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Please Reply to:
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October 5, 2010

Via Electronic Mail
Confirmed U.S. Mail

John J. Whelan, Esquire
712 MacDade Boulevard
Milmont Park, PA 19033

RE: **Borough of Prospect Park, Complainant v. CSX Transportation, Inc.; Commonwealth of Pennsylvania, Department of Transportation (PennDOT); Borough of Norwood; Delaware County; and Ridley Township. Docket Number: C-2009-2126621**

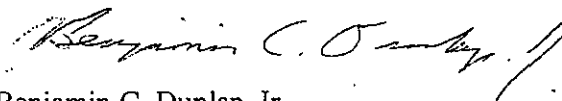
Dear Mr. Whelan:

I apologize that this fell off my radar. The last we spoke, you had asked for a letter to the Borough of Prospect Park ("Borough") in which our client, CSX Transportation, Inc. ("CSXT") provides authority for the Borough to put the curb cut on CSXT's land on the corner of Holmes Road and Baltimore Avenue where those two streets intersect with Brebant Avenue and West Amosland Road, as shown on the attached map.

CSXT has no objection to the Borough's construction of the curb cut at this location at its cost. However, CSXT cannot provide permission for the Borough to do this, as CSXT's property records show that it does not own the land in question. Attached is an aerial map on which CSXT's right-of-way is noted with respect to the edge (curb) of the adjacent Baltimore Avenue roadway. While there is some variation in CSXT's right-of-way width (70 feet versus 68 feet for the total area) CSXT's right-of-way does not extend to the curb where the cut is located, as shown on the aerial view. As we discussed, the tax assessment map upon which the Borough is basing its assertion that CSXT owns the property in question is not definitive.

As it is my understanding that the curb cut has already been constructed, and the Borough is no longer seeking reimbursement, CSXT requests that the Borough withdraw its complaint with the PUC in this regard. Please contact me if you have any questions.

Sincerely yours,



Benjamin C. Dunlap, Jr.

BCDjr/jc
Enclosures

cc: Rodney Bender (w/encs.)
Carl A. Roe (w/encs.)
Robert Ledoux, Esquire (w/encs.)

SECRETARY'S BUREAU
PA P.U.C.

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PA PUBLIC UTILITY COMMISSION

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BUREAU OF TRANSPORTATION & SAFETY
RAIL SAFETY DIVISION

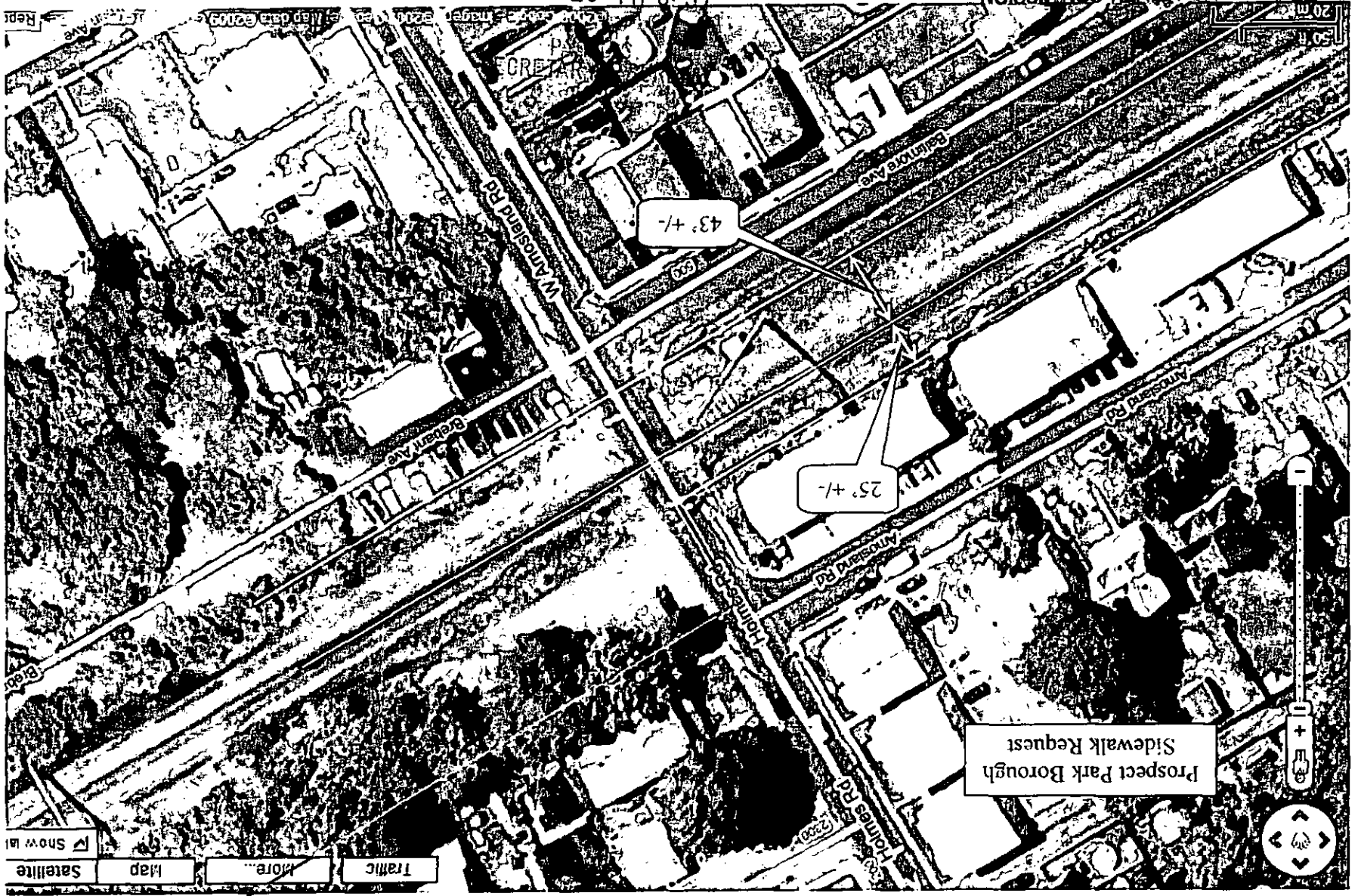
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Map data ©2009
Rept
Walnut Ave
Walnut St
Walnut Rd
Robert Ave
Prospect Rd
Jones Rd
Satellite
Map
More...
Traffic
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WM R BRICKER PLAN

HOLMES, PA

PA PUBLIC UTILITY COMMISSION

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BUREAU OF TRANSPORTATION
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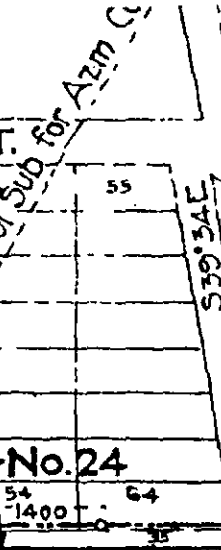
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NORWOOD AVE
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Conc Block Garage

Private 815 Garage
No. 23

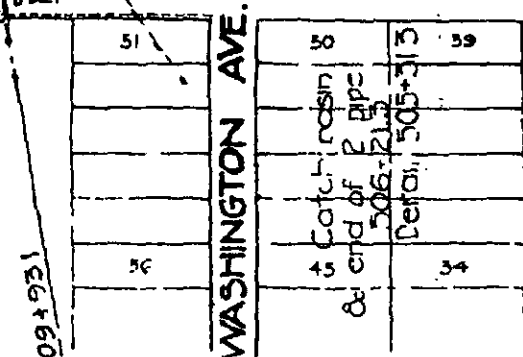
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24 Storm Sewer
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WOODLAWN PLAN

PROSPECT PARK BOROUGH

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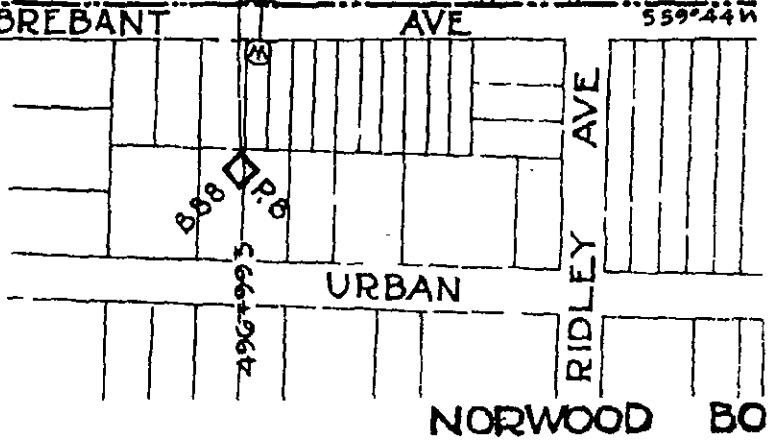
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