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July 19, 2023

VIA ELECTRONIC FILING

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

RE: Protest and Objection for the Application of CSX Transportation, Inc.
on behalf of the Erie-Wester Pennsylvania Port Authority
Docket No. A-2023-3041598

Dear Secretary Chiavetta:

Attached please find Erie-Western Pennsylvania Port Authority's Protest and Objection for the Application of CSX Transportation, Inc. for approval to abolish four (4) at grade crossings where East Bayfront Parkway (DOT # 918 322 D); Ore Dock Road (DOT # 976 924 B and DOT # 932 473 C); and East Bay Drive (DOT # 918 325 Y) Cross at-grade the Tracks of CSX Transportation, Inc. in the City of Erie, Erie County, Pennsylvania. A copy has been served upon all interested parties of record.

If you have any questions, please feel free to contact me at any time.

Very truly yours,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

By: 

Timothy M. Sennett

TMS/smt
Attachment
2445232.v1

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of CSX Transportation, Inc. for approval to abolish four (4) at grade crossings where East Bayfront Parkway (DOT # 918 322 D); Ore Dock Road (DOT # 976 924 B and DOT # 932 473 C); and East Bay Drive (DOT # 918 325 Y) Cross at-grade the Tracks of CSX Transportation, Inc. in the City of Erie, Erie County, Pennsylvania) **Docket No. A-2023-3041598**

To The Pennsylvania Public Utility Commission:

The Erie-Western Pennsylvania Port Authority by and through its counsel, Knox McLaughlin Gornall & Sennett, P.C., files this Protest and Objection to the Application of CSX Transportation, Inc., pursuant to the provisions of 66 Pa.C.S. §2702 and 52 Pa. Code §5.51 objecting to the abolishment of the four (4) at grade public rail crossings where its tracks cross East Bayfront Parkway (DOT # 918 322 D); Ore Dock Road (DOT # 976 924 B and DOT # 932 473 C); and East Bay Drive (DOT # 918 325 Y) in the City of Erie, Erie County, Pennsylvania, based as follows:

1. The name and address of the Objector is the Erie-Western Pennsylvania Port Authority, 1 Holland Street, Erie, Pennsylvania 16507.
2. The name and address of the attorney for the Erie-Western Pennsylvania Port Authority is Timothy M. Sennett, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 W 10th Street, Erie, Pennsylvania 16501.
3. The Erie-Western Pennsylvania Port Authority is a third class port authority operating and existing under the laws of the Commonwealth of Pennsylvania, owning and operating the Port of Erie which is served by the industry rail lines connected to the four (4) at grade public railing crossing where is crosses East Bayfront Parkway (DOT # 918 322 D); Ore

Dock Road (DOT # 976 924 B and DOT # 932 473 C); and East Bay Drive (DOT # 918 325 Y) in the City of Erie, Erie County, Pennsylvania.

4. The subject crossings set forth above are identified on the maps of the project locations attached to CSX Transportation, Inc.'s Petition as Exhibits A-D.

5. CSX did not at any time contact the Erie-Western Pennsylvania Port Authority nor the tenants or customers served by the industrial rail lines to determine their necessity. The Erie-Western Pennsylvania Port Authority objects to the proposed abolishing of the four (4) crossings because these crossings are necessary for effective use of the rail lines which serve the Port of Erie and the industrial customers connected and adjacent to the rail line, including but not limited to, Carmeuse Lime and Stone, Erie Sand and Gravel, and Sidehill Copper Works.

6. The rail lines are necessary for the transportation of commodities as received in the Port of Erie which would require rail transportation to their ultimate destination.

7. The rail lines are necessary as the Erie-Western Pennsylvania Port Authority continues to develop the vacant area adjacent to the rail lines for future industrial and other uses.

WHEREFORE, the Erie-Western Pennsylvania Port Authority respectfully requests that the Commission deny the application for the abolishing of the four (4) crossings in the City of Erie, Erie County, Pennsylvania as described herein.

Date: July 19, 2023

BY: 

Timothy M. Sennett, Esquire (#41509)
Knox McLaughlin Gornall & Sennett, P.C. Attorneys for
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Application of CSX Transportation, Inc. for approval to abolish four (4) at grade crossings where East Bayfront Parkway (DOT # 918 322 D); Ore Dock Road (DOT # 976 924 B and DOT # 932 473 C); and East Bay Drive (DOT # 918 325 Y) Cross at-grade the Tracks of CSX Transportation, Inc. in the City of Erie, Erie County, Pennsylvania) **Docket No. A-2023-3041598**

VERIFICATION

I, Martin LaMar, Executive Director of the Erie-Western Pennsylvania Port Authority, in the foregoing proceeding do make the following statements subject to the penalties of Pa.C.S. §4904 relating to unsworn falsification to authorities and do state that as Executive Director I am authorized to make this statement on behalf of the Erie-Western Pennsylvania Port Authority and that the facts set forth in the foregoing Protest and Objection to Application for Approval to Abolish Four (4) At Grade Crossings are true and correct to the best of my knowledge, information and belief. To the extent the contents of the pleadings are that of counsel, verifier has relied upon counsel in making this verification.



Martin LaMar

Application of CSX Transportation, Inc. for approval to abolish four (4) at grade crossings where East Bayfront Parkway (DOT # 918 322 D); Ore Dock Road (DOT # 976 924 B and DOT # 932 473 C); and East Bay Drive (DOT # 918 325 Y) Cross at-grade the Tracks of CSX Transportation, Inc. in the City of Erie, Erie County, Pennsylvania

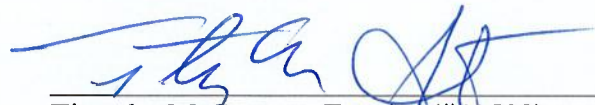
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CERTIFICATE OF SERVICE

I hereby certify that I served one copy of the foregoing Protest and Objection to the Application of CSX Transportation, Inc. for Approval to Abolish Four (4) At Grade Crossings on behalf of Erie Western Pennsylvania Port Authority, in the above action, this 19th day of July, 2023, via email addressed to:

Eric W. White, Esquire Assistant Counsel Pennsylvania Department of Transportation Office of Chief Counsel PO Box 8212 Harrisburg, PA 17105 ewwhite@pa.gov	Mark J. Chappell P.E., Chief Bureau of Design ROW and Utility Division Pennsylvania Department of Transportation P.O. Box 3362 Harrisburg, PA 17105 MARCHAPPEL@pa.gov
Pamela Graci Charter Communications 1700 Commerce Pkwy. Lancaster, NY 14086 Pamela.graci@charter.com	Craig Palmer, P.E. Erie Water Works 240 West 12 th Street Erie, PA 16501 cpalmer@eriewaterworks.org
Kayla L. Rost, Esquire Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 Karost@pa.gov	Brian A. McNulty, P.E. Engineering District 1-0 Department of Transportation 255 Elm Street Oil City, PA 16301 brmcnulty@pa.gov
Steven Anderson Erie Indemnity Company 100 Erie Insurance Pl. Erie, PA 16350 Steven.anderson@erieinsurance.com	Melyssa Adams First Energy Corporation 21 S. Main Street Akron, OH 44308 madams@firstenergycorp.com

<p>Jason Fleek National Fuel Gas Distribution Corp. P.O. Box 2081 Erie, PA 16501 fleekj@natfuel.com</p>	<p>Ronald Silinskie Verizon North 37 W. 8th Street Wyoming, PA 18644 Ronald.Selinskie@verizon.com</p>
<p>David Himes City of Erie 626 State Street Erie, PA 16501 dhumes@erie.pa.us</p>	<p>Edward J. Betza, Esquire City of Erie, Solicitor 456 W. 6th Street Erie, PA 16507 ejbetza@elderkinlaw.com</p>
<p>Victor Wood Verizon Business formerly MCI 7000 Weston Pkwy. Cary, NC 27513 Victor.s.wood@verizon.com</p>	<p>Benjamin C. Dunlap, Jr., Esquire Nauman Smith Shissler & Hall 200 North 3rd St., 18th Floor Harrisburg, PA 17101 bdunlapjr@nssh.com</p>



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