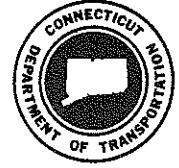




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:
(860) 594-2863

DOCKET NO. 1204-49-RR

RE: IN THE MATTER OF THE PETITION FROM THE DIVISION OF TRAFFIC
ENGINEERING OF THE DEPARTMENT OF TRANSPORTATION TO UPGRADE THE
RAILROAD DEVICES AT THE RAILROAD CROSSING ON ORONOQUE ROAD IN
MILFORD.

FINAL DECISION

April 27, 2012

I. INTRODUCTION

A. Petitioner's Proposal

By petition dated April 10, 2012, pursuant to Connecticut General Statutes Section 13b-343 and assigned Docket No. 1204-49-RR, the petitioner, Division of Traffic Engineering of the Connecticut Department of Transportation (hereinafter "petitioner"), proposes to upgrade the Oronoque Road crossing in Milford by modernizing the railroad flashing lights, installing vehicular gates, modifying the crossing surface and reconstructing the roadway approaches.

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 April 25, 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

Stephen Curley, Transportation Engineer 3 for the department testified on the proposed crossing upgrades.

Gilbert Smart, Supervising Rail Officer with Rail Regulatory testified for the department.

Gary Wassmer, City Engineer of Milford, made an appearance at the hearing. Mr. Wassmer's address is 70 W. River Street, Milford, Connecticut 06460.

Anthony Chieffo, Assistant Director and Angelo Ricci, Supervisor from Metro North Commuter Railroad both appeared at the hearing. Mr. Chieffo's address is 24 Fisher Lane, White Plains, New York 10603. Mr. Ricci's address is 26 Eldor Lane, Trumbull, Connecticut 06907.

II. FINDINGS OF FACT

1. The petitioner in this matter is the Department of Transportations Division of Traffic Engineering (hereinafter "petitioner").

2. The petitioner seeks to upgrade a railroad crossing on Oronoque Road in Milford which has been assigned State Project Number 83-233. The proposed upgrade includes modernizing the railroad flashing lights, installing vehicular gates, modifying the crossing surface and reconstructing roadway approaches. The current safety devices are flashing lights, signage and pavement markings.

3. The posted vehicular speed limit on Oronoque Road is 25 mph.

4. The daily vehicular traffic over Oronoque Road in 2006 was 1069 vehicles per day.

5. The crossing is on the Waterbury Branch of the Metro-North Commuter Railroad Company. There are 15 train movements over the crossing on a daily basis with a train speed of 59 miles per hour.

6. The crossing upgrade will give the public greater protection.

7. The implementation of the crossing improvements shall be the responsibility of the Connecticut Department of Traffic Engineering (petitioner).

8. Upon completion of the project, the Metro-North Railroad shall be responsible for the continued maintenance of the crossing.

9. The petitioner will be responsible for the reimbursement for any flagging protection as deemed necessary by Metro-North Commuter Railroad.

10. The work on the project will be performed by Metro-North Railroad by way of a railroad force account agreement with the petitioner. The cost of the work is estimated at approximately one million dollars.

11. The Regulatory and Compliance Unit, after receiving the plans and after conducting a review, is in favor of upgrading the crossing.

12. The petitioner, upon completion of the crossing, shall contact the Rail Regulatory Unit for inspection and approval of the traffic control devices.

13. It is anticipated that the work on crossing will be completed in the summer 2012.

III. DISCUSSION

The petitioner seeks to upgrade a railroad crossing on Oronoque Road in Milford. The upgrades include modernizing the railroad flashing lights, installing vehicular gates, modifying the crossing surface and reconstructing the roadway approaches.

Based on the testimony and evidence presented, the proposed upgrades will make the crossing safer and are in the public interest.

IV. ORDER

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

1. The petitioner shall be responsible for the implementation of the improvements. The improvements will consist of modernization of the existing railroad flashing lights, installation of vehicular gates and the reconstruction of the crossing surface.

2. The work is funded under State Project Number 83-233 and will be performed by Metro-North Commuter Railroad Company by way of a railroad force account agreement with the petitioner.

3. 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. All upgrades and added safety measures shall be in accordance with the "Manual on Uniform Traffic Control Devices", approved by the Connecticut Department of Transportation and installed by Metro-North Commuter Railroad Company.

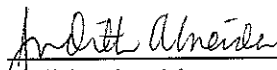
4. Upon completion of the work, the Metro-North Commuter Railroad Company will be responsible for the maintenance of the railroad appurtenances.

5. The petitioner will be responsible for reimbursement for any flagging protection services deemed necessary by Metro-North Commuter Railroad Company during the implementation of the railroad crossing improvements.

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.

Dated at Newington, Connecticut, on this 27th day of April 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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