



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1109-92-RR

RE: IN THE MATTER OF THE PETITION OF THE STATE OF CONNECTICUT TO REMOVE THE VEHICULAR CROSSING AND LIMIT ACCESS TO PEDESTRIANS ONLY ON ROBERT LOUGHERY WAY (ELM STREET) CROSSING #500950A IN NEW BRITAIN, CONNECTICUT.

FINAL DECISION

October 27, 2011

## I. INTRODUCTION

### A. Petitioner's Proposal

By petition dated September 7, 2011, pursuant to Connecticut General Statutes Section 13b-343 and 4-177 through 182 and assigned Docket No. 1109-92-RR, the petitioner is the Department of Transportation, Office of Engineering ("petitioner"), proposes to remove the vehicular crossing and limit access to pedestrians only on Robert Loughery Way in New Britain, Connecticut.

### 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 October 20, 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 Mitchell, Manager of Highway and Traffic Engineering for URS Corporation, appeared on behalf of the department as a case presenter. URS is an independent consulting firm hired by the Department of Transportation to provide design services for the Hartford to New Britain bus way project on which this subject crossing is located. URS has a mailing address of 500 Enterprise Drive, Rocky Hill, Connecticut 06067.

Mr. Robert Burns, Esq. appeared on behalf of Pan Am Railways and was granted intervenor status. The mailing address for Pan Am Southern, LLC is 1700 Iron Horse Park, No. Billerica, MA 01862. During the opening remarks, Pan Am council left the room and did not participate in the hearing.

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

## II. FINDINGS OF FACT

1. The New Britain-Hartford busway is a 9.4 mile long road being constructed to provide exclusive transportation to busses for a Bus Rapid Transit System.

2. Robert Loughery Way crosses the tracks of the Waterbury Branch of the Pan Am Southern Railway 50 feet north of Columbus Boulevard.

3. The existing protection at this crossing consists of railroad cross bucks, flashing lights and crossing gates.

4. The department proposes to remove the vehicular crossing on Robert Loughery Way and limit the access to pedestrians only. The plan calls for removal of the vehicular pavement, construction of a paved sidewalk and a pedestrian crosswalk to move pedestrians in a more tightly controlled fashion when crossing the Waterbury Branch track.

5. A six foot chain link fence will be installed to prevent pedestrians from crossing the track at a point other than the proposed sidewalk. At the crossing, the existing railroad flashing lights, railroad gates and crossing surface will be modified to accommodate pedestrian traffic. Detectable warning strips will be installed across the sidewalk path to warn pedestrians with impairments of the upcoming crossing.

6. Conversion of the crossing to pedestrian only will occur after the completion of the New Britain station.

7. The Office of Rail, Rail Regulatory Unit, has reviewed the plans for the proposed crossing modifications and takes no exceptions to the proposed changes.

8. Pan Am Southern operates two train movements over the crossing per day at an average speed of 10 mph.

### 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.

The existing crossing has both pedestrian and vehicular traffic at this time. The department seeks to modify the crossing by closing it to vehicular traffic and reconstructing the pedestrian crossing area to a more narrow access point. Public safety will be improved at this crossing with the modifications proposed by the petitioner.

### 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.

1. The railroad/highway crossing at Robert Loughery Way, crossing #500950A, located at milepost 2.45 of the Waterbury Branch Line of Pan Am Southern shall be modified by removing the railroad vehicular gates, relocating the railroad flashing lights, installing railroad pedestrian gates and modifying the railroad crossing surface. This work is to be performed by Pan Am Southern, LLC by way of a railroad force account agreement with the petitioner. The crossing

improvements will be governed by the provisions of the Department of Transportation's "Standard Specification for Roads, Bridges and Incidental Construction," Form 816, and shall be in accordance with the standards and specifications of the Association of American Railroads and the American Railway Engineering Association. Upon completion of the work, Pan Am Southern LLC will continue to be responsible for the maintenance of the railroad appurtenances.

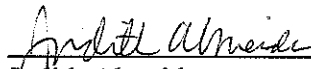
2. The installation of all pavement marking and signing associated with the railroad/pedestrian crossing will be the responsibility of the petitioner and shall be installed in accordance with the latest edition of the "Manual on Uniform Traffic Control Devices."

3. The petitioner shall be responsible for reimbursement for any flagging protection services deemed necessary by Pan Am Southern, LLC during the implementation of railroad crossing improvements.

4. The petitioner shall upon completion of the installation of the proposed railroad crossing appurtenances and any other traffic control devices as stated above, will be responsible for contacting the Department's Rail Regulatory and Compliance Unit in order that an inspection of the railroad/pedestrian at grade crossing is performed for the approval of the traffic control devices.

Dated at Newington, Connecticut, on this 27<sup>th</sup> day of October, 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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