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May 30, 2025

**VIA ELECTRONIC FILING**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

***Re: Petition of CSX Transportation, Inc. to Reassign Maintenance Responsibility for the Bridge Structure where Bort Road (T-270) Crosses above CSX Transportation, Inc.'s Tracks (DOT 524 035 A) in North East Township, Erie County Docket No. P-2015-2465847***

Dear Secretary Homsher:

Enclosed please find the Third Status Report on behalf of CSX Transportation, Inc. for filing in the above-referenced matter. A copy has been served upon all interested parties of record. Thank you.

Sincerely yours,



Benjamin C. Dunlap, Jr.

BCD:klg  
Enclosure  
cc: All Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF CSX** :  
**TRANSPORTATION, INC. TO** :  
**REASSIGN MAINTENANCE** : **P-2015-2465847**  
**RESPONSIBILITY FOR THE BRIDGE** :  
**STRUCTURE WHERE BORT ROAD** : **Filed Electronically**  
**(T-270) CROSSES ABOVE CSX** :  
**TRANSPORTATION, INC.’S TRACKS** :  
**(DOT 524 035 A) IN NORTH EAST** :  
**TOWNSHIP, ERIE COUNTY** :

**THIRD STATUS REPORT**

CSX Transportation, Inc. (“CSXT”), by and through its undersigned counsel, makes this Third Status Report pursuant to Interim Order # 4 in this proceeding.

While North East Township (“Township”) and CSXT attempted to negotiate a final resolution on the disposition of the Bort Road Bridge, the Township rejected CSXT’s settlement offer. CSXT then proposed an interim resolution, in which more moderately priced repairs would be conducted to extend the life of the current bridge for about another ten years. This offer, which would require the financial cooperation of the Township, is substantially consistent with the obligations of the 1988 Order assigning maintenance responsibilities for the bridge.

Per the attached Bridge Inspection Report, which was attached to the December 17, 2024, Status Report as Exhibit A,<sup>1</sup> CSXT would agree to perform all the changes marked in yellow or bolded on pages 9 through 11 of the report. CSXT would perform these repairs to maintain the structural integrity of the current bridge at its sole cost and expense.

At the same time, CSXT would expect the Township to make the repairs highlighted in

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<sup>1</sup> Note that because Exhibit A contains detailed information about the bridge condition, it is being redacted from the public filing.

blue on pages 9 through 11 of Exhibit A, which are roadway related. In addition, CSXT asks that the Township reimburse CSXT for the installation of timber runners (longitudinal deck boards) to help reduce damage to the timber deck planks caused by the Township's snow plows. CSXT should not have to fund repairs directly attributable to the Township's snow removal.

Combined, these repairs would resolve all Priority Code 1-3 items on the attached Inspection Report, with the exception of installing standard PennDOT bridge railing on both sides of the bridge. CSXT does not consider that a maintenance item, but a betterment to the present bridge structure, not necessary considering the remaining useful life of the bridge. If the bridge railings are desired or required, they should be paid for by the Township as a betterment.

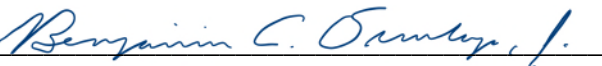
CSXT has received no definitive answer from the Township on this interim resolution. While in one sense it would kick the can down the road, it would also extend the useful life of the bridge for another ten years, at which time circumstances and attitudes toward the bridge may change. During this time, maintenance responsibilities under the 1988 Order would remain in place, and the ultimate disposition of the bridge would need to be determined at a later time.

Unless the Township explicitly agrees to CSXT's interim repair offer, CSXT thinks that a litigation schedule would need to be set. In such litigation, CSXT would argue for repairs on the terms outlined above or in the alternative for the abolition of the crossing at this time, with removal of the bridge structure at CSXT's sole cost and expense.

CSXT requests that the parties be ordered by June 27, 2025, to submit an agreed-upon schedule for the submission of updated direct and rebuttal testimony, if a party so desires. The parties should also submit several agreed-upon dates for a hearing, with the intention of finding one that meets Your Honor's schedule and the Commission's hearing room availability. Alternatively, another prehearing conference could be set for that purpose.

Respectfully submitted,

**COHEN, SEGLIAS, PALLAS,  
GREENHALL & FURMAN, PC**

By:   
**Benjamin C. Dunlap, Jr., Esquire**  
Supreme Court I.D. #66283

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Counsel for CSX Transportation, Inc.

Date: May 30, 2025

# **EXHIBIT A**

**(REDACTED)**

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**(DOT 524 035 A) IN NORTH EAST** :  
**TOWNSHIP, ERIE COUNTY** :

**CERTIFICATE OF SERVICE**

I hereby certify that I served one (1) copy of the foregoing document in the above-referenced matter, this day, via electronic mail only as noted below, addressed to:

Alphonso Arnold, III  
Administrative Law Judge  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
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*/s/ Karen L. Gagne*  
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Karen L. Gagne, Secretary to  
Benjamin C. Dunlap, Jr., Esquire

Date: May 30, 2025