



CITY OF PHILADELPHIA

LAW DEPARTMENT  
One Parkway  
1515 Arch Street  
Philadelphia, PA 19102-1595

July 31, 2019

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

2019 AUG -6 PM 3:06  
RECEIVED  
PA P.U.C.  
SECRETARY'S BUREAU

RE: Andrew Broden v. CSX Transportation, Inc., City of Philadelphia, and  
Pennsylvania Department of Transportation  
Docket No. C-2018-3002326

Dear Secretary Chiavetta:

Enclosed for e-filing please find the City's *Statement in Support of Settlement* in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

James C. Kellett, Esq.  
Deputy City Solicitor

Enclosure

cc: Parties of Record  
Andrew Broden  
Gina M. D'Alfonso, Esq., Senior Counsel in Charge, Department of Transportation  
Benjamin C. Dunlap, Jr., Esq., Nauman, Smith, Shissler, & Hall, LLP  
Derek Mihaly, Project Manager, CSK Transportation, Inc.

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE PENNSYLVANIA**  
**PUBLIC UTILITY COMMISSION**

Andrew Broden	:	
	:	Docket No. C-2018-3002326
v.	:	
	:	
CSK Transportation, Inc.,	:	<b>Electronically Filed</b>
City of Philadelphia,	:	
and	:	
Pennsylvania Department of Transportation	:	

**STATEMENT IN SUPPORT OF SETTLEMENT**

The City of Philadelphia (“City”) concurs with the other parties that the Joint Stipulation of Settlement (“Settlement”) is in the public interest. The Settlement addresses all of the issues involved in the litigation concerning the allocation of costs attributed to the replacement of the guardrail and installation of other safety provisions (“Structure”) at Grant Avenue. The Pennsylvania Department of Transportation (“Department”) will install the Structure, which the City will thenceforth maintain. All payment issues regarding the Structure have been resolved. The Settlement will serve to protect public safety.

Additionally, the Settlement will save the parties and the Commission the time and expense they would otherwise incur in further litigating this matter. Since all the interested parties agree to the terms of the Settlement, adopting it will eliminate the possibility of any appeal from a Commission Order, thus saving the parties the additional time and expense they might incur in such an appeal.

The Commission will serve the public interest by adopting and granting the parties' Settlement in this matter. The Commission encourages the settlement of contested proceedings. 52 Pa. Code § 5.231(a). The Settlement is an efficient use of the resources of the Commission and the parties hereto.

For all of the above reasons, the City supports the Settlement in the above-captioned matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "J. C. Kellett", is written over a horizontal line.

James C. Kellett, Esq.  
Deputy City Solicitor  
Regulatory Law Unit  
1515 Arch Street, 16<sup>th</sup> Floor  
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James.Kellett@phila.gov

DATED: July 31, 2019

**COMMONWEALTH OF PENNSYLVANIA**

**BEFORE THE PENNSYLVANIA  
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Andrew Broden :  
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 v. :  
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 CSK Transportation, Inc., : **Electronically Filed**  
 City of Philadelphia, :  
 and :  
 Pennsylvania Department of Transportation :

**CERTIFICATE OF SERVICE**

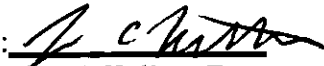
I hereby certify that a true and correct copy of the Department's *Statement in Support of Settlement* was served upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54, by First Class United States Mail, and via electronic mail.

Derek Mihaly, Project Manager  
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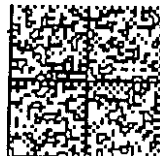
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RETURN TO J. Kellett, 110<sup>th</sup> floor

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Harrisburg, PA 17120

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