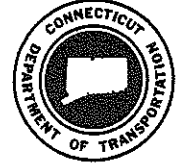




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 0606-R-50-R

RE: IN THE MATTER OF THE PETITION FROM THE DEPARTMENT OF  
TRANSPORTATION TO AMEND THE FINAL DECISION IN THIS DOCKET ISSUED IN  
2006 FOR THE NORTH MAIN STREET CROSSING IN REDDING, CONNECTICUT.

AMENDED FINAL DECISION

November 8, 2011

## I. INTRODUCTION

### A. Petitioner's Proposal

By petition dated September 27, 2011, pursuant to Connecticut General Statutes, Section 13b-270 and 4-177 through 182 and assigned Docket No. 0606-R-50-R, the Department of Transportation (petitioner), proposes to modify the original decision issued in 2006 in this matter by revising Order Number 4, which states that the existing crossing will not be taken out of service until the relocated crossing is operational and approved by the Department of Transportation's Rail Regulatory Unit. The department wishes to permanently close the railroad crossing on North Main Street at Milepost 12.1, in order to maintain the schedule of installing a new Centralized Traffic Control (CTC) system for the Danbury Branch passenger trains.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-270, a public hearing on this petition was held at the administrative offices of the Department of Transportation, in Newington, Connecticut on October 27, 2011.

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

Mr. Gil Smart, Transportation Supervising Rail Officer, appeared on behalf of the department. Mr. Smart's mailing address is 50 Union Avenue, 3<sup>rd</sup> Floor West, New Haven, Connecticut 06519.

Mr. James Jurczyk, Transportation Supervising Engineer, also appeared on behalf of the department. Mr. Jurczyk is in the department's main Newington office.

## II. FINDINGS OF FACT

1. The subject crossing is on the Danbury Branch of the Metro-North Commuter Railroad Company on North Main Street in Redding, Connecticut. The Town of Redding had wished to relocate and upgrade the railroad crossing as part of a project that was to be a combination of residential, retail and recreational uses by the Georgetown Land Development Company

(hereinafter Georgetown).

2. The Georgetown's plans to develop this property are on hold due to economic constraints of the investment group.

3. Georgetown owns the private property east of the subject crossing and the crossing is closed to the public. The original North Main Street crossing is of no use to the traveling public.

4. The petitioner proposes to modify the original decision issued in 2006 by revising Order Number 4, which states that the existing crossing will not be taken out of service until the relocated crossing is operational and approved by the Department of Transportation's Rail Regulatory Unit.

5. The department wishes to permanently close the railroad crossing on North Main Street at Milepost 12.1, in order to install a new Centralized Traffic Control (CTC) system for the Danbury Branch passenger trains.

6. The CTC project cannot move forward without the old electronics being removed from the original North Main Street crossing. The old North Main Street crossing is not compatible with the new electronics now being installed for the new CTC signal system.

7. The Regulatory and Compliance Unit, after receiving the plans and conducting a review, is in favor of the revised proposal.

8. It is the opinion of Rail Regulatory that closing the Old North Main Street crossing will not sacrifice public safety or create any inconvenience to the public.

### III. CONCLUSIONS OF LAW

The petitioner's request is to revise Docket Number 0606-R-50-R by changing Order Number 4 to allow the old North Main Street crossing to be closed so that the new CTC Signal system can be connected. The crossing is currently closed to the public and closing this crossing will not sacrifice the safety to the public or create any inconvenience.

At the present time, Georgetown has no plans to develop the property as it had originally intended back in 2006. Economic constraints have caused these plans to be put on hold.

The CTC project cannot move forward without the old electronics being removed from the original North Main Street crossing. The old North Main Street crossing is not compatible with the new electronics now being installed for the new CTC signal system.

#### IV. ORDER

Based on the evidence of record and pursuant to Connecticut General Statutes Section 13b-272, 13b-343 and 4-177 through 182, the following safety measures and orders shall be undertaken:

1. The railroad/highway at-grade crossing number 500583U at North Main Street in Redding will be relocated 579 feet north of its current position at mile post 12.01, as shown in exhibit 1. The installation of railroad flashing lights, railroad vehicular gates, related track circuitry, pavement markings, signing, rubber crossing surface and all other warning devices associated with the relocated railroad/highway at-grade crossing be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices and operated within the Department's Rail Regulatory and Compliance Unit.

2. The installation of railroad flashing lights including cantilever lights, vehicular gates and related track circuitry and rubber crossing surface will be preformed by Metro-North Commuter Railroad by way of a railroad force account agreement with the Georgetown Land Development Company. Pavement markings and railroad signs will be installed by the Georgetown Land Development Company.

3. The Town of Redding shall deed land to the State of Connecticut, at no cost, to place and maintain railroad vehicular gates at the southwest quadrant of the relocated railroad crossing, prior to the issuance of an encroachment permit.

4. The removal of the existing railroad/highway at-grade crossing is in compliance with the guidelines issued by the Department's Rail Regulatory and Compliance Unit. As part of the removal, a jersey barrier will be installed in the crossing and rubber crossing surface, railroad flashing lights and other related appurtenances will be removed as shown on exhibit 2. The work is to be preformed by Metro-North Commuter Railroad by way of a railroad force account agreement with Georgetown Land Development Company. The installation of signing designating the closing of the railroad crossing will be installed by the Georgetown Land Development Company. The existing crossing will be taken out of service so that the new CTC system can be installed.

5. Fencing is to be installed and maintained by the Georgetown Land Development Company between the property owned by the Georgetown Land Development Company and the Metro-North Commuter Railroad right-of-way, as shown on exhibit 3. Any flagging protection services provided by Metro-North Commuter Railroad needed during the installation of the fencing will be reimbursed by the railroad forced account agreement.

6. Vegetation and rock outcrop within the Georgetown Land Development Company and Metro North Commuter Railroad right-of-way be removed by the Georgetown Land Development Company in order to increase sight distance at the relocated railroad crossing. Any flagging protection services provided by the Metro-North Commuter Railroad during the trimming of

vegetation or removal of rock outcrop will be reimbursed by the railroad force account agreement.

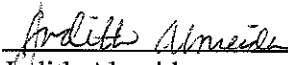
7. The Department of Transportation shall be reimbursed for all costs incurred with the redesign and addendum/construction change order of State Project No. 302-0007, the Danbury Branch Centralized Traffic Control Project associated with the relocation of the railroad/highway at-grade crossing and construction of the railroad platform station.

8. The Georgetown Land Development Company is required to perform a queue study of North Main Street at its intersection with Route 7 six months after the full occupancy date, the year 2008, is reached to determine if queuing of westbound traffic reaches the relocated railroad crossing. If the queue study determines there is a problem, the Georgetown Land Development Company will be responsible to revise a proposed traffic control signal at Route 7 and North Main Street to provide force-off detection on the westbound approach on North Main Street.

9. Proposed construction will be governed by the provisions of the Department of Transportation's Standards Specifications for Road, Bridges and Incidental Construction and in accordance with the Standards and Specifications of the Association of American Railroads and American Railway Engineering Association.

Dated at Newington, Connecticut, on this 8<sup>th</sup> day of November, 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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