

ELDERKIN LAW FIRM

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(1927-2004)

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(1916 - 2008)

EDWARD P. WITTMANN
(1940 - 2019)

Retired

JOHN B. ENDERS
THOMAS J. MINARCIK
ROBERT C. LeSUER

July 31, 2023

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 City of Erie
Docket No. A-2023-3041598

Dear Secretary Chiavetta:

Attached please find the City of Erie'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,

ELDERKIN LAW FIRM

Edward J. Betza

EJB/kit
Enclosure

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 City of Erie, by and through its counsel, the Elderkin Law Firm, 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 City of Erie, a Pennsylvania Third Class City with a business address of 626 State Street, Erie, Pennsylvania 16501.
2. The name and address of the Solicitor for the City of Erie is Edward J. Betza, Esquire, 626 State Street, Room 505, Erie, Pennsylvania 16501.
3. The City of Erie owns and operates a wastewater treatment plant located at 68 Port Access Road, Erie, PA 16507.
4. The CSX rails and subject crossings have been an essential access point to service the City's wastewater treatment plant and are believed to be critical to the future operations of the plant.

5. CSX did not at any time contact the City of Erie to determine the necessity of the rails and subject crossings.

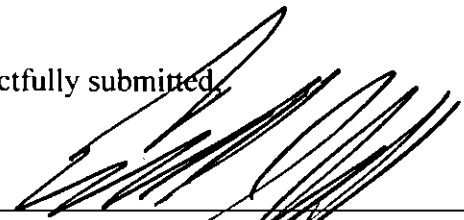
6. The City of Erie objects to the proposed abolishing of the four (4) crossings because these crossings are necessary for effective use of the rail lines which serve the City's wastewater treatment plant.

7. The City joins in the July 19, 2023 Protest and Objection filed by the Erie-Western Pennsylvania Port Authority.

WHEREFORE, the City of Erie 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.

Respectfully submitted,

By:



Edward J. Betza, Esq.
PA I.D. No. 65529
City of Erie, Pennsylvania
626 State Street, Room 505
Erie, PA 16501
Attorney for City of Erie, Objector

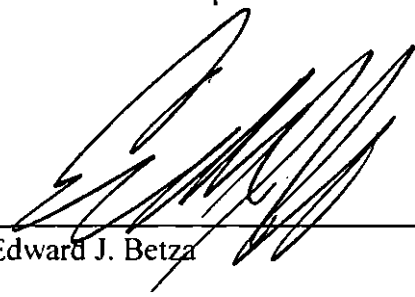
Dated: July 31, 2023

**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

The foregoing document was drafted by legal counsel based upon information provided by me and upon information counsel has obtained from other sources. The language and words used in the foregoing document were chosen by counsel based upon the information provided. I hereby state that the facts known to me, set forth in the foregoing document, are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities and is given pursuant to the provisions for verification of pleadings as defined and provided for in Rule 1024 of the Pennsylvania Rules of Civil Procedure.



Edward J. Betza

Dated: July 31, 2023

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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Docket No. A-2023-3041598

CERTIFICATE OF SERVICE

I hereby certify that I served one copy of the foregoing Protect and Objection to the Application of CSX Transportation, Inc. for Approval to Abolish Four (4) At Grade Crossings on behalf of the City of Erie, in the above action, this 31st day of July, 2023, via email addressed to:

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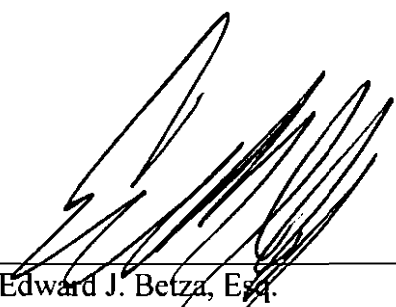
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TO:

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

FIRST CLASS MAIL