



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

January 30, 2025

Via Electronic Filing

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

**RE: 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 East Bay Drive (DOT # A918 325Y) 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 *Petition to Modify* in the above-captioned matter.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "Caroline G. Robelen".

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
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of CSX Transportation, Inc. for : Docket No. A-2023-3041598
approval to abolish four (4) at grade crossings :
where East Bayfront Parkway (DOT # 918 : Electronically Filed
322 D), Ore Dock Road (DOT # 976 924 B); :
and East Bay Drive (DOT # A918 325Y) cross :
at-grade the tracks of CSX Transportation, :
Inc. in the City of Erie, Erie County, :
Pennsylvania :

PETITION TO MODIFY SECRETARIAL LETTER ENTERED AUGUST 25, 2017

The Commonwealth of Pennsylvania, Department of Transportation (Department), by its counsel, Caroline G. Robelen, files this Petition to Modify Secretarial Letter, pursuant to 52 Pa. Code § 5.41, in the above-referenced matter and states as follows:

1. The name and address of your Petitioner is:

Commonwealth of Pennsylvania
Department of Transportation
Engineering District 1-0
255 Elm Street
P.O. Box 398
Oil City, Pennsylvania 16301-0398

2. The name and address of Counsel for the Petitioner is:

Caroline G. Robelen
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212

3. On July 3, 2023, CSX Transportation, Inc. (“CSX”) filed an Application for approval to alter multiple at-grade crossings in the City of Erie, Erie County, including where East Bayfront Parkway (DOT 918 322 D) crosses, at-grade, a track of CSX.

4. On January 17, 2024, the Department, CSX, the City of Erie, the Erie Sewer Authority, and the Erie-Western Pennsylvania Port Authority filed a Settlement Term Sheet and, on April 4, 2024, the Administrative Law Judge assigned to the matter approved the Joint Petition for Settlement without modification.

5. On January 3, 2025, the Public Utility Commission issued a Secretarial Letter approving the Application and finding that the previously approved Joint Petition for Settlement of terms associated with the Application are necessary and proper for the service, accommodation, convenience or safety of the public.

6. The Secretarial Letter issued on January 3, 2025, does not direct the Department to furnish or install any signage, including “EXEMPT” plaques (R15-3P) on the crossbucks and “EXEMPT” plaques (W10-1aP) on each of the Grade Crossing Advance Warning (W10-1) signs.

7. The Secretarial Letter issued on January 3, 2025, directed the Department to complete the following:

19. The Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the East Bayfront Parkway approach roadways of the subject crossing (DOT 918 322 D), to points twenty-four (24) inches beyond each outside rail and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide the City of Erie, at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

8. The Department is seeking to make the crossing a Stop and Flag crossing and to install an “EXEMPT” sign on the highway approaches in accordance with the Act of Dec. 21, 1998, P.L. 1126, No. 151 *codified at* 75 Pa.C.S. § 3342(c) because there is no real train traffic at present and adding an “EXEMPT” sign would keep traffic flowing across the crossing. In its current state, traffic is required to stop at the crossing although there are not many, if any, trains

that utilize the crossing. Therefore, the Department respectfully requests that paragraph 19 of said Secretarial Letter be modified as follows: (Additions are *italicized*.)

19. The Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary *to alter the subject crossing by installing "EXEMPT" plaques (W10-1aP) on each of the Grade Crossing Advance Warning (W10-1) signs,* and thereafter to maintain the East Bayfront Parkway approach roadways of the subject crossing (DOT 918 322 D), to points twenty-four (24) inches beyond each outside rail and in addition, maintain the grade crossing advance warning signs, stop lines, *the "EXEMPT" plaques (W10-1aP) on each of the Grade Crossing Advance Warning (W10-1) signs* and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide the City of Erie, at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

WHEREFORE, the Department of Transportation respectfully requests that the relief sought in this Petition be granted.

Respectfully Submitted,



Caroline G. Robelen
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

Dated: January 30, 2025

**BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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at-grade the tracks of CSX Transportation, :
Inc. in the City of Erie, Erie County, :
Pennsylvania :

VERIFICATION

I, Jeanette Uhl, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to un-sworn falsification to authorities).

Date: 01/29/2025

Jeanette C. Uhl Digitally signed by Jeanette C. Uhl
Date: 2025.01.29 15:51:23 -05'00'

Jeanette Uhl
District Grade Crossing Administrator

**BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of CSX Transportation, Inc. for : Docket No. A-2023-3041598
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Inc. in the City of Erie, Erie County, :
Pennsylvania :

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:

Service by Electronic Mail

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Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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P.O. Box 8212
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Fax No.: (717) 772-2741

DATED: January 30, 2025