

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1107-70-RR

RE: IN THE MATTER OF THE PETITION FROM THE PROPERTY OWNER OF THE CEDAR LANE CONDOMINIUM COMPLEX, PEOPLE'S UNITED BANK, THE ADMINISTRATOR FOR THE ESTATE OF CAROLINA PROCACCINI, TO APPROVE THE REPOSITIONING OF THE ACTIVE WARNING DEVICES DUE TO A CLOSURE OF THE PRIVATE DRIVEWAY CALLED PROCACCINI LANE.

FINAL DECISION

August 9, 2011

I. INTRODUCTION

A. Petitioner's Proposal

By petition dated June 3, 2011, pursuant to Connecticut General Statutes Section 13b-343 and 4-177 through 182 and assigned Docket No. 1107-70-RR, the petitioner is the property owner of the Cedar Lane condominium complex, People's United Bank, the Administrator for the estate of Carolina Procaccini hereinafter ("petitioner"), proposes to close a private driveway called Procaccini Lane and reposition the railroad flashing lights and gates, stop bar and railroad grade crossing pavement markings on northbound Route 106 approximately 25 feet to the north as well as remove the railroad flashing lights and gate on Procaccini Lane.

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 July 28, 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. Stephen Curley, Transportation Engineer 3 (Division of Traffic Engineering), appeared on behalf of the department as a case presenter.

Mr. Gilbert Smart, Supervisor of the Rail Regulatory and Compliance Unit, appeared on behalf of the department as a witness.

II. FINDINGS OF FACT

1. The petitioners are proposing to build a condominium complex on the east side of Route 106 (Hoyt Street), north of Camp Avenue in Darien called the Cedar Lane condominium complex. The site borders Metro-North railroad tracks on the west.

2. The Cedar Lane complex is a 152,985 square foot complex with 62 units and 144 parking spaces.

3. The proposed site is accessed now by traversing Procaccini Lane a private road that intersects Route 106. The existing warning devices at Procaccini Lane are railroad flashing lights, a railroad vehicular gate, and pavement markings. These improvements were implemented after a hearing and a final decision was granted in Docket Number 780714 in 1979.

4. The proposal is to close Procaccini Lane and access the site instead by Wakemore Street, a privately owned full access drive.

5. In addition to closing Procaccini Lane, the existing northbound Route 106 flashing lights and gate, stop bar and railroad grade crossing pavement markings will be relocated 25 feet to the north while the railroad flashing lights and gate on Procaccini Lane will be removed.

6. Route 106 provides access to the site now and crosses the Metro-North Railroad Company tracks north of Wakemore Street. The speed limit on Route 106 is 30 mph with approximately 10,400 vehicles traversing the road daily.

7. The subject crossing is on the New Canaan Branch of the Metro-North Commuter Railroad Company. Metro-North operates approximately 20 train movements per day over the crossing at about 40 mph.

8. The Connecticut Department of Transportation Rail Regulatory and Compliance Unit has reviewed the plans submitted for the Cedar Lane development project and takes no exception to the relocation of the active warning equipment or the relocation of the roadway markings.

9. Once the work is completed, the Department's Rail Regulatory and Compliance Unit will conduct a final inspection of the project to verify the relocated active equipment and roadway marking to conform to specifications and standards contained in the Manual on Uniform Traffic Control Devices.

III. CONCLUSIONS OF LAW

The petitioner's request is to provide for improvement to the aforementioned crossing in accordance with Connecticut General Statutes Section 13b-343. As a result of the development of the Cedar Lane condominium complex, the existing access road on Procaccini Lane will be closed and Wakemore Street will be used as the access road instead. The existing warning devices will be relocated to a position 25 feet north. These improvements will provide greater safety to the public and allow for the development to proceed. This proposal has been reviewed by the Department of Transportation's Office of Rail and has been approved with specific requirements listed in the order below.

The evidence of record is clear that a grant of the proposal will enhance the public safety at this crossing and that approval of the proposal is in order.

IV. ORDER

Based on the evidence of record and pursuant to Connecticut General Statutes Section 13b-343 and 4-177 through 182, the following safety measures and orders shall be undertaken with the petitioner (property owner/developer of the proposed Cedar Lane Condominium complex, People's Bank, the Administrator of the Estate of Carolina Procaccini) to be responsible for the implementation of the following improvements:

1. That railroad/highway at-grade crossing at Route 106 (Hoyt Street) Crossing Number 500541H located at milepost 4.19 of the New Canaan Branch of the Metro-North Commuter Railroad Company be upgraded as expressed in Exhibit 5,6,7 and 8.

2. The improvements are the removal and relocation of the flashing lights and vehicular gates. This work is to be performed by the Metro-North Railroad Commuter Railroad Company by way of a railroad force account agreement with the petitioner. The proposed work will be governed by the provisions of the Department of Transportation's "Standard Specifications for Roads, Bridges, and Incidental Construction" Form 816 and in accordance with the standards and specifications of the Association of American Railroads and the American Railway Engineering Association. Upon completion of the work, the Metro-North Commuter Railroad Company will continue to be responsible for the maintenance of the railroad appurtenances.

3. The installation of all pavement markings and signing associated with the railroad/highway at grade crossing. The pavement markings and signing will be installed by the petitioner in accordance with the "Manual on Uniform Traffic Control Devices" latest edition.


4. The petitioner is responsible for the reimbursement for any flagging protection services deemed necessary by Metro-North Commuter Railroad Company during the implementation of the railroad crossing improvement and the erection of a fence (Condition #20 on the STC Traffic Investigation Report Number 035-0711-01) between the Cedar Lane condominium complex and the railroad right-of-way.

5. The petitioner, upon the completion of the installation of the proposed railroad crossing appurtenances and any other traffic control devices as stated in the above, 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.

6. Upon completion of the above improvements, the Department's Rail Regulatory and Compliance Unit will conduct a final inspection of the project to verify the relocated active equipment and roadway markings conform to the specifications and standards contained in the Manual on Uniform Traffic Control Devices (MUTCD).

Dated at Newington, Connecticut, on this 9th day of August, 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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