



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

November 12, 2020

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**RE: I-2019-3012769**

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Prehearing Conference Memorandum with Amended Certificate of Service* 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 "Jennifer B. Sweeney".

Jennifer Brown-Sweeney  
Assistant Counsel

Cc: Parties of Record  
Michael Clinger, P.E., Acting Utilities and Right of Way Section Chief (*email*)  
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor (*email*)  
Jason Barkey, District Grade Crossing Engineer, District 9-0 (*email*)  
Ken Campbell, District Grade Crossing Engineer, District 10-0 (*email*)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the Commission's motion into : I-2019-3012769  
matters pertaining to the proper safety of the :  
traveling public and disposition of the crossing :  
where State Route SR0268, crosses over a railroad :  
tunnel formally used by Bessemer and Lake Erie :  
Railroad in Fairview Township, Butler County and :  
where State Route SR0068 formally crosses, below :  
grade, the track of Bessemer and Lake Erie :  
Railroad in Bradys Bend Township, Armstrong :  
County :

**PREHEARING CONFERENCE MEMORANDUM**

In accordance with the October 7, 2020 Prehearing Conference Order of Administrative Law Judge Mark A. Hoyer in the above-referenced matter, the Department of Transportation (“Department”) offers the following:

1. The Department requests that the sole service entry for the Department be as follows:  
Jennifer Brown-Sweeney  
Office of Chief Counsel  
Pennsylvania Department of Transportation  
PO Box 8212  
Harrisburg, PA 17105-8212  
jbrownsw@pa.gov

All other Department representatives may be removed. Counsel will accept service electronically.

2. Previously, under Docket A-00117858, Bessemer and Lake Erie Railroad (“Railroad”) filed an application that sought to abolish the subject crossings, among 29 other crossings. However, the Public Utility Commission (“Commission”) declined to abolish the subject crossings as discussed in the Secretarial Letter dated April 30, 2002.
3. The Department, with permission of the Railroad, removed the SR 0068 crossing structure in 2004 in order to realign the roadway.
4. On June 26, 2018 a field conference was held to discuss the SR 0268 crossing as a portion of the Railroad’s tunnel was thought to have collapsed under the roadway.
5. By Order dated October 3, 2019 the Commission instituted an investigation for the stated purpose of “determining all matters relating to the abolition and safety, of the

crossings State Route SR0268 crosses, above grade, a track of Bessemer and Lake Erie Railroad in Fairview Township, Butler County and where State Route SR 0068 crosses, below grade, a track of Bessemer and Lake Erie Railroad in Bradys Bend Township, Armstrong County, as well as the future disposition of the crossings, what work shall be performed at the crossings, and allocation of the cost of any work ordered” under this docket. The Department believes these are the issues the Commission is looking to address.

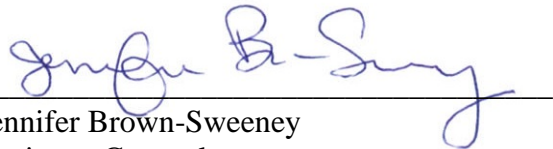
6. The Department requests that a virtual hearing that allows for the ability of all parties to review documents and see witnesses during cross-examination be scheduled to address outstanding issues between the parties.
7. The Department concurs with the procedural schedule proposed by the Bureau of Investigation and Enforcement in its Prehearing Conference Memorandum.
8. The Department intends to offer the following witness to address the questions which were directed to the Department:

Jason Barkey  
Senior Civil Engineer Supervisor - Bridge  
Pennsylvania Department of Transportation  
Engineering District 10-0  
2550 Oakland Avenue  
Indiana, PA 15701

9. The Department reserves the right to call any additional witnesses deemed necessary, as the case develops.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



Jennifer Brown-Sweeney  
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  
Fax Number (717) 772-2741  
Pennsylvania Attorney I.D. Number 314884  
[jbrownswee@pa.gov](mailto:jbrownswee@pa.gov)

DATED: November 6, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Investigation upon the Commission's motion : Docket No. I-2019-3012769**  
**into matters pertaining to the proper safety :**  
**of the traveling public and disposition of the : Electronically Filed**  
**crossing where State Route SR0268, crosses :**  
**over a railroad tunnel formally used by :**  
**Bessemer and Lake Erie Railroad in :**  
**Fairview Township, Butler County and :**  
**where State Route SR0068 formally crosses, :**  
**below grade, the track of Bessemer and Lake :**  
**Erie Railroad in Bradys Bend Township, :**  
**Armstrong County :**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below by electronic mail pursuant to the Emergency Order at Docket Number M-2020-3019262 or First Class Mail as indicated below:

Bradys Bend Township Supervisors  
1004 State Route 68  
East Brady, PA 16028  
[bbtownship@gmail.com](mailto:bbtownship@gmail.com)

Armstrong County Commissioners  
Armstrong County Courthouse  
450 East Market Street  
Kittanning, PA 16201  
[aspoole@co.armstrong.pa.us](mailto:aspoole@co.armstrong.pa.us)

Honorable Mary D. Long  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 Fifth Avenue  
Suite 220, Piatt Place  
Pittsburgh, PA 15222  
[malong@pa.gov](mailto:malong@pa.gov)

Kayla Rost, Esq.  
PA Public Utility Commission  
Bureau of Enforcement & Investigation  
400 North Street  
Harrisburg, PA 17120  
[karost@pa.gov](mailto:karost@pa.gov)

Nick Andreassi  
Andreassi Gas Company  
1073 Kittanning Pike  
Chicora, PA 16025  
724.445.3606  
[N\\_andreassi@yahoo.com](mailto:N_andreassi@yahoo.com)

**Service by First Class Mail Only**

Tracy Miller, General Manager  
CN/Bessemer & Lake Erie Railroad  
Company  
2800 Livernois Road  
Suite 220  
Troy, MI 48083

Maria Thomas  
Planning Department  
P.O. Box 1208  
124 West Diamond Street  
5<sup>th</sup> Floor County Government Center  
Butler, PA 16003

Bruce and Rebecca Rodgers  
P.O. Box 429  
Chicora, PA 16025

Ronald and Madeline Stitt  
1281 Kittanning Pike  
Chicora, PA 16025

Bruce and Rebecca Rodgers  
P.O. Box 429  
Chicora, PA 16025

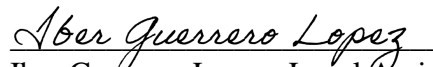
Dean and Patricia Tascarella  
1270 Kittanning Pike  
Chicora, PA 16025

Ann Marie Sherwin  
1276 Kittanning Pike  
Chicora, PA 16025

William and Kay Barnhart  
136 Boosel Road  
Chicora, PA 16025

Paul R. Dorr, Chairman  
Fairview Township Supervisors  
1571 Hooker Road  
Karns City, PA 16041

Respectfully submitted,  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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Assistant Counsel  
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Fax No.: 717/772-2741

DATED: November 12, 2020