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April 17, 2026

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 CSX Transportation, Inc.'s Motion to Withdraw Petition to Reassign Maintenance Responsibilities 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 responsibility for the : P-2015-2465847
bridge structure where Bort Road (T-270) :
crosses above CSX Transportation, Inc.'s :
tracks (DOT #524 035 A) in North East :
Township, Erie County : Filed Electronically

**MOTION TO WITHDRAW PETITION TO
REASSIGN MAINTENANCE RESPONSIBILITIES**

CSX Transportation, Inc. (“CSXT”), by and through its undersigned counsel, hereby files this Motion to Withdraw its Petition to reassign maintenance responsibility (“Petition to Reassign Maintenance”) in the above-referenced matter, based upon the following:

1. CSXT filed a Petition with the Commission on January 29, 2015, requesting that maintenance responsibility for the bridge structure carrying Bort Road (T-270) above its tracks in North East Township (“Township”), Erie County (“County”), be reassigned from CSXT to the Township.
2. The parties participating in this proceeding are CSXT, the Township, the County and the Pennsylvania Department of Transportation (“PennDOT”).
3. CSXT’s predecessor in title, Consolidated Rail Corporation (“Conrail”), was assigned maintenance responsibility for the entire substructure and superstructure of the Bort Road Bridge in the Commission Order entered October 31, 1988, at Docket Number I-870042.
4. CSXT is a successor in interest to Conrail’s obligations under the 1988 Order by virtue of becoming the owner of Conrail’s rail lines and real property under the Bort Road Bridge in 1999.
5. Pursuant to an Amended Secretarial Letter dated October 28, 2013, at the proceeding docketed to M-2013-2386854, CSXT was ordered to undertake extensive repairs to

the bridge, pursuant to the requirements of that order, by April 30, 2014. In that same Secretarial Letter, the load limit on the bridge was set at 8 tons.

6. Following a final inspection meeting, the Commission determined by Secretarial Letter dated November 3, 2014, that the repairs to the bridge were satisfactorily completed by CSXT and the case at Docket No. M-2013-2386854 was closed.

7. CSXT thereafter filed its Petition to Reassign Maintenance, which is the present proceeding.

8. The matter thereafter languished for years while PennDOT conducted a study assessing future roadway and bridge connectivity in the area of the Bort Road bridge and the parties considered its conclusions.

9. As a result of this stasis, CSXT filed a Petition to Assign Proceeding to Office of Administrative Law Judge for scheduling of a hearing on January 25, 2024, in which CSXT requested that maintenance responsibility for the bridge be assigned to the Township and/or Erie County.

10. The matter was assigned to Administrative Law Judge (“ALJ”) Alphonso Arnold III, and a prehearing conference was scheduled and held on April 17, 2024, in which CSXT, PennDOT and the Township participated.

11. ALJ Arnold adopted the parties’ proposed litigation schedule in a Scheduling Order dated May 1, 2024, with evidentiary hearings set for August 20 and 21, 2024.

12. The parties thereafter engaged in extensive discovery, with a primary focus being the potential availability of state and federal funds for the replacement of the Bort Road Bridge. Unfortunately, this discovery showed that due to the high estimated cost of reconstruction and low volume of traffic on the roadway, the chances of obtaining replacement funding were slim.

13. CSXT and the Township then explored other ideas for a potential resolution, and the hearing was continued on several occasions.

14. In its Third Status Report filed on May 30, 2025, CSXT informed the Commission that while the Township and CSXT attempted to negotiate a final resolution on the disposition of the bridge, they could not reach agreement. As the parties appeared to have exhausted the potential for any resolution of the matter, CSXT requested the parties be ordered to submit an agreed-upon new litigation schedule, including for the submission of updated direct and rebuttal testimony if a party so desired.

15. A Status Conference was held on July 21, 2025, with CSXT, the Township and Erie County participating.

16. ALJ Arnold instead scheduled a further Telephonic Status Conference for July 21, 2025. During the conference, CSXT expressed an intent to abolish the crossing, and ALJ Arnold directed CSXT to amend its Petition to include this change in relief.

17. CSXT filed a Petition to Convert Proceeding to an Application for the Abolition of the Bort Road Crossing on October 1, 2025, wherein CSXT requested that the proceeding be converted to one for the abolition of the Bort Road crossing.

18. On October 27, 2025, via-email, ALJ Arnold informed the parties that after further consideration he believed that the best way for CSXT to proceed in this matter was to file an application to abandon the crossing with the Commission Secretary on a separate docket.

19. In response to ALJ Arnold's October 27, 2025, e-mail, CSXT informed him that CSXT and the Township were once again discussing a potential settlement resolution. In light of this fact, CSXT requested that the matter be held in abeyance.

20. By his Order dated March 20, 2026, ALJ Arnold formally granted the request to hold the matter in abeyance and directed CSXT to file a status report by April 17, 2026.

21. While counsel for CSXT and the Township once again discussed potential paths for resolution on several occasions, no resolution has been reached.

22. Based upon current circumstances, CSXT thinks the best course of action at this time is for CSXT to continue to maintain the Bort Road bridge at its current 8-ton load limit pursuant to the Amended Secretarial Letter dated October 28, 2013, at M- 2013-2386854.


23. CSXT agrees to continue to maintain the current bridge substructure and superstructure for the required 8-ton load limit under the 1988 Commission Order and 2013 Secretarial Letter for the foreseeable future.

24. Counsel for the Township, County and PennDOT have all provided their concurrence with CSXT's Petition to Withdraw.

WHEREFORE, CSX Transportation, Inc. respectfully requests that this Honorable Commission grant its Motion to Withdraw its Petition to Reassign Maintenance Responsibility for the Bort Road crossing and close this proceeding.

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: April 17, 2026

VERIFICATION

I, Michael Sliper, Project Manager II, CSX Transportation, Inc., in the foregoing proceeding, make the following statement subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authority, and do state that as Project Manager II for CSX Transportation, Inc., I am authorized to make this statement on behalf of CSX Transportation, Inc. and that the facts set forth in the foregoing **“Motion to Withdraw Petition to Reassign Maintenance Responsibilities”** are true and correct to the best of my knowledge, information and belief.



Michael Sliper

Date: 4-17-26

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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
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/s/ Karen L. Gagne

Karen L. Gagne, Secretary to
Benjamin C. Dunlap, Jr., Esquire

Date: April 17, 2026