



Robert T. Sullivan
Regional Vice President – Public Affairs

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September 23, 2004

Romulo L. Diaz, Jr.
Chair, Regulatory and Government Law
City of Philadelphia
Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102-1595

Dear Mr. Diaz:

All of us at CSX Transportation respect and recognize the goals of the City of Philadelphia in developing Schuylkill River Park. It clearly offers a wonderful addition to the quality of life for residents, workers and visitors.

CSXT's concern in the project has always been ensuring the safety of park users, keeping them separated from the railroad tracks.

As we've expressed since 1979, the railroad tracks next to which the park was constructed represent an important link in CSXT's 23,000 route-mile rail network. While we were disappointed by the City's decision to pursue at-grade pedestrian crossings despite the construction agreement and even after the Public Utility Commission ruled against them, CSXT did meet with City representatives on several occasions to understand Philadelphia's desires and see whether any accommodation could be made that met everyone's needs.

During and since those meetings, we seriously considered the City's proposals and weighed whether the crossings could exist without compromising safety. As recently as last month, we have gone back and taken another look at operations in that area. The reality is that the trains that have always operated on these tracks will need to continue to operate on these tracks. There is simply not another viable alternative, absent some major, publicly-funded, relocation effort as other cities have undertaken to deal with similar issues. This should not be a surprise to anyone as these facts have been known since before the park was even proposed.

At the same time, numerous attempts by the public to climb over or crawl under standing trains have been witnessed at these crossings. Our train crews have witnessed numerous close calls with pedestrians in this location. This is simply unacceptable, representing a tremendous risk to life and limb for those attempting to cross illegally. This is a situation that cannot be tolerated or permitted to continue. Furthermore, this is a situation that cannot be remedied by the installation of crossing gates as the city has proposed because the gates would be blocked by parked or slow moving trains several hours a day. Accordingly, CSXT cannot agree to permit permanent pedestrian crossings across its railroad tracks in the area of Locust and Race Streets.

You may recall that the original agreement between the City and CSXT called for the railroad right of way to be protected by solid fencing for the length of the track. It is time to make that fencing a reality.

We ask that the City act immediately to close the gaps in the fence pursuant to its contractual obligations. Failing that, CSXT will act to fence the area off and charge the costs to project expense on or after October 15, 2004.

Recognizing the public safety interests of the City's emergency personnel, we will agree to allowing permanent vehicular access at both locations for emergency use only, subject to an agreement between the City and the railroad. Please contact me to pursue this avenue. Additionally, we remain open to working with the City should it choose to utilize the drawings it has already developed for a safe, grade separated access at Locust Street.

Sincerely,

A handwritten signature in black ink that reads "Robert T. Sullivan". The signature is written in a cursive style with a large initial "R" and "S".

Robert T. Sullivan