



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

January 2, 2024

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street 2nd FL
Harrisburg, PA 17120

RE: Application of the Department of Transportation of the Commonwealth of Pennsylvania for Approval to alter (1) Public At Grade Crossing by the installation of Z Gate at the multi-trail along State Route 4034 and (2) Public At Grade Crossings by Altering the Preemption and Timing where 8th Street and 10th Street cross the track of CSX Transportation, Inc. (DOT Nos. 918 324 S, 524 337 C, 524 335 N) in the City of Erie, Erie County, and Allocation of Costs Incentive thereto. Docket No. A-2022-3036626

Application of the Department of Transportation of the Commonwealth of Pennsylvania for of extending the public at-grade crossing by widening the existing crossing surface and moving the warning device for roadway widening where the Bayfront Parkway crosses, at grad, the track of CSX Transportation, Inc (DOT No. 936 054 T) in the City of Erie, Erie County, and the allocation of costs incident thereto. Docket No. A-2022-3036618

Application of CSX Transportation, Inc. for approval to abolish four (4) at grade crossings where East Bayfront Parkway (DOT No. 918 322 D); Ore Dock Road (DOT No. 976 924 B and DOT No. 932 473 C); and East Bay Drive (DOT No. 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

Dear Secretary Chiavetta,

Enclosed for electronic filing please find the Department's *Statement of Support* in the above-captioned matters.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,



Caroline G. Robelen
Assistant Counsel

cc: Parties of Record

Mark Chappell, P.E., Chief, Highway Delivery Division (Email)

Mohammad Arghoshi, District Grade Crossing Manager, District 1-0 (Email)

Brian A. McNulty, P.E., Engineering District 1-0 (Email)

Thomas J. McClelland, P.E., Assistant District Executive, Engineering District 1-0 (Email)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Department of Transportation) Docket No. A-2022-3036626
of the Commonwealth of Pennsylvania for)
Approval to alter (1) Public At Grade Crossing by)
the installation of Z Gate at the multi-trail along)
State Route 4034 and (2) Public At Grade)
Crossings by Altering the Preemption and Timing)
where 8th Street and 10th Street cross the track of)
CSX Transportation, Inc. (DOT Nos. 918 324 S,)
524 337 C, 524 335 N) in the City of Erie, Erie)
County, and Allocation of Costs Incentive thereto)

Application of the Department of Transportation) Docket No. A-2022-3036618
of the Commonwealth of Pennsylvania for of)
extending the public at-grade crossing by widening)
the existing crossing surface and moving the)
warning device for roadway widening where the)
Bayfront Parkway crosses, at grad, the track of)
CSX Transportation, Inc (DOT No. 936 054 T) in)
the City of Erie, Erie County, and the allocation of)
costs incident thereto.)
)

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

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION’S STATEMENT IN SUPPORT OF THE JOINT PETITION FOR
SETTLEMENT

The Commonwealth of Pennsylvania, Department of Transportation (Department), submits this Statement in Support of the Joint Petition for Settlement. The Pennsylvania Public Utility Commission (Commission) will serve the public interest by adopting the Joint Petition for Settlement in the above-captioned matter. The Settlement will save the parties the time and expense that would be incurred in litigating this matter before the Commission. Since all of the signatory parties agree to the terms of the Settlement, adopting it will eliminate the possibility of an appeal from the Commission Secretarial Letter or Order, thus saving the signatory parties the

additional time and expense that might be incurred in such an appeal. Adopting this Settlement will further the statutory provisions of 66 Pa. C.S. § 2702 *et seq.*, in regard to the public convenience and safety.

This Settlement is in the public interest because it promotes the safety and welfare of the public. The Settlement satisfies the Department's Protest and Objection filed in Docket No. A-2023-3041598. The Settlement benefits and serves the public by ensuring that the continuation of the rail crossings at issue provide access to the port in the City of Erie and will promote a fully operational port. The Settlement provides benefit to all parties and the public by clearly allocating costs and future maintenance responsibilities. This Settlement resolves all outstanding issues and allows the Department to move forward with its rail crossing widening project and the Department respectfully requests that the Joint Petition for Settlement in the above matter should be approved and the matter be resolved by the adoption of the terms outlined in the Joint Petition for Settlement.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



DATED: January 2, 2024

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Department of Transportation of the Commonwealth of Pennsylvania for Approval to alter (1) Public At Grade Crossing by the installation of Z Gate at the multi-trail along State Route 4034 and (2) Public At Grade Crossings by Altering the Preemption and Timing where 8th Street and 10th Street cross the track of CSX Transportation, Inc. (DOT Nos. 918 324 S, 524 337 C, 524 335 N) in the City of Erie, Erie County, and Allocation of Costs Incentive thereto) **Docket No. A-2022-3036626**

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Application of CSX Transportation, Inc. for approval to abolish four (4) at grade crossings where East Bayfront Parkway (DOT No. 918 322 D); Ore Dock Road (DOT No. 976 924 B and DOT No. 932 473 C); and East Bay Drive (DOT No. 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**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirements of 52 Pa. Code §1.54, by:

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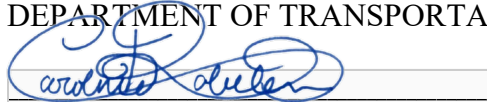
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Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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