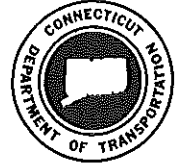




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:  
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DOCKET NO. 1302-179-RR

RE: IN THE MATTER OF THE PETITION FROM THE OFFICE OF RAIL TO UPGRADE  
THE EXISTING RAILROAD APPURTANCES AT THE RAILROAD CROSSING AT  
PORTLAND AVENUE IN RIDGEFIELD.

FINAL DECISION

March 13, 2013

## I. INTRODUCTION

### A. Petitioner's Proposal

By petition dated February 4, 2013, pursuant to Connecticut General Statutes Section 13b-343 and assigned Docket No. 1302-179-RR, the petitioner, Office of Rail of the Connecticut Department of Transportation (hereinafter "petitioner"), proposes to upgrade the safety devices at Portland Avenue in Ridgefield by modernizing the railroad flashing lights and installing vehicular gates. Signage and pavement marking will also be installed.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-343, a public hearing on this petition was held at the administrative offices of the Department of Transportation in Newington, Connecticut on March 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

Stephen Curley, Transportation Engineer 3 in the Division of Traffic Engineering, presented the department's case.

Gilbert Smart, Supervising Rail Officer with Rail Regulatory, 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 a railroad crossing at Portland Avenue in Ridgefield under State Project Number 302-007. The proposed upgrade includes installing new railroad flashing lights and vehicular gates as well as signage and pavement markings.

3. The current safety devices at the crossing are railroad flashing lights and a pedestrian bell, signing and pavement markings.

4. The daily vehicular traffic over the crossing is 2800 vehicles per day.

5. The crossing is on the Danbury branch of Metro-North Commuter Railroad Company at mile post 12.58. There are sixteen (16) train movements over the crossing on a daily basis with a maximum speed of 50 miles per hour.

6. The cost of the project will be approximately \$76,000,000.

7. The crossing upgrade will improve public safety.

8. The installation of the railroad appurtenances will be performed by the Metro-North Commuter Railroad Company by way of railroad force account agreement with the petitioner. Per existing service agreement with the petitioner, the Metro-North Commuter Railroad Company will continue to provide maintenance of the railroad equipment.

9. The crossing improvements will be governed by the provisions of the Association of American Railroads, the American Railway Engineering Association, the "Manual on Uniform Traffic Control Devices" and the Connecticut Office of State Traffic Administration Regulations.

10. Pursuant to Connecticut General Statutes Section 13b-344, the Town of Ridgefield will install and maintain the signage and pavement markings. The petitioner will supply the signage to the town.

11. 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 Portland Avenue in Ridgefield. The upgrades include modernizing the existing railroad flashing lights, adding vehicular gates, pavement marking and signage.

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-343, the following safety measures and orders shall be undertaken:

1. The petitioner shall be responsible for the implementation of the railroad appurtenances. The railroad appurtenances will consist of the modernization of existing railroad

flashing lights and the installation of new vehicular gates. The work is funded under State Project Number 302-0007 and will be performed by the Metro-North Commuter Railroad Company by way of a railroad force account agreement with the petitioner.

2. The Town of Ridgefield will be responsible for the installing and maintenance of the pavement markings and signage. The petitioner will supply the signage to the Town of Ridgefield.

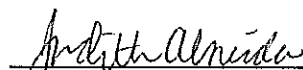
3. The proposed work will be governed by the standards and specifications of the Association of American Railroads, the American Railway Engineering Association, the "Manual on Uniform Traffic Control Devices" and the Connecticut Office of State Traffic Administration Regulations.

4. 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.

5. The petitioner, upon completion of the installation of the proposed railroad crossing improvements as stated in the above-mentioned Order #1 and Order #2 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 13<sup>th</sup> day of March 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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