

Manchester NH

BOSTON AND MAINE CORPORATION, DEBTOR
ROBERT W. MESERVE AND BENJAMIN H. LACY, TRUSTEES

CONTRACT BUREAU TRANSMITTAL MEMO

DATE AUG 18 1978

FROM: L. R. Mattice
Director-Contract Bureau

TO: Messrs. S. B. Culliford
P. W. Carr
J. J. Nee
D. J. Hughes
✓ Boston Div. Supt.-G. F. Gallagher
~~N. E. Div. Supt. W. V. Furey~~
Agent-*Manchester, N.H.*

Attached for your information is copy of numbered document checked below.

CONTRACT #

DEED # **12570**

CORRESPONDENCE RE CONTRACT #

OPENING NOTICE SENT

CLOSING NOTICE SENT

2014
C-7

ROBERT W. RESERVE AND BENJAMIN H. LACY, TRUSTEES OF THE PROPERTY OF THE
BOSTON AND MAINE CORPORATION

Petition to establish a new private grade crossing across two main line tracks, change status of Byron Street from public to a private way and restrict use of a private grade crossing known as Hancock Street to pedestrian use and emergency vehicle use only.

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Appearances: for the Trustees of the Boston and Maine Corporation,
John E. O'Keefe, Esquire.

..00..

REPORT

By petition filed December 27, 1977, the Trustees of the Boston and Maine Corporation seeks authority to provide certain changes in crossings over its main line south of the City of Manchester, most of which are the result of the construction of an interceptor sewer.

A private grade crossing is requested to be installed at Engineering Station 827410. The Byron Street grade crossing, a public crossing, is proposed to be changed to a private crossing. Hancock Street is presently a private crossing which crosses the main line and the yard tracks of the railroad corporation. It is proposed to close this to vehicular traffic, reduce its width from 15 feet to 10 feet, making it available for pedestrian use only and emergency vehicular traffic. Hearing thereon was held at Concord on January 30, 1978, at which no one appeared in opposition to the granting of the petition.

These changes involve improvement in traffic conditions with respect to industries in the general area located along and adjacent to the Boston and Maine tracks. Parties directly interested are, in addition to the City of Manchester, the Foster Grant, Inc., the American Velcro Company and the Granite State Packing Company.

The proposed private crossing at Engineering Station 327+10 will provide access from the Brown Avenue section of Manchester, via Sundial Street, east of the railroad right-of-way to a future entrance of Dunbar Street, which is west of the railroad right-of-way. This series of streets leads to the Manchester Sewerage treatment plant.

The American Velcro Company is also located on the west side of the railroad property and will be served by this crossing.

The City of Manchester pursuant to an agreement reached with the railroad trustees will bear the expense of the construction of this crossing, but it will be maintained by the railroad corporation and will be protected by the installation and maintenance of automatic crossing signals.

The Foster Grant Company owns property on both sides of the railroad right-of-way and is presently served by Byron Street. A portion of this street is a public highway and the remainder a private road, but the crossing itself is a public crossing and is protected by automatic flashing lights. An agreement has been entered into with the Foster Grant Company, Inc. and the Granite State Packing Company and the trustees of the railroad corporation whereby those firms will reimburse the railroad for future maintenance of this crossing and its protection with its status being changed from a public to a private crossing.

This crossing will also be used by officers, employees and patrons and business interests serving the Foster Grant Company, the Granite State Packing Company and the American Velcro Company.

The present private crossing at Hancock Street has been made available largely for the use of the Granite State Packing Company facilities. Because of the planned expansion of this concern, together with the increase in number of employees, additional parking space is to be made accessible by Sundial and

Byron Street. It will no longer be necessary for motor vehicle traffic to use the Hancock Street Crossing. It is proposed to eliminate motor vehicle traffic from this crossing, but to make it available for emergency use and to continue a pedestrian crossing at this location. The width of the crossing, however, would be reduced to approximately 10 feet in width.

Arrangements have been reached by the interested parties for the cost of installation of signals as required, and the maintenance of proper insurance coverage in case of accidents. The Foster Grant Company has granted an easement to the railroad for land on which access to the parking area will be provided.

The private crossing referred to in this case as Dunbar Street was installed as a private way for construction purposes, the construction company having paid \$30,000 for the crossing and protection devices. This is a 90° angle crossing and the plans provide for installation of flashing signals with automatic short arm gates. This installation is designed to activate the signals upon the approach of trains to provide a 35 second warning based on a 20 mile per hour speed of trains. The present protection will be continued at the Byron Street crossing. No protection is required for the pedestrian crossing at Dunbar Street. Train speeds at this crossing are conducted at approximately 10 miles per hour because of a limitation against higher speeds in the yard area just north of this crossing.

It is apparent from the testimony submitted in this proceeding that this proposal is the result of considerable planning for access to this industrial area. Agreements have been reached by the industries, the City of Manchester and the Railroad Corporation relative to the changes as proposed and the Commission, on this basis, feels that the changes petitioned for should be granted. Our order will issue accordingly.

Alexander J. Kalinski
Chairman

Francis J. Riordan, Commissioner

Concurring:
July 28, 1978

ROBERT W. RESERVE AND BENJAMIN H. LACY, TRUSTEES OF THE PROPERTY OF THE
BOSTON AND MAINE CORPORATIONORDER NO. 13,247

Upon consideration of the foregoing report, which is made a part hereof; it is

ORDERED, that the Trustees of the Boston and Maine Corporation be, and hereby are, authorized to make certain changes in crossings concerning its main line south of Manchester as follows:

Laying out and constructing a new private crossing at Engineering Station 827+10 to be accomplished at the expense of the City of Manchester, said crossing to be protected by the installation of automatic lights and gates, the cost and installation of which will also be borne by the City of Manchester with future maintenance to be assured by the railroad corporation.

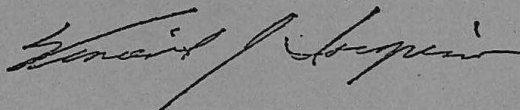
Byron Street: Authority is hereby granted to close Byron Street crossing as a public crossing and to continue the same as a private crossing at grade to be protected by automatic lights and gates substantially as presently installed.

Hancock Street: Authority is hereby granted to close Hancock Street to vehicular traffic continuing the same as a pedestrian crossing, subject, however, to emergency use by motor vehicles.

and, it is

FURTHER ORDERED, that the changes herein authorized shall be in accordance with a plan on file with this Commission, marked DT 77-182, and subject to a memorandum of understanding entered into by the Trustees of the Boston and Maine Corporation, the City of Manchester, the Foster Grant Company Inc., the American Velero Company and the Granite State Packing Company, also on file with this Commission, marked DT 77-182.

By order of the Public Utilities Commission of New Hampshire this twenty-eighth day of July 1978.



Secretary

led # 12483