

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

PETITION TO ELIMINATE A RAILROAD CROSSING :
BY THE RHODE ISLAND DEPARTMENT OF : DOCKET NO. 3339
TRANSPORTATION :

REPORT AND ORDER

This matter comes before the Public Utilities Commission (“Commission”) pursuant to R.I.G.L. § 39-8-1.1, which authorizes the Commission “to determine ‘whether any grade crossing should be altered, relocated, abolished or eliminated.’” On April 17, 2001, the Rhode Island Department of Transportation (“DOT”) sent a letter to the Division of Public Utilities and Carriers (“Division”) requesting an opinion “as to ~~whether or not Public Utilities Commission approval is required for the proposed removal~~ of an abandoned railroad crossing on Sockanosset Cross Road in Cranston.”¹

DOT noted that the abandoned railroad crossing is associated with the former Pontiac secondary railroad line which was officially abandoned by the Interstate Commerce Commission (ICC) by way of an Order dated December 11, 1991.² Because the line has been formally abandoned and sold, DOT indicated that it does not foresee reactivation of the abandoned crossing in the foreseeable future, and in fact, is studying the site for use as a bicycle path.³ The removal of the abandoned crossing is part of a joint reconstruction effort among DOT, the City of Cranston, and Carpionato Properties, Inc.⁴

¹ Letter from DOT to Division, dated 4/17/01, p. 1. The railroad in question is located approximately ½ mile southeast of New London Avenue on Sockanosset Road.

² Letter from DOT to the Division, dated 4/17/01, p.1; ICC Certificate of Abandonment, 12/11/91. The ICC determined that the abandonment would not result in an adverse impact on community development because it would open the area for other uses that could benefit the community.

³ Letter from DOT to the Division, 4/17/01, p. 1.

⁴ Id.

The Division filed a response with the Commission on July 6, 2001, indicating that Commission approval of DOT's request to remove the abandoned crossing was necessary. In that same letter, the Division recommended that the Commission approve the removal of the abandoned railroad crossing at Sockanosset Cross Road in Cranston concluding that "[t]he ten-year old decision of the ICC to abandon the Pontiac secondary railroad line has resulted in the Sockanosset crossing being dormant for a decade. Therefore, the Division believes that the DOT request to remove and dispose of the railroad crossing in the Garden City area of Cranston should be granted."⁵

At an open meeting held on August 2, 2001, the Commission considered the evidence presented by the DOT filing and the Division's response, and that removal of the abandoned railroad crossing on Sockanosset Cross Road was reasonable and necessary to continue with the joint reconstruction effort in Cranston, and the possible development of a bicycle path on the site of the former Pontiac secondary line. The Commission noted, however, that if DOT ever contemplates reactivation of the Pontiac secondary line, a grade crossing Petition must be filed with the Commission under R.I.G.L. § 39-8-1.1.⁶

⁵ Division Letter to the Commission, dated 7/6/01. After the Division provided DOT with the opinion that Commission approval was necessary, DOT requested the Commission consider the April 17, 2001 letter as its petition for approval to remove the abandoned railroad crossing at Sockanosset Cross Road in Cranston.

⁶ *Id.* at 2, n.1.

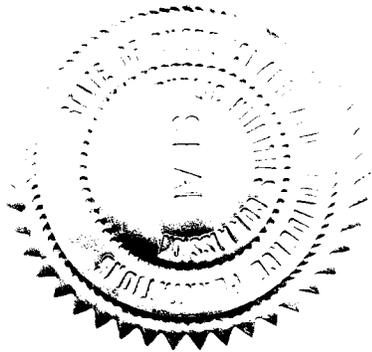
Accordingly, it is

(16687) ORDERED:

The April 17, 2001, petition of the Department of Transportation seeking approval to remove the abandoned railroad crossing on Sockanosset Cross Road in Cranston, Rhode Island is hereby approved.

EFFECTIVE AT WARWICK, RHODE ISLAND ON AUGUST 2, 2001 PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED AUGUST 21 , 2001.

PUBLIC UTILITIES COMMISSION



A handwritten signature in cursive script, appearing to read "Elia Germani".

Elia Germani, Chairman

A handwritten signature in cursive script, appearing to read "Kate F. Racine".

Kate F. Racine, Commissioner

A handwritten signature in cursive script, appearing to read "Brenda K. Gaynor".

Brenda K. Gaynor, Commissioner