

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120**

**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
#524035A) in Northeast Township,
Erie County**

**Public Meeting held June 18, 2026
2465847-ALJ
Docket No. P-2015-2465847**

MOTION OF VICE CHAIR KIMBERLY BARROW

On January 29, 2015, CSX Transportation, Inc. (CSXT) filed a Petition seeking to reassign maintenance responsibility for the bridge structure where Bort Road crosses above CSXT tracks in Northeast Township, Erie County. CSXT averred that the bridge was built in 1905¹ by the Lake Shore and Michigan Southern Railroad and that maintenance was assigned to Consolidated Rail Corporation (Conrail) pursuant to an October 31, 1988 Commission Order. CSXT is the successor to Conrail's obligations after becoming owner of Conrail's rail lines and real property in 1999. CSXT averred that Bort Bridge has been on the State Bridge Bill and eligible for replacement funding since 1987, but as the Township owns the roadway on the bridge and is the owner of the bridge, only the Township can apply for Bridge Bill funding. CSXT argued that the Township has failed to take the necessary steps for over 28 years, to secure funding for the bridge's replacement.

The record is void of any filings or pleadings until January 25, 2024, when CSXT filed a Petition to Assign the Proceeding to the Office of Administrative Law Judge for Scheduling of a Hearing. A prehearing conference was held on April 17, 2024, to address procedural matters and provide a timeline to establish a litigation schedule. A hearing was scheduled but later cancelled at the request of CSXT to complete an engineering examination of the bridge.

A conference call was held on January 28, 2025, and the Administrative Law Judge provided a 60-day deadline for the Parties to discuss a resolution of the matter. After an extension was granted, a further status conference was held on July 21, 2025, to address new evidence that CSXT was seeking to abolish the bridge rather than replace. The matter was subsequently held in abeyance pending settlement discussions. CSXT filed a Motion to Withdraw its Petition on April 17, 2026. The Motion noted that CSXT agrees to continue to maintain the bridge and that Northeast Township, Erie County, and the Pennsylvania Department of Transportation concur in

¹ I note that CSXT averred in its Petition that the Bort Road Bridge was built in 1905 whereas the Engineering Report, discussed *infra*, states that the Bridge was built in 1920. In reviewing the historical documents related to this Bridge, it appears that the Bridge was built in 1920. See *Application of Consolidated Rail Corporation for approval of the alteration of the crossing where Bort Road crosses the tracks of said corporation (AAR 524 035 A), in North East Township, Erie County*, Docket No. A-00109143 (Order entered August 14, 1990).

the request for withdrawal. A Recommended Decision was issued on May 5, 2026, granting the Motion to Withdraw.

While I agree that the Motion to Withdraw should be granted, I am concerned that the record and Motion do not clearly state that the Bort Road Bridge is safe, or whether further repairs or replacement are planned. CSXT completed an engineering examination (hereafter “Engineering Report”) of the Bort Road Bridge on November 18, 2024, and submitted a copy of the report with its December 17, 2024 Status Report. The Engineering Report, labeled as confidential, caused me great concern. Two years have passed since the Engineering Report was completed, and the current status and safety of the Bridge is unknown. Accordingly, I believe it is appropriate to refer this matter to the Commission’s Bureau of Technical Utility Services, Rail Safety Division, for further investigation to evaluate the current status of the Bort Road Bridge, and to complete any action deemed appropriate.

THEREFORE, I MOVE THAT:

1. The Recommended Decision of Administrative Law Judge Alphonso Arnold III, issued on May 5, 2026, is adopted, consistent with this Motion.
2. The matter be referred to the Commission’s Bureau of Technical Utility Services, Rail Safety Division, to evaluate the safety of the Bort Road Bridge and complete any further action as appropriate.
3. The Office of Special Assistants draft an Opinion and Order consistent with this Motion.

June 18, 2026



Kimberly Barrow, Vice Chair