



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 8, 2021

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

RE: A-2021-3024478

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Petition to Withdraw Application* 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,

A handwritten signature in blue ink that reads "Gina M. D'Alfonso".

Gina M. D'Alfonso
Senior Counsel in Charge

Cc: Parties of Record
Mark Chappell, P.E., Right of Way Section Chief (*email*)
Daniel Leonard, Grade Crossing Engineer, Central Office, KCB 7th Floor (*email*)
Jeron Hollis, District Grade Crossing Engineer, District 1-0 (*email*)
Karen L. Cummings, Assistant Counsel in Charge, Office of Chief Counsel (*email*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter three (3) public at-grade crossings by the installation of new active traffic control devices where State Route 4034, 8th Street, and 10th Street crosses the track(s) of CSX Transportation Inc. (DOT Numbers 918 324 S, 524 337 C, and 524 335 N) in the City of Erie, Erie County and the allocation of costs incident thereto.

Application
Docket No. A-2021-3024478

Electronically Filed

**PETITION TO WITHDRAW APPLICATION OF THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION**

And Now, comes the Commonwealth of Pennsylvania, Department of Transportation (Department), by and through its counsel, Gina M. D'Alfonso, and offers the following in support of its Petition to Withdraw the subject application.

1. Applicant, Commonwealth of Pennsylvania, Department of Transportation, filed its Application on March 8, 2021, pursuant to the provisions of 66 Pa.C.S § 2702 and 52 Pa. Code § 5.13 for the alteration of the public at grade crossings where State Route 4034, 8th Street, and 10th Street crosses tracks of CSX Transportation Inc. at DOT Numbers 918 324 S, 524 337 C, and 524 335 N in the City of Erie, Erie County. Pedestrian gates were included in the proposed scope of work.
2. A field investigation and conference was held on May 4, 2021 at which time the scope of the project was reduced to pedestrian gates at the request of the railroad. It was discovered that pedestrian gates would not be necessary at the State Route 4034 crossing, DOT Number 917 324 S due to train inactivity and a stop and flag PUC Order at Docket Number

A-00114243. The railroad informed all parties that it would expect reimbursement for the maintenance of the pedestrian gates at the other two (2) crossings.

3. No party is willing to pay for the maintenance of the pedestrian gates.
4. Given the diminution in scope of the improvement and the fact that no party is willing to pay for the maintenance of the pedestrian gates the Department is requesting leave to withdraw its application.
5. The Department is also requesting that the following individual also receive service of all documents in this matter: Karen Cummings, Counsel for the Commonwealth of Pennsylvania, Department of Transportation, PO Box 8212, Harrisburg, PA 17105-8212, kcummings@pa.gov.

Wherefore, Department of Transportation respectfully requests that the Public Utility Commission grant the relief requested in this Petition.

Respectfully Submitted:


Gina M. D'Alfonso

Counsel for the Commonwealth of
Pennsylvania, Department of
Transportation
PO Box 8212
Harrisburg, PA 17105-8212
Attorney ID 46767
Email: gdalfonso@pa.gov

Dated: 6.8.2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter three (3) public at-grade crossings by the installation of new active traffic control devices where State Route 4034, 8th Street, and 10th Street crosses the track(s) of CSX Transportation Inc. (DOT Numbers 918 324 S, 524 337 C, and 524 335 N) in the City of Erie, Erie County and the allocation of costs incident thereto

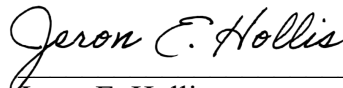
Application
Docket No. A-2021-3024478

Electronically Filed

VERIFICATION

I, Jeron E. Hollis, Grade Crossing Engineer, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Date: 6/8/2021



Jeron E. Hollis
Grade Crossing Engineer

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter three (3) public at-grade crossings by the installation of new active traffic control devices where State Route 4034, 8th Street, and 10th Street crosses the track(s) of CSX Transportation Inc. (DOT Numbers 918 324 S, 524 337 C, and 524 335 N) in the City of Erie, Erie County and the allocation of costs incident thereto : **Docket No. A-2021-3024478**
: **Electronically Filed**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below by electronic mail pursuant to the Emergency Order at Docket Number M-2020-3019262:

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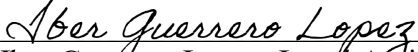
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Respectfully submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION


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DATED: June 8, 2021