



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

IN REPLY PLEASE  
REFER TO OUR FILE

March 9, 2023

C-2015-2513130

C-2015-2513384

**Via Eservice and Email Only**  
**TO ALL PARTIES OF RECORD**

Complaints filed by the Borough of Ellwood City verses Buffalo & Pittsburgh Railroad Inc., alleging falling concrete from the railroad overpass onto the public roadway and sidewalks and other issues at the public crossing (DOT 145 827 X) where SR 2017 (Fifth Street) crosses, below grade, the tracks of Buffalo & Pittsburgh Railroad Inc., located in the Borough of Ellwood City, Lawrence County.

To Whom It May Concern:

By Secretarial Letter, dated May 6, 2022, the Commission approved the agreed upon work, allocation of costs and assignment of the future maintenance responsibilities to resolve and satisfy the above docketed complaints.

A final inspection conducted by a Commission staff engineer on February 7, 2023, revealed that all physical work had been completed as per the Commission's Secretarial Letter approving the agreed upon work.

Representatives of Ellwood City, Buffalo & Pittsburgh Railroad, Genesee & Wyoming Inc., and the Pennsylvania Department of Transportation were in attendance.

At the final inspection it was noted that all physical work had been completed as agreed upon to construct and install the sidewalk protection canopy at the public highway/railroad crossing (DOT 145 827 X).

Upon discussion at the on-site final inspection, it was determined that the Ellwood City (Complainant) by certified statement acknowledged and indicated satisfaction with all work completed to resolve the complaints. The Complainant agreed that the dockets should be closed, and the formal complaints be dismissed.

We have carefully reviewed the record in this proceeding and are of the opinion that a public hearing is not necessary inasmuch as the respondent parties of record have satisfactorily completed the work to resolve the complaints, and the Complainant was satisfied with the work completed and no party requested a hearing for any unresolved issues.

The Commission issues this Secretarial Letter in accordance with 66 Pa. C.S. Section 703(a) of the Public Utility Code and finds that since the Complainant has indicated that all work has been satisfactorily completed to resolve the complaints:

1. The complaints are hereby dismissed, and the proceedings at C-2015-2513130 and C-2015-2513384 are hereby “CLOSED.”

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

The Commission has waived certain regulatory service provisions as directed by the Commission’s Order at M-2021-3028321. Currently, while the Commission’s physical facilities are open for business, some of the operational restraints occasioned by the pandemic remain. It is evident that the pandemic and its changing nature require certain procedural flexibility for the public, the regulated community, and the Commission. Toward this end, the Commission will continue to permit electronic service by the Commission on all parties, regardless of whether a particular party has agreed to electronic service. An exception to this general waiver is where the Public Utility Code requires service by specified means, e.g., Section 702. Additionally, service on Commission staff in proceedings pending before it, whether staff is a party or otherwise, shall be exclusively electronic unless the parties agree otherwise. Filings must be submitted by e-filing with the Secretary of the Commission by opening an e-filing account through the Commission’s website and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be submitted by e-filing said petition within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,



Rosemary Chiavetta  
Secretary