

Dated: March 20, 2019

## TABLE OF CONTENTS:

- A. *History of the proceeding;*
- B. *Proposed findings of facts (with record citations to*
- C. *Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and*
- D. *Proposed ordering paragraphs specifically identifying the relief sought.*

### A. **History**

A formal complaint was filed by myself on May 30, 2018 alleging a damaged guardrail along SR 1011 (Grant Ave) where it meets Welsh Rd. The City of Philadelphia, PennDoT, and CSX have all resisted responsibility for the upkeep of this 10 ft. long piece of guardrail that is severely damaged and impeding the safety of drivers and pedestrians.

A field conference was held and documents stating the maintenance responsibilities from years back were discussed. Efforts have been made to acquire these documents by the City of Philadelphia and PennDoT. The settlement conference will be conducted in short order on Friday, the 22<sup>nd</sup>, where we hope to come a consensus on the upkeep of this safety feature.

### B. **Proposed Fact Finding.**

As the complainant, I hope all involved agencies and companies can examine the transcribed agreement and come to a definite conclusion on the future maintenance of this safety feature. The primary goal of this complaint is the drivers' and residents' safety.

### C. **Proposed Conclusions**

It is the communities hope that the agencies and CSX determine who is responsible for the maintenance of this 10 ft.-long safety barrier in a timely fashion. I personally am hoping we can determinate maintenance responsibilities at the settlement conference.

### D. **Relief Sought**

The goal of this complaint is to iron out what entity is responsible for the maintenance of this specific guardrail that has not been up kept in years, as well as ensure that the involved entities are following all safety procedures and protocols required based on the proximity of the bridge pylons.

Thank you to all involved parties for their participation and efforts toward solving this issue.

Dated: March 20, 2019

BEFORE THE PUBLIC UTILITY COMMISSION

C-2018-3002326

Electronically Filed

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of my ***Settlement Conference Brief*** was served upon the parties listed below, in accordance with the requirements of §1.54, by First-Class mail, postage prepaid, and electronically as indicated, this 20th day of March 2019.

Derek Mihaly, Project Manager  
CSX Transportation, Inc.  
4 Neshaminy Interplex, Suite 205  
Trevose, PA 19053

Benjamin C. Dunlap, Jr., Esquire  
Nauman Smith Shissler & Hall  
200 North Street, 18th Floor  
P.O. Box 840  
Harrisburg, PA 17108  
[bdunlapjr@nssh.com](mailto:bdunlapjr@nssh.com)

Bradley R. Gorter, Esq.  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[bgorter@pa.gov](mailto:bgorter@pa.gov)

James C. Kellett  
City of Philadelphia Law Department  
1515 Arch St. 16th Fl.  
Philadelphia PA 19102  
[James.Kellett@phila.gov](mailto:James.Kellett@phila.gov)

Gina M. D'Alfonso, Esq.  
PennDoT  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
[gdalfonso@pa.gov](mailto:gdalfonso@pa.gov)

Respectfully,



Andrew Broden  
7420 Frankford Avenue,  
Philadelphia, PA 19136  
[abroden@pahouse.net](mailto:abroden@pahouse.net)