



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:  
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DOCKET NO. 1202-25-RR

RE: IN THE MATTER OF THE PETITION FROM THE TOWN OF NORTH CANAAN  
TO CREATE A RAILROAD/HIGHWAY AT GRADE CROSSING.

FINAL DECISION

April 5, 2012

## I. INTRODUCTION

### A. Petitioner's Proposal

By petition dated February 13, 2012, pursuant to Connecticut General Statutes, Section 13b-292 and assigned Docket No. 1202-25-RR, the Town of North Canaan (petitioner), proposes to create a legal highway/railroad at grade crossing at a location known as the North Wye in the town of North Canaan, Connecticut.

The crossing is on the section of a turning wye owned by the Connecticut Department of Transportation and operated by the Housatonic Railroad Company.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-292, a public hearing on this petition was held at the administrative offices of the Department of Transportation, in Newington, Connecticut on March 29, 2012.

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

John Lloyd, Director of Facilities Engineering with AI Engineers, appeared to give a presentation on the proposed crossing. Mr. Lloyd's mailing address is 919 Middle Street, Middletown, Connecticut 06457.

Mathew Whitney, In House Council for the Housatonic Railroad Company, petitioned for party status and was granted intervenor status in this matter. Mr. Whitney's office is located at 8 Davis Road West, P.O. Box 687, Old Lyme, Connecticut.

Gilbert Smart, Supervising Rail Officer, appeared on behalf of the department in this matter.

Nilesh Patel, Project Manager for Highway Design, appeared on behalf of the department in this matter.

## II. FINDINGS OF FACT

1. The petitioner in this matter is the Town of North Canaan (hereinafter "petitioner").
2. The petitioner seeks to create a private railroad/highway at grade crossing in North Canaan at what is known as the North Wye crossing. The turning wye is owned by the Connecticut Department of Transportation and operated by the Housatonic Railroad Company.
3. The construction of the crossing shall be the responsibility of the petitioner including all pavement markings and signing. The installation of the pavement markings and signing shall be a type three Private Railroad Crossing in accordance with the "Manual on Uniform Traffic Control Devices" and the "Minimum Standards for Traffic Control Devices at Private Railroad Crossings as shown in applicant's exhibit 4.
4. The petitioner shall be responsible for the maintenance of the crossing including the surface, pavement markings, signing and sight line clearance. The petitioner shall maintain a minimum sight line clearance of 98 feet of clear sight line in each approach direction.
5. The Regulatory and Compliance Unit, after receiving the plans and after conducting a review, is in favor of establishing the crossing.
6. The petitioner upon completion of the crossing shall contact the Rail Regulatory Unit in order for an inspection of the railroad/highway at grade crossing to be performed for the approval of the traffic control devices.
7. The cost of the crossing will be paid by state, federal and municipal funds for design and construction. There will a force account agreement between the Town of North Canaan and Housatonic Railroad which will provide for the construction of the crossing. The Department of Transportation will enter into an agreement with the Town of North Canaan to reimburse eligible costs.
8. The crossing will allow access to the south side of the North Canaan Union Station for additional overflow parking, maintenance and emergency access. The crossing is primarily intended for vehicular access to the south side of the building. Pedestrian traffic is not an issue at this crossing as pedestrians do not have to cross the rails to access the station.
9. The Office of Rail has a property unit which will develop a written agreement between the Town of North Canaan, Housatonic Railroad and State to provide the liability protection at the crossing which will be the responsibility of the petitioner.
10. The crossing will be completed by the summer 2013.
11. There is no opposition to the proposed project.

### III. DISCUSSION

The petitioner seeks to create a private railroad/highway at grade crossing on the south side of Union Station to allow access to parking, maintenance and emergency access. The crossing is currently being used by the Town of North Canaan for emergency access, to access the south side of the building and for overflow parking at the site.

Based on the testimony and evidence presented, the proposed crossing is necessary for the economic welfare of the community by allowing emergency access to the site and providing additional parking while installing the passive warning devices to enhance public safety.

### IV. ORDER

Based on the evidence of record and pursuant to Connecticut General Statutes Section 13b-292, the following safety measures and orders shall be undertaken:

1. The construction of the crossing shall be the responsibility of the petitioner including all pavement markings and signing. The installation of the pavement markings and signing shall be a type three Private Railroad Crossing in accordance with the "Manual on Uniform Traffic Control Devices" and the "Minimum Standards for Traffic Control Devices at Private Railroad Crossings" as shown in applicant's exhibit 4.
2. The petitioner shall be responsible for the maintenance of the crossing including the surface, pavement markings, signing and sight line clearance. The petitioner shall maintain a minimum sight line clearance of 98 feet of clear sight line in each approach direction.
3. The petitioner upon completion of the crossing shall contact the Rail Regulatory Unit in order for an inspection of the railroad/highway at grade crossing to be performed for the approval of the traffic control devices.
4. The cost of the crossing will be paid by a force account agreement with federal, state and municipal funds for design and construction. There will a force account agreement between the Town of North Canaan and Housatonic Railroad which will provide for the construction of the crossing. The Department of Transportation will enter into an agreement with the Town of North Canaan to reimburse the eligible costs.

5. The crossing liability will be expressly outlined in the written agreement between the State, Housatonic Railroad and the petitioner with the petitioner bearing the responsibility for the liability at the proposed crossing.

Dated at Newington, Connecticut, on this 5<sup>th</sup> day of April 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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