

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held April 4, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair, Conflict Statement
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Application of CSX Transportation, Inc., for : A-2023-3041598
Approval to abolish four (4) at-grade crossings :
where East Bayfront Parkway (DOT # 918 322 D); :
Ore Dock Road (DOT # 976 924 B and 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. :

Application of the Department of Transportation : A-2022-3036626
of the Commonwealth of Pennsylvania for :
approval to alter one (1) public at-grade crossing :
(DOT 918 324 S) by the installation of Z Gates at :
the multi-use trail along East Bayfront Parkway :
(State Route 4034) and alter two (2) public :
at-grade crossings (DOT's 524 337 C, and :
524 335 N) by installing pedestrian crossing :
improvements and altering the pre-emption and :
timing where East 8th Street and East 10th Street :
cross the track of CSX Transportation Inc., in the :
City of Erie, Erie County, and the allocation of :
costs incident thereto. :

Application of the Department of Transportation : A-2022-3036618
of the Commonwealth of Pennsylvania for :
approval of extending the public at-grade crossing :
by widening the existing crossing surface and :
moving the warning device for roadway widening :
where Bayfront Parkway crosses, at grade, the :
tracks of CSX Transportation, Inc. (DOT No. :
936054T) in City of Erie, Erie County, and the :
allocation of costs incident thereto. :

ORDER

BY THE COMMISSION:

We adopt as our action the Recommended Decision of Administrative Law Judge Charece Z. Collins dated February 28, 2024;

THEREFORE,

IT IS ORDERED:

1. That the Joint Petition for Settlement of the Applications in this proceeding, executed by the Department of Transportation of the Commonwealth of Pennsylvania, CSX Transportation, Inc., the Commission’s Bureau of Investigation and Enforcement, Erie-Western Pennsylvania Port Authority, the Erie Sewer Authority and the City of Erie, and submitted at consolidated Docket Nos. A-2023-3041598, A-2022-3036626 and A-2022-3036618, be approved without modification.

2. That, upon the approval of this Recommended Decision, the proceeding be reassigned to the Commission’s Bureau of Technical Utility Services, Rail Safety Section for the issuance of a Secretarial Letter setting forth the Parties’ Settlement terms.

3. That the Protest and Objection of the Erie-Western Pennsylvania Port Authority at Docket No. A-2023-3041598 be deemed satisfied.

4. That the Protest and Objection of the Erie Sewer Authority at Docket No. A-2023-3041598 be deemed satisfied.

5. That the Protest and Objection of the Department of Transportation of the Commonwealth of Pennsylvania at Docket No. A-2023-3041598 be deemed satisfied

6. That the Protest and Objection of the City of Erie at Docket No. A-2023-3041598 be deemed satisfied.

7. That the Petition to Amend of CSX Transportation, Inc. at Docket No. A-2022-3036626 be deemed satisfied.

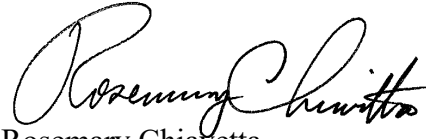
8. That the Protest and Objection of the Erie-Western Pennsylvania Port Authority at Docket No. A-2022-3036626 be deemed satisfied.

9. That the Protest and Objection of Erie Sewer Authority at Docket No. A-2022-3036626 be deemed satisfied.

10. That, upon completion of the work referenced in the Settlement, the Parties agree to provide written notice to the Rail Safety Section. Rail Safety Section shall thereafter perform a final inspection to determine whether the work performed by the Parties was completed satisfactorily and as specified in the Settlement. If Rail Safety Section determines

that the work has been completed satisfactorily, the Commission will issue a Secretarial Letter officially closing the matter.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: April 4, 2024

ORDER ENTERED: April 4, 2024