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December 18, 2020

Via E-Mail: karost@pa.gov

Kayla L. Rost
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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 Rost,

I am writing on behalf of our client, CSX Transportation, Inc. (“CSXT”), in response to your letter dated December 3, 2020, concerning outstanding maintenance items in the McCormick Taylor interim bridge inspection report dated March 30, 2020. In your letter, you note that as of the date of your letter, it was the understanding of the Commission’s Bureau of Investigation and Enforcement (“I&E”) that the three Priority Code 0 and three Priority Code 1 maintenance recommendations in that report have not yet been fully resolved or mitigated.

In recent discussions with City counsel James Kellett, the undersigned was informed that the City was in the process of resolving the three maintenance items which are its responsibility under the applicable PUC Order (*i.e.*, repairing the approach sidewalk settlement and separations at each corner of the bridge; install an additional far advance load posting on the right side of the roadway within 25’ of the Cemetery/Greenway/South 63rd Street intersection; and repair the spalling exposing the far expansion joint).

CSXT replaced the missing pedestrian railing at the near left corner and at midspan of the right railing, which was a Priority 0 item. It is to be noted that CSXT recently replaced an additional railing segment identified by I&E in a mid-November follow up visit to the bridge.


CSXT, however, disputes both the need for and the authority of a consultant bridge inspector to require the other two Priority Code 1 items, *i.e.*, install structure mounted guide rail across both sides of the bridge to protect the fracture critical through girders and install standard pedestrian fence along both sides of the bridge.

First, these are new features, as opposed to the repair of existing features, that in CSXT's opinion constitute alterations of the bridge requiring PUC approval. Alterations such as this cannot be required on the opinion of one consultant bridge inspector. In that regard, CSXT notes that the addition of structure mounted guiderail would decrease the width of the travel lanes on the bridge.

Secondly, CSXT questions the need for and appropriateness of these suggested alterations. In that regard, whose standard is being applied for the suggestion to install "standard pedestrian fence along both sides of the bridge" when the bridge has pedestrian railing?

For these reasons, CSXT thinks that these items should be addressed through the standard PUC petition process followed by a field meeting at which all concerned parties can weigh in on the need for the alterations and any potential alternatives. If agreement cannot be reached at the field meeting, a final determination can be made through further proceedings for that purpose.

Sincerely yours,



Benjamin C. Dunlap, Jr.

BCDjr/io

cc: Secretary's Bureau

**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	:	Electronically Filed

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 18, 2020, upon the parties listed below, via electronic mail, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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/s/ Ijeoma N. Okereke
Ijeoma N. Okereke, Legal Assistant

Dated: December 18, 2020