



Eric M. Hocky
T (215) 640-8523
F (215) 640-8501
Email:ehocky@clarkhill.com

Clark Hill
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19103
T (215) 640-8500
F (215) 640-8501

November 22, 2021

BY ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
PO Box 3265
Harrisburg, PA 17105-3265

Re: Docket Nos. C-2015-2513130 and C-2015-2513384

Dear Secretary Chiavetta:

Enclosed for filing in the above-referenced proceedings on behalf of Buffalo & Pittsburgh Railroad, Inc. is a Motion for Issuance of Secretarial Letter. A copy has been sent to all parties of record as shown in the enclosed Certificate of Service.

Respectfully,

CLARK HILL

/s/ Eric M. Hocky

Eric M. Hocky

EMH:e
Enclosures

cc: All parties shown on the Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complaints filed by the Borough of Ellwood :	No.: C-2015-2513130
City vs. Buffalo & Pittsburgh Railroad, Inc., :	
CSX Transportation, Inc., Lawrence County :	No.: C-2015-2513384
and Commonwealth of Pennsylvania, :	
Department of Transportation :	
_____ :	

**MOTION OF BUFFALO & PITTSBURGH RAILROAD, INC.
FOR ISSUANCE OF SECRETARIAL LETTER TO RESOLVE
COMPLAINT PROCEEDINGS**

Buffalo & Pittsburgh Railroad, Inc. (“BPRR”) hereby submits this Motion for the issuance of a Secretarial Letter to resolve the Complaints of the Borough of Ellwood City (the “Borough”) in these proceedings with respect to the crossing where the rail line operated by BPRR crosses above Fifth Street in the Borough (the “Crossing”). The Motion and the relief sought are a follow up to the field conference conducted by William Sinick of the Bureau of Technical Utility Services on July 22, 2021, at the site of the Crossing. The purpose of the field conference was to assess the current condition of the Crossing and to identify work that might be required to protect the travelling public.

As further background, BPRR notes that in 2017, the BPRR contracted to have the following repairs made, repairs which BPRR understood addressed all of the then-outstanding issues raised by the Complaints:

- Plugged the weep holes in the abutments
- Removed deteriorated concrete on the abutments
- Replaced downspouts wit fiberglass pipe, tied the new pipe into the existing downspouts at the sidewalk
- Cleaned calcium deposits off the underside of the bridge deck and removed deteriorated concrete from the underside of the bridge deck

- Removed the entire sidewalk on the North side of the bridge and placed a 60' long, 6' tall chain link fence on top of the abutments and adjacent track

At the field conference, there were several issues raised with respect to the current condition of the concrete on the bridge abutments, as well as a desire by the Borough for overhead protection for pedestrians. Based on the field conference, BPRR understands that the following work, with cost allocated as proposed, would address outstanding issues under the Complaint proceedings, and provide ongoing processes for protection of the public at the Crossing:

1. On July 30, 2021, BPRR, at BPRR's cost and expense, chipped loose concrete from the abutment walls to prevent debris from falling onto the sidewalk or passing pedestrians.
2. Going forward, BPRR will have its bridge inspectors check the Crossing for loose concrete every year during BPRR's regular annual bridge inspections.
3. BPRR, at BPRR's cost and expense, will contract for the installation of overhead protection for the sidewalks in accordance with the "stamped" engineering plans attached hereto as Exhibit A. The work will include the placing of 2x6 joist on 2' centers, 2x4 purlins on 2' centers, and corrugated metal sheeting on top. This will protect the sidewalk area on both sides of the bridge, approximately 12'x66' on each side. Construction of the overhead protection will be completed within six (6) months from the issuance of the requested Secretarial Letter.
4. The Borough, at the Borough's cost and expense, will be responsible for future maintenance of the overhead protection.
5. Following installation of the overhead protection by BPRR, and inspection by the Bureau of Technical Services, the Complaint Cases will be marked satisfied and closed.

WHEREFORE, Buffalo & Pittsburgh Railroad, Inc. respectfully requests that the Commission issue a Secretarial Letter authorizing the foregoing work and allocation of costs.

Respectfully submitted,

/s/ Eric M. Hocky

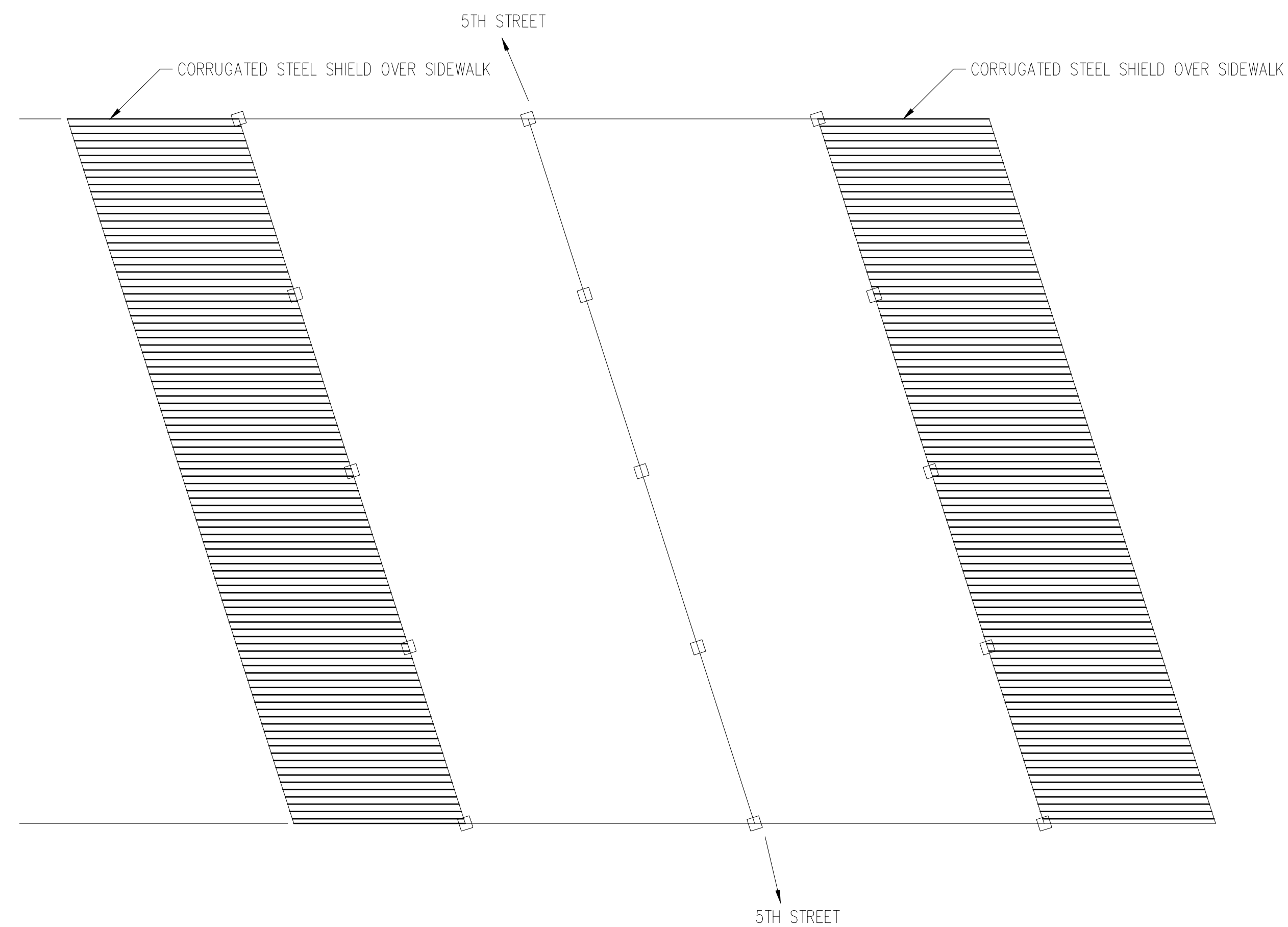
ERIC M. HOCKY
PA Bar No. 34560
CLARK HILL, PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
215-640-8500 (phone)
215-640-8501 (fax)
ehocky@thorpreed.com

Attorneys for
Buffalo & Pittsburgh Railroad, Inc.

Dated: November 22, 2021

EXHIBIT A

PLANS

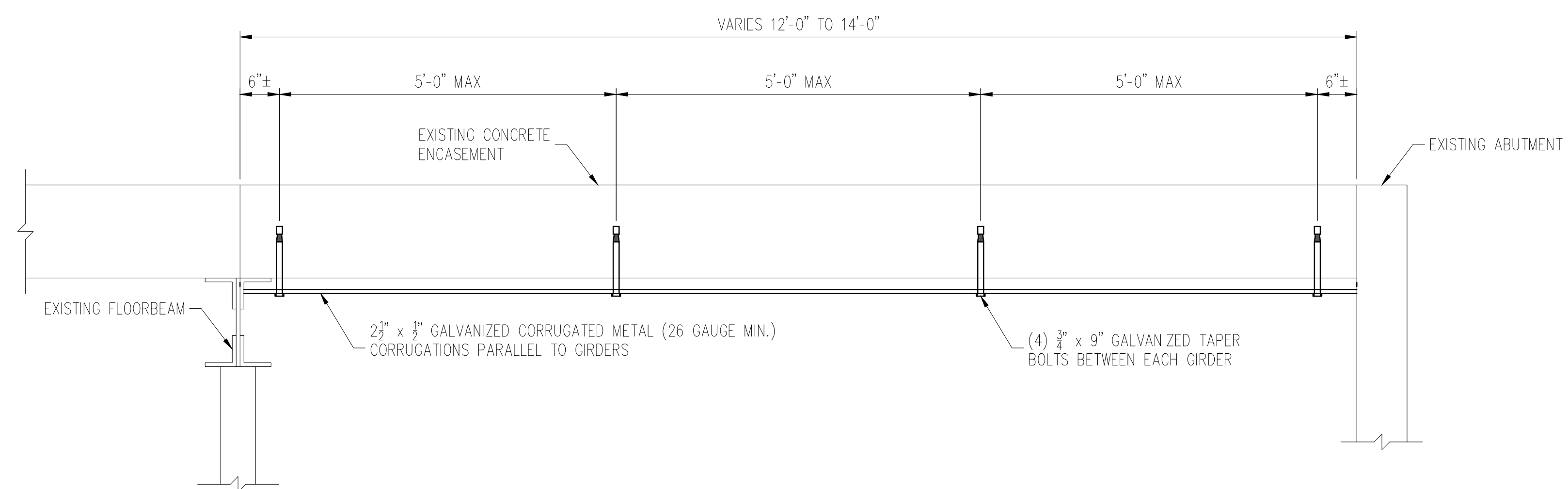


PLAN VIEW

$\frac{1}{8}'' = 1'-0''$

BILL OF MATERIALS

DESCRIPTION	QUANTITY	UNITS
2 1/2" x 3/8" CORR. SHEET METAL	1520	S.F.
3/8" x 9" TAPER BOLTS	352	BOLTS



CORRUGATED STEEL SHIELDING

1" = 1'-0"



BUFFALO AND PITTSBURGH RR
 PUNXSUTAWNEY, PENNSYLVANIA
 BRIDGE 44.79 ELLWOOD CITY, PA
 SIDEWALK SHIELDING

TEC ASSOCIATES CONSULTING ENGINEERS
 40 MECHANIC STREET SOUTH PORTLAND, MAINE 04106

SCALE	NOTED	DATE	2 NOVEMBER 2021
JOB NUMBER 2113-13	DRAWN BY JWL	DESIGNED BY JWL	DRAWING NO. 1

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complaints filed by the Borough of Ellwood : No.: C-2015-2513130
City vs. Buffalo & Pittsburgh Railroad, Inc., :
CSX Transportation, Inc., Lawrence County : No.: C-2015-2513384
and Commonwealth of Pennsylvania, :
Department of Transportation :
_____ :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document by email on the parties of record in accordance with the requirements of Section 1.54 (relating to service by a participant):

Edward Leymarie, Jr.
Borough of Ellwood City – Solicitor
Leymarie Clark Long, P.C.
423 Sixth Street
Ellwood City, PA 16117
ed@lclpc.com

Thomas W. Leslie
Lawrence County – Solicitor
430 Court Street
New Castle, PA 16101
twleslie@twlpc.com

Nicholas D. Mertens
Pennsylvania Department of Transportation
PO Box 8212
Harrisburg, PA 17105-8212
nimertens@pa.gov

Benjamin C. Dunlap, Jr.
Nauman Smith Shissler & Hall
200 North Third Street, 18th floor
PO Box 840
Harrisburg, PA 17108
bdunlapjr@nssh.com

Kayla L. Rost
PA Public Utility Commission
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 3rd Floor | Harrisburg PA 17120
karost@pa.gov

William M. Sinick, P.E.
Transportation Division – Rail Section
Bureau of Technical Utility Services
Commonwealth Keystone Building
400 North Street, 3rd Floor | Harrisburg PA 17120
wilsinick@pa.gov

/s/ Eric M. Hocky

Eric M. Hocky

Dated: November 22, 2021