



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

December 3, 2020

**Via Electronic Mail**

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

James Clifford Kellett, Esquire  
City of Philadelphia  
1515 Arch Street  
16th Floor  
Philadelphia, PA 19102  
[james.kellett@phila.gov](mailto:james.kellett@phila.gov)

Re: Application of CSX Transportation, Inc. for Approval of the Abolition of the Crossing (DOT 140 634 G) where Cemetery Avenue crosses above grade the tracks of CSX Transportation, Inc. located in the City of Philadelphia, Philadelphia County, Pennsylvania, and the allocation of cost thereto.  
Docket No. A-2019-3013783

**I&E Letter- Bridge Inspection Report**

Dear Attorney Dunlap and Attorney Kellett:

On or about August 25, 2020, the March 2020 Interim Bridge Inspection Report (“Report”) was provided to the parties through an informal discovery request. In reviewing the Report, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and Bureau of Technical Utility Services-Rail Safety Section (“Rail Safety”) discovered that the report listed three (3) items as a Priority Code 0 and three (3) items as a Priority Code 1.

The Pennsylvania Department of Transportation’s (“PennDOT”) Bridge Safety Inspection Manual, 2<sup>nd</sup> Edition (Revised March 2010), provides that Priority 0 activities are to be resolved or mitigated within **seven (7) days** of identification and Priority 1 activities are to be resolved or mitigated within **six (6) months**.

On or about September 29, 2020, I&E contacted the parties inquiring as to the status of the Priority 0 and Priority 1 items. It is I&E’s understanding that as of the date of this letter, the Priority 0 and Priority 1 items have not been fully resolved or mitigated.

Accordingly, it is the opinion of I&E that the Cemetery Avenue bridge is in an unsafe condition and requires immediate attention to resolve or mitigate the Priority 0 and Priority 1 items. Given that the conclusion of this docket is not imminent, and for the safety of the public and of all interested parties, I&E and Rail Safety urge CSX and the City of Philadelphia to work together to make any and all repairs necessary to alleviate the Priority 0 and Priority 1 items from the Report immediately. I&E and Rail Safety are hopeful that CSX and the City are responsive to I&E's concerns as set forth herein and voluntarily take the remedial action necessary to alleviate the noted safety hazards, thereby eliminating the need for I&E to consider emergency action before the Commission to mandate such corrective action.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please contact the undersigned.

Sincerely,



Kayla L. Rost  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 322768  
(717) 787-1888  
[karost@pa.gov](mailto:karost@pa.gov)

KLR/ac  
Enclosure

cc: Per Certificate of Service  
Pamela McNeal, Legal Assistant (*via email - [pmcneal@pa.gov](mailto:pmcneal@pa.gov)*)  
William Sinick, P.E. (*via email - [wilsinick@pa.gov](mailto:wilsinick@pa.gov)*)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of CSX Transportation, Inc. for :  
Approval of the Abolition of the Crossing (DOT :  
140 634 G) where Cemetery Avenue crosses :  
above grade the tracks of CSX Transportation, : Docket No. A-2019-3013783  
Inc. located in the City of Philadelphia, :  
Philadelphia County, Pennsylvania, and the :  
allocation of cost thereto. :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **I&E Letter-Bridge Inspection Report** dated December 3, 2020, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).


**Service by Electronic Mail Only**

Honorable Darlene Heep  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
801 Market Street  
Suite 4063  
Philadelphia, PA 19107  
[dheep@pa.gov](mailto:dheep@pa.gov)

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

Gina D'Alfonso, Esquire  
Pennsylvania Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
[GDALFONSO@pa.gov](mailto:GDALFONSO@pa.gov)

James Clifford Kellett, Esquire  
City of Philadelphia  
1515 Arch Street  
16th Floor  
Philadelphia, PA 19102  
[james.kellett@phila.gov](mailto:james.kellett@phila.gov)

  
\_\_\_\_\_  
Kayla L. Rost  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 322768  
(717) 787-1888  
[karost@pa.gov](mailto:karost@pa.gov)