



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1301-168-RR

RE: IN THE MATTER OF THE PETITION FROM THE OFFICE OF RAIL TO UPGRADE THE
EXISTING RAILROAD APPURTANCES AT THE RAILROAD CROSSING AT JENNINGS PLACE IN
NORWALK.

FINAL DECISION

February 15, 2013

I. INTRODUCTION

A. Petitioner's Proposal

By petition dated January 11, 2013, pursuant to Connecticut General Statutes Section 13b-292 and assigned Docket No. 1301-168-RR, the petitioner, Office of Rail of the Connecticut Department of Transportation (hereinafter "petitioner"), proposes to upgrade the safety devices at the Jennings Place railroad crossing in Norwalk by modernizing the railroad flashing lights and installing vehicular gates.

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 February 7, 2013.

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. Legal notice to the public was given by publication on the department's website.

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

Gilbert Smart, Supervising Rail Officer with Rail Regulatory and Compliance Unit testified for the department.

II. FINDINGS OF FACT

1. The petitioner in this matter is the Department of Transportation's, Office of Rail (hereinafter "petitioner").
2. The petitioner seeks to upgrade the existing private railroad/highway at-grade crossing, Crossing Number 500554J, at Jennings Place in Norwalk under State Project Number 302-007. The proposed upgrade includes installing new vehicular gates and modernizing the existing railroad flashing lights at the crossing.
3. The current safety devices at the crossing are railroad flashing lights and a pedestrian bell.
4. The daily vehicular traffic over the crossing is minimal as the rail crossing is for private, industrial use.
5. The crossing is on the Danbury Branch of Metro-North Commuter Railroad Company at mile post 0.91. There are approximately sixteen (16) train movements over the crossing on a daily basis operating at a maximum speed of 30 miles per hour.
6. The crossing upgrade will improve public safety.
7. The installation of the crossing improvements will be performed by Metro-North Commuter Railroad Company by way of railroad force account agreement with the petitioner. Per existing service agreement with

the petitioner, Metro-North Commuter Railroad Company will continue to provide maintenance of the crossing.

8. The crossing improvements will be governed by the provisions of the Association of American Railroads and the American Railway Engineering Association.

9. The Rail Regulatory and Compliance Unit, after receiving the plans and after conducting a review, is in favor of upgrading the crossing.

III. DISCUSSION

The petitioner seeks to upgrade a railroad crossing at Jennings Place in Norwalk. The upgrades include modernizing the existing railroad flashing lights and adding vehicular gates.

Based on the testimony and evidence presented, the proposed upgrades will make the crossing safer and are in the public interest.

IV. ORDER

Based on the evidence of record and pursuant to Connecticut General Statutes Section 13b-292, the following safety measures and orders shall be undertaken:

1. The petitioner shall be responsible for the implementation of the improvements. The improvements will consist of modernization the existing railroad flashing lights and installation new vehicular gates. The work is funded under State Project Number 302-007 and will be performed by Metro-North Commuter Railroad Company by way of a railroad force account agreement with the petitioner.

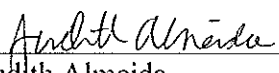
2. The proposed work will be governed by the standards and specifications of the Association of American Railroads and the American Railway Engineering Association.

3. Upon completion of the work, the Metro-North Commuter Railroad Company will continue to be responsible for the maintenance of the railroad appurtenances at the crossing.

4. The petitioner, upon completion of the installation of the proposed railroad crossing appurtenances as stated in the above-mentioned Order #1 shall 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.

Dated at Newington, Connecticut, on this 15th day of February 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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