

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the Commission’s motion : I-2019-3012769  
into 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 OF  
BESSEMER AND LAKE ERIE RAILROAD COMPANY**

In accordance with the November 13, 2020 Interim Order on further Prehearing Conference of Administrative Law Judge Mary D. Long in the above-referenced matter, Bessemer & Lake Erie Railroad Company (“B&LE”) submits the following:

1. B&LE requests that the service entry for the Railroad be as follows:

John M. Steidle, Esquire  
Edwin B. Palmer, Esquire  
Burns White LLC  
48 26<sup>th</sup> Street  
Pittsburgh, PA 15222  
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2. In January 2001, B&LE received approval from the Surface Transportation Board (STB), to abandon and discontinue service on a portion of its Hilliard’s Branch and Western Allegheny Branch that spanned Butler and Armstrong County, Pennsylvania.

3. On May 31, 2001, B&LE requested Commission approval to abolish 29 at grade and separated crossings that were located on the previously abandoned service line.

4. Pursuant to the Secretarial letter dated April 30, 2002, Docket No. A-00117858, the Commission abolished 27 of the 29 requested crossings. The two crossings remaining are the subject of the instant investigation.

5. On October 24, 2002, B&LE sold a tract of land (consisting of approximately 394 acres) situated in Clay, Fairview and Concord Township, Butler County and Bradys Bend Township, Armstrong County, Pennsylvania to Western Allegheny Landowners Association (WALA). The two crossings at issue (SR0268 and SR0068) were situated in the parcel of land that was sold.

6. Upon information and belief, WALA subsequently subdivided the 394-acre parcel and over time, sold the subdivided parcels to a number of individuals.

7. By Order dated October 3, 2019 the Commission instituted the instant investigation for the stated purpose of determining all matters related to the abolition and safety of the crossings where State Route SR0268 crosses, above grade, a track of Bessemer & Lake Erie Railroad in Fairview Township, Pennsylvania and where State Route SR0068 crosses below grade, a track of Bessemer & Lake Erie Railroad in Bradys Bend Township, Armstrong County as well as the future disposition of the crossings, which work shall be performed at the crossings, and allocation of the cost of any work ordered under this docket.

8. B&LE believes that the Pennsylvania Department of Transportation removed the State Route SR0068 crossing structure in 2004.

9. B&LE owns no property or nor operates any facility at the remaining crossing located at State Route SR0268. To summarize, B&LE requested and received approval to abandon this portion of its Hilliard's Branch and Western Allegheny Branch and subsequently

sold a large parcel of real estate to a third party that includes the former crossing at State Route SR0268. Therefore, B&LE is not a “concerned party”.

10. B&LE intends to offer a witness, yet undetermined, for the purpose of providing any updates to the record and to address the questions which may be directed to the railroad.

11. As a secondary participant, B&LE takes no position on the procedural schedule and concurs with the proposal suggested by the Bureau of Investigation and Enforcement in its Prehearing Conference Memorandum.

12. The Railroad reserves the right to call any additional witnesses as this matter progresses.

Dated: November 24, 2020

Respectfully submitted,

By: /s/ John M. Steidle  
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Edwin B. Palmer, Esquire  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Prehearing Conference Memorandum** dated November 24, 2020, upon the parties listed below, in accordance with the requirements of 52 Pa. Code §1.54 (related to service by a party).

**Service by Electronic Mail Only**

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