](#).

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His friend, Elijah Rothell, is also a plaintiff in the lawsuit filed this week. He nearly died in the incident on April 13, 2023, according to the lawsuit filed by attorney Devon Jacob, which gave new details of the harrowing incident.

Before the trip, Brook had his boat serviced and both Brook and Rothell wore life jackets.

“Despite Brook’s best efforts to ensure that they would be safe, the boat suffered a mechanical failure, stalled and began to slowly drift downriver,” the lawsuit said. “The river current appeared to be slow and calm, and no danger was visible in front of the boat.”

Not seeing any danger, the men remained in the boat and worked to restart the engine as they unknowingly drifted toward a “hidden deadly condition.”

By the time the fishermen realized they were in danger, it was too late, the lawsuit said. The boat went over the 6-foot dam and ejected Brook and Rothell. The boat capsized and the force of the water kept it pressed against the dam.

Rothell saw Brook’s head surface a few times before Brook disappeared under water. The force of the water ripped Rothell’s life jacket off. He held onto it, wrapped it against his arm and propped it under his chin to try to keep his mouth above water.

Despite this, he was still repeatedly forced under water, until he swam to the bottom, then pushed off the bottom as hard as he could to get his head above water to take a big breath before being forced back under.

“Rothell was terrified and certain that he would die,” the lawsuit said.

Two boaters saw the boat capsize and “risked their lives to get close enough to Rothell to throw him a rope and pull him to safety,” according to the lawsuit.

Meanwhile, the violent water tore off Brook’s life jacket. His body was found five hours later, about seven miles downstream near the Harrisburg airport.

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An autopsy ruled his death accidental from hypothermia and freshwater drowning.

Brook’s wife previously told PennLive it was just Brook’s second time visiting that part of the Susquehanna River.

The area around the dam is considered an “exclusion zone,” where boaters are not supposed to enter. But the lawsuit says the city did not do anything to prevent the public from entering this zone.

“Brook and Rothell did not intentionally enter the exclusion zone for the purpose of recreation,” the lawsuit said. “Rather Brook and Rothell were in a stalled boat that slowly drifted downriver while it was in the process of being repaired.”



A sign warns of the Dock Street Dam. Emergency responders are searching the Susquehanna River for a man who was in a boat that capsized near the Dock Street Dam in Harrisburg. April 13, 2023.
Dan Gleiter | dgleiter@pennlive.com

City Spokeswoman Mischelle Moyer said she could not comment on the lawsuit since it is “pending litigation.”

Low-head dams, like the one at Dock Street, are deceptively dangerous because the water around them can appear tranquil. But as water flows over the structure, it can create strong turbulence and recirculating currents that push victims underwater, and pull them back to the face of the dam in a repeating cycle that can be inescapable. That’s why they are known as “drowning machines.”

The lawsuit referred to a 2001 report created as part of the city’s efforts at the time to pursue a hydroelectric project at the dam, identified specific safety problems at the dam and noted the city is responsible for avoiding conditions that could injury any person

“even one who trespasses.”

The report identified seven alternatives to the hydroelectric proposal, including taking no action, removing the dam, repairing the dam or replacing it with one of three higher inflatable dam options.

The report noted: “no action could result in increased liability issues for the city,” and that removing the dam, which would have cost about \$300,000 back then, would eliminate safety and liability issues.

Removing the dam, however, also would remove the body of water it creates upstream for recreation.

A law in 1999, known as the Dam Safety Act, requires owners of low head-dams like the Dock Street Dam to mark the area above and below the dam and on the banks with warning signs.

After a [fatal boat crash against the dam in May 2018](#), that killed a mother and child, the state’s Fish and Boat Commission notified the city it was [not in compliance with the Dam Safety Act](#).

The lawsuit claims the city used an “inadequate buoy system” to warn boaters of the hidden danger, and “as a result, the buoys moved and/or disappeared” when Brook and Rothell were fishing on the river.

The city also removed the buoys during times when the water level of the river required them to be present, according to the lawsuit.



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