

Vernon L. Gorton, Jr.

Attorney At Law

181 Chase Road

P.O. Box 145

Portsmouth, R.I. 02871

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vern@legal.necoxmail.com

June 9, 2011

Clerk
Public Utilities Commission
100 Orange Street
Providence RI 02903

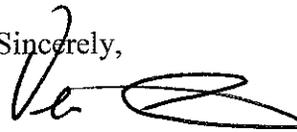
RECEIVED
2011 JUN 20 PM 2:49
PUBLIC UTILITIES COMMISSION

Re: Petition of Northern Waterfront LP

Dear Sir:

Enclosed herewith please find the original and nine (9) copies a petition by Northern Waterfront associates LP to construct a temporary crossing of the Newport Secondary Line along with my entry of appearance. Kindly advise me if there is anything further I need do to arrange to have this petition scheduled for hearing. Thank you for your anticipated cooperation.

Sincerely,



Vernon L. Gorton, Esq.

cc: RIDOT
Dinner Train LLC
Division of Public Utilities & Carriers

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: NORTHERN WATERFRONT
ASSOCIATES, LP/NEWPORT
SECONDARY LINE

DOCKET NO. _____

ENTRY OF APPEARANCE

I hereby enter my appearance on behalf of Northern Waterfront Associates, LP



Vernon L. Gorton, Esq. (2625)
181 Chase Road
Portsmouth, RI 02871
683-4800

RECEIVED

2011 JUN 20 PM 2:49

PUBLIC UTILITIES COMMISSION

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: NORTHERN WATERFRONT
ASSOCIATES, LP/NEWPORT
SECONDARY LINE

DOCKET NO. _____

PETITION FOR
TEMPORARY CROSSING

Now comes the Petitioner, Northern Waterfront Associates LP and petitions this Honorable body in exercise of its jurisdiction pursuant to Chapter 8.3 of Title 39 of the Rhode Island General Laws, for permission to cross the Newport Secondary Railroad Line in Portsmouth, Rhode Island, (“Newport Secondary”), at a certain location designated as Club House Road Crossing as depicted on plans entitled **“CARNEGIE BEACH CLUB, ACCESS ROAD TEMPORARY RAILROAD CROSSING WEST SHORE AND BRISTOL FERRY ROAD, PORTSMOUTH, RHODE ISLAND 02871, MAY, 2011 PERMIT SET, by Northeast Engineers and Consultants, Scale: 1” = 30’ Sheets C-1, EX-1, PR-1 and D-1”** (hereinafter the “Plans” attached hereto as Exhibit A), on a temporary basis.

As grounds for this petition Petitioner states as follows:

1. The proposed temporary crossing is at the location of a proposed permanent crossing which is approximately 912 feet north of the existing crossing at West Shore Road and 1,590 feet south of the existing crossing at Terminal Road as shown on the above referenced plans.

2. Due to the fact that a significant part of overall project is located within 200 feet of the shoreline the RICRMC has assumed jurisdiction of the entire project and as a result the final permit for the permanent crossing cannot be issued until an Assent is issued by RICRMC for the entire project which said Assent is pending and contemplated to be issued in July or August 2011.
3. Petitioner has an immediate need to utilize the crossing to create limited private access between the existing equestrian center and the existing resort development known as Carnegie Abbey Resort. The Club House Road is the only roadway directly connecting the existing resort on the south side of Willow Lane to the Equestrian Center on the project site. The equestrian center is built and functional and as members arrive for the summer season they will need to access the equestrian center from the resort.
4. It is anticipated that the need for the temporary crossing will not exceed six (6) to nine (9) months.
5. Petitioner proposes to install two stop signs as shown on sheet D-1 on said plans, one on each side of the temporary crossing.
6. This petition has the support of RIDOT and Dinner Train LLC, (see Dinner train letter attached as Exhibit B). Dinner Train LLC does not presently travel over the portion of the tracks where the proposed crossing is to be located and does not plan to do so in the immediate future. In the event Dinner Train LLC needs to make use of that portion of the tracks they have agreed to utilize the procedure set forth on Exhibit C attached hereto.

7. Petitioner submits that the grant of this petition is in the public interest and in accordance with law and regulatory policy.

WHEREFORE your Petitioner prays that the petition top allow a temporary crossing of the Newport Secondary Railroad Line at the location and in the form and manner as depicted on the plans attached hereto be granted.

Northern Waterfront Associates, LP
by its attorney:



Vernon L. Gorton, Esq. (2625)
181 Chase Road
Portsmouth, RI 02871
683-4800

CERTIFICATION

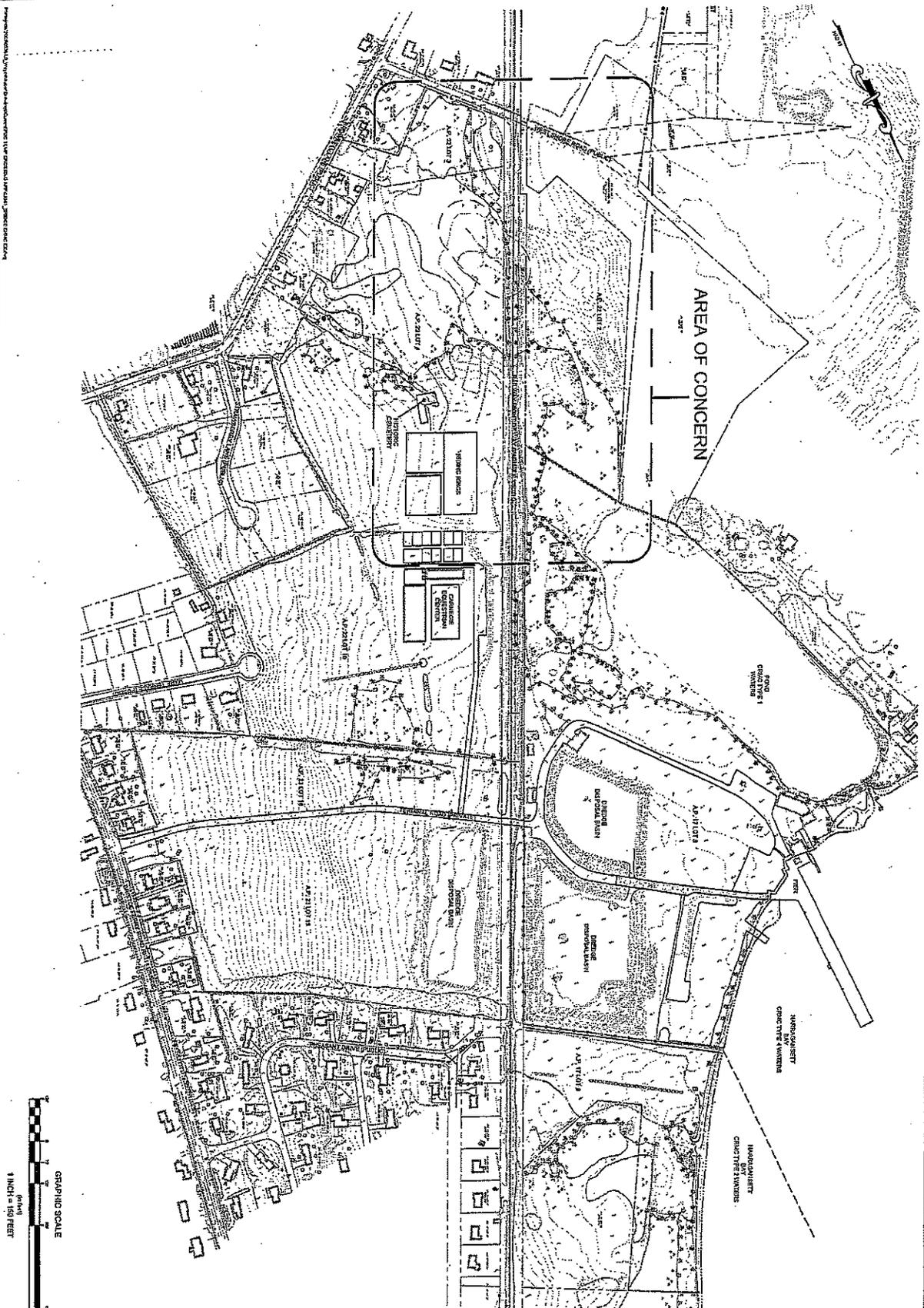
I hereby certify that on the 9 day of June, 2011, I mailed a copy of the within petition to the following persons postage prepaid by regular mail.

RI Dept. of Transportation
Chief Special Counsel
Office of Legal Counsel
Two Capitol Hill, Rm. 250
Providence, RI 02903

Division of Public Utilities and Carriers
Administrator
89 Jefferson Blvd
Warwick, RI 02888

Dinner Trains of New England, LLC
c/o Robert J. Andrews
56 Bridge Street
P.O. Box 1081
Newport, RI 02840



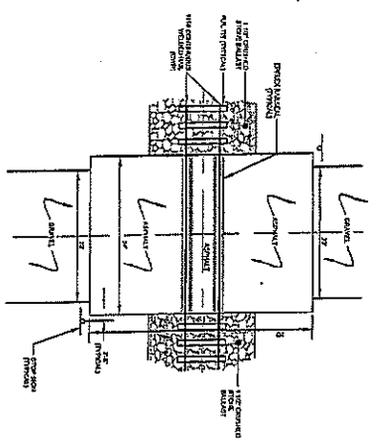


GRAPHIC SCALE
 1 INCH = 150 FEET

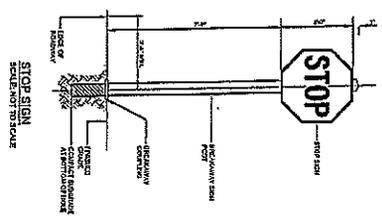
PROJECT NUMBER: 05981.0
SCALE: 1" = 150'
DRAWING TITLE: EXISTING CONDITIONS PLAN
DRAWING NUMBER: EX-1
SHEET: 3 OF 5

CARNegie BEACH CLUB
 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

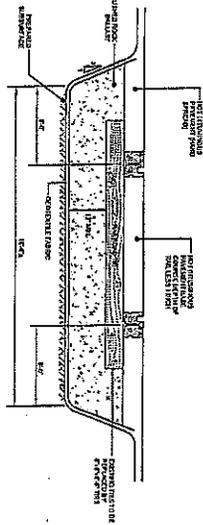
PROVIDED BY THE ARCHITECT FOR THE PROJECT AND NOT BEING A PART OF THE CONTRACT DOCUMENTS.



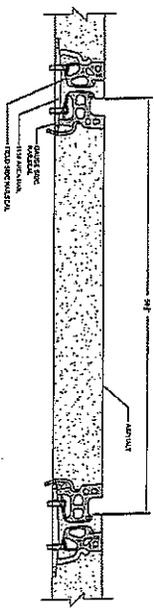
MAIN ACCESS ROAD PERMANENT CROSSING DETAIL.
SCALE: NOT TO SCALE



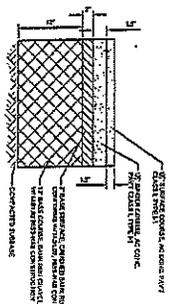
STOP SIGN
SCALE: NOT TO SCALE



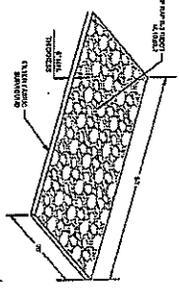
TYPICAL CROSSING TRANSVERSE SECTION
SCALE: NOT TO SCALE



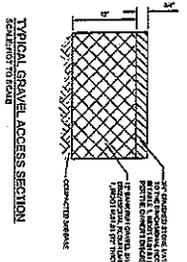
SECTION THROUGH RAILWAY AT CROSSING WITH SEAL DETAIL.
SCALE: NOT TO SCALE



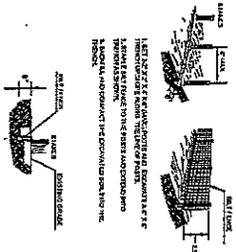
TYPICAL BITUMINOUS PAVEMENT SECTION
SCALE: NOT TO SCALE



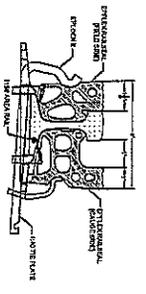
TYPICAL CLEANING BANKET DETAIL
SCALE: NOT TO SCALE



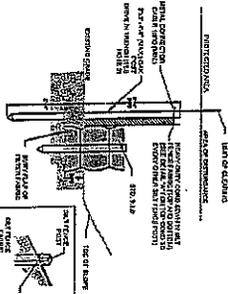
TYPICAL GRAVEL ACCESS SECTION
SCALE: NOT TO SCALE



SILT FENCE DETAIL
SCALE: NOT TO SCALE



EPLOCK RAIL SEAL AND EPLOCK II CLIPS TYPICAL INSTALLATION
SCALE: NOT TO SCALE



BALED HAY EROSION CHECK AND SILT FENCE COMBINED (R1007) 3.0
SCALE: NOT TO SCALE

NOTES:
1. SHALL BE ACCORDANCE WITH SECTION OF THE ALL STATES SPECIFICATIONS.
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<p>PROJECT TITLE: CARNegie BEACH CLUB</p>	
<p>PROJECT NUMBER: 05561.0</p>	
<p>SCALE: AS SHOWN</p>	
<p>DRAWING TITLE: SITE DETAILS</p>	
<p>DRAWING NUMBER: D-1</p>	
<p>SHEET: 5 of 5</p>	
<p>DATE: 1/1/2011</p>	
<p>PROJECT LOCATION: 1000 N. 10TH ST. #100 CARNegie BEACH, CA 94010</p>	
<p>CLIENT: CARNegie BEACH CLUB</p>	
<p>DESIGNER: NEC</p>	
<p>DATE: 1/1/2011</p>	
<p>PROJECT NUMBER: 05561.0</p>	
<p>SCALE: AS SHOWN</p>	
<p>DRAWING TITLE: SITE DETAILS</p>	
<p>DRAWING NUMBER: D-1</p>	
<p>SHEET: 5 of 5</p>	



*Rhode Island's Only
Moving Dinner Train*

**Post Office Box 1081
56 Bridge Street
Newport, RI 02840**

**401-841-8700
800-398-7427**

**info@newportdinnertrain.com
www.newportdinnertrain.com**

May 20, 2011

Mr. James E. Lanni
Associate Public Utilities Administrator
For Operations and Consumer Affairs
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, R.I. 02888

Re: Request for temporary rail crossing for Northern Waterfront
Associates, LP, north of West Shore Road, Portsmouth, RI

Dear Administrator Lanni:

I am writing to formally note our endorsement of the proposed temporary crossing of the Newport Secondary for Northern Waterfront, LP (NWA). As you know, we have been in discussions with the Rhode Island Department of Transportation and NWA for quite some time to finalize a petition for NWA to upgrade two existing rail crossings and install a new crossing for access from the south to the NWA property from the West Shore Road area. This formal petition should be signed very soon by all parties. NWA needs temporary access now from the West Shore Road area in order to access their Equestrian Center. The temporary access crossing will be in the same location as the proposed permanent crossing and we are in agreement with this location.

We very rarely access this area of the Newport Secondary and have no concerns with granting this temporary crossing.

Should you have any questions, I can be reached at 401 841-8700 or by email to: info@newportdinnertrain.com

Sincerely,

Robert J. Andrews
Dinner Trains of New England, LLC
56 Bridge Street
P.O. Box 1081
Newport, RI 02840

EXHIBIT B

EXHIBIT C

Restrictions and Safety Procedures for Use of Temporary RR Crossing of Newport Secondary Line at Club House Road

- a. Petitioner will thoroughly brief and advise all members and guests as they arrive at the Carnegie Beach Club and existing Carnegie Abbey Resort that the crossing is active and that they should stop, look and listen for bells and whistles before proceeding across the tracks at the crossing.
- b. According to the parties no train trips are planned to be made over the temporary crossing. Petitioner and Dinner Train LLC will notify the Division, the Commission and DOT of any change. Dinner Train LLC will notify Petitioner if it plans to traverse the crossing. Petitioner will post a notice of such proposed trip at a conspicuous place in the Petitioner's business office and the Club House.
- c. Petitioner will establish and maintain an adequate communication system with Dinner Train LLC, the operators of all other rail traffic on the Newport Secondary, member and guests to advise of any delay or variance of any scheduled trains transiting the Crossing.
- d. Prior to transiting the crossing all rail traffic, including but not limited to the Dinner Train, will be required to sound warning bells in accordance with RIGL 39-8-14.
- e. A "Stop and Proceed" procedure is entered in connection with train traffic transiting the crossing. All rail traffic, including but not limited to the Dinner Train, will come to a full, complete stop at a sign post erected fifty (50) feet in advance of the crossing. After observing that the crossing is clear of traffic, the train or other rail traffic may proceed over the crossing at a speed not exceeding five (5) miles per hour while continuing to sound its bells in accordance with RIGL 39-8-4.
- f. Petitioner will notify track inspection contractors, maintenance-of-way contractors, operators of rail vehicles, Dinner Train LLC and operators of all other rail traffic on the Newport Secondary regarding the requirements set forth herein. Petitioner shall notify DOT, the Commission and the Division in the event that any of the aforementioned persons or entities fails to comply with the terms and conditions of this agreement.

- g. Petitioner shall obtain and maintain adequate general comprehensive liability insurance to provide coverage for death, personal injuries and property damage that may arise as a result of accidents at the crossing. The State of Rhode Island and Providence Plantations and Dinner Train LLC will be named as additional insureds on said general comprehensive liability insurance policy or policies.
- h. Petitioner and Dinner Train LLC will indemnify, defend and hold harmless the State of Rhode Island and Providence Plantations, its agencies, officers and employees from any and all claims, causes of action liability, damages, costs and expenses, (including reasonable legal fees), whether legal or equitable, arising as a result of injury or death or damage to property involving a train or other rail traffic transiting the crossing.