

TIMOTHY E. POSSENTI, ESQUIRE
ATTORNEY I.D. No. 76478
3101 CHICHESTER AVENUE
UPPER CHICHESTER, PA 19061
(E) TEPEsq@GMAIL.COM
(610) 255-2232

SOLICITOR FOR EDDYSTONE BOROUGH

Complaint filed by Borough of Eddystone :
verses Consolidated Rail Corporation : NO. C-2019-3015101
& CSX Transportation, Inc., alleging falling :
debris from 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 :

PETITION FOR RECONSIDERATION FROM STAFF ACTION

Eddystone Borough respectfully requests reconsideration from staff action dated December 9, 2024 and to allow the within matter to remain open for further review and corrective action.

1. Customer/Complainant is Eddystone Borough, with offices located at:
1300 East 12th Street
Eddystone
Delaware County, PA 19022
2. The Solicitor of Eddystone Borough is Timothy E. Possenti (PA Supreme Court ID no.: 76478) having a mailing address of:
3101 Chichester Avenue
Upper Chichester, PA 19061
3. Respondent is Consolidated Rail Corporation, having an address of:
330 Fellowship Road, Suite 300
Mount Laurel, NJ 08054
4. Respondent is CSX, with its corporate headquarters located at:
500 Water Street, 15th Floor
Jacksonville, FL 32202

5. By letter notice dated December 9, 2024, PAPUC directed Eddystone Borough to make formal response or the complaint would be deemed satisfied and the case be “closed”, and directed it do so within twenty (20) days from the date of the said letter.
6. Consolidated Rail Corporation plead it took some corrective action by removing two stone blocks that had fallen off. The condition of the public crossing at DOT 541 055 F remains uncorrected and unsafe.
7. Eddystone Borough believes and therefor avers that the said public crossing requires further inspection and corrective action be taken to make the same safe.
8. Eddystone Borough respectfully requests reconsideration of the Secretarial letter dated December 9, 2024 and moves for the matter to stay open.
9. Eddystone Borough believes and therefore avers that this matter can only be properly corrected under the direction of the Pennsylvania Public Utility Commission.

WHEREFORE, Eddystone Borough respectfully requests reconsideration and the matter to remain open.

MOST RESPECTFULLY:

/s/ Timothy E Possenti

TIMOTHY E. POSSENTI, ESQUIRE
I.D. #76478

VERIFICATION

I, Timothy E. Possenti, Esquire, verify that the facts set forth in the foregoing are true and correct to the best of my knowledge, information and belief. I do so understanding that said statements are made pursuant to Section 4904 of the Pennsylvania Crimes Code pertaining to Unsworn Falsification to Authority.

/s/ Timothy E Possenti

TIMOTHY E. POSSENTI

VERIFICATION

I, Dr, Rich Moler, state that I am an authorized signatory for Eddystone Borough, Delaware County, PA, duly authorized to make this Verification, and hereby verify that the information contained in the foregoing pleading is true and correct to the best of my knowledge, information, and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

EDDYSTONE BOROUGH

By: 

Dr. Rich Moler

Borough Manager

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the following persons in the manner indicated:

Secretary
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120
Via USPS Express Mail, Postal Service Overnight Delivery

Consolidated Rail Corporation
330 Fellowship Road, Suite 300
Mount Laurel, NJ 08054
Via USPS Express Mail, Postal Service Overnight Delivery

CSX
500 Water Street, 15th Floor
Jacksonville, FL 32202
Via USPS Express Mail, Postal Service Overnight Delivery

William M. Sinick, P.E.
Via Email to wilsinick@pa.gov

/s/ Timothy E Possenti

TIMOTHY E. POSSENTI