

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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Phone:  
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DOCKET NO. 1204-52-RR

RE: IN THE MATTER OF THE PETITION FROM THE DIVISION OF TRAFFIC  
ENGINEERING OF THE DEPARTMENT OF TRANSPORTATION TO REMOVE THE EXISTING  
RAILROAD APPURTENANCES, RAILROAD FLASHING LIGHTS AND GATES AT THE  
RAILROAD CROSSING ON FLATBUSH AVENUE IN WEST HARTFORD.

FINAL DECISION

May 15, 2012

## I. INTRODUCTION

### A. Petitioner's Proposal

By petition dated April 11, 2012, pursuant to Connecticut General Statutes, Section 13b-270 and assigned Docket No. 1204-52-RR, the petitioner, Division of Traffic Engineering of the Connecticut Department of Transportation (hereinafter "petitioner"), proposes to remove the existing railroad appurtenances, railroad flashing lights and gates at a railroad crossing on Flatbush Avenue in West Hartford. Removal of the devices is being requested because the highway/rail crossing is going to be grade separated by a proposed bridge over the railroad tracks.

### 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 May 9, 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

Antonio Margiotta, Project Manager, testified on the proposal as the consultant from Michael Baker Engineering, Inc. His mailing address is 500 Enterprise Drive, Suite 2B, Rocky Hill, Connecticut.

Brian Cunningham, Department of Transportation's Project Manager with Consultant Design, testified in support of the project.

Gilbert Smart, Department of Transportation's Supervising Rail Officer with Rail Regulatory, testified in support of the project.

Patrick Alair, Deputy Corporation Council for the town of West Hartford, was granted intervenor status in this matter. His mailing address is 50 South Main Street, West Hartford, Connecticut 06107.

Ronald Van Winkle, Town Manager of West Hartford, also made an appearance. His mailing address is 50 South Main Street, West Hartford, Connecticut 06107.

## II. FINDINGS OF FACT

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

2. The subject crossing is on the Amtrak Springfield line located at Milepost 33.90.

3. As a result of the New Britain-Hartford busway, State Project Number 171-305, there is a proposal to grade separate the existing highway/railroad crossing by the construction of a new bridge that will carry traffic over the rail crossing. The petitioner seeks to remove the railroad devices at the rail crossing on Flatbush Avenue which includes flashing lights and gates as they no longer will be needed.

4. Amtrak will remove the devices at the crossing. The cost for the removal will be paid by a force account agreement with the petitioner.

5. Sixteen (16) trains per day use the crossing with a maximum speed of 80 mph for the passenger trains and 60 mph for the freight trains.

6. The daily traffic over the crossing is 21,400 vehicles per day.

7. The proposed bridge will fall completely within the town of West Hartford (hereinafter "town"). Upon completion of the construction, the town and City of Hartford (hereinafter "city") will own Flatbush Avenue.

8. The petitioner will maintain the bridge structure pursuant to Connecticut General Statutes 13a-99a(a), the retaining walls supporting the approaches to the bridge and sidewalks on the bridge and its approaches pursuant to Connecticut General Statutes Section 13a-91.

9. The town of West Hartford will maintain the road, including the road on the bridge, pursuant to Connecticut General Statute Section 13a-99a(c).

10. The Regulatory and Compliance Unit, after receiving the plans and after conducting a review, is in favor closing the Flatbush Avenue public crossing (#500698N).

11. The grade separation of this crossing will improve traffic by removing vehicle stacking over the crossing and safety concerns surrounding pedestrians crossing the railroad tracks.

12. The proposed bridge will be constructed with Federal Highway funds.

## 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 railroad/highway at grade crossing on Flatbush Avenue located at Milepost 33.90 shall be removed and a bridge shall be installed over the current crossing as described in Exhibit 3. The petitioner shall be responsible for all improvements.

2. The removal of all active and passive railroad warning devices at the crossing. Active devices include the following; vehicular gates, pedestrian gates, railroad bell, side mounted flashing lights and cantilevered flashing lights. This work is to be performed by Amtrak by way of a railroad force account agreement with the petitioner.

3. The petitioner shall revise the following traffic control signals to remove the railroad preemption phasing:

- a. New Park Avenue at Flatbush,
- b. Flatbush Avenue at Newfield Avenue.

4. The petitioner shall be responsible for reimbursement for any flagging protection services deemed necessary by Amtrak during the removal of the railroad crossing and construction of the bridge.


5. That the crossing shall not be closed or taken out of service until said bridge is constructed and in operation.

6. 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.

7. The petitioner, upon completion of the removal of the crossing appurtenances and the construction of the bridge as stated in number 1 & 2 above, will be responsible for contacting the Department's Rail Regulatory Unit in order for an inspection of the crossing to be performed for final approval.

Dated at Newington, Connecticut, on this 15<sup>th</sup> day of May 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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