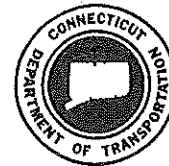




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1308-316-RR

RE: IN THE MATTER OF THE PETITION FROM THE OFFICE OF RAIL TO CREATE A
NEW PRIVATE PEDESTRIAN CROSSING IN TORRINGTON, CONNECTICUT FOR
FRANKLIN PRODUCTS.

FINAL DECISION

October 9, 2013

I. INTRODUCTION

A. Petitioner's Proposal

By petition dated February 4, 2013, pursuant to Connecticut General Statutes Section 13b-292 and assigned Docket No. 1308-316-RR, the petitioner, Office of Rail of the Connecticut Department of Transportation (hereinafter "petitioner"), proposes to install a private pedestrian crossing for the Franklin Products Manufacturing Company in Torrington, Connecticut.

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 7, 2013.

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

Gilbert Smart, Supervising Rail Officer, presented the department's case.

Julie Thomas, Supervising Rail Officer, appeared as a witness in this matter.

Dennis Nebiolo, Strategic Procurement Manager for Franklin Products, appeared on behalf of the company. His address is P.O. Box 117, 153 Water Street, Torrington, CT 06790.

II. FINDINGS OF FACT

1. The petitioner in this matter is the Department of Transportation's, Office of Rail (hereinafter "petitioner").

2. The petitioner seeks to establish a new private pedestrian crossing on the Torrington Secondary Line at milepost 19.18.

3. The rail line is owned by the department but operated by Naugatuck Railroad Company. Naugatuck Railroad Company does not object to the crossing as long as any and all expenses associated with the private crossing requested by Franklin Products will not be the responsibility of the Naugatuck Railroad Company.

4. This section of rail line is rarely used. Train speeds that cross over this line are going only 10 miles per hour.

5. The purpose of the crossing is to allow Franklin Products to access their properties on both sides of the rail line in order to allow safe pedestrian crossings between the two company properties.

6. The crossing surface will consist of wood timbers in the track area and an asphalt surface for the approach area.

7. Franklin Products will finance the installation and maintenance of the crossing as well as the signage needed on both sides of the crossing. The signs will be inspected by the Office of Rail for placement.

8. Franklin Products will enter into an agreement with Naugatuck Railroad Company to perform the necessary work at the crossing as detailed in June 26, 2012, Right of Entry agreement which is attached as department's Exhibit 2.

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

III. DISCUSSION

The petitioner seeks to establish a private pedestrian crossing at the Franklin Products property in Torrington, Connecticut. Both the State and the railroad are in support of the proposal.

Based on the testimony and evidence presented, the proposed private crossing will benefit Franklin Products while not negatively impacting the railroad.

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:

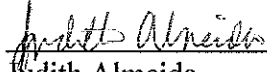
1. Franklin Products will finance the installation and maintenance of the crossing as well as the signage needed on both sides of the crossing. The crossing surface and signs will be inspected by the Office of Rail to ensure compliance with department standards and specifications.

2. Franklin Products will enter into an agreement with Naugatuck Railroad Company to perform the necessary work at the crossing as detailed in June 26, 2012, Right of Entry Agreement.

3. The pedestrian crossing shall not be placed into service until inspected and approved by the Office of Rail.

Dated at Newington, Connecticut, on this 9th day of October 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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