



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:  
(860) 594-2863

DOCKET NO. 1204-50-RR

RE: IN THE MATTER OF THE PETITION FROM THE DIVISION OF TRAFFIC  
ENGINEERING OF THE DEPARTMENT OF TRANSPORTATION TO CLOSE THE PLAINS  
ROAD CROSSING 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-270 and assigned Docket No. 1204-50-RR, the petitioner, Division of Traffic Engineering of the Connecticut Department of Transportation (hereinafter "petitioner"), proposes to close the Plains Road crossing in Milford.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-270, 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 closure.

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 for Metro-North Commuter railroad appeared at the hearing. Mr. Chieffo's address is 24 Fisher Lane, White Plains, New York 10603.

Angelo Ricci, Supervisor from Metro-North Commuter Railroad appeared at the hearing. 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 close a railroad crossing on Plains Road in Milford under State Project Number 83-233. The crossing on Plains Road has been temporarily closed since 1999 following a serious incident involving a train hitting a vehicle at the crossing. There was also a similar incident in 1995.

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

4. The daily vehicular traffic over Plains Road in 2009 was 1900 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 surface has been removed and jersey barriers have been installed on Plains Road to prevent access to the crossing. The existing warning devices which consist of railroad flashing lights and vehicular gate assemblies have remained at the crossing.

7. The removal of the existing warning devices will simplify the implementation of the new safety devices at Oronoque Road, reduce the project construction costs and future maintenance costs.

8. The crossing closure will improve public safety.

9. The petitioner shall be the responsible for removal of the railroad equipment.

10. The work will be funded under State Project Number 83-233 and performed by Metro-North Commuter Railroad by way of a force account with the petitioner. The cost of the work is estimated at approximately \$172,000.

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

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

### III. DISCUSSION

The petitioner seeks to close a railroad crossing on Plains Road in Milford. The crossing was closed in 1999 following two serious incidents in which a train made contact with a vehicle at the crossing. The crossing is not needed to access the properties west of the railroad. Since the crossing was closed in 1999, the department has not received any complaints concerning access to property being prevented by the closed crossing. Closing the crossing would benefit the public and reduce maintenance costs.

Although the City of Milford wants to reserve the right to reopen the crossing in the future, there is already a mechanism for that should the need arise. The crossing is clearly a hazard to the public based on the two train accidents which occurred at the site prior to it being closed in 1999. There was no testimony presented which reflects any reason for keeping the crossing open. The department received a couple of letters opposing the crossing closure, but none of these individuals appeared to express their concerns.

Based on the testimony and evidence presented, the crossing on Plains Road will be closed.

### IV. ORDER

Based on the evidence of record and pursuant to Connecticut General Statutes Section 13b-270, the following safety measures and orders shall be undertaken:

1. The petitioner shall be responsible for removal of the railroad equipment.
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.
4. The petitioner will be responsible for reimbursement for any flagging protection services deemed necessary by Metro-North Commuter Railroad Company during the removal of the railroad appurtenances.

5. The petitioner upon completion of the removal of the crossing shall contact the Rail Regulatory Unit in order for an inspection of the railroad/highway at grade crossing to be performed.

Dated at Newington, Connecticut, on this 27<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