



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

IN REPLY PLEASE
REFER TO OUR FILE

December 9, 2024

C-2019-3015101

PARTIES OF RECORD

Complaint filed by the Borough of Eddystone verses Consolidated Rail Corporation & CSX Transportation Inc., alleging falling debris from the railroad overpasses onto the public sidewalk and other issues at the public crossing (DOT 541 055 F) where Eddystone Avenue crosses, below grade, the tracks of Consolidated Rail Corporation located in the Borough of Eddystone, Delaware County.

To Whom It May Concern:

On December 23, 2019, the Borough of Eddystone (Complainant) filed a Formal Complaint against Consolidated Rail Corporation & CSX Transportation Inc. alleging various issues within the public crossing DOT 541 055 F.

On January 16, 2020, Consolidated Rail Corporation (Respondent) through its undersigned counsel filed an Answer with New Matter. Within the New Matter the Respondent stated that they inspected the retaining wall in question and removed two stone blocks that had fallen off. The Respondent found the remaining wall in stable condition and found no evidence of silt and debris within the Complainants' drainage facilities that originated from Conrail property and/or facilities.

Numerous informal attempts were made by a Commission staff engineer to determine satisfaction or other with the Borough of Eddystone in regard to the work performed by Consolidated Rail Corporation to satisfy the complaint. To date nothing has been filed on record under this proceeding by the Borough of Eddystone in regard to prosecution or satisfaction of this complaint.

On May 17, 2024, a Commission staff engineer sent a query letter to the Borough of Eddystone pertaining to the status of the complaint and response to the work performed by the respondent.

To date the Borough of Eddystone has not responded on record or to Commission staff after numerous attempts pertaining to the status of the Complaint and work performed.

In the interest of the public this Secretarial Letter will serve to close the case and deem it satisfied or serve to elicit a formal response stating otherwise on the record from the Complainant within twenty (20) days of the date of this letter.

The Commission thereby issues this Secretarial Letter in accordance with Section 703 of the Public Utility Code and finds that if no formal response to this letter is made the complaint be deemed satisfied and the case be "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.


All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an eFiling account through the Commission's website (the account is free of charge) 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. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority or certified mail to allow tracking of your filing.

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 eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed 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.

Sincerely,



Rosemary Chiavetta
Secretary