



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0108-01-R

RE: IN THE MATTER OF THE PETITION OF LOUIE CHAPMAN, TOWN
MANAGER FOR THE TOWN OF BLOOMFIELD, FOR APPROVAL
OF THE MODERNIZATION OF RAILROAD WARNING DEVICES
AND RELATED TRACK CIRCUITRY ON THE GRIFFINS
INDUSTRIAL BRANCH OF THE CENTRAL NEW ENGLAND
RAILROAD COMPANY, WINTONBURY AVENUE, BLOOMFIELD,
CONNECTICUT.

CORRECTED FINAL DECISION

June 16, 2008

I. INTRODUCTION

A. Correction

This Final Decision was originally issued on May 22, 2008. The Final Decision incorrectly stated Findings of Fact No. 11. Accordingly, the correction having been made, this Final Decision is reissued in its entirety as a Corrected Final Decision.

B. Petitioner's Proposal

By petition dated September 7, 2008, the town manager of the Town of Bloomfield, requested approval for the modernization of railroad warning devices and related track circuitry on the Griffins Industrial Branch of the Central New England Railroad Company (Crossing No. 500846F) located at Wintonbury Avenue in Bloomfield, Connecticut.

C. Hearing

A public hearing on this petition was held, pursuant to Connecticut General Statutes Sections 13b-18, 13b-343 and 4-177 et seq., at the administrative offices of the Connecticut Department of Transportation, 2800 Berlin Turnpike, Newington, Connecticut on April 29, 2008.

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 in the Hartford Courant, a newspaper having circulation in the area of concern.

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.

D. Appearances

The Town of Bloomfield, 800 Bloomfield Avenue, Bloomfield, Connecticut appeared through its town engineer, Jonathan Thiesse.

The Central New England Railroad Company, Inc. appeared through its owner, A. J. Belliveau, 44 Cedar Ridge Road, Newington, Connecticut.

The department appeared through Stephen P. Curley, Rail Officer 2, with the Office of Rail - Rail Regulatory and Compliance Unit (herein also referred to as "Rail Regulatory Unit"), 50 Union Avenue, New Haven, Connecticut.

There were no appearances entered on the record in opposition. There were no members of the public who appeared regarding the petition.

II. FINDINGS OF FACT:

1. On September 7, 2007, the town manager of the town of Bloomfield, Louie Chapman, Jr. requested, on behalf of the town of Bloomfield, a public hearing for approval of the installation of signal devices and additional safety measures at the Wintonbury railroad/highway at-grade crossing.
2. The State of Connecticut is the owner of the subject railroad and the Central New England Railroad Company, Inc. is the operator of said railroad.
3. The petitioners' proposal seeks to install flashing lights and gates at the railroad at-grade crossing on Wintonbury Avenue in Bloomfield, Connecticut.
4. The subject crossing is on the Griffins Industrial Branch of the Central New England Railroad Company.
5. Railroad crossbucks are the only existing warning devices at the crossing.
6. The average daily traffic over the crossing is approximately 9,600 vehicles.
7. Central New England Railroad Company operates approximately two (2) daily train movements over the crossing, at an average speed of ten (10) miles per hour.
8. The Central New England Railroad Company may, in the unforeseen future, increase the number of train movements over the subject crossing.
9. The Central New England Railroad Company proposes to install railroad flashing lights, pedestrian gates and vehicular gates. The Railroad will also modify the crossing surface and provide railroad pre-emption phasing for the existing traffic control signal at the intersection of Wintonbury Avenue, Jerome Avenue and Woodland Avenue. Once installed, the petitioner will be responsible for maintenance of the railroad pre-emption phasing for the traffic control signal.
10. The Central New England Railroad Company will be responsible for the maintenance of the crossing surface and the crossing appurtenances.
11. The Central New England Railroad Company will pay for the electricity to operate the crossing appurtenances.
12. On June 20, 2006, the State Traffic Commission approved the railroad pre-

emption phasing at the subject traffic control signal, as noted in Traffic Commission Report No. 011-0603-01.

13. The Department of Transportation Office of Rail, Rail Regulatory and Compliance Unit is in support of the petition, if the upgrade of the railroad/highway at-grade crossing is constructed and maintained within certain recommendations.

14. The proposed upgrades of the subject railroad/highway at-grade crossing will improve the safety and protection of the public.

15. In 1980, the department heard evidence and rendered a Decision on the subject crossing. The petition in that matter was for the upgrade of the railroad-highway at-grade crossing on the Griffin Industrial Line of the Consolidated Rail Corporation at Wintonbury Avenue in Bloomfield. See AN APPLICATION OF THE CONNECTICUT DEPARTMENT OF TRANSPORTATION TO RECONSTRUCT THE RAILROAD GRADE CROSSING ON WINTONBURY AVENUE AND THE GRIFFINS INDUSTRIAL LINE OF THE CONSOLIDATED RAIL CORPORATION IN THE TOWN OF BLOOMFIELD, Department of Transportation Decision, Docket No. 800401 (July 26, 1980).

16. The department approved the reconstruction and upgrade of the subject crossing in Docket 800401, with construction to begin in fall of 1980.

17. The subject crossing was not improved and no upgrades have been undertaken as of the date of hearing.

18. No opposition was presented to the proposed upgrade at the hearing.

III. CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over, and is responsible for, all aspects of the planning, development, maintenance and improvement of transportation, including rails, within the State of Connecticut in accordance with Connecticut General Statutes Section 13b-2 and 13b-3.

Moreover, generally, Section 13b-343 of the Connecticut General Statutes provides that when a mayor of any city requests the commissioner to order gates, or electrical signals or other signal device to be installed and maintained at any railroad crossing over a public highway at grade within such town, the commissioner shall hold a hearing thereon after reasonable notice. Upon such hearing, if the commissioner finds that public safety requires it, the commissioner shall order such electric signals or other signal device as may be approved by the commissioner. Section 13b-343 also provides that the commissioner may amend, alter or rescind any such order, when deemed necessary.

In this case, the evidence shows that the railroad/highway at-grade crossing at Wintonbury Avenue (Crossing No. 500846F), which has three streets converging at a similar area, traversed by what was the Consolidated Rail Corporation, was the subject of a 1980 petition to reconstruct the crossing. While the petition was approved by the Department of Transportation in 1980, no work was ever undertaken. Given that circumstances have changed at the subject site since the issuance of the 1980 Decision, the orders in the 1980 Decision, now obsolete, shall be rescinded, in accordance with General Statutes Section 13b-343.

The evidence further shows that the public safety requires the installation and maintenance of gates and flashing lights, in addition to other safety improvements, in accordance with Section 13b-343 of the General Statutes.

IV. ORDER

Based on the evidence of record and pursuant to Connecticut General Statutes Section 13b-343, the petition of the Town of Bloomfield is hereby APPROVED, SUBJECT TO THE FOLLOWING:

1. The Decision, including all orders, entitled AN APPLICATION OF THE CONNECTICUT DEPARTMENT OF TRANSPORTATION TO RECONSTRUCT THE RAILROAD GRADE CROSSING ON WINTONBURY AVENUE AND THE GRIFFINS INDUSTRIAL LINE OF THE CONSOLIDATED RAIL CORPORATION IN THE TOWN OF BLOOMFIELD, Department of Transportation Decision, Docket No. 800401 (July 26, 1980) (Department Exhibit No. 1) is hereby RESCINDED.
2. The installation of railroad flashing lights, railroad vehicular gates, railroad pedestrian gates and the related track circuitry associated with the railroad/highway at-grade crossing for Crossing No. 500846F shall be in accordance with the most recent edition of the Manual on Uniform Traffic Control Devices (hereinafter "MUTCD").
3. The installation of railroad flashing lights, railroad vehicular gates, railroad pedestrian gates and the related track circuitry associated with the railroad/highway at-grade crossing for Crossing No. 500846F shall be in accordance with the standards and specifications of the Association of American Railroads and the American Railway Engineering Association.
4. The operation of railroad flashing lights, railroad vehicular gates, railroad pedestrian gates and the related track circuitry associated with the railroad/highway at-grade crossing for Crossing No. 500846F shall be in accordance within the guidelines issued by the Department of Transportation's Rail Regulatory and Compliance Unit, as shown on the referenced plan entitled Grade Crossing Renewal at Wintonbury Ave. Bloomfield, CT. 3/24/03. (Department Exhibit No. 2).

5. The installation of the railroad flashing lights, railroad vehicular gates, railroad pedestrian gates and related track circuitry shall be completed by the Central New England Railroad Company, Inc.

6. Upon approval of the traffic control devices by the Department of Transportation Rail Regulatory and Compliance Unit, the Central New England Railroad Company, Inc. shall be responsible for the ordinary maintenance of the railroad crossing appurtenances, pursuant to the lease/operating agreement with the State of Connecticut.

7. The installation of pavement markings and signing at the railroad/highway at-grade crossing shall be in accordance with the MUTCD, as shown on the referenced plan entitled Department of Transportation Grade Crossing Renewal, Traffic Signal Plan Sheet, Last Date 3/31/06 (Department's Exhibit No. 3).

8. The Town of Bloomfield shall be responsible for the installation and maintenance of the pavement markings and signing at the railroad/highway at-grade crossing.

9. The Central New England Railroad Company, Inc. shall be responsible for the installation of railroad pre-emption phasing for the traffic control signal at Wintonbury Avenue's intersection with Jerome Avenue and Woodland Avenue as shown on the referenced plan entitled Department of Transportation Grade Crossing Renewal, Traffic Signal Plan Sheet, Last Date 3/31/06 (Department's Exhibit No. 3).

10. Once the pre-emption phasing is installed, the Town of Bloomfield shall be responsible for the maintenance of said railroad pre-emption phasing for the traffic control signal.

11. The Central New England Railroad Company Inc. shall provide and maintain 240 feet of clear sight line, based upon the maximum train speed of ten (10) miles per hour) for Class 1 track, in each direction for both approaches of the railroad/highway at-grade crossing.

12. The Central New England Railroad Company, Inc. shall develop a traffic control pattern plan during construction operations at the railroad/highway at-grade crossing that is acceptable to the petitioner; the railroad shall be responsible for the cost of the approved traffic control pattern plan.

13. Upon completion, and within 60 days of the installation of the railroad crossing appurtenances, the Town of Bloomfield shall contact the Department of Transportation Rail Regulatory and Compliance Unit to enable inspection by the Rail Regulatory Unit of the railroad/highway at-grade crossing for the approval of traffic

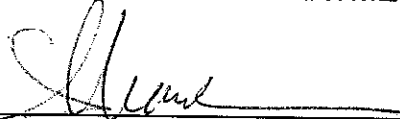
control devices.

14. At the completion, and within sixty days (60) days of the inspection of the railroad crossing appurtenances by the Rail Regulatory and Compliance Unit, the Rail Regulatory and Compliance Unit shall provide, for this docket file, written confirmation indicating that the all orders issued herein have been met by the petitioner.

15. The proposed railroad crossing appurtenances shall not be placed into service until approval, in writing, is provided by the Rail Regulatory Unit.

Dated at Newington, Connecticut, on this 16th day of June 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
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