

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: IGUS BEARINGS, INC. : DOCKET NO. 4652
PETITION FOR A PRIVATE AT-GRADE CROSSING :

REPORT AND ORDER

On September 30, 2016, pursuant to R.I. Gen. Laws §§ 39-8-1.1¹ and 39-8-1.3,² Igus Bearings, Inc. (Igus) filed with the Public Utilities Commission (PUC or Commission) a Petition for a Private, At-Grade Crossing over the Providence and Worcester Railroad Company's (P&W) East Providence Running Track (Track) in East Providence, Rhode Island. The Petition included engineering design plans for the requested crossing, to be located adjacent to 277 Ferris Avenue, East Providence.³

At an Open Meeting on December 13, 2016, the PUC approved the Petition, finding it to be consistent with its statutory authority and determining that the private crossing will be constructed and maintained in a manner that promotes public safety. Truck traffic related to Petitioner's business will use the private crossing, thus reducing traffic on Ferris Avenue and other public roads. Additionally, the private crossing will promote economic development by allowing Igus to expand its business operations and support additional jobs in the State.

¹ In R.I. Gen. Laws § 39-8-1.1 the legislature, citing its "exercise of the police power of the state for the safety of its inhabitants" vested in the Commission "the authority and power to determine the point at which and the manner in which any grade crossing of a railroad and a street shall be constructed and the jurisdiction to determine whether any crossing should be altered...and the manner and conditions under which the crossings shall be maintained."

² R.I. Gen. Laws §39-8-1.3 provides that "[n]o railroad owning railroad tracks within the state shall enter into an agreement of any nature whatsoever with any private party for the establishment of a private crossing at grade, unless and until the railroad shall have obtained permission from the commission for the establishment of the private crossing."

³ The plans, prepared by Waterman Engineering Company are attached to the Petition as Exhibit A. http://www.ripuc.org/eventsactions/docket/4652-IgusBearings-Petition_9-30-16.pdf.

Igus represented that it owns a distribution facility of approximately 17,000 square feet, located at 277 Ferris Avenue, that employs 160 people.⁴ In order to accommodate future expansion, it has executed a contract to purchase a portion of an abutting parcel from Aarjus IV, LLC (Aarjus). Igus intends to construct on this parcel an assembly and warehousing facility of approximately 81,000 square feet as an extension of its existing assembly and warehousing operations. The two abutting parcels are separated by P&W's rail line. According to Igus, travel between these two parcels currently requires the use of Ferris Avenue, which includes a public at-grade crossing. By its Petition, Igus is proposing to construct a signaled, at-grade private crossing between the current facility and the adjacent parcel.

Igus represented that, without this private at-grade crossing, it would be unable to expand its business and operate in a cost-effective manner.⁵ Igus further asserted that this private crossing will allow truck traffic to use its existing driveway at 277 Ferris Avenue to access both facilities without traveling back onto public streets, thus reducing truck traffic in the local neighborhood and allowing for the efficient internal operation of the adjoining facilities.⁶ Igus explained that the private crossing will accommodate employee pedestrian traffic consistent with the current Ferris Avenue at-grade crossing, which includes a pedestrian sidewalk crossing.⁷ Igus assured that all its employees will receive specific training regarding crossing the railroad tracks, including by vehicle and on foot.⁸

Igus indicated that on May 3, 2016, it executed a Memorandum of Understanding with P&W that sets forth the parties' intent to enter into a Preliminary Services Engineering Agreement,

⁴ Pet. at 1 & Ex. D.

⁵ *Id.* at 2

⁶ *Id.* at 2 & Ex. D.

⁷ *Id.* at 2.

⁸ *Id.*

a Construction Agreement, and a Grade Crossing License, each of which is conditioned upon the Commission's approval of the Petition. According to Igus, on May 9, 2016, the parties executed the Preliminary Services Engineering Agreement which requires P&W's review and approval of the preliminary and final engineering and design plans. Pursuant to this agreement, P&W has approved those plans.⁹

According to Igus, the Construction Agreement provides that P&W will supply the labor, materials, equipment, and services necessary to complete the crossing consistent with the plans. Igus further asserted that the Grade Crossing License grants it the use of the crossing subject to the following conditions: 1) only Igus, its employees and agents or other persons having business with Igus or its tenants may use the crossing, unless granted access by P&W; 2) Igus will pay annual maintenance fees to P&W to cover the costs of routine maintenance and inspection of the crossing and will pay costs of other needed repairs and/or rehabilitation; 3) the crossing will be designed to P&W's safety standards and specifications; 4) Igus' use of the crossing will be limited to the same or substantially similar current and intended use of the existing facility and the proposed facility to be constructed on the abutting parcel as assembly, warehousing, and distribution facilities; and 5) should there be a material increase in the use of the crossing, Igus may be required to install additional improvements as required by P&W or any other applicable regulatory authority.¹⁰ Both Aarjus and P&W have submitted letters in support of the Petition.¹¹

The Rhode Island Division of Public Utilities and Carriers (Division) filed a memorandum prepared by its consultant PARE Corporation.¹² In the memorandum, PARE recommended the

⁹ *Id.* at 2-3. A copy of the plans is attached to this Order as Appendix A.

¹⁰ *Id.* Pet. at 2-3.

¹¹ *Id.* at 3-4 & Ex. C. On September 22, 2017, P&W filed with the Commission a letter of support. http://www.ripuc.org/eventsactions/docket/4652-PWRR-Letter_9-26-16.pdf.

¹² Mem. of Amy Archer, PE, (Nov. 4, 2016), http://www.ripuc.org/eventsactions/docket/4652-DPU-Position_11-7-16.pdf.

following: 1) combination crossbuck and flashing signal on the right hand side of each approach;¹³ 2) removal of the proposed stop signs; and 3) addition of centerline striping to accompany the railroad crossing pavement.¹⁴ Igus responded and agreed to modify the plans to conform with PARE's recommendations, except for removal of the stop signs. Igus indicated that it intends to require everyone to stop before crossing the tracks, even when the lights are not flashing.¹⁵ PARE subsequently accepted Igus' response, noting that the proposed retention of the stop signs is appropriate in that it provides an additional level of protection and safety.¹⁶

At an open meeting on December 13, 2016, the Commission voted unanimously to approve Igus' Petition for a Private At-Grade Crossing over P&W's East Providence Running Track. In support of its unanimous decision, the Commission found the Construction Agreement and Grade Crossing License that Igus and P&W entered into are just and reasonable and in the best interest of the citizens of Rhode Island. The Commission commended Igus on its commitment to safety by installing stop signs to provide an additional level of protection at the crossing and for requiring training of all its employees on the proper procedure for crossing the rail road tracks. Finally, the Commission noted the economic benefits of approving the Petition which will allow Igus to expand its assembly and warehousing operations and support the growth of in-state jobs.

Accordingly, it is hereby

(22642) ORDERED:

1. The Petition filed by Igus Bearings Inc., for a Private At-Grade Crossing over the Providence & Worcester Railroad Company's East Providence Running Track and to

¹³ A crossbuck is white regulatory sign that is X-shaped with the words "Railroad Crossing" in black lettering. It is generally located alongside the road of the railroad tracks.

¹⁴ Mem. at 3.

¹⁵ Reply Comments by Petitioner, [http://www.ripuc.org/eventsactions/docket/4652-Igus-ReplyComments\(11-30-16\).pdf](http://www.ripuc.org/eventsactions/docket/4652-Igus-ReplyComments(11-30-16).pdf).

¹⁶ Division's Supp. Resp., [http://www.ripuc.org/eventsactions/docket/4652-DPU-Supplement\(11-21-16\).pdf](http://www.ripuc.org/eventsactions/docket/4652-DPU-Supplement(11-21-16).pdf).

construct improvements necessary to cross said track and other necessary improvements, is approved, subject to the revised design plans approved by the Division's consultant, PARE Corporation;¹⁷


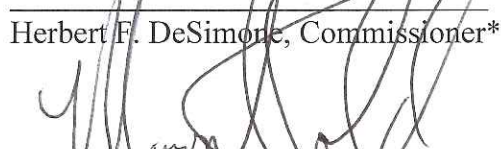
2. The terms of the Grade Crossing License entered into by Igus Bearings Inc. and Providence & Worcester Railroad Company, as set forth in the Petition, are made part of and incorporated into this Order.
3. Igus shall notify the Public Utilities Commission and the Division of Public Utilities and Carriers if the use of the at-grade railroad crossing changes in a material way.
4. The Rhode Island Department of Transportation was notified but did not participate in the Docket. This Order is subject to any applicable Department of Transportation requirements.

EFFECTIVE AT WARWICK, RHODE ISLAND ON DECEMBER 13, 2016
PURSUANT TO AN OPEN MEETING DECISION ON DECEMBER 13, 2016. WRITTEN
ORDER ISSUED DECEMBER 30, 2016.

PUBLIC UTILITIES COMMISSION



Margaret E. Curran, Chairperson


Herbert F. DeSimone, Commissioner*
Marion S. Gold, Commissioner

¹⁷ The modified engineering plans can be found on the PUC website at [http://www.ripuc.org/eventsactions/docket/4652-Igus-ReplyComments\(11-30-16\).pdf](http://www.ripuc.org/eventsactions/docket/4652-Igus-ReplyComments(11-30-16).pdf). A copy of the revised plan is attached to this Order as Appendix B.

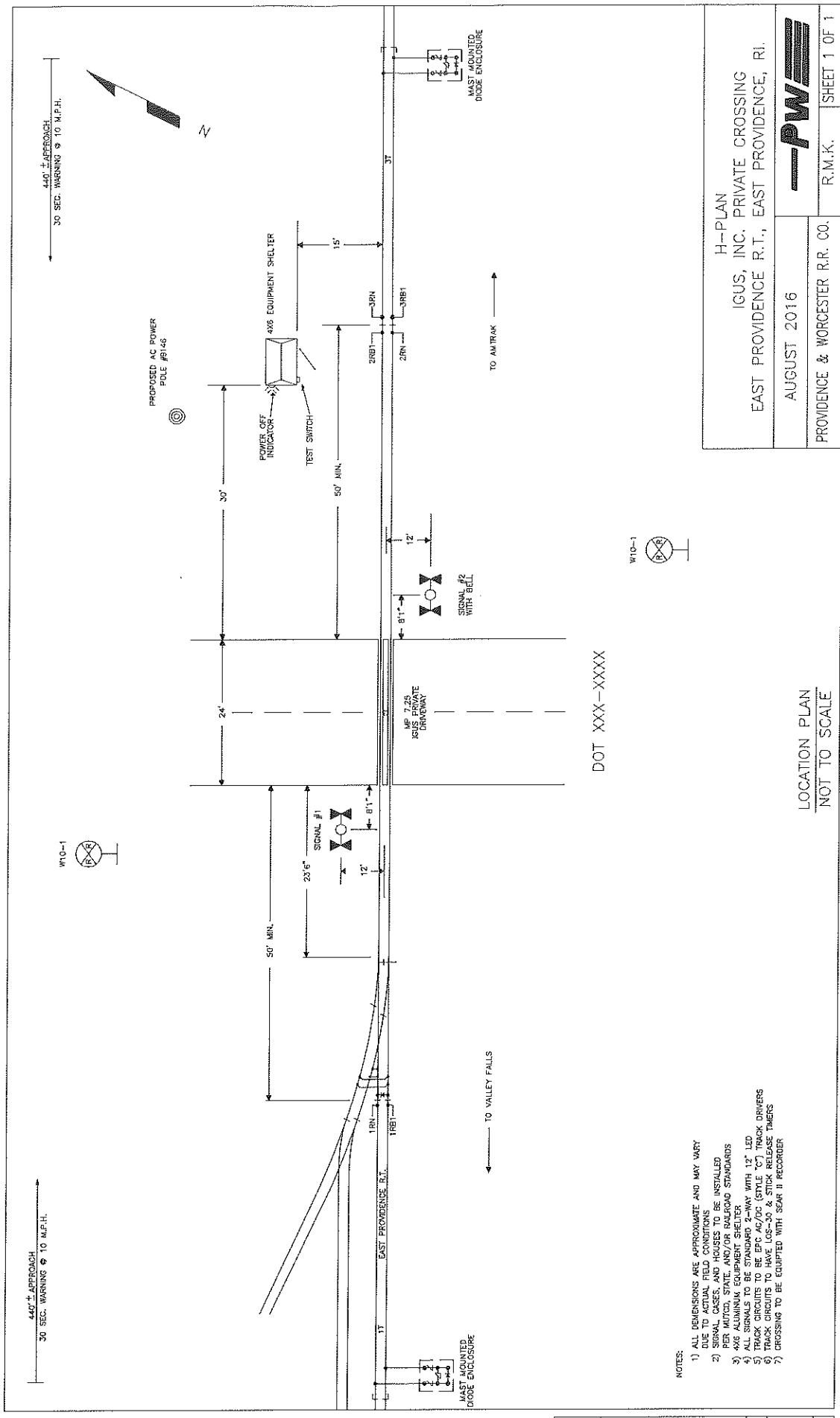
*Commissioner DeSimone did not participate.

NOTICE OF RIGHT OF APPEAL: Pursuant to R.I. Gen. Laws §39-5-1, any person aggrieved by a decision or order of the PUC may, within seven (7) days from the date of the order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or order.

APPENDIX A

Plans

(beginning on next page)



- NOTES:
- 1) ALL DIMENSIONS ARE APPROXIMATE AND MAY VARY DUE TO ACTUAL FIELD CONDITIONS
 - 2) SIGNAL CASES, AND HOUSES TO BE INSTALLED PER MITCHELL, STATE, AND/OR RAILROAD STANDARDS
 - 3) ALL SIGNALS TO BE STICK MOUNTED WITH 1" LED
 - 4) ALL SIGNALS TO BE EPC AG/TC (STYLE "C") TRACK DRIVERS
 - 5) TRACK CIRCUITS TO BE EPC AG/TC (STYLE "C") TRACK DRIVERS
 - 6) TRACK CIRCUITS TO HAVE LOS-30 & STICK RELEASE TIMERS
 - 7) CROSSING TO BE EQUIPPED WITH SEAR II RECORDER

H-PLAN
IGUS, INC. PRIVATE CROSSING
EAST PROVIDENCE R.T., EAST PROVIDENCE, RI.
AUGUST 2016
PROVIDENCE & WORCESTER R.R. CO.
R.M.K.
SHEET 1 OF 1

NO.	DATE	BY	DESCRIPTION	APP. BY
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1	08/16	RMK	DRAWN IN CAD	





Waterman
ENGINEERING COMPANY
February 5, 2004 - CA 2004

APPENDIX B

REVISED DESIGN PLANS

(beginning on next page)

SCALE: 1" = 30'