



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NO. 0906-50-RR

RE: IN THE MATTER OF THE PETITION FROM THE INTERSTATE BUSINESS
CENTER, LLC. TO ESTABLISH A PRIVATE RAILROAD/HIGHWAY AT
GRADE CROSSING ON PRINDLE LANE IN DANBURY, CONNECTICUT.

FINAL DECISION

August 3, 2009

I. INTRODUCTION

A. Petitioner's Proposal

By petition dated May 1, 2009, pursuant to Connecticut General Statutes, Section 13b-292 and assigned Docket No. 0906-50-RR, Interstate Business Center, LLC, proposes to establish a private railroad/highway at-grade crossing on Prindle Lane in Danbury, Connecticut. The subject crossing is on a privately owned railroad spur off the Maybrook Branch of the Housatonic Railroad Company.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-292, a public hearing on this petition was held at the administrative offices of the Department of Transportation, in Newington, Connecticut on July 28, 2009.

Notice of the petition and hearing to be held thereon was given to the petitioner and to such other parties as deemed necessary by the Department.

The hearing on this matter was conducted by a hearing officer, designated by the Commissioner of Transportation, pursuant to Connecticut General Statutes Section 13b-17.

C. Appearances

Roy Steiner appeared pro se on behalf of the petitioner, Interstate Business Center, LLC. His office is located at 2 Parklawn Drive, Bethel, Connecticut 06801.

Mark Sarkisian, Vice President and General Manager, appeared pro se on behalf of RR Donnelley Corp. (also known as Danbury Acquisition Corp), an adjacent property owner. Mr. Sarkisian petitioned for party status which was granted. Mr. Sarkisian's office is located at 1 Prindle Lane, Danbury, Connecticut 06811.

Mr. Stephen Curley, Rail Officer II, appeared on behalf of the Bureau of Public Transportation, Regulatory & Compliance Unit. Mr. Curley's address is 50 Union Avenue, 3rd Floor West, New Haven, Connecticut 06519.

II. FINDINGS OF FACT

1. The subject crossing is on the privately owned railroad spur off the Maybrook branch of the Housatonic Railroad Company.

2. The petitioner seeks to establish a private at-grade highway/railroad crossing at Prindle Lane in Danbury, CT.

3. The petitioner is proposing to build a hotel, restaurant and business center on Prindle Lane called the Prindle Lane Center. The State Traffic Commission issued a certificate to the petitioner (#034-0805-02) subject to bonding, land recording requirements and approval of this rail crossing.

4. At the present time, RR Donnelley does not use the railroad spur, which abuts their building, It has not used this track for at least ten years. However, the rail line has recently been upgraded for possible future use. If it is used, the Housatonic Railroad will have to use a flagman to stop and protect traffic.

5. The proposed development is expected to generate an additional 286 trips during the week day morning peak and 373 additional trips over the crossing during the afternoon weekday peak.

6. The petitioner will be responsible for installation of pavement markings at the rail crossing and signage as recommended by the Department. The petitioner will assume responsibility for the continuous maintenance of the crossing signs and pavement markings.

7. The City of Danbury is in support of the project.

8. Prindle Lane is a two lane road partially owned by the City of Danbury. The part owned by Danbury terminates at the access drive to Danbury Acquisitions Corp. The petitioner and Danbury Acquisition Corp. have ownership responsibilities for the remainder of Prindle Lane. The crossing is on the section of road that the petitioner, Interstate Business Center is responsible for.

9. The proposed development will add jobs and help the economy of the area.

10. The Regulatory and Compliance Unit, after receiving the plans and conducting a review, is in favor of the creating a private crossing at Prindle Lane with specific conditions.

III. CONCLUSIONS OF LAW

The petitioner's request is to establish a private at-grade highway/railroad crossing on Prindle Lane in Danbury in accordance with Connecticut General Statutes Section 13b-292. Mr. Steiner testified that the City of Danbury is in full support of the proposal and that the development of Prindle Lane will create many jobs in the community. As such, this project is necessary for the economic welfare of the community.

The pavement marking and signage at the private crossing will be installed and maintained by the petitioner. The city of Danbury is in favor of the proposal and establishing the private crossing.

The Regulatory & Compliance Unit has requested several conditions to its support, as follows:

1. The petitioner, Interstate Business Center, LLC, shall establish a private railroad/highway at-grade on Prindle Lane in the City of Danbury as shown on the following referenced plan labeled as Exhibit 3 and entitled "Interstate Business Center, LLC-Prindle Lane Center- Danbury, Connecticut- July 6, 2009- Private Railroad Crossing Plan".

2. That all pavement markings and signing at the railroad/highway at-grade crossing be installed by the Petitioner. The installation of the pavement markings and signing at the railroad/highway at-grade crossing shall be in accordance with the "Manual on Uniform Traffic Control Devices," and the "Minimum Standards for Traffic Control Devices at Private Railroad Crossings", as issued by the Department's Rail Regulatory and Compliance Unit, and as shown on the referenced plan labeled Exhibit 3.

3. That the petitioner shall provide and maintain a minimum 250 feet of clear sight line, in each direction, for both approaches of the railroad/highway at-grade crossing.

4. That the petitioner shall be responsible for the maintenance of the railroad/highway at-grade crossing, including the crossing surface, pavement markings and signing.

5. That a 15 foot wide easement centered on the railroad/highway at-grade crossing in favor of Danbury Acquisition Corporation as stated in the land records of the City of Danbury, and as shown on the referenced plans labeled Exhibit 1 and Exhibit 3, to be recognized by the petitioner as part of the establishment of this private railroad/highway at grade crossing.

6. That an inspection of the general conditions of the spur track, including the crossing surface, be performed by the railroad company providing service (Housatonic Railroad Company) prior to any use.

7. That the petitioner, upon completion of the installation of the proposed railroad crossing pavement markings and signing and any other safety measure as stated in the above-mentioned #2 and #3, be responsible for contacting the Department's Rail Regulatory and Compliance Unit in order that an inspection of the railroad/highway at-grade crossing is performed for the approval of the traffic control devices.

The evidence of record is clear that a grant of the proposal will be an economic benefit to the community and that approval of the proposal is in order.

IV. ORDER

Based on the evidence of record, the Prindle Lane at-grade highway/railroad crossing shall be deemed private in nature and pursuant to Connecticut General Statutes Section 13b-292, the following safety measures and orders shall be undertaken:

1. The petitioner, Interstate Business Center, LLC, has shown that there shall be established a private railroad/highway at-grade on Prindle Lane in the City of Danbury as shown on the following referenced plan labeled as Exhibit 3 and entitled "Interstate Business Center, LLC-Prindle Lane Center- Danbury, Connecticut- July 6, 2009- Private Railroad Crossing Plan".

2. That all pavement markings and signing at the railroad/highway at-grade crossing are to be installed by the petitioner. The installation of the pavement markings and signing at the railroad/highway at-grade crossing shall be in accordance with the "Manual on Uniform Traffic Control Devices", and the "Minimum Standards for Traffic Control Devices at Private Railroad Crossings", as issued by the Department's Rail Regulatory and Compliance Unit, and as shown on the referenced plan labeled Exhibit 3.

3. The petitioner shall provide and maintain a minimum 250 feet of clear sight line, in each direction, for both approaches of the railroad/highway at-grade crossing.

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5. A 15 foot wide easement centered on the railroad/highway at-grade crossing in favor of Danbury Acquisition Corporation, as stated in the land records of the City of Danbury and as shown on the referenced plan labeled Exhibit 1 and Exhibit 3, is to be recognized by the petitioner as part of the establishment of this private railroad/highway at grade crossing.

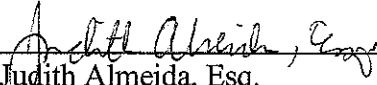
6. An inspection of the general conditions of the spur track, including the crossing surface, shall be performed by the railroad company providing service (Housatonic Railroad Company) prior to any use.

7. The petitioner, upon completion of the installation of the proposed railroad crossing pavement markings and signing and any other safety measure as stated in the above-mentioned above in #2 and #3, be responsible for contacting the Department's Rail Regulatory and Compliance Unit in order that an inspection of the railroad/highway at-grade crossing is performed for the approval of the traffic control devices.

8. A written report for the hearing file shall be submitted by Regulatory and Compliance upon its inspection of the completed crossing.

Dated at Newington, Connecticut, on this 3rd day of August, 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration