Rail Crossings Investigation State Route SR0268 & SR0068 Evidentiary Hearing	Docket No.: I-2019-3012769

Pages 83 - 246

Judge's Chambers
Piatt Place
301 5th Avenue
Pittsburgh, PA

January 18, 2022
Commencing at 10:01 a.m

INDEX TO EXHIBITS

Docket No. I-2019-3012769

Hearing Date: January 18, 2022

NUMBER	FOR IDENTIFICATION	IN EVIDENCE
Bessemer Lake Erie Railroad Exhibit:		
Statement 1 11/15/21 Michael Barron		
Direct Testimony	122	127
Statement 2 12/15/21 Michael Barron		
Rebuttal Testimony	122	--
Statement 3 11/15/21 Daniel Radle		
Direct Testimony	160	161
Statement 4 12/15/21 Daniel Radle		
Rebuttal Testimony	160	161
1 Attachment for Statement 1	122	--
2 Attachment for Statement 1	122	--

INDEX TO EXHIBITS (Cont.)

NUMBER		FOR IDENTIFICATION	IN EVIDENCE
Bessemer Lake Erie Railroad Exhibit (cont.):			
3	Attachment for Statement 1	123	--
4	Attachment for Statement 1	123	--
5	Attachment for Statement 1	123	--
6	Attachment for Statement 1	123	--
7	Attachment for Statement 1	123	--
8	Attachment for Statement 1	123	--
9	Attachment for Statement 1	123	--
10	Attachment for Statement 1	123	--
11	Attachment for Statement 1	124	--
12	Attachment for Statement 1	124	--
13	Daniel Radle Curriculum Vitae	133	161
14	Engineering Report	133	161
15	Coal Status Report	134	161
16	2/1/12 Secretarial Letter	100	125
Bureau of Investigation and Enforcement Exhibit:			
Statement 1 Daniel Helfrich Direct Testimony		164	195
Statement 2 Daniel Helfrich Rebuttal Testimony		164	195

INDEX TO EXHIBITS (Cont.)

NUMBER	FOR IDENTIFICATION	IN EVIDENCE
PennDOT Exhibit:		
Statement 1 Hearing Statement 1	211	212
A Attachment for Statement 1	211	212
B Attachment for Statement 1	211	212
C Attachment for Statement 1	211	212
Statement 2 Hearing Statement 2	216	217

Via electronic service due to Emergency Order at M-2020-301926

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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 Brady's Bend Township, Armstrong County.	Docket No.: I-2019-3012769

DIRECT TESTIMONY OF MICHAEL J. BARRON ON BEHALF OF THE BESSEMER AND LAKE ERIE RAILROAD COMPANY

NOVEMBER 15, 2021

TABLE OF CONTENTS

I. INTRODUCTION 1

II. PURPOSE OF TESTIMONY 2

III. HISTORY AND OWNERSHIP OF STATE ROUTE 268 CROSSING 2

IV. ALLOCATION OF COSTS 9

III. CONCLUSION 12

DIRECT TESTIMONY OF MICHAEL J. BARRON

I. INTRODUCTION

Q. Please state your name and business address.

A. My name is Michael James Barron, Jr. I am a partner in the law firm of Fletcher & Sippel located at 29 N. Wacker, Suite 800, Chicago, Illinois 60606.

Q. Can you briefly summarize your professional and educational background?

A. I received two Bachelor of Arts degrees from the University of Notre Dame in Indiana in 1987. Upon graduation I received a commission in the US Navy and served for 4 years on active duty, receiving an honorable discharge in 1991. I enrolled at the University of Michigan and received a JD and Masters in Public Policy in 1995. Upon passing the bar in 1995 I began work as an associate in a bankruptcy law firm in Chicago. I joined the law department of Wisconsin Central Ltd. (now part of CN) in 1997 and worked there until 2005. I joined my current firm in 2005 and became a partner in 2009. As a partner in my firm I provide legal services to the CN entities, including B&LE. I have been working with railroads almost exclusively as part of my practice for twenty-four years and am familiar with the records, procedures and customs kept and practiced by railroads, including the B&LE. In particular, I have been providing legal counsel to B&LE since 2004. I was also at one time a certified locomotive engineer.

Q. What is your relationship with the Bessemer & Lake Erie Railroad Company?

A. Consistent with my obligations as a lawyer, I provide legal advice to B&LE concerning real estate matters and state and federal regulatory matters.

Q. In your capacity as counsel for CN, are you familiar with the history of the crossing where State Route 268 crosses over a railroad tunnel?

A. I am.

Q. How have you acquired this knowledge?

A. I have obtained this information from institutional knowledge and review of historical records, business records and legal documents.

II. PURPOSE OF TESTIMONY

Q. What is the purpose of your direct testimony?

A. To provide testimony regarding the history of the crossing and the Bessemer & Lake Erie Railroad Company's position concerning the safety measures necessary at the crossing and which parties should bear the costs associated with any improvements.

III. HISTORY AND OWNERSHIP OF STATE ROUTE 268 CROSSING

Q. Please state the exact corporate name of the former owner and operator of the railroad line that is the subject of this proceeding.

A. Bessemer & Lake Erie Railroad Company. We commonly refer to it as the "B&LE".

Q. Let's talk about the crossing at State Route 268 that is the subject of this proceeding – can you describe the crossing?

A. The crossing is a railroad tunnel that passes under State Route 268

Q. Where is the tunnel located?

A. The tunnel is located on the former Western Allegheny Branch Line of the Bessemer & Lake Erie Railroad Company in Fairview Township, Butler County, where the railroad tracks were previously laid through a tunnel that runs beneath Pennsylvania State Route 268.

Q. Does the Bessemer and Lake Erie Railroad Company operate over the Western Allegheny Branch Line at the present time?

A. No.

Q. When did the Bessemer & Lake Erie Railroad Company discontinue operations on the Western Allegheny Branch Line?

A. Around 1998.

Q. Did the railroad make an application to the Surface Transportation Board to abandon and discontinue service over the Western Allegheny Branch Line in Armstrong and Butler Counties, Pennsylvania?

A. Yes. The B&LE (STB Docket No. AB-88) filed a Notice of Exemption under 49 CFR 1152 Subpart F – Exempt Abandonments and Discontinuances to abandon and discontinue service over its line of railroad known as the Western Allegheny Branch, extending from Station 1400+80 East to End of Track, at Station 2460+98, in Armstrong and Butler Counties, PA, a distance of 20.1 miles.

Q. Can you identify B&LE Exhibit 1?

A. Yes, that is the STB's October 10, 2000 decision on the Notice of Exemption that was filed with the STB by B&LE authorizing the abandonment and discontinuance of service over B&LE's Western Allegheny Branch.

Q. Can you identify B&LE Exhibit 2?

A. Yes, that is an additional STB's decision served January 17, 2001 on the Notice of Exemption that was filed with the STB by B&LE authorizing the abandonment and discontinuance of service over B&LE's Western Allegheny Branch. It adds some

conditions to the abandonment and discontinuance but nonetheless still authorizes the abandonment and discontinuance.

Q. Was the application to abandon and discontinue granted?

A. Yes. The B&LE received approval from the National Surface Transportation Board to discontinue and abandon service over the line by Orders served October 10, 2000 and January 17, 2001.

Q. Are you familiar with those orders?

A. Yes.

Q. Are you aware of any past orders or actions of the Commission or Secretarial letters regarding the tunnel specifically?

A. Yes, there was a Secretarial letter dated April 30, 2002, and additional Documents entered in A-00117858.

Q. Can you identify BLE Exhibit 3?

A. Yes, that is the April 30, 2002 secretarial letter concerning the crossing.

Q. Did the railroad make an application to the Commission to abolish the crossing?

A. Yes.

Q. When was that application made?

A. May 31, 2001

Q. Can you identify BLE Exhibit 4?

A. Yes, that is the application that B&LE made to the Commission to abolish the crossing.

Q. Is the Bessemer & Lake Erie Railroad Company in possession of any inspection reports?

A. At our request, AECOM conducted a site investigation of the tunnel in January of this year and produced an engineering report that was provided to the parties.

Q. Are you aware of any other inspection reports for the tunnel?

A. As provided in previous testimony, the rail line was abandoned in early 2001 and the real estate containing the tunnel was conveyed to a Pennsylvania non-profit Corporation in 2002. The B&LE has not inspected the tunnel since that time and is not in possession of any inspection reports related to the tunnel.

Q. Does the Bessemer and Lake Erie Company own the property where the crossing at State Route 268, including the tunnel, is located?

A. No. The B&LE conveyed the property containing the tunnel to the Western Allegheny Landowners Association, WALA (a Pennsylvania Non-Profit Corporation), via Quit Claim Deed on October 24, 2002. Specifically, the transaction involved 394 acres spanning both Armstrong and Butler County. Following that sale, the WALA made subsequent transfers of smaller parcels to individuals that are related to the tunnel at issue, specifically:

- May 21, 2003 WALA to William G. and Kay D. Barnhart (22.84 acres)
- May 21, 2003 WALA to Dean M. and Patricia A. Tascarella (4.23 acres)
- May 21, 2003 WALA to Thomas H. and Anna Marie Sherwin (4.47 acres)
- May 21, 2003 WALA to Ronald E and Madeline E. Stitt (2.48 acres)

Q. Did the B&LE retain any right of way after the conveyance where the tunnel is located to WALA?

A. No.

Q. Can you identify B&LE Exhibit 5?

A. That is the October 24, 2002 Quit Claim Deed transferring the 394 acres of land, including the land where the Route 268 tunnel is located to WALA.

Q. Can you identify B&LE Exhibits 6, 7, 8 and 9?

A. Yes, those are the deeds for the subsequent transfer of portions of the 394 acres from WALA to the current land owners. Exhibit 6 is the deed for the transfer of 22.84 acres from WALA to the Barnharts. Exhibit 7 is the deed for the transfer of 4.23 acres of land to the Tascarellas. Exhibit 8 is the deed for the transfer of 4.47 acres to the Sherwins. Exhibit 9 is the deed for the transfer of 2.48 acres to the Stitts.

Q. Did the B&LE ever own the land on and under which the tunnel is located?

A. Yes. The B&LE previously owned the land on and under which the tunnel was located, but it no longer owns any interest in this land and has not owned any interest in this land since 2002.

Q. What is the history of the B&LE's ownership of this land?

A. The B&LE acquired this land as part of a tract of land conveyed from Western Allegheny Railroad Company to Bessemer and Lake Erie Railroad Company by that certain special warranty deed dated December 21, 1967, and recorded in the Office of the Recorder of Deeds of Butler County, Pennsylvania, on December 29, 1967, at Deed Book Volume 885, page 1062. Bessemer and Lake Erie Railway Company subsequently conveyed all of their interest in a certain tract of land containing 394 acres, which included the land on and under which the tunnel is located, to Western Allegheny Landowner's Association, or "WALA," by that certain quitclaim deed dated October 24, 2002, and recorded in the Office of the Recorder of Deeds of Butler County on November 8, 2002, at Instrument No. 200211080037746.

Q. Can you identify B&LE Exhibit 10?

A. Yes, that is the December 21, 1967 special warranty deed through which the B&LE acquired this land from the Western Allegheny Railroad Company.

Q. What is the history of WALA as a corporate entity?

A. Western Allegheny Landowners Association, Inc. was incorporated as a Pennsylvania Nonprofit Corporation by Articles of Incorporation filed with the Pennsylvania Department of State on May 24, 2001. The stated purpose of this corporation was "Land management." The incorporators were named Glenn Stevens, James Christy and Frederick Rupp, and it had a corporate address of 121 Maier Lane, West Sunbury, PA 16061. The WALA Corporation was dissolved by Articles of Dissolution filed with the Pennsylvania Department of State on March 19, 2007. The listed officers at the time of dissolution were Glenn Stevens, President; Bill Barnhart, Vice-President; Sherry Stevens, Secretary; and Kay Dawn Barnhart, Treasurer.

Q. Can you identify B&LE Exhibit 11?

A. That is a copy of the Articles of Incorporation filed by WALA with the Pennsylvania Department of State on May 24, 2001.

Q. Can you identify B&LE Exhibit 12?

A. That is a copy of the Articles of Dissolution filed by WALA on March 19, 2007.

Q. Does WALA, the grantee of the B&LE, still own this land?

A. No. WALA subdivided this land and conveyed out the subdivided tracts prior to its dissolution. Although the 394-acre tract encompasses several tracts of land, the land on and under which the tunnel is located comprises at most four parcels of land.

Q. What is the history of ownership of these four parcels of land since the B&LE conveyed away all of its interest to WALA?

A. With regard to the first parcel, being Tax Parcel No. 150-1F25-22J-0000, containing 22.84 acres: This parcel was conveyed from WALA to William G. Barnhart and Kay D. Barnhart, husband and wife, by that certain quitclaim deed dated May 21, 2003, and recorded in the Office of the Recorder of Deeds of Butler County on June 19, 2003, at Instrument No. 200306180026406. The grantees in this deed, or their heirs and assigns, are the current record owners of this parcel.

With regard to the second parcel, being Tax Parcel No. 150-1F25-23HA-0000, containing 4.47 acres: This parcel was conveyed from WALA to Thomas H. Sherwin and Anna Marie Sherwin, husband and wife, by that certain quitclaim deed dated May 21, 2003, and recorded in the Office of the Recorder of Deeds of Butler County on June 18, 2003, at Instrument No. 200306180026549. Subsequently, the said Thomas H. Sherwin and Anna Marie Sherwin, husband and wife, conveyed this parcel to Anna Marie Sherwin by that certain quitclaim deed dated August 25, 2009, and recorded in the Office of the Recorder of Deeds of Butler County on September 8, 2009, at Instrument No. 200909080021135. The grantee in this deed, or her heirs and assigns, is the current record owner of this parcel. With regard to the third parcel, being Parcel No. 150-1F25-23J-0000 and possibly a portion of Parcel No. 150-S1-D6-0000, containing 4.23 acres: This parcel was conveyed from WALA to Dean M. Tascarella and Patricia A. Tascarella, husband and wife, by that certain quitclaim deed dated May 21, 2003, and recorded in the Office of the Recorder of Deeds of Butler County on June 18, 2003, at Instrument No. 200306180026571. This parcel was subsequently conveyed along with a separate tract from Dean M. Tascarella and Patricia

A. Tascarella, husband and wife, to Dean M. Tascarella and Patricia A. Tascarella, husband and wife, by that certain quitclaim deed dated November 14, 2003, and recorded in the Office of the Recorder of Deeds of Butler County on November 14, 2003, at Instrument No. 200311140051557 for the purpose of combining both tracts in one deed. The grantees in this deed, or their heirs and assigns, are the record owners of this parcel.

With regard to the fourth parcel, being Parcel No. 150-1F25-22H-0000, containing 2.48 acres: This parcel was conveyed from WALA to Ronald E. Stitt and Madeline Stitt, husband and wife, by that certain quitclaim deed dated May 21, 2003, and recorded in the Office of the Recorder of Deeds of Butler County on June 18, 2003, at Instrument No. 200306180026569. The grantees in this deed, or their heirs and assigns, are the record owners of this parcel.

Q. Does B&LE, or its corporate successor, currently own any interest in the land on and under which the tunnel is located?

A. No. B&LE fully divested itself of any interest in this land by the deed to WALA dated October 24, 2002, and recorded in the Office of the Recorder of Deeds of Butler County on November 8, 2002, at Instrument No. 200211080037746, and has owned no interest in this land since the date of that deed.

Q. Does B&LE have access to the tunnel at the present time?

A. No, access to both the East and West portals are situated on private property.

IV. ALLOCATION OF COSTS

Q. What portion of future maintenance and inspection will the B&LE agree to bear?

A. In light of the fact that the B&LE has not had facilities or service at the State Route 268

crossing since 2001, has not possessed any ownership interest or right of way since 2002, has no right of access to the Route 268 crossing, and will not derive any benefit from any repairs or alterations to the crossing or the future use of Route 268, B&LE does not believe it is appropriate that B&LE bear any portion of any future maintenance or inspection costs. Furthermore, B&LE respectfully submits that it is not a "concerned party" with respect to this matter and thus should not be liable for any work or cost allocation. B&LE submits that PennDOT, as the party responsible for the maintenance and inspection of State Route 268 should be responsible for any future maintenance and inspection costs.

Q. What portion, if any, of any work or cost associated with the alteration, if any of the Route 268 tunnel and crossing should be performed and borne by the parties?

A. B&LE respectfully submits that it is not a "concerned party" with respect to this matter and thus should not be liable for any work or cost allocation. B&LE submits that the costs should be borne by the concerned parties, namely, PennDOT, Butler County and Fairview Township. PennDOT has been historically responsible for maintaining the roadway surface at the crossing and, as such, will develop acceptable engineering standards and requirements for the alteration of the crossing to ensure the safety of the crossing for the travelling public. Accordingly, B&LE submits that the work should be performed by PennDOT and that PennDOT be allocated 80% of the costs. In addition, the residents of the County and Township will likewise derive benefit from the alteration of the crossing and Butler County and Fairview Township should each be allocated 10% of the costs.

Q. What is the Bessemer & Lake Erie Railroad Company's recommendation as to the disposition of the tunnel beneath State Route 268?

A. In all matters related to former crossings and the safety of the traveling public the B&LE elects to defer to the appropriate state regulatory agency, in this case either the Bureau of Investigation and Enforcement or PennDOT, or both, for their recommendation as to the disposition of the tunnel from an engineering standpoint.

Q. Are you sponsoring any exhibits as part of your direct testimony?

A. Yes, I am sponsoring 12 exhibits:

- **B&LE Exhibit 1:** October 10, 2000 STB Order;
- **B&LE Exhibit 2:** January 17, 2001 STB Order;
- **B&LE Exhibit 3:** April 30, 2002 Secretarial Letter;
- **B&LE Exhibit 4:** May 31, 2001 Application to Abolish;
- **B&LE Exhibit 5:** October 24, 2002 Quit Claim Deed;
- **B&LE Exhibit 6:** May 21, 2003 Deed (Barnhart);
- **B&LE Exhibit 7:** May 21, 2003 Deed (Tascarella);
- **B&LE Exhibit 8:** May 21, 2003 Deed (Sherwin);
- **B&LE Exhibit 9:** May 21, 2003 Deed (Stitt);
- **B&LE Exhibit 10:** December 21, 1967 Special Warranty Deed;
- **B&LE Exhibit 11:** May 24, 2001 Articles of Incorporation-Domestic Nonprofit Corporation for Western Allegheny Landowners Association; and
- **B&LE Exhibit 12:** March 19, 2007 Articles of Dissolution-Domestic of Western Allegheny Landowners Association

Q. Were these exhibits all prepared by your or under your supervision?

A. Yes, all of the above-referenced exhibits were prepared by me or under my supervision.

V. CONCLUSION

Q. Does this conclude your direct testimony at this time?

A. Yes.

VERIFICATION

I, Michael J. Barron, Jr., Esquire, hereby state that the testimony set forth in this Direct Testimony is correct to the best of my knowledge, information, and belief, and that if asked orally at a hearing on this matter. My answers would be as set forth herein.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Michael J. Barron, Jr.

Date: 11-12-21

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 1

31344 SERVICE DATE - OCTOBER 10, 2000

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

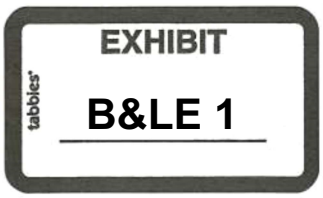
Surface Transportation Board

[STB Docket No. AB-88 (Sub-No. 10X)]

Bessemer and Lake Erie Railroad Company—Abandonment Exemption—in Armstrong and Butler Counties, PA

Bessemer and Lake Erie Railroad Company (B&LE) has filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances to abandon and discontinue service over its line of railroad known as the Western Allegheny Branch, extending from Station 1400+80 East to End of Track, at Station 2460+98, in Armstrong and Butler Counties, PA, a distance of 20.1 miles (line). The line traverses United States Postal Service Zip Codes 16025, 16028, 16041, and 16061.

B&LE has certified that: (1) no local traffic has been handled over the line for at least 2 years; (2) no overhead traffic has been handled over the line for at least 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.



As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 9, 2000, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 20, 2000. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 30, 2000, with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicant's representative: Thomas R. Ogoreuc, Esq., Bessemer and Lake Erie Railroad Company, 135 Jamison Lane, Monroeville, PA 15146. If the verified notice contains false or misleading information, the exemption is void ab initio.

---

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. See 49 CFR 1002.2(f)(25).

B&LE has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by October 16, 2000. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), B&LE shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by B&LE's filing of a notice of consummation by October 10, 2001, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: September 28, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 2

31593 SERVICE DATE - JANUARY 17, 2001
DO

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-88 (Sub-No. 10X)

BESSEMER AND LAKE ERIE RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN ARMSTRONG AND BUTLER COUNTIES, PA

Decided: January 12, 2001

Bessemer and Lake Erie Railroad Company (B&LE) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances for B&LE to abandon and discontinue service over its line of railroad known as the Western Allegheny Branch, extending from Station 1400+80 East to End of Track, at Station 2460+98, in Armstrong and Butler Counties, PA, a distance of 20.1 miles (line). Notice of the exemption was served and published in the Federal Register on October 10, 2000 (65 FR 60246).

By decision served November 8, 2000, the Board imposed three environmental conditions on the abandonment exemption, held in abeyance the request from the Pennsylvania Department of Conservation and Natural Resources (DCNR) for issuance of a notice of interim trail use under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act) and for issuance of a public use condition, pending completion of the offer of financial assistance (OFA) process,[1] extended the time for the filing of an OFA until January 8, 2001, and postponed the effective date of the exemption until January 18, 2001.

On November 14, 2000, the National Geodetic Survey (NGS) late-filed comments with the Board's Section of Environmental Analysis (SEA) identifying 3 geodetic station markers that may be affected by the proposed abandonment. NGS requests that it be notified 90 days in advance of any activities that would disturb or destroy these markers to plan for their relocation. Therefore, SEA recommends that, in addition to the conditions imposed in the Board's November 8 decision, a further condition be imposed requiring B&LE to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers. The new environmental condition will be imposed.

On January 8, 2001, Bradys Bend submitted a letter stating that it had decided not to go forward with the filing of an OFA. This terminates the OFA process and it is now appropriate to

[1] A formal expression of intent to file an OFA was timely filed by Bradys Bend Corporation (Bradys Bend) to purchase a portion of the line.



address the DCNR's request for issuance of a notice of interim trail use and for issuance of a public use condition.

By letter submitted by facsimile on January 11, 2001, B&LE states that it is not willing to negotiate with the DCNR for interim trail use, but that it does not oppose imposition of a public use condition. Because the Trails Act permits only voluntary interim trail use, the Board cannot issue a NITU in this proceeding. See Rail Abandonment–Use of Rights-of-Way as Trails, 2 I.C.C.2d 591 (1986) (Trails).

As an alternative to interim trail use under the Trails Act, the right-of-way may be acquired for public use as a trail under 49 U.S.C. 10905. See Trails, 2 I.C.C.2d at 609. To justify a public use condition, a party must set forth: (i) the condition sought; (ii) the public importance of the condition; (iii) the period of time for which the condition would be effective; and (iv) justification for the imposition of the period of time requested. See 49 CFR 1152.28(a)(2). DCNR has met these requirements. A 180-day public use condition will therefore be imposed. B&LE may remove the tracks, ties, and signal equipment on the right-of-way, but is required to leave bridges, culverts, and tunnels intact during that period. A public use condition is not imposed for the benefit of any one potential purchaser, but rather to provide an opportunity for an interested person to acquire the right-of-way that has been found appropriate for public purposes.[2]

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. The request for issuance of a notice of interim trail use is denied.

3. The request for a public use condition is granted. The abandonment of the line described above is subject to the further environmental condition that B&LE consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.[3] Also, B&LE shall leave intact all of the right-of-way underlying the tracks, including

---

[2] Under 49 U.S.C. 10905, the Board may prohibit the disposal of rail properties that are proposed to be abandoned and are suitable for public purposes for a period of not more than 180 days after the effective date of the decision approving or exempting the abandonment.

[3] The exemption continues to be subject to the three environmental conditions imposed in the Board's November 8 decision. Those conditions are that B&LE: (1) consult with the U.S. (continued...)

bridges, trestles, culverts and tunnels (but not tracks, ties and signal equipment), for a period of 180 days from the effective date of the exemption (i.e., until July 17, 2001), to enable any State or local government agency, or other interested person to negotiate the acquisition of the line for public use.

4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

[3](...continued)
Department of Agriculture, Natural Resources Conservation Service, and contact Dave Rupert, District Manager, Armstrong County Conservation District, Armsdale Administrative Building, RR#8, Box 294, Kittanning, PA 16201 [(724) 854-3425] prior to salvage operations, (2) consult with the U. S. Environmental Protection Agency-Region III prior to salvage operations, and (3) retain its interest in and take no steps to alter the historic integrity of the line in its entirety until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 3

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

A-00117858
(corrected)

APRIL 30, 2002

TO ALL PARTIES

DOCKETED
MAY 01 2002

Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant'' former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the Township of Marion, Clay, Concord and Fairview in Butler County and in the Township of Brady's Bend in Armstrong County and application for the abolition of one Tunnel located in the Township of Fairview in Butler County.

DOCUMENT
FOLDER

To Whom It May Concern:

This matter is before us upon application, filed May 31, 2001, by Bessemer and Lake Erie Railroad Company (B&LE) requesting Commission approval to abolish 29 at grade and separated grade crossings at various locations in Armstrong and Butler Counties.

A field conference, arranged by a Commission staff engineer and held at the site of the crossings was attended by representatives of B&LE, PennDOT, Concord Township, Fairview Township and Brady's Bend Township.

B & LE avers that it no longer needs a portion of its Hilliard's Branch and Western Allegheny Branch. The railroad states that at Docket No. Ab-88 (Sub No. 10X) the Surface Transportation Board granted approval to abandon and discontinue service on the subject rail line.

A list of the crossings to be abolished and their locations is as follows:

No.	Location	Street	Type	DOT No.
1	Marion Twp. Butler Co.	S. R. 4012	at grade	051 760 F
2	Marion Twp. Butler Co.	S. R. 0308	at grade	051 754 L

EXHIBIT
tabbies
B&LE 3

3	Marion Twp. Butler Co.	T-541	at grade	051 756 R
4.	Marion Twp. Butler Co.	T-560	at grade	051 755 J
5	Clay Twp. Butler Co.	T-458	at grade	051 698 X
6	Clay Twp. Butler Co.	S. R. 0308	at grade	051 699 E
7	Clay Twp. Butler Co.	T-515	at grade	051 702 K
8	Concord Twp. Butler Co.	T-504	at grade	051 708 B
9.	Concord Twp. Butler Co.	T-608	at grade	051 712 R
10	Concord Twp. Butler Co.	T-621	at grade	051 716 T
11.	Concord Twp. Butler Co.	S. R. 1017	at grade	051 718 G
12.	Fairview Twp. Butler Co.	S. R. 1013	at grade	051 721 P
13.	Fairview Twp. Butler Co.	S. R. 1013	at grade	051 722 W
14.	Fairview Twp. Butler Co.	T-674	at grade	051 723 D
15	Fairview Twp. Butler Co.	T-621	at grade	051 724 K
16	Fairview Twp. Butler Co.	T-676	at grade	051 726 Y
17	Fairview Twp. Butler Co.	T-621	at grade	051 727 F

18	Brady's Bend Twp. Armstrong Co.	SR0068	at grade	051 731 V
19	Brandy's Bend Twp. Armstrong Co.	SR4007	at grade	051 733 J
20	Brady's Bend Twp. Armstrong Co.	SR0068	at grade	051 734 R
21	Concord Twp. Butler Co.	T-502	highway below grade	051 706 M
22	Concord Twp. Butler Co.	SR0038	highway below grade	051 710 C
23	Concord Twp. Butler Co.	T-606	highway below grade	051 711 J
24	Concord Twp. Butler Co.	T-623	highway below	051 715 J
25	Concord Twp. Butler Co.	SR1013	highway above grade	051 720 H
26	Fairview Twp. Butler Co.	B & P Railroad	railroad below grade	
27	Fairview Twp. Butler Co.	SR1023	highway below grade	051 728 M
27a)	Fairview Twp. Butler Co.	SR0268	highway above grade (tunnel)	
28	Brady's Bend Twp. Armstrong Co.	SR0068	highway below grade	051 730 N

B&LE and Concord Township have reached an agreement concerning the disposition of the crossings involving Concord Township roads. The township, at the at grade crossings of T-504, T-608 and T-621, will remove the rails and ties at each crossing. The Township will repave the crossing areas to conform with the approach roadways. B&LE agrees to remove the separated grade crossings at T-623, T-502 and T-606. At each of these crossings, B&LE will remove the superstructure, abutments and backwalls of the bridges. At T-606 and T-623 the remaining fill will be graded to a 2:1 slope. At T-502, the north-side fill will be graded to a 2:1 slope with the south-side full grading will be extended to provide better sight distance.

At crossing Nos. 2 and 18, the rails and ties have been removed and crossing area repaved. At crossing Nos. 1, 3-7, 11-17, 19 and 20, B&LE will remove the rails and ties from the highway right-of-way and restore the disturbed highway area with suitable material conforming with local and/or PennDOT specifications. B&LE agrees to remove any crossbuck warning signs and any warning devices and their foundation to one foot below ground level at the crossings.

At crossing Nos 22 and 27, B&LE agrees at its sole cost to remove the substructure and superstructure of the bridge and grade the remaining fill to a 2:1 slope. PennDOT agrees, at its sole cost, to provide maintenance of traffic for the two bridge removals.

At crossing No 25, B&LE will remove the rails and ties from under the bridge and the bridge remain in place. At crossing No. 26, B&LE agrees to remove the superstructure of the bridge and the westerly abutment.

At crossing No. 28, PennDOT is in the process of designing a highway realignment along with the bridge removal. Once the design is complete, PennDOT will submit the plans to the parties. At crossing No. 27(a), B&LE and PennDOT presently are negotiating the disposition of the tunnel. These two crossings will be the subject of future Secretarial letters or formal hearing.

B&LE avers that work on the crossing abolitions may not start until 2003. The railroad proposes to install "TRACKS OUT OF SERVICE" signs at the at grade crossings, so that until the crossings are abolished, in accordance with the Motor Vehicle Code [75§3342(c)(4)] certain vehicles [75§3342(b)] will not be required to stop at the crossings.

The applicant has certified that a copy of the application has been served on each party in interest. Upon full consideration of the matters involved, we find that a hearing is not necessary at this time and that a Secretarial letter may be issued approving the application.

The Commission issues this Secretarial letter in accordance with Section 2702 of the Public Utility code and finds that the abolition of the crossings is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Bessemer & Lake Erie Railroad Company is approve as herein directed:

1. The crossings listed in this application, except for Crossing Nos. 27(a) and 28, at various locations in Armstrong and Butler Counties, be and are hereby abolished.

2. The Bessemer & Lake Erie Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to abolish crossing Nos. 1, 3-7, 11-17, 19 and 20 by removing rails and ties within the limits of the highways; restore the disturbed area with suitable material conforming on all respects with the abutting highway paving; and removing any warning devices at the crossings and their foundations to at least one foot below ground.

3. The Bessemer & lake Erie Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to abolish crossing Nos. 21-24, and 27 by removing the substructure and superstructure of the bridges and grading the remaining fill to a 2:1 slope; crossing No. 25 by removing the rails, ties and any other railroad facilities at the crossing; and crossing No. 26 by removing the superstructure and westerly abutment of the bridge.

4. Concord Township, at its sole cost and expense, furnish all material and do all work necessary to abolish crossing Nos. 8, 9 and 10 by removing the rails and ties within the limits of the highways; restore the disturbed area with suitable material conforming in all respects with the abutting highway paving; and removing the crossbuck warning signs and posts at each crossing.

5. Any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility, other than Bessemer and Lake Erie Railroad Company, which may be required as incidental to the abolition of the crossings, be made by said utility at the sole cost and expense of Bessemer and Lake Erie Railroad Company, and in such a manner as will not interfere with the abolition of the crossings; and such relocated or changed facilities thereafter to be maintained by said utility, at its sole cost and expense.

6. Bessemer and Lake Erie Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control devices that may be required to properly accommodate traffic during the time crossing Nos. 1, 3-7, 11-17, 19-21, 23, and 24 are being abolished.

7. Concord Township, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control devices that may be required to properly accommodate traffic during the time crossing Nos. 8, 9, and 10 are being abolished.

8. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control devices that may be required to properly accommodate traffic during the time crossing Nos. 22 and 27.

9. Bessemer & Lake Erie Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary to install "TRACKS OUT OF SERVICE" signs (R8-9) at the at grade crossings, in accordance with Part 8 of the Manual on Uniform Traffic Control Devices, until such time as the rails and ties are removed from the crossing areas.

10. The rail-highway crossing abolitions be completed in a manner satisfactory to this Commission on or before December 31, 2004 and that on or before said date, Bessemer and Lake Erie Railroad Company report the actual completion of the work.

11. Upon completion of the abolition of the at-grade crossings, Pennsylvania Department of Transportation, Marion Township, Clay Township, Concord Township, and Fairview Township each, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its respective roadways in the areas formerly occupied by the at-grade crossings.

12. Upon completion of the abolition of crossing No. 25, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the substructure and superstructure of the bridge carrying SR1013 over the former railroad right-of-way.

13. This Secretarial letter insofar as it imposes costs upon any party, is without prejudice to the right of that party to recover part or all of said costs in accordance with any lawful agreement between it and any of the other parties hereto.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within ten (10) days of the date of this letter.

Very truly yours,

James J. McNulty
Secretary

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 4

CAPTION SHEET CASE MANAGEMENT SYSTEM

1. REPORT DATE: [redacted]/00/00 :
2. BUREAU: TSR [redacted] :
3. SECTION(S): : 4. PUBLIC MEETING DATE:
5. APPROVED BY: : 00/00/00
DIRECTOR: :
SUPERVISOR: :
6. PERSON IN CHARGE: : 7. DATE FILED: 05/31/01
8. DOCKET NO: A-00117858 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TOWNSHIP OF FAIRVIEW BUTLER COUNTY

RESPONDENT/APPLICANT: BESSEMER & LAKE ERIE RAILROAD COMPANY

COMP/APP COUNTY: BUTLER UTILITY CODE: 950000

ALLEGATION OR SUBJECT

APPLICATION OF BESSEMER AND LAKE ERIE RAILROAD COMPANY FOR APPROVAL OF THE ABOLITION OF TWENTY-EIGHT CROSSINGS WHERE APPLICANT'S FORMER HILLIARD'S BRANCH AND WESTERN ALLEGHENY BRANCH ARE INTERSECTED BY PUBLIC HIGHWAYS AND STREETS IN THE TOWNSHIPS OF MARION, CLAY, CONCORD AND FAIRVIEW IN BUTLER COUNTY AND IN THE TOWNSHIP OF BRADY'S BEND IN ARMSTRONG COUNTY AND APPLICATION FOR THE ABOLITION OF ONE TUNNEL LOCATED IN THE TOWNSHIP OF FAIRVIEW IN BUTLER COUNTY.

DOCUMENT FOLDER

DOCKETED
JUN 0 1 2001

EXHIBIT
tabbies
B&LE 4

ORIGINAL

THOMAS R OGOREUC
Attorney at Law

135 Jamison Lane
P.O. Box 68
Monroeville, PA 15146

Tel: 412-829-6893
Fax: 412-829-6607
E-Mail: trogoreuc@hotmail.com

May 29, 2001

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, 7 North
Harrisburg, PA 17120

A-00117858

Re: Application of the Bessemer and Lake Erie Railroad Company for the Abolishment of twenty-eight grade crossings and one tunnel located in Armstrong and Butler Counties, Pennsylvania

RECEIVED
2001 MAY 31 AM 9:30
SECRETARY'S BUREAU

Dear Secretary McNulty:

Enclosed for filing on behalf of the Bessemer and Lake Erie Railroad Company, please find the original and three copies of the above-referenced Application for the abolishment of twenty-eight grade crossings and one tunnel.

Please acknowledge receipt by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed, stamped envelope.

If you have any questions, please feel free to call me at the above number.

Very truly yours,

Thomas R. Ogoreuc

Counsel for
Bessemer and Lake Erie Railroad Company

DOCUMENT FOLDER

Enclosure
cc: J. E. Streett
H. K. Callen

22

BEFORE
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

IN RE: Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant's former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the townships of Marion, Clay, Concord and Fairview in Butler County and in the township of Brady's Bend in Armstrong County and application for the abolition of one tunnel located in the township of Fairview in Butler County.

Application Docket No. A-00117858

DOCKETED
JUN 01 2001

014398

To Pennsylvania Public Utility Commission:

1. The name and address of applicant are:

Bessemer and Lake Erie Railroad Company (B&LE)
135 Jamison Lane
Monroeville, PA 15146

RECEIVED
SECRETARY'S BUREAU
01 MAY 31 AM 8:20

2. The name and address of applicant's attorney are:

Thomas R. Ogoreuc, Esq.
135 Jamison Lane
Monroeville, PA 15146

3. The applicant, which is classified by the Surface Transportation Board (STB) as a Class II common carrier by rail, is a line haul railroad operating approximately 220 miles of road extending south from Conneaut, Ohio and Erie, Pennsylvania to North Bessemer, Pennsylvania.

4. By way of this application, applicant seeks the approval and ratification of the Pennsylvania Public Utility Commission for removal of all rails, ties and crossing surface and restoration of the twenty-eight crossings listed in detail in Exhibit A.

5. By way of this application, applicant seeks the approval and ratification of the Pennsylvania Public Utility Commission for the abolition of the tunnel located on the B&LE's Western Allegheny Branch at MP WA 42.09 and which is located under SR 0268 in Fairview Township, Butler County.

6. Applicant seeks abolishment of the above road crossings and tunnel as it has received STB approval to discontinue and abandon service over its Hilliard's and Western Allegheny Branches by Order dated January 9, 2001 and January 12, 2001, respectively, and no longer requires access through the subject crossings and tunnel. Attached as Exhibit B is a map indicating the exact location of each crossing and tunnel for which applicant is seeking abolishment.

7. No service to any customer will be affected by this proposed crossing and tunnel abolishment as the associated track has already been approved for abandonment by the STB.

WHEREFORE, applicant prays your Honorable Commission to approve the application.

Respectfully submitted,

Thomas R. Ogoreuc, Esq.
135 Jamison Lane
Monroeville, PA 15146

Tel: (412) 829-6893
Fax: (412) 829-6607

Counsel for
Bessemer and Lake Erie Railroad Company

VERIFICATION

I, James E. Streett, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 5/29/2001

James E Streett
James E. Streett, General Superintendent
Bessemer and Lake Erie Railroad Company

Subscribed and sworn to before me
this _____ day of May, 2001.

_____
Notary Public

EXHIBIT A

Hilliard's Branch
At Grade Crossings

1. AAR#51-760F, SR 4012, Magerk Road, Marion Twp., Butler County.
2. AAR#51-759L, SR 308, Town of Boyers, Marion Twp., Butler County.
3. AAR#51-756R, Township Road 541, Marion Twp., Butler County.
4. AAR#51-755J, Township Road 560, Marion Twp., Butler County.

Western Allegheny Branch
At Grade Crossings

5. AAR#51-698X, Township Road 458, Clay Twp., Butler County.
6. AAR#51-699E, SR 0308, Clay Twp., Butler County.
7. AAR#51-702K, Townhsip Road 515, Clay Twp., Butler County.
8. AAR#51-708B, Township Road 504, Hooker Road, Concord Twp., Butler County.
9. AAR#51-712R, Township Road 608, Troutman Road, Concord Twp., Butler County.
10. AAR#51-716T, Township Road 621, Zion Road, Concord Twp., Butler County.
11. AAR#51-718G, SR 1017, Utley Road, Concord Twp., Butler County.
12. AAR#51-721P, SR 1013, Fairview Twp., Butler County.
13. AAR#51-722W, SR 1013, Fairview Twp., Butler County.
14. AAR#51-723D, Township Road 674, Fairview Twp., Butler County.
15. AAR#51-724K, Township Road 621, Fairview Twp., Butler County.
16. AAR#51-726Y, Township Road 676, Karn's City Road, Fairview Twp., Butler County.
17. AAR#51-727F, Township Road 621, Fairview Twp., Butler County.

01 MAY 31 AM 8:28
RECEIVED

18. AAR#51-731V, SR 0068, Route 68, Brady's Bend Twp., Armstrong County.

19. AAR#51-733J, SR 4007, Brady's Bend Twp., Armstrong County.

20. AAR#51-734R, SR 0068, Route 68, Brady's Bend Twp., Armstrong County.

Western Allegheny Branch
Below Grade Crossings

21. MP WA 30.83, Township Road 502, Concord Twp., Butler County.

22. MP WA 32.93, SR 0038, Concord Twp., Butler County.

23. MP WA 33.69, Township Road 606, Concord Twp., Butler County.

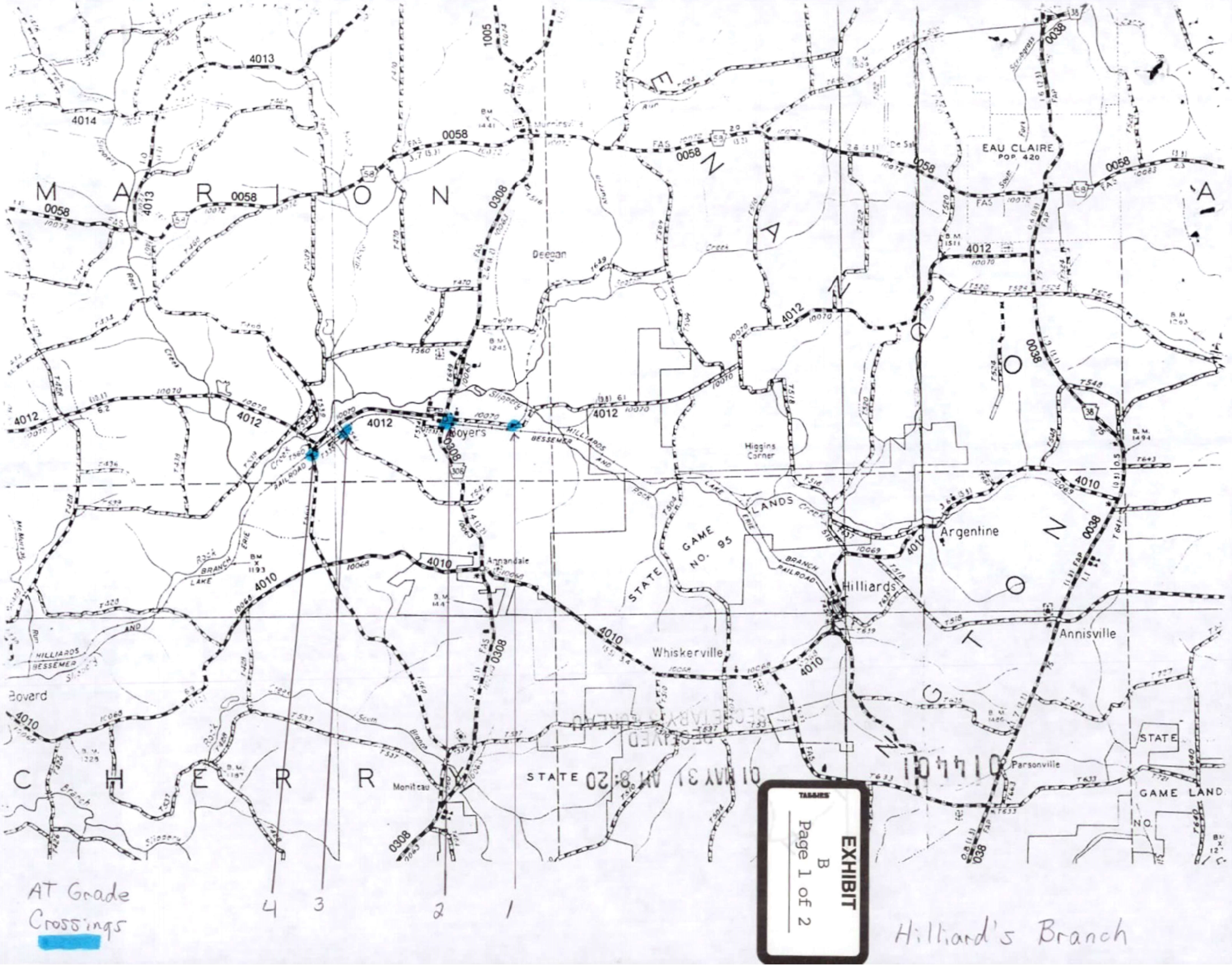
24. MP WA 35.51, Township Road 623, Concord Twp., Butler County.

25. MP WA 37.35, SR 1013, Concord Twp., Butler County.

26. MP WA 40.71, B&P Railroad, Fairview Twp., Butler County.

27. MP WA 40.98, SR 1023, Fairview Twp., Butler County.

28. MP WA 43.72, SR 0068, Brady's Bend Twp., Armstrong County.



AT Grade Crossings

EXHIBIT B Page 1 of 2

Hilliard's Branch

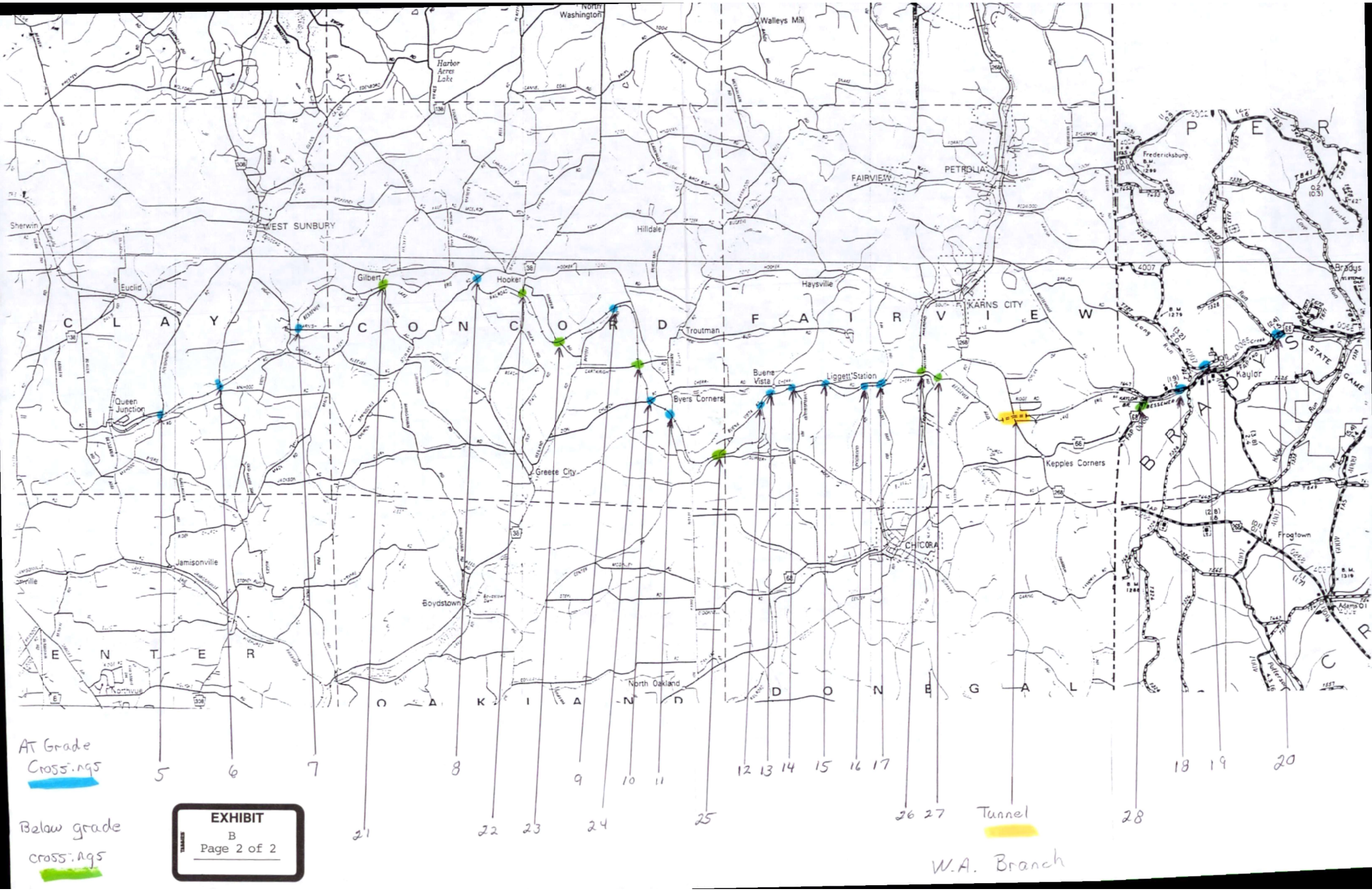


EXHIBIT
B
Page 2 of 2

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE
A-00117858

JUNE 1, 2001

DOCUMENT
FOLDER

THOMAS R. OGOREUC, ESQUIRE
135 JAMISON LANE
MONROEVILLE PA 15146

Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant's former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the townships of Marion, Clay, Concord and Fairview in Butler County and in the township of Brady's Bend in Armstrong County and application for the abolition of one tunnel located in the township of Fairview in Butler County.

Dear Sir/Madam:

Receipt is acknowledged of the application of BESSEMER & LAKE ERIE RAILROAD COMPANY (B&LE) which has been captioned and docketed to the above number.

It will be necessary for you to serve a copy of the application upon the parties involved and file proof of such service with the Commission.

The matter will receive the Commission's attention, and you will be advised of any further procedure.

Very truly yours,

James J. McNulty
Secretary

DOCKETED
JUN 01 2001

jih

COMMONWEALTH OF PENNSYLVANIA

DOCUMENT FOLDER

DOCKETED JUN 01 2001

DATE: JUNE 1, 2001

SUBJECT: A-00117858

TO: Bureau of Transportation & Safety - Rail

FROM: James J. McNulty, Secretary

Application of BESSEMER & LAKE ERIE RAILROAD COMPANY (B&LE)

We attach hereto copy of the application of BESSEMER & LAKE ERIE RAILROAD COMPANY (B&LE) which has been captioned and docketed to the above number.

Applicant has been instructed to serve copies of the application upon the parties involved and to file proof of service with the Commission.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: TSL - w/ copy of application

JIH

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 5

Instr:200211080037746 11/08/2002
Pages:5 F:$40.50 2:30PM
Michele Mustello T20020037129
Butler County Recorder MLWESTERN

MONITEAU SCHOOL DIST $226.28
CLAY TWP $226.28
KARNS CITY AREA SCHO $571.50
FAIRVIEW TWP $571.49
TOTAL TAX $5584.43

THIS QUIT CLAIM DEED

MADE THE 24th of October in the year of our Lord two thousand and two (2002)

200211080037746
11/08/2002 2:30:40PM T20020037129
PA TRF TAX $2901.00
MONITEAU SCHOOL DIST $543.94
CONCORD TWP $543.94

BETWEEN

BESSEMER AND LAKE ERIE RAILROAD COMPANY, whose address is 135 Jamison Lane, P. O. Box 68, Monroeville, PA 15146, a corporation organized and existing under the laws of the state of Delaware, (hereinafter called "Grantor"),

AND AFFIDAVIT FILED

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, whose address is 121 Maier Lane, West Sunbury, PA 16061, (hereinafter called "Grantee");

WITNESSETH, that the Grantor, for and in consideration of the sum of Two Hundred Ninety Thousand and One Hundred Dollars and zero cents ($290,100.00), lawful money of the United States of America, unto it well and truly paid by the Grantee, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has remised, released and quit claimed, and by these presents does remise, release and forever quit claim unto the Grantee, itself, its heirs and assigns,

ALL THAT CERTAIN tract of land situate in Clay, Fairview and Concord Townships, Butler County, and Brady's Bend Township, Armstrong County, Commonwealth of Pennsylvania, consisting of approximately three hundred ninety-four (394) acres, more or less, and a six hundred foot (600') viaduct, together with all rights, privileges and easements appurtenant thereto (collectively the "Premises"). Being the property conveyed to Grantor herein by virtue of Butler County Deed Book Volume 885, page 1062 and Armstrong County Deed Book Volume 510, page 27.

This transfer is subject to all legal highways and to all prior conveyances of coal and mining rights, oil and gas leases, rights of way and easements affecting the herein described tracts of land in instruments of record.

TO HAVE AND TO HOLD the said premises with all and singular the appurtenances, unto the said Grantee, its heirs and assigns, to and for the only proper use and behoove of the said Grantee, its heirs and assigns forever.

EXHIBIT
tabbies
B&LE 5

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

ATTEST:

A Bradley Cramer Jr.
Assistant Secretary

BESSEMER AND LAKE ERIE
RAILROAD COMPANY

By: J. Giles
J. E. Giles
President and Chief Executive
Officer

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:
Andrea C. Parente

William G. Bamhard

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF ALLEGHENY)

On this, the 24th day of October, 2002, before me the undersigned officer, personally appeared J. E. Giles, who acknowledged himself to be the President and Chief Executive Officer of Bessemer and Lake Erie Railroad Company, a corporation, and that he as such President and Chief Executive Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President and Chief Executive Officer.

In witness whereof, I hereunto set my hand and official seal.

Patricia L. Kirk
Notary Public

Notarial Seal
Patricia L. Kirk, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires July 13, 2004

CERTIFICATE OF RESIDENCE

I, Andrea C. Parenti, do hereby certify that the precise residence and complete post office address of the within named Grantee is 121 Maier Lane, West Sunbury, PA 16061.

This 24 day of October, 2002

Andrea C. Parenti
Agent for Grantee

QUIT CLAIM DEED

From

BESSEMER AND LAKE ERIE RAILROAD COMPANY

To

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Recorder, return to:
Western Allegheny Landowners Association
121 Maier Lane
West Sunbury, PA 16061

DILLON McCANDLESS KING
128 W. CUNNINGHAM ST
BUTLER PA 16001

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF _____)

RECORDED on this _____ day of _____, A.D. 2002, in the Recorder's Office of the said County, in Record Book Volume _____, Page _____.

Given under my hand and seal of the said office, the date above written.

_____, Recorder.

REV-183 EX (6-96)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	2901.00
Book Number	Inst#
Page Number	200211080037746
Date Recorded	11-8-02

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name	Telephone Number: Area Code
Dillon McCandless King Coulter & Graham	(724) 283-2200

Street Address	City	State	Zip Code
128 W. Cunningham St	Butler	PA	16001

B TRANSFER DATA

Date of Acceptance of Document

Grantor(s)/Lessor(s)	Grantee(s)/Lessee(s)
Bessemer and Lake Erie Railroad Company	Western Allegheny Landowners Association
Street Address: 135 Jamison Lane, P.O. Box 68	Street Address: 121 Maier Lane
City: Monroeville	City: West Sunbury
State: PA	State: PA
Zip Code: 15146	Zip Code: 16061

C PROPERTY LOCATION

Street Address	City, Township, Borough
	Clay, Fairview and Concord Twps. in Butler Co.; Brady's Bend Twp in Armstrong Co.

County	School District	Tax Parcel Number
Butler and Armstrong	~~Moniteau~~ and Karns ~~City~~	

D VALUATION DATA

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
290,100.00	+ 0.00	= 290,100.00
4. County Assessed Value	**5. Common Level Ratio Factor**	**6. Fair Market Value**
	×	=

E EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed

2. Check Appropriate Box Below for Exemption Claimed

- ☐ Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- ☐ Transfer to Industrial Development Agency.
- ☐ Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- ☐ Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- ☐ Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- ☐ Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____.
- ☐ Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- ☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- ☒ Other (Please explain exemption claimed, if other than listed above.) Property is located almost entirely in Butler County in the municipalities of Clay, Fairview, and Concord Townships. The $2,901.00 local transfer tax amount should be distributed as follows: $1,087.88 to Concord Township; $452.56 to Clay Township and $1,142.99 to Fairview Township. The remaining $217.57 is payable to Brady's Bend Township, ~~Armstrong County.~~

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party	Date
Michael C. Marks	11-8-02

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 6

EXHIBIT

tabbies

B&LE 6

Instr:200306180026406 06/18/2003
Pages:4 F:$38.50 9:25AM
Michele Mustello T20030024978
Butler County Recorder MLM/M WILL

THIS INDENTURE

200306180026406
06/18/2003 9:25:20AM T20030024978
PA TRF TAX $228.40
KARNS CITY AREA SCHO $114.20
FAIRVIEW TWP $114.20
TOTAL TAX $456.80

Made the 21 *day of* May, *2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation,*** *with an address of* ***121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***WILLIAM G. BARNHART and KAY D. BARNHART, husband and wife, of 136 Boosel Road, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***TWENTY-TWO THOUSAND EIGHT HUNDRED FORTY AND 00/100 ($22,840.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and the center of S.R. 0268, Kittanning Pike, at line of lands now or formerly Edith Hill, said point being the Southwest corner of the herein described tract; Thence along the center of S.R. 0268, Kittanning Pike, N 15° 07' W, a distance of 123.2 feet more or less to a point on the centerline of said railroad and line of lands to be conveyed to Ronald E. and Madeline E. Stitt; Thence along lands to be conveyed to Ronald E. and Madeline E. Stitt, S 87° 34' 15" E, a distance of 468.7 feet more or less to a point; Thence along same, N 04° 45' W, a distance of 258.5 feet more or less to a point on the Northern right-of-way line of said railroad; Thence along the said Northern right-of-way and lands of the K.E. Griffiths Plan of lots, N 85° 15' E, a distance of 1150.2 feet more or less to a point on line of lands to be conveyed to Robert L., Jr. and Linda L. Livingston; Thence along said lands to be conveyed to Robert L., Jr. and Linda L. Livingston, S 04° 55' E, a distance of 199.9 feet more or less to a point on the centerline of said railroad; Thence along the centerline and lands to be conveyed to Robert L., Jr. and Linda L. Livingston and lands to be conveyed to Jack R. and Margretta L. Dittman, N 85° 15' E, a distance of 1311.8 feet more or less to a point of curvature; Thence along the centerline of said railroad and lands to be conveyed to Jack R. and Margretta L. Dittman, by a curve to the left, having a radius of 2864.93 feet, an arc distance of 24.5 feet more or less to a point on line of lands to be conveyed to the Bradys Bend Corp; Thence along the said lands to be conveyed to Bradys Bend Corp and lands now or formerly of the Rochester & Pittsburgh Coal Company, S 02° 21' W, a distance of 400.0 feet more or less to a point on line of lands now or formerly of the Ridgeview Country Club; Thence along the lands of the Ridgeview Country Club the following nine (9) courses, 1) Thence N 89° 17' W, a distance of 1473.8 feet more or less to a point on a curve; 2) Thence by a curve to the left, having a radius of 1176.59 feet, an arc distance of 113.0 feet, and a chord bearing, S 00° 00' 25" E, a distance of 112.96 feet to a point of reverse curvature; 3) Thence by a curve to the right, having a radius of 508.34 feet, an arc distance of 137.0 feet, and a chord bearing, S 04° 57' 45" W, a distance of 136.59 feet to a point of tangency; 4) Thence S 12° 41' W, a distance of 141.0 feet to a point; 5) Thence N 77° 19' W, a distance of 60.0 feet to a point; 6) Thence N 12° 41' E, a distance of 141.0 feet to a point of curvature; 7) Thence by a curve to the left, having a radius of 448.34 feet, an arc distance of 120.8 feet more or less, and a chord bearing, N 04° 57' 45" E, a distance of 120.46 feet to a point of compound curvature; 8) Thence by a curve to the left, having a radius of 1178.59 feet, an arc distance of 117.4 feet more or less, and a chord bearing, N 05° 45' 40" W, a distance of 117.33 feet to a point; 9) Thence N 89° 17' W, a distance of 1118.39 feet more or less to a point on line of lands now or formerly Edith Hill; Thence along said lands of Edith Hill the following four (4) courses, 1) Thence N 00° 43' E, a distance of 15.0 feet to a point; 2) Thence N 89° 17' W, a distance of 120.0 feet to a point; 3) Thence S 00° 43' W, a distance of 15.0 feet to a point; 4) Thence N 89° 17' W, a distance of 109.28 feet to a point in the center of S.R. 0268, the PLACE OF BEGINNING.

CONTAINING 22.84 acres more or less and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and part of the lands conveyed by Rudolph P. Rob, et ux, to the Western Allegheny Railroad Company by Deed dated August 13, 1952 and recorded in Deed Book Vol. 626 Page 348, and all of the lands conveyed by George D. Kamerer to the Western Allegheny Railroad Company by Deed dated December 5, 1905 and recorded in Deed Book Vol. 241 Page 52.

BEING a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.

*with appurtenances. **To Have and To Hold** all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns **Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, the said Grantor has hereunto set its hand and seal the day and year first above written.

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ (SEAL)
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST: _____

_____ _____

COMMONWEALTH OF PENNSYLVANIA :

: *ss*

COUNTY OF BUTLER :

ON THIS, the 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

MY COMMISSION EXPIRES:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantees is: ***136 Boosel Road, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parente

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello - Recorder of Deeds

Recorded _____ Number _____

D E E D

Volume _____ Page _____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

WILLIAM G. BARNHART and KAY D. BARNHART, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

WILLIAM G. BARNHART
KAY D. BARNHART
136 Boosel Road
Chicora, PA 16025

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 7

Instr:200306180026571 06/18/2003
Pages:4 F:$38.50 12:12PM
Michele Mustello T20030025070
Butler County Recorder MLDEAN M T

200306180026571
06/18/2003 12:12:29PM T20030025070
PA TRF TAX $42.30
KARNS CITY AREA SCHO $21.15
FAIRVIEW TWP $21.15
TOTAL TAX $84.60

THIS INDENTURE

Made the 21 *day of* May *, 2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation, with an address of 121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife, of 1270 Kittanning Pike, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***FOUR THOUSAND TWO HUNDRED THIRTY AND 00/100 ($4,230.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and the center of Kittanning Pike, at line of other lands of Dean M. and Patricia A. Tascarella, said point being the Southeast corner of the herein described tract; Thence along said Southern right-of-way line and other lands of Dean M. and Patricia A. Tascarella, N 89° 17' W, a distance of 130.6 feet more or less to a point; Thence by other lands of Dean M. and Patricia A. Tascarella, S 02° 18' W, a distance of 20.0 feet to a point; Thence by same, N 88° 27' W, a distance of 148.2 feet more or less to a point; Thence by same; S 18° 49' E, a distance of 150.3 feet more or less to a point on line of lands now or formerly C.A. McKenzie; Thence along lands of C.A. McKenzie and lands now or formerly T.F. Beck, Sr., N 84° 47' W, a distance of 468.6 feet to a point on a curve; Thence along lands of T.F. Beck, Sr. by a curve to the right, having a radius of 873.66 feet, an arc distance of 393.0 feet more or less and a chord bearing, N 81° 51' 50" W, a distance of 389.7 feet more or less to a point of tangency; Thence continuing along lands of T.F. Beck, Sr., N 64° 57' W, a distance of 109.1 feet more or less to a point on line of lands now or formerly of the Petroleum Valley Youth Coalition; Thence along the lands of the Petroleum Valley Youth Coalition and lands to be conveyed to Donald C., Jr. and Carol L. McCollough, N 03° 06' W, a distance of 192.4 feet more or less to a point on the centerline of said railroad right-of-way; Thence along said centerline and lands to be conveyed to Thomas H. and Anna Marie Sherwin, by a curve to the left, having a radius of 716.78 feet, an arc distance of 514.4 feet more or less to a point of tangency; Thence along same, N 85° 15' E, a distance of 367.1 feet more or less to a point; Thence along lands to be conveyed to Thomas H. and Anna Marie Sherwin, S 36° 52' 10" E, a distance of 48.6 feet to a point; Thence by same, N 77° 11' 55" E, a distance of 293.9 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, S 15° 07' E, a distance of 102.4 feet more or less to a point; the PLACE OF BEGINNING.

CONTAINING 4.23 acres more or less and being a part of the lands conveyed by Sylvester R. McLaughlin to the Western Allegheny Railroad Company by Deed dated January 15, 1903 and recorded in Deed Book Vol. 227 Page 152, and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and also being a part of the lands conveyed by Jehu G. Kaylor, et ux, to the Western Allegheny Railroad Company by Deed dated November 16, 1953 and recorded in Deed Book Vol. 647 Page 482.

EXHIBIT
tabbies
B&LE 7

BEING a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.

with appurtenances. ***To Have and To Hold*** *all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns* ***Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, *the said Grantor has hereunto set its hand and seal the day and year first above written.*

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:

_____ _____

_____

COMMONWEALTH OF PENNSYLVANIA :

: *ss*

COUNTY OF BUTLER :

ON THIS, the 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

MY COMMISSION EXPIRES:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantee(s) is: ***1270 Kittanning Pike, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parente

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Recorded	Number
_____	_____

D E E D

Volume	Page
_____	_____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

DEAN M. TASCARELLA
PATRICIA A. TASCARELLA
1270 Kittanning Pike
Chicora, PA 16025

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 8

EXHIBIT

B&LE 8

tabbies

Instr:200306180026549 06/18/2003
Pages:3 F:$38.50 11:26AM
Michele Mustello T20030025050
Butler County Recorder MLM/M THOM

200306180026549
06/18/2003 11:26:21AM T20030025050
PA TRF TAX $44.70
KARNS CITY AREA SCHO $22.35
FAIRVIEW TWP $22.35
TOTAL TAX $89.40

THIS INDENTURE

Made the 21 *day of* May, *2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation,*** *with an address of* ***121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***THOMAS H. SHERWIN and ANNA MARIE SHERWIN, husband and wife, of 1276 Kittanning Pike, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***FOUR THOUSAND FOUR HUNDRED SEVENTY AND 00/100 ($4,470.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Northern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company, at line of lands now or formerly Donald C., Jr. and Carol L. McCollough, said point being the Northwest corner of the herein described tract; Thence along lands of now or formerly W.F. Clark, S 54° 23' E, a distance of 325.35 feet to a point; Thence along same, N 85° 15' E, a distance of 219.0 feet more or less to a point on line of lands to be conveyed to Lewis A., Jr. and Annette M. Earley; Thence along said lands to be conveyed to Lewis A., Jr. and Annette M. Earley, S 08° 30' E, a distance of 112.9 feet more or less to a point; Thence continuing along same, N 85° 15' E, a distance of 386.0 feet more or less to a point at the corner of other lands of said Lewis A., Jr. and Annette M. Earley and lands of Thomas H. and Anna Marie Sherwin; Thence along said other lands of Thomas H. and Anna Marie Sherwin, S 08° 30' E, a distance of 112.9 feet more or less to a point; Thence continuing along other lands of Thomas H. and Anna Marie Sherwin, N 85° 15' E, a distance of 270.7 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, S 08° 30' E, a distance of 30.1 feet to a point on line of lands to be conveyed to Dean M. and Patricia A. Tascarella; Thence along said lands to be conveyed to Dean M. and Patricia A. Tascarella, S 77° 11' 55 " W, a distance of 293.9 feet more or less to a point; Thence by same, N 36° 52' 10" E, a distance of 48.6 feet more or less to a point on the centerline of said railroad right-of-way; Thence along said centerline and lands to be conveyed to Dean M. and Patricia A. Tascarella, S 85° 15' W, a distance of 367.1 feet more or less to a point of curvature; Thence along same by a curve to the right, having a radius of 716.78 feet, an arc distance of 505.8 feet more or less to a point on line of lands to be conveyed to Donald C., Jr. and Carol L. McCollough; Thence along said lands to be conveyed to Donald C., Jr. and Carol L. McCollough and other lands of Donald C., Jr. and Carol L. McCollough, N 03° 06' E, a distance of 295.0 feet more or less to a point, the PLACE OF BEGINNING.

CONTAINING 4.47 acres more or less and being a part of the lands conveyed by Sylvester R. McLaughlin to the Western Allegheny Railroad Company by Deed dated January 15, 1903 and recorded in Deed Book Vol. 227 Page 152, also being a part of the lands conveyed by Rudolph P. Rob, et ux, to the Western Allegheny Railroad Company by Deed dated August 13, 1952 and recorded in Deed Book Vol. 626 Page 348, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210.

BEING *a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.*

with appurtenances. ***To Have and To Hold*** *all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns* ***Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, *the said Grantor has hereunto set its hand and seal the day and year first above written.*

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:

_____ _____

_____

COMMONWEALTH OF PENNSYLVANIA :
: ss
COUNTY OF BUTLER :

ON THIS, *the* 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, *I hereunto set my hand and official seal.*

Mary Ann Lascuola
Notary Public

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

MY COMMISSION EXPIRES:

Certificate of Residence

I do hereby certify that the precise residence of Grantee(s) is: ***1276 Kittanning Pike, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parenti

Recorded _____ *Number* _____

D E E D

Volume _____ *Page* _____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

THOMAS H. SHERWIN and ANNA MARIE SHERWIN, husband and wife

==========

*Fees, $*_____

==========

To the Recorder mail to:

THOMAS H. SHERWIN
ANNA MARIE SHERWIN
1276 Kittanning Pike
Chicora, PA 16025

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 9

Instr:200306180026569 06/18/2003
Pages:3 F:$38.50 12:10PM
Michele Mustello T20030025070
Butler County Recorder MLRONALD E

200306180026569
06/18/2003 12:10:33PM T20030025070
PA TRF TAX $24.80
KARNS CITY AREA SCHO $12.40
FAIRVIEW TWP $12.40
TOTAL TAX $49.60

THIS INDENTURE

Made the 21 *day of* May, *2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation, with an address of 121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***RONALD E. STITT and MADELINE E. STITT, husband and wife, of 1281 Kittanning Pike, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***TWO THOUSAND FOUR HUNDRED EIGHTY AND 00/100 ($2,480.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Northern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and center of S.R. 0268, Kittanning Pike, at line of other lands of Ronald E. and Madeline E. Stitt, said point being the Northwest corner of the herein described tract; Thence along said lands of Ronald E. and Madeline E. Stitt, S 85° 15' E, a distance of 478.1 feet more or less to a point on lands to be conveyed to William G. and Kay D. Barnhart; Thence along said lands to be conveyed to William G. and Kay D. Barnhart, S 04° 45' E, a distance of 258.5 feet more or less to a point; Thence along same, N 87° 34' 15" W, a distance of 468.7 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, N 08° 30' W, a distance of 200.4 feet more or less to a point, the PLACE OF BEGINNING.

CONTAINING 2.48 acres more or less and being a part of the lands conveyed by Rudolph P. Rob, et ux, to the Western Allegheny Railroad Company by Deed dated August 13, 1952 and recorded in Deed Book Vol. 626 Page 348.

BEING *a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.*

with appurtenances. ***To Have and To Hold*** *all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns* ***Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

EXHIBIT
tabbies
B&LE 9

In Witness Whereof, the said Grantor has hereunto set its hand and seal the day and year first above written.

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

_____
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:

_____ _____

_____

COMMONWEALTH OF PENNSYLVANIA :
: ss
COUNTY OF BUTLER :

ON THIS, the 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____
Notary Public

MY COMMISSION EXPIRES:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantee(s) is: ***1281 Kittanning Pike, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Brent

Recorded _____ *Number* _____

D E E D

Volume _____ *Page* _____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

RONALD E. STITT and MADELINE E. STITT, husband and wife

==========

*Fees, $*_____

==========

To the Recorder mail to:

RONALD E. STITT
MADELINE E. STITT
1281 Kittanning Pike
Chicora, PA 16025

RECORDER OF DEEDS BUTLER COUNTY, PA

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 10

WESTERN ALLEGHENY RAILROAD CO. to BESSEMER & LAKE ERIE R.R. COMPANY

THIS INDENTURE

MADE the 21st day of December , in the year of our Lord one thousand nine hundred and sixty-seven (1967),

BETWEEN

WESTERN ALLEGHENY RAILROAD COMPANY (hereinafter referred to as "Western Allegheny"), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having its domicile and principal place of business in the City of Philadelphia, County of Philadelphia, in said Commonwealth, party of the first part;

AND

BESSEMER AND LAKE ERIE RAILROAD COMPANY (hereinafter referred to as "Bessemer"), likewise a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having its domicile and principal place of business in the City of Pittsburgh, County of Allegheny, in said Commonwealth, party of the second part.

WITNESSETH, that Western Allegheny for and in consideration of the sum of Twenty-four Thousand Two Hundred Dollars ($24,200.00), lawful money of the United States of America, to it in hand paid by Bessemer at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, released, conveyed and confirmed, and by these presents does grant, bargain, sell, release, convey and confirm unto Bessemer, its successors and assigns, forever,

FIRST: ALL those certain tracts or parcels of land, lots or pieces of ground, easements, rights of way and other interests in land situate in the

BOOK 335 PAGE 062

EXHIBIT
B&LE 10

Townships of Clay, Concord and Fairview, County of Butler and Commonwealth of Pennsylvania, and the Township of Brady's Bend, County of Armstrong and Commonwealth aforesaid, extending from Western Allegheny's interchange with Bessemer at Queen Junction, Clay Township, Butler County, Pennsylvania at its Valuation Station 1398 + 89± in an easterly direction to its terminus at Dewey, Brady's Bend Township, Armstrong County, Pennsylvania, at its Valuation Station 2485 + 51±, a distance of approximately 20.58 miles, as shown colored yellow on Western Allegheny's Map No. 27126, sheet 1 of 2, dated August 28, 1967, revised September 19, 1967, marked EXHIBIT "A" and attached hereto and made a part hereof. A substantially complete list of deed references covering the tracts or parcels of land, lots or pieces of ground, easements, rights of way and other interests in land herein conveyed between the above named Valuation Stations is recited in EXHIBIT "B" attached hereto and made a part hereof.

SECOND: ALL those certain pieces, parcels or tracts of land, easements, rights of way and other interests in land situate in the Townships of Worth, Muddy Creek, Franklin and Clay, County of Butler and Commonwealth of Pennsylvania, and Township of Slippery Rock, County of Lawrence and Commonwealth aforesaid, as shown on Western Allegheny's Map No. 27126, Sheet 2 of 2, dated September 5, 1967, revised December 4, 1967, marked EXHIBIT "C" and attached hereto and made a part hereof. A substantially complete list of deed references covering the pieces, parcels or tracts of land, easements, rights of way and other interests in land herein conveyed and shown on said EXHIBIT "C" is recited in EXHIBIT "D" attached hereto and made a part hereof.

AND FURTHER, Western Allegheny has granted, conveyed, assigned, transferred and set over, and by these presents does grant, convey, assign, transfer and set over unto Bessemer, its successors and assigns, forever, all lands, easements, rights of way and other interests in land in the Counties of Butler, Armstrong and Lawrence, Commonwealth of Pennsylvania, to which Western Allegheny has or could have any estate, right, title, claim or interest under any conceivable circumstances, subject to all restrictions, conditions, agreements and easements which are legally binding upon said property.

THIS CONVEYANCE is made under and subject to the following:

(1) Such state of facts as an accurate survey may disclose;

(2) All reservations and exceptions of coal, oil, gas, water and other minerals and liquids and mining and drilling rights mentioned in various deeds of record;

(3) Rights reserved in farm crossings mentioned in various deeds of record;

(4) Rights to drive entries through coal mentioned in various deeds of record;

(5) Rights to construct and maintain water, steam, gas and oil pipes and power, telephone and telegraph lines as mentioned in various deeds of record;

(6) Lease from The Great Lakes Coal Company to The School Board of Brady's Bend Township dated November 12, 1909, for the use of land for school purposes;

(7) Rights in roadways as mentioned in various deeds of record;

(8) Right to construct and maintain switches and tipples as mentioned in deed from Grace W. Taylor to Western Allegheny dated September 10, 1917;

(9) Right of Kaylor Methodist Episcopal Church to use certain land as described in deed from Manor Real Estate and Trust Company to Western Allegheny by deed dated August 6, 1923;

(10) Rights of the owners of existing water, telephone, power and gas lines which cross any of the land shown on said EXHIBITS "A" and "C" hereof;

(11) Rights of the public in any and all public roads and streets which pass through the said land;

(12) Rights of others in and to the waters of streams which flow over and across the said land; and

(13) Grant of easement by Western Allegheny to Joseph S. Williams by deed dated March 1, 1948, for passageway.

Together with all and singular, the privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever of Western Allegheny, in law, equity or otherwise, howsoever, of, in and to the same, and every part thereof.

TO HAVE AND TO HOLD the tracts or parcels of land, lots or pieces of ground, easements, rights of way and other interests in land, with the hereditaments and premises hereby granted, or mentioned, and intended so to be, with

the appurtenances, unto Bessemer, its successors and assigns, to and for the only proper use and behoof of the said Bessemer, its successors and assigns, FOREVER, under and subject as hereinabove provided.

AND Western Allegheny, for itself and its successors, covenants with Bessemer and its assigns, against all lawful claimants the same and every part thereof, except those described below, by, from or under it, under and subject as hereinbefore described, to SPECIALLY WARRANT AND DEFEND, it being expressly understood and agreed, however, by and between the parties hereto that this warranty shall not extend or apply to the following:

(a) Tract, parcel or piece of ground, situate in Township of Concord, as described in deed of Albert Cumberland et ux. to Western Allegheny, dated January 4, 1904, and recorded in the Recorder's Office of Butler County, Pennsylvania, in Deed Book Vol. 248, Page 37.

(b) Nine-tenths (9/10) interest in tract of land, situate in Township of Fairview, as described in deed of William Hepler, widower, et al. to Western Allegheny, dated November 12, 1902, and recorded as aforesaid, in Deed Book Vol. 227, Page 158.

(c) Tract of land, situate in Township of Brady's Bend, being formerly the property of L. W. Miller and appropriated by Western Allegheny under Condemnation Proceedings at No. 27, September Term 1909, in the Court of Common Pleas of said Armstrong County.

(d) Tract of land, situate in Township of Brady's Bend, being formerly the property of Christopher Garner et ux. and appropriated by Western Allegheny under Condemnation Proceedings at No. 37, December Term 1903, in the Court of Common Pleas of said Armstrong County.

(e) Undivided one-half (1/2) interest in tract of land, situate in Township of Clay, as described in deed of Mary J. Brown et vir. to Western Allegheny, dated October 23, 1905, and recorded in the Recorder's Office of Butler County, Pennsylvania, in Deed Book Vol. 241, Page 183.

(f) Tract of land, situate in Township of Clay, as described in deed of Edward Webb et ux. et al. to Western Allegheny, dated May 16, 1908, and recorded in the aforesaid Recorder's Office in Deed Book Vol. 259, Page 128.

(g) Any other tracts, parcels or pieces of land occupied by Western Allegheny but not specifically referred to in EXHIBITS "B" or "D" hereof.

Western Allegheny does hereby constitute and appoint G. M. Smith to be its attorney, for it, and in its name and as and for its corporate act and deed to acknowledge this Indenture before any person having authority by the laws of the Commonwealth of Pennsylvania to take such acknowledgment, to the intent

that the same may be duly recorded.

This Indenture is made under and by virtue of a resolution of the Board of Directors of Western Allegheny passed at a meeting thereof held on the 11th day of September , 1967, a full quorum being present, duly authorizing and directing the same to be made and done.

IN WITNESS WHEREOF, Western Allegheny Railroad Company, party of the first part, has caused its common and corporate seal to be affixed to these presents by the hand of its President and the same to be duly attested by its ASSISTANT Secretary.

DATED the day and year first above written.

WESTERN ALLEGHENY RAILROAD COMPANY

By _____
President

Attest:

_____
ASSISTANT Secretary





BOOK 885 PAGE 066

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF Allegheny } SS:

I hereby certify that on this 21st day of December, 1967, before me, the subscriber, a Notary Public, in and for the County of Allegheny and Commonwealth of Pennsylvania, personally appeared G. M. Smith, the attorney named in the foregoing deed, and by virtue and in pursuance of the authority therein conferred upon him, acknowledged the said deed to be the act of the said Western Allegheny Railroad Company to the end that it may be recorded as such.

WITNESS my hand and Notarial seal the day and year aforesaid.

Evelyn B. Domestichas
Notary Public

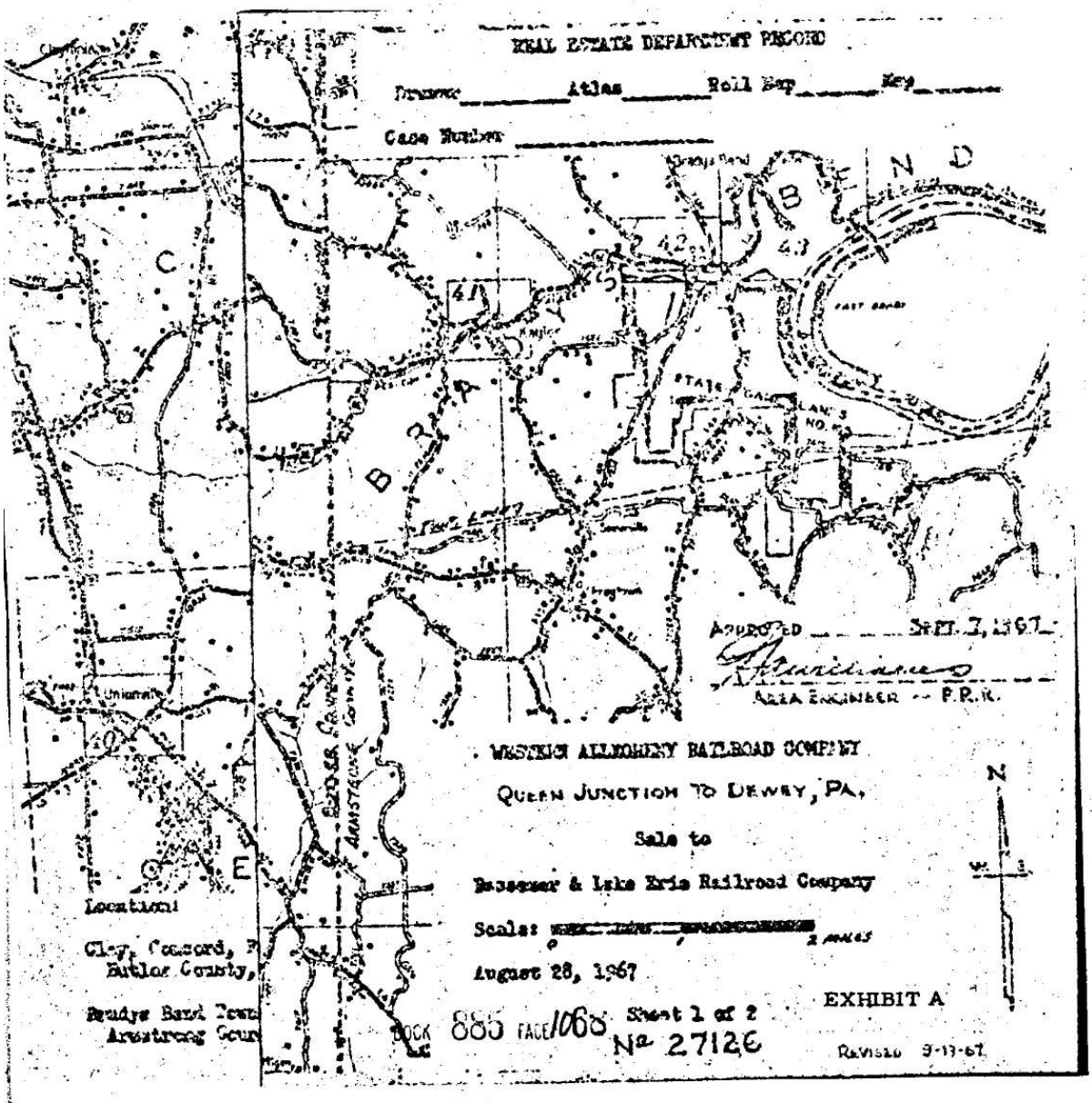
My Commission Expires:

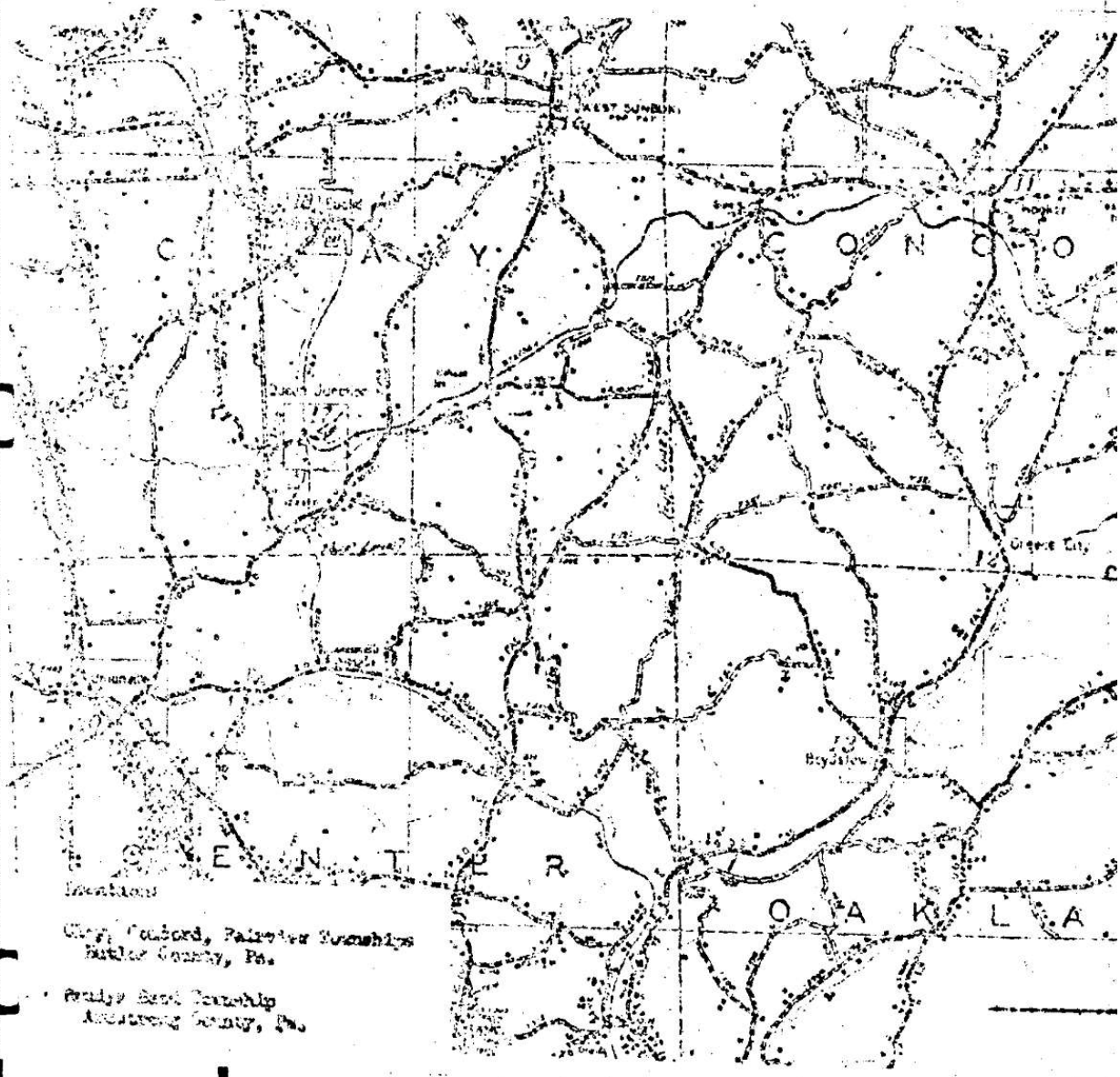
CERTIFICATE AS TO RESIDENCE

The undersigned hereby certifies that the residence of the party of the second part herein named is as follows: Box 536, Pittsburgh, Pennsylvania 15230.

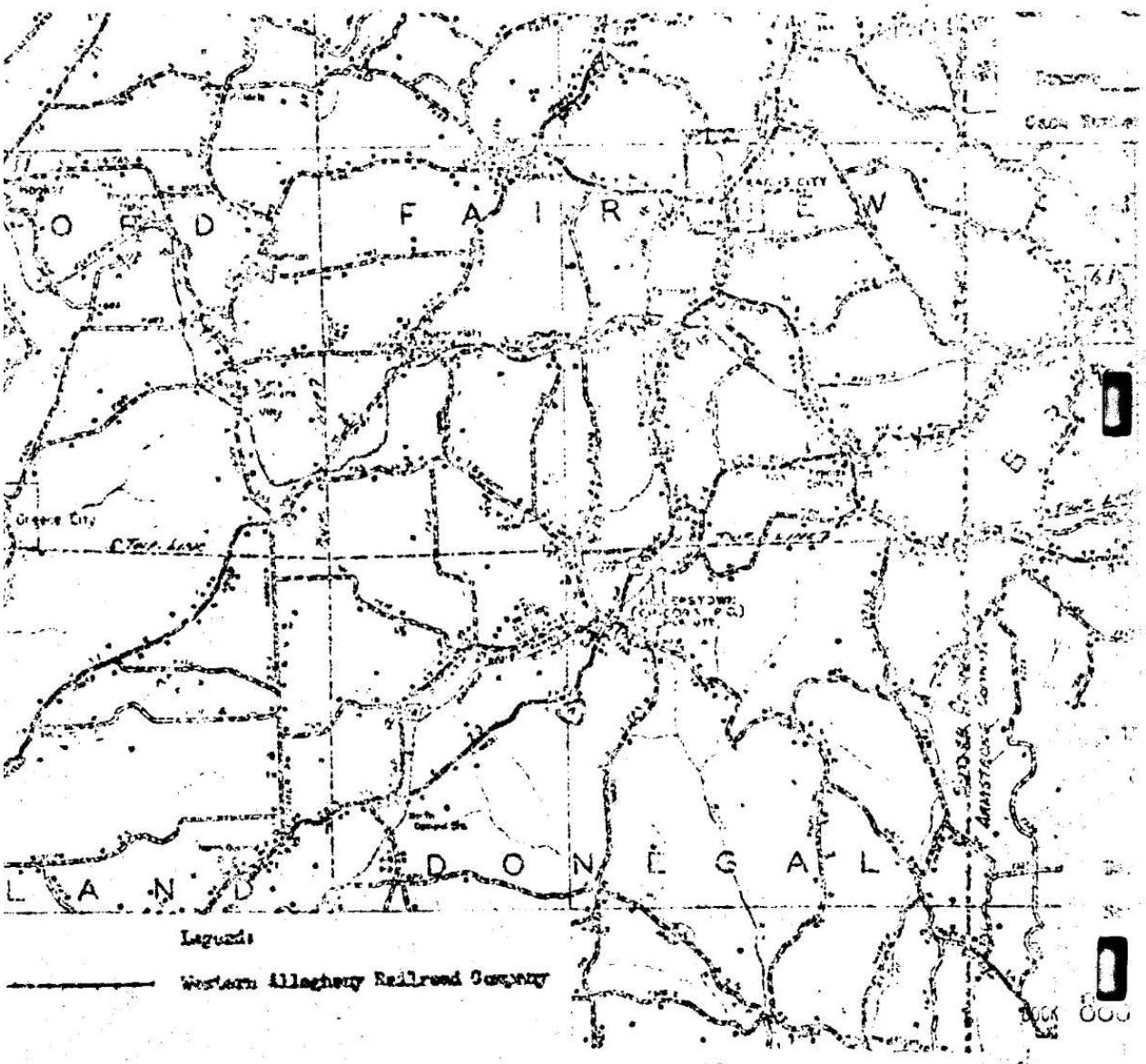
Dated: December 29, 1967. Secretary

BOOK 885 PAGE 1067


REAL ESTATE DEPARTMENT RECORD
Division
Atlas
Roll Map
Key
Case Number
BEND
BRADY
CLAY
CROSS CREEK
ARMSTRONG COUNTY
STATE
LAND
NO.
APPROVED SEPT. 7, 1967
AREA ENGINEER -- P.R.R.
WESTERN ALLEGHENY RAILROAD COMPANY
QUEEN JUNCTION TO DEWEY, PA.
Sale to
Pittsburgh & Lake Erie Railroad Company
Scale:
2 miles
August 28, 1967
Location:
Clay, Concord, P
Butler County,
Brady's Bend Town
Armstrong Coun
EXHIBIT A
Sheet 1 of 2
BOOK 885 PAGE 1068 No 27126
Revised 9-11-67
N
W
E



Book 885 Page 1068 A.



BOOK 885 PAGE 1078

EXHIBIT "B"

A SUBSTANTIALLY COMPLETE LIST OF DEED REFERENCES TO THE PROPERTY SITUATE IN BUTLER COUNTY AND ARMSTRONG COUNTY, PENNSYLVANIA BEING CONVEYED BY WESTERN ALLEGHENY RAILROAD COMPANY, A PENNSYLVANIA CORPORATION, TO BESSEMER AND LAKE ERIE RAILROAD COMPANY, A PENNSYLVANIA CORPORATION

1. Tracts of land, situate in the Township of Clay, as described in deed of Frank X. Kohler, unmarried, to Western Allegheny Railroad Company (hereinafter referred to as "Western Allegheny"), dated June 26, 1907, and recorded in Deed Book Vol. 253, Page 239.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Edward M. Buckham et ux. by deed dated February 24, 1944, and recorded in Deed Book Vol. 524, Page 454.

2. Tract of land, situate in the Township of Clay, as described in deed of Asaph H. Cranmer et ux. to Western Allegheny, dated March 27, 1905, and recorded in Deed Book Vol. 241, Page 43.

3. Tract of land, situate in the Township of Clay, as described in deed of Asaph H. Cranmer et ux. to Western Allegheny, dated June 12, 1907, and recorded in Deed Book Vol. 257, Page 32.

4. Tract of land, situate in Township of Clay, as described in deed of Asaph H. Cranmer et ux. to Western Allegheny, dated February 3, 1903, and recorded in Deed Book Vol. 227, Page 142.

5. Tract of land, situate in Township of Clay, as described in deed of Amos Young et ux. to Western Allegheny, dated January 17, 1903, and recorded in Deed Book Vol. 227, Page 135.

6. Tract of land, situate in Township of Clay, as described in deed of Amos Young et ux. to Western Allegheny, dated November 25, 1905, and recorded in Deed Book Vol. 241, Page 60.

7. Tract of land, situate in Township of Clay, as described in deed of Robert B. Conn et ux. to Western Allegheny, dated February 3, 1903, and recorded in Deed Book Vol. 227, Page 139.

8. Tract of land, situate in Township of Clay, as described in deed of Mrs. Mary Gallagher to Western Allegheny, dated January 17, 1903, and recorded in Deed Book Vol. 228, Page 173.

9. Parcel of land, situate in Township of Clay, as described in deed of Dominico Amendolea, widower, to Western Allegheny, dated April 10, 1951, and recorded in Deed Book Vol. 613, Page 23.

10. Parcel of land, situate in Township of Clay, as described in deed of Floy Thompson, single, to Western Allegheny, dated April 10, 1951, and recorded in Deed Book Vol. 613, Page 25.

11. Lot, parcel or piece of ground, situate in Township of Clay, as described in deed of Eva M. Badger et vir. et al. to Western Allegheny, dated September 27, 1905, and recorded in Deed Book Vol. 262, Page 404.

12. Tracts of land, situate in Township of Clay, as described in deed of James W. Mahood et ux. to Western Allegheny, dated December 31, 1902, and recorded in Deed Book Vol. 228, Page 182.

13. Tract of land, situate in Township of Clay, as described in deed of William H. Mahood et al. to Western Allegheny, dated January 16, 1903, and recorded in Deed Book Vol. 228, Page 176.

14. Tract of land, situate in Township of Clay, as described in deed of Henry A. Berg et ux. et al. to Western Allegheny, dated June 24, 1907, and recorded in Deed Book Vol. 262, Page 279.

15. Tract of land, situate in Township of Clay, as described in deed of Josiah J. Brown et ux. to Western Allegheny, dated May 30, 1903, and recorded in Deed Book Vol. 228, Page 169.

16. Tracts of land, situate in Township of Clay, as described in deed of Ambrose H. Patterson, widower, to Western Allegheny, dated January 3, 1905,

and recorded in Deed Book Vol. 225, Page 462.

17. Tract of land, situate in Township of Clay, as described in deed of Emmet Queen et ux. to Western Allegheny, dated May 14, 1904, and recorded in Deed Book Vol. 227, Page 246.

18. Tract of land, situate in Township of Clay, as described in deed of Henry B. Rinker et ux. to Western Allegheny, dated April 7, 1904, and recorded in Deed Book Vol. 227, Page 131.

19. Tract of land, situate in Township of Clay, as described in deed of Thomas E. Coulter et ux. to Western Allegheny, dated January 13, 1903, and recorded in Deed Book Vol. 228, Page 179.

20. Tract of land, situate partly in Township of Clay and partly in Township of Concord, as described in deed of Peter R. Day et ux. et al. to Western Allegheny, dated January 15, 1903, and recorded in Deed Book Vol. 228, Page 165.

21. Parcels of land, situate in Township of Clay, as described in deed of Peter R. Day et ux. to Western Allegheny, dated October 4, 1951, and recorded in Deed Book Vol. 614, Page 541.

22. Tracts of land, situate in Township of Concord, as described in deed of Isaac P. Campbell et ux. to Western Allegheny, dated July 20, 1903, and recorded in Deed Book Vol. 225, Page 102.

23. Tract of land, situate in Township of Concord, as described in deed of Minnie Hunt, widow, to Western Allegheny, dated January 13, 1903, and recorded in Deed Book Vol. 228, Page 226.

24. Tract of land, situate in Township of Concord, as described in deed of Abner Campbell et ux. to Western Allegheny, dated January 13, 1903, and recorded in Deed Book Vol. 228, Page 230.

25. Tract of land, situate in Township of Concord, as described in deed of Edward G. Troutman et ux. to Western Allegheny, dated July 8, 1903, and recorded in Deed Book Vol. 228, Page 240.

26. Tracts of land, situate in Township of Concord, as described in deed of Alvey J. Campbell et ux. et al. to Western Allegheny, dated February 7, 1903, and recorded in Deed Book Vol. 225, Page 106.

27. Tract, parcel or piece of ground, situate in Township of Concord, as described in deed of Albert Cumberland et ux. to Western Allegheny, dated January 4, 1904, and recorded in Deed Book Vol. 248, Page 37.

28. Tract of land, situate in Township of Concord, as described in deed of Anna R. Moser, widow, et al. to Western Allegheny, dated October 23, 1905, and recorded in Deed Book Vol. 241, Page 55.

29. Tract of land, situate in Township of Concord, as described in deed of Nancy M. Campbell, widow, et al. to Western Allegheny, dated August 3, 1903, and recorded in Deed Book Vol. 227, Page 185.

30. Tract of land, situate in Township of Concord, as described in deed of Esly U. Cumberland et ux. to Western Allegheny, dated March 24, 1903, and recorded in Deed Book Vol. 228, Page 246.

31. Tract of land, situate in Township of Concord, as described in deed of James H. Thompson et ux. to Western Allegheny, dated June 27, 1905, and recorded in Deed Book Vol. 262, Page 401.

32. Tracts of land, situate in Township of Concord, as described in deed of James H. Thompson et ux. to Western Allegheny, dated July 7, 1903, and recorded in Deed Book Vol. 227, Page 174.

33. Piece or parcel of land, situate in Township of Concord, as described in deed of Martha Elizabeth Thompson, widow, et al. to Western Allegheny, dated July 19, 1948, and recorded in Deed Book Vol. 567, Page 175.

34. Tract of land, situate in Township of Concord, as described in deed of A. W. Starr et ux. to Western Allegheny, dated October 11, 1904, and recorded in Deed Book Vol. 233, Page 108.

35. Tract of land, situate in Township of Concord, as described in deed of Samuel O. Kamerer, unmarried, et al. to Western Allegheny, dated February 4, 1903, and recorded in Deed Book Vol. 228, Page 223.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Henry L. Harper et al. by deed dated May 28, 1948, and recorded in Deed Book Vol. 567, Page 18.

36. Tracts of land, situate in Township of Concord, as described in deed of Margaret Harper, unmarried, et al. to Western Allegheny, dated April 24, 1903, and recorded in Deed Book Vol. 227, Page 249.

37. Tract, parcel or piece of land, situate in Township of Concord, as described in deed of Eliza A. Bell et al. to Western Allegheny, dated June 21, 1907, and recorded in Deed Book Vol. 251, Page 419.

38. Tract of land, situate in Township of Concord, as described in deed of Jeremiah P. Sutton et ux. to Western Allegheny, dated March 18, 1903, and recorded in Deed Book Vol. 225, Page 99.

39. Tracts of land, situate in Township of Concord, as described in deed of Violet Starr, widow, et al. to Western Allegheny, dated May 5, 1906, and recorded in Deed Book Vol. 264, Page 72.

40. Tract of land, situate in Township of Concord, as described in deed of William J. Roxbury to Western Allegheny, dated July 2, 1904, and recorded in Deed Book Vol. 230, Page 224.

41. Tract of land, situate in Township of Concord, as described in deed of R. P. Black et ux. to Western Allegheny, dated September 26, 1904, and recorded in Deed Book Vol. 229, Page 305.

42. Tract of land, situate in Township of Concord, as described in deed of Lewis F. Sutton et ux. to Western Allegheny, dated September 12, 1904, and recorded in Deed Book Vol. 223, Page 447.

43. Tract of land, situate in Township of Concord, as described in deed of James H. Byers et ux. to Western Allegheny, dated January 14, 1903, and recorded in Deed Book Vol. 227, Page 179.

44. Tract of land, situate in Township of Concord, as described in deed of Aaron Rider et ux. to Western Allegheny, dated April 21, 1903, and recorded in Deed Book Vol. 228, Page 2[illegible]7.

45. Tract of land, situate in Township of Concord, as described in deed of A. E. King, unmarried, et al. to Western Allegheny, dated December 19, 1904, and recorded in Deed Book Vol. 232, Page 31.

46. Tract of land, situate in Township of Concord, as described in deed of J. H. Wick et ux. to Western Allegheny, dated April 28, 1904, and recorded in Deed Book Vol. 225, Page 111.

47. Tract of land, situate in Township of Concord, as described in deed of Andrew E. King, unmarried, et al. to Western Allegheny, dated January 23, 1903, and recorded in Deed Book Vol. 227, Page 182.

48. Tracts of land, situate partly in Township of Concord and partly in Township of Fairview, as described in deed of William E. Brown et ux. to Western Allegheny, dated October 6, 1904, and recorded in Deed Book Vol. 229, Page 299.

49. Tract of land, situate in Township of Concord, as described in deed of Mary M. Dillon, widow, et al. to Western Allegheny, dated May 18, 1903, and recorded in Deed Book Vol. 228, Page 234.

50. Tract of land, situate in Township of Fairview, as described in deed of J. M. Wick et ux. to Western Allegheny, dated September 25, 1905, and recorded in Deed Book Vol. 241, Page 58.

51. Tract of land, situate in Township of Fairview, as described in deed of John C. Schneider et ux. et al. to Western Allegheny, dated January 7, 1904, and recorded in Deed Book Vol. 228, Page 186.

52. Tract of land, situate in Township of Fairview, as described in deed of David M. Thompson et ux. to Western Allegheny, dated October 29, 1904, and recorded in Deed Book Vol. 221, Page 477.

53. Tracts of land, situate in Township of Fairview, as described in deed of Winfield S. Kepple, unmarried, et al. to Western Allegheny, dated July 31, 1903, and recorded in Deed Book Vol. 228, Page 194.

54. Tract of land, situate in Township of Fairview, as described in deed of John H. Andre et ux. to Western Allegheny, dated February 2, 1904, and recorded

in Deed Book Vol. 227, Page 155.

55. Tract of land, situate in Township of Fairview, as described in deed of Christina Pontius, widow, et al. to Western Allegheny, dated June 4, 1903, and recorded in Deed Book Vol. 227, Page 164.

56. Tract of land, situate in Township of Fairview, as described in deed of James J. Sutton et ux. to Western Allegheny, dated July 30, 1903, and recorded in Deed Book Vol. 227, Page 167.

57. Tract of land, situate in Township of Fairview, as described in deed of John H. Ellenberger et ux. to Western Allegheny, dated December 5, 1905, and recorded in Deed Book Vol. 241, Page 46.

58. Tract of land, situate in Township of Fairview, as described in deed of Amos W. Ellenberger et ux. to Western Allegheny, dated December 31, 1902, and recorded in Deed Book Vol. 228, Page 198.

59. Tract of land, situate in Township of Fairview, as described in deed of Harvey O. Swartzlander, unmarried, et al. to Western Allegheny, dated January 1, 1903, and recorded in Deed Book Vol. 228, Page 207.

60. Tract of land, situate in Township of Fairview, as described in deed of William L. Kepple et ux. to Western Allegheny, dated December 21, 1903, and recorded in Deed Book Vol. 228, Page 214.

61. Tract of land, situate in Township of Fairview, as described in deed of Mrs. Sarah A. Clark et al. to Western Allegheny, dated January 6, 1904, and recorded in Deed Book Vol. 227, Page 148.

62. Tract of land, situate in Township of Fairview, as described in deed of D. L. Rankin et ux. to Western Allegheny, dated July 2, 1904, and recorded in Deed Book Vol. 230, Page 225.

63. Seven-eighths (7/8) interest in tract of land, situate in Township of Fairview, as described in deed of Charles Duffy et ux. to Western Allegheny, dated July 14, 1905, and recorded in Deed Book Vol. 241, Page 63.

64. One-eighth (1/8) interest in tract of land, situate in Township of Fairview, as described in deed of Ida P. Gallagher, Executrix of Edwin F. Gallagher, to Western Allegheny, dated October 27, 1905, and recorded in Deed Book Vol. 241, Page 68.

65. Tracts of land, situate in Township of Fairview, as described in deed of Patrick R. Burke et ux. to Western Allegheny, dated April 16, 1904, and recorded in Deed Book Vol. 225, Page 169.

66. Tract of land, situate in Township of Fairview, as described in deed of Eleanor Elliott, widow, to Western Allegheny, dated October 12, 1903, and recorded in Deed Book Vol. 228, Page 204.

67. Tract of land, situate in Township of Fairview, as described in deed of Eleanor Elliott, widow, to Western Allegheny, dated December 22, 1902, and recorded in Deed Book Vol. 228, Page 201.

68. Tract of land, situate in Township of Fairview, as described in deed of Eleanor Elliott, widow, to Western Allegheny, dated July 12, 1905, and recorded in Deed Book Vol. 241, Page 50.

69. Tract of land, situate in Township of Fairview, as described in deed of Joseph Earhart, widower, to Western Allegheny, dated August 4, 1904, and recorded in Deed Book Vol. 229, Page 309.

70. Tract of land, situate in Township of Fairview, as described in deed of Grace W. Taylor, widow, to Western Allegheny, dated September 10, 1917, and recorded in Deed Book Vol. 344, Page 15.

71. Tract of land, situate in Township of Fairview, as described in deed of William S. McCollough et ux. to Western Allegheny, dated July 1, 1904, and recorded in Deed Book Vol. 227, Page 428.

72. Tract of alnd, situate in Township of Fairview, as described in deed of Andrew J. Moore et ux. et al. to Western Allegheny, dated November 14, 1902, and recorded in Deed Book Vol. 227, Page 145.

73. Tract of land, situate in Township of Fairview, as described in deed of Sylvester R. McLaughlin et ux. to Western Allegheny, dated January 15, 1903, and recorded in Deed Book Vol. 227, Page 152.

74. Parcels of land, situate in Township of Fairview, as described in deed of Rudolf P. Rob et ux. to Western Allegheny, dated August 13, 1952, and recorded in Deed Book Vol. 626, Page 348.

75. Parcel or tract of land, situate in Township of Fairview, as described in deed of Jehu G. Kaylor et ux. to Western Allegheny, as described in deed of November 16, 1953, and recorded in Deed Book Vol. 647, Page 482.

76. Tract of land, situate in Township of Fairview, as described in deed of Emmet Queen et ux. to Western Allegheny, dated October 1, 1908, and recorded in Deed Book Vol. 263, Page 103.

77. Tract of land, situate in Township of Fairview, as described in deed of John D. Collins et ux. to Western Allegheny, dated September 28, 1903, and recorded in Deed Book Vol. 228, Page 210.

78. Tract of land, situate in Township of Fairview, as described in deed of Lawrence McLaughlin, unmarried, to Western Allegheny, dated March 22, 1904, and recorded in Deed Book Vol. 227, Page 172.

79. Tract of land, situate in Township of Fairview, as described in deed of George D. Kamerer et ux. to Western Allegheny, dated December 5, 1905, and recorded in Deed Book Vol. 241, Page 52.

80. Tract of land, situate in Township of Fairview, as described in deed of Wm. H. Miller et ux. to Western Allegheny, dated February 11, 1903, and recorded in Deed Book Vol. 225, Page 96.

81. Tract of land, situate in Township of Fairview, as described in deed of Charles Miller et ux. to Western Allegheny, dated November 20, 1902, and recorded in Deed Book Vol. 228, Page 220.

82. Tract of land, situate in Township of Fairview, as described in deed of Leonard W. Kaler et ux. to Western Allegheny, dated May 12, 1903, and recorded in Deed Book Vol. 228, Page 191.

83. Nine-tenths (9/10) interest in tract of land, situate in Township of Fairview, as described in deed of William Hepler, widower, et al. to Western Allegheny, dated November 12, 1902, and recorded in Deed Book Vol. 227, Page 158.

84. Tract of land, situate in Township of Fairview, as described in deed of Andrew Mays, unmarried, to Western Allegheny, dated November 12, 1902, and recorded in Deed Book Vol. 228, Page 218.

85. Tract of land, situate in Township of Fairview, as described in deed of Samuel J. Byers, widower, to Western Allegheny, dated November 12, 1902, and recorded in Deed Book Vol. 227, Page 170.

86. Tract or piece of ground, situate in Township of Fairview, as described in deed of Great Lakes Coal Company to Western Allegheny, dated September 21,1911, and recorded in Deed Book Vol. 291, Page 154.

87. Pieces or parcels of land, situate in Township of Brady's Bend, as described in deed of Manor Real Estate and Trust Company to Western Allegheny, dated December 18, 1945, and recorded in Deed Book Vol. 324, Page 411.

88. Tract of land, situate in Township of Brady's Bend, being formerly the property of Christopher Garner et ux. and appropriated by Western Allegheny under Condemnation Proceedings at No. 37, December Term 1903, in the Court of Common Pleas of said Armstrong County.

89. Tract of land, situate in Township of Brady's Bend, as described in deed of Jehu G. Kaylor et ux. et al. to Western Allegheny, dated April 16, 1903, and recorded in Deed Book Vol. 118, Page 188.

90. Tract of land, situate in Township of Brady's Bend, as described in deed of Emmet Queen et ux. to Western Allegheny, dated May 14, 1904, and recorded in Deed Book Vol. 120, Page 371.

EXCEPTING AND RESERVING from Items 89 and 90 a parcel of land heretofore conveyed by Western Allegheny to Lester J. Wolfgong by deed dated January 25, 1945, and recorded in Deed Book Vol. 316, Page 477.

91. Tract of land, situate in Township of Brady's Bend, being formerly the property of L. W. Miller and appropriated by Western Allegheny under Condemnation Proceedings at No. 27, September Term 1909, in the Court of Common Pleas of said Armstrong County.

92. Piece or parcel of land, situate in Township of Brady's Bend, as described in deed of Gabriel W. Kaylor et ux. et al. to Western Allegheny, dated October 10, 1945, and recorded in Deed Book Vol. 324, Page 166.

93. Tracts of land, situate in Township of Brady's Bend, as described in deed of Mrs. Martha Butler to Western Allegheny, dated December 23, 1903, and recorded in Deed Book Vol. 104, Page 226.

94. Tract of land, situate in Township of Brady's Bend, as described in deed of Margaret McLaughlin, widow, to Western Allegheny, dated October 24, 1904, and recorded in Deed Book Vol. 122, Page 129.

95. Tract of land, situate in Township of Brady's Bend, as described in deed of Martin Flanagan et ux. to Western Allegheny, dated March 2, 1911, and recorded in Deed Book Vol. 157, Page 30.

96. Tracts or pieces of land, situate in Township of Brady's Bend, as described in deed of Great Lakes Coal Company to Western Allegheny, dated September 21, 1911, and recorded in Deed Book Vol. 159, Page 214.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Richard J. Lewis et ux. et al. by deed dated January 28, 1958, and recorded in Deed Book Vol. 434, Page 543.

97. Tracts or pieces of land, situate in Township of Brady's Bend, as described in deed of Great Lakes Coal Company to Western Allegheny, dated May 7, 1912, and recorded in Deed Book Vol. 162, Page 185.

98. Tract or piece of ground, situate in Township of Brady's Bend, as described in deed of North Penn Coal Company to Western Allegheny, dated October 10, 1922, and recorded in Deed Book Vol. 213, Page 486.

99. Piece or parcel of land, situate in Township of Brady's Bend, as described in deed of Pearle H. Knight, widow, at al. to Western Allegheny, dated October 13, 1936, and recorded in Deed Book Vol. 281, Page 274.

100. Pieces or parcels of land, situate in Township of Brady's Bend, as described in deed of Monterey Colliery Company to Western Allegheny, dated September 29, 1947, and recorded in Deed Book Vol. 341, Page 313.

101. Piece or parcel of land, situate in Township of Brady's Bend, as described in deed of Joseph S. Williams, widower, to Western Allegheny, dated January 17, 1948, and recorded in Deed Book Vol. 346, Page 385.

102. Piece or parcel of land, situate in Township of Brady's Bend, as described in deed of Kaylor Grange Supply Company, Inc. to Western Allegheny, dated April 8, 1948, and recorded in Deed Book Vol. 349, Page 387.

103. Pieces or parcels of land, situate in Township of Brady's Bend, as described in deed of Monterey Colliery Company to Western Allegheny, dated October 22, 1949, and recorded in Deed Book Vol. 358, Page 341.

104. Parcel of land, situate in Township of Brady's Bend, as described in deed of James M. Carothers et ux. to Western Allegheny, dated March 13, 1950, and recorded in Deed Book Vol. 362, Page 209.

105. Tract of land, situate in Township of Brady's Bend, as described in deed of Emmet Queen et ux. to Western Allegheny, dated October 1, 1908, and recorded in Deed Book Vol. 143, Page 31.

All of the deed book references in this EXHIBIT "B" are of record as follows:

Clay, Concord and Fairview Townships, in the office of the Recorder of Deeds of Butler County, Pennsylvania.

Brady's Bend Township, in the office of the Recorder of Deeds of Armstrong County, Pennsylvania

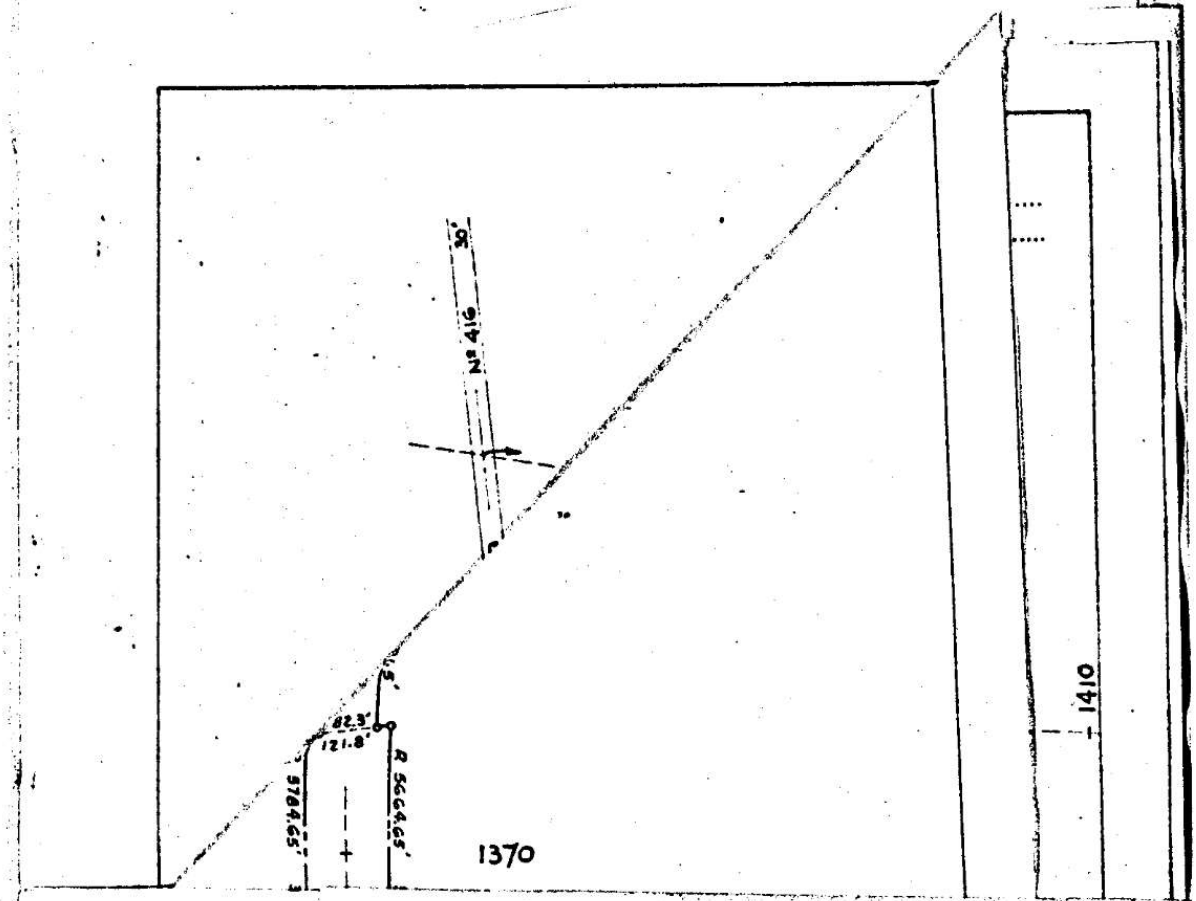


EXHIBIT C

WESTERN ALLEGHENY RAILROAD COMPANY

WEST PITTSBURGH TO QUEEN JUNCTION, PA.

SALE TO

BESSEMER & LAKE ERIE RAILROAD COMPANY

LEGEND

WESTERN

SCALE: 1" = 200'

SEPT. 5, 1967

No. 27126

SHEET 2 OF 2

REVISED DEC. 4, 1967

BOOK 885 PAGE 1075

EXHIBIT "D"

A SUBSTANTIALLY COMPLETE LIST OF DEED REFERENCES TO THE PROPERTY SITUATE IN BUTLER COUNTY AND LAWRENCE COUNTY, PENNSYLVANIA BEING CONVEYED BY WESTERN ALLEGHENY RAILROAD COMPANY, A PENNSYLVANIA CORPORATION, TO BESSEMER AND LAKE ERIE RAILROAD COMPANY, A PENNSYLVANIA CORPORATION.

1. Pieces, parcels and tracts of land, situate in Township of Slippery Rock, as described in deed of Rose Point Stone and Lime Company to Western Allegheny, dated April 19, 1917, and recorded in Deed Book Vol. 192, Page 79.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Charles T. Stoughton by deed dated April 24, 1928, and recorded in Deed Book Vol. 267, Page 223.

ALSO EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to E. Clare Rhodes by deed dated July 25, 1946, and recorded in Deed Book Vol. 344, Page 357.

2. Tract of land, situate in Township of Slippery Rock, as described in deed of Charles T. Stoughton et ux. to Western Allegheny, dated April 24, 1928, and recorded in Deed Book Vol. 267, Page 222.

3. Tracts of land, situate partly in Township of Slippery Rock and partly in Township of Worth, as described in deed of W. M. Hockenberry et ux. to Western Allegheny, dated May 4, 1905, and recorded in Butler County, Pennsylvania, only, in Deed Book Vol. 246, Page 30.

4. Tract of land, situate in Township of Muddy Creek, as described in deed of W. A. Minteer, unmarried, to Western Allegheny, dated May 31, 1905, and recorded in Deed Book Vol. 241, Page 177.

5. Tract of land, situate in Township of Worth, as described in deed of Thomas Fisher et ux. to Western Allegheny, dated May 12, 1905, and recorded in Deed Book Vol. 246, Page 24.

6. Tract of land, situated partly in Township of Franklin and partly in Township of Clay, as described in deed of Harlan Book et ux. to Western Allegheny, dated May 16, 1905, and recorded in Deed Book Vol. 246, Page 7.

7. Tract of land, situate in Township of Clay, as described in deed of Elizabeth J. Kauffman, widow, et al. to Western Allegheny, dated March 2, 1908, and recorded in Deed Book Vol. 257, Page 192.

8. Tract of land, situate in Township of Clay, as described in deed of James Kaufman, Jr., et ux. to Western Allegheny, dated May 1, 1905, and recorded in Deed Book Vol. 246, Page 38.

9. Tract of land, situate in Township of Clay, as described in deed of Joseph H. Timblin et ux. to Western Allegheny, dated December 30, 1907, and recorded in Deed Book Vol. 258, Page 106.

10. Undivided one-half (1/2) interest in tract of land, situate in Township of Clay, as described in deed of Mary J. Brown et vir. to Western Allegheny, dated October 23, 1905, and recorded in Deed Book Vol. 241, Page 183.

11. Tract of land, situate in Township of Clay, as described in deed of Edward Webb et ux. et al. to Western Allegheny, dated May 16, 1908, and recorded in Deed Book Vol. 259, Page 128.

12. Tracts of land, situate in the Township of Clay, as described in deed of Frank X. Kohler, unmarried, to Western Allegheny, dated June 26, 1907, and recorded in Deed Book Vol. 253, Page 239.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Edward M. Buckham et ux. by deed dated February 24, 1944, and recorded in Deed Book Vol. 524, Page 454.

All of the deed book references in this EXHIBIT "D" are of record as follows:

Worth, Muddy Creek, Franklin and Clay Townships, in the office of the Recorder of Deeds of Butler County, Pennsylvania.

Slippery Rock Township, in the office of the Recorder of Deeds of Lawrence County, Pennsylvania.

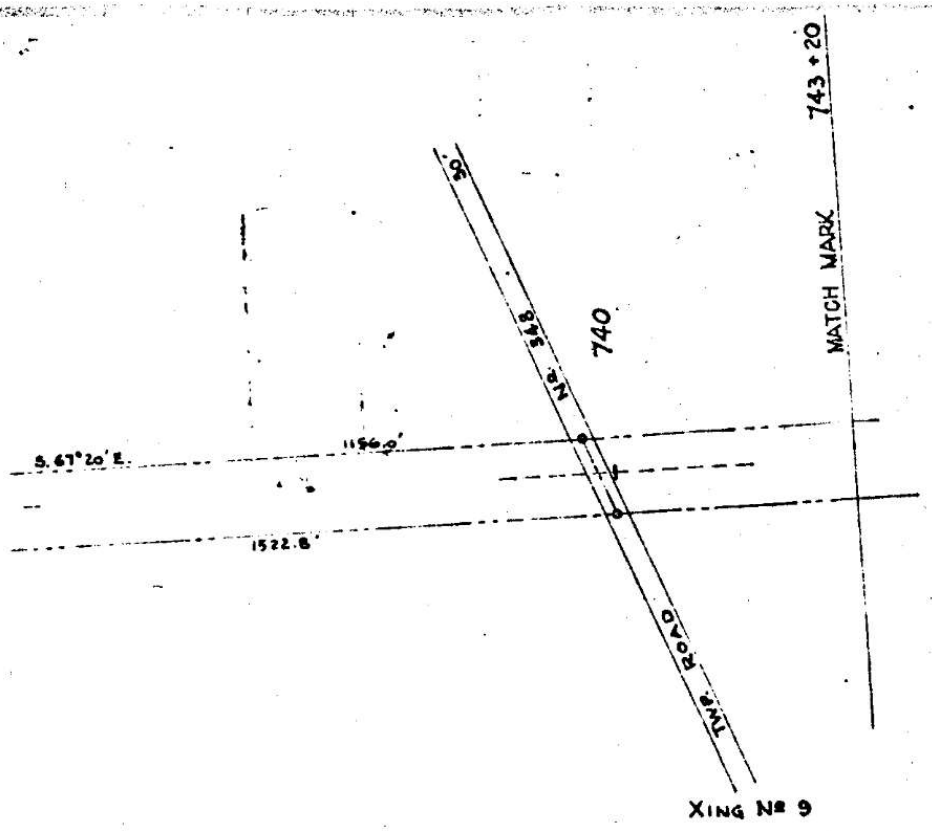


EXHIBIT C

WESTERN ALLEGHENY RAILROAD COMPANY

WEST PITTSBURGH TO QUEEN JUNCTION, PA.

SALE TO

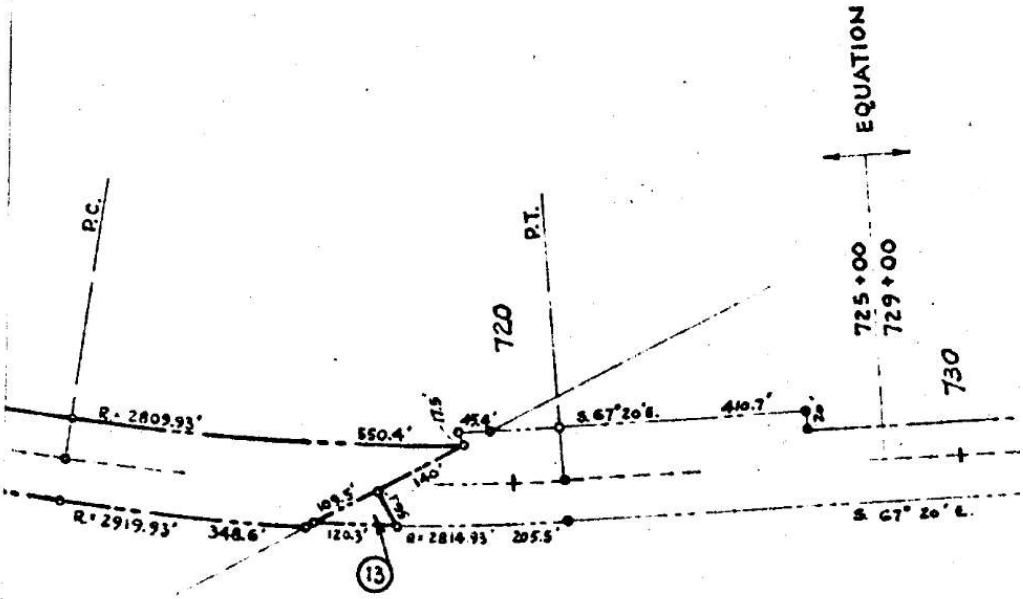
BESSEMER & LAKE ERIE RAILROAD COMPANY

SCALE : 1" = 200' SEPT. 5, 1967

Nº 27126 SHEET 2 OF 2

REVISED DEC. 4, 1967

BOOK 885 PAGE 1076-A



PARCELS 10, 11, 12 & 13

V.S. 1 PA.
7

SLIPPERY ROCK TOWNSHIP LAWRENCE COUNTY
WORTH TOWNSHIP & MUDDY CREEK TOWNSHIP
BUTLER COUNTY

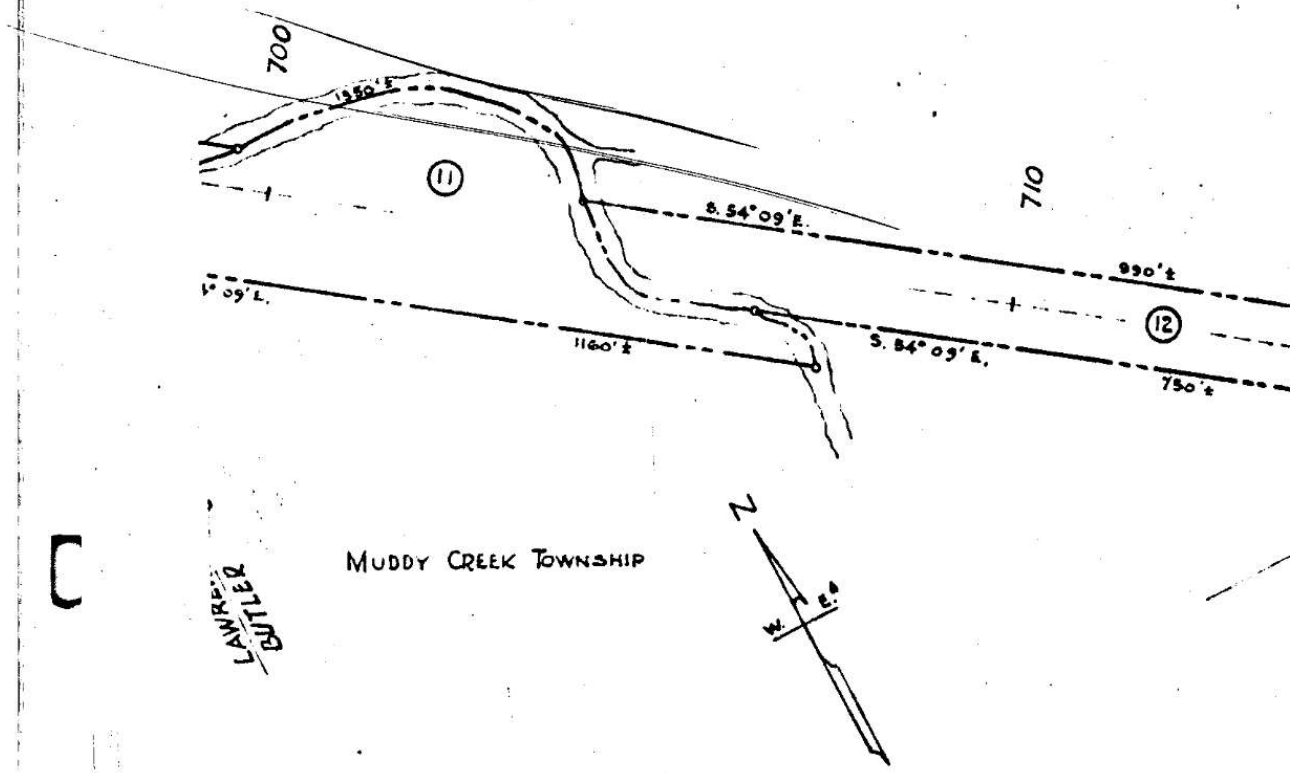
APPROVED _____ SEPT. 7, 1967

_____
AREA ENGINEER ~ P.R.R.

BOOK 885 PAGE 1076-B.

ROAD COMPANY

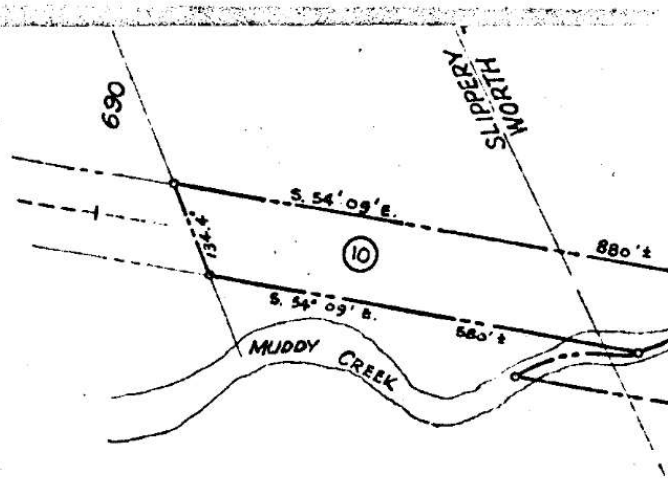
VAL. SEC. 584 PA.
FORMERLY V.S. 1 PA.



LEGEND

WESTERN ALLEGHENY RAILROAD

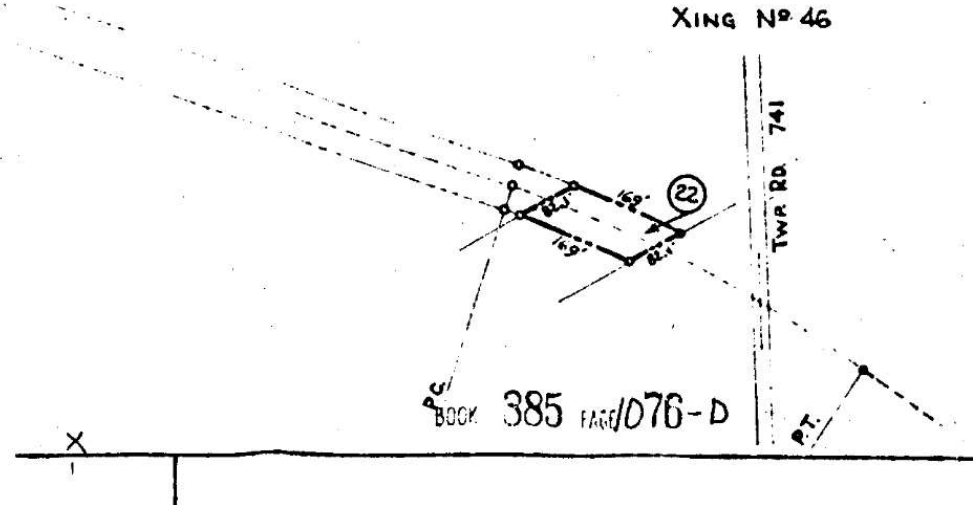
BOOK 885 PAGE 1076-C

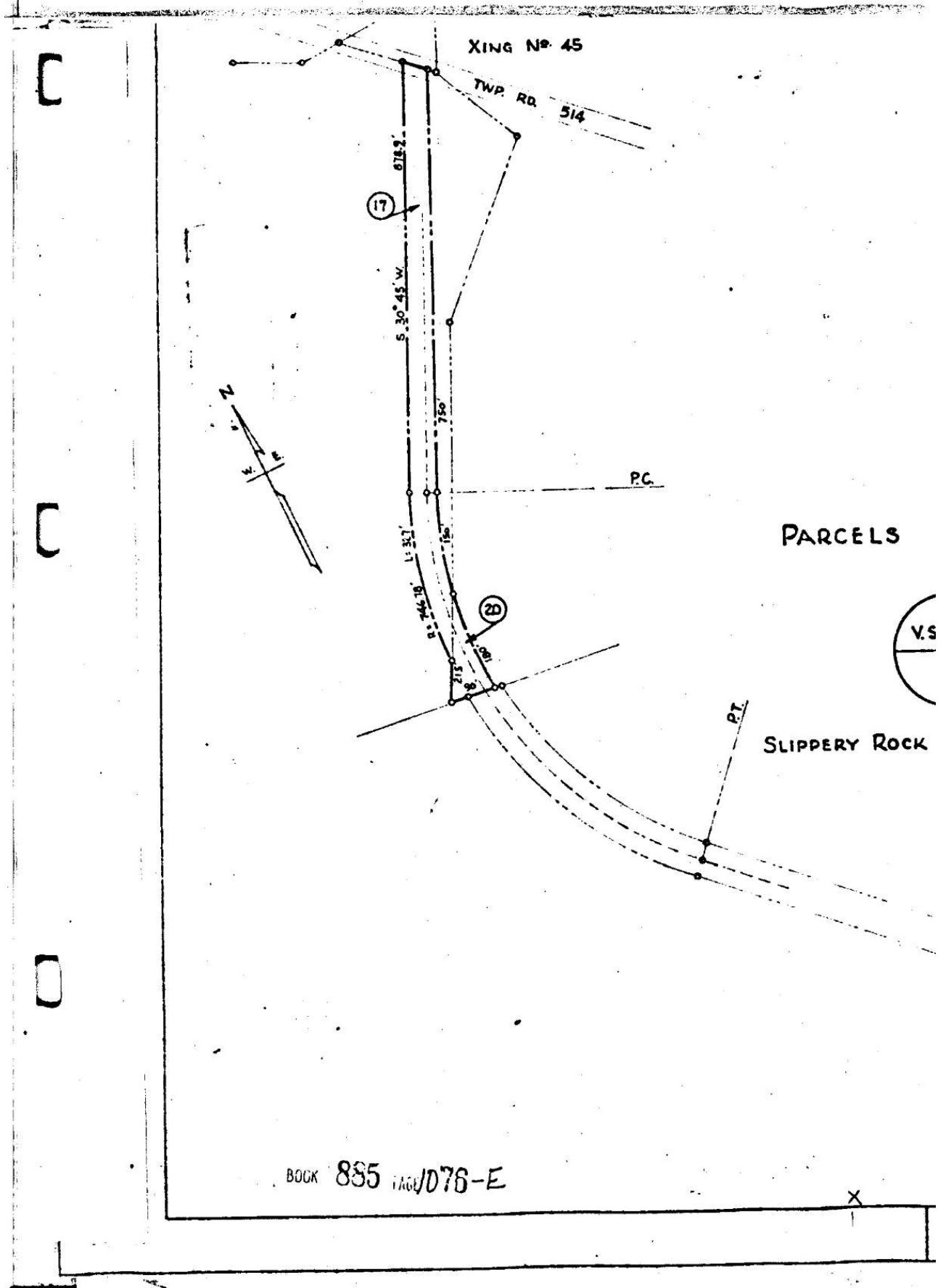


ARCELS 17, 20 & 22

V.S. 1 PA.
6

PERY ROCK TOWNSHIP LAWRENCE COUNTY



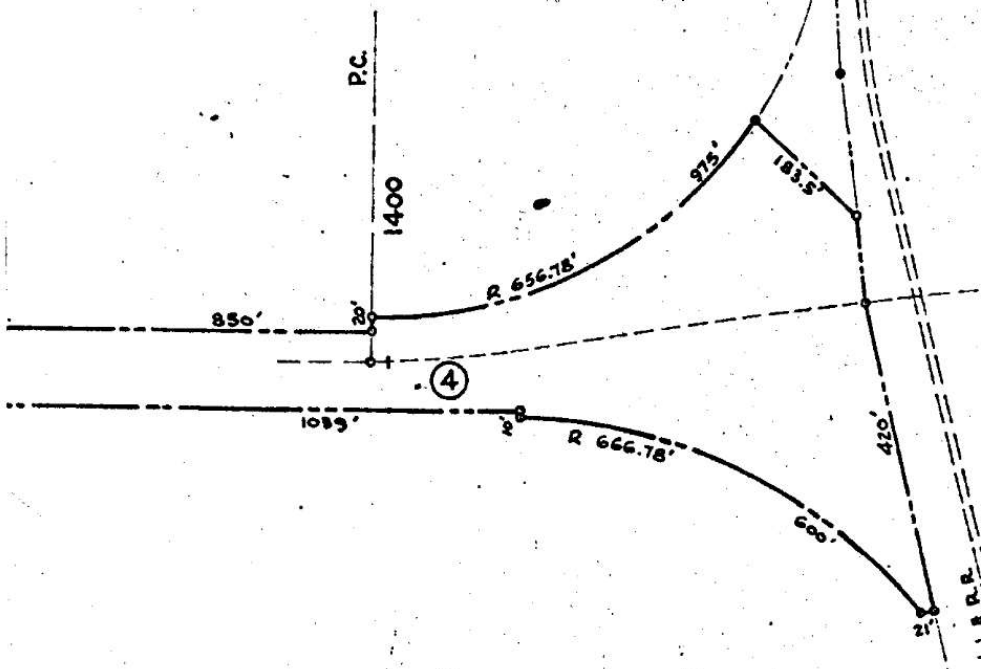


BOOK 885 PAGE 076-E

REAL ESTATE DEPT REC

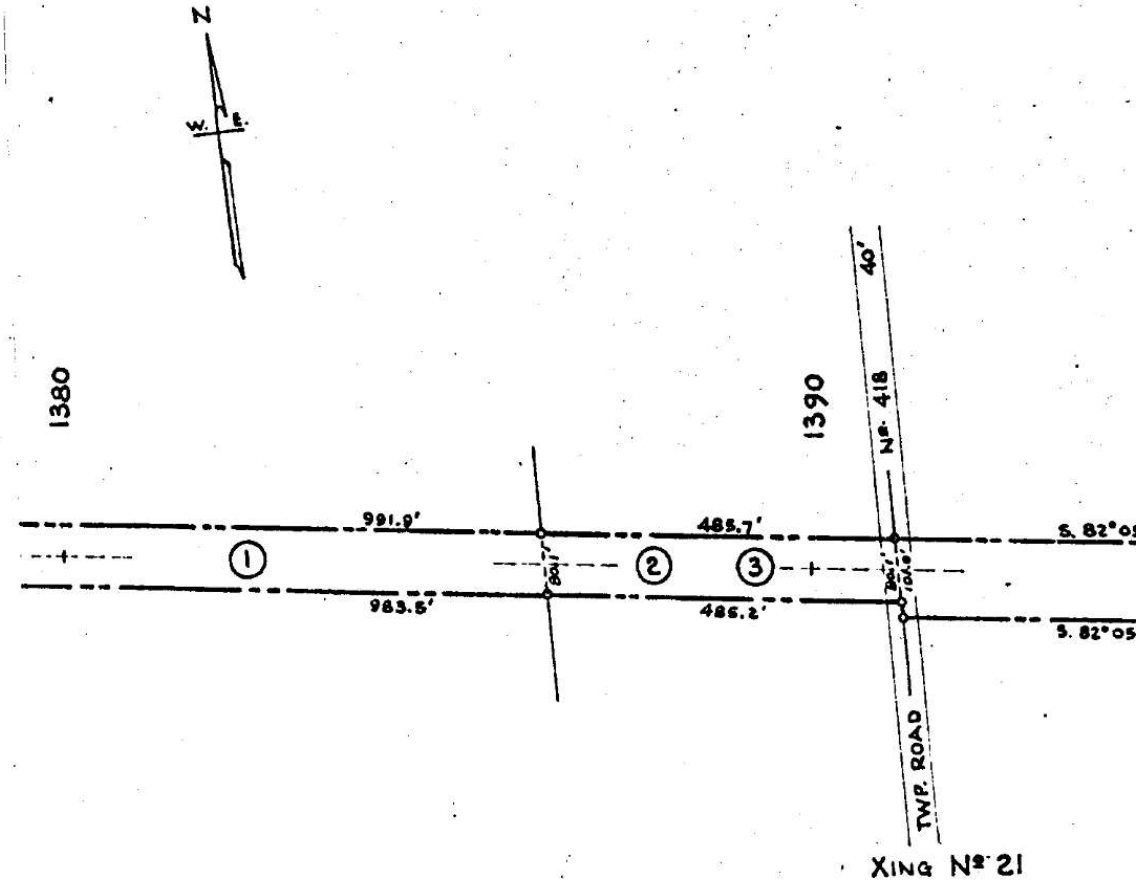
DRAWER ..... ATLAS ..... ROLL MAP .....

CASE NUMBER .....



QUEEN JUNCTION

BOOK 885 PAGE 1076-F.

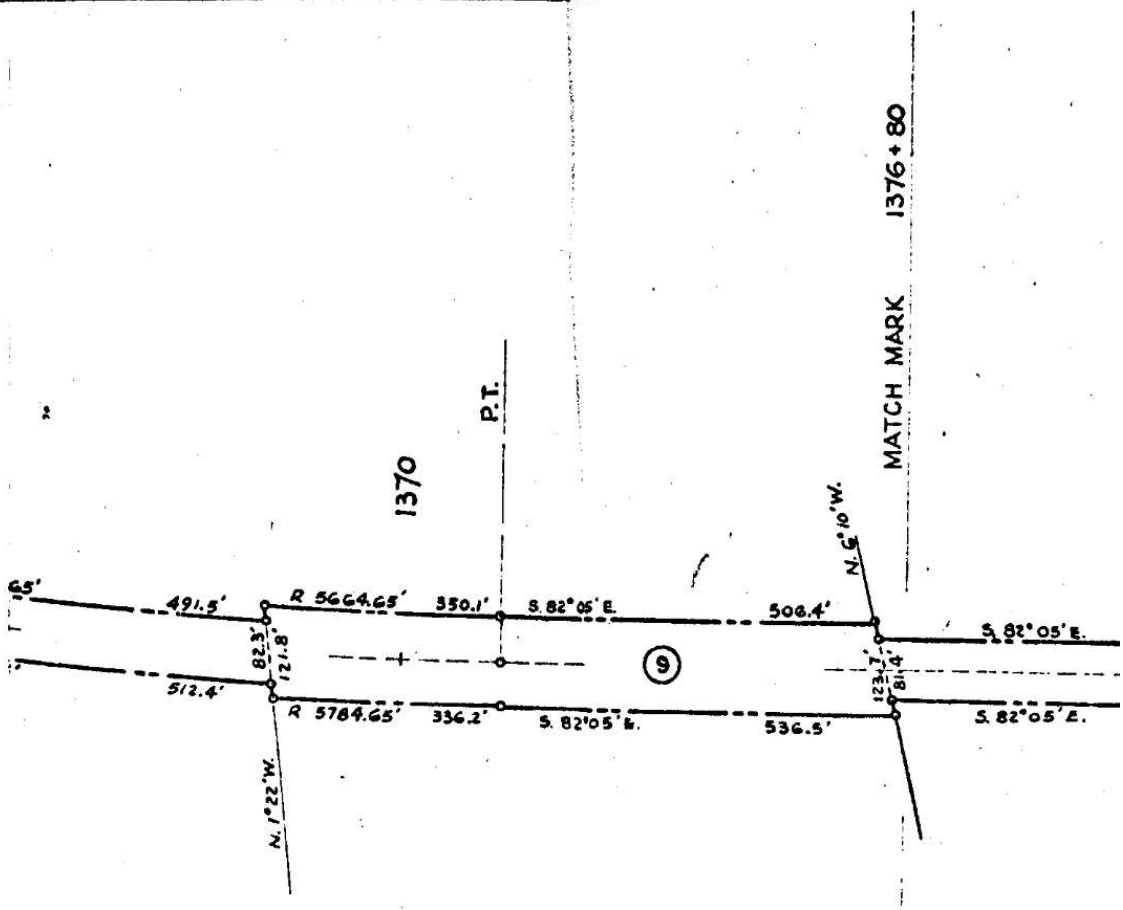


PARCELS 1, 2, 3 & 4

V.S. 1 PA.
14

CLAY TOWNSHIP BUTLER COUNTY

BOOK 885 PAGE 076-G



PARCELS 2, 8 & 9.

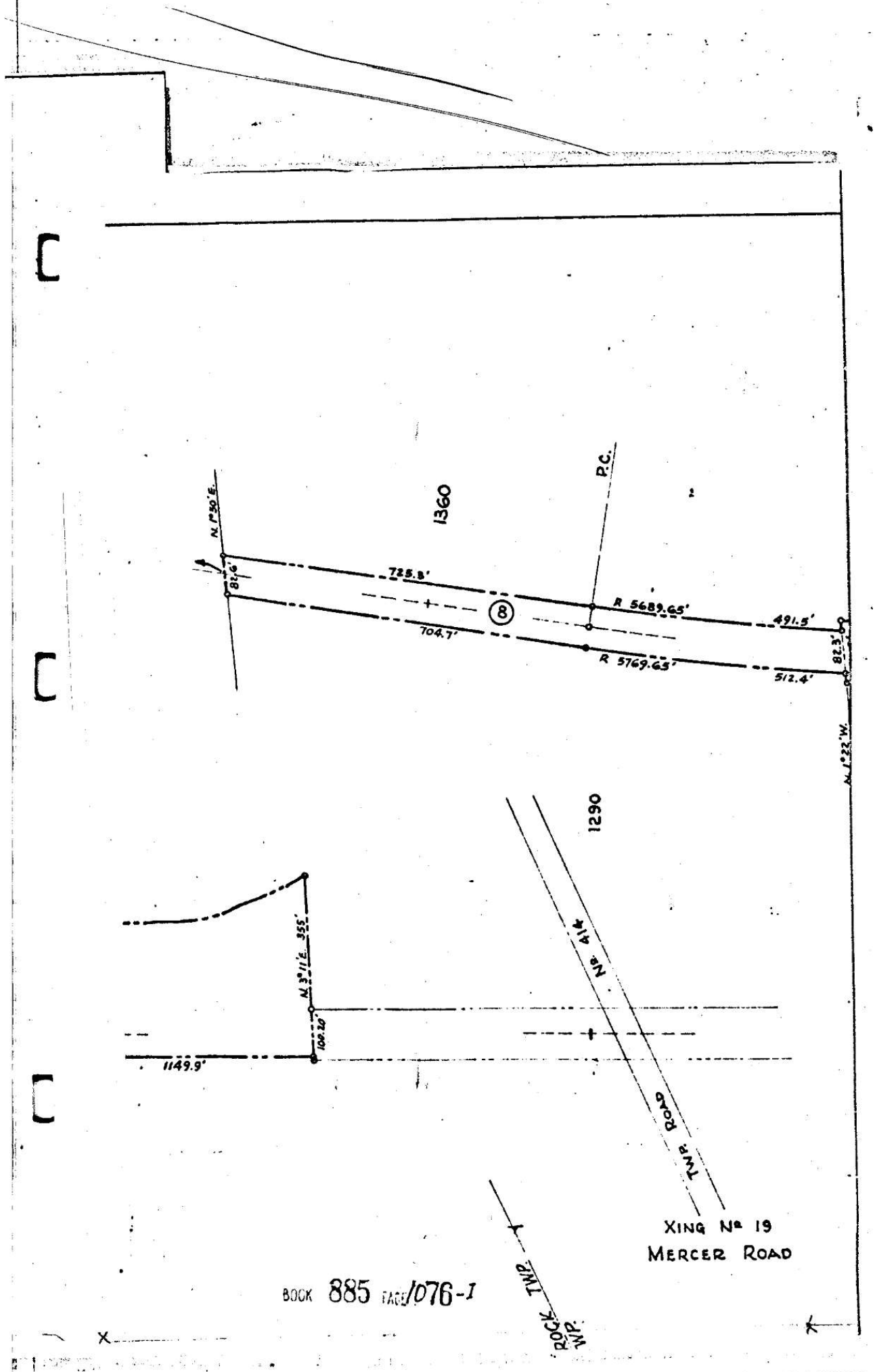
V.S. I PA.
13

FRANKLIN & CLAY TOWNSHIPS
BUTLER COUNTY

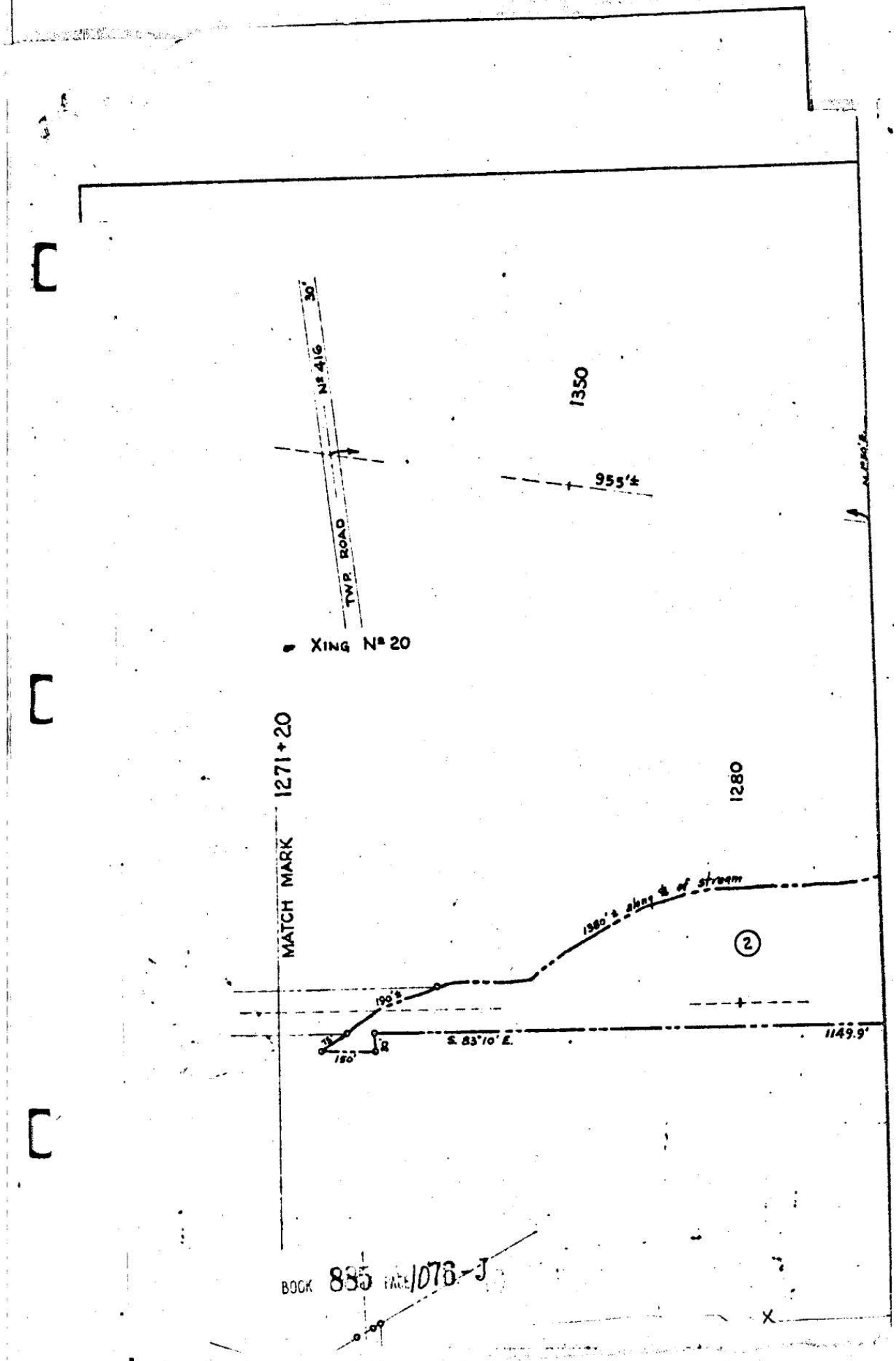
TWP.

CING Nº 19
ERCER ROAD

BOOK 885 PAGE 076-H



BOOK 885 PAGE 1076-1


30'
Nº 416
TWR ROAD
1350
955'±
XING Nº 20
1271+20
MATCH MARK
1280
1380'± along ℄ of stream
②
199'±
25°
150'
R
S. 83°10' E.
1149.9'
BOOK 885 PAGE 1078-J
X

6763 16-00

DEC 29 3 41 PM 1967

185-1062

INDENTURE

Between

WESTERN ALLEGHENY RAILROAD COMPANY

and

BESSEMER AND LAKE ERIE RAILROAD COMPANY

Clay Lo ad
(Montreal)

DATED: December 21, 1967

RECORDED DECEMBER 29, 1967 BOOK 885 PAGE 1077 CLAIR K. HALSTEAD, REC

Clair K. Halstead

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 11

Microfilm Number 200140-1141

Entity Number 2661.26

Filed with the Department of State on MAY 24 2001

Kim Pizzingrilli

Secretary of the Commonwealth

ARTICLES OF INCORPORATION - DOMESTIC NONPROFIT CORPORATION

DSCB:15-5306 (Rev 89)

In compliance with the requirements of 15 Pa. C.S. § 5306 (relating to articles of incorporation), the undersigned, desiring to incorporate a nonprofit corporation, hereby states that:

1. The name of the corporation is: WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC

2. The (a) address of this corporation's initial registered office in this Commonwealth or (b) commercial registered office provider and the county of venue is:

(a) 121 Maier Lane (Number and Street) | West Sunbury, PA (City) | 16061 (State) | (Zip) | Butler (County)

(b) _____ (Name of Commercial Registered Office Provider) | (County)

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The corporation is incorporated under the Nonprofit Corporation Law of 1988 for the following purpose or purposes:

Land management

4. The corporation does not contemplate pecuniary gain or profit, incidental or otherwise.

5. (Strike out if inapplicable): The corporation is organized upon a stock basis.

6. (Strike out if inapplicable): The corporation shall have no members.

7. (Strike out if inapplicable): The corporation's existence shall terminate upon the dissolution of the members of the corporation unless prior to the dissolution of the members of the corporation a majority of the members shall elect to continue the corporation by the requisite vote required by the organic law of the association for the amendment of such organic law.

8. (Strike out if inapplicable): These Articles of Incorporation may be amended in the manner at the time prescribed by statu and all rights conferred upon members herein are granted subject to this reservation.

9. The name(s) and address(es) of each incorporator(s) is (are):

Name(s)	Address(es)
Glenn Stevens	121 Maier Lane, West Sunbury, PA 16061
James Christy	762 Halston Road, West Sunbury, PA 16061
Frederick Rupp	264 Hazelnut Road, Chicora, PA 16025

PA DEPT OF STATE

MAY 24 2001

KEIM COMPANY PHILADELPHIA

EXHIBIT
tabbies
B&LE 11

FORM 15-5306 (Rev 89)-2

200140-1142

IN TESTIMONY WHEREOF, the Incorporator(s) has (have) signed these Articles of Incorporation this 12 day of

MAY, 19 2001.

(Signature)

(Signature)

(Signature)

200140-1143

Articles of Incorporation
Domestic Non-Profit Corporation

4. Explain the purpose of the corporation

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, directors, officers or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of Section 501(c)(3) purposes.

No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provisions of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code (or the corresponding provisions of any future United States Internal Revenue Law).

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization(s) organized and operated exclusively for charitable, educational, religious, or scientific purposes as at the time shall qualify as an exempt organization(s) under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provisions of any United States Internal Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the County in which the principal office of the corporation is then located, exclusively for such purposes or to such organization(s) as said Court shall determine, which are organized and operated exclusively for such purposes.

However, if the named recipient is not then in existence or no longer a qualified distributee, or unwilling or unable to accept the distribution, then the assets of this corporation shall be distributed to a fund, foundation or corporation organized and operated exclusively for the purposes specified in Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue Law).

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 12

Entity #: 3006726
Date Filed: 03/19/2007
Pedro A. Cortés
Secretary of the Commonwealth

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Articles of Dissolution-Domestic

(15 Pa.C.S.)

☐ Business Corporation (§ 1977)
☑ Nonprofit Corporation (§ 5977)

Name WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.
C/O WILLIAM G. BARNHART
Address
136 BOOSEL ROAD
City CHICORA State PA Zip Code 16025-0136

Document will be returned to the name and address you enter to the left.
⇐

Commonwealth of Pennsylvania
ARTICLES OF DISSOLUTION-NONPROFIT 5 Page(s)

T0708160165

Fee: $70

In compliance with the requirements of the applicable provisions (relating to articles of dissolution), the undersigned corporation, desiring to dissolve, hereby states that:

1. The name of the corporation is: WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) Number and Street 131 MAIER LANE City WEST SUNBURY State PA Zip 16061 County BUTLER

(b) Name of Commercial Registered Office Provider County
c/o

3. The statute by or under which it was incorporated: Land Management

4. The date of its incorporation: May 12, 2001

PA DEPT. OF STATE
MAR 19 2007

EXHIBIT
tabbies
B&LE 12

5. The names and addresses, including number and street, of its directors are:

Glenn Stevens 121 Maier Lane West Sunbury PA 16061

Jim Christy 762 Halston Road West Sunbury PA 16061

Fred Rupp 264 Hazelnut Road Chicora PA 16025

6. The names and addresses, including number and street, and official titles of its officers are:

PRESIDENT – Glenn Stevens 121 Maier Lane West Sunbury PA 16061

V. PRESIDENT – Bill Barnhart 136 Boosel Road Chicora PA 16025

SECRETARY – Sherry Stevens 121 Maier Lane West Sunbury PA 16061

TREASURER – Kay Dawn Barnhart 136 Boosel Road Chicora PA 16025

7. *Check one of the following:*

☐ The proposal to dissolve voluntarily was adopted by the shareholders or members pursuant to 15 Pa.C.S. § 1905 or § 5905.

☑ The proposal to dissolve voluntarily was adopted by the directors and shareholders (or members) pursuant to 15 Pa.C.S. § 1974(a) or directors and member (or shareholders) pursuant to 15 Pa.C.S. § 5974(a).

☐ *Option for Nonprofit Corporation Only:* The proposal to dissolve voluntarily was adopted by the board of directors pursuant to 15 Pa.C.S. § 5974(b).

8. *Check one of the following:*

☑ All liabilities of the corporation have been discharged.

☐ Adequate provision has been made for the discharge of the liabilities of the corporation.

☐ The assets of the corporation are not sufficient to satisfy and discharge its liabilities, and all the assets of the corporation have been fairly and equitably applied, as far as they will go, to the payment of such liabilities.

9. *Check one of the following:*

☑ All remaining assets of the corporation, if any, have been distributed as provided in the Business or Nonprofit Corporation Law of 1988.

☐ The corporation has elected to proceed under 15 Pa.C.S. Subch. 19H or 59H (relating to post dissolution claims) and any remaining assets of the corporation will be distributed as provided in that subchapter.

10. *Check one of the following:*

☑ There are no actions or proceedings pending against the corporation in any court.

☐ Adequate provision has been made for the satisfaction of any judgment or decree that may be obtained against the corporation in each action or proceeding pending against the corporation.

11. Notice of the winding-up proceedings of the corporation was mailed by certified or registered mail to each known creditor and claimant of the corporation and to each municipal corporation in which the corporation's registered office or principal place of business in this Commonwealth is located.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Dissolution to be signed by a duly authorized officer thereof this

15th day of March 2007.

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.
Name of Corporation

William G. Barnhart
Signature

V. PRESIDENT
Title

Commonwealth of Pennsylvania
Department of Revenue

WITHDRAWAL

Clearance Certificate

Company Name **WESTERN ALLEGHENY LANDOWNERS ASSOCIATION INC**

I certify that the above named company, through this Department, has paid into the State Treasury all taxes and charges owed the Commonwealth of Pennsylvania as required by law to and including December 31, 2005.

Witness my hand and seal of Office, on this date.

December 24, 2006

Gregory C. Fajt
Secretary of Revenue

(Seal)

By _____
Keith J. Richardson, Director
Bureau of Compliance

(Note: This Certificate issued in compliance with Section 103 of Act 177, approved December 21, 1988, is for submission to the Department of State. Its applicability is limited specifically to its purposes as set forth in that Act and is conditioned upon the requirements that, in the event of a change in Federal income for a year for which taxes have been paid, this corporation or its successors or its officers or its directors shall file with the PA Department of Revenue a report of change and pay any additional state tax resulting therefrom. Section 406 (e) of the Tax Reform Code of 1971.)

OFFICE OF UNEMPLOYMENT COMPENSATION TAX SERVICES
SEVENTH AND FORSTER STREETS
HARRISBURG, PA 17121

DEPARTMENT OF
LABOR & INDUSTRY
COMMONWEALTH OF PENNSYLVANIA

www.state.pa.us PA Keyword: "unemployment"

MARCH 9, 2007

CLEARANCE CERTIFICATE

TO: Secretary of the Commonwealth
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

IN THE MATTER OF:

WESTERN ALLEGHENY LANDOWNERS
ASSOCIATION, INC.
(NON-PROFIT CORPORATION)
121 MAIER LANE
WEST SUNBURY, PA 16061

I HEREBY CERTIFY that the above-named corporation has filed with this Department all reports required to be filed by it, pursuant to the provisions of the Pennsylvania Unemployment Compensation Law and Regulations promulgated thereunder; and has fully paid all contributions and interest thereon known to be due to the PENNSYLVANIA UNEMPLOYMENT COMPENSATION FUND.

R. Scot Miedrich

Director
Office of Unemployment Compensation Tax Services

Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program

Via electronic service due to Emergency Order at M-2020-301926

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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 Brady's Bend Township, Armstrong County.	Docket No.: I-2019-3012769

REBUTTAL TESTIMONY OF MICHAEL J. BARRON ON BEHALF OF THE BESSEMER AND LAKE ERIE RAILROAD COMPANY

December 15, 2021

TABLE OF CONTENTS

I. INTRODUCTION 1

II. FEDERAL PREEMPTION 2

III. LACK OF JURISDICTION – CONCERNED PARTY DETERMINATION 66 Pa.C.S. § 2704(a) and 66 Pa.C.S. § 2702(a) 5

IV. CONCLUSION.....6

I. INTRODUCTION

Q. Please state your name for the record.

A. Michael J. Barron

Q. Are you the same Michael J. Barron who filed direct testimony in this matter?

A. Yes.

Q. What is the subject matter of your rebuttal?

A. The purpose of my rebuttal testimony is to address the contentions set forth by both the Department of Transportation (PennDOT) and the Bureau of Investigation and Enforcement (BI&E). Specifically, I offer my rebuttal testimony in response to PennDOT's and BI&E's concurring opinions that the B&LE should be responsible for the costs and future maintenance of the subject tunnel.

Q. What is your response to PennDOT's and the BI&E's joint assertions that the B&LE should be responsible for all costs and for future maintenance?

A. Both PennDOT and the BI&E contend that the B&LE should be responsible for all costs and future maintenance of the subject tunnel. Unfortunately, both PennDOT and the BI&E failed to address Federal preemption with respect to the disposition of railroad property and the PUC's jurisdictional issue as it relates to "concerned party status". The BI&E did briefly address the Commission's jurisdiction for the crossing, but that is clearly not the controlling issue. More specifically, the two jurisdictional issues are: (a) Federal Preemption pursuant to Title 49 of the U.S. Code § 10501 and in the alternative, if the ALJ fails to find preemption, (b) the jurisdictional threshold set forth in 66 Pa.C.S. § 2704(a) and 66 Pa.C.S. § 2702(a), which requires a determination of "concerned party" status prior

to any cost allocation. By any measure, the B&LE cannot be assessed any allocation for costs or future maintenance of the subject tunnel.

II. FEDERAL PREEMPTION

Q. How do you respond to the testimony of Daniel R. Helfrich regarding his opinion that the Surface Transportation Board's abandonment of the rail line should have no effect on the party responsible for inspection and maintenance of any legacy structures?

A. First, I would state that, that testimony is clearly a misstatement of law. The STB has primary jurisdiction over the construction, acquisition, operation, abandonment, or discontinuance of all facilities of railroads. Moreover, the remedies afforded to the STB by the Interstate Commerce Commission Termination Act of 1995 (ICCTA) are exclusive and preempt any remedies provided under federal or state law.

Q. **How do you respond to the testimony presented by Charles Keilman, a witness for PennDOT where he opines that the B&LE should be assigned future maintenance of the crossing?**

A. To begin with, he testified that the tunnel is still B&LE's facility. That is clearly a misstatement of current fact. At one time it was the B&LE's facility, however, as of October 24 2021, the B&LE no longer holds a property interest in the tunnel or the surrounding property and, therefore, cannot be assigned costs for any future maintenance as the facility was properly abandoned and disposed of under the exclusive jurisdiction of the STB.

Q. **Since the B&LE received STB approval to abandon the rail facilities, can the PUC allocate costs to the B&LE for the subject tunnel?**

A. No. 49 USC § 10501(b) preempts the ability of states to regulate the abandonment and disposition of rail lines and property. Federal law is clear that any remedies and procedures with regard to the disposition of railroad property fall under federal law at Title 49 of the U.S. Code and under the preemptive effect of § 10501(b). Simply put, there is no role for the state to play with respect to railroad property. Here, the railroad property, including the tunnel and any right of way was properly abandoned.

The abandonment procedures for rail lines are set forth at 49 USC § 10903. That statute makes it clear that any railroad seeking to abandon a line must receive authority from the Surface Transportation Board (STB) and that authority is plenary and displaces any state remedies under 49 USC § 10501(b). The STB has provided a number of procedures in which railroads can seek abandonment authority for rail lines. Those procedures are set forth in the Code of Federal Regulations, specifically at 49 CFR Part 1152. For lines which have seen no business for over two years, the STB has implemented a procedure in Subpart F of Part 1152. In particular, 49 CFR § 1152.50 sets forth the procedures for abandonments when there has been no local rail service on the line for at least two years. That is the procedure that B&LE used for the Western Allegheny Branch, as indicated by the STB's publication of the notice of abandonment on October 10, 2000.

B&LE used Subpart F to seek abandonment authority, and the STB ruled that such authority would become effective on November 9, 2000. Later on, the STB adjusted the date for the effectiveness of the abandonment in an opinion served on January 17, 2001. The STB indicated that there was a request for an issuance of a notice of interim trail use

that was denied. However, there was a public use condition which simply provides that the B&LE was to leave intact all right-of-way and tracks and consult with public agencies for a period of 180 days for any agency to perhaps acquire the line for public use. This 180 - day period expired on July 17, 2001 and does not get renewed. Also, the STB required that B&LE consult with the National Geodetic Survey to make sure no survey markers were destroyed but the abandonment authority was effective. The abandonment authority became effective on the date of the decision's service date, which would have been January 17, 2001. (*See* B&LE Exhibt 1 and B&LE Exhibit 2 submitted with the Direct Testimony of Michael J. Barron).

Without question, the B&LE followed proper procedures for abandonment under federal law and received abandonment authority. That procedure preempts any state and local procedures that seek to regulate the disposition of B&LE's lines, and this would apply to the process at issue in the pending investigation that purports to allow the PUC to regulate how the B&LE abandons its Western Allegheny Branch. In particular, the relief sought is to allow B&LE to abolish the crossings, which have already been abandoned because the track is gone and the rail line removed. In addition, the relief sought seeks to impose conditions on B&LE beyond the crossing to include the entire length of the tunnel, which is not within the authority of the PUC. To the contrary, the STB has preempted the ability to impose conditions upon abandonment, especially in the case here where the property has been sold.

To summarize, the B&LE sought authority to abandon this line in late 2000 and such authority was explicitly granted in early 2001. The process used for abandonment was the exempt abandonment procedures found at 49 CFR Part 1152. That procedure and

proceeding was published in the Federal Register on October 10, 2000, putting regulators on notice that B&LE was abandoning its line and invited persons to participate in the environmental and historical review process. The opportunity for the PUC or any party to deal with the tunnel has since passed as the environmental and historical review process is complete. The PUC did not nor did any party participate or otherwise seek conditions with regard to the tunnel while this process was pending. Any attempt to do so through state law now is preempted as the abandonment proceeding was addressed and finalized at the federal level.

III. LACK OF JURISDICTION – CONCERNED PARTY DETERMINATION 66 Pa.C.S. § 2704(a) and 66 Pa.C.S. § 2702(a)

Q. How do you respond to PennDOT and the BI&E's joint assertions that the B&LE is responsible for the tunnel and all associated costs?

A. Notwithstanding the fact that Federal preemption applies, The Commission's inability to allocate costs to a transportation utility that is not a concerned party is equally valid. According to 66 Pa.C.S. § 2704(a), before any costs can be allocated, concerned party status must be determined. We agree that the Commission has jurisdiction of the subject crossing. We disagree that the Commission has jurisdiction over the B&LE, under the current facts. *See* 66 Pa.C.S. § 2704(a). The Commonwealth Court has previously held that 2704(a) of the Code requires a determination of concerned party status prior to the Commission's exercise of its broad discretion to allocate costs. Moreover, the Court held that 2704(a) must be read in conjunction with 2702(a). The prerequisite of the concerned party status in no manner limits the relevant factors that may be considered by the

Commission in making a cost allocation but instead limits the entities to which cost allocations can be made.

Q. Is the B&LE Railroad a concerned party?

A. No, the B&LE Railroad is not a "concerned party." From the undisputed facts, it is abundantly clear that the B&LE Railroad is not a concerned party.

The contentions of both PennDOT and BI&E ignore the fact that pursuant to 66 Pa.C.S. § 2704(a), only concerned parties can be allocated costs. Absent that determination, the B&LE cannot be assessed any allocation.

In the pending investigation, it is a historical fact that the B&LE does not currently conduct operations at the subject crossing and has not for over twenty years. Moreover, the B&LE does not possess a property interest at the subject crossing having transferred the real estate to a non-profit corporate entity in 2002. Therefore, the B&LE cannot be assessed any costs as the requisite concerned party status cannot be established.

IV. CONCLUSION

Q. Does this conclude your rebuttal testimony?

A. Yes it does.

VERIFICATION

I, Michael J. Barron, Jr. Esquire, hereby state that the testimony set forth in this Rebuttal Testimony is correct to the best of my knowledge, information, and belief, and that if asked orally at a hearing on this matter. My answers would be as set forth herein.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Michael J. Barron, Jr.

Date: 12/13/2021

Via electronic service due to Emergency Order at M-2020-301926

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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 Brady's Bend Township, Armstrong County.	Docket No.: I-2019-3012769

DIRECT TESTIMONY OF DANIEL PAUL RADLE, P.E. ON BEHALF OF THE BESSEMER AND LAKE ERIE RAILROAD COMPANY

NOVEMBER 15, 2021

TABLE OF CONTENTS

I. INTRODUCTION AND QUALIFICATIONS 1

II. INVESTIGATION OF TUNNEL UNDER STATE ROUTE 268 2

III. MR. RADLE'S OPINIONS AND CONCLUSIONS 7

III. CONCLUSION 11

DIRECT TESTIMONY OF DANIEL PAUL RADLE, P.E. ON BEHALF OF BESSEMER AND LAKE ERIE RAILROAD COMPANY

I. INTRODUCTION AND QUALIFICATIONS

Q. Please state your name and business address.

A. My name is Daniel P. Radle, Jr. I am employed by AECOM and my business address is 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17050.

Q. How are you employed by AECOM?

A. I am an engineer.

Q. Sir, can you identify B&LE Exhibit 13.

A. Yes, that is my curriculum vitae.

Q. Does B&LE Exhibit 13 fairly and accurately set forth your education, training and experience?

A. Yes.

Q. Can you briefly summarize your education, training and experience as an engineer?

A. I am licensed in Pennsylvania as a Civil Engineer with a focus on Highway Bridge and Rail Structures. I have over 16 years of experience in the new design, rehabilitation design, and construction of various structure types including bridges, retaining walls, and underground structures. I obtained a BSCE in Civil Engineering from Pennsylvania State University and BA in Physics from Lock Haven University of Pennsylvania in 2005.

Q. How did you come to be involved in this matter?

A. AECOM was asked by the railroad to conduct an inspection of the tunnel under State Route 268 and prepare a report summarizing my findings?

II. INVESTIGATION OF TUNNEL UNDER STATE ROUTE 268

Q. What were you asked to do?

A. I was asked to investigate the structural integrity of the tunnel and, if determined appropriate, make recommendations regarding the future disposition of the tunnel.

Q. Were you also asked to prepare a report that summarized your findings and recommendations?

A. Yes.

Q. Sir, can you identify B&LE Exhibit 14?

A. Yes. That is the engineering report that I prepared.

Q. Is B&LE Exhibit 14 a true and accurate copy of your report?

A. Yes.

Q. And is that your signature on the first page of the report that we have marked as B&LE 14?

A. Yes.

Q. Let's talk about your engineering investigation. Were you provided any materials to review?

A. Yes. I reviewed historical engineering drawings of the tunnel, a survey map showing the location of the tunnel and former railroad right-of-way in the area, various deeds and real estate records relating to the ownership of the property and historical records regarding surface mining of the Freeport Coal Seam.

Q. Did you do anything else in this matter?

A. Yes, in January 2021, AECOM's structures team conducted a limited site investigation to observe the condition of the tunnel, the former railway roadbed and associated drainage at each portal, and the existing roadway/ground surface over the tunnel.

Q. And based on your review of the materials you described and your engineering investigation of the tunnel, did you prepare an opinion as to the structural integrity of the tunnel and engineering recommendations for the future disposition of the tunnel?

A. Yes.

Q. Before we get to your opinions in this matter, let's discuss what you learned you're your investigation. Where is the tunnel located?

A. The tunnel is located in Fairview Township, Butler County, where the railroad tracks were previously laid through a tunnel that is overlayed by State Route 268. Part of the tunnel, approximately 41 feet in length passes under State Route 268 in a roughly perpendicular direction, that is the tunnel is oriented in an east-west direction and the road runs in a north-south direction at that location.

Q. How long is the tunnel in total length?

A. The tunnel is 744 feet long.

Q. When was the tunnel constructed?

A. According to the records I reviewed, the tunnel was originally constructed in 1906.

Q. Were there any subsequent modifications to the tunnel?

A. According to the records I reviewed, a corrugated tunnel liner was installed in 1975.

Q. Can you describe the tunnel structure?

A. When the tunnel was originally built in 1906, it was cut into the rock with timber bent supports. In 1975, a three gauge corrugated steel gasketed liner was installed below the timber bent support with 12 inches of material placed in the annular void.

Q. You indicated that you conducted an inspection of the tunnel – when did you do that?

A. My team completed a limited site investigation on January 19, 2021.

Q. Why did you make an inspection?

A, We did not complete a structural inspection but rather a site investigation to obtain a general understanding of the condition of the current structure, determine if there were any visible signs of structural failure and assess the drainage conditions at the tunnel approaches so that we could assess the structural integrity of the tunnel as well

Q. What did you do as part of your site investigation?

A. We conducted a visual inspection of the tunnel from both the east and west portals. We decided that based on the condition of the tunnel, it would not be safe to enter the tunnel to do a more in depth inspection. We also examined the area surrounding both tunnel portals to get a sense of the topography, and drainage.

Q. Can you summarize the findings from your investigation?

A. All track and ties in the area have been removed. At the east portal of the tunnel, we observed that the rock above the tunnel was visibly cracked and deteriorated. We could also see evidence of a complete collapse of the tunnel at a location approximately 100 feet inside the tunnel entrance.

At the west portal, the rock was also visibly cracked and deteriorated. We also could see that portions of the corrugated steel liner were deformed which could be an

indication of some degree of structural failure in that area as well. We also noted evidence of what appeared to be prior survey monitoring in the area.

As I indicated earlier, we also looked at the areas around the tunnel. There was some ponding of water in the areas where the tracks and ties had been removed. The side rock slopes at the entrance approaches parallel to the old railbed were stable and showed no signs of major geotechnical failure. Weathering of the exposed rock immediately above the portal showed signs of some raveling (also known as sluffage) of the portal embankment over time which, in turn, exposed the timber bents at the portal ends. The land over the tunnel showed no obvious signs of subsidence; however, the areas beyond State Route 268 were wooded and snow covered at the time of the visit. We also looked at the roadway itself. State Route 268 does not lie over the area where we observed the visible tunnel collapse. We did not observe any apparent signs of failure of the roadway due to underground subsidence.

Q. Did you document your findings?

A. Yes, we prepared a site inspection report which set forth my findings and took several photographs as well. My site inspection report and photographs are contained in Appendix D of B&LE Exhibit 14.

Q. You indicate in your report that the area has been previously mined as part of the Freeport Coal Seam – how did you make that determination?

A. I reviewed records from the Pennsylvania Department of Environmental Protection District Mining Operations that set forth the location and history of the Kincaid Mine. I also reviewed historical records on the Butler County Historical Society website regarding the mining of the Freeport Coal Seam.

Q. Just so we're clear, the Kincaid Mine was a part of the Freeport Coal Seam?

A. Yes it was.

Q. Sir, can you identify what we have marked as B&LE Exhibit 15?

A. Yes, that is a true and correct copy of the documentation of the location of the Kincaid Mine in the Freeport Coal Seam that was provided to me by the Pennsylvania DEP which sets forth the information regarding the location of the mine, the dates of mining, maps showing the location of the seam and other information.

Q. What did you learn from your review of B&LE Exhibit 15 and the information on the Butler County Historical Society website?

A. These records indicated that the tunnel is located in the vicinity of the Freeport Coal Seam and that the area *may* have been previously mined; however, we cannot confirm the exact limits of shallow surface mining or if mining occurred immediately over the tunnel reach.

Q. When was the Freeport Coal Seam mined?

A. Based on the records I reviewed, the nearby Kincaid Mine was operational from 1911 until approximately World War II. According to Exhibit 15 provided by the DEP, the last mining operations occurred prior to 1935.

Q. What, if any, significance is there to the fact that mining activity was conducted in this area?

A. Mining operations may have created voided space above the tunnel that could impact the integrity of the tunnel or the roadway and adjacent surfaces over time. This information could influence future geotechnical investigations and engineering recommendations to address the tunnel and the roadway.

III. MR. RADLE'S OPINIONS AND CONCLUSIONS

Q. Based on your investigation of the tunnel, and your review of the engineering drawings, the survey maps, and the other documents you discussed, and based on your education, training and experience as an engineer, do you have an opinion, to a reasonable degree of professional certainty as to the structural integrity of the tunnel?

A. Based on my investigation, I concluded that there were signs of isolated failures and signs of distress in the tunnel structure. Additionally, based on my observations of the tunnel and the liner used, and my knowledge and experience with these types of corrugated liners, it is my assessment that the liner is most likely not a structural component of the tunnel. Based on these findings, it is my opinion that the tunnel structure likely does not have the structural integrity to prevent future collapsing or subsidence of State Route 268 where it runs above the tunnel. However, I do not have enough information to make a definitive determination.

Q. Aside from those findings and their potential impact on the roadway, did you observe any other conditions at the crossing structure or in the vicinity thereof which would render the crossing inadequate for the safety, accommodation or convenience of the travelling public?

A. No. The tunnel and access is on private land so there wouldn't be any pedestrian activity in the area among the travelling public. As I indicated above, there is no rail activity in the area and hasn't been for some time, as the tracks have been removed and the property sold to private parties.

Q. Based on your investigation and your determination that the tunnel does not have the structural integrity to prevent future subsidence of the roadway, did you make any

recommendations as how to preserve the structural integrity of the crossing for the safety, accommodation and convenience of the travelling public?

A. Yes. I proposed two alternatives to preserve the structural integrity of the tunnel.

Q. What was the first alternative?

A. The first alternative would be to place concrete bulkheads inside the tunnel about 50 feet from the edges of the roadway. This would create a section of the tunnel approximately 130 feet long and centered below State Route 268. Once the bulkheads are installed, the 130 foot section of the tunnel would be backfilled with foam sand to fill in all the voids in the tunnel and to prevent any further collapse of the tunnel or subsidence of the roadway and ground surface above the tunnel.

Q. Did you prepare drawings that set forth what you are proposing?

A. Yes. In Appendix A to my report which has been marked as B&LE Exhibit 14, I have included two sets of conceptual drawings. The first drawing is a birds-eye view of the proposed construction showing the roadway, the proposed location of the concrete bulkheads, and the area that would have the foamed sand backfill. The second page of Appendix A shows alternative elevation and cross-section views of the proposed concrete bulkhead alternative.

Q. Did you prepare a preliminary cost estimate for this first alternative?

A. Yes.

Q. What did you do to arrive at this cost estimate?

A. A preliminary item list was developed specifically for the bulkheads and infill materials. Quantity calculations were prepared for specific pay items. Unit costs were established

based on recent PennDOT (ECMS) price data or through coordination with manufacturers/suppliers input.

Q. What is your preliminary cost estimate to construct the concrete bulkheads and backfill the area under State Route 268 with foam sand?

A. Approximately $856,000.

Q. Are the calculations you made in arriving at this cost estimate set forth in your report which we have marked as B&LE Exhibit 14?

A. Yes. They are in Appendix C of B&LE Exhibit 14.

Q. Is there anything not included in the cost estimate?

A. The cost estimate that was prepared is not all inclusive. Engineering costs and other associated construction costs (*i.e.* right-of-way, contractor safety plans, temporary works, etc.) were not included.

Q. You also indicated that you proposed a second alternative – what does that proposal entail?

A. The second option would be to build an at grade bridge carrying State Route 268 over the tunnel. The bridge construction would consist of box beams of approximately 40 feet in length. The bridge would be the width of the full roadway, plus about five feet of shoulder for a total width of approximately 45 feet. The box beams would be supported by concrete abutments with drilled shafts.

Q. Did you make a preliminary cost estimate for the construction of an at-grade bridge over the tunnel?

A. Yes. The cost of the at-grade bridge would be approximately $876,000.

Q. What did you do to arrive at this cost estimate?

A. A preliminary item list was developed specifically for the bridge components. Quantity calculations were prepared for specific pay items. Unit costs were established based on recent PennDOT (ECMS) price data.

Q. Are the calculations you made in arriving at the cost estimate for the at-grade bridge alternative also set forth in your report which we have marked as B&LE Exhibit 14?

A. Yes. They are in Appendix C of B&LE Exhibit 14.

Q. As part your engineering assessment, did you assess the benefits of the two alternatives?

A. I did. I predict that Alternate 1, concrete bulkheads with foam sand fill, will take less time to construct and will be less expensive as compared to Alternate 2, the at-grade bridge carrying State Route 268. However, one concern regarding Alternate 1 is this option does not eliminate potential future subsidence of the roadway above related to previous strip mining in the area regardless of the presence of a tunnel. Also, Alternate 1 requires adequate access for construction equipment to install the bulkheads and backfill with foam sand. Lastly, Alternate 1 will require proper temporary support systems within the tunnel to safely construct the bulkheads and backfill with foam sand.

The at-grade bridge alternative will ensure that the roadway will not have any future subsidence and does not require adequate access to construct. A major disadvantage of this alternate is that it will take more time to construct and will be more expensive as compared to the concrete bulkhead alternative. Also, this option will create another bridge structure for PennDOT to tabulate, monitor, and maintain.

Q. Do you have an opinion, to a reasonable degree of engineering certainty, whether these two alternatives will preserve the structural integrity of the crossing for the safety, accommodation and convenience of the travelling public?

A. Yes.

Q. What is that opinion?

A. It is my opinion that, if implemented properly, either of the proposed alternatives would preserve the structural integrity of the crossing for the safety, accommodation and convenience of the travelling public

Q. Are you sponsoring any exhibits as part of your direct testimony?

A. Yes. I am sponsoring the following Exhibits:

- **B&LE Exhibit 13:** Curriculum vitae of Daniel P. Radle, Jr.
- **B&LE Exhibit 14:** July 30, 2021 AECOM Engineering Report
- **B&LE Exhibit 15:** Pennsylvania Department of Environmental Protection District Mining Operations Coal Status Report

Q. Were these exhibits all prepared by you or under your supervision?

A. Yes, all of the above-referenced exhibits were prepared by me or under my supervision.

IV. CONCLUSION

Q. Does this conclude your direct testimony at this time?

A. Yes.

VERIFICATION

I, Daniel Paul Radle, Jr. hereby state that the testimony set forth in this Direct Testimony is correct to the best of my knowledge, information, and belief, and that if asked orally at a hearing on this matter. My answers would be as set forth herein.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Daniel Paul Radle, Jr.

Date: 11/12/2021

Bessemer & Lake Erie Railroad Company
B&LE Exhibit 13

Daniel P. Radle Jr.

Pennsylvania Structural Department Manager / Senior Structural Engineer

Education

BS, Civil Engineering - Structures, Pennsylvania State University, 2005

BA, Physics, Lock Haven University of Pennsylvania, 2005

Licenses/Registrations

Professional Engineer (Civil), Pennsylvania, #PE077610, Issued 03/03/2010, Exp. 09/30/2023

Years of Experience

With AECOM: 16

With Other Firms: 0

Professional Associations

American Society of Civil Engineers, Central Pennsylvania Section

Association for Bridge Construction and Design, Susquehanna Chapter

American Institute of Steel Construction

American Association of State Highway and Transportation Officials

American Society of Highway Engineers, Harrisburg Section

Training and Certifications

Amtrak - Contractor Safety and Awareness Training

CSX – Roadway Worker Protection Contractor Safety

Norfolk Southern – Roadway Worker Protection Contractor Safety

e-RAILSAFE certified

Mr. Radle is a structural engineer with proven experience in design, construction, inspection, and rehabilitation of highway/bridge and rail structures. His design experience includes prestressed concrete bridges and steel plate girder bridges supported by abutments and piers on spread footings or piles as well as numerous precast concrete box culverts, precast concrete arch culverts, retaining walls and noise walls. In addition, he has significant experience bridge rehabilitation design and inspection of steel box girder and steel truss bridges and various reinforced concrete structures. Mr. Radle is proficient with various modeling software packages including PennDOT Design Software, STAAD, SAP, BSDI, L-Pile, Leap Bridge, AutoCAD and Microstation. He is also experienced in the layout and design of overhead catenary for light rail systems. Mr. Radle has provided extensive design review services on behalf of the Norfolk Southern Railway including complex bridge demolition and accelerated construction techniques. His background also includes significant experience in the area of construction engineering and inspection serving both Norfolk Southern Railway and the Pennsylvania Department of Transportation.

Project Experience

Freight/Transit

Canadian Pacific Railway, Public Works Engineering Services Contract, D&H South Line, New York and Pennsylvania, United States. Project engineer providing senior oversight and review of various proposed state projects throughout the railroad's D&H South corridor which potentially impact the railroad by limiting clearances, affecting train movements, and infringing on railroad right of way. Projects reviewed included new highway construction and widening of overhead bridges and existing structure rehabilitation. Reviewed contractor submissions of demolition plans, erection plans, and sheeting and shoring plans. Conducted site visits and wrote engineering reports summarizing existing site conditions, proposing design issues, and identifying possible impacts to the railroad and constructability issues. [10/01/2013-11/30/2015]

CSX Transportation, General Engineering Services Contract, Boone Tunnel Replacement Feasibility Study, Darby, Pennsylvania. Project Manager for feasibility study to evaluate the potential replacement of the 626' long Boone Tunnel with a new tunnel or buried structure. Responsible for overall task management, coordinating all involved AECOM disciplines, client coordination, oversight of structural/geotechnical design alternatives and preparation of cost estimates, and feasibility report development. [06/30/2020-03/31/2021]

CSX Transportation, General Engineering Services Contract, Carroll Interlocking, Baltimore, MD. Structures Task Leader for the design of concrete deflection/crash walls. Responsibilities included design of the structural wall elements, preparation of cost estimates, and drawing and specification development. [06/01/2017 - 02/28/2019]

CSX Transportation, General Engineering Services Contract, Boston Line Clearance Improvement Project, Pittsfield, Massachusetts. Structures Task Leader for the design of two 3000+ FT long Soldier Pile retaining walls required to support the adjacent cut slopes resulting from the track lowering project. Responsibilities included design of the structural wall elements, preparation of cost estimates, and drawing and specification development. [10/18/2010 - 06/28/2011]

CSX Transportation, General Engineering Services Contract, National Gateway Clearance Improvement Project, Ravenna, Ohio. Structures Task Leader for the design of 124 FT long Soldier Pile retaining wall required to support the vertical cut in the adjacent Norfolk Southern embankment resulting from the



track lowering project. Responsibilities included design of the structural wall elements, preparation of cost estimates, and drawing and specification development. [02/07/2012 - 04/30/2012]

Metropolitan Transit Authority of Harris County, University Line Light Rail - Houston Metro, Houston, Texas. Junior catenary engineer for design of a new 10-mile light rail system to supplement the existing Main Street line. Designed the overhead contact system and evaluated the design alternatives on the designated right of way, elevated structure, and street-running guideway in an urban setting. [01/01/2007-12/31/2009]

Norfolk Southern Corporation, General Engineering Services Contract, Hornell Bridge Rehabilitation, Hornell, New York. Project engineer for proposed rehabilitation of an existing two-span through girder bridge over Canacadea Creek. Responsible for identifying and selecting subconsultants for geotechnical and survey investigations, coordinating all involved AECOM disciplines, client coordination, structure inspection, oversight of rehabilitation design alternatives and preparation of cost estimates, drawing & specification development. [04/01/2014-08/31/2015]

Norfolk Southern Corporation, General Engineering Services Contract, Four Pottstown OH Bridge, Pottstown, Pennsylvania. Project Manager for feasibility study to evaluate the elimination of one or two of the four bridges and definition of required rehabilitation effort. Responsible for day to day task management, coordinating all involved AECOM disciplines, client coordination, structure inspection, oversight of rehabilitation design alternatives and preparation of cost estimates, and feasibility report development. [05/15/2020-Present]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, Various Locations, United States. Project engineer providing senior oversight and review of various proposed state and local projects throughout the railroad's system that potentially impact the railroad by limiting clearances, affecting train movements, and infringing on railroad right of way. Projects reviewed varied from new highway construction and widening of overhead bridges to replacement of railroad underpass bridges. Reviewed contractor submissions of demolition plans, erection plans, and sheeting and shoring plans. Conducted site visits and wrote engineering reports summarizing existing site conditions, proposing design issues, and identifying possible impacts to the railroad and constructability issues. Participated in the development of a Public Projects Manual and the rewrite of the NS design guidelines and special provisions. Recently elevated to Project Manager for this GEC contract. [01/01/2008-Present]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, SR11 OHB Replacement, West Fairview, Pennsylvania. Project engineer providing senior oversight and review of the DOT's design plans and Contractor submittals for the demolition of the existing six span monolithic concrete structure and construction of the proposed two span concrete bulb tee beam replacement structure over three active tracks at the east end of the Enola Yard. Significant coordination efforts with the local Norfolk Southern Signal, Transportation and Yard personnel were also required for successful evaluation of a Design-Build Retaining Wall accommodating future track expansion and a

Design-Build 190' Temporary Bridge Structure for phased construction. Responsible for leading the design team in development of the contractor grading plans required for the realigned siding track, future storage track, and drainage network within the constraints of the proposed overhead bridge and retaining wall. [03/10/2009-12/15/2016]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, SR53 OHB Replacement, Cresson, Pennsylvania. Project engineer providing senior oversight and review of the DOT's design plans for the demolition of the existing 4 span through girder structure and design of the proposed 3 span structure over five very active tracks. Significant understanding of local operations and train movements was required to define the design and construction limitations regarding temporary shoring, temporary support towers, girder splice locations and girder erection sequencing. These efforts expedited the DOT's design efforts and will reduce the conflict potential during construction. [09/08/2010-10/31/2015]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, SR903 OHB Replacement, Jim Thorpe, Pennsylvania. Project engineer providing senior oversight and review of the DOT's design plans and specifications for the off alignment four span steel plate girder replacement structure. Coordination with local Norfolk Southern Signal and Transportation representatives was required to convey the project impacts and determine cost effective & efficient solutions to minimize the impacts to operations. The site access and construction efforts require two temporary at-grade construction crossings and utilization of the adjacent maintenance way. [10/10/2011-08/23/2017]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, Lock Street Bridge Replacement & Crossing Improvements and Adjacent Cotton Street Crossing Improvements, Philadelphia, Pennsylvania. Project engineer providing senior oversight and review of plans and specifications for an adjacent structure replacement & two associated crossing upgrades required to convert a private crossing to a public crossing. On site meetings with the Designer/Owner and local NS transportation and Signal representatives was required to assess feasibility and project needs for crossing surfaces and protective warning devices. The project includes temporary pedestrian access and permanent vehicular and pedestrian traffic using the at-grade crossings. [10/09/2012-06/23/2015]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, CSVT Susquehanna River Crossing, Northumberland, Pennsylvania. Project engineer providing senior oversight and review of the DOT's design plans and specifications for the proposed 15 span, 4400'+ steel plate girder bridge spanning the Susquehanna River and the NS Northumberland Yard. Following design approval, provided senior oversight and review of Contractor submittals for 100' tall piers constructed within the yard limits, complex girder erection sequencing and phasing requiring multiple 500-ton cranes and moving crane picks with temporary support towers. Coordination with local Norfolk Southern Yard, Signal, and Transportation representatives was required to convey the project impacts and establish a satisfactory construction access within the yard and for access to the river causeway requiring 3 temporary at-grade crossings and

utilization of the adjacent maintenance way. [04/30/2013-06/30/2021]

Highway Bridges

Mississippi Department of Transportation, SR 613 over Escatawpa River in Moss Point and I-110 - Repair Items and Cost Estimate Supplementing 2002 In-depth Inspection, Moss Point and Biloxi, Mississippi. Structural engineer for repair item quantities and cost estimate preparation, which required reference of the 2002 in-depth inspection of all structural elements for the two externally post-tensioned segmental concrete superstructures. [01/01/2005-12/31/2005]

Pennsylvania Department of Transportation, SR 3006, Section 670 over Ariel Creek Bridge Replacement, Wayne County, Pennsylvania. Structural engineer for preliminary engineering of the bridge replacement, which includes replacement of a 100-foot, single-lane truss with a new 54-foot, single-span P/S spread box beam structure with associated roadway improvements and environmental clearance. Provided preliminary design of all substructure units for the proposed bridge. [01/01/2006-12/31/2007]

Pennsylvania Department of Transportation, SR 3005, Section 670 over West Branch of Wallenpaupack Creek Bridge Replacement, Wayne County, Pennsylvania. Structural engineer for preliminary engineering of the bridge replacement. The project includes replacement of a 100-foot single-lane truss with a new 115-foot single-span AASHTO I-beam structure with associated roadway improvements and environmental clearance. Provided preliminary design of all substructure units for the proposed bridge. [01/01/2006-12/31/2007]

Pennsylvania Department of Transportation, Bradford Bypass - SR 0219 over Bolivar Drive Bridge, McKean County, Pennsylvania. Structural engineer for final design of the bridge replacement. Used the Leap software Geomath program to develop a bridge geometry file for the Bolivar Drive Bridge. The geometry file incorporated multiple alignments and roadway cross sections including gore areas that resulted from on and off ramps occurring on the bridge deck. Provided bridge geometry development and output generation including deck elevations and haunch output for the proposed structure replacement. [01/01/2006-12/31/2006]

Pennsylvania Department of Transportation, SR 0476, Section RES – Schuylkill River Bridge, Montgomery County, Pennsylvania. Structural engineer for final design of the bridge rehabilitation. Used the Leap software Geomath program to develop a bridge geometry file for both southbound and northbound structures. The geometry file incorporates existing substructures and girders and uses a proposed deck (matching the existing) as well as a best fit horizontal alignment and vertical profile. Verified the location of the substructures and girders along the alignment and within the profile to ensure that proposed rehabilitation was possible. Also provided deck elevations and haunch output for the proposed structure rehabilitation. [01/01/2007-12/31/2008]

Delaware Department of Transportation, Bridge No. 1-902 (William V. Roth Bridge) Rehabilitation, SR 1 over C&D Canal, New Castle County, Delaware. Structural engineer for rehabilitation of the 4.650-foot, 27-span precast post-tensioned segmental concrete structure crossing the Chesapeake and Delaware Canal in St. Georges. Rehabilitation included repairs to the cracked HDPE external post-tensioning ducts using CANUSA shrink wrap. The repairs to the HDPE ducts will eliminate the intrusion of moisture into the post-tensioning system. Repair of cracks and openings into the steel protective pipe of the cable stays are also included in the contract documents. A new steel inspection walkway, which extends for the 1,470-foot length of the cable-stayed main span and back spans, was added to the structure to aid in inspection of the cable stay anchorages. Miscellaneous repairs included concrete crack and spall repairs, repairs to the LMC deck overlay, replacement of the neoprene drainage trough, and repair of damaged electrical conduits within the box girder. All work will be completed using daytime traffic control measures. Provided design of the inspection walkway, contract drawing development, and quantity/unit cost calculations. [01/01/2007-12/31/2007]

Delaware River Port Authority, Walt Whitman Bridge Redecking of the Suspension Spans, Delaware. Structural engineer for preliminary design phase of the bridge rehabilitation. Used STAAD.Pro software to develop a model of the existing anchorage span and corresponding framing. Ultimately, determined the forces and reactions in the exterior and first interior anchorage span stringers. Those forces were used in STLRFD to analyze the stringer in the proposed condition with multi-stage redecking. Also prepared preliminary quantity and cost

estimate calculations. [01/01/2007-12/31/2008]

Pennsylvania Turnpike Commission, SR 4009 over the Mainline Turnpike Bridge Replacement (B-504) - Early Action Project, Somerset County, Pennsylvania. Structural engineer for preliminary and final design for replacement of Bridge B-504 (Husband Road) over the mainline turnpike; and the removal of Bridge B-411 supporting T-448 (Marlwood Drive) over the turnpike. The bridge replacements are required to accommodate future widening of the turnpike and provide for improved vertical clearance. Bridge B-504 is a 137.3-foot single-span structure comprised of AASHTO I-beams. The new structure is supported by full height cantilever abutments founded on spread footings on bedrock. The new structure and Husband Road have been relocated approximately 800 feet to the west of the existing crossing. The new location allows for an improved bridge skew; minimizes right-of-way acquisition; and allows Husband Road to remain open during construction. The relocated roadway will also facilitate relocation of Marlwood Drive and removal of the extraneous crossing of the turnpike (B-411). The project will accommodate stormwater management requirements through the use of basins and managed wetlands; wetlands mitigation efforts; and relocation of numerous overhead utilities. Provided final design of all structural entities and corresponding contract drawing development. Actively providing construction support services including shop drawing and RFI review. [01/01/2007-01/30/2017]

Pennsylvania Turnpike Commission, SR 4001 over the Mainline Turnpike Bridge Replacement (B-459) - Early Action Project, Somerset County, Pennsylvania. Structural engineer for preliminary and final design for replacement of Bridge B-459 supporting SR 4001 (Bakersville-Edie Road) over the mainline turnpike. The bridge replacement is required to accommodate the future widening of the turnpike and to provide for improved vertical clearance. Bridge B-459 is a 2-span steel curved girder bridge. The welded steel plate girders will possess equal span lengths of 64 feet 9 inches. The curved girder structure will be supported by full height cantilever abutments and a median wall pier. All substructure units will use spread footings founded on bedrock. Provided final design of all structural entities and corresponding contract drawing development. Provided construction support services including shop drawing and RFI review. [01/01/2007-12/31/2012]

Pennsylvania Turnpike Commission, SR 4005 over the Mainline Turnpike (B-409) Bridge Replacement - Early Action Project, Somerset County, Pennsylvania. Structural engineer for preliminary and final design of the replacement of Bridge B-409 supporting SR 4005 (Coxes Creek Road) over the mainline turnpike. The bridge replacement is required to accommodate the future widening of the turnpike and provide for improved vertical clearance. The new structure is a 2-span structure consisting of prestressed box beams. Equal span lengths of 63 feet by 9 inches are used to cross the turnpike. The substructure units incorporate full height cantilever abutments and a wall pier located in the median of the turnpike. The structure is founded on a combination of end bearing H-piles and spread footings on bedrock. The project also incorporates improvements to the roadway profile to accommodate the increased clearance over the turnpike and replacement of a roadway culvert. Provided final design of all structural entities and corresponding contract drawing development. Provided construction support services including shop drawing and RFI review. [01/01/2006-12/31/2011]

Pennsylvania Turnpike Commission, Turnpike Mainline from Milepost 99 to 109 Total Reconstruction, Westmoreland and Somerset Counties, Pennsylvania. Structural engineer for preliminary and final design of the 10-mile total reconstruction beginning at Milepost 99 in Westmoreland County and concluding at Milepost 109 in Somerset County. The project includes reconstruction and widening of the turnpike mainline, including improvement of two substandard horizontal curves on new alignment. In general, the turnpike will be widened from a 4-lane typical section to a 6-lane typical section with a wider median area. The widening will necessitate replacement of three overhead bridges, removal of a fourth overhead bridge, and improvement to the associated side roads. The bridge replacements will be accomplished through separate "early action" construction projects. Three existing mainline slab bridges will be replaced with new, longer box culvert structures with greater hydraulic capacity. Multiple retaining walls and stormwater management facilities are anticipated. Responsibilities include bridge design, retaining wall design, culvert design, and culvert inspection. The numerous design tasks will require use of Geomath, COGOPC, PSLRFD, STLRFD, BSDI, ABLRFD, BXLRFD, and BPLFRD. [01/01/2005 - Present]

Pennsylvania Department of Transportation, SR 1033, Section 004 and SR 1039, Section 001 over I-83 Bridge Replacement, York County, Pennsylvania. Structural engineer for final design of the bridge replacement. The project includes replacement of the existing 4-span structure supporting SR 1033 (Sherman Street) over I-83 and Mill Creek with a new 3-span prestressed concrete bridge. The new bridge will consist of PA bulb tee beams with a span arrangement of 96 feet, 75 feet, and 96 feet. The new structure will accommodate three 12-foot lanes and two 8-foot shoulders. Staged construction will be used to maintain traffic at the site during construction. The project also includes replacement of the nearby structure supporting SR 1039 (Ebert's Lane) over I-83 with a new spread box beam structure. The new bridge will posses two equal spans of 67 feet. The new structure will support two 12-foot lanes and two 6-foot shoulders. Traffic will be detoured during construction of the new bridge. At both bridge sites, the foundations will be HP 12 by 74 piles founded on bedrock. Due to the soluble nature and varying elevation of the underlying dolomite, special exploratory drilling will be used during construction to inspect for voids and determine pile lengths. Provided bridge design, quantity/cost estimation, and contract drawing development. The numerous design tasks will require use of Geomath, PSLRFD, BXLRFD, BPLFRD, ABLRFD, and WinSeisab. [E00365] [01/01/2008-12/31/2009]

Pennsylvania Department of Transportation, SEDA-Council of Governments H&H Reports - Open-End Agreement, Various Counties, Pennsylvania. Structural engineer for preparation of five H&H reports to support the bridge replacements designed and constructed by District 3-0. As a subconsultant to another firm, the design team worked closely with the district to prepare the required H&H documentation. Project sites included SR 4025, Section 001 in Columbia County; SR 3005, Section 10M in Union County; SR 3018, Section 04M in Northumberland County; SR 3008, Section 03M in Columbia County; and SR 3005, Section 09M in Snyder County. Provided scour analysis calculations required to support the H&H reports. [E00688] [01/01/2009-12/31/2009]

Pennsylvania Department of Transportation, SR 2009, Section 004 over Middle Creek Bridge Replacement - Open-End Agreement, Snyder County, Pennsylvania. Structural engineer for the preliminary engineering of the bridge replacement. As a subconsultant to another firm, the effort included all civil and structural engineering for the replacement of the 2-span steel structure. The new structure will be a 2-span precast concrete structure located on the same alignment. During construction of the replacement structure, traffic will be detoured around the project site. Provided preliminary and final structure design efforts, cost estimation, and contract drawing development. [E00688] [01/01/2008-12/31/2009]

Pennsylvania Department of Transportation, SR 0006, Section 103 over Catlin Hollow Creek Bridge Replacement - Open-End Agreement, Tioga County, Pennsylvania. Structural engineer for the preliminary engineering of the bridge replacement. As a subconsultant to another firm, the effort included all civil and structural engineering for the replacement of the existing box culvert. The new structure will be a precast concrete box culvert located on the same alignment. During construction of the replacement structure, traffic will be maintained on site using a temporary 2-lane run-around. Provided preliminary and final design of the precast concrete box culvert and corresponding structural entities, cost estimation, and contract drawing development. [E00688] [01/01/2008-12/31/2009]

Delaware Department of Transportation, Rehabilitation of Bridge No. 1-501 (Newport Viaduct), SR141 over SR4, Amtrak, Local Roads and Christina River, New Castle County, Delaware. Structural engineer for rehabilitation of the 1,985-foot, 19-span structure, which involves preliminary and final design of jacking towers, bridge bearings, and deck joints; cost estimation; contract drawing development; and construction support services. The superstructure is comprised of both simple span and continuous span composite welded steel tub-girders in cross sections from four to eight girders. The structure also includes two flanking structures that act as entrance and egress ramps to SR 141. Participated, in conjunction with the University of Delaware and Lehigh University, in the preparation of a detailed finite-element model of the superstructure for the investigation of observed distortion induced fatigue cracks located in the web gap between the internal diaphragm connection plates and the flanges of the tub girder. Based on the detailed structural analysis, participated in development of a retrofit to provide positive attachment between the connection plate and the top and bottom flange. Additional rehabilitation efforts include replacement of deteriorated abutment backwalls; replacement of deteriorated expansion joints; concrete deck repairs; replacement of the existing self-lubricated bronze bearings; concrete repairs to the substructure units; and removal of the existing lead-based paint system and application of a new moisture-cured urethane coating to all

exterior surfaces of the steel superstructure. Staged construction was used to maintain traffic on SR 141 as well as the local roadway network below the bridge. Careful coordination will also be required with Amtrak, to maintain service on Amtrak's Northeast corridor, which travels below Span 8. A subsequent rehabilitation contract including additional fatigue repairs, bearing replacement, underwater pile rehabilitation and scour countermeasures was completed. Construction support services including shop drawing and RFI review were provided for both contracts. [01/01/2009-12/10/2019]

Delaware Department of Transportation, North Dover Connector Project, Dover, DE. Structural engineer for developing TS&L documents and checking design calculations for a two proposed multi-span bridges. Proposed superstructure types included curved/skewed steel plate girders and prestressed concrete bulb-tee girders. Responsible for calculation review and drawing development in support of the TS&L Report. [11/15/2011-05/15/2012]

Delaware Department of Transportation, Bridge 1-715C Rehabilitation, Wilmington, Delaware. Structural engineer for heat straightening of a damaged steel girder on the ramp structure. Provided preliminary and final design of the heat straightening details, cost estimation, and contract drawing development. [11/01/2014-08/31/2015]

Delaware Department of Transportation, BR 1-717 Bridge Rehabilitation, Wilmington, Delaware. Structural engineer for rehabilitation final design geometry and cost estimation associated with deck and joint replacement; contract drawing development; and construction support services. The superstructure is comprised of simple span steel plate girders with an existing cast-in-place deck which will be replaced with a precast concrete panel decks using UHPC concrete under an accelerated two week construction schedule. Staged construction will be used to maintain traffic on I-95 and SR 1 below the bridge. Construction support services including RFI review began in early 2016 while physical construction began in September and is currently ongoing. [03/15/2015-11/30/2016]

Delaware Department of Transportation, Bridge 1-577 Rehabilitation, Wilmington, Delaware. Structural engineer for rehabilitation of the 6-span structure with a superstructure comprised of continuous span concrete T-beams and a steel bascule span. Provided preliminary and final design of concrete beam replacement, superstructure and substructure rehabilitation, bridge jacking, bridge bearings, and deck joints; cost estimation; contract drawing development; and construction phase services. [09/15/2014-12/31/2019]

Pennsylvania Department of Transportation, District 8-0, SR0075 Bridge Preservations – WO 04, Franklin County, Pennsylvania. Structural engineer for the final design engineering of the short span bridge preservation package including cost estimation and contract drawing development. [11/15/2015-09/30/2016]

Pennsylvania Department of Transportation, District 4-0, Skinners Falls Bridge Rehabilitation. Task Leader for the rehabilitation of the 110 year old Thru Baltimore (Petit) pin-connected truss in Wayne County, PA. Scope of work included identifying and detailing critical steel repairs for various truss elements, stringer replacement, floorbeam replacement, timber deck evaluation and replacement, temporary jacking of the truss for bearing replacement and stone masonry substructure rehabilitation. [04/30/2019-Present]

AECOM

Engineering Report



Bessemer and Lake Erie Railroad Tunnel under SR 0268
Fairview Township, Butler County, PA

Prepared for: Bessemer and Lake Erie Railroad Company

Prepared by: AECOM
Gulf Tower
707 Grant Street, 5th Floor
Pittsburgh, PA 15219

Date Submitted: July 30, 2021

Signature:

Daniel P Radle Jr, PE

SEAL

EXHIBIT
tabbies
B&LE 14

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 14

AECOM

Table of Contents

Page

Project Background / Overview 1

Engineering Assessment of Current Structure 1

Recommended Structure Disposition and Alternates 2

Preliminary Cost Estimate 2

Appendix A – Concrete Bulkheads with Foam Sand Fill Sketch and Visuals

Appendix B – At Grade Bridge Carrying SR 0268 Sketch and Visuals

Appendix C – Quantities and Cost Estimate

Appendix D – Site Visit Report and Photos

Appendix E – Real Estate Documents

AECOM

Project Background / Overview:

(1) Project Background:

The Pennsylvania Public Utility Commission (PUC) has instituted an investigation for all matters related to the abolition and safety of a crossing on an abandoned line of the Bessemer and Lake Erie Railroad. The crossing is located in Fairview Township, Butler County where the railroad tracks were previously laid through a tunnel that is overlain by State Route SR 0268. The railroad tracks and ties have been removed at this location, but the tunnel and its structure remain in place.

The tunnel has an existing timber roof structure and an existing corrugated steel liner of the tunnel that is in a deteriorated state in several locations, a portion of the tunnel has collapsed completely, there are multiple drainage issues due to poor grading, and some of the rock above the tunnel entrances has begun to crack. The existing timber roof structure was built in the early 1900's. The existing corrugated tunnel liner was installed in the 1970's and AECOM did not perform any structural analysis of the corrugated tunnel liner; however, based on professional knowledge and experience with these types of corrugated liners, AECOM considers this to be a non-structural element. B&LE received STB approval for abandonment of the line in January 2001 and, with no property interest, was no longer inspecting or maintaining the corridor, including the tunnel.

B&LE has asked AECOM to provide engineering support including investigation of possible alternates for remediation. Two alternates are proposed in this report: installing a concrete bulkhead in order to pump foam sand backfill into the portion of the tunnel that is below SR 0268 or to install an overhead bridge carrying SR 0268 spanning over the tunnel. The overhead bridge will utilize concrete adjacent box beams founded on drilled shaft abutments.

(2) Location:

Bessemer and Lake Erie Railroad Tunnel under SR 0268
Fairview Township, Butler County, PA
Butler County, Pennsylvania

Engineering Assessment of Current Structure:

As seen in the site visit report and photos (See Appendix D), the existing tunnel structural system has isolated failures and signs of distress. One component of the structural supporting system is the original timber roof structure. Since it was constructed in 1906, made of timber, and is currently showing signs of failure, it is concluded this component is no longer adequate for structural support. The second component of the structural supporting system is the soil and rock layer that the tunnel is drilled through. The surrounding area has previously been strip mined as a part of the Freeport Coal Seam. Also, since this is currently showing signs of distress and failure it is concluded this component is not adequate for structural support without conducting an extensive geotechnical investigation to assess the subsurface conditions above the tunnel. Based on professional knowledge and experience with these types of corrugated liners, AECOM infers that this corrugated tunnel liner is not to be considered a structural component as it is not designed to support any earth load from above, as indicated by the collapse of the tunnel and several locations with deformations in the liner. Also, the details and construction of the liner does not suggest that any outward thrust caused by the arching action can occur at the bottom of the liner interfacing the concrete foundation. With this being considered, it has been determined that this structure does not have the structural integrity to prevent future collapsing or any subsidence in the roadway above.

Recommended Structure Disposition and Alternates:

(1) Alternate 1 (Recommended Structure): Concrete Bulkheads with Foam Sand Fill

This includes the installation of concrete bulkheads placed within the tunnel about 50 feet from the edges of the roadway above. All work for the installation of concrete bulkheads will occur within the tunnel. This will create a section of tunnel that is about 130 feet long that will be centered below SR 0268. Once the bulkheads are installed the 130 feet section of tunnel will then have foam sand backfilled into it filling all the voids in the tunnel to eliminate future collapses of the tunnel. All foam sand backfilling will be installed using drilled holes from the roadway and ground surface that penetrates into the tunnel. See Appendix A, for plan sketch and visuals.

This alternate will take less time to construct and will be less expensive as compared to Alternate 2 described below. One concern is this option does not eliminate potential future subsidence of the roadway above related to previous strip mining in the area regardless of the presence of a tunnel. Also, this option requires adequate access for construction equipment to install the bulkheads and backfill with foam sand. Lastly, this alternate will require proper temporary support systems within the tunnel to safely construct the bulkheads and backfill with foam sand.

(2) Alternate 2: At Grade Bridge Carrying SR 0268

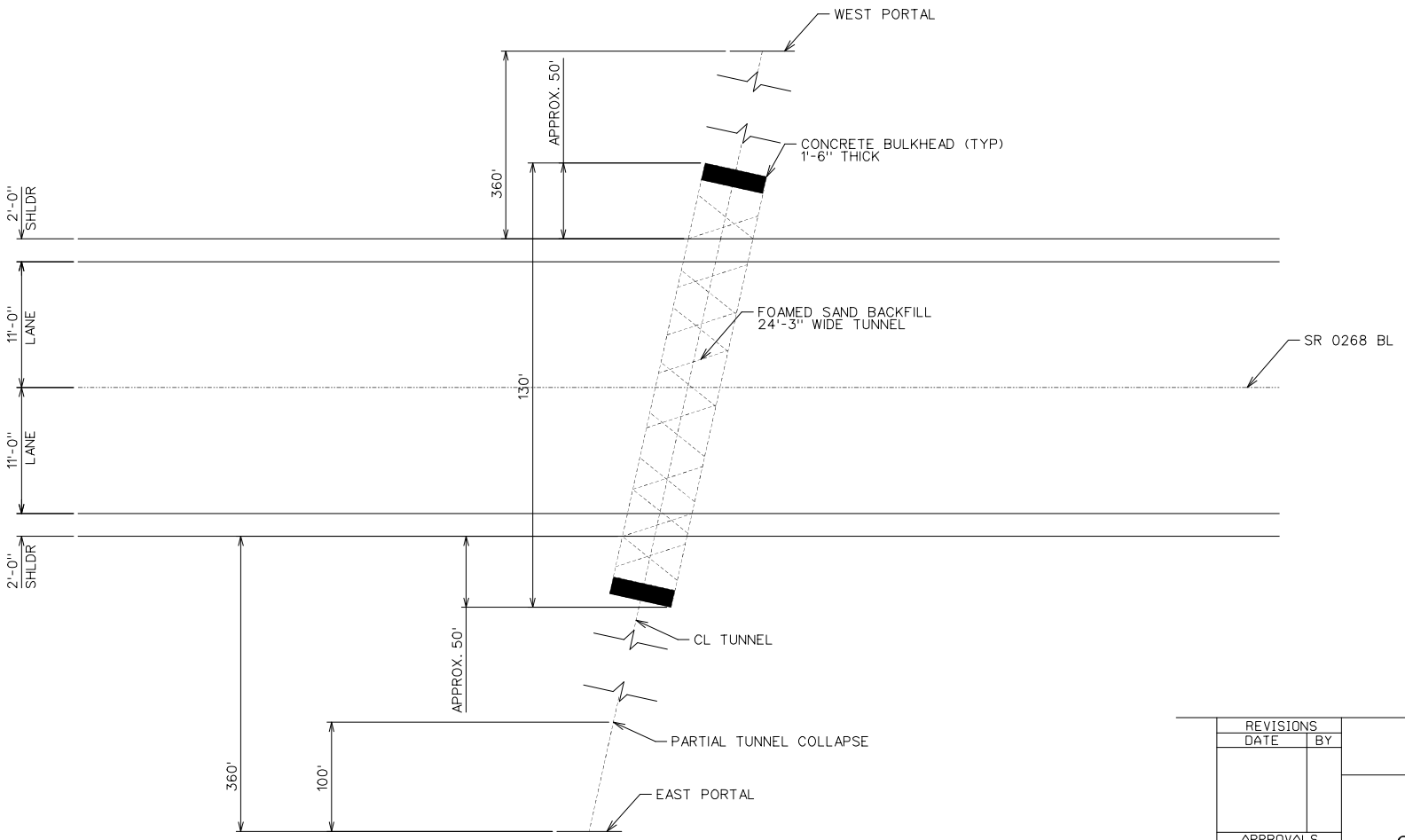
This includes the installation of an at grade bridge carrying SR 0268 spanning over the tunnel. This bridge will consist of adjacent box beams spanning approximately 40 feet and will be full roadway width plus about 5 feet of shoulder backup for a total width of approximately 45 feet. The adjacent box beams will be supported by concrete abutments with drilled shafts. The drilled shafts will need to have a tip elevation below the bottom of the tunnel to ensure a proper foundation is constructed. See Appendix B, for plan sketch and visuals.

This alternate will ensure that the roadway will not have any future subsidence and does not require adequate access to construct. A major disadvantage is this alternate will take more time to construct and will be more expensive as compared to Alternate 1 described above. Also, this will create another bridge structure for PennDOT to tabulate, monitor, and maintain.

Preliminary Cost Estimate:

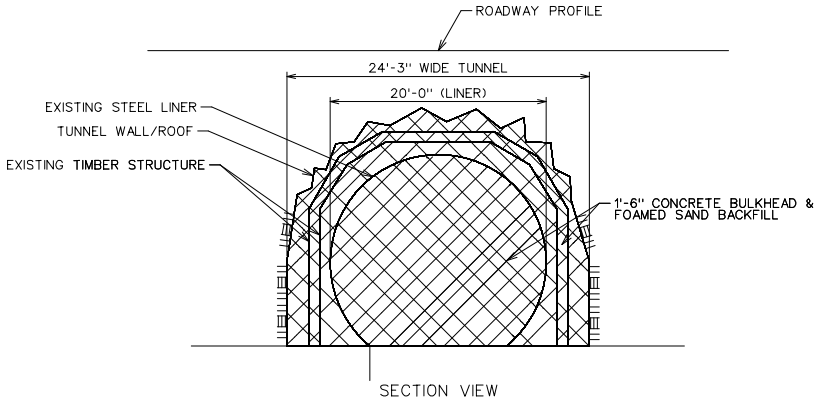
A cost estimate was prepared for the proposed alternates. The cost to construct the concrete bulkheads with foam sand backfill alternate is approximately $856,000. The cost to construct the at grade bridge carrying SR 0268 alternate is approximately $876,000. A detailed quantity and cost estimate information is provided in Appendix C.

Appendix A -
Concrete Bulkheads with Foam Sand Fill
Sketch and Visuals

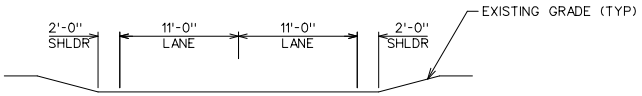


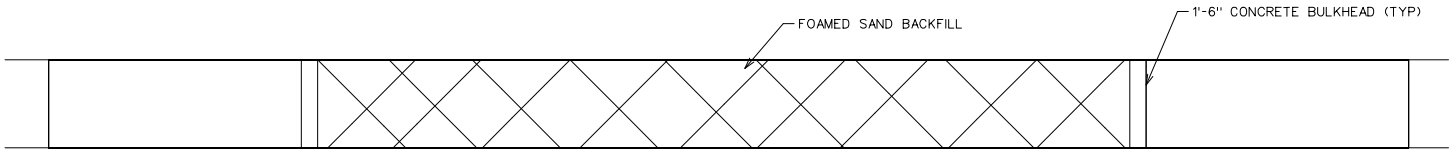
PLAN VIEW

REVISIONS			B&LE RAILROAD
DATE	BY		
			FAIRVIEW, PA, BUTLER COUNTY
APPROVALS		CONCRETE BULKHEAD ALTERNATIVE PLAN VIEW	
SHEET	DRAWN BY: MVL	NO SCALE	DWG NO:
	CHECKED BY: WJC	DATE: 7/12/2021	FILE:



SECTION VIEW

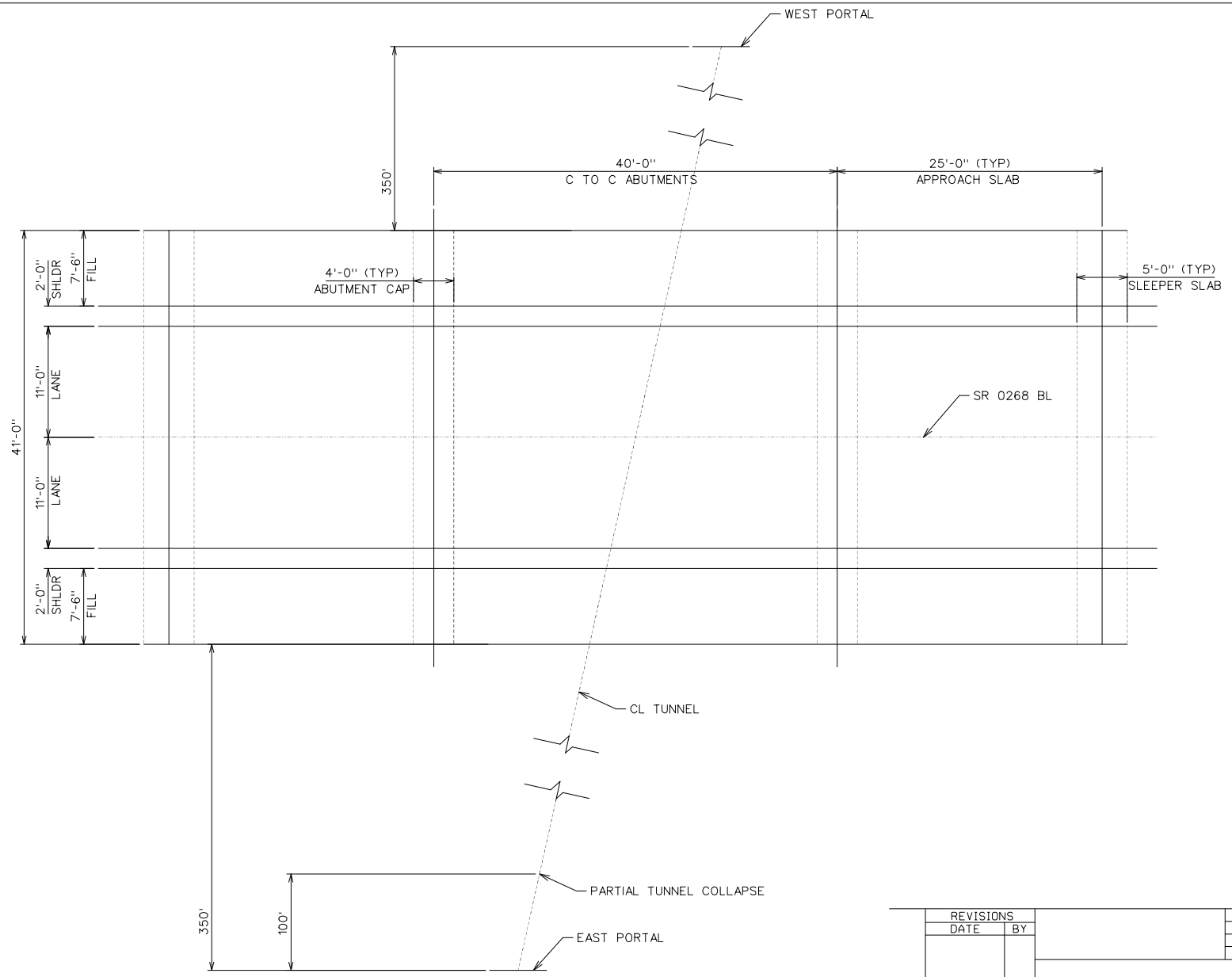




ELEVATION VIEW

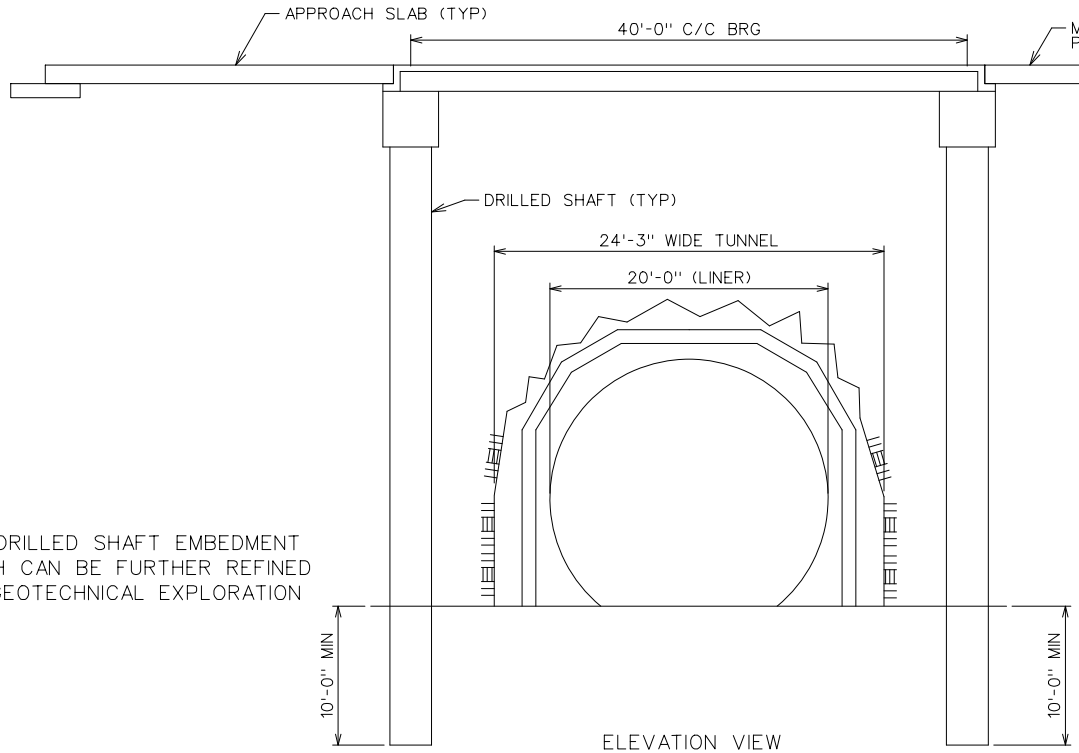
REVISIONS			B&LE RAILROAD
DATE	BY		
			FAIRVIEW, PA, BUTLER COUNTY
APPROVALS		CONCRETE BULKHEAD ALTERNATIVE ELEVATION AND SECTION VIEWS	
SHEET		DRAWN BY: MVL / CHECKED BY: WJC	NO SCALE / DATE: 7/12/2021	DWG NO: / FILE:

Appendix B -
At Grade Bridge Carrying SR 0268 Sketch and Visuals

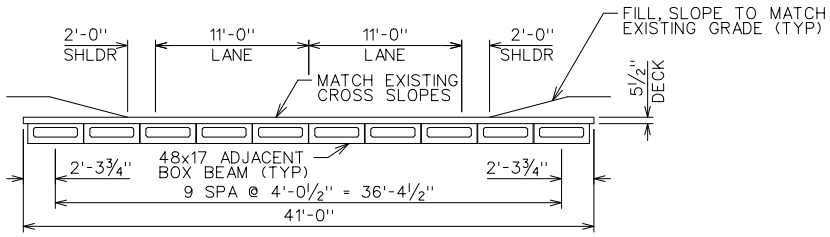


PLAN VIEW

REVISIONS			B&LE RAILROAD
DATE	BY		
			FAIRVIEW, PA, BUTLER COUNTY
APPROVALS			AT-GRADE BRIDGE ALTERNATIVE PLAN VIEW
SHEET	DRAWN BY: MVL	NO SCALE	DWG NO:
	CHECKED BY: WJC	DATE: 7/12/2021	FILE:



ELEVATION VIEW



SECTION VIEW

NOTE: DRILLED SHAFT EMBEDMENT LENGTH CAN BE FURTHER REFINED WITH GEOTECHNICAL EXPLORATION

REVISIONS		B&LE RAILROAD
DATE	BY	
		FAIRVIEW, PA, BUTLER COUNTY
APPROVALS		AT-GRADE BRIDGE ALTERNATIVE ELEVATION AND SECTION VIEWS
SHEET	DRAWN BY: MVL / CHECKED BY: WJC	NO SCALE / DATE: 7/12/2021	DWG NO: / FILE:

Appendix C -
Quantities and Cost Estimate

AECOM	SUBJECT SR 268 B&LE Tunnel Alternatives Quantity Calculations	SHEET NO. 1 OF 2 JOB NO. 60651865 BY: MVL DATE: 7/15/21 CH: WJC DATE: 7/15/21

Bridge Quantities Calculations

Excavation Quantities

Deck and Approach Slabs	=	328.22	CY	*40' span, two 25' approach slabs, two 2.5' sleeper slabs 2*1.25' CL of bearing to approach slab*
Abutments	=	85.19	CY	
Total	=	**414**	CY	

Deck Concrete Quantities

Class AAAP Concrete	=	**28**	CY	*5.5" thick deck, 41' wide deck, 40' span*

Approach Slab Concrete Quantities

Class AA Concrete	=	**102**	CY	*Two approach slabs (25'x1.33'x41')*

Substructure Concrete Quantities

Abutment Stems	=	48.59	CY	
Sleeper Slab	=	15.19	CY	
Total Class A Concrete	=	**64**	CY	

Backfill Quantities

Backfill Volume	=	**134**	CY	*Excavation quantity minus concrete quantities*

Reinforcement Quantities

Epoxy Coated Bars	=	**29100**	LB	*Assumed 150 LB/CY*

Adjacent Box Beam Quantities

Linear Foot	=	**400**	LF	*40' span, 10 beams*

Drilled Shaft Quantities

Drilled Shaft Linear Feet	=	**600**	LF	*5 shafts at each abutment, approx 60' in length*

Bulkhead Quantities Calculations

Excavation Quantities

Footing Excavation	=	**18**	CY	*Two 5' x 2' x 24.25' footings at each bulkhead*

Concrete Quantities

Bulkhead Concrete (Class A)	=	67	CY	*Two concrete bulkheads, 1.5' thick*
Footing	=	18	CY	*Two 5' x 2' x 24.25' footings at each bulkhead*
Total	=	**85**	CY	

Reinforcement Quantities

Epoxy Coated Bars	=	**12750**	LB	*Assume 150 LB/CY*

Fill Quantities

Total Fill	=	3500	CY	*130' long segment in 600 SF tunnel area, plus an additional 20% to account for additional voids*
Foam Volume	=	**1050**	CY	*30% of total backfill volume*
Remaining Volume	=	**2450**	CY	

AECOM	SUBJECT SR 268 B&LE Tunnel Alternatives Cost Calculation	SHEET NO. 1 OF 1 JOB NO. 60651865 BY: MVL DATE: 7/15/21 CH: WJC DATE: 7/15/21

Bridge Cost Calculation

Description	Quantity	Unit	Unit Price	Total Cost
Class 3 Excavation	414	CY	$ 30	$ 12,420
Class AAAP Cement Concrete	28	CY	$ 1,100	$ 30,800
Class AA Cement Concrete	102	CY	$ 1,100	$ 112,200
Class A Cement Concrete	64	CY	$ 1,100	$ 70,400
Structural Backfill	134	CY	$ 75	$ 10,050
Reinforcing Bars, Epoxy Coated	29100	LB	$ 1.85	$ 53,835
Prestressed Concrete Adjacent Box Beams, 48" X 17"	400	LF	$ 500	$ 200,000
Drilled Shafts	600	LF	$ 400	$ 240,000
			Subtotal	$729,705
			20% Contingency	$145,941
			Total Cost	**$876,000**

Bulkhead Cost Calculation

Description	Quantity	Unit	Unit Price	Total Cost
Class 3 Excavation	18	CY	$ 30	$ 540
Class A Cement Concrete	85	CY	$ 1,100	$ 93,500
Reinforcing Bars, Epoxy Coated	12750	LB	$ 1.85	$ 23,588
Fill (Sand)	2450	CY	$ 200	$ 490,000
Fill (Foam)	1050	CY	$ 100	$ 105,000
			Subtotal	$712,628
			20% Contingency	$142,526
			Total Cost	**$856,000**

Appendix D -
Site Visit Report and Photos

PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

SITE VISIT DESCRIPTION

AECOM completed an initial site visit at the abandoned Bessemer and Lake Erie Railroad (BLE) tunnel under SR 268 in Butler County, PA to develop a reconnaissance report that will be utilized for scoping the additional engineering services effort required to respond to the PUC Letter dated October 3, 2019 (I-2019-3012769). The purpose of the visit was to obtain a general understanding of the existing structure condition, determine if there were any visible signs of additional structural failure, assess the drainage conditions at the tunnel approaches, and assess inspection access.

EXISTING TUNNEL STRUCTURE AND CONDITION

Per existing plans, the tunnel is rock cut with a timber bent supports built in the early 1900s. Bent spacing is unknown. In 1975, a three (3) gauge corrugated steel, gasketed liner was added with 12" of material placed in the annular void. All railroad track and ties have been removed. The tunnel is approximately 744' long.

At the east portal, the rock above the tunnel is visibly cracked and deteriorated (Photo 1) and a complete collapse of the tunnel is visible approximately 100' beyond the portal entrance (Photo 5).

At the west portal the rock above the tunnel is visibly cracked and deteriorated (Photo 9) and portions of the corrugated steel liner are deformed indicating some degree of structural failure (Photo 11). There is evidence of possible survey monitoring of deformation with survey markings on the tunnel. AECOM can inquire with PennDOT to obtain this information if available.

At both ends of the tunnel, the grading of the abandoned railroad right-of-way after removal of tracks and ties, has caused significant ponding with depths varying from a few inches up to 3' deep. The rock cut slopes at the entrance approaches appear to be stable with no signs of major geotechnical failure.

Above the tunnel, there are no obvious visual indications of subsidence. However, the area is wooded beyond the limits of the SR 268 crossing and clear zone (Photos 8 and 12).

The existing SR 268 roadway is not located over the visible tunnel collapse. There are no apparent signs of roadway failure due to underground subsidence.

SITE ACCESS

Inspection access to both portals is limited by heavy vegetation, steep topography, and poor drainage. There are possible abandoned access roads and locally used trails. See attached aerial with approximate access locations. Clearing vegetation should be considered if any equipment is to be utilized during inspection. Due to the rock slope deterioration, tunnel collapse, and visible steel liner deformations, it is not recommended that inspection crews enter the tunnel or complete a hands on inspection of the tunnel portals. Possible inspection methods include 3D imaging to determine extents of tunnel lining deformation, borings through the earth and rock above the tunnel to determine state of the rock.

HOURS AND MILEAGE

ITEM	DESCRIPTION	QTY/HRS
Preparation		1.5
On Site	9:00 AM to 10:30 AM	3.0
Travel Time		6
Other (Describe)	Inspection Report	6
	Total Hours Charged	**16.5**
Mileage (From:To)	Wilson	100
Mileage (From:To)	Fuhrman	140

Report By: *Jonathan Wilson/Daniel Fuhrman*

Attachments:	Photos	Y
	Track Chart	N
	Aerial Photo	Y
	General Plan Sheets	Y

PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *1*
Date: *1/19/2021*
Direction of View: *West*

Description

Close-up view of east portal (25' rod used for scale). Debris built-up and blocking portal entrance. Rock above tunnel is cracked and deteriorated.



Photograph No.: *2*
Date: *1/19/2021*
Direction of View: *West*

Description

View of east portal taken along the abandoned railway. Note significant ponding on the ballast. Ponding extends into the tunnel at the east portal. Depth of ponding ranged from approximately 3'-0" at the abandoned drainage swales to 6" over the abandoned railroad ballast. Ponding extended along the entire length of visible abandoned right-of-way.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *3*
Date: *1/19/2021*
Direction of View: *West*

Description

View of east portal from a distance of approximately 100 yards. Poor drainage conditions have led to significant ponding along the abandoned railway. Ponding extended along the entire length of visible abandoned right-of-way.



Photograph No.: *4*
Date: *1/19/2021*
Direction of View: *South*

Description

View of the slope along the south side of railway at east portal. Typical condition of all adjacent slopes.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

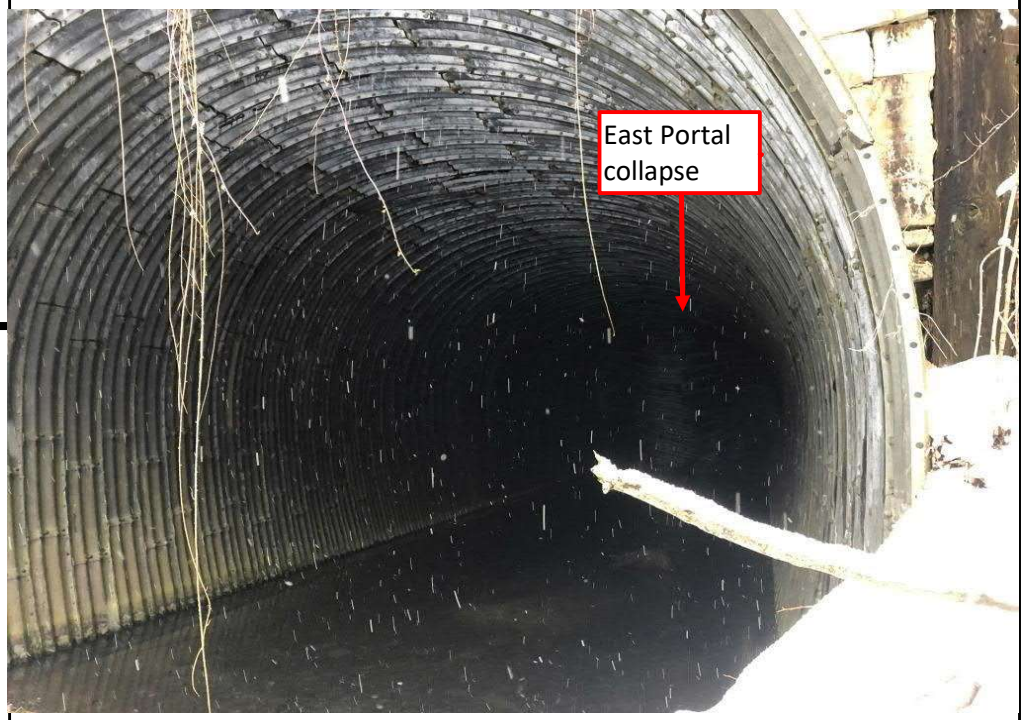
Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *5*
Date: *1/19/2021*
Direction of View: *West*

Description

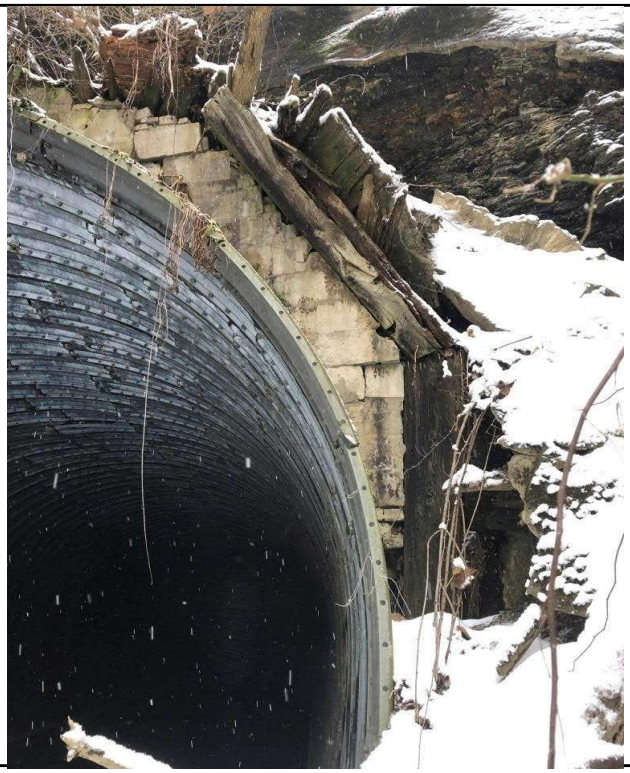
View looking into the east portal at the collapse approximately 100' into the tunnel.



Photograph No.: *6*
Date: *1/19/2021*
Direction of View: *West*

Description

View of tunnel structure at east portal. Rock and concrete facing eroding away from timber structure.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *7*
Date: *1/19/2021*
Direction of View: *East*

Description

View of railway looking from east portal. There is heavy debris and significant ponding along railway. Steep slopes along railway on both sides limit access to what can be achieved on foot.



Photograph No.: *8*
Date: *1/19/2021*
Direction of View: *North*

Description

View of landscape above collapse near east portal. There are no obvious signs of subsidence on the surface.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *9*
Date: *1/19/2021*
Direction of View: *East*

Description

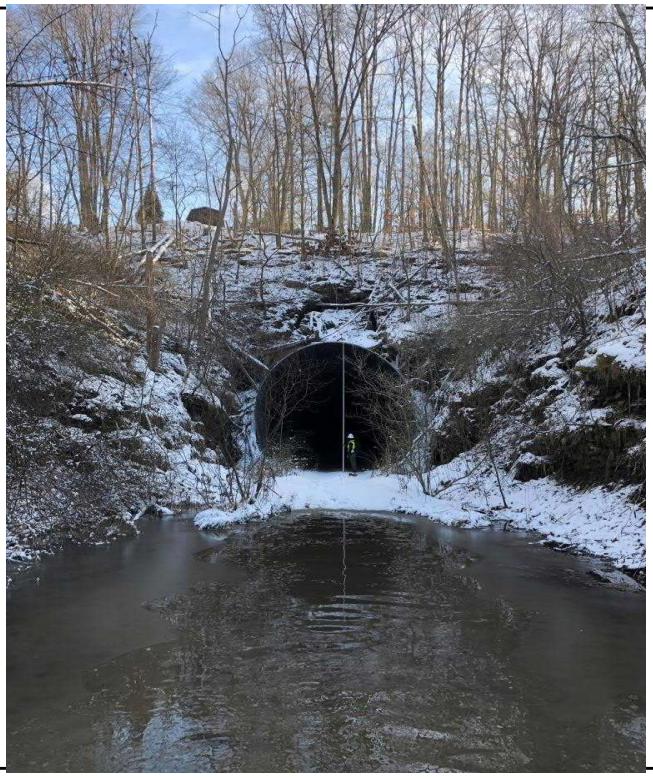
View of the west portal (25' pole used for scale). Rock above tunnel has cracked and deteriorated.



Photograph No.: *10*
Date: *1/19/2021*
Direction of View: *East*

Description

View of the west portal. There is significant ponding down the railway. Steep slopes along the north and south sides of the railway can also be seen. Ponding did not extend into the tunnel. Ponding extended along the entire length of visible abandoned right-of-way.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

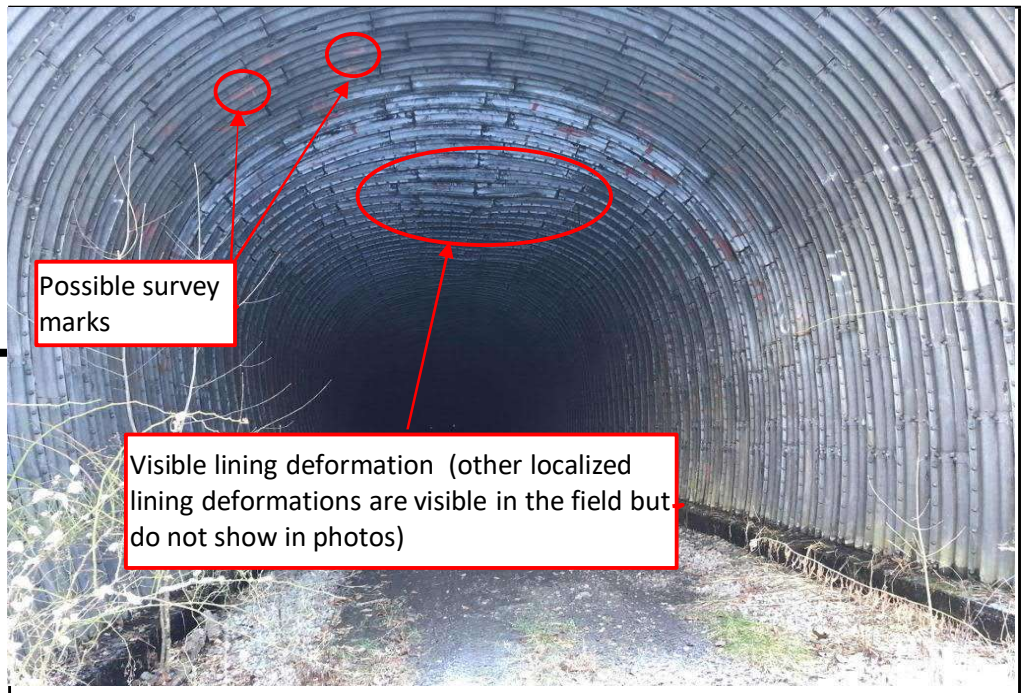
Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *11*
Date: *1/19/2021*
Direction of View: *East*

Description

View from the west portal looking into the tunnel toward the collapse. Buckling of the top of the tunnel is shown. Possible orange survey marks near deformation in the tunnel.

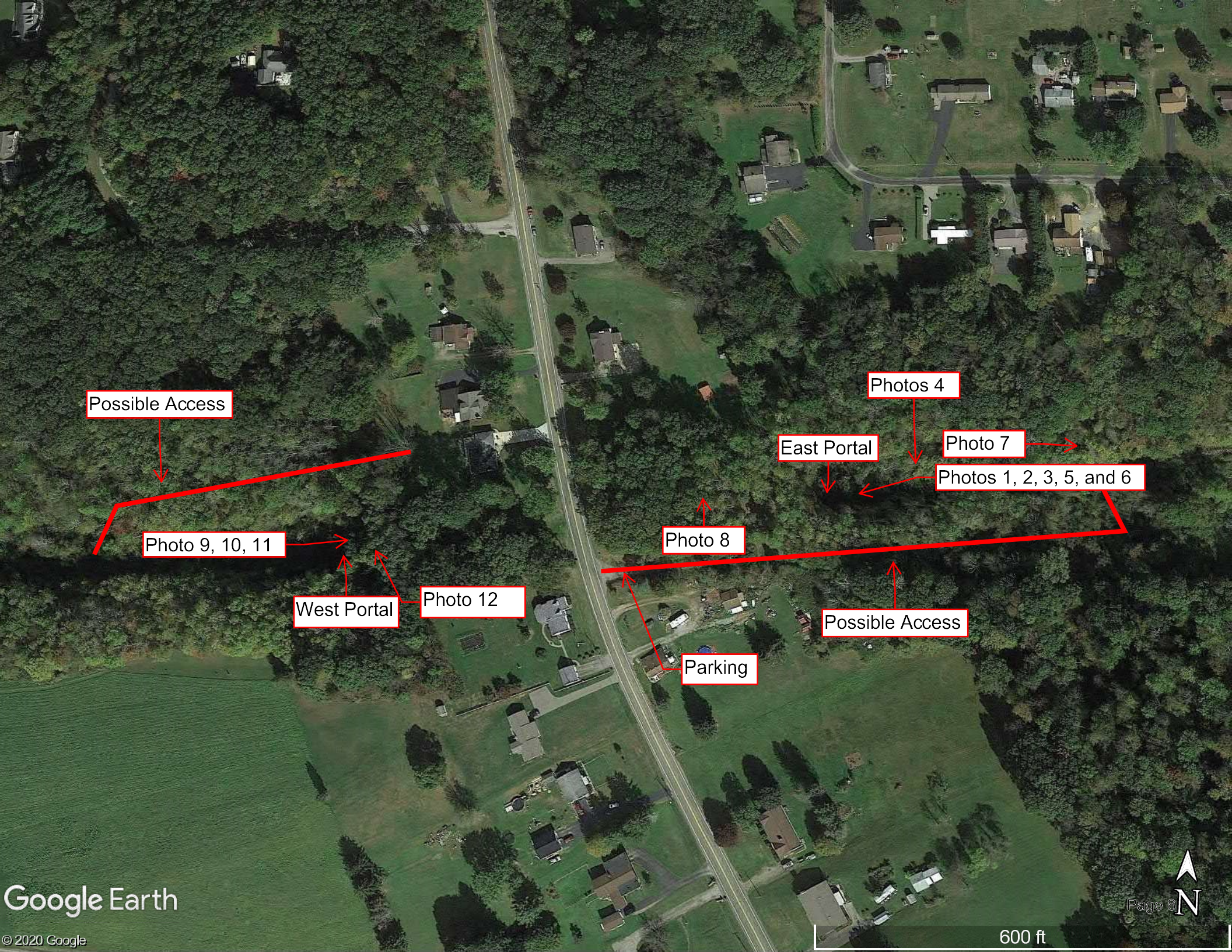


Photograph No.: *12*
Date: *1/19/2021*
Direction of View: *West*

Description

View of the west portal from above. There are no obvious signs of subsidence on the surface.




Possible Access
Photos 4
East Portal
Photo 7
Photos 1, 2, 3, 5, and 6
Photo 9, 10, 11
Photo 8
West Portal
Photo 12
Possible Access
Parking
Google Earth
© 2020 Google
600 ft
N

Magnolia Road

DOT 051 734R

B&LE RR MP- WA44.91

Abolished

Butler County

SR 268/40/2100

Kittanning Pike Rd

Tunnel Collapse



Railroad tunnel collapse – Butler County - S.R. 268 .475' south of Mossy Oak Lane.

East end tunnel opening is ~ 380' from the edge of road.

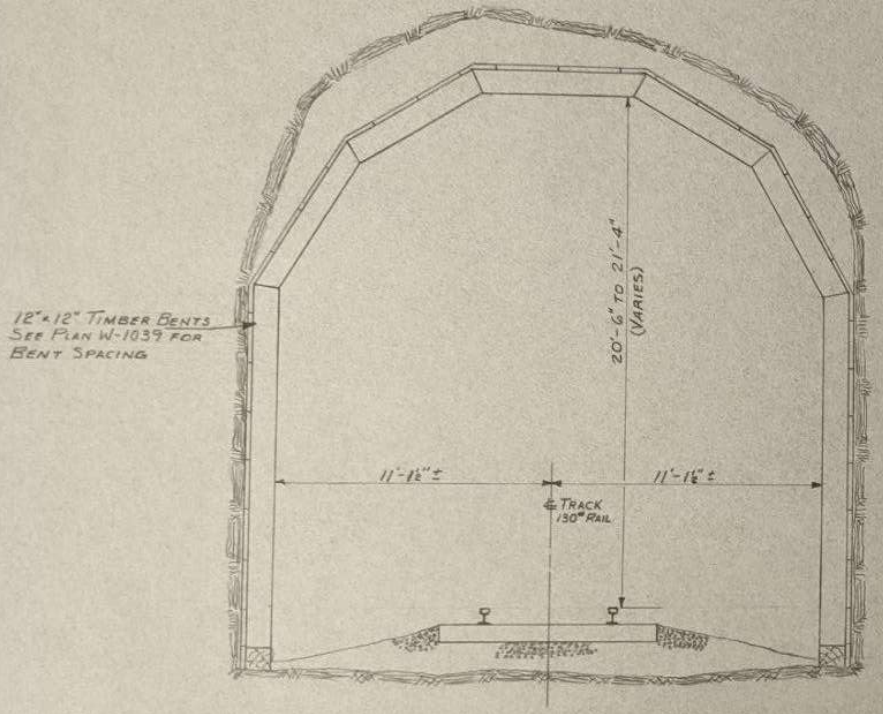
Collapse is 101' from east opening

Estimate collapse is 60' long

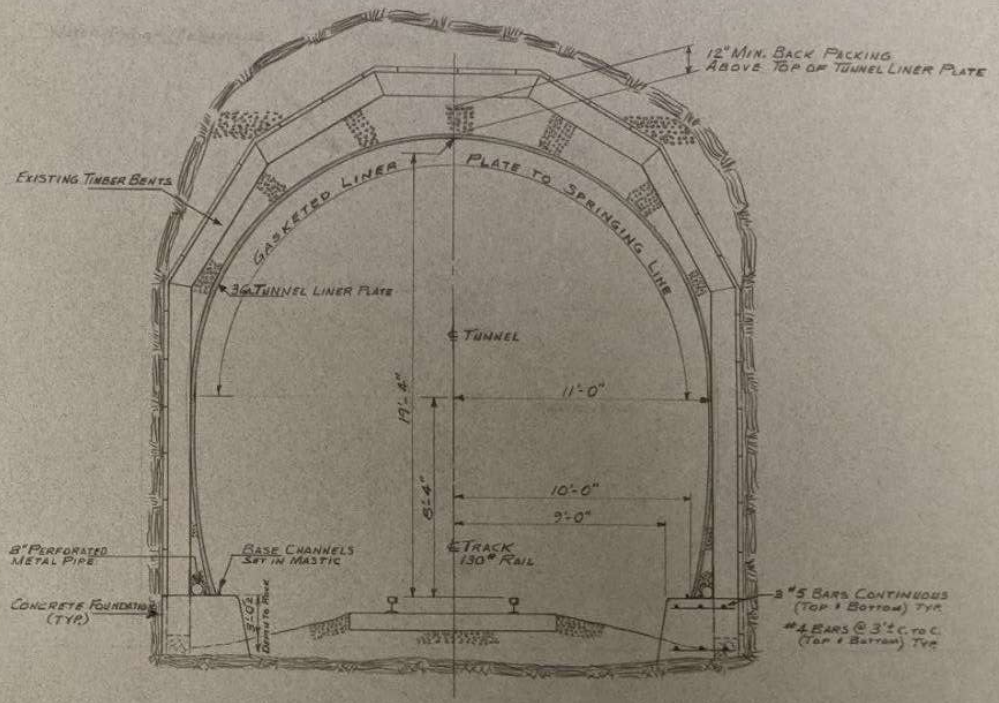
Total length of tunnel is ~675'







TYPICAL EXISTING SECTION



PROPOSED SECTION

BESSEMER AND LAKE ERIE RAILROAD COMPANY

PROPOSED TUNNEL RELINING

BLACKSBURG TUNNEL

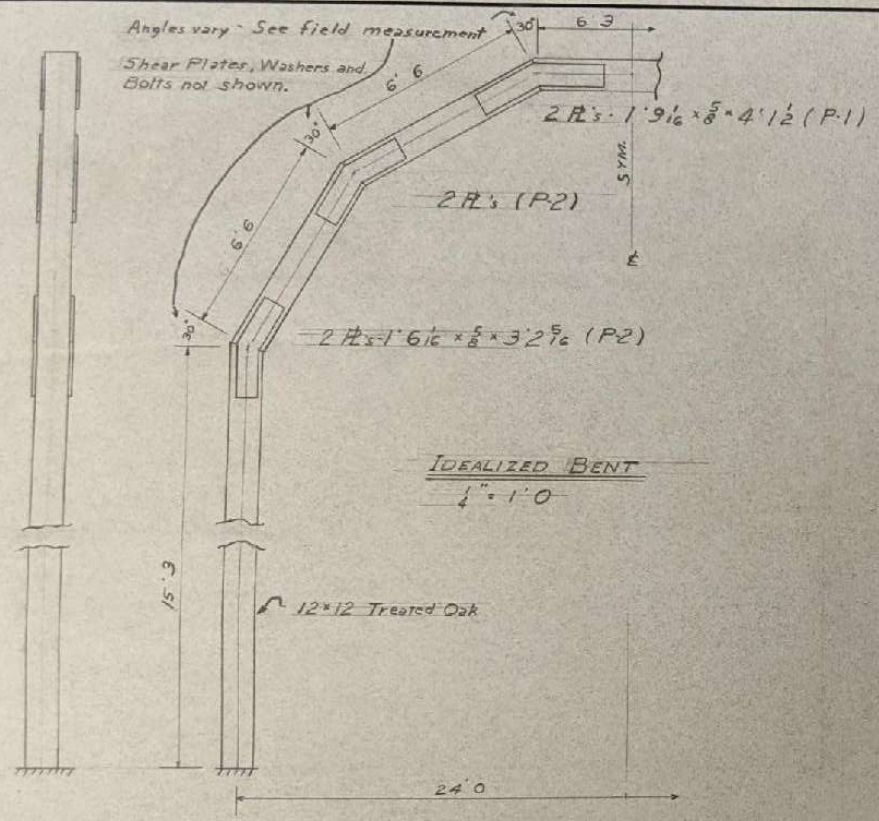
WESTERN ALLEGHENY DIVISION

OFFICE OF CHIEF ENGINEER
GREENVILLE, PA.
DRAWN BY VEH CHECKED BY EBJ CHECKED FOR SAFETY

SCALE NONE
DATE 5-15-73

X-1776

07915 X-1776



IDEALIZED BENT
1/4" = 1' 0"

BILL OF MATERIAL - ONE BENT

SHIP MK.	NO.	SHOP MK	DESCRIPTION	FT	IN	REMARKS
P-1	4		℄ 1' 9 1/16 x 5/8	4	1 1/2	
P-2	8		℄ 1' 6 1/16 x 5/8	3	2 5/16	
	80		Bolts - 3/4 ϕ	1	4	w/ HEX NUT
	160		Shear Plates - 4" ϕ			MALLEABLE IRON
	160		Washers - 3" ϕ			do - FOR 3/4" BOLT

Note: All holes 13/16".
Shear Plates are TECO No. 2 - 4" dia. of Malleable Iron.

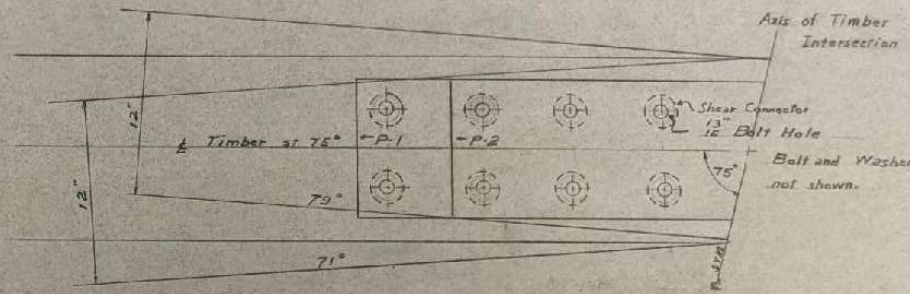
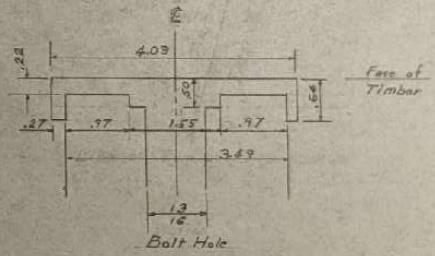
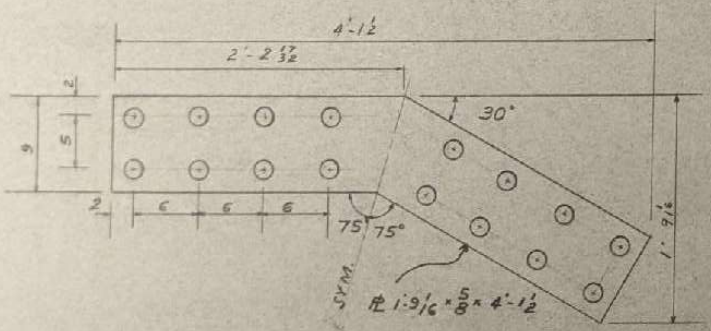


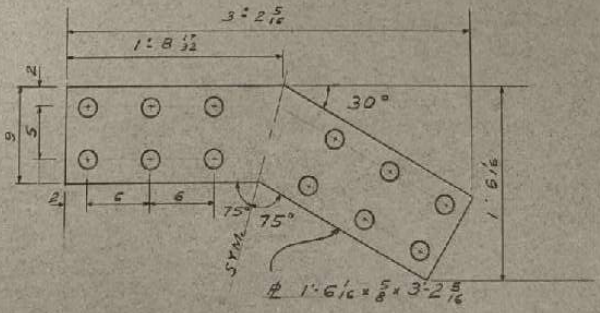
PLATE POSITION
1 1/2" = 1' 0"



CIRCULAR DAP



2 PLATES - MK P-1



4 PLATES - MK P-2

BESSEMER AND LAKE ERIE RAILROAD COMPANY

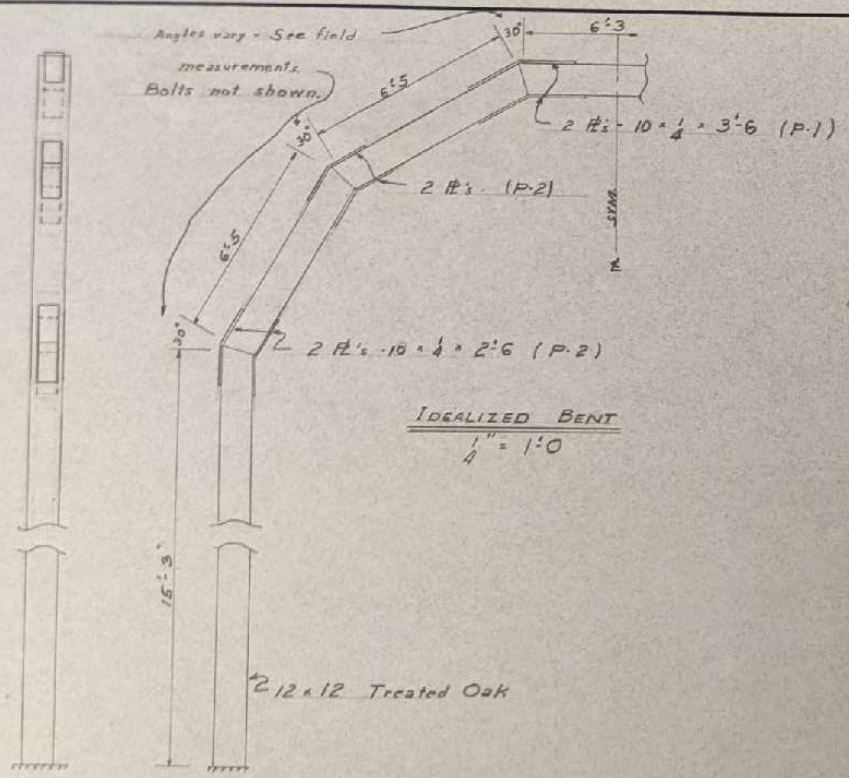
PROPOSED SPLICE PLATES FOR
TIMBER TUNNEL BENT
WESTERN ALLEGHENY TUNNEL

OFFICE OF CHIEF ENGINEER
GREENVILLE, PA.
DRAWN BY... E.M. ..CHECKED BY.....
SCALE... AS SHOWN
DATE... 12-3-69

Y-1071-B

G & W LEACH CO., PGH., PA.

08938

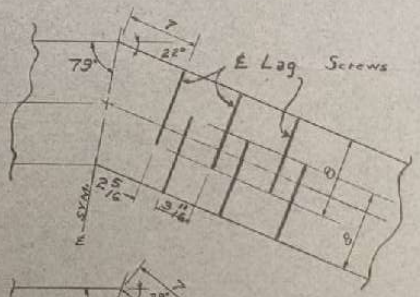


IDEALIZED BENT
1/4" = 1'-0

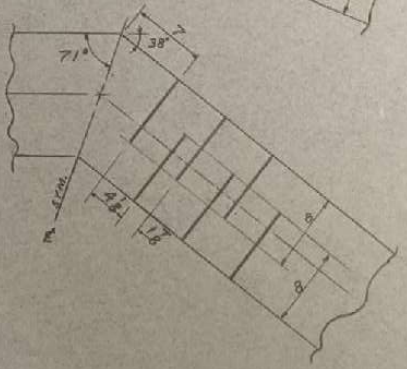
BILL OF MATERIAL - ONE BENT

SHIP MK	NO.	SHOP MK	DESCRIPTION	FT	IN	REMARKS
P-1	4		Pl 10 × 1/4	3	6	BENT AS REQUIRED
P-2	8		Pl 10 × 1/4	2	6	do
	112		LAG SCREWS - 1" ϕ	0	8	

TIMBER ANGLE
79°
PLATE BEND ANGLE
22°

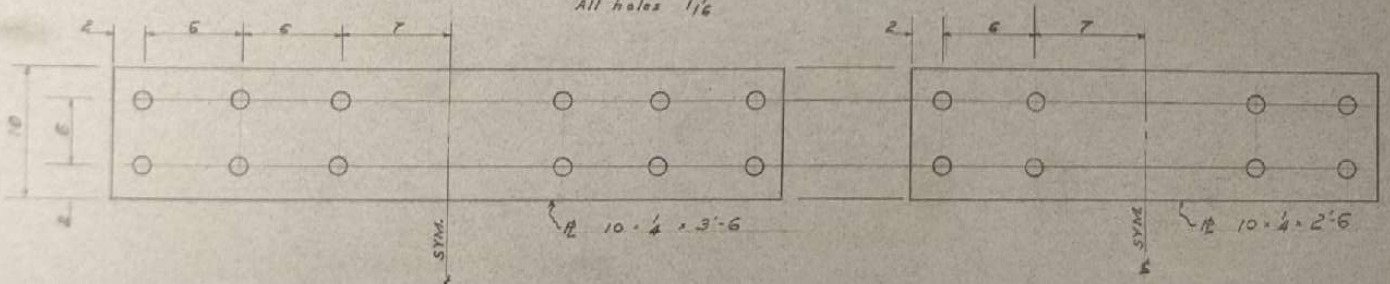


TIMBER ANGLE
71°
PLATE BEND ANGLE
38°



LAG POSITION
1" = 1'-0

NOTE: Bend plates on ℄ to PLATE BEND ANGLE = 2 × [90° - TIMBER ANGLE].
All holes 1/16



PLATES - MK P-1

PLATES - MK P-2

BESSEMER AND LAKE ERIE RAILROAD COMPANY

PROPOSED SPLICE PLATES FOR
TIMBER TUNNEL BENT
WESTERN ALLEGHENY TUNNEL

OFFICE OF CHIEF ENGINEER
GREENVILLE, PA.

SCALE AS SHOWN
DATE 12-3-68

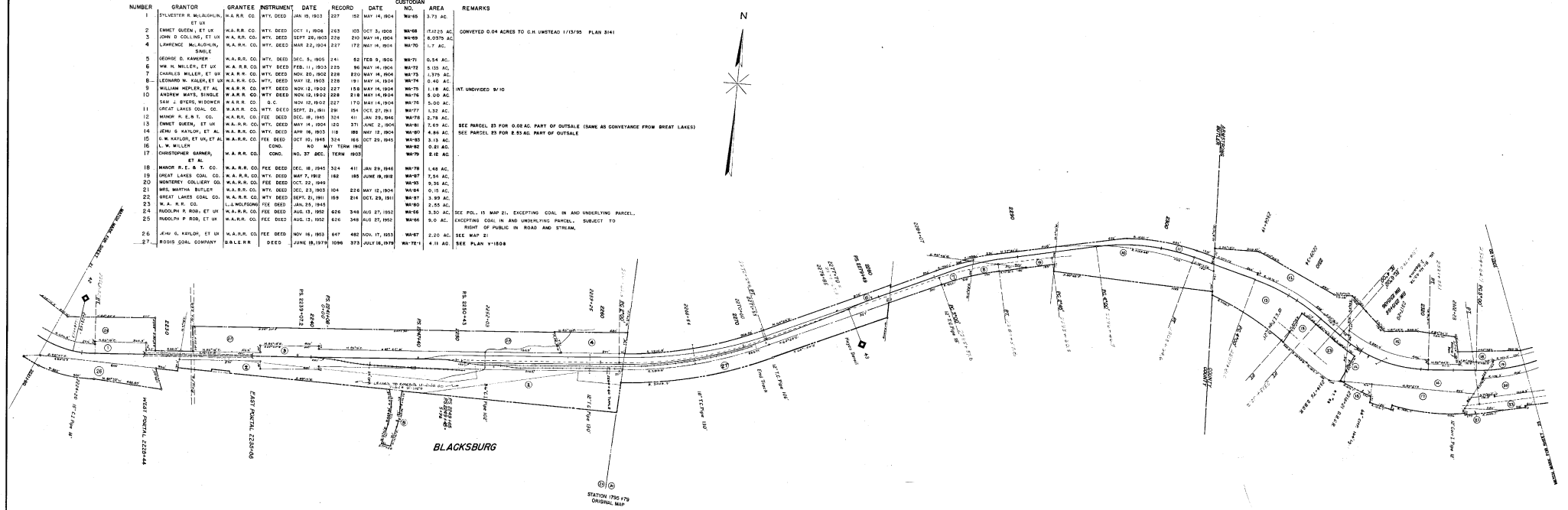
DRAWN BY F.M. CHECKED BY R.F.K.

Y-1071-A

S & W LEACH CO., PGH., PA.

08938 Y-1071-A

NUMBER	GRANTOR	GRANTEE	INSTRUMENT	DATE	RECORD		DATE	CUSTODIAN NO.	AREA	REMARKS
1	SYLVESTER R. McLAUGHLIN, ET UX	W.A. R.R. CO.	WTY. DEED	JAN 15, 1903	227	152	MAY 14, 1904	WA-65	3.73 AC.	
2	EMMET QUEEN, ET UX	W.A. R.R. CO.	WTY. DEED	OCT 1, 1908	263	103	OCT 3, 1908	WA-68	17.1225 AC.	CONVEYED 0.04 ACRES TO C.H. UMSTEAD 1/13/95 PLAN 3141
3	JOHN D COLLINS, ET UX	W.A. R.R. CO.	WTY. DEED	SEPT 28, 1903	228	210	MAY 14, 1904	WA-69	8.0575 AC.	
4	LAWRENCE McLAUGHLIN, SINGLE	W.A. R.R. CO.	WTY. DEED	MAR 22, 1904	227	172	MAY 14, 1904	WA-70	1.7 AC.	
5	GEORGE D. KAMERER	W.A. R.R. CO.	WTY. DEED	DEC. 5, 1905	241	52	FEB 9, 1906	WA-71	0.54 AC.	
6	WM. N. MILLER, ET UX	W.A. R.R. CO.	WTY. DEED	FEB. 11, 1903	225	95	MAY 14, 1904	WA-72	5.135 AC.	
7	CHARLES MILLER, ET UX	W.A. R.R. CO.	WTY. DEED	NOV. 20, 1902	228	220	MAY 14, 1904	WA-73	1.375 AC.	
8	LEONARD W. KALER, ET UX	W.A. R.R. CO.	WTY. DEED	MAY 12, 1903	228	191	MAY 14, 1904	WA-74	0.40 AC.	
9	WILLIAM HEPLER, ET AL	W.A.R.R. CO.	WTY. DEED	NOV. 12, 1902	227	158	MAY 14, 1904	WA-75	1.18 AC.	INT. UNDIVIDED 9/10
10	ANDREW MAYS, SINGLE	W.A.R.R. CO.	WTY. DEED	NOV. 12, 1902	228	218	MAY 14, 1904	WA-76	5.00 AC.	
	SAM J. BYERS, WIDOWER	W.A.R.R. CO.	Q.C.	NOV. 12, 1902	227	170	MAY 14, 1904	WA-76	5.00 AC.	
11	GREAT LAKES COAL CO.	W.A.R.R. CO.	WTY. DEED	SEPT. 21, 1911	236	154	OCT. 27, 1911	WA-77	1.32 AC.	
12	MANOR R. E. & T. CO.	W.A. R.R. CO.	FEE DEED	DEC. 18, 1945	324	411	JAN 29, 1946	WA-78	2.78 AC.	
13	EMMET QUEEN, ET UX	W.A. R.R. CO.	WTY. DEED	MAY 14, 1904	120	371	JUNE 2, 1904	WA-81	7.69 AC.	SEE PARCEL 23 FOR 0.08 AC. PART OF OUTSALE (SAME AS CONVEYANCE FROM GREAT LAKES)
14	JENU G. KAYLOR, ET AL	W.A. R.R. CO.	WTY. DEED	APR 16, 1903	118	188	MAY 12, 1904	WA-90	4.86 AC.	SEE PARCEL 23 FOR 2.53 AC. PART OF OUTSALE
15	G. W. KAYLOR, ET UX, ET AL	W.A.R.R. CO.	FEE DEED	OCT 10, 1945	324	165	OCT 29, 1945	WA-83	3.13 AC.	
16	L. W. MILLER		COND.	NO	MAY TERM 1912			WA-82	0.21 AC.	
17	CHRISTOPHER GARNER, ET AL	W. A. R.R. CO.	COND.	NO. 37 DEC.	TERM	1903		WA-79	2.12 AC.	
18	MANOR R. E. & T. CO.	W.A. R.R. CO.	FEE DEED	DEC. 18, 1945	324	411	JAN 29, 1946	WA-78	1.40 AC.	
19	GREAT LAKES COAL CO.	W. A. R.R. CO.	WTY. DEED	MAY 7, 1912	182	185	JUNE 19, 1912	WA-87	7.56 AC.	
20	MONTEREY COLLIERY CO.	W.A.R.R. CO.	FEE DEED	OCT. 22, 1949				WA-93	9.36 AC.	
21	MRS. MARTHA BUTLER	W.A. R.R. CO.	WTY. DEED	DEC. 23, 1903	104	226	MAY 12, 1904	WA-84	0.15 AC.	
22	GREAT LAKES COAL CO.	W.A. R.R. CO.	WTY DEED	SEPT. 21, 1911	159	214	OCT. 29, 1911	WA-97	3.99 AC.	
23	W. A. R.R. CO.	L.L.WOLFGANG	FEE DEED	JAN. 25, 1945				WA-80	2.53 AC.	
24	RUDOLPH P. ROB, ET UX	W.A.R.R. CO.	FEE DEED	AUG. 13, 1952	626	348	AUG 27, 1952	WA-66	3.30 AC.	SEE POL. 15 MAP 21. EXCEPTING COAL IN AND UNDERLYING PARCEL.
25	RUDOLPH P ROB, ET UX	W.A.R.R. CO.	FEE DEED	AUG. 13, 1952	626	348	AUG 27, 1952	WA-66	9.0 AC.	EXCEPTING COAL IN AND UNDERLYING PARCEL. SUBJECT TO RIGHT OF PUBLIC IN ROAD AND STREAM.
26	JENU G. KAYLOR, ET UX	W.A.R.R. CO.	FEE DEED	NOV 16, 1953	647	482	NOV. 17, 1953	WA-67	2.20 AC.	SEE MAP 21
27	RODIS COAL COMPANY	B.&L.E.R.R.	DEED	JUNE 19, 1979	1096	373	JULY 16, 1979	WA-72-1	4.11 AC.	SEE PLAN V-1808


N
BLACKSBURG
STATION 1795+79
ORIGINAL MAP
WEST PORTAL 2228+44
EAST PORTAL 2238+06
Point Beach
Point Beach
Old Track
Old Track
Old Track

Appendix E -
Real Estate Documents

Instr:200211080037746 11/08/2002
Pages:5 F:$40.50 2:30PM
Michele Mustello T20020037129
Butler County Recorder MLWESTERN

MONITEAU SCHOOL DIST $226.28
CLAY TWP $226.28
KARNS CITY AREA SCHO $571.50
FAIRVIEW TWP $571.49
TOTAL TAX $5584.43

THIS QUIT CLAIM DEED

MADE THE 24th of October in the year of our Lord two thousand and two (2002)

200211080037746
11/08/2002 2:30:40PM T20020037129
PA TRF TAX $2901.00
MONITEAU SCHOOL DIST $543.94
CONCORD TWP $543.94

BETWEEN

BESSEMER AND LAKE ERIE RAILROAD COMPANY, whose address is 135 Jamison Lane, P. O. Box 68, Monroeville, PA 15146, a corporation organized and existing under the laws of the state of Delaware, (hereinafter called "Grantor"),

AND AFFIDAVIT FILED

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, whose address is 121 Maier Lane, West Sunbury, PA 16061, (hereinafter called "Grantee");

WITNESSETH, that the Grantor, for and in consideration of the sum of Two Hundred Ninety Thousand and One Hundred Dollars and zero cents ($290,100.00), lawful money of the United States of America, unto it well and truly paid by the Grantee, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has remised, released and quit claimed, and by these presents does remise, release and forever quit claim unto the Grantee, itself, its heirs and assigns,

ALL THAT CERTAIN tract of land situate in Clay, Fairview and Concord Townships, Butler County, and Brady's Bend Township, Armstrong County, Commonwealth of Pennsylvania, consisting of approximately three hundred ninety-four (394) acres, more or less, and a six hundred foot (600') viaduct, together with all rights, privileges and easements appurtenant thereto (collectively the "Premises"). Being the property conveyed to Grantor herein by virtue of Butler County Deed Book Volume 885, page 1062 and Armstrong County Deed Book Volume 510, page 27.

This transfer is subject to all legal highways and to all prior conveyances of coal and mining rights, oil and gas leases, rights of way and easements affecting the herein described tracts of land in instruments of record.

TO HAVE AND TO HOLD the said premises with all and singular the appurtenances, unto the said Grantee, its heirs and assigns, to and for the only proper use and behoove of the said Grantee, its heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

ATTEST:

A Bradley Cramer Jr.
Assistant Secretary

BESSEMER AND LAKE ERIE
RAILROAD COMPANY

By: J. Giles
J. E. Giles
President and Chief Executive
Officer

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:
Andrea C. Parente

William G. Bamhard

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF ALLEGHENY)

On this, the 24th day of October, 2002, before me the undersigned officer, personally appeared J. E. Giles, who acknowledged himself to be the President and Chief Executive Officer of Bessemer and Lake Erie Railroad Company, a corporation, and that he as such President and Chief Executive Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President and Chief Executive Officer.

In witness whereof, I hereunto set my hand and official seal.

Patricia L. Kirk
Notary Public

Notarial Seal
Patricia L. Kirk, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires July 13, 2004

CERTIFICATE OF RESIDENCE

I, Andrea C. Parenti, do hereby certify that the precise residence and complete post office address of the within named Grantee is 121 Maier Lane, West Sunbury, PA 16061.

This 24 day of October, 2002

Andrea C. Parenti
Agent for Grantee

QUIT CLAIM DEED

From

BESSEMER AND LAKE ERIE RAILROAD COMPANY

To

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Recorder, return to:
Western Allegheny Landowners Association
121 Maier Lane
West Sunbury, PA 16061

DILLON McCANDLESS KING
128 W. CUNNINGHAM ST
BUTLER PA 16001

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF _____)

RECORDED on this _____ day of _____, A.D. 2002, in the Recorder's Office of the said County, in Record Book Volume _____, Page _____.

Given under my hand and seal of the said office, the date above written.

_____, Recorder.

REV-183 EX (6-96)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	2901.00
Book Number	Inst#
Page Number	200211080037746
Date Recorded	11-8-02

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name	Telephone Number: Area Code
Dillon McCandless King Coulter & Graham	(724) 283-2200

Street Address	City	State	Zip Code
128 W. Cunningham St	Butler	PA	16001

B TRANSFER DATA

Date of Acceptance of Document

Grantor(s)/Lessor(s)	Grantee(s)/Lessee(s)
Bessemer and Lake Erie Railroad Company	Western Allegheny Landowners Association
Street Address: 135 Jamison Lane, P.O. Box 68	Street Address: 121 Maier Lane
City: Monroeville	City: West Sunbury
State: PA	State: PA
Zip Code: 15146	Zip Code: 16061

C PROPERTY LOCATION

Street Address	City, Township, Borough
	Clay, Fairview and Concord Twps. in Butler Co.; Brady's Bend Twp in Armstrong Co.

County	School District	Tax Parcel Number
Butler and Armstrong	~~Moniteau~~ and Karns ~~City~~	

D VALUATION DATA

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
290,100.00	+ 0.00	= 290,100.00
4. County Assessed Value	**5. Common Level Ratio Factor**	**6. Fair Market Value**
	×	=

E EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed

2. Check Appropriate Box Below for Exemption Claimed

- ☐ Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- ☐ Transfer to Industrial Development Agency.
- ☐ Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- ☐ Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- ☐ Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- ☐ Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____.
- ☐ Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- ☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- ☒ Other (Please explain exemption claimed, if other than listed above.) Property is located almost entirely in Butler County in the municipalities of Clay, Fairview, and Concord Townships. The $2,901.00 local transfer tax amount should be distributed as follows: $1,087.88 to Concord Township; $452.56 to Clay Township and $1,142.99 to Fairview Township. The remaining $217.57 is payable to Brady's Bend Township, ~~Armstrong County.~~

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party	Date
Michael C. Marks	11-8-02

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

Instr:200306180026406 06/18/2003
Pages:4 F:$38.50 9:25AM
Michele Mustello T20030024978
Butler County Recorder MLM/M WILL

200306180026406
06/18/2003 9:25:20AM T20030024978
PA TRF TAX $228.40
KARNS CITY AREA SCHO $114.20
FAIRVIEW TWP $114.20
TOTAL TAX $456.80

THIS INDENTURE

Made the 21 *day of* May, *2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation,*** *with an address of* ***121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***WILLIAM G. BARNHART and KAY D. BARNHART, husband and wife, of 136 Boosel Road, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***TWENTY-TWO THOUSAND EIGHT HUNDRED FORTY AND 00/100 ($22,840.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and the center of S.R. 0268, Kittanning Pike, at line of lands now or formerly Edith Hill, said point being the Southwest corner of the herein described tract; Thence along the center of S.R. 0268, Kittanning Pike, N 15° 07' W, a distance of 123.2 feet more or less to a point on the centerline of said railroad and line of lands to be conveyed to Ronald E. and Madeline E. Stitt; Thence along lands to be conveyed to Ronald E. and Madeline E. Stitt, S 87° 34' 15" E, a distance of 468.7 feet more or less to a point; Thence along same, N 04° 45' W, a distance of 258.5 feet more or less to a point on the Northern right-of-way line of said railroad; Thence along the said Northern right-of-way and lands of the K.E. Griffiths Plan of lots, N 85° 15' E, a distance of 1150.2 feet more or less to a point on line of lands to be conveyed to Robert L., Jr. and Linda L. Livingston; Thence along said lands to be conveyed to Robert L., Jr. and Linda L. Livingston, S 04° 55' E, a distance of 199.9 feet more or less to a point on the centerline of said railroad; Thence along the centerline and lands to be conveyed to Robert L., Jr. and Linda L. Livingston and lands to be conveyed to Jack R. and Margretta L. Dittman, N 85° 15' E, a distance of 1311.8 feet more or less to a point of curvature; Thence along the centerline of said railroad and lands to be conveyed to Jack R. and Margretta L. Dittman, by a curve to the left, having a radius of 2864.93 feet, an arc distance of 24.5 feet more or less to a point on line of lands to be conveyed to the Bradys Bend Corp; Thence along the said lands to be conveyed to Bradys Bend Corp and lands now or formerly of the Rochester & Pittsburgh Coal Company, S 02° 21' W, a distance of 400.0 feet more or less to a point on line of lands now or formerly of the Ridgeview Country Club; Thence along the lands of the Ridgeview Country Club the following nine (9) courses, 1) Thence N 89° 17' W, a distance of 1473.8 feet more or less to a point on a curve; 2) Thence by a curve to the left, having a radius of 1176.59 feet, an arc distance of 113.0 feet, and a chord bearing, S 00° 00' 25" E, a distance of 112.96 feet to a point of reverse curvature; 3) Thence by a curve to the right, having a radius of 508.34 feet, an arc distance of 137.0 feet, and a chord bearing, S 04° 57' 45" W, a distance of 136.59 feet to a point of tangency; 4) Thence S 12° 41' W, a distance of 141.0 feet to a point; 5) Thence N 77° 19' W, a distance of 60.0 feet to a point; 6) Thence N 12° 41' E, a distance of 141.0 feet to a point of curvature; 7) Thence by a curve to the left, having a radius of 448.34 feet, an arc distance of 120.8 feet more or less, and a chord bearing, N 04° 57' 45" E, a distance of 120.46 feet to a point of compound curvature; 8) Thence by a curve to the left, having a radius of 1178.59 feet, an arc distance of 117.4 feet more or less, and a chord bearing, N 05° 45' 40" W, a distance of 117.33 feet to a point; 9) Thence N 89° 17' W, a distance of 1118.39 feet more or less to a point on line of lands now or formerly Edith Hill; Thence along said lands of Edith Hill the following four (4) courses, 1) Thence N 00° 43' E, a distance of 15.0 feet to a point; 2) Thence N 89° 17' W, a distance of 120.0 feet to a point; 3) Thence S 00° 43' W, a distance of 15.0 feet to a point; 4) Thence N 89° 17' W, a distance of 109.28 feet to a point in the center of S.R. 0268, the PLACE OF BEGINNING.

CONTAINING 22.84 acres more or less and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and part of the lands conveyed by Rudolph P. Rob, et ux, to the Western Allegheny Railroad Company by Deed dated August 13, 1952 and recorded in Deed Book Vol. 626 Page 348, and all of the lands conveyed by George D. Kamerer to the Western Allegheny Railroad Company by Deed dated December 5, 1905 and recorded in Deed Book Vol. 241 Page 52.

BEING a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.

*with appurtenances. **To Have and To Hold** all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns **Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, the said Grantor has hereunto set its hand and seal the day and year first above written.

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ (SEAL)
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST: _____

_____ _____

COMMONWEALTH OF PENNSYLVANIA :

: *ss*

COUNTY OF BUTLER :

ON THIS, the 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

MY COMMISSION EXPIRES:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantees is: ***136 Boosel Road, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parente

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello - Recorder of Deeds

Recorded _____ Number _____

D E E D

Volume _____ Page _____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

WILLIAM G. BARNHART and KAY D. BARNHART, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

WILLIAM G. BARNHART
KAY D. BARNHART
136 Boosel Road
Chicora, PA 16025

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Instr:200306180026571 06/18/2003
Pages:4 F:$38.50 12:12PM
Michele Mustello T20030025070
Butler County Recorder MLDEAN M T

THIS INDENTURE

200306180026571
06/18/2003 12:12:29PM T20030025070
PA TRF TAX $42.30
KARNS CITY AREA SCHO $21.15
FAIRVIEW TWP $21.15
TOTAL TAX $84.60

Made the 21 *day of* May *, 2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation, with an address of 121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife, of 1270 Kittanning Pike, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***FOUR THOUSAND TWO HUNDRED THIRTY AND 00/100 ($4,230.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and the center of Kittanning Pike, at line of other lands of Dean M. and Patricia A. Tascarella, said point being the Southeast corner of the herein described tract; Thence along said Southern right-of-way line and other lands of Dean M. and Patricia A. Tascarella, N 89° 17' W, a distance of 130.6 feet more or less to a point; Thence by other lands of Dean M. and Patricia A. Tascarella, S 02° 18' W, a distance of 20.0 feet to a point; Thence by same, N 88° 27' W, a distance of 148.2 feet more or less to a point; Thence by same; S 18° 49' E, a distance of 150.3 feet more or less to a point on line of lands now or formerly C.A. McKenzie; Thence along lands of C.A. McKenzie and lands now or formerly T.F. Beck, Sr., N 84° 47' W, a distance of 468.6 feet to a point on a curve; Thence along lands of T.F. Beck, Sr. by a curve to the right, having a radius of 873.66 feet, an arc distance of 393.0 feet more or less and a chord bearing, N 81° 51' 50" W, a distance of 389.7 feet more or less to a point of tangency; Thence continuing along lands of T.F. Beck, Sr., N 64° 57' W, a distance of 109.1 feet more or less to a point on line of lands now or formerly of the Petroleum Valley Youth Coalition; Thence along the lands of the Petroleum Valley Youth Coalition and lands to be conveyed to Donald C., Jr. and Carol L. McCollough, N 03° 06' W, a distance of 192.4 feet more or less to a point on the centerline of said railroad right-of-way; Thence along said centerline and lands to be conveyed to Thomas H. and Anna Marie Sherwin, by a curve to the left, having a radius of 716.78 feet, an arc distance of 514.4 feet more or less to a point of tangency; Thence along same, N 85° 15' E, a distance of 367.1 feet more or less to a point; Thence along lands to be conveyed to Thomas H. and Anna Marie Sherwin, S 36° 52' 10" E, a distance of 48.6 feet to a point; Thence by same, N 77° 11' 55" E, a distance of 293.9 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, S 15° 07' E, a distance of 102.4 feet more or less to a point; the PLACE OF BEGINNING.

CONTAINING 4.23 acres more or less and being a part of the lands conveyed by Sylvester R. McLaughlin to the Western Allegheny Railroad Company by Deed dated January 15, 1903 and recorded in Deed Book Vol. 227 Page 152, and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and also being a part of the lands conveyed by Jehu G. Kaylor, et ux, to the Western Allegheny Railroad Company by Deed dated November 16, 1953 and recorded in Deed Book Vol. 647 Page 482.

BEING a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.

with appurtenances. ***To Have and To Hold*** *all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns* ***Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, *the said Grantor has hereunto set its hand and seal the day and year first above written.*

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:

_____ _____

_____

COMMONWEALTH OF PENNSYLVANIA :

: *ss*

COUNTY OF BUTLER :

ON THIS, the 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

MY COMMISSION EXPIRES:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantee(s) is: ***1270 Kittanning Pike, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parente

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Recorded	Number
_____	_____

D E E D

Volume	Page
_____	_____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

DEAN M. TASCARELLA
PATRICIA A. TASCARELLA
1270 Kittanning Pike
Chicora, PA 16025

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Instr:200311140051557 11/14/2003
Pages:4 F:$39.00 2:45PM
Michele Mustello T20030047329
Butler County Recorder MLM/M DEA

DEED

THIS INDENTURE, MADE the 14th day of Nov., 2003,

BETWEEN DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife, of 1270 Kittanning Pike, Chicora, Pennsylvania 16025, parties of the first part,

AND **DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife,** of 1270 Kittanning Pike, Chicora, Pennsylvania 16025, as tenants by the entireties, parties of the second part:

WITNESSETH, that the said parties of the first part, in consideration of the sum of **ONE and 00/100 ($1.00) DOLLAR**, to them now paid by the said parties of the second part, do grant, bargain, sell and convey unto the said parties of the second part, their heirs and assigns,

ALL that certain piece, parcel or tract of land situate in Fairview Township, Butler County, Pennsylvania, bounded and described as follows:

PARCEL ONE:

BEGINNING at the Southeast corner of the parcel herein described in the center line of Route 268, said point being common to the Northeast corner of lands of now or formerly Clayton A. McKenzie; thence by now or formerly McKenzie, the following six courses and distances: South 71° 42' West, 109.43 feet; thence North 26° 07' West, 16 feet; thence South 72° 41' West, 146.97 feet; thence North 18° 24' West, 44.14 feet; thence North 84° 28' West, 7.49 feet; thence North 18° 22' West, 149.60 feet; thence continuing along lands of the Bessemer and Lake Erie Railroad Company, the following three courses and distances: South 88° 14' East, 140.15 feet to a stone corner; thence North 03° 18' East, 20 feet to a point; thence South 88° 14' East, 134.19 feet to a point in the center line of Route 268; thence by the same the following two courses and distances: South 15° 38' East, 20.96 feet; thence South 19° 04' East, 118.68 feet to a point, the place of beginning.

HAVING thereon erected a dwelling house and garage and containing 0.945 of an acre per the survey of Thomas H. Weibel, P.L.S., dated July 16, 1987.

BEING the same premises conveyed to the Grantors by Homer C. McKenzie and Jean O. McKenzie, by virtue of deed dated July 24, 1987, and recorded in the Office of Recorder of Deed of Butler County, Pennsylvania, in Deed Book Volume 1358, Page 124.

PARCEL TWO:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lakè Erie Railroad, former Western Allegheny Railroad Company and the center of Kittanning Pike, at line of other lands of Dean M. and Patricia A. Tascarella, said point being the Southeast corner of the herein described tract; Thence along said Southern right-of-way line and other lands of Dean M. and Patricia A. Tascarella, N 89° 17' W, a distance of 130.6 feet more or less

to a point; Thence by other lands of Dean M. and Patricia A. Tascarella, S 02° 18' W, a distance of 20.0 feet to a point; Thence by same, N 88° 27' W, a distance of 148.2 feet more or less to a point; Thence by same; S 18° 49' E, a distance of 150.3 feet more or less to a point on line of lands now or formerly C.A. McKenzie; Thence along lands of C.A. McKenzie and lands now or formerly T.F. Beck, Sr., N 84° 47' W, a distance of 468.6 feet to a point on a curve; Thence along lands of T.F. Beck, Sr. by a curve to the right, having a radius of 873.66 feet, an arc distance of 393.0 feet more or less and a chord bearing, N 81° 51' 50" W, a distance of 389.7 feet more or less to a point of tangency; Thence continuing along lands of T.F. Beck, Sr., N 64° 57' W, a distance of 109.1 feet more or less to a point on line of lands now or formerly of the Petroleum Valley Youth Coalition; Thence along the lands of the Petroleum Valley Youth Coalition and lands to be conveyed to Donald C., Jr. and Carol L. McCollough, N 03° 06' W, a distance of 192.4 feet more or less to a point on the centerline of said railroad right-of-way; Thence along said centerline and lands to be conveyed to Thomas H. and Anna Marie Sherwin, by a curve to the left, having a radius of 716.78 feet, an arc distance of 514.4 feet more or less to a point of tangency; Thence along same, N 85° 15' E, a distance of 367.1 feet more or less to a point; Thence along lands to be conveyed to Thomas H. and Anna Marie Sherwin, S 36° 52' 10" E, a distance of 48.6 feet to a point; Thence by same, N 77° 11' 55" E, a distance of 293.9 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, S 15° 07' E, a distance of 102.4 feet more or less to a point; the PLACE OF BEGINNING.

CONTAINING 4.23 acres more or less and being a part of the lands conveyed by Sylvester R. McLaughlin to the Western Allegheny Railroad Company by Deed dated January 15, 1903 and recorded in Deed Book Vol. 227 Page 152, and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and also being a part of the lands conveyed by Jehu G. Kaylor, et ux, to the Western Allegheny Railroad Company by Deed dated November 16, 1953 and recorded in Deed Book Vol. 647 Page 482.

BEING the same premises conveyed to Dean M. Tascarella and Patricia A. Tascarella, husband and wife, by deed of Western Allegheny Landowners Association, Inc., dated May 21, 2003, and recorded in the Office of Recorder of Deeds of Butler County, Pennsylvania, at Instrument No. 200306180026571.

THIS DEED WAS PREPARED FOR THE PURPOSE OF INCORPORATING TWO TRACTS INTO ONE DEED, THEREFORE NO TRANSFER TAXES ARE REQUIRED. From husband + wife to themselves..

with the appurtenances: **TO HAVE AND TO HOLD** the same unto and for the use of the said parties of the second part, their heirs and assigns forever,

And the said parties of the first part, for themselves, their heirs, executors and administrators covenant with the said parties of the second part, their heirs and assigns against all lawful claimants the same and every part thereof to Warrant and Defend.

NOTICE--THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY

HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section I of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

WITNESS the hands and seals of the said parties of the first part.

Witness:

_____ Dean M Tascarella (SEAL)
DEAN M. TASCARELLA

_____ Patricia A Tascarella (SEAL)
PATRICIA A. TASCARELLA

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS:

_____ _____

_____ _____

COMMONWEALTH OF PENNSYLVANIA :
: ss.
County of Butler :

On this the 14th day of Nov., A.D. 2003, before me, a Notary Public, personally appeared **DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife,** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

My commission expires:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I, the undersigned, do hereby certify that grantees' precise residence is: 1270 Kittanning Pike, Chicora, Pennsylvania 16025.

Witness my hand this 14 day of November, 2003.

Andrea C. Parenti

Recorded _____ Number _____

Vol. _____ Page _____

DEED

(Adopted)

From

DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife,

to

DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

Mr. and Mrs. Dean M. Tascarella
1270 Kittanning Pike
Chicora, PA 16025

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello
Michele M. Mustello - Recorder of Deeds

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Bessemer & Lake Erie Railroad Company

B&LE Exhibit 15

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DISTRICT MINING OPERATIONS
25 Technology Drive, California Technology Park, Coal Center, PA 15423
(724) 769-1100 www.dep.pa.gov/mining

COAL STATUS REPORT – BITUMINOUS COAL REGION

NAME: Bill Confair

ADDRESS: AECOM
707 Grant St., 5th Floor
Pittsburgh, PA 15219

SITE ADDRESS / LOCATION:
40.971838, -79.714343

Latitude:40º 58' 18.6"N Longitude:79º 42' 51.6"W

MUNICIPALITY: Fairview Twp.
COUNTY: Butler
USGS QUADRANGLE: Chicora

PURPOSE OF REPORT:
☐ MSI ☐ O & G ☒ OTHER

COAL SEAM RESEARCHED: Upper Freeport
MINE NAME: Kincaid Mine
OPERATOR: Butler Consolidated Coal Co.
LAST MINING DATE: Prior to 1935

SURFACE ELEVATION: 1,410 FEET +/-
COAL SEAM ELEVATION: 1,300 FEET +/-
COVER* (OVERBURDEN): 110 FEET +/-

MINING UNDER OR NEAR THIS SITE: ☒ Yes ☐ No ☐ Future Possibility ☐ Unknown ☐ Coal Seam Non-Existent

REMARKS:
The site is located near an abandoned mine on the Upper Freeport coal seam and mining is complete.

REFERENCE SOURCES CHECKED

☒ WPA MAPPING
☒ CDO MINE MAP INDEX
☒ DETAILED MINE MAP
☒ COAL RESOURCES OF Butler County
☐ OTHER

☒ OSM MICROFILM
☐ BITUMINOUS COAL FIELDS OF PA PART II (SISLER)
☐ US GEOLOGICAL SURVEY FOLIOS
☐ MINERAL RESOURCE REPORT 68 – Coal Distribution & Thickness

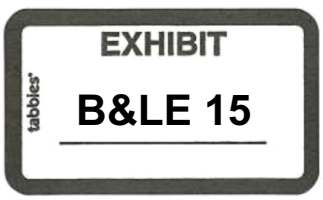
REPORT INFORMATION OBTAINED FROM: Coal Resources Mapping and WPA Mapping

BY: Mara Evans **DATE:** 7/28/2021

***COVER = Vertical distance between the ground surface and the coal seam.**

Please note: This report is for informational purposes only and should not be considered an evaluation or assessment of environmental risks, liabilities, and/or concerns at the site. The information in this Coal Status Report is for the indicated point location only. Coal Status Reports are for underground coal mining information only. Information pertaining to surface coal mines and/or industrial mineral (non-coal) surface and underground mines is available from the applicable DEP District Mining Office for your site. Please visit www.dep.pa.gov/Business/Land/Mining/BureauofDistrictMining for further information.

Disclaimer: The information contained in this report may have been compiled from various sources. The Department cannot guarantee, and assumes no responsibility for, the accuracy, completeness, and/or veracity of the information in the report. The Department disclaims any responsibility for any actions, or the lack thereof, taken in reliance on the information contained in the report. The user agrees that the Department, its employees, officers, agents, or contractors will not be liable for any damages or losses resulting directly or indirectly from the use of, or reliance on, the information contained in the report.





pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

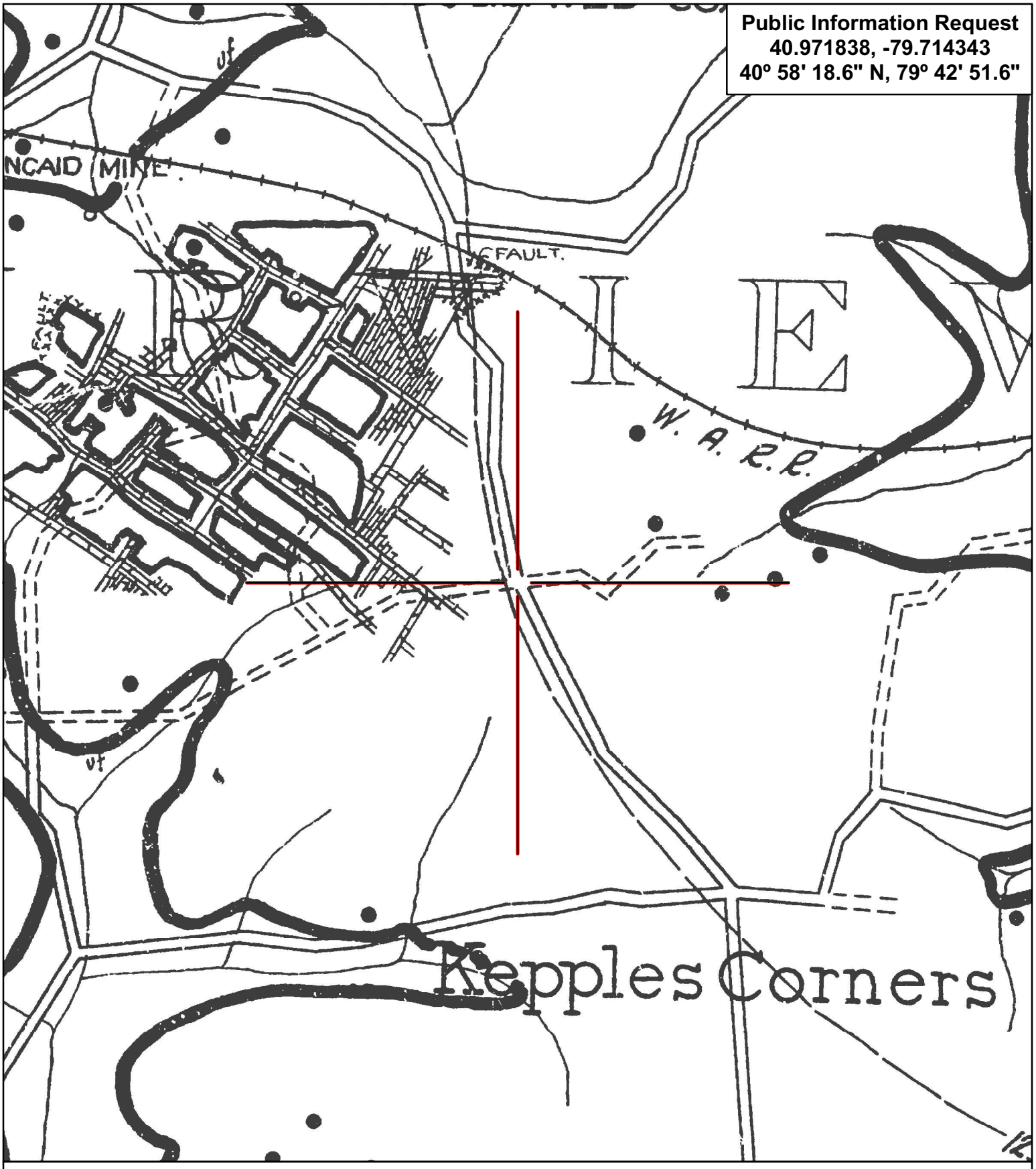
This map was prepared using information considered to be the best historic data available. The Department cannot verify the accuracy or completeness of this information or alignment of images.

Scale: 1 inch = 200 feet

N

Aerial Map

Imagery Source:
PA's Aerial Imagery Program, PEMA



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

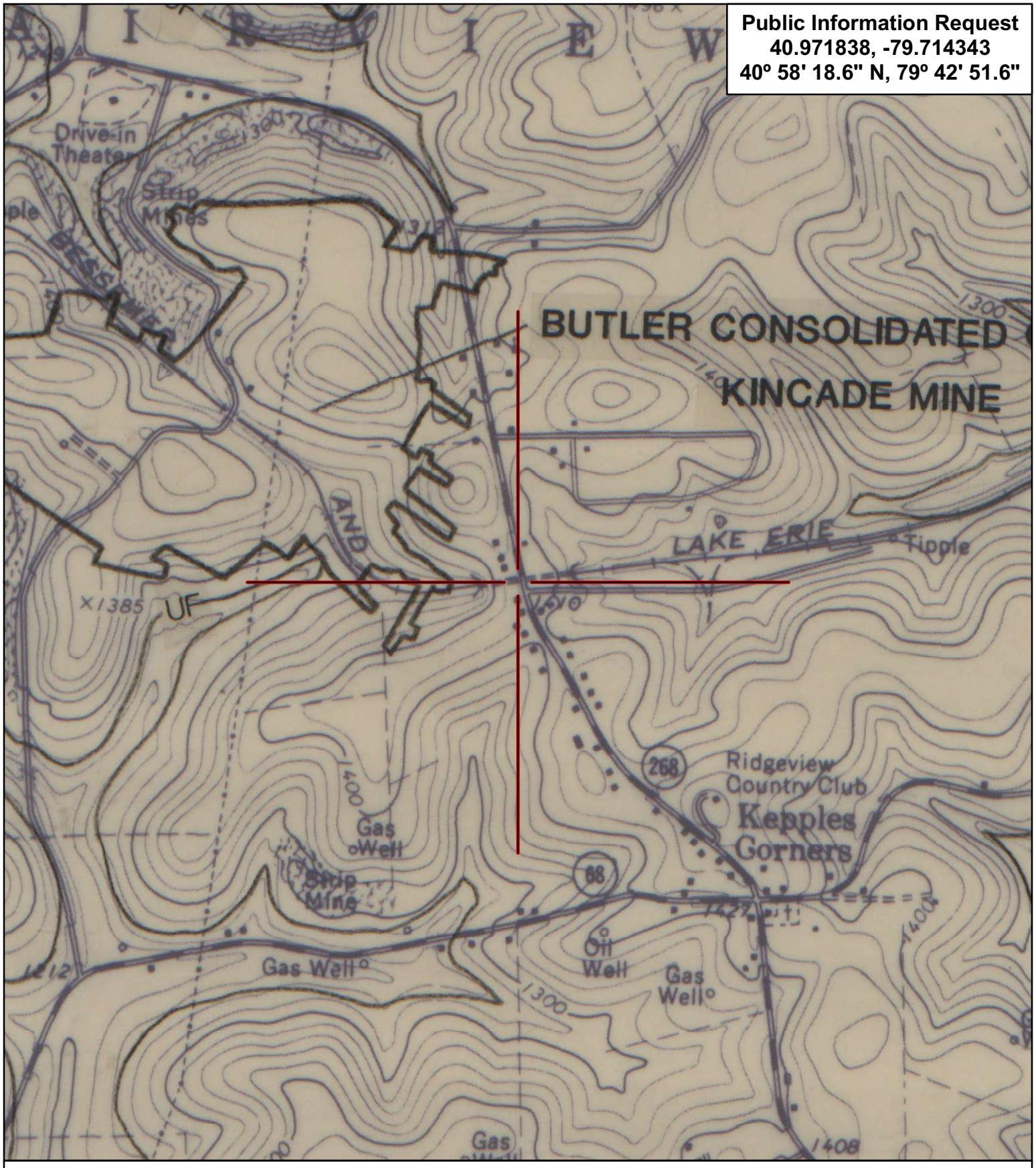
This map was prepared using information considered to be the best historic data available. The Department cannot verify the accuracy or completeness of this information or alignment of images.

Scale: 1 inch = 1,000 feet

N

WPA Mine Map
Works Progress Administration

Upper Freeport Coal Seam



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

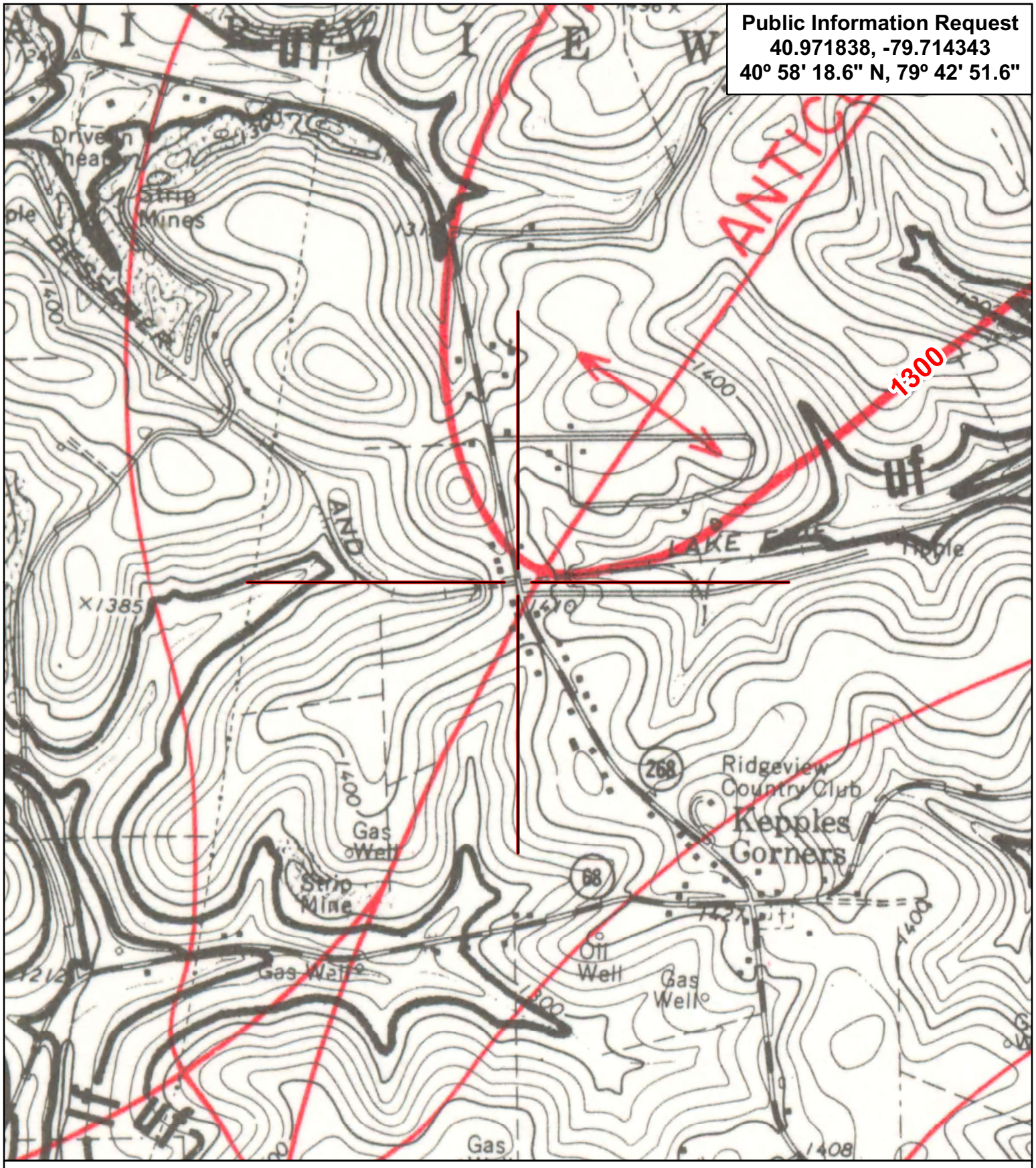
This map was prepared using information considered to be the best historic data available. The Department cannot verify the accuracy or completeness of this information or alignment of images.

Scale: 1 inch = 1,000 feet

N

Mine Map
IUPASG_11003

Kincaid Mine
Butler Consolidated Coal Co.
Upper Freeport Coal Seam



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

This map was prepared using information considered to be the best historic data available. The Department cannot verify the accuracy or completeness of this information or alignment of images.

Scale: 1 inch = 1,000 feet

N

Coal Resources Map
Mineral Resource Report 90

Structure Contours and Outcrops
Upper Freeport Coal Seam

Via electronic service due to Emergency Order at M-2020-301926

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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 Brady's Bend Township, Armstrong County.	Docket No.: I-2019-3012769

REBUTTAL TESTIMONY OF DANIEL PAUL RADLE, P.E. ON BEHALF OF THE BESSEMER AND LAKE ERIE RAILROAD COMPANY

December 15, 2021

TABLE OF CONTENTS

I. INTRODUCTION 1

II. REBUTTAL TO TESTIMONY OF ALICIA KAVULIC, PENNSYLVANIA DEPARTMENT OF TRANSPORTATION 1

III. REBUTTAL TO TESTIMONY OF DANIEL R. HELFRICH, P.E. OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT 3

IV. CONCLUSION 5

I. INTRODUCTION

Q. Please state your name for the record.

A. Daniel P. Radle, Jr.

Q. Are you the same Daniel P. Radle, Jr., who filed direct testimony in this matter?

A. Yes.

Q. Have any of your credentials or experience changed since the submission of your direct testimony?

A. No.

II. REBUTTAL TO TESTIMONY OF ALICIA KAVULIC, PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

Q. Did you have the opportunity to review the written direct testimony of Alicia Kavulic on behalf of the Pennsylvania Department of Transportation?

A. Yes.

Q. Ms. Kavulic testified on page 2 of her testimony at lines 21 to 22 that the collapse of the tunnel caused a sinkhole at the surface above – did you observe any evidence of a sinkhole at the surface?

A. No, I did not. I would also note that Charles Peter Keilman IV testified that Route 268 has not been closed or detoured and that Route 268 remains open with an average daily traffic volume of 1,454 vehicles per day.

Q. In her testimony, Ms. Kavulic expressed concerns about whether your report was sufficient to present disposition alternatives – do you agree with that criticism?

A. In her January 4, 2021 Interim Order, ALJ Long directed Bessemer & Lake Erie Railroad Company to

> "prepare and submit to the Commission and all parties of record for examination, an engineering report detailing the current condition of the tunnel structure at the crossing located in Fairview Township, Butler County. The report shall be completed by a certified professional engineer, shall include the engineer's professional opinion about the current integrity of the structure, a recommended disposition of the structure, including preliminary cost estimates and any other matter of material or serious concern."

My site investigation allowed me to observe the condition of the tunnel, the former railway roadbed and associated drainage at each portal, and the existing roadway/ground surface over the tunnel. Based on this, I offered my professional opinion that the tunnel structure does not have the structural integrity to prevent future collapse or subsidence in the roadway above and offered two recommendations for the disposition of the structure. I also included preliminary cost estimates. As I acknowledged in my previously submitted testimony, I did not include engineering costs and other construction costs such as right-of-way, contractor safety plans, temporary work, etc. as those were beyond the scope of what I was asked to do.

Q. On page 5 of her testimony, Ms. Kavulic testified that a slope no steeper than 1.5HL1V is required to adequately support the roadway. Does your recommendation to fill approximately 130 feet of tunnel meet this requirement?

A. Yes, based on the assumptions of approximately a 25' roadway width and 35' of cover over the tunnel. These assumptions would need to be verified as part of future survey and geotechnical investigations.

Q. In page 5 of her testimony, Ms. Kavulic testified that dewatering of the tunnel could "possibly" be required if the tunnel was filled with foam sand. Do you believe that dewatering of the area prior to filling the tunnel is necessary?

A. No.

Q. Why not?

A. The foam sand material is expected to displace any existing water as the foam sand is pumped into the tunnel opening. Pumping of foam sand could be performed from the roadway surface. However, contractor selected means & methods for preparing the site to receive foam sand may require dewatering activities for employee and equipment access.

III. REBUTTAL TO TESTIMONY OF DANIEL R. HELFRICH, P.E. OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT

Q. Did you have the opportunity to review the written direct testimony of Daniel R. Helfrich, P.E. of the Bureau of Investigation and Enforcement?

A. Yes.

Q. In his testimony, Mr. Helfrich notes that you did not address the issue of future access to the portal, why is that?

A. My opinions address what was necessary to preserve the structural integrity of the crossing for the safety, accommodation and convenience of the travelling public utilizing SR0268. The tunnel is located within private property and the railroad would not be able to enter

private property and place barricades at the portals. Certainly steps could be taken to restrict access to the tunnel by private citizens.

Q. Is it necessary to fill the entire length of the tunnel to prevent access to the tunnel?

A. No – not for the protection of the public crossing on SR0268. There are a number of ways that access to the tunnel could be prevented including, but not limited to, the use of barriers or collapsing the tunnel portals.

Q. In his report, Mr. Helfrich notes that your study did not include any tests to check the status or condition of the tunnel beyond the portals, such as bore/vertical holes.

A. As I discussed above, my assignment was to assess the integrity of the structure and offer my recommendations as to the disposition of the structure. While additional studies such as bore holes or core samplings would certainly provide more information about the subsurface conditions, my investigation of the tunnel was more than sufficient for me to conclude that tunnel liner does not have the structural integrity to prevent future collapse or subsidence that could translate to the roadway above and that corrective action would be necessary.

Q. On page 7 of his testimony beginning at line 16, Mr. Helfrich testified that "[t]he area beyond the initial collapse is unknown and the air quality is unknown. Even more concerning is the lack of structural integrity in light of the recommendation to have individuals inside the tunnel installing bulkheads and inserting the foam sand." What is your response to this critique?

A. There are a variety of methods that could be used to support Route 268 that may not require workers to enter into the tunnel. One example is the construction of bulkheads comprised of secant pile walls which could be drilled from the ground surface above the tunnel

followed by pumping of foam sand from the ground surface above the tunnel into the confined limits between bulkheads. Cost implications for requirement of special construction techniques *or* restrictions on contractor means and methods will require further investigation. Certainly, if workers were required to enter into the tunnel, we would expect that the contractor performing the work would comply with all health and safety regulatory requirements, including air monitoring and structural support requirements; but again it is not clear to me that that would even be required.

Q. You have proposed two alternatives to support the roadway – concrete bulkheads with sand foam fill and an at grade bridge. Can those alternatives be safely implemented without requiring workers to enter the tunnel?

A. Absolutely.

IV. CONCLUSION

Q. Does this conclude your rebuttal testimony?

A. Yes.

VERIFICATION

I, Daniel Paul Radle, P.E., hereby state that the testimony set forth in this Rebuttal Testimony is correct to the best of my knowledge, information, and belief, and that if asked orally at a hearing on this matter. My answers would be as set forth herein.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Daniel Paul Radle

Date: 12/14/2021

31344 SERVICE DATE - OCTOBER 10, 2000

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

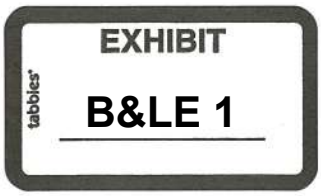
Surface Transportation Board

[STB Docket No. AB-88 (Sub-No. 10X)]

Bessemer and Lake Erie Railroad Company—Abandonment Exemption—in Armstrong and Butler Counties, PA

Bessemer and Lake Erie Railroad Company (B&LE) has filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances to abandon and discontinue service over its line of railroad known as the Western Allegheny Branch, extending from Station 1400+80 East to End of Track, at Station 2460+98, in Armstrong and Butler Counties, PA, a distance of 20.1 miles (line). The line traverses United States Postal Service Zip Codes 16025, 16028, 16041, and 16061.

B&LE has certified that: (1) no local traffic has been handled over the line for at least 2 years; (2) no overhead traffic has been handled over the line for at least 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.



As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 9, 2000, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 20, 2000. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 30, 2000, with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicant's representative: Thomas R. Ogoreuc, Esq., Bessemer and Lake Erie Railroad Company, 135 Jamison Lane, Monroeville, PA 15146. If the verified notice contains false or misleading information, the exemption is void ab initio.

---

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. See 49 CFR 1002.2(f)(25).

B&LE has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by October 16, 2000. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), B&LE shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by B&LE's filing of a notice of consummation by October 10, 2001, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: September 28, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary

31593 SERVICE DATE - JANUARY 17, 2001
DO

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-88 (Sub-No. 10X)

BESSEMER AND LAKE ERIE RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN ARMSTRONG AND BUTLER COUNTIES, PA

Decided: January 12, 2001

Bessemer and Lake Erie Railroad Company (B&LE) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances for B&LE to abandon and discontinue service over its line of railroad known as the Western Allegheny Branch, extending from Station 1400+80 East to End of Track, at Station 2460+98, in Armstrong and Butler Counties, PA, a distance of 20.1 miles (line). Notice of the exemption was served and published in the Federal Register on October 10, 2000 (65 FR 60246).

By decision served November 8, 2000, the Board imposed three environmental conditions on the abandonment exemption, held in abeyance the request from the Pennsylvania Department of Conservation and Natural Resources (DCNR) for issuance of a notice of interim trail use under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act) and for issuance of a public use condition, pending completion of the offer of financial assistance (OFA) process,[1] extended the time for the filing of an OFA until January 8, 2001, and postponed the effective date of the exemption until January 18, 2001.

On November 14, 2000, the National Geodetic Survey (NGS) late-filed comments with the Board's Section of Environmental Analysis (SEA) identifying 3 geodetic station markers that may be affected by the proposed abandonment. NGS requests that it be notified 90 days in advance of any activities that would disturb or destroy these markers to plan for their relocation. Therefore, SEA recommends that, in addition to the conditions imposed in the Board's November 8 decision, a further condition be imposed requiring B&LE to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers. The new environmental condition will be imposed.

On January 8, 2001, Bradys Bend submitted a letter stating that it had decided not to go forward with the filing of an OFA. This terminates the OFA process and it is now appropriate to

[1] A formal expression of intent to file an OFA was timely filed by Bradys Bend Corporation (Bradys Bend) to purchase a portion of the line.



address the DCNR's request for issuance of a notice of interim trail use and for issuance of a public use condition.

By letter submitted by facsimile on January 11, 2001, B&LE states that it is not willing to negotiate with the DCNR for interim trail use, but that it does not oppose imposition of a public use condition. Because the Trails Act permits only voluntary interim trail use, the Board cannot issue a NITU in this proceeding. See Rail Abandonment–Use of Rights-of-Way as Trails, 2 I.C.C.2d 591 (1986) (Trails).

As an alternative to interim trail use under the Trails Act, the right-of-way may be acquired for public use as a trail under 49 U.S.C. 10905. See Trails, 2 I.C.C.2d at 609. To justify a public use condition, a party must set forth: (i) the condition sought; (ii) the public importance of the condition; (iii) the period of time for which the condition would be effective; and (iv) justification for the imposition of the period of time requested. See 49 CFR 1152.28(a)(2). DCNR has met these requirements. A 180-day public use condition will therefore be imposed. B&LE may remove the tracks, ties, and signal equipment on the right-of-way, but is required to leave bridges, culverts, and tunnels intact during that period. A public use condition is not imposed for the benefit of any one potential purchaser, but rather to provide an opportunity for an interested person to acquire the right-of-way that has been found appropriate for public purposes.[2]

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. The request for issuance of a notice of interim trail use is denied.

3. The request for a public use condition is granted. The abandonment of the line described above is subject to the further environmental condition that B&LE consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.[3] Also, B&LE shall leave intact all of the right-of-way underlying the tracks, including

---

[2] Under 49 U.S.C. 10905, the Board may prohibit the disposal of rail properties that are proposed to be abandoned and are suitable for public purposes for a period of not more than 180 days after the effective date of the decision approving or exempting the abandonment.

[3] The exemption continues to be subject to the three environmental conditions imposed in the Board's November 8 decision. Those conditions are that B&LE: (1) consult with the U.S. (continued...)

bridges, trestles, culverts and tunnels (but not tracks, ties and signal equipment), for a period of 180 days from the effective date of the exemption (i.e., until July 17, 2001), to enable any State or local government agency, or other interested person to negotiate the acquisition of the line for public use.

4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

[3](...continued)
Department of Agriculture, Natural Resources Conservation Service, and contact Dave Rupert, District Manager, Armstrong County Conservation District, Armsdale Administrative Building, RR#8, Box 294, Kittanning, PA 16201 [(724) 854-3425] prior to salvage operations, (2) consult with the U. S. Environmental Protection Agency-Region III prior to salvage operations, and (3) retain its interest in and take no steps to alter the historic integrity of the line in its entirety until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

A-00117858
(corrected)

APRIL 30, 2002

TO ALL PARTIES

DOCKETED
MAY 01 2002

Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant" former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the Township of Marion, Clay, Concord and Fairview in Butler County and in the Township of Brady's Bend in Armstrong County and application for the abolition of one Tunnel located in the Township of Fairview in Butler County.

DOCUMENT
FOLDER

To Whom It May Concern:

This matter is before us upon application, filed May 31, 2001, by Bessemer and Lake Erie Railroad Company (B&LE) requesting Commission approval to abolish 29 at grade and separated grade crossings at various locations in Armstrong and Butler Counties.

A field conference, arranged by a Commission staff engineer and held at the site of the crossings was attended by representatives of B&LE, PennDOT, Concord Township, Fairview Township and Brady's Bend Township.

B & LE avers that it no longer needs a portion of its Hilliard's Branch and Western Allegheny Branch. The railroad states that at Docket No. Ab-88 (Sub No. 10X) the Surface Transportation Board granted approval to abandon and discontinue service on the subject rail line.

A list of the crossings to be abolished and their locations is as follows:

No.	Location	Street	Type	DOT No.
1	Marion Twp. Butler Co.	S. R. 4012	at grade	051 760 F
2	Marion Twp. Butler Co.	S. R. 0308	at grade	051 754 L

EXHIBIT
tabbies
B&LE 3

3	Marion Twp. Butler Co.	T-541	at grade	051 756 R
4.	Marion Twp. Butler Co.	T-560	at grade	051 755 J
5	Clay Twp. Butler Co.	T-458	at grade	051 698 X
6	Clay Twp. Butler Co.	S. R. 0308	at grade	051 699 E
7	Clay Twp. Butler Co.	T-515	at grade	051 702 K
8	Concord Twp. Butler Co.	T-504	at grade	051 708 B
9.	Concord Twp. Butler Co.	T-608	at grade	051 712 R
10	Concord Twp. Butler Co.	T-621	at grade	051 716 T
11.	Concord Twp. Butler Co.	S. R. 1017	at grade	051 718 G
12.	Fairview Twp. Butler Co.	S. R. 1013	at grade	051 721 P
13.	Fairview Twp. Butler Co.	S. R. 1013	at grade	051 722 W
14.	Fairview Twp. Butler Co.	T-674	at grade	051 723 D
15	Fairview Twp. Butler Co.	T-621	at grade	051 724 K
16	Fairview Twp. Butler Co.	T-676	at grade	051 726 Y
17	Fairview Twp. Butler Co.	T-621	at grade	051 727 F

18	Brady's Bend Twp. Armstrong Co.	SR0068	at grade	051 731 V
19	Brandy's Bend Twp. Armstrong Co.	SR4007	at grade	051 733 J
20	Brady's Bend Twp. Armstrong Co.	SR0068	at grade	051 734 R
21	Concord Twp. Butler Co.	T-502	highway below grade	051 706 M
22	Concord Twp. Butler Co.	SR0038	highway below grade	051 710 C
23	Concord Twp. Butler Co.	T-606	highway below grade	051 711 J
24	Concord Twp. Butler Co.	T-623	highway below	051 715 J
25	Concord Twp. Butler Co.	SR1013	highway above grade	051 720 H
26	Fairview Twp. Butler Co.	B & P Railroad	railroad below grade	
27	Fairview Twp. Butler Co.	SR1023	highway below grade	051 728 M
27a)	Fairview Twp. Butler Co.	SR0268	highway above grade (tunnel)	
28	Brady's Bend Twp. Armstrong Co.	SR0068	highway below grade	051 730 N

B&LE and Concord Township have reached an agreement concerning the disposition of the crossings involving Concord Township roads. The township, at the at grade crossings of T-504, T-608 and T-621, will remove the rails and ties at each crossing. The Township will repave the crossing areas to conform with the approach roadways. B&LE agrees to remove the separated grade crossings at T-623, T-502 and T-606. At each of these crossings, B&LE will remove the superstructure, abutments and backwalls of the bridges. At T-606 and T-623 the remaining fill will be graded to a 2:1 slope. At T-502, the north-side fill will be graded to a 2:1 slope with the south-side full grading will be extended to provide better sight distance.

At crossing Nos. 2 and 18, the rails and ties have been removed and crossing area repaved. At crossing Nos. 1, 3-7, 11-17, 19 and 20, B&LE will remove the rails and ties from the highway right-of-way and restore the disturbed highway area with suitable material conforming with local and/or PennDOT specifications. B&LE agrees to remove any crossbuck warning signs and any warning devices and their foundation to one foot below ground level at the crossings.

At crossing Nos 22 and 27, B&LE agrees at its sole cost to remove the substructure and superstructure of the bridge and grade the remaining fill to a 2:1 slope. PennDOT agrees, at its sole cost, to provide maintenance of traffic for the two bridge removals.

At crossing No 25, B&LE will remove the rails and ties from under the bridge and the bridge remain in place. At crossing No. 26, B&LE agrees to remove the superstructure of the bridge and the westerly abutment.

At crossing No. 28, PennDOT is in the process of designing a highway realignment along with the bridge removal. Once the design is complete, PennDOT will submit the plans to the parties. At crossing No. 27(a), B&LE and PennDOT presently are negotiating the disposition of the tunnel. These two crossings will be the subject of future Secretarial letters or formal hearing.

B&LE avers that work on the crossing abolitions may not start until 2003. The railroad proposes to install "TRACKS OUT OF SERVICE" signs at the at grade crossings, so that until the crossings are abolished, in accordance with the Motor Vehicle Code [75§3342(c)(4)] certain vehicles [75§3342(b)] will not be required to stop at the crossings.

The applicant has certified that a copy of the application has been served on each party in interest. Upon full consideration of the matters involved, we find that a hearing is not necessary at this time and that a Secretarial letter may be issued approving the application.

The Commission issues this Secretarial letter in accordance with Section 2702 of the Public Utility code and finds that the abolition of the crossings is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Bessemer & Lake Erie Railroad Company is approve as herein directed:

1. The crossings listed in this application, except for Crossing Nos. 27(a) and 28, at various locations in Armstrong and Butler Counties, be and are hereby abolished.

2. The Bessemer & Lake Erie Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to abolish crossing Nos. 1, 3-7, 11-17, 19 and 20 by removing rails and ties within the limits of the highways; restore the disturbed area with suitable material conforming on all respects with the abutting highway paving; and removing any warning devices at the crossings and their foundations to at least one foot below ground.

3. The Bessemer & lake Erie Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to abolish crossing Nos. 21-24, and 27 by removing the substructure and superstructure of the bridges and grading the remaining fill to a 2:1 slope; crossing No. 25 by removing the rails, ties and any other railroad facilities at the crossing; and crossing No. 26 by removing the superstructure and westerly abutment of the bridge.

4. Concord Township, at its sole cost and expense, furnish all material and do all work necessary to abolish crossing Nos. 8, 9 and 10 by removing the rails and ties within the limits of the highways; restore the disturbed area with suitable material conforming in all respects with the abutting highway paving; and removing the crossbuck warning signs and posts at each crossing.

5. Any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility, other than Bessemer and Lake Erie Railroad Company, which may be required as incidental to the abolition of the crossings, be made by said utility at the sole cost and expense of Bessemer and Lake Erie Railroad Company, and in such a manner as will not interfere with the abolition of the crossings; and such relocated or changed facilities thereafter to be maintained by said utility, at its sole cost and expense.

6. Bessemer and Lake Erie Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control devices that may be required to properly accommodate traffic during the time crossing Nos. 1, 3-7, 11-17, 19-21, 23, and 24 are being abolished.

7. Concord Township, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control devices that may be required to properly accommodate traffic during the time crossing Nos. 8, 9, and 10 are being abolished.

8. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control devices that may be required to properly accommodate traffic during the time crossing Nos. 22 and 27.

9. Bessemer & Lake Erie Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary to install "TRACKS OUT OF SERVICE" signs (R8-9) at the at grade crossings, in accordance with Part 8 of the Manual on Uniform Traffic Control Devices, until such time as the rails and ties are removed from the crossing areas.

10. The rail-highway crossing abolitions be completed in a manner satisfactory to this Commission on or before December 31, 2004 and that on or before said date, Bessemer and Lake Erie Railroad Company report the actual completion of the work.

11. Upon completion of the abolition of the at-grade crossings, Pennsylvania Department of Transportation, Marion Township, Clay Township, Concord Township, and Fairview Township each, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its respective roadways in the areas formerly occupied by the at-grade crossings.

12. Upon completion of the abolition of crossing No. 25, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the substructure and superstructure of the bridge carrying SR1013 over the former railroad right-of-way.

13. This Secretarial letter insofar as it imposes costs upon any party, is without prejudice to the right of that party to recover part or all of said costs in accordance with any lawful agreement between it and any of the other parties hereto.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within ten (10) days of the date of this letter.

Very truly yours,

James J. McNulty
Secretary

CAPTION SHEET CASE MANAGEMENT SYSTEM

1. REPORT DATE: [redacted]/00/00 :
2. BUREAU: TSR [redacted] :
3. SECTION(S): : 4. PUBLIC MEETING DATE:
5. APPROVED BY: : 00/00/00
DIRECTOR: :
SUPERVISOR: :
6. PERSON IN CHARGE: : 7. DATE FILED: 05/31/01
8. DOCKET NO: A-00117858 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TOWNSHIP OF FAIRVIEW BUTLER COUNTY

RESPONDENT/APPLICANT: BESSEMER & LAKE ERIE RAILROAD COMPANY

COMP/APP COUNTY: BUTLER UTILITY CODE: 950000

ALLEGATION OR SUBJECT

APPLICATION OF BESSEMER AND LAKE ERIE RAILROAD COMPANY FOR APPROVAL OF THE ABOLITION OF TWENTY-EIGHT CROSSINGS WHERE APPLICANT'S FORMER HILLIARD'S BRANCH AND WESTERN ALLEGHENY BRANCH ARE INTERSECTED BY PUBLIC HIGHWAYS AND STREETS IN THE TOWNSHIPS OF MARION, CLAY, CONCORD AND FAIRVIEW IN BUTLER COUNTY AND IN THE TOWNSHIP OF BRADY'S BEND IN ARMSTRONG COUNTY AND APPLICATION FOR THE ABOLITION OF ONE TUNNEL LOCATED IN THE TOWNSHIP OF FAIRVIEW IN BUTLER COUNTY.

DOCUMENT FOLDER

DOCKETED
JUN 0 1 2001

EXHIBIT
tabbies
B&LE 4

ORIGINAL

THOMAS R OGOREUC
Attorney at Law

135 Jamison Lane
P.O. Box 68
Monroeville, PA 15146

Tel: 412-829-6893
Fax: 412-829-6607
E-Mail: trogoreuc@hotmail.com

May 29, 2001

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, 7 North
Harrisburg, PA 17120

A-00117858

Re: Application of the Bessemer and Lake Erie Railroad Company for the Abolishment of twenty-eight grade crossings and one tunnel located in Armstrong and Butler Counties, Pennsylvania

RECEIVED
2001 MAY 31 AM 9:30
SECRETARY'S BUREAU

Dear Secretary McNulty:

Enclosed for filing on behalf of the Bessemer and Lake Erie Railroad Company, please find the original and three copies of the above-referenced Application for the abolishment of twenty-eight grade crossings and one tunnel.

Please acknowledge receipt by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed, stamped envelope.

If you have any questions, please feel free to call me at the above number.

Very truly yours,

Thomas R. Ogoreuc

Counsel for
Bessemer and Lake Erie Railroad Company

DOCUMENT FOLDER

Enclosure
cc: J. E. Streett
H. K. Callen

22

BEFORE
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

IN RE: Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant's former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the townships of Marion, Clay, Concord and Fairview in Butler County and in the township of Brady's Bend in Armstrong County and application for the abolition of one tunnel located in the township of Fairview in Butler County.

Application Docket No. A-00117858

DOCKETED
JUN 01 2001

0114398

To Pennsylvania Public Utility Commission:

1. The name and address of applicant are:

Bessemer and Lake Erie Railroad Company (B&LE)
135 Jamison Lane
Monroeville, PA 15146

RECEIVED
SECRETARY'S BUREAU
01 MAY 31 AM 8:20

2. The name and address of applicant's attorney are:

Thomas R. Ogoreuc, Esq.
135 Jamison Lane
Monroeville, PA 15146

3. The applicant, which is classified by the Surface Transportation Board (STB) as a Class II common carrier by rail, is a line haul railroad operating approximately 220 miles of road extending south from Conneaut, Ohio and Erie, Pennsylvania to North Bessemer, Pennsylvania.

4. By way of this application, applicant seeks the approval and ratification of the Pennsylvania Public Utility Commission for removal of all rails, ties and crossing surface and restoration of the twenty-eight crossings listed in detail in Exhibit A.

5. By way of this application, applicant seeks the approval and ratification of the Pennsylvania Public Utility Commission for the abolition of the tunnel located on the B&LE's Western Allegheny Branch at MP WA 42.09 and which is located under SR 0268 in Fairview Township, Butler County.

6. Applicant seeks abolishment of the above road crossings and tunnel as it has received STB approval to discontinue and abandon service over its Hilliard's and Western Allegheny Branches by Order dated January 9, 2001 and January 12, 2001, respectively, and no longer requires access through the subject crossings and tunnel. Attached as Exhibit B is a map indicating the exact location of each crossing and tunnel for which applicant is seeking abolishment.

7. No service to any customer will be affected by this proposed crossing and tunnel abolishment as the associated track has already been approved for abandonment by the STB.

WHEREFORE, applicant prays your Honorable Commission to approve the application.

Respectfully submitted,

Thomas R. Ogoreuc, Esq.
135 Jamison Lane
Monroeville, PA 15146

Tel: (412) 829-6893
Fax: (412) 829-6607

Counsel for
Bessemer and Lake Erie Railroad Company

VERIFICATION

I, James E. Streett, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 5/29/2001

James E Streett
James E. Streett, General Superintendent
Bessemer and Lake Erie Railroad Company

Subscribed and sworn to before me
this _____ day of May, 2001.

_____
Notary Public

EXHIBIT A

Hilliard's Branch
At Grade Crossings

1. AAR#51-760F, SR 4012, Magerk Road, Marion Twp., Butler County.
2. AAR#51-759L, SR 308, Town of Boyers, Marion Twp., Butler County.
3. AAR#51-756R, Township Road 541, Marion Twp., Butler County.
4. AAR#51-755J, Township Road 560, Marion Twp., Butler County.

Western Allegheny Branch
At Grade Crossings

5. AAR#51-698X, Township Road 458, Clay Twp., Butler County.
6. AAR#51-699E, SR 0308, Clay Twp., Butler County.
7. AAR#51-702K, Townhsip Road 515, Clay Twp., Butler County.
8. AAR#51-708B, Township Road 504, Hooker Road, Concord Twp., Butler County.
9. AAR#51-712R, Township Road 608, Troutman Road, Concord Twp., Butler County.
10. AAR#51-716T, Township Road 621, Zion Road, Concord Twp., Butler County.
11. AAR#51-718G, SR 1017, Utley Road, Concord Twp., Butler County.
12. AAR#51-721P, SR 1013, Fairview Twp., Butler County.
13. AAR#51-722W, SR 1013, Fairview Twp., Butler County.
14. AAR#51-723D, Township Road 674, Fairview Twp., Butler County.
15. AAR#51-724K, Township Road 621, Fairview Twp., Butler County.
16. AAR#51-726Y, Township Road 676, Karn's City Road, Fairview Twp., Butler County.
17. AAR#51-727F, Township Road 621, Fairview Twp., Butler County.

01 MAY 31 AM 8:28
RECEIVED
SURFACE TRANSPORTATION BOARD

18. AAR#51-731V, SR 0068, Route 68, Brady's Bend Twp., Armstrong County.

19. AAR#51-733J, SR 4007, Brady's Bend Twp., Armstrong County.

20. AAR#51-734R, SR 0068, Route 68, Brady's Bend Twp., Armstrong County.

Western Allegheny Branch
Below Grade Crossings

21. MP WA 30.83, Township Road 502, Concord Twp., Butler County.

22. MP WA 32.93, SR 0038, Concord Twp., Butler County.

23. MP WA 33.69, Township Road 606, Concord Twp., Butler County.

24. MP WA 35.51, Township Road 623, Concord Twp., Butler County.

25. MP WA 37.35, SR 1013, Concord Twp., Butler County.

26. MP WA 40.71, B&P Railroad, Fairview Twp., Butler County.

27. MP WA 40.98, SR 1023, Fairview Twp., Butler County.

28. MP WA 43.72, SR 0068, Brady's Bend Twp., Armstrong County.


MARION
CHERRY
EAU CLAIRE
POP 420
Deegan
Boyers
Higgins Corner
Argentine
Hilliards
Annisville
Whiskerville
Annandale
Monteau
Parsonville
Bovard
STATE GAME NO. 95
STATE GAME LAND NO.
HILLIARDS BESSEMER RAILROAD
BRANCH ERIE LAKE
Slippery Rock Creek
Scrubgrass Creek
4013
4014
4012
4010
0058
0308
0038
1005
AT Grade Crossings
4 3 2 1
Hilliard's Branch
EXHIBIT
B
Page 1 of 2
TASSIES

North Washington

Walleys Mill

Harbor Acres Lake

Sherwin

WEST SUNBURY

Hilldale

FAIRVIEW

PETROLIA

Fredericksburg

P E R R Y

Euclid

Gilbert

Hooker

Haysville

KARNS CITY

Brady's Run

C L A Y C O N C O R D F A I R V I E W

Troutman

Buena Vista

Liggett Station

Queen Junction

Byers Corners

Kaylor

B R A D Y S

STATE GAME

Greece City

Kepples Corners

CHICORA

Jamisonville

Boydstown

Frogtown

Adamsburg

E N T E R O A K L A N D

North Oakland

D O N E G A L

AT Grade Crossings

Below grade crossings

5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 Tunnel 28

W.A. Branch

EXHIBIT
B
Page 2 of 2

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE
A-00117858

JUNE 1, 2001

DOCUMENT
FOLDER

THOMAS R. OGOREUC, ESQUIRE
135 JAMISON LANE
MONROEVILLE PA 15146

Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant's former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the townships of Marion, Clay, Concord and Fairview in Butler County and in the township of Brady's Bend in Armstrong County and application for the abolition of one tunnel located in the township of Fairview in Butler County.

Dear Sir/Madam:

Receipt is acknowledged of the application of BESSEMER & LAKE ERIE RAILROAD COMPANY (B&LE) which has been captioned and docketed to the above number.

It will be necessary for you to serve a copy of the application upon the parties involved and file proof of such service with the Commission.

The matter will receive the Commission's attention, and you will be advised of any further procedure.

Very truly yours,

James J. McNulty
Secretary

DOCKETED
JUN 01 2001

jih

COMMONWEALTH OF PENNSYLVANIA

DOCUMENT FOLDER

DOCKETED

JUN 0 1 2001

DATE: JUNE 1, 2001

SUBJECT: A-00117858

TO: Bureau of Transportation & Safety - Rail

FROM: James J. McNulty, Secretary

Application of BESSEMER & LAKE ERIE RAILROAD COMPANY (B&LE)

We attach hereto copy of the application of BESSEMER & LAKE ERIE RAILROAD COMPANY (B&LE) which has been captioned and docketed to the above number.

Applicant has been instructed to serve copies of the application upon the parties involved and to file proof of service with the Commission.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: TSL - w/ copy of application

JIH

Instr:200211080037746 11/08/2002
Pages:5 F:$40.50 2:30PM
Michele Mustello T20020037129
Butler County Recorder MLWESTERN

MONITEAU SCHOOL DIST $226.28
CLAY TWP $226.28
KARNS CITY AREA SCHO $571.50
FAIRVIEW TWP $571.49
TOTAL TAX $5584.43

THIS QUIT CLAIM DEED

MADE THE 24th of October in the year of our Lord two thousand and two (2002)

200211080037746
11/08/2002 2:30:40PM T20020037129
PA TRF TAX $2901.00
MONITEAU SCHOOL DIST $543.94
CONCORD TWP $543.94

BETWEEN

BESSEMER AND LAKE ERIE RAILROAD COMPANY, whose address is 135 Jamison Lane, P. O. Box 68, Monroeville, PA 15146, a corporation organized and existing under the laws of the state of Delaware, (hereinafter called "Grantor"),

AND AFFIDAVIT FILED

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, whose address is 121 Maier Lane, West Sunbury, PA 16061, (hereinafter called "Grantee");

WITNESSETH, that the Grantor, for and in consideration of the sum of Two Hundred Ninety Thousand and One Hundred Dollars and zero cents ($290,100.00), lawful money of the United States of America, unto it well and truly paid by the Grantee, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has remised, released and quit claimed, and by these presents does remise, release and forever quit claim unto the Grantee, itself, its heirs and assigns,

ALL THAT CERTAIN tract of land situate in Clay, Fairview and Concord Townships, Butler County, and Brady's Bend Township, Armstrong County, Commonwealth of Pennsylvania, consisting of approximately three hundred ninety-four (394) acres, more or less, and a six hundred foot (600') viaduct, together with all rights, privileges and easements appurtenant thereto (collectively the "Premises"). Being the property conveyed to Grantor herein by virtue of Butler County Deed Book Volume 885, page 1062 and Armstrong County Deed Book Volume 510, page 27.

This transfer is subject to all legal highways and to all prior conveyances of coal and mining rights, oil and gas leases, rights of way and easements affecting the herein described tracts of land in instruments of record.

TO HAVE AND TO HOLD the said premises with all and singular the appurtenances, unto the said Grantee, its heirs and assigns, to and for the only proper use and behoove of the said Grantee, its heirs and assigns forever.

EXHIBIT
tabbies
B&LE 5

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

ATTEST:

A Bradley Cramer Jr.
Assistant Secretary

BESSEMER AND LAKE ERIE
RAILROAD COMPANY

By: J. Giles
J. E. Giles
President and Chief Executive
Officer

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:
Andrea C. Parente

William G. Bamhard

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF ALLEGHENY)

On this, the 24th day of October, 2002, before me the undersigned officer, personally appeared J. E. Giles, who acknowledged himself to be the President and Chief Executive Officer of Bessemer and Lake Erie Railroad Company, a corporation, and that he as such President and Chief Executive Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President and Chief Executive Officer.

In witness whereof, I hereunto set my hand and official seal.

Patricia L. Kirk
Notary Public

Notarial Seal
Patricia L. Kirk, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires July 13, 2004

CERTIFICATE OF RESIDENCE

I, Andrea C. Parenti, do hereby certify that the precise residence and complete post office address of the within named Grantee is 121 Maier Lane, West Sunbury, PA 16061.

This 24 day of October, 2002

Andrea C. Parenti
Agent for Grantee

QUIT CLAIM DEED

From

BESSEMER AND LAKE ERIE RAILROAD COMPANY

To

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Recorder, return to:
Western Allegheny Landowners Association
121 Maier Lane
West Sunbury, PA 16061

DILLON McCANDLESS KING
128 W. CUNNINGHAM ST
BUTLER PA 16001

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF _____)

RECORDED on this _____ day of _____, A.D. 2002, in the Recorder's Office of the said County, in Record Book Volume _____, Page _____.

Given under my hand and seal of the said office, the date above written.

_____, Recorder.

REV-183 EX (6-96)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	2901.00
Book Number	Inst#
Page Number	200211080037746
Date Recorded	11-8-02

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name	Telephone Number: Area Code
Dillon McCandless King Coulter & Graham	(724) 283-2200

Street Address	City	State	Zip Code
128 W. Cunningham St	Butler	PA	16001

B TRANSFER DATA

Date of Acceptance of Document:

Grantor(s)/Lessor(s)	Grantee(s)/Lessee(s)
Bessemer and Lake Erie Railroad Company	Western Allegheny Landowners Association
Street Address: 135 Jamison Lane, P.O. Box 68	Street Address: 121 Maier Lane
City: Monroeville — State: PA — Zip Code: 15146	City: West Sunbury — State: PA — Zip Code: 16061

C PROPERTY LOCATION

Street Address	City, Township, Borough
	Clay, Fairview and Concord Twps. in Butler Co.; Brady's Bend Twp in Armstrong Co.

County	School District	Tax Parcel Number
Butler and Armstrong	~~Moniteau~~ and Karns ~~City~~	

D VALUATION DATA

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
290,100.00	+ 0.00	= 290,100.00
4. County Assessed Value	**5. Common Level Ratio Factor**	**6. Fair Market Value**
	×	=

E EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed

2. **Check Appropriate Box Below for Exemption Claimed**

- ☐ Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- ☐ Transfer to Industrial Development Agency.
- ☐ Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- ☐ Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- ☐ Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- ☐ Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____.
- ☐ Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- ☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- ☒ Other (Please explain exemption claimed, if other than listed above.) Property is located almost entirely in Butler County in the municipalities of Clay, Fairview, and Concord Townships. The $2,901.00 local transfer tax amount should be distributed as follows: $1,087.88 to Concord Township; $452.56 to Clay Township and $1,142.99 to Fairview Township. The remaining $217.57 is payable to Brady's Bend Township, ~~Armstrong County.~~

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party	Date
Michael C. Marcotte	11-8-02

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

EXHIBIT

tabbies

B&LE 6

Instr:200306180026406 06/18/2003
Pages:4 F:$38.50 9:25AM
Michele Mustello T20030024978
Butler County Recorder MLM/M WILL

200306180026406
06/18/2003 9:25:20AM T20030024978
PA TRF TAX $228.40
KARNS CITY AREA SCHO $114.20
FAIRVIEW TWP $114.20
TOTAL TAX $456.80

THIS INDENTURE

Made the 21 *day of* May, *2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation,*** *with an address of* ***121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***WILLIAM G. BARNHART and KAY D. BARNHART, husband and wife, of 136 Boosel Road, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***TWENTY-TWO THOUSAND EIGHT HUNDRED FORTY AND 00/100 ($22,840.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and the center of S.R. 0268, Kittanning Pike, at line of lands now or formerly Edith Hill, said point being the Southwest corner of the herein described tract; Thence along the center of S.R. 0268, Kittanning Pike, N 15° 07' W, a distance of 123.2 feet more or less to a point on the centerline of said railroad and line of lands to be conveyed to Ronald E. and Madeline E. Stitt; Thence along lands to be conveyed to Ronald E. and Madeline E. Stitt, S 87° 34' 15" E, a distance of 468.7 feet more or less to a point; Thence along same, N 04° 45' W, a distance of 258.5 feet more or less to a point on the Northern right-of-way line of said railroad; Thence along the said Northern right-of-way and lands of the K.E. Griffiths Plan of lots, N 85° 15' E, a distance of 1150.2 feet more or less to a point on line of lands to be conveyed to Robert L., Jr. and Linda L. Livingston; Thence along said lands to be conveyed to Robert L., Jr. and Linda L. Livingston, S 04° 55' E, a distance of 199.9 feet more or less to a point on the centerline of said railroad; Thence along the centerline and lands to be conveyed to Robert L., Jr. and Linda L. Livingston and lands to be conveyed to Jack R. and Margretta L. Dittman, N 85° 15' E, a distance of 1311.8 feet more or less to a point of curvature; Thence along the centerline of said railroad and lands to be conveyed to Jack R. and Margretta L. Dittman, by a curve to the left, having a radius of 2864.93 feet, an arc distance of 24.5 feet more or less to a point on line of lands to be conveyed to the Bradys Bend Corp; Thence along the said lands to be conveyed to Bradys Bend Corp and lands now or formerly of the Rochester & Pittsburgh Coal Company, S 02° 21' W, a distance of 400.0 feet more or less to a point on line of lands now or formerly of the Ridgeview Country Club; Thence along the lands of the Ridgeview Country Club the following nine (9) courses, 1) Thence N 89° 17' W, a distance of 1473.8 feet more or less to a point on a curve; 2) Thence by a curve to the left, having a radius of 1176.59 feet, an arc distance of 113.0 feet, and a chord bearing, S 00° 00' 25" E, a distance of 112.96 feet to a point of reverse curvature; 3) Thence by a curve to the right, having a radius of 508.34 feet, an arc distance of 137.0 feet, and a chord bearing, S 04° 57' 45" W, a distance of 136.59 feet to a point of tangency; 4) Thence S 12° 41' W, a distance of 141.0 feet to a point; 5) Thence N 77° 19' W, a distance of 60.0 feet to a point; 6) Thence N 12° 41' E, a distance of 141.0 feet to a point of curvature; 7) Thence by a curve to the left, having a radius of 448.34 feet, an arc distance of 120.8 feet more or less, and a chord bearing, N 04° 57' 45" E, a distance of 120.46 feet to a point of compound curvature; 8) Thence by a curve to the left, having a radius of 1178.59 feet, an arc distance of 117.4 feet more or less, and a chord bearing, N 05° 45' 40" W, a distance of 117.33 feet to a point; 9) Thence N 89° 17' W, a distance of 1118.39 feet more or less to a point on line of lands now or formerly Edith Hill; Thence along said lands of Edith Hill the following four (4) courses, 1) Thence N 00° 43' E, a distance of 15.0 feet to a point; 2) Thence N 89° 17' W, a distance of 120.0 feet to a point; 3) Thence S 00° 43' W, a distance of 15.0 feet to a point; 4) Thence N 89° 17' W, a distance of 109.28 feet to a point in the center of S.R. 0268, the PLACE OF BEGINNING.

CONTAINING 22.84 acres more or less and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and part of the lands conveyed by Rudolph P. Rob, et ux, to the Western Allegheny Railroad Company by Deed dated August 13, 1952 and recorded in Deed Book Vol. 626 Page 348, and all of the lands conveyed by George D. Kamerer to the Western Allegheny Railroad Company by Deed dated December 5, 1905 and recorded in Deed Book Vol. 241 Page 52.

BEING a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.

*with appurtenances. **To Have and To Hold** all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns **Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

***In Witness Whereof,** the said Grantor has hereunto set its hand and seal the day and year first above written.*

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST: _____

_____ _____

COMMONWEALTH OF PENNSYLVANIA :

: *ss*

COUNTY OF BUTLER :

ON THIS, the 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

MY COMMISSION EXPIRES:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantees is: ***136 Boosel Road, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parente

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello - Recorder of Deeds

Recorded _____ Number _____

D E E D

Volume _____ Page _____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

WILLIAM G. BARNHART and KAY D. BARNHART, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

WILLIAM G. BARNHART
KAY D. BARNHART
136 Boosel Road
Chicora, PA 16025

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Instr:200306180026571 06/18/2003
Pages:4 F:$38.50 12:12PM
Michele Mustello T20030025070
Butler County Recorder MLDEAN M T

200306180026571
06/18/2003 12:12:29PM T20030025070
PA TRF TAX $42.30
KARNS CITY AREA SCHO $21.15
FAIRVIEW TWP $21.15
TOTAL TAX $84.60

THIS INDENTURE

Made the 21 *day of* May *, 2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation,*** *with an address of* ***121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife, of 1270 Kittanning Pike, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***FOUR THOUSAND TWO HUNDRED THIRTY AND 00/100 ($4,230.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and the center of Kittanning Pike, at line of other lands of Dean M. and Patricia A. Tascarella, said point being the Southeast corner of the herein described tract; Thence along said Southern right-of-way line and other lands of Dean M. and Patricia A. Tascarella, N 89° 17' W, a distance of 130.6 feet more or less to a point; Thence by other lands of Dean M. and Patricia A. Tascarella, S 02° 18' W, a distance of 20.0 feet to a point; Thence by same, N 88° 27' W, a distance of 148.2 feet more or less to a point; Thence by same; S 18° 49' E, a distance of 150.3 feet more or less to a point on line of lands now or formerly C.A. McKenzie; Thence along lands of C.A. McKenzie and lands now or formerly T.F. Beck, Sr., N 84° 47' W, a distance of 468.6 feet to a point on a curve; Thence along lands of T.F. Beck, Sr. by a curve to the right, having a radius of 873.66 feet, an arc distance of 393.0 feet more or less and a chord bearing, N 81° 51' 50" W, a distance of 389.7 feet more or less to a point of tangency; Thence continuing along lands of T.F. Beck, Sr., N 64° 57' W, a distance of 109.1 feet more or less to a point on line of lands now or formerly of the Petroleum Valley Youth Coalition; Thence along the lands of the Petroleum Valley Youth Coalition and lands to be conveyed to Donald C., Jr. and Carol L. McCollough, N 03° 06' W, a distance of 192.4 feet more or less to a point on the centerline of said railroad right-of-way; Thence along said centerline and lands to be conveyed to Thomas H. and Anna Marie Sherwin, by a curve to the left, having a radius of 716.78 feet, an arc distance of 514.4 feet more or less to a point of tangency; Thence along same, N 85° 15' E, a distance of 367.1 feet more or less to a point; Thence along lands to be conveyed to Thomas H. and Anna Marie Sherwin, S 36° 52' 10" E, a distance of 48.6 feet to a point; Thence by same, N 77° 11' 55" E, a distance of 293.9 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, S 15° 07' E, a distance of 102.4 feet more or less to a point; the PLACE OF BEGINNING.

CONTAINING 4.23 acres more or less and being a part of the lands conveyed by Sylvester R. McLaughlin to the Western Allegheny Railroad Company by Deed dated January 15, 1903 and recorded in Deed Book Vol. 227 Page 152, and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and also being a part of the lands conveyed by Jehu G. Kaylor, et ux, to the Western Allegheny Railroad Company by Deed dated November 16, 1953 and recorded in Deed Book Vol. 647 Page 482.

EXHIBIT
tabbies
B&LE 7

BEING a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.

with appurtenances. ***To Have and To Hold*** *all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns* ***Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, *the said Grantor has hereunto set its hand and seal the day and year first above written.*

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:

_____ _____

_____

COMMONWEALTH OF PENNSYLVANIA :

: *ss*

COUNTY OF BUTLER :

ON THIS, the 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

MY COMMISSION EXPIRES:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantee(s) is: ***1270 Kittanning Pike, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parente

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Recorded	Number
_____	_____

D E E D

Volume	Page
_____	_____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

DEAN M. TASCARELLA
PATRICIA A. TASCARELLA
1270 Kittanning Pike
Chicora, PA 16025

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

EXHIBIT

B&LE 8

tabbies

Instr:200306180026549 06/18/2003
Pages:3 F:$38.50 11:26AM
Michele Mustello T20030025050
Butler County Recorder MLM/M THOM

200306180026549
06/18/2003 11:26:21AM T20030025050
PA TRF TAX $44.70
KARNS CITY AREA SCHO $22.35
FAIRVIEW TWP $22.35
TOTAL TAX $89.40

THIS INDENTURE

Made the 21 *day of* May, *2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation,*** *with an address of* ***121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***THOMAS H. SHERWIN and ANNA MARIE SHERWIN, husband and wife, of 1276 Kittanning Pike, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, That the said Grantor, in consideration of ***FOUR THOUSAND FOUR HUNDRED SEVENTY AND 00/100 ($4,470.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Northern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company, at line of lands now or formerly Donald C., Jr. and Carol L. McCollough, said point being the Northwest corner of the herein described tract; Thence along lands of now or formerly W.F. Clark, S 54° 23' E, a distance of 325.35 feet to a point; Thence along same, N 85° 15' E, a distance of 219.0 feet more or less to a point on line of lands to be conveyed to Lewis A., Jr. and Annette M. Earley; Thence along said lands to be conveyed to Lewis A., Jr. and Annette M. Earley, S 08° 30' E, a distance of 112.9 feet more or less to a point; Thence continuing along same, N 85° 15' E, a distance of 386.0 feet more or less to a point at the corner of other lands of said Lewis A., Jr. and Annette M. Earley and lands of Thomas H. and Anna Marie Sherwin; Thence along said other lands of Thomas H. and Anna Marie Sherwin, S 08° 30' E, a distance of 112.9 feet more or less to a point; Thence continuing along other lands of Thomas H. and Anna Marie Sherwin, N 85° 15' E, a distance of 270.7 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, S 08° 30' E, a distance of 30.1 feet to a point on line of lands to be conveyed to Dean M. and Patricia A. Tascarella; Thence along said lands to be conveyed to Dean M. and Patricia A. Tascarella, S 77° 11' 55 " W, a distance of 293.9 feet more or less to a point; Thence by same, N 36° 52' 10" E, a distance of 48.6 feet more or less to a point on the centerline of said railroad right-of-way; Thence along said centerline and lands to be conveyed to Dean M. and Patricia A. Tascarella, S 85° 15' W, a distance of 367.1 feet more or less to a point of curvature; Thence along same by a curve to the right, having a radius of 716.78 feet, an arc distance of 505.8 feet more or less to a point on line of lands to be conveyed to Donald C., Jr. and Carol L. McCollough; Thence along said lands to be conveyed to Donald C., Jr. and Carol L. McCollough and other lands of Donald C., Jr. and Carol L. McCollough, N 03° 06' E, a distance of 295.0 feet more or less to a point, the PLACE OF BEGINNING.

CONTAINING 4.47 acres more or less and being a part of the lands conveyed by Sylvester R. McLaughlin to the Western Allegheny Railroad Company by Deed dated January 15, 1903 and recorded in Deed Book Vol. 227 Page 152, also being a part of the lands conveyed by Rudolph P. Rob, et ux, to the Western Allegheny Railroad Company by Deed dated August 13, 1952 and recorded in Deed Book Vol. 626 Page 348, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210.

BEING *a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.*

with appurtenances. ***To Have and To Hold*** *all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns* ***Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, the said Grantor has hereunto set its hand and seal the day and year first above written.

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:

_____ _____

_____

COMMONWEALTH OF PENNSYLVANIA :
: ***ss***
COUNTY OF BUTLER :

ON THIS, the 21 day of May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, *I hereunto set my hand and official seal.*

Mary Ann Lascuola
Notary Public

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

MY COMMISSION EXPIRES:

Certificate of Residence

I do hereby certify that the precise residence of Grantee(s) is: ***1276 Kittanning Pike, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parenti

Recorded _____ *Number* _____

D E E D

Volume _____ *Page* _____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

THOMAS H. SHERWIN and ANNA MARIE SHERWIN, husband and wife

==========

*Fees, $*_____

==========

To the Recorder mail to:

THOMAS H. SHERWIN
ANNA MARIE SHERWIN
1276 Kittanning Pike
Chicora, PA 16025

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Instr:200306180026569 06/18/2003
Pages:3 F:$38.50 12:10PM
Michele Mustello T20030025070
Butler County Recorder MLRONALD E

200306180026569
06/18/2003 12:10:33PM T20030025070
PA TRF TAX $24.80
KARNS CITY AREA SCHO $12.40
FAIRVIEW TWP $12.40
TOTAL TAX $49.60

THIS INDENTURE

Made the 21 *day of* May, *2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation,*** *with an address of* ***121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***RONALD E. STITT and MADELINE E. STITT, husband and wife, of 1281 Kittanning Pike, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***TWO THOUSAND FOUR HUNDRED EIGHTY AND 00/100 ($2,480.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Northern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and center of S.R. 0268, Kittanning Pike, at line of other lands of Ronald E. and Madeline E. Stitt, said point being the Northwest corner of the herein described tract; Thence along said lands of Ronald E. and Madeline E. Stitt, S 85° 15' E, a distance of 478.1 feet more or less to a point on lands to be conveyed to William G. and Kay D. Barnhart; Thence along said lands to be conveyed to William G. and Kay D. Barnhart, S 04° 45' E, a distance of 258.5 feet more or less to a point; Thence along same, N 87° 34' 15" W, a distance of 468.7 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, N 08° 30' W, a distance of 200.4 feet more or less to a point, the PLACE OF BEGINNING.

CONTAINING 2.48 acres more or less and being a part of the lands conveyed by Rudolph P. Rob, et ux, to the Western Allegheny Railroad Company by Deed dated August 13, 1952 and recorded in Deed Book Vol. 626 Page 348.

BEING *a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.*

with appurtenances. ***To Have and To Hold*** *all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns* ***Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

EXHIBIT
tabbies
B&LE 9

In Witness Whereof, the said Grantor has hereunto set its hand and seal the day and year first above written.

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:

_____ _____

_____

COMMONWEALTH OF PENNSYLVANIA :
: ss
COUNTY OF BUTLER :

ON THIS, the 21 day of May, 2003, before me a Notary Public in and for said State and County, personally appeared ***GLENN J. STEVENS,*** who acknowledged himself to be the President of ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

MY COMMISSION EXPIRES:

NOTARIAL SEAL
MARY ANN LASCUOLA
NOTARY PUBLIC
PENNSYLVANIA

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantee(s) is: ***1281 Kittanning Pike, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Merritt

Recorded _____ *Number* _____

D E E D

Volume _____ *Page* _____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

RONALD E. STITT and MADELINE E. STITT, husband and wife

==========

*Fees, $*_____

==========

To the Recorder mail to:

RONALD E. STITT
MADELINE E. STITT
1281 Kittanning Pike
Chicora, PA 16025

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

WESTERN ALLEGHENY RAILROAD CO. to BESSEMER & LAKE ERIE R.R. COMPANY

THIS INDENTURE

MADE the 21st day of December , in the year of our Lord one thousand nine hundred and sixty-seven (1967),

BETWEEN

WESTERN ALLEGHENY RAILROAD COMPANY (hereinafter referred to as "Western Allegheny"), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having its domicile and principal place of business in the City of Philadelphia, County of Philadelphia, in said Commonwealth, party of the first part;

AND

BESSEMER AND LAKE ERIE RAILROAD COMPANY (hereinafter referred to as "Bessemer"), likewise a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having its domicile and principal place of business in the City of Pittsburgh, County of Allegheny, in said Commonwealth, party of the second part.

WITNESSETH, that Western Allegheny for and in consideration of the sum of Twenty-four Thousand Two Hundred Dollars ($24,200.00), lawful money of the United States of America, to it in hand paid by Bessemer at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, released, conveyed and confirmed, and by these presents does grant, bargain, sell, release, convey and confirm unto Bessemer, its successors and assigns, forever,

FIRST: ALL those certain tracts or parcels of land, lots or pieces of ground, easements, rights of way and other interests in land situate in the

BOOK 335 PAGE 062

EXHIBIT
B&LE 10

Townships of Clay, Concord and Fairview, County of Butler and Commonwealth of Pennsylvania, and the Township of Brady's Bend, County of Armstrong and Commonwealth aforesaid, extending from Western Allegheny's interchange with Bessemer at Queen Junction, Clay Township, Butler County, Pennsylvania at its Valuation Station 1398 + 89± in an easterly direction to its terminus at Dewey, Brady's Bend Township, Armstrong County, Pennsylvania, at its Valuation Station 2485 + 51±, a distance of approximately 20.58 miles, as shown colored yellow on Western Allegheny's Map No. 27126, sheet 1 of 2, dated August 28, 1967, revised September 19, 1967, marked EXHIBIT "A" and attached hereto and made a part hereof. A substantially complete list of deed references covering the tracts or parcels of land, lots or pieces of ground, easements, rights of way and other interests in land herein conveyed between the above named Valuation Stations is recited in EXHIBIT "B" attached hereto and made a part hereof.

SECOND: ALL those certain pieces, parcels or tracts of land, easements, rights of way and other interests in land situate in the Townships of Worth, Muddy Creek, Franklin and Clay, County of Butler and Commonwealth of Pennsylvania, and Township of Slippery Rock, County of Lawrence and Commonwealth aforesaid, as shown on Western Allegheny's Map No. 27126, Sheet 2 of 2, dated September 5, 1967, revised December 4, 1967, marked EXHIBIT "C" and attached hereto and made a part hereof. A substantially complete list of deed references covering the pieces, parcels or tracts of land, easements, rights of way and other interests in land herein conveyed and shown on said EXHIBIT "C" is recited in EXHIBIT "D" attached hereto and made a part hereof.

AND FURTHER, Western Allegheny has granted, conveyed, assigned, transferred and set over, and by these presents does grant, convey, assign, transfer and set over unto Bessemer, its successors and assigns, forever, all lands, easements, rights of way and other interests in land in the Counties of Butler, Armstrong and Lawrence, Commonwealth of Pennsylvania, to which Western Allegheny has or could have any estate, right, title, claim or interest under any conceivable circumstances, subject to all restrictions, conditions, agreements and easements which are legally binding upon said property.

THIS CONVEYANCE is made under and subject to the following:

(1) Such state of facts as an accurate survey may disclose;

(2) All reservations and exceptions of coal, oil, gas, water and other minerals and liquids and mining and drilling rights mentioned in various deeds of record;

(3) Rights reserved in farm crossings mentioned in various deeds of record;

(4) Rights to drive entries through coal mentioned in various deeds of record;

(5) Rights to construct and maintain water, steam, gas and oil pipes and power, telephone and telegraph lines as mentioned in various deeds of record;

(6) Lease from The Great Lakes Coal Company to The School Board of Brady's Bend Township dated November 12, 1909, for the use of land for school purposes;

(7) Rights in roadways as mentioned in various deeds of record;

(8) Right to construct and maintain switches and tipples as mentioned in deed from Grace W. Taylor to Western Allegheny dated September 10, 1917;

(9) Right of Kaylor Methodist Episcopal Church to use certain land as described in deed from Manor Real Estate and Trust Company to Western Allegheny by deed dated August 6, 1923;

(10) Rights of the owners of existing water, telephone, power and gas lines which cross any of the land shown on said EXHIBITS "A" and "C" hereof;

(11) Rights of the public in any and all public roads and streets which pass through the said land;

(12) Rights of others in and to the waters of streams which flow over and across the said land; and

(13) Grant of easement by Western Allegheny to Joseph S. Williams by deed dated March 1, 1948, for passageway.

Together with all and singular, the privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever of Western Allegheny, in law, equity or otherwise, howsoever, of, in and to the same, and every part thereof.

TO HAVE AND TO HOLD the tracts or parcels of land, lots or pieces of ground, easements, rights of way and other interests in land, with the hereditaments and premises hereby granted, or mentioned, and intended so to be, with

the appurtenances, unto Bessemer, its successors and assigns, to and for the only proper use and behoof of the said Bessemer, its successors and assigns, FOREVER, under and subject as hereinabove provided.

AND Western Allegheny, for itself and its successors, covenants with Bessemer and its assigns, against all lawful claimants the same and every part thereof, except those described below, by, from or under it, under and subject as hereinbefore described, to SPECIALLY WARRANT AND DEFEND, it being expressly understood and agreed, however, by and between the parties hereto that this warranty shall not extend or apply to the following:

(a) Tract, parcel or piece of ground, situate in Township of Concord, as described in deed of Albert Cumberland et ux. to Western Allegheny, dated January 4, 1904, and recorded in the Recorder's Office of Butler County, Pennsylvania, in Deed Book Vol. 248, Page 37.

(b) Nine-tenths (9/10) interest in tract of land, situate in Township of Fairview, as described in deed of William Hepler, widower, et al. to Western Allegheny, dated November 12, 1902, and recorded as aforesaid, in Deed Book Vol. 227, Page 158.

(c) Tract of land, situate in Township of Brady's Bend, being formerly the property of L. W. Miller and appropriated by Western Allegheny under Condemnation Proceedings at No. 27, September Term 1909, in the Court of Common Pleas of said Armstrong County.

(d) Tract of land, situate in Township of Brady's Bend, being formerly the property of Christopher Garner et ux. and appropriated by Western Allegheny under Condemnation Proceedings at No. 37, December Term 1903, in the Court of Common Pleas of said Armstrong County.

(e) Undivided one-half (1/2) interest in tract of land, situate in Township of Clay, as described in deed of Mary J. Brown et vir. to Western Allegheny, dated October 23, 1905, and recorded in the Recorder's Office of Butler County, Pennsylvania, in Deed Book Vol. 241, Page 183.

(f) Tract of land, situate in Township of Clay, as described in deed of Edward Webb et ux. et al. to Western Allegheny, dated May 16, 1908, and recorded in the aforesaid Recorder's Office in Deed Book Vol. 259, Page 128.

(g) Any other tracts, parcels or pieces of land occupied by Western Allegheny but not specifically referred to in EXHIBITS "B" or "D" hereof.

Western Allegheny does hereby constitute and appoint G. M. Smith to be its attorney, for it, and in its name and as and for its corporate act and deed to acknowledge this Indenture before any person having authority by the laws of the Commonwealth of Pennsylvania to take such acknowledgment, to the intent

that the same may be duly recorded.

This Indenture is made under and by virtue of a resolution of the Board of Directors of Western Allegheny passed at a meeting thereof held on the 11th day of September , 1967, a full quorum being present, duly authorizing and directing the same to be made and done.

IN WITNESS WHEREOF, Western Allegheny Railroad Company, party of the first part, has caused its common and corporate seal to be affixed to these presents by the hand of its President and the same to be duly attested by its ASSISTANT Secretary.

DATED the day and year first above written.

WESTERN ALLEGHENY RAILROAD COMPANY

By _____
President

Attest:

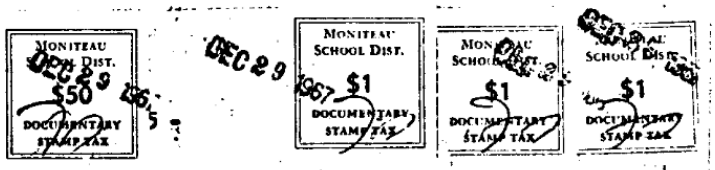
_____
ASSISTANT Secretary

COMMONWEALTH OF PENNSYLVANIA
APRIL 2, 1902









BOOK 885 PAGE 066

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF Allegheny } SS:

I hereby certify that on this 21st day of December, 1967, before me, the subscriber, a Notary Public, in and for the County of Allegheny and Commonwealth of Pennsylvania, personally appeared G. M. Smith, the attorney named in the foregoing deed, and by virtue and in pursuance of the authority therein conferred upon him, acknowledged the said deed to be the act of the said Western Allegheny Railroad Company to the end that it may be recorded as such.

WITNESS my hand and Notarial seal the day and year aforesaid.

Evelyn B. Domestichas
Notary Public

My Commission Expires:

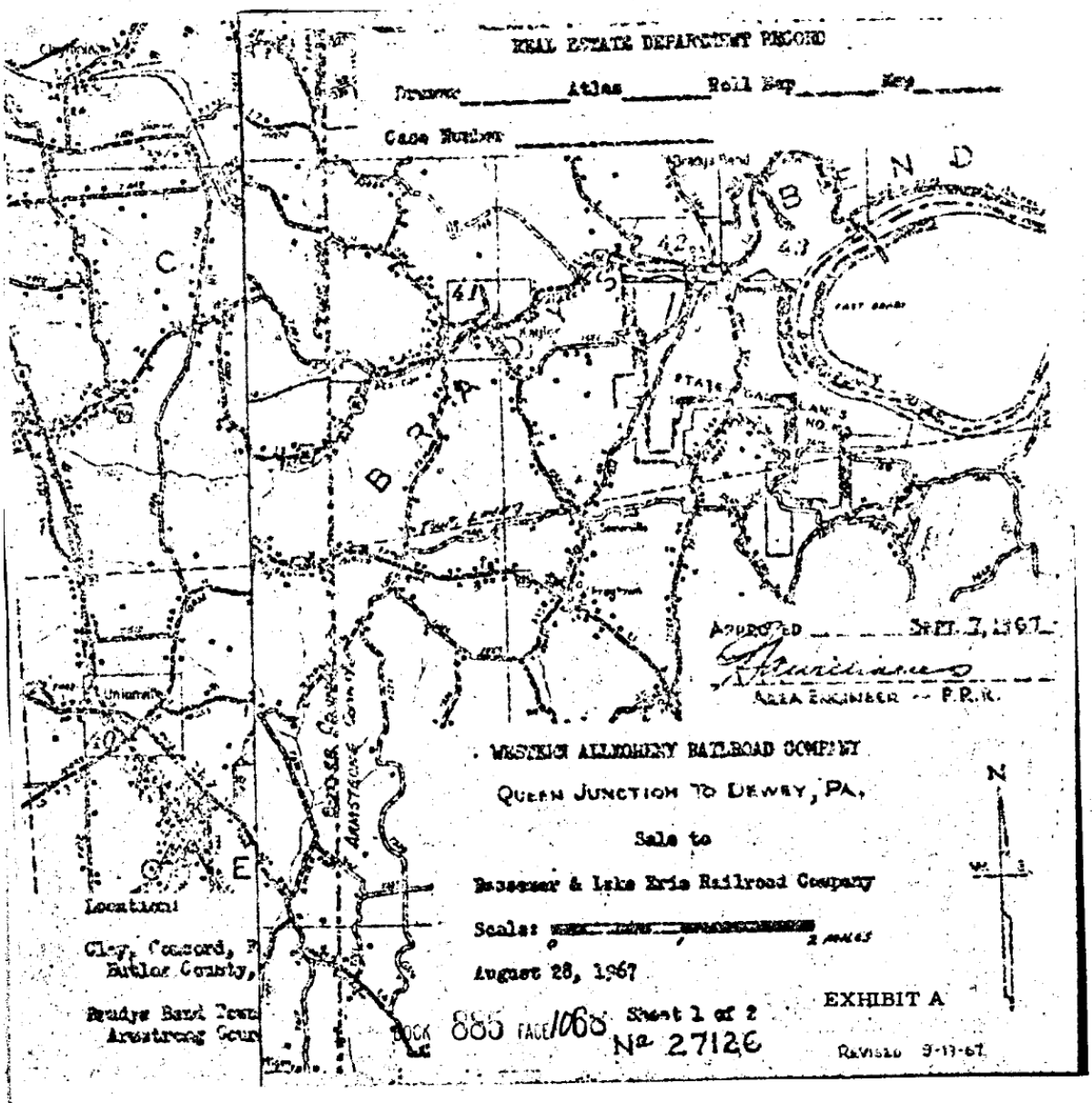
CERTIFICATE AS TO RESIDENCE

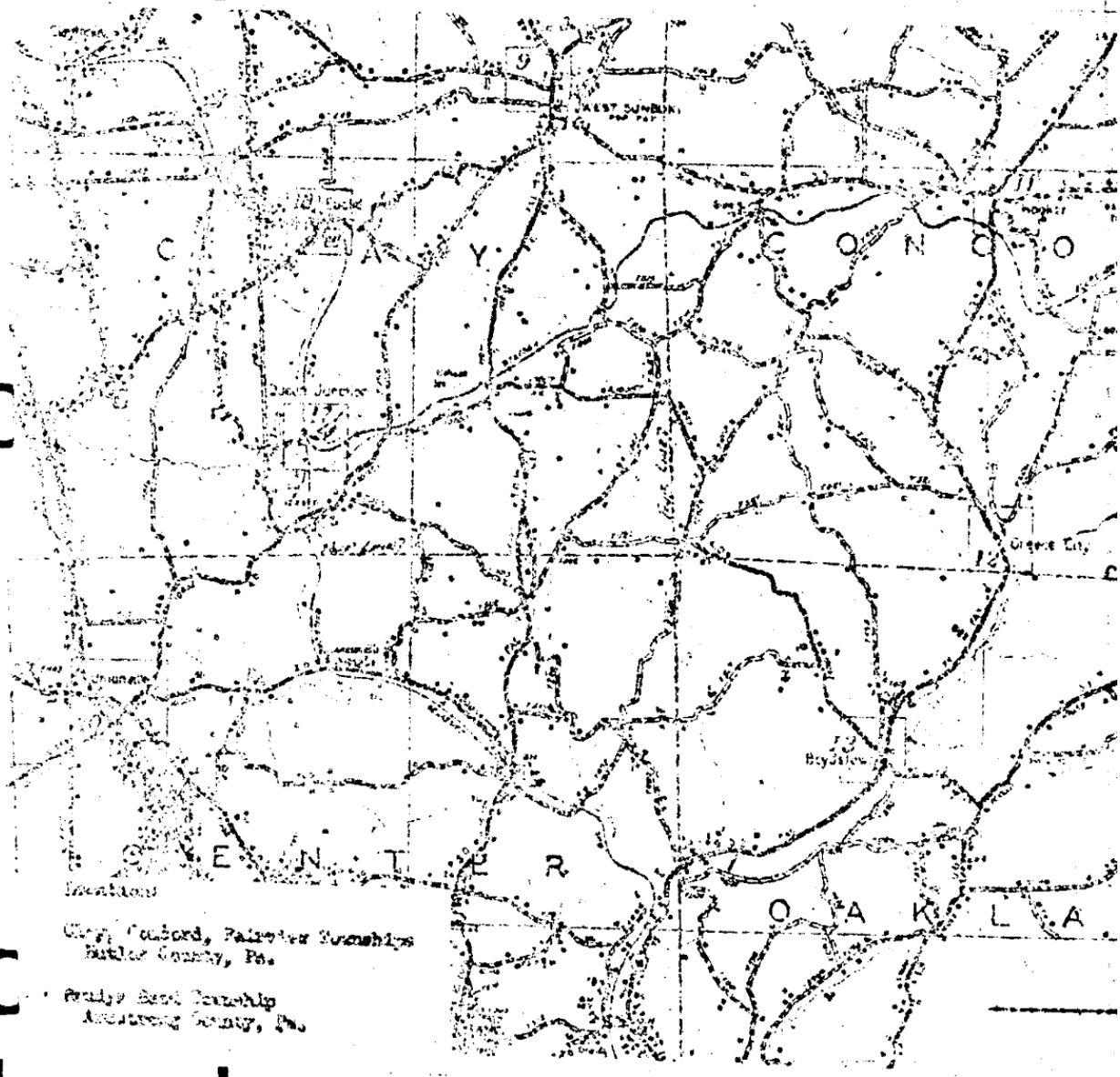
The undersigned hereby certifies that the residence of the party of the second part herein named is as follows: Box 536, Pittsburgh, Pennsylvania 15230.

Dated: December 29, 1967. 1967.

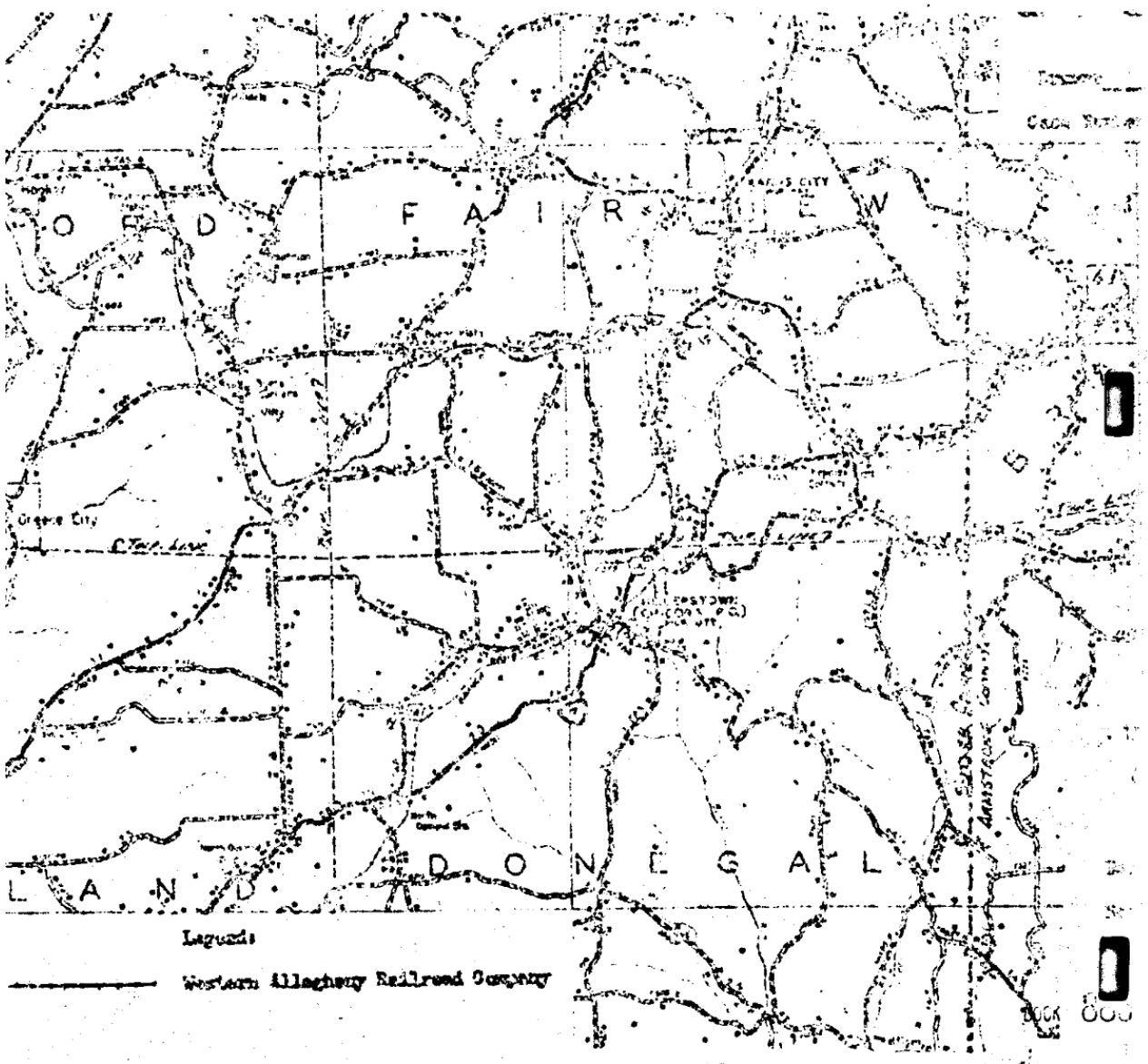
Secretary

BOOK 885 PAGE 1067


REAL ESTATE DEPARTMENT RECORD
Division
Atlas
Roll Map
Key
Case Number
APPROVED SEPT. 7, 1967
AREA ENGINEER -- P.R.R.
WESTERN ALLEGHENY RAILROAD COMPANY
QUEEN JUNCTION TO DEWEY, PA.
Sale to
Pittsburgh & Lake Erie Railroad Company
Scale: 2 miles
August 28, 1967
EXHIBIT A
Location:
Clay, Concord, P
Butler County,
Brady's Bend Town
Armstrong Coun
BOOK 885 PAGE 1068 Sheet 1 of 2
No 27126
Revised 9-11-67
N
W
E
BRADY'S BEND
CLAY
CONCORD
BUTLER COUNTY
ARMSTRONG COUNTY
STATE
LAND
NO.
41
42
43



BOOK 885 PAGE 1068 A.



BOOK 885 PAGE 1078

EXHIBIT "B"

A SUBSTANTIALLY COMPLETE LIST OF DEED REFERENCES TO THE PROPERTY SITUATE IN BUTLER COUNTY AND ARMSTRONG COUNTY, PENNSYLVANIA BEING CONVEYED BY WESTERN ALLEGHENY RAILROAD COMPANY, A PENNSYLVANIA CORPORATION, TO BESSEMER AND LAKE ERIE RAILROAD COMPANY, A PENNSYLVANIA CORPORATION

1. Tracts of land, situate in the Township of Clay, as described in deed of Frank X. Kohler, unmarried, to Western Allegheny Railroad Company (hereinafter referred to as "Western Allegheny"), dated June 26, 1907, and recorded in Deed Book Vol. 253, Page 239.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Edward M. Buckham et ux. by deed dated February 24, 1944, and recorded in Deed Book Vol. 524, Page 454.

2. Tract of land, situate in the Township of Clay, as described in deed of Asaph H. Cranmer et ux. to Western Allegheny, dated March 27, 1905, and recorded in Deed Book Vol. 241, Page 43.

3. Tract of land, situate in the Township of Clay, as described in deed of Asaph H. Cranmer et ux. to Western Allegheny, dated June 12, 1907, and recorded in Deed Book Vol. 257, Page 32.

4. Tract of land, situate in Township of Clay, as described in deed of Asaph H. Cranmer et ux. to Western Allegheny, dated February 3, 1903, and recorded in Deed Book Vol. 227, Page 142.

5. Tract of land, situate in Township of Clay, as described in deed of Amos Young et ux. to Western Allegheny, dated January 17, 1903, and recorded in Deed Book Vol. 227, Page 135.

6. Tract of land, situate in Township of Clay, as described in deed of Amos Young et ux. to Western Allegheny, dated November 25, 1905, and recorded in Deed Book Vol. 241, Page 60.

7. Tract of land, situate in Township of Clay, as described in deed of Robert B. Conn et ux. to Western Allegheny, dated February 3, 1903, and recorded in Deed Book Vol. 227, Page 139.

8. Tract of land, situate in Township of Clay, as described in deed of Mrs. Mary Gallagher to Western Allegheny, dated January 17, 1903, and recorded in Deed Book Vol. 228, Page 173.

9. Parcel of land, situate in Township of Clay, as described in deed of Dominico Amendolea, widower, to Western Allegheny, dated April 10, 1951, and recorded in Deed Book Vol. 613, Page 23.

10. Parcel of land, situate in Township of Clay, as described in deed of Floy Thompson, single, to Western Allegheny, dated April 10, 1951, and recorded in Deed Book Vol. 613, Page 25.

11. Lot, parcel or piece of ground, situate in Township of Clay, as described in deed of Eva M. Badger et vir. et al. to Western Allegheny, dated September 27, 1905, and recorded in Deed Book Vol. 262, Page 404.

12. Tracts of land, situate in Township of Clay, as described in deed of James W. Mahood et ux. to Western Allegheny, dated December 31, 1902, and recorded in Deed Book Vol. 228, Page 182.

13. Tract of land, situate in Township of Clay, as described in deed of William H. Mahood et al. to Western Allegheny, dated January 16, 1903, and recorded in Deed Book Vol. 228, Page 176.

14. Tract of land, situate in Township of Clay, as described in deed of Henry A. Berg et ux. et al. to Western Allegheny, dated June 24, 1907, and recorded in Deed Book Vol. 262, Page 279.

15. Tract of land, situate in Township of Clay, as described in deed of Josiah J. Brown et ux. to Western Allegheny, dated May 30, 1903, and recorded in Deed Book Vol. 228, Page 169.

16. Tracts of land, situate in Township of Clay, as described in deed of Ambrose H. Patterson, widower, to Western Allegheny, dated January 3, 1905,

and recorded in Deed Book Vol. 225, Page 462.

17. Tract of land, situate in Township of Clay, as described in deed of Emmet Queen et ux. to Western Allegheny, dated May 14, 1904, and recorded in Deed Book Vol. 227, Page 246.

18. Tract of land, situate in Township of Clay, as described in deed of Henry B. Rinker et ux. to Western Allegheny, dated April 7, 1904, and recorded in Deed Book Vol. 227, Page 131.

19. Tract of land, situate in Township of Clay, as described in deed of Thomas E. Coulter et ux. to Western Allegheny, dated January 13, 1903, and recorded in Deed Book Vol. 228, Page 179.

20. Tract of land, situate partly in Township of Clay and partly in Township of Concord, as described in deed of Peter R. Day et ux. et al. to Western Allegheny, dated January 15, 1903, and recorded in Deed Book Vol. 228, Page 165.

21. Parcels of land, situate in Township of Clay, as described in deed of Peter R. Day et ux. to Western Allegheny, dated October 4, 1951, and recorded in Deed Book Vol. 614, Page 541.

22. Tracts of land, situate in Township of Concord, as described in deed of Isaac P. Campbell et ux. to Western Allegheny, dated July 20, 1903, and recorded in Deed Book Vol. 225, Page 102.

23. Tract of land, situate in Township of Concord, as described in deed of Minnie Hunt, widow, to Western Allegheny, dated January 13, 1903, and recorded in Deed Book Vol. 228, Page 226.

24. Tract of land, situate in Township of Concord, as described in deed of Abner Campbell et ux. to Western Allegheny, dated January 13, 1903, and recorded in Deed Book Vol. 228, Page 230.

25. Tract of land, situate in Township of Concord, as described in deed of Edward G. Troutman et ux. to Western Allegheny, dated July 8, 1903, and recorded in Deed Book Vol. 228, Page 240.

26. Tracts of land, situate in Township of Concord, as described in deed of Alvey J. Campbell et ux. et al. to Western Allegheny, dated February 7, 1903, and recorded in Deed Book Vol. 225, Page 106.

27. Tract, parcel or piece of ground, situate in Township of Concord, as described in deed of Albert Cumberland et ux. to Western Allegheny, dated January 4, 1904, and recorded in Deed Book Vol. 248, Page 37.

28. Tract of land, situate in Township of Concord, as described in deed of Anna R. Moser, widow, et al. to Western Allegheny, dated October 23, 1905, and recorded in Deed Book Vol. 241, Page 55.

29. Tract of land, situate in Township of Concord, as described in deed of Nancy M. Campbell, widow, et al. to Western Allegheny, dated August 3, 1903, and recorded in Deed Book Vol. 227, Page 185.

30. Tract of land, situate in Township of Concord, as described in deed of Esly U. Cumberland et ux. to Western Allegheny, dated March 24, 1903, and recorded in Deed Book Vol. 228, Page 246.

31. Tract of land, situate in Township of Concord, as described in deed of James H. Thompson et ux. to Western Allegheny, dated June 27, 1905, and recorded in Deed Book Vol. 262, Page 401.

32. Tracts of land, situate in Township of Concord, as described in deed of James H. Thompson et ux. to Western Allegheny, dated July 7, 1903, and recorded in Deed Book Vol. 227, Page 174.

33. Piece or parcel of land, situate in Township of Concord, as described in deed of Martha Elizabeth Thompson, widow, et al. to Western Allegheny, dated July 19, 1948, and recorded in Deed Book Vol. 567, Page 175.

34. Tract of land, situate in Township of Concord, as described in deed of A. W. Starr et ux. to Western Allegheny, dated October 11, 1904, and recorded in Deed Book Vol. 233, Page 108.

35. Tract of land, situate in Township of Concord, as described in deed of Samuel O. Kamerer, unmarried, et al. to Western Allegheny, dated February 4, 1903, and recorded in Deed Book Vol. 228, Page 223.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Henry L. Harper et al. by deed dated May 28, 1948, and recorded in Deed Book Vol. 567, Page 18.

36. Tracts of land, situate in Township of Concord, as described in deed of Margaret Harper, unmarried, et al. to Western Allegheny, dated April 24, 1903, and recorded in Deed Book Vol. 227, Page 249.

37. Tract, parcel or piece of land, situate in Township of Concord, as described in deed of Eliza A. Bell et al. to Western Allegheny, dated June 21, 1907, and recorded in Deed Book Vol. 251, Page 419.

38. Tract of land, situate in Township of Concord, as described in deed of Jeremiah P. Sutton et ux. to Western Allegheny, dated March 18, 1903, and recorded in Deed Book Vol. 225, Page 99.

39. Tracts of land, situate in Township of Concord, as described in deed of Violet Starr, widow, et al. to Western Allegheny, dated May 5, 1906, and recorded in Deed Book Vol. 264, Page 72.

40. Tract of land, situate in Township of Concord, as described in deed of William J. Roxbury to Western Allegheny, dated July 2, 1904, and recorded in Deed Book Vol. 230, Page 224.

41. Tract of land, situate in Township of Concord, as described in deed of R. P. Black et ux. to Western Allegheny, dated September 26, 1904, and recorded in Deed Book Vol. 229, Page 305.

42. Tract of land, situate in Township of Concord, as described in deed of Lewis F. Sutton et ux. to Western Allegheny, dated September 12, 1904, and recorded in Deed Book Vol. 223, Page 447.

43. Tract of land, situate in Township of Concord, as described in deed of James H. Byers et ux. to Western Allegheny, dated January 14, 1903, and recorded in Deed Book Vol. 227, Page 179.

44. Tract of land, situate in Township of Concord, as described in deed of Aaron Rider et ux. to Western Allegheny, dated April 21, 1903, and recorded in Deed Book Vol. 228, Page 207.

45. Tract of land, situate in Township of Concord, as described in deed of A. E. King, unmarried, et al. to Western Allegheny, dated December 19, 1904, and recorded in Deed Book Vol. 232, Page 31.

46. Tract of land, situate in Township of Concord, as described in deed of J. H. Wick et ux. to Western Allegheny, dated April 28, 1904, and recorded in Deed Book Vol. 225, Page 111.

47. Tract of land, situate in Township of Concord, as described in deed of Andrew E. King, unmarried, et al. to Western Allegheny, dated January 23, 1903, and recorded in Deed Book Vol. 227, Page 182.

48. Tracts of land, situate partly in Township of Concord and partly in Township of Fairview, as described in deed of William E. Brown et ux. to Western Allegheny, dated October 6, 1904, and recorded in Deed Book Vol. 229, Page 299.

49. Tract of land, situate in Township of Concord, as described in deed of Mary M. Dillon, widow, et al. to Western Allegheny, dated May 18, 1903, and recorded in Deed Book Vol. 228, Page 234.

50. Tract of land, situate in Township of Fairview, as described in deed of J. M. Wick et ux. to Western Allegheny, dated September 25, 1905, and recorded in Deed Book Vol. 241, Page 58.

51. Tract of land, situate in Township of Fairview, as described in deed of John C. Schneider et ux. et al. to Western Allegheny, dated January 7, 1904, and recorded in Deed Book Vol. 228, Page 186.

52. Tract of land, situate in Township of Fairview, as described in deed of David M. Thompson et ux. to Western Allegheny, dated October 29, 1904, and recorded in Deed Book Vol. 221, Page 477.

53. Tracts of land, situate in Township of Fairview, as described in deed of Winfield S. Kepple, unmarried, et al. to Western Allegheny, dated July 31, 1903, and recorded in Deed Book Vol. 228, Page 194.

54. Tract of land, situate in Township of Fairview, as described in deed of John H. Andre et ux. to Western Allegheny, dated February 2, 1904, and recorded

in Deed Book Vol. 227, Page 155.

55. Tract of land, situate in Township of Fairview, as described in deed of Christina Pontius, widow, et al. to Western Allegheny, dated June 4, 1903, and recorded in Deed Book Vol. 227, Page 164.

56. Tract of land, situate in Township of Fairview, as described in deed of James J. Sutton et ux. to Western Allegheny, dated July 30, 1903, and recorded in Deed Book Vol. 227, Page 167.

57. Tract of land, situate in Township of Fairview, as described in deed of John H. Ellenberger et ux. to Western Allegheny, dated December 5, 1905, and recorded in Deed Book Vol. 241, Page 46.

58. Tract of land, situate in Township of Fairview, as described in deed of Amos W. Ellenberger et ux. to Western Allegheny, dated December 31, 1902, and recorded in Deed Book Vol. 228, Page 198.

59. Tract of land, situate in Township of Fairview, as described in deed of Harvey O. Swartzlander, unmarried, et al. to Western Allegheny, dated January 1, 1903, and recorded in Deed Book Vol. 228, Page 207.

60. Tract of land, situate in Township of Fairview, as described in deed of William L. Kepple et ux. to Western Allegheny, dated December 21, 1903, and recorded in Deed Book Vol. 228, Page 214.

61. Tract of land, situate in Township of Fairview, as described in deed of Mrs. Sarah A. Clark et al. to Western Allegheny, dated January 6, 1904, and recorded in Deed Book Vol. 227, Page 148.

62. Tract of land, situate in Township of Fairview, as described in deed of D. L. Rankin et ux. to Western Allegheny, dated July 2, 1904, and recorded in Deed Book Vol. 230, Page 225.

63. Seven-eighths (7/8) interest in tract of land, situate in Township of Fairview, as described in deed of Charles Duffy et ux. to Western Allegheny, dated July 14, 1905, and recorded in Deed Book Vol. 241, Page 63.

64. One-eighth (1/8) interest in tract of land, situate in Township of Fairview, as described in deed of Ida P. Gallagher, Executrix of Edwin F. Gallagher, to Western Allegheny, dated October 27, 1905, and recorded in Deed Book Vol. 241, Page 68.

65. Tracts of land, situate in Township of Fairview, as described in deed of Patrick R. Burke et ux. to Western Allegheny, dated April 16, 1904, and recorded in Deed Book Vol. 225, Page 169.

66. Tract of land, situate in Township of Fairview, as described in deed of Eleanor Elliott, widow, to Western Allegheny, dated October 12, 1903, and recorded in Deed Book Vol. 228, Page 204.

67. Tract of land, situate in Township of Fairview, as described in deed of Eleanor Elliott, widow, to Western Allegheny, dated December 22, 1902, and recorded in Deed Book Vol. 228, Page 201.

68. Tract of land, situate in Township of Fairview, as described in deed of Eleanor Elliott, widow, to Western Allegheny, dated July 12, 1905, and recorded in Deed Book Vol. 241, Page 50.

69. Tract of land, situate in Township of Fairview, as described in deed of Joseph Earhart, widower, to Western Allegheny, dated August 4, 1904, and recorded in Deed Book Vol. 229, Page 309.

70. Tract of land, situate in Township of Fairview, as described in deed of Grace W. Taylor, widow, to Western Allegheny, dated September 10, 1917, and recorded in Deed Book Vol. 344, Page 15.

71. Tract of land, situate in Township of Fairview, as described in deed of William S. McCollough et ux. to Western Allegheny, dated July 1, 1904, and recorded in Deed Book Vol. 227, Page 428.

72. Tract of alnd, situate in Township of Fairview, as described in deed of Andrew J. Moore et ux. et al. to Western Allegheny, dated November 14, 1902, and recorded in Deed Book Vol. 227, Page 145.

73. Tract of land, situate in Township of Fairview, as described in deed of Sylvester R. McLaughlin et ux. to Western Allegheny, dated January 15, 1903, and recorded in Deed Book Vol. 227, Page 152.

74. Parcels of land, situate in Township of Fairview, as described in deed of Rudolf P. Rob et ux. to Western Allegheny, dated August 13, 1952, and recorded in Deed Book Vol. 626, Page 348.

75. Parcel or tract of land, situate in Township of Fairview, as described in deed of Jehu G. Kaylor et ux. to Western Allegheny, as described in deed of November 16, 1953, and recorded in Deed Book Vol. 647, Page 482.

76. Tract of land, situate in Township of Fairview, as described in deed of Emmet Queen et ux. to Western Allegheny, dated October 1, 1908, and recorded in Deed Book Vol. 263, Page 103.

77. Tract of land, situate in Township of Fairview, as described in deed of John D. Collins et ux. to Western Allegheny, dated September 28, 1903, and recorded in Deed Book Vol. 228, Page 210.

78. Tract of land, situate in Township of Fairview, as described in deed of Lawrence McLaughlin, unmarried, to Western Allegheny, dated March 22, 1904, and recorded in Deed Book Vol. 227, Page 172.

79. Tract of land, situate in Township of Fairview, as described in deed of George D. Kamerer et ux. to Western Allegheny, dated December 5, 1905, and recorded in Deed Book Vol. 241, Page 52.

80. Tract of land, situate in Township of Fairview, as described in deed of Wm. H. Miller et ux. to Western Allegheny, dated February 11, 1903, and recorded in Deed Book Vol. 225, Page 96.

81. Tract of land, situate in Township of Fairview, as described in deed of Charles Miller et ux. to Western Allegheny, dated November 20, 1902, and recorded in Deed Book Vol. 228, Page 220.

82. Tract of land, situate in Township of Fairview, as described in deed of Leonard W. Kaler et ux. to Western Allegheny, dated May 12, 1903, and recorded in Deed Book Vol. 228, Page 191.

83. Nine-tenths (9/10) interest in tract of land, situate in Township of Fairview, as described in deed of William Hepler, widower, et al. to Western Allegheny, dated November 12, 1902, and recorded in Deed Book Vol. 227, Page 158.

84. Tract of land, situate in Township of Fairview, as described in deed of Andrew Mays, unmarried, to Western Allegheny, dated November 12, 1902, and recorded in Deed Book Vol. 228, Page 218.

85. Tract of land, situate in Township of Fairview, as described in deed of Samuel J. Byers, widower, to Western Allegheny, dated November 12, 1902, and recorded in Deed Book Vol. 227, Page 170.

86. Tract or piece of ground, situate in Township of Fairview, as described in deed of Great Lakes Coal Company to Western Allegheny, dated September 21,1911, and recorded in Deed Book Vol. 291, Page 154.

87. Pieces or parcels of land, situate in Township of Brady's Bend, as described in deed of Manor Real Estate and Trust Company to Western Allegheny, dated December 18, 1945, and recorded in Deed Book Vol. 324, Page 411.

88. Tract of land, situate in Township of Brady's Bend, being formerly the property of Christopher Garner et ux. and appropriated by Western Allegheny under Condemnation Proceedings at No. 37, December Term 1903, in the Court of Common Pleas of said Armstrong County.

89. Tract of land, situate in Township of Brady's Bend, as described in deed of Jehu G. Kaylor et ux. et al. to Western Allegheny, dated April 16, 1903, and recorded in Deed Book Vol. 118, Page 188.

90. Tract of land, situate in Township of Brady's Bend, as described in deed of Emmet Queen et ux. to Western Allegheny, dated May 14, 1904, and recorded in Deed Book Vol. 120, Page 371.

EXCEPTING AND RESERVING from Items 89 and 90 a parcel of land heretofore conveyed by Western Allegheny to Lester J. Wolfgong by deed dated January 25, 1945, and recorded in Deed Book Vol. 316, Page 477.

91. Tract of land, situate in Township of Brady's Bend, being formerly the property of L. W. Miller and appropriated by Western Allegheny under Condemnation Proceedings at No. 27, September Term 1909, in the Court of Common Pleas of said Armstrong County.

92. Piece or parcel of land, situate in Township of Brady's Bend, as described in deed of Gabriel W. Kaylor et ux. et al. to Western Allegheny, dated October 10, 1945, and recorded in Deed Book Vol. 324, Page 166.

93. Tracts of land, situate in Township of Brady's Bend, as described in deed of Mrs. Martha Butler to Western Allegheny, dated December 23, 1903, and recorded in Deed Book Vol. 104, Page 226.

94. Tract of land, situate in Township of Brady's Bend, as described in deed of Margaret McLaughlin, widow, to Western Allegheny, dated October 24, 1904, and recorded in Deed Book Vol. 122, Page 129.

95. Tract of land, situate in Township of Brady's Bend, as described in deed of Martin Flanagan et ux. to Western Allegheny, dated March 2, 1911, and recorded in Deed Book Vol. 157, Page 30.

96. Tracts or pieces of land, situate in Township of Brady's Bend, as described in deed of Great Lakes Coal Company to Western Allegheny, dated September 21, 1911, and recorded in Deed Book Vol. 159, Page 214.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Richard J. Lewis et ux. et al. by deed dated January 28, 1958, and recorded in Deed Book Vol. 434, Page 543.

97. Tracts or pieces of land, situate in Township of Brady's Bend, as described in deed of Great Lakes Coal Company to Western Allegheny, dated May 7, 1912, and recorded in Deed Book Vol. 162, Page 185.

98. Tract or piece of ground, situate in Township of Brady's Bend, as described in deed of North Penn Coal Company to Western Allegheny, dated October 10, 1922, and recorded in Deed Book Vol. 213, Page 486.

99. Piece or parcel of land, situate in Township of Brady's Bend, as described in deed of Pearle H. Knight, widow, at al. to Western Allegheny, dated October 13, 1936, and recorded in Deed Book Vol. 281, Page 274.

100. Pieces or parcels of land, situate in Township of Brady's Bend, as described in deed of Monterey Colliery Company to Western Allegheny, dated September 29, 1947, and recorded in Deed Book Vol. 341, Page 313.

101. Piece or parcel of land, situate in Township of Brady's Bend, as described in deed of Joseph S. Williams, widower, to Western Allegheny, dated January 17, 1948, and recorded in Deed Book Vol. 346, Page 385.

102. Piece or parcel of land, situate in Township of Brady's Bend, as described in deed of Kaylor Grange Supply Company, Inc. to Western Allegheny, dated April 8, 1948, and recorded in Deed Book Vol. 349, Page 387.

103. Pieces or parcels of land, situate in Township of Brady's Bend, as described in deed of Monterey Colliery Company to Western Allegheny, dated October 22, 1949, and recorded in Deed Book Vol. 358, Page 341.

104. Parcel of land, situate in Township of Brady's Bend, as described in deed of James M. Carothers et ux. to Western Allegheny, dated March 13, 1950, and recorded in Deed Book Vol. 362, Page 209.

105. Tract of land, situate in Township of Brady's Bend, as described in deed of Emmet Queen et ux. to Western Allegheny, dated October 1, 1908, and recorded in Deed Book Vol. 143, Page 31.

All of the deed book references in this EXHIBIT "B" are of record as follows:

Clay, Concord and Fairview Townships, in the office of the Recorder of Deeds of Butler County, Pennsylvania.

Brady's Bend Township, in the office of the Recorder of Deeds of Armstrong County, Pennsylvania

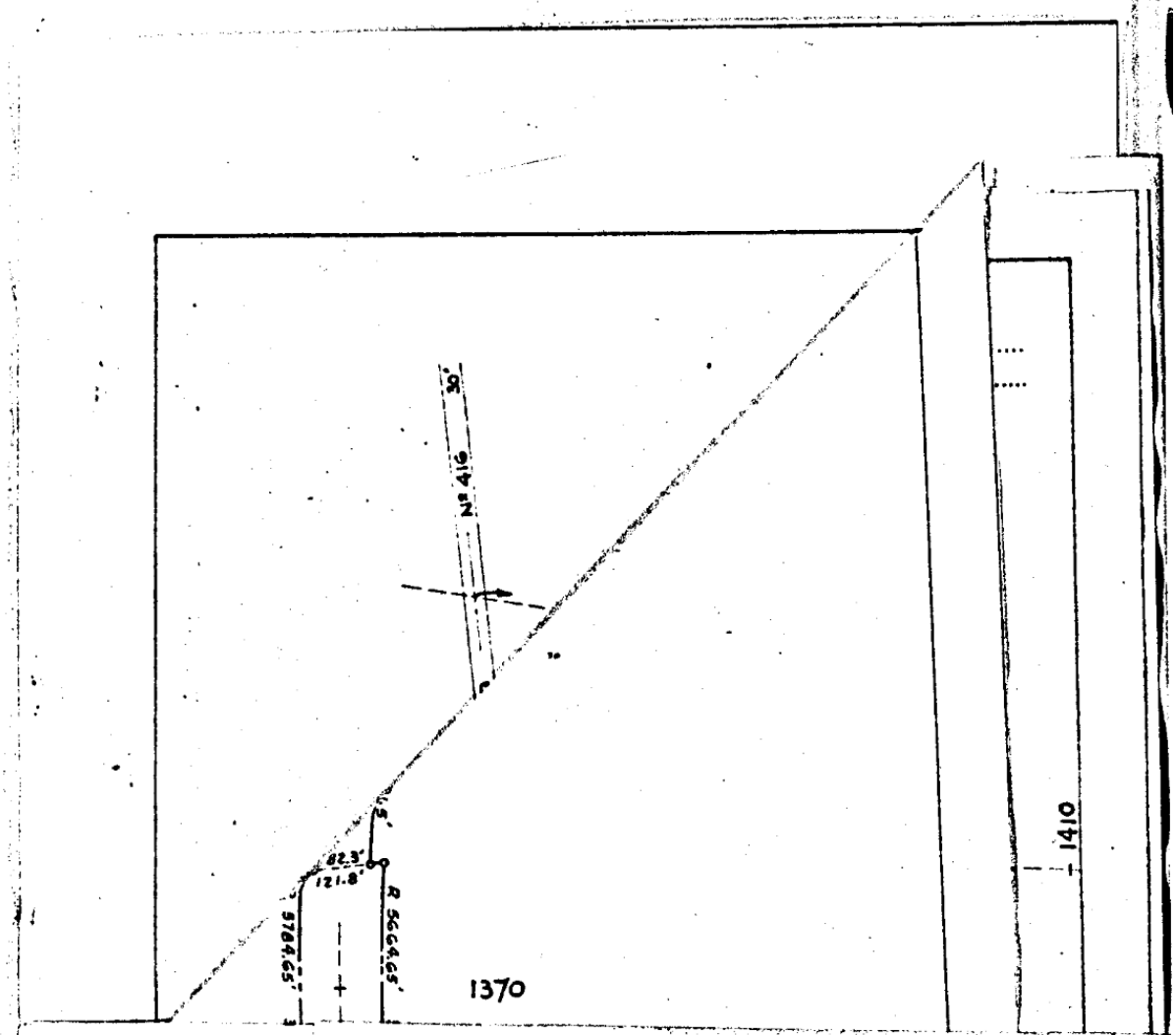


EXHIBIT C

WESTERN ALLEGHENY RAILROAD COMPANY

WEST PITTSBURGH TO QUEEN JUNCTION, PA.

SALE TO

BESSEMER & LAKE ERIE RAILROAD COMPANY

LEGEND

WESTERN

SCALE: 1" = 200'

SEPT. 5, 1967

No. 27126

SHEET 2 OF 2

REVISED DEC. 4, 1967

BOOK 885 PAGE 1075

EXHIBIT "D"

A SUBSTANTIALLY COMPLETE LIST OF DEED REFERENCES TO THE PROPERTY SITUATE IN BUTLER COUNTY AND LAWRENCE COUNTY, PENNSYLVANIA BEING CONVEYED BY WESTERN ALLEGHENY RAILROAD COMPANY, A PENNSYLVANIA CORPORATION, TO BESSEMER AND LAKE ERIE RAILROAD COMPANY, A PENNSYLVANIA CORPORATION.

1. Pieces, parcels and tracts of land, situate in Township of Slippery Rock, as described in deed of Rose Point Stone and Lime Company to Western Allegheny, dated April 19, 1917, and recorded in Deed Book Vol. 192, Page 79.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Charles T. Stoughton by deed dated April 24, 1928, and recorded in Deed Book Vol. 267, Page 223.

ALSO EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to E. Clare Rhodes by deed dated July 25, 1946, and recorded in Deed Book Vol. 344, Page 357.

2. Tract of land, situate in Township of Slippery Rock, as described in deed of Charles T. Stoughton et ux. to Western Allegheny, dated April 24, 1928, and recorded in Deed Book Vol. 267, Page 222.

3. Tracts of land, situate partly in Township of Slippery Rock and partly in Township of Worth, as described in deed of W. M. Hockenberry et ux. to Western Allegheny, dated May 4, 1905, and recorded in Butler County, Pennsylvania, only, in Deed Book Vol. 246, Page 30.

4. Tract of land, situate in Township of Muddy Creek, as described in deed of W. A. Minteer, unmarried, to Western Allegheny, dated May 31, 1905, and recorded in Deed Book Vol. 241, Page 177.

5. Tract of land, situate in Township of Worth, as described in deed of Thomas Fisher et ux. to Western Allegheny, dated May 12, 1905, and recorded in Deed Book Vol. 246, Page 24.

6. Tract of land, situated partly in Township of Franklin and partly in Township of Clay, as described in deed of Harlan Book et ux. to Western Allegheny, dated May 16, 1905, and recorded in Deed Book Vol. 246, Page 7.

7. Tract of land, situate in Township of Clay, as described in deed of Elizabeth J. Kauffman, widow, et al. to Western Allegheny, dated March 2, 1908, and recorded in Deed Book Vol. 257, Page 192.

8. Tract of land, situate in Township of Clay, as described in deed of James Kaufman, Jr., et ux. to Western Allegheny, dated May 1, 1905, and recorded in Deed Book Vol. 246, Page 38.

9. Tract of land, situate in Township of Clay, as described in deed of Joseph H. Timblin et ux. to Western Allegheny, dated December 30, 1907, and recorded in Deed Book Vol. 258, Page 106.

10. Undivided one-half (1/2) interest in tract of land, situate in Township of Clay, as descibed in deed of Mary J. Brown et vir. to Western Allegheny, dated October 23, 1905, and recorded in Deed Book Vol. 241, Page 183.

11. Tract of land, situate in Township of Clay, as described in deed of Edward Webb et ux. et al. to Western Allegheny, dated May 16, 1908, and recorded in Deed Book Vol. 259, Page 128.

12. Tracts of land, situate in the Township of Clay, as described in deed of Frank X. Kohler, unmarried, to Western Allegheny, dated June 26, 1907, and recorded in Deed Book Vol. 253, Page 239.

EXCEPTING AND RESERVING therefrom a parcel of land heretofore conveyed by Western Allegheny to Edward M. Buckham et ux. by deed dated February 24, 1944, and recorded in Deed Book Vol. 524, Page 454.

All of the deed book references in this EXHIBIT "D" are of record as follows:

Worth, Muddy Creek, Franklin and Clay Townships, in the office of the Recorder of Deeds of Butler County, Pennsylvania.

Slippery Rock Township, in the office of the Recorder of Deeds of Lawrence County, Pennsylvania.

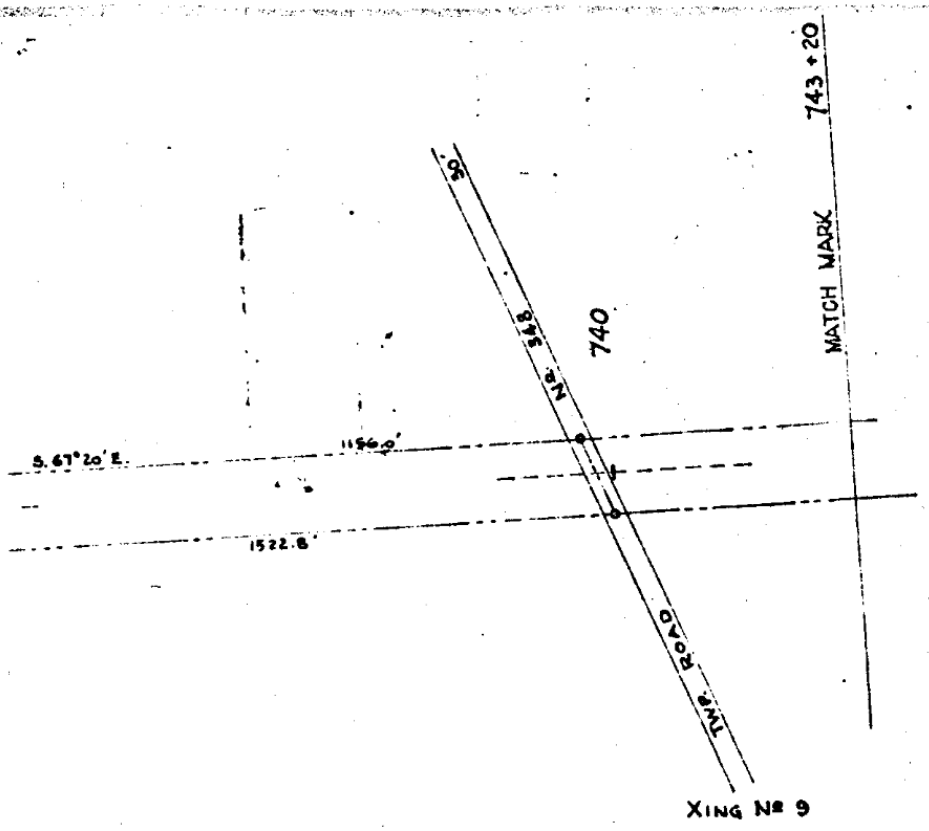


EXHIBIT C

WESTERN ALLEGHENY RAILROAD COMPANY

WEST PITTSBURGH TO QUEEN JUNCTION, PA.

SALE TO

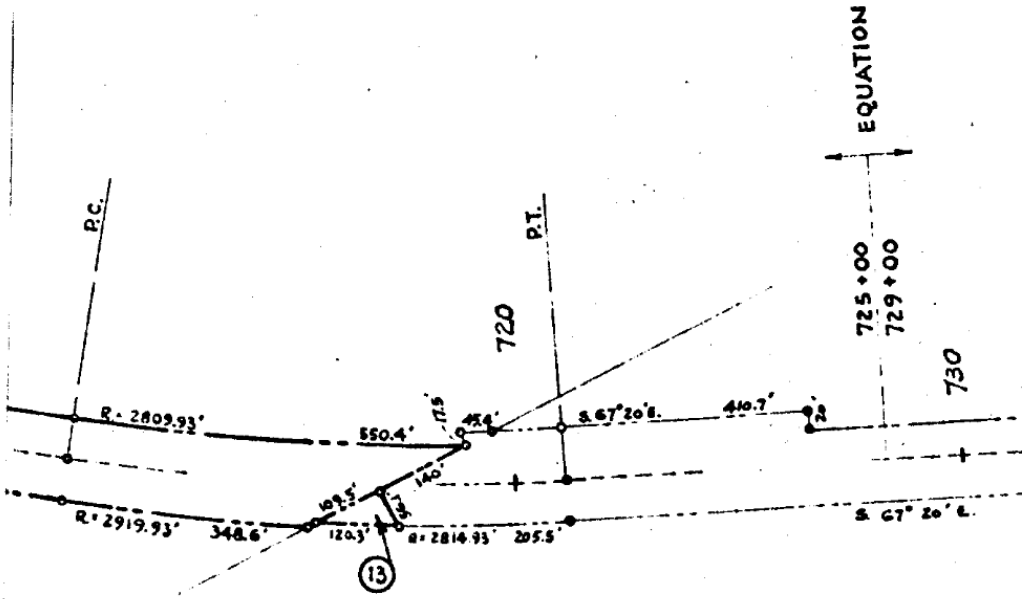
BESSEMER & LAKE ERIE RAILROAD COMPANY

SCALE : 1" = 200' SEPT. 5, 1967

Nº 27126 SHEET 2 OF 2

REVISED DEC. 4, 1967

BOOK 885 PAGE 1076-A



PARCELS 10, 11, 12 & 13

V.S. 1 PA.
7

SLIPPERY ROCK TOWNSHIP LAWRENCE COUNTY
WORTH TOWNSHIP & MUDDY CREEK TOWNSHIP
BUTLER COUNTY

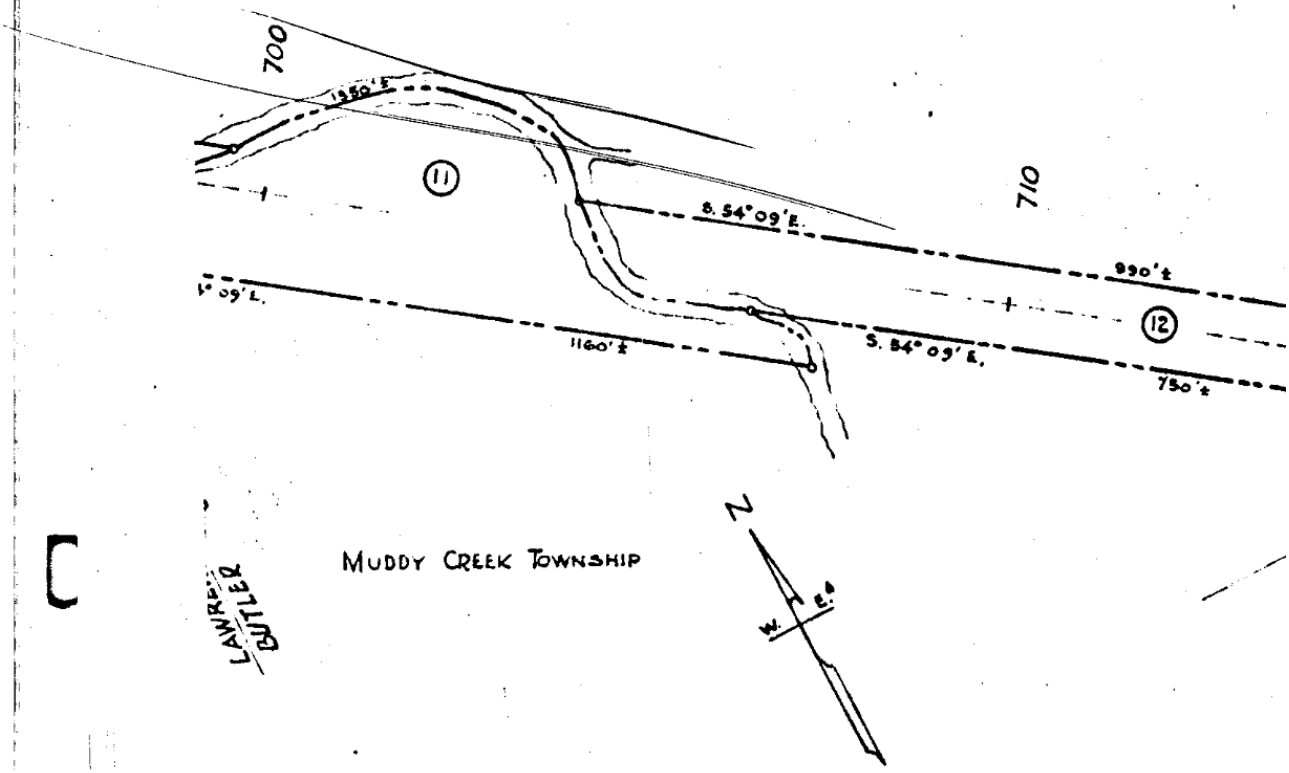
APPROVED _____ SEPT. 7, 1967

_____
AREA ENGINEER ~ P.R.R.

BOOK 885 PAGE 1076-B.

ROAD COMPANY

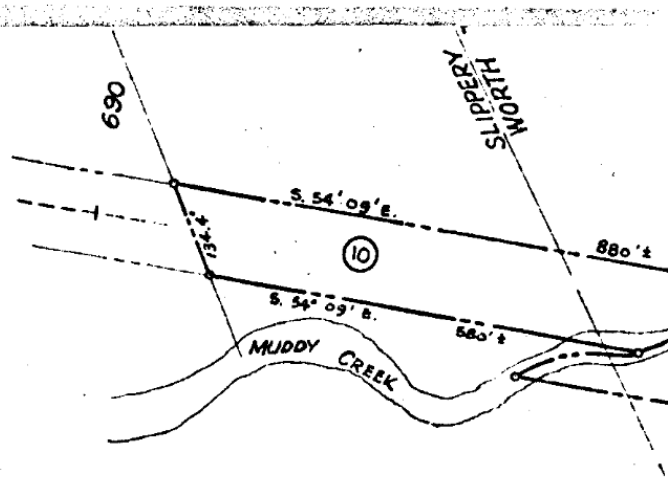
VAL. SEC. 584 PA.
FORMERLY V.S. 1 PA.



LEGEND

WESTERN ALLEGHENY RAILROAD

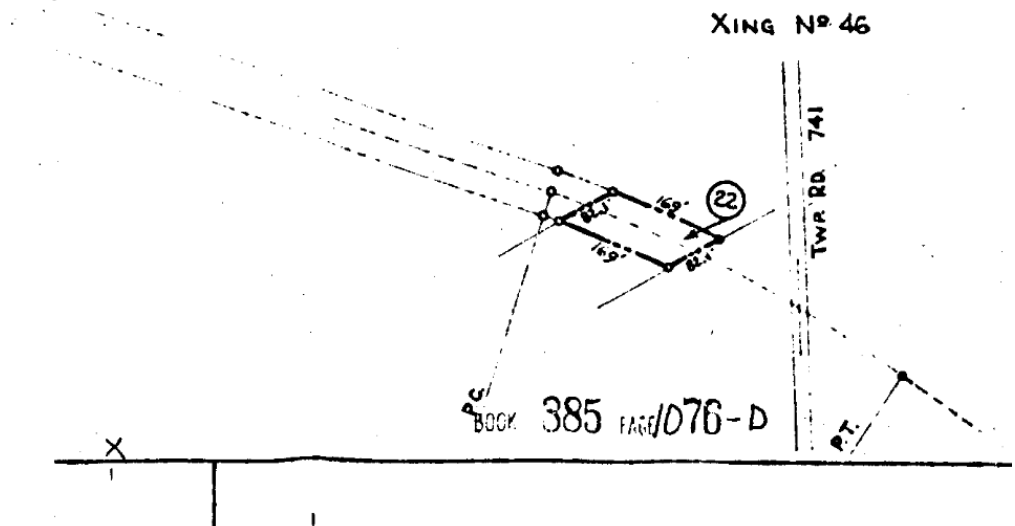
BOOK 885 PAGE 1076-C

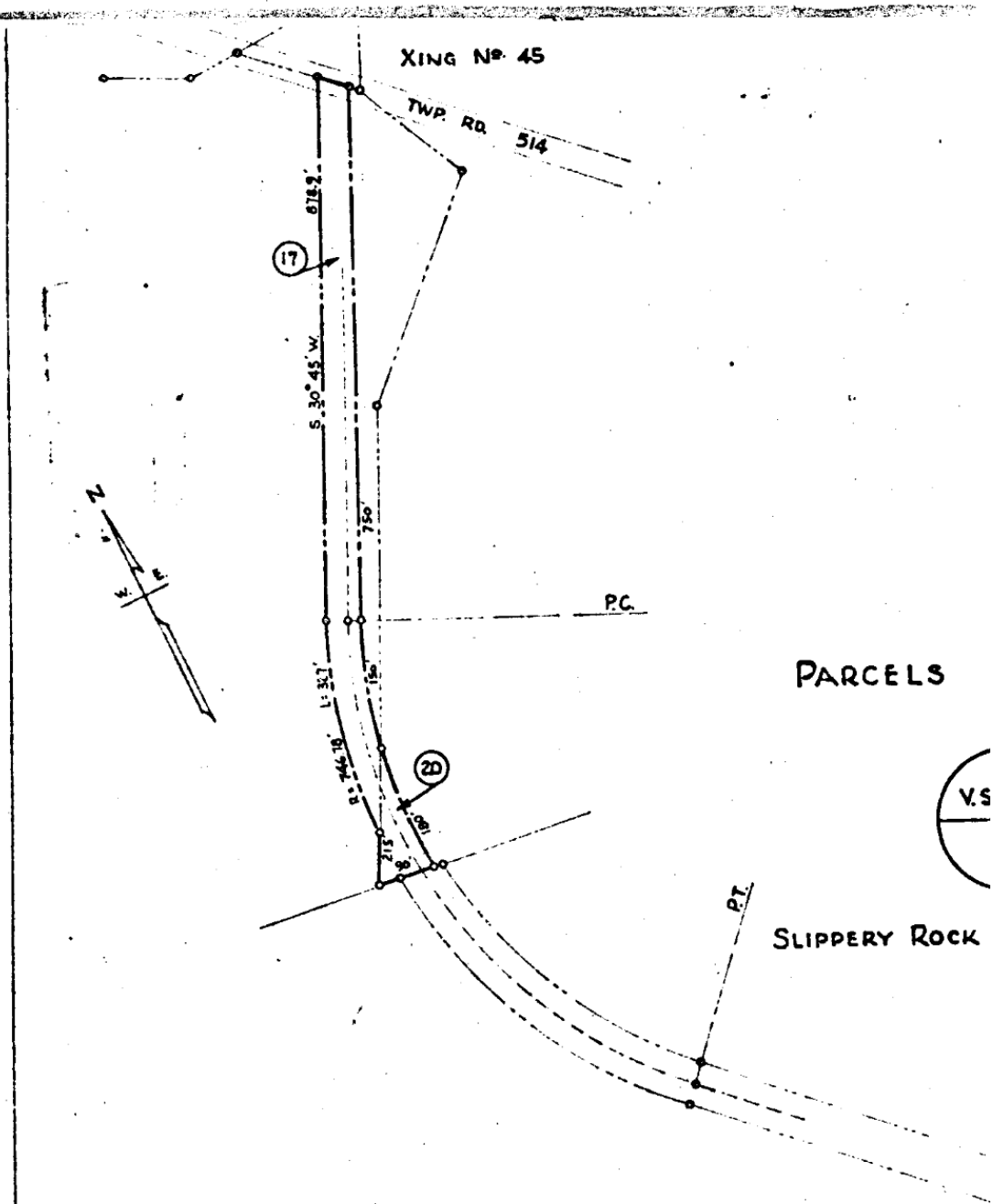


ARCELS 17, 20 & 22

V.S. 1 PA.
6

PPERY ROCK TOWNSHIP LAWRENCE COUNTY



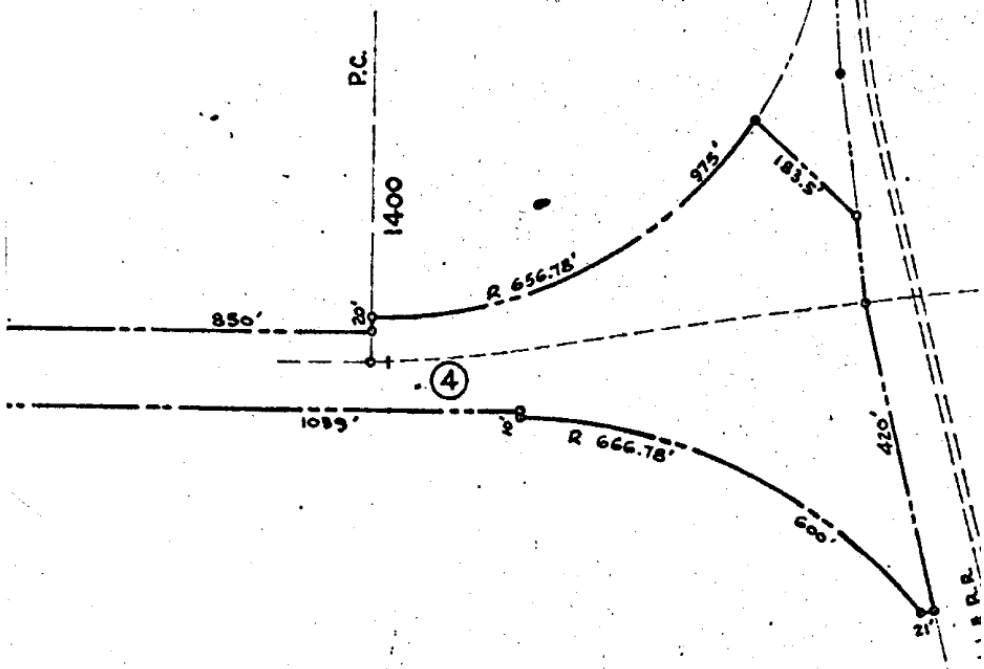


BOOK 885 PAGE 076-E

REAL ESTATE DEPT REC

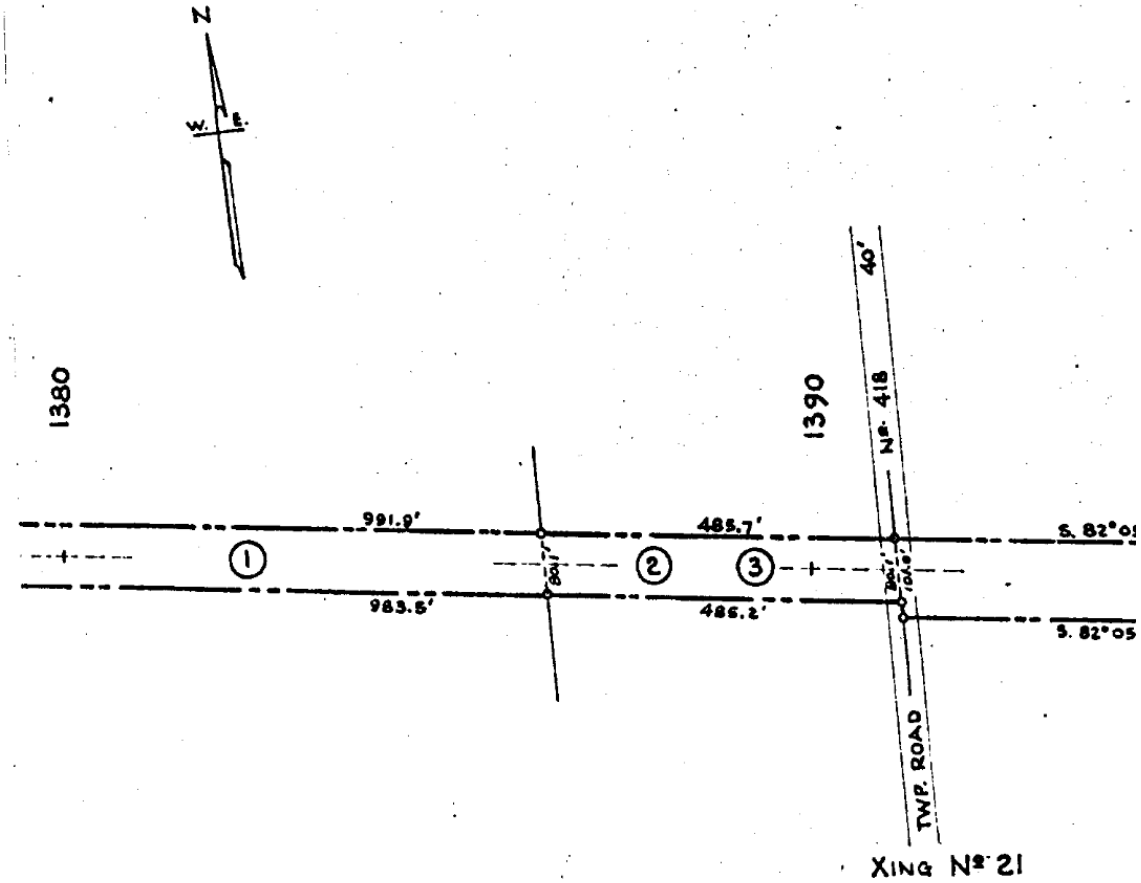
DRAWER ..... ATLAS ..... ROLL MAP .....

CASE NUMBER .....



QUEEN JUNCTION

BOOK 885 PAGE 1076-F.

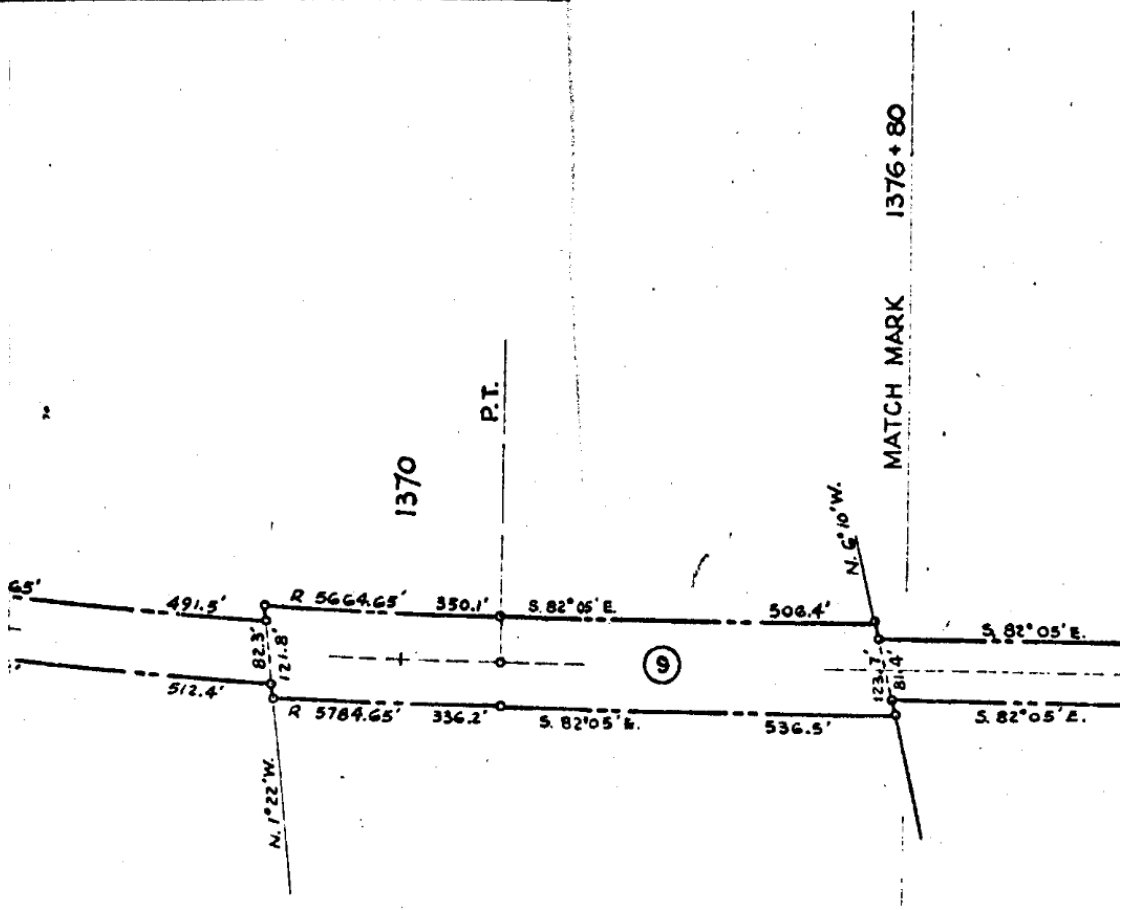


PARCELS 1, 2, 3 & 4

V.S. 1 PA.
14

CLAY TOWNSHIP BUTLER COUNTY

BOOK 885 PAGE 076-G



PARCELS 2, 8 & 9.

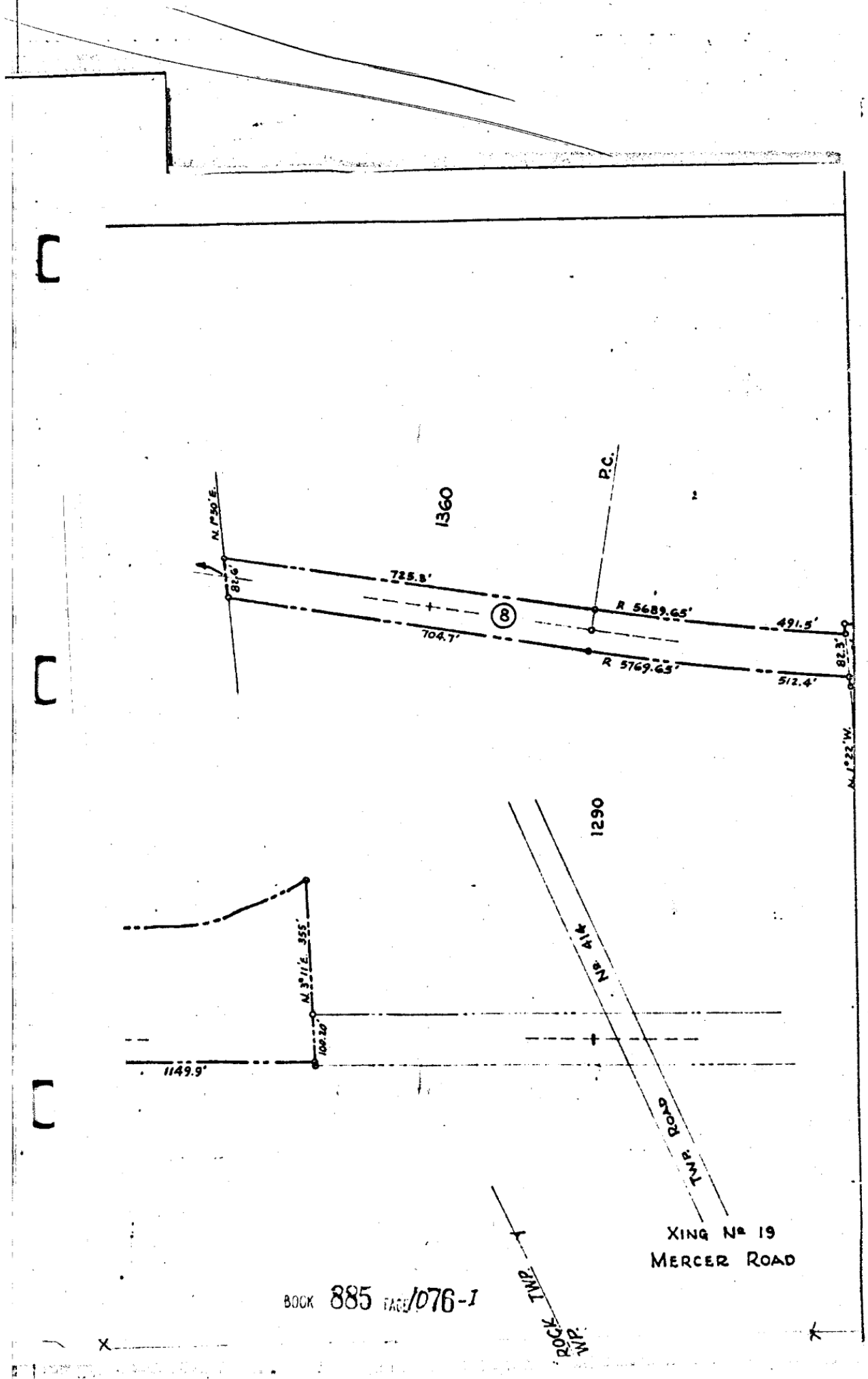
V.S. 1 PA.
13

FRANKLIN & CLAY TOWNSHIPS
BUTLER COUNTY

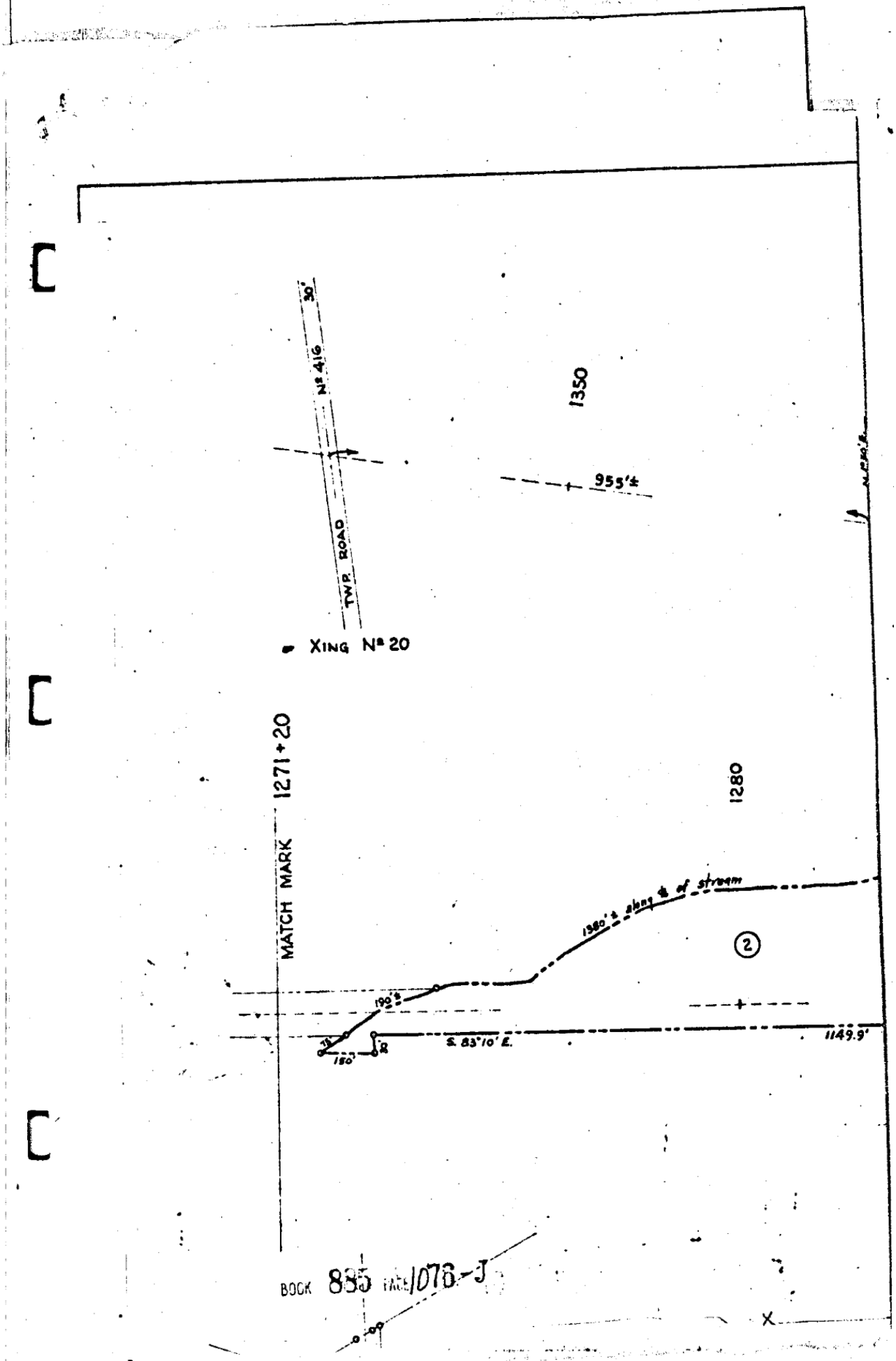
TWP.

CING Nº 19
ERCER ROAD

BOOK 885 PAGE 1076-H



BOOK 885 PAGE 1076-1


30'
No 416
TWP ROAD
1350
955'±
XING No 20
MATCH MARK
1271+20
1280
1380'± along ℄ of stream
②
199'±
S. 83°10' E.
1149.9'
150'
R
BOOK 885 PAGE 1078-J
X

6763 16-cc

DEC 29 3 41 PM 1967

185-1062

INDENTURE

Between

WESTERN ALLEGHENY RAILROAD COMPANY

and

BESSEMER AND LAKE ERIE RAILROAD COMPANY

Clay Lo cc

(Montour)

DATED: December 21, 1967

RECORDED DECEMBER 29, 1967 BOOK 885 PAGE 1077 CLAIR K. HALSTEAD, REC

Clair K. Halstead

Microfilm Number 200140-1141 Filed with the Department of State on MAY 24 2001

Entity Number 2660126

Secretary of the Commonwealth

ARTICLES OF INCORPORATION - DOMESTIC NONPROFIT CORPORATION

DSCB:15-5306 (Rev 89)

In compliance with the requirements of 15 Pa. C.S. § 5306 (relating to articles of incorporation), the undersigned, desiring to incorporate a nonprofit corporation, hereby states that:

1. The name of the corporation is: WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC

2. The (a) address of this corporation's initial registered office in this Commonwealth or (b) commercial registered office provider and the county of venue is:

(a) 121 Maier Lane (Number and Street) West Sunbury, PA (City) 16061 (State) (Zip) Butler (County)

(b) _____ (Name of Commercial Registered Office Provider) (County)

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The corporation is incorporated under the Nonprofit Corporation Law of 1988 for the following purpose or purposes:

Land management

4. The corporation does not contemplate pecuniary gain or profit, incidental or otherwise.

5. (Strike out if inapplicable): The corporation is organized upon a stock~~/nonstock~~ basis.

~~6. (Strike out if inapplicable) The corporation shall have no members~~

~~7. (Strike out if inapplicable) The incorporators constitute a majority of the members of the committee appointed to incorporate~~

~~by the requisite vote required by the organic law of the association that has appointed such organic law~~

8. (Strike out if inapplicable): These Articles of Incorporation may be amended in the manner at the time prescribed by statu and all rights conferred upon members herein are granted subject to this reservation.

9. The name(s) and address(es) of each incorporator(s) is (are):

Name(s)	Address(es)
Glenn Stevens	121 Maier Lane, West Sunbury, PA 16061
James Christy	762 Halston Road, West Sunbury, PA 16061
Frederick Rupp	264 Hazelnut Road, Chicora, PA 16025

PA DEPT OF STATE

MAY 24 2001

KEIM COMPANY PHILADELPHIA

EXHIBIT

tabbies

B&LE 11

FORM 15-5306 (Rev 89)-2

200140-1142

IN TESTIMONY WHEREOF, the Incorporator(s) has (have) signed these Articles of Incorporation this 12 day of

MAY 19X2001.

(Signature)

(Signature)

(Signature)

200140-1143

Articles of Incorporation
Domestic Non-Profit Corporation

4. Explain the purpose of the corporation

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, directors, officers or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of Section 501(c)(3) purposes.

No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provisions of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code (or the corresponding provisions of any future United States Internal Revenue Law).

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization(s) organized and operated exclusively for charitable, educational, religious, or scientific purposes as at the time shall qualify as an exempt organization(s) under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provisions of any United States Internal Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the County in which the principal office of the corporation is then located, exclusively for such purposes or to such organization(s) as said Court shall determine, which are organized and operated exclusively for such purposes.

However, if the named recipient is not then in existence or no longer a qualified distributee, or unwilling or unable to accept the distribution, then the assets of this corporation shall be distributed to a fund, foundation or corporation organized and operated exclusively for the purposes specified in Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue Law).

Entity #: 3006726
Date Filed: 03/19/2007
Pedro A. Cortés
Secretary of the Commonwealth

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Articles of Dissolution-Domestic

(15 Pa.C.S.)

☐ Business Corporation (§ 1977)
☑ Nonprofit Corporation (§ 5977)

Name WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.
c/o WILLIAM G. BARNHART
Address
136 BOOSEL ROAD
City CHICORA State PA Zip Code 16025-0136

Document will be returned to the name and address you enter to the left.
⇐

Commonwealth of Pennsylvania
ARTICLES OF DISSOLUTION-NONPROFIT 5 Page(s)

T0708160165

Fee: $70

In compliance with the requirements of the applicable provisions (relating to articles of dissolution), the undersigned corporation, desiring to dissolve, hereby states that:

1. The name of the corporation is: WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) Number and Street: 131 MAIER LANE City: WEST SUNBURY State: PA Zip: 16061 County: BUTLER

(b) Name of Commercial Registered Office Provider County
c/o

3. The statute by or under which it was incorporated: Land Management

4. The date of its incorporation: May 12, 2001

PA DEPT. OF STATE
MAR 19 2007

EXHIBIT
tabbies
B&LE 12

5. The names and addresses, including number and street, of its directors are:
Glenn Stevens 121 Maier Lane West Sunbury PA 16061
Jim Christy 763 Halston Road West Sunbury PA 16061
Fred Rupp 264 Hazelnut Road Chicora PA 16025

6. The names and addresses, including number and street, and official titles of its officers are:
PRESIDENT – Glenn Stevens 121 Maier Lane West Sunbury PA 16061
V. PRESIDENT – Bill Barnhart 136 Boosel Road Chicora PA 16025
SECRETARY – Sherry Stevens 121 Maier Lane West Sunbury PA 16061
TREASURER – Kay Dawn Barnhart 136 Boosel Road Chicora PA 16025

7. *Check one of the following:*

☐ The proposal to dissolve voluntarily was adopted by the shareholders or members pursuant to 15 Pa.C.S. § 1905 or § 5905.

☑ The proposal to dissolve voluntarily was adopted by the directors and shareholders (or members) pursuant to 15 Pa.C.S. § 1974(a) or directors and member (or shareholders) pursuant to 15 Pa.C.S. § 5974(a).

☐ *Option for Nonprofit Corporation Only:* The proposal to dissolve voluntarily was adopted by the board of directors pursuant to 15 Pa.C.S. § 5974(b).

8. *Check one of the following:*

☑ All liabilities of the corporation have been discharged.

☐ Adequate provision has been made for the discharge of the liabilities of the corporation.

☐ The assets of the corporation are not sufficient to satisfy and discharge its liabilities, and all the assets of the corporation have been fairly and equitably applied, as far as they will go, to the payment of such liabilities.

9. *Check one of the following:*

☑ All remaining assets of the corporation, if any, have been distributed as provided in the Business or Nonprofit Corporation Law of 1988.

☐ The corporation has elected to proceed under 15 Pa.C.S. Subch. 19H or 59H (relating to post dissolution claims) and any remaining assets of the corporation will be distributed as provided in that subchapter.

10. *Check one of the following:*

☑ There are no actions or proceedings pending against the corporation in any court.

☐ Adequate provision has been made for the satisfaction of any judgment or decree that may be obtained against the corporation in each action or proceeding pending against the corporation.

11. Notice of the winding-up proceedings of the corporation was mailed by certified or registered mail to each known creditor and claimant of the corporation and to each municipal corporation in which the corporation's registered office or principal place of business in this Commonwealth is located.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Dissolution to be signed by a duly authorized officer thereof this

15th day of March 2007.

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.
Name of Corporation

William G. Barnhart
Signature

V. PRESIDENT
Title

Commonwealth of Pennsylvania
Department of Revenue

WITHDRAWAL

Clearance Certificate

Company Name **WESTERN ALLEGHENY LANDOWNERS ASSOCIATION INC**

I certify that the above named company, through this Department, has paid into the State Treasury all taxes and charges owed the Commonwealth of Pennsylvania as required by law to and including December 31, 2005.

Witness my hand and seal of Office, on this date.

December 24, 2006

Gregory C. Fajt
Secretary of Revenue

(Seal)

By _____
Keith J. Richardson, Director
Bureau of Compliance

(Note: This Certificate issued in compliance with Section 103 of Act 177, approved December 21, 1988, is for submission to the Department of State. Its applicability is limited specifically to its purposes as set forth in that Act and is conditioned upon the requirements that, in the event of a change in Federal income for a year for which taxes have been paid, this corporation or its successors or its officers or its directors shall file with the PA Department of Revenue a report of change and pay any additional state tax resulting therefrom. Section 406 (e) of the Tax Reform Code of 1971.)

DEPARTMENT OF
LABOR & INDUSTRY
COMMONWEALTH OF PENNSYLVANIA

OFFICE OF UNEMPLOYMENT COMPENSATION TAX SERVICES
SEVENTH AND FORSTER STREETS
HARRISBURG, PA 17121

www.state.pa.us PA Keyword: "unemployment"

MARCH 9, 2007

CLEARANCE CERTIFICATE

TO: Secretary of the Commonwealth
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

IN THE MATTER OF:

WESTERN ALLEGHENY LANDOWNERS
ASSOCIATION, INC.
(NON-PROFIT CORPORATION)
121 MAIER LANE
WEST SUNBURY, PA 16061

I HEREBY CERTIFY that the above-named corporation has filed with this Department all reports required to be filed by it, pursuant to the provisions of the Pennsylvania Unemployment Compensation Law and Regulations promulgated thereunder; and has fully paid all contributions and interest thereon known to be due to the PENNSYLVANIA UNEMPLOYMENT COMPENSATION FUND.

R. Scot Miedrich

Director
Office of Unemployment Compensation Tax Services

Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program

Daniel P. Radle Jr.

Pennsylvania Structural Department Manager / Senior Structural Engineer

Education

BS, Civil Engineering - Structures, Pennsylvania State University, 2005

BA, Physics, Lock Haven University of Pennsylvania, 2005

Licenses/Registrations

Professional Engineer (Civil), Pennsylvania, #PE077610, Issued 03/03/2010, Exp. 09/30/2023

Years of Experience

With AECOM: 16

With Other Firms: 0

Professional Associations

American Society of Civil Engineers, Central Pennsylvania Section

Association for Bridge Construction and Design, Susquehanna Chapter

American Institute of Steel Construction

American Association of State Highway and Transportation Officials

American Society of Highway Engineers, Harrisburg Section

Training and Certifications

Amtrak - Contractor Safety and Awareness Training

CSX – Roadway Worker Protection Contractor Safety

Norfolk Southern – Roadway Worker Protection Contractor Safety

e-RAILSAFE certified

Mr. Radle is a structural engineer with proven experience in design, construction, inspection, and rehabilitation of highway/bridge and rail structures. His design experience includes prestressed concrete bridges and steel plate girder bridges supported by abutments and piers on spread footings or piles as well as numerous precast concrete box culverts, precast concrete arch culverts, retaining walls and noise walls. In addition, he has significant experience bridge rehabilitation design and inspection of steel box girder and steel truss bridges and various reinforced concrete structures. Mr. Radle is proficient with various modeling software packages including PennDOT Design Software, STAAD, SAP, BSDI, L-Pile, Leap Bridge, AutoCAD and Microstation. He is also experienced in the layout and design of overhead catenary for light rail systems. Mr. Radle has provided extensive design review services on behalf of the Norfolk Southern Railway including complex bridge demolition and accelerated construction techniques. His background also includes significant experience in the area of construction engineering and inspection serving both Norfolk Southern Railway and the Pennsylvania Department of Transportation.

Project Experience

Freight/Transit

Canadian Pacific Railway, Public Works Engineering Services Contract, D&H South Line, New York and Pennsylvania, United States. Project engineer providing senior oversight and review of various proposed state projects throughout the railroad's D&H South corridor which potentially impact the railroad by limiting clearances, affecting train movements, and infringing on railroad right of way. Projects reviewed included new highway construction and widening of overhead bridges and existing structure rehabilitation. Reviewed contractor submissions of demolition plans, erection plans, and sheeting and shoring plans. Conducted site visits and wrote engineering reports summarizing existing site conditions, proposing design issues, and identifying possible impacts to the railroad and constructability issues. [10/01/2013-11/30/2015]

CSX Transportation, General Engineering Services Contract, Boone Tunnel Replacement Feasibility Study, Darby, Pennsylvania. Project Manager for feasibility study to evaluate the potential replacement of the 626' long Boone Tunnel with a new tunnel or buried structure. Responsible for overall task management, coordinating all involved AECOM disciplines, client coordination, oversight of structural/geotechnical design alternatives and preparation of cost estimates, and feasibility report development. [06/30/2020-03/31/2021]

CSX Transportation, General Engineering Services Contract, Carroll Interlocking, Baltimore, MD. Structures Task Leader for the design of concrete deflection/crash walls. Responsibilities included design of the structural wall elements, preparation of cost estimates, and drawing and specification development. [06/01/2017 - 02/28/2019]

CSX Transportation, General Engineering Services Contract, Boston Line Clearance Improvement Project, Pittsfield, Massachusetts. Structures Task Leader for the design of two 3000+ FT long Soldier Pile retaining walls required to support the adjacent cut slopes resulting from the track lowering project. Responsibilities included design of the structural wall elements, preparation of cost estimates, and drawing and specification development. [10/18/2010 - 06/28/2011]

CSX Transportation, General Engineering Services Contract, National Gateway Clearance Improvement Project, Ravenna, Ohio. Structures Task Leader for the design of 124 FT long Soldier Pile retaining wall required to support the vertical cut in the adjacent Norfolk Southern embankment resulting from the



track lowering project. Responsibilities included design of the structural wall elements, preparation of cost estimates, and drawing and specification development. [02/07/2012 - 04/30/2012]

Metropolitan Transit Authority of Harris County, University Line Light Rail - Houston Metro, Houston, Texas. Junior catenary engineer for design of a new 10-mile light rail system to supplement the existing Main Street line. Designed the overhead contact system and evaluated the design alternatives on the designated right of way, elevated structure, and street-running guideway in an urban setting. [01/01/2007-12/31/2009]

Norfolk Southern Corporation, General Engineering Services Contract, Hornell Bridge Rehabilitation, Hornell, New York. Project engineer for proposed rehabilitation of an existing two-span through girder bridge over Canacadea Creek. Responsible for identifying and selecting subconsultants for geotechnical and survey investigations, coordinating all involved AECOM disciplines, client coordination, structure inspection, oversight of rehabilitation design alternatives and preparation of cost estimates, drawing & specification development. [04/01/2014-08/31/2015]

Norfolk Southern Corporation, General Engineering Services Contract, Four Pottstown OH Bridge, Pottstown, Pennsylvania. Project Manager for feasibility study to evaluate the elimination of one or two of the four bridges and definition of required rehabilitation effort. Responsible for day to day task management, coordinating all involved AECOM disciplines, client coordination, structure inspection, oversight of rehabilitation design alternatives and preparation of cost estimates, and feasibility report development. [05/15/2020-Present]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, Various Locations, United States. Project engineer providing senior oversight and review of various proposed state and local projects throughout the railroad's system that potentially impact the railroad by limiting clearances, affecting train movements, and infringing on railroad right of way. Projects reviewed varied from new highway construction and widening of overhead bridges to replacement of railroad underpass bridges. Reviewed contractor submissions of demolition plans, erection plans, and sheeting and shoring plans. Conducted site visits and wrote engineering reports summarizing existing site conditions, proposing design issues, and identifying possible impacts to the railroad and constructability issues. Participated in the development of a Public Projects Manual and the rewrite of the NS design guidelines and special provisions. Recently elevated to Project Manager for this GEC contract. [01/01/2008-Present]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, SR11 OHB Replacement, West Fairview, Pennsylvania. Project engineer providing senior oversight and review of the DOT's design plans and Contractor submittals for the demolition of the existing six span monolithic concrete structure and construction of the proposed two span concrete bulb tee beam replacement structure over three active tracks at the east end of the Enola Yard. Significant coordination efforts with the local Norfolk Southern Signal, Transportation and Yard personnel were also required for successful evaluation of a Design-Build Retaining Wall accommodating future track expansion and a

Design-Build 190' Temporary Bridge Structure for phased construction. Responsible for leading the design team in development of the contractor grading plans required for the realigned siding track, future storage track, and drainage network within the constraints of the proposed overhead bridge and retaining wall. [03/10/2009-12/15/2016]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, SR53 OHB Replacement, Cresson, Pennsylvania. Project engineer providing senior oversight and review of the DOT's design plans for the demolition of the existing 4 span through girder structure and design of the proposed 3 span structure over five very active tracks. Significant understanding of local operations and train movements was required to define the design and construction limitations regarding temporary shoring, temporary support towers, girder splice locations and girder erection sequencing. These efforts expedited the DOT's design efforts and will reduce the conflict potential during construction. [09/08/2010-10/31/2015]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, SR903 OHB Replacement, Jim Thorpe, Pennsylvania. Project engineer providing senior oversight and review of the DOT's design plans and specifications for the off alignment four span steel plate girder replacement structure. Coordination with local Norfolk Southern Signal and Transportation representatives was required to convey the project impacts and determine cost effective & efficient solutions to minimize the impacts to operations. The site access and construction efforts require two temporary at-grade construction crossings and utilization of the adjacent maintenance way. [10/10/2011-08/23/2017]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, Lock Street Bridge Replacement & Crossing Improvements and Adjacent Cotton Street Crossing Improvements, Philadelphia, Pennsylvania. Project engineer providing senior oversight and review of plans and specifications for an adjacent structure replacement & two associated crossing upgrades required to convert a private crossing to a public crossing. On site meetings with the Designer/Owner and local NS transportation and Signal representatives was required to assess feasibility and project needs for crossing surfaces and protective warning devices. The project includes temporary pedestrian access and permanent vehicular and pedestrian traffic using the at-grade crossings. [10/09/2012-06/23/2015]

Norfolk Southern Corporation, Public Improvements Projects Engineering Services Contract, CSVT Susquehanna River Crossing, Northumberland, Pennsylvania. Project engineer providing senior oversight and review of the DOT's design plans and specifications for the proposed 15 span, 4400'+ steel plate girder bridge spanning the Susquehanna River and the NS Northumberland Yard. Following design approval, provided senior oversight and review of Contractor submittals for 100' tall piers constructed within the yard limits, complex girder erection sequencing and phasing requiring multiple 500-ton cranes and moving crane picks with temporary support towers. Coordination with local Norfolk Southern Yard, Signal, and Transportation representatives was required to convey the project impacts and establish a satisfactory construction access within the yard and for access to the river causeway requiring 3 temporary at-grade crossings and

utilization of the adjacent maintenance way. [04/30/2013-06/30/2021]

Highway Bridges

Mississippi Department of Transportation, SR 613 over Escatawpa River in Moss Point and I-110 - Repair Items and Cost Estimate Supplementing 2002 In-depth Inspection, Moss Point and Biloxi, Mississippi. Structural engineer for repair item quantities and cost estimate preparation, which required reference of the 2002 in-depth inspection of all structural elements for the two externally post-tensioned segmental concrete superstructures. [01/01/2005-12/31/2005]

Pennsylvania Department of Transportation, SR 3006, Section 670 over Ariel Creek Bridge Replacement, Wayne County, Pennsylvania. Structural engineer for preliminary engineering of the bridge replacement, which includes replacement of a 100-foot, single-lane truss with a new 54-foot, single-span P/S spread box beam structure with associated roadway improvements and environmental clearance. Provided preliminary design of all substructure units for the proposed bridge. [01/01/2006-12/31/2007]

Pennsylvania Department of Transportation, SR 3005, Section 670 over West Branch of Wallenpaupack Creek Bridge Replacement, Wayne County, Pennsylvania. Structural engineer for preliminary engineering of the bridge replacement. The project includes replacement of a 100-foot single-lane truss with a new 115-foot single-span AASHTO I-beam structure with associated roadway improvements and environmental clearance. Provided preliminary design of all substructure units for the proposed bridge. [01/01/2006-12/31/2007]

Pennsylvania Department of Transportation, Bradford Bypass - SR 0219 over Bolivar Drive Bridge, McKean County, Pennsylvania. Structural engineer for final design of the bridge replacement. Used the Leap software Geomath program to develop a bridge geometry file for the Bolivar Drive Bridge. The geometry file incorporated multiple alignments and roadway cross sections including gore areas that resulted from on and off ramps occurring on the bridge deck. Provided bridge geometry development and output generation including deck elevations and haunch output for the proposed structure replacement. [01/01/2006-12/31/2006]

Pennsylvania Department of Transportation, SR 0476, Section RES – Schuylkill River Bridge, Montgomery County, Pennsylvania. Structural engineer for final design of the bridge rehabilitation. Used the Leap software Geomath program to develop a bridge geometry file for both southbound and northbound structures. The geometry file incorporates existing substructures and girders and uses a proposed deck (matching the existing) as well as a best fit horizontal alignment and vertical profile. Verified the location of the substructures and girders along the alignment and within the profile to ensure that proposed rehabilitation was possible. Also provided deck elevations and haunch output for the proposed structure rehabilitation. [01/01/2007-12/31/2008]

Delaware Department of Transportation, Bridge No. 1-902 (William V. Roth Bridge) Rehabilitation, SR 1 over C&D Canal, New Castle County, Delaware. Structural engineer for rehabilitation of the 4.650-foot, 27-span precast post-tensioned segmental concrete structure crossing the Chesapeake and Delaware Canal in St. Georges. Rehabilitation included repairs to the cracked HDPE external post-tensioning ducts using CANUSA shrink wrap. The repairs to the HDPE ducts will eliminate the intrusion of moisture into the post-tensioning system. Repair of cracks and openings into the steel protective pipe of the cable stays are also included in the contract documents. A new steel inspection walkway, which extends for the 1,470-foot length of the cable-stayed main span and back spans, was added to the structure to aid in inspection of the cable stay anchorages. Miscellaneous repairs included concrete crack and spall repairs, repairs to the LMC deck overlay, replacement of the neoprene drainage trough, and repair of damaged electrical conduits within the box girder. All work will be completed using daytime traffic control measures. Provided design of the inspection walkway, contract drawing development, and quantity/unit cost calculations. [01/01/2007-12/31/2007]

Delaware River Port Authority, Walt Whitman Bridge Redecking of the Suspension Spans, Delaware. Structural engineer for preliminary design phase of the bridge rehabilitation. Used STAAD.Pro software to develop a model of the existing anchorage span and corresponding framing. Ultimately, determined the forces and reactions in the exterior and first interior anchorage span stringers. Those forces were used in STLRFD to analyze the stringer in the proposed condition with multi-stage redecking. Also prepared preliminary quantity and cost

estimate calculations. [01/01/2007-12/31/2008]

Pennsylvania Turnpike Commission, SR 4009 over the Mainline Turnpike Bridge Replacement (B-504) - Early Action Project, Somerset County, Pennsylvania. Structural engineer for preliminary and final design for replacement of Bridge B-504 (Husband Road) over the mainline turnpike; and the removal of Bridge B-411 supporting T-448 (Marlwood Drive) over the turnpike. The bridge replacements are required to accommodate future widening of the turnpike and provide for improved vertical clearance. Bridge B-504 is a 137.3-foot single-span structure comprised of AASHTO I-beams. The new structure is supported by full height cantilever abutments founded on spread footings on bedrock. The new structure and Husband Road have been relocated approximately 800 feet to the west of the existing crossing. The new location allows for an improved bridge skew; minimizes right-of-way acquisition; and allows Husband Road to remain open during construction. The relocated roadway will also facilitate relocation of Marlwood Drive and removal of the extraneous crossing of the turnpike (B-411). The project will accommodate stormwater management requirements through the use of basins and managed wetlands; wetlands mitigation efforts; and relocation of numerous overhead utilities. Provided final design of all structural entities and corresponding contract drawing development. Actively providing construction support services including shop drawing and RFI review. [01/01/2007-01/30/2017]

Pennsylvania Turnpike Commission, SR 4001 over the Mainline Turnpike Bridge Replacement (B-459) - Early Action Project, Somerset County, Pennsylvania. Structural engineer for preliminary and final design for replacement of Bridge B-459 supporting SR 4001 (Bakersville-Edie Road) over the mainline turnpike. The bridge replacement is required to accommodate the future widening of the turnpike and to provide for improved vertical clearance. Bridge B-459 is a 2-span steel curved girder bridge. The welded steel plate girders will possess equal span lengths of 64 feet 9 inches. The curved girder structure will be supported by full height cantilever abutments and a median wall pier. All substructure units will use spread footings founded on bedrock. Provided final design of all structural entities and corresponding contract drawing development. Provided construction support services including shop drawing and RFI review. [01/01/2007-12/31/2012]

Pennsylvania Turnpike Commission, SR 4005 over the Mainline Turnpike (B-409) Bridge Replacement - Early Action Project, Somerset County, Pennsylvania. Structural engineer for preliminary and final design of the replacement of Bridge B-409 supporting SR 4005 (Coxes Creek Road) over the mainline turnpike. The bridge replacement is required to accommodate the future widening of the turnpike and provide for improved vertical clearance. The new structure is a 2-span structure consisting of prestressed box beams. Equal span lengths of 63 feet by 9 inches are used to cross the turnpike. The substructure units incorporate full height cantilever abutments and a wall pier located in the median of the turnpike. The structure is founded on a combination of end bearing H-piles and spread footings on bedrock. The project also incorporates improvements to the roadway profile to accommodate the increased clearance over the turnpike and replacement of a roadway culvert. Provided final design of all structural entities and corresponding contract drawing development. Provided construction support services including shop drawing and RFI review. [01/01/2006-12/31/2011]

Pennsylvania Turnpike Commission, Turnpike Mainline from Milepost 99 to 109 Total Reconstruction, Westmoreland and Somerset Counties, Pennsylvania. Structural engineer for preliminary and final design of the 10-mile total reconstruction beginning at Milepost 99 in Westmoreland County and concluding at Milepost 109 in Somerset County. The project includes reconstruction and widening of the turnpike mainline, including improvement of two substandard horizontal curves on new alignment. In general, the turnpike will be widened from a 4-lane typical section to a 6-lane typical section with a wider median area. The widening will necessitate replacement of three overhead bridges, removal of a fourth overhead bridge, and improvement to the associated side roads. The bridge replacements will be accomplished through separate "early action" construction projects. Three existing mainline slab bridges will be replaced with new, longer box culvert structures with greater hydraulic capacity. Multiple retaining walls and stormwater management facilities are anticipated. Responsibilities include bridge design, retaining wall design, culvert design, and culvert inspection. The numerous design tasks will require use of Geomath, COGOPC, PSLRFD, STLRFD, BSDI, ABLRFD, BXLRFD, and BPLFRD. [01/01/2005 - Present]

Pennsylvania Department of Transportation, SR 1033, Section 004 and SR 1039, Section 001 over I-83 Bridge Replacement, York County, Pennsylvania. Structural engineer for final design of the bridge replacement. The project includes replacement of the existing 4-span structure supporting SR 1033 (Sherman Street) over I-83 and Mill Creek with a new 3-span prestressed concrete bridge. The new bridge will consist of PA bulb tee beams with a span arrangement of 96 feet, 75 feet, and 96 feet. The new structure will accommodate three 12-foot lanes and two 8-foot shoulders. Staged construction will be used to maintain traffic at the site during construction. The project also includes replacement of the nearby structure supporting SR 1039 (Ebert's Lane) over I-83 with a new spread box beam structure. The new bridge will posses two equal spans of 67 feet. The new structure will support two 12-foot lanes and two 6-foot shoulders. Traffic will be detoured during construction of the new bridge. At both bridge sites, the foundations will be HP 12 by 74 piles founded on bedrock. Due to the soluble nature and varying elevation of the underlying dolomite, special exploratory drilling will be used during construction to inspect for voids and determine pile lengths. Provided bridge design, quantity/cost estimation, and contract drawing development. The numerous design tasks will require use of Geomath, PSLRFD, BXLRFD, BPLFRD, ABLRFD, and WinSeisab. [E00365] [01/01/2008-12/31/2009]

Pennsylvania Department of Transportation, SEDA-Council of Governments H&H Reports - Open-End Agreement, Various Counties, Pennsylvania. Structural engineer for preparation of five H&H reports to support the bridge replacements designed and constructed by District 3-0. As a subconsultant to another firm, the design team worked closely with the district to prepare the required H&H documentation. Project sites included SR 4025, Section 001 in Columbia County; SR 3005, Section 10M in Union County; SR 3018, Section 04M in Northumberland County; SR 3008, Section 03M in Columbia County; and SR 3005, Section 09M in Snyder County. Provided scour analysis calculations required to support the H&H reports. [E00688] [01/01/2009-12/31/2009]

Pennsylvania Department of Transportation, SR 2009, Section 004 over Middle Creek Bridge Replacement - Open-End Agreement, Snyder County, Pennsylvania. Structural engineer for the preliminary engineering of the bridge replacement. As a subconsultant to another firm, the effort included all civil and structural engineering for the replacement of the 2-span steel structure. The new structure will be a 2-span precast concrete structure located on the same alignment. During construction of the replacement structure, traffic will be detoured around the project site. Provided preliminary and final structure design efforts, cost estimation, and contract drawing development. [E00688] [01/01/2008-12/31/2009]

Pennsylvania Department of Transportation, SR 0006, Section 103 over Catlin Hollow Creek Bridge Replacement - Open-End Agreement, Tioga County, Pennsylvania. Structural engineer for the preliminary engineering of the bridge replacement. As a subconsultant to another firm, the effort included all civil and structural engineering for the replacement of the existing box culvert. The new structure will be a precast concrete box culvert located on the same alignment. During construction of the replacement structure, traffic will be maintained on site using a temporary 2-lane run-around. Provided preliminary and final design of the precast concrete box culvert and corresponding structural entities, cost estimation, and contract drawing development. [E00688] [01/01/2008-12/31/2009]

Delaware Department of Transportation, Rehabilitation of Bridge No. 1-501 (Newport Viaduct), SR141 over SR4, Amtrak, Local Roads and Christina River, New Castle County, Delaware. Structural engineer for rehabilitation of the 1,985-foot, 19-span structure, which involves preliminary and final design of jacking towers, bridge bearings, and deck joints; cost estimation; contract drawing development; and construction support services. The superstructure is comprised of both simple span and continuous span composite welded steel tub-girders in cross sections from four to eight girders. The structure also includes two flanking structures that act as entrance and egress ramps to SR 141. Participated, in conjunction with the University of Delaware and Lehigh University, in the preparation of a detailed finite-element model of the superstructure for the investigation of observed distortion induced fatigue cracks located in the web gap between the internal diaphragm connection plates and the flanges of the tub girder. Based on the detailed structural analysis, participated in development of a retrofit to provide positive attachment between the connection plate and the top and bottom flange. Additional rehabilitation efforts include replacement of deteriorated abutment backwalls; replacement of deteriorated expansion joints; concrete deck repairs; replacement of the existing self-lubricated bronze bearings; concrete repairs to the substructure units; and removal of the existing lead-based paint system and application of a new moisture-cured urethane coating to all

exterior surfaces of the steel superstructure. Staged construction was used to maintain traffic on SR 141 as well as the local roadway network below the bridge. Careful coordination will also be required with Amtrak, to maintain service on Amtrak's Northeast corridor, which travels below Span 8. A subsequent rehabilitation contract including additional fatigue repairs, bearing replacement, underwater pile rehabilitation and scour countermeasures was completed. Construction support services including shop drawing and RFI review were provided for both contracts. [01/01/2009-12/10/2019]

Delaware Department of Transportation, North Dover Connector Project, Dover, DE. Structural engineer for developing TS&L documents and checking design calculations for a two proposed multi-span bridges. Proposed superstructure types included curved/skewed steel plate girders and prestressed concrete bulb-tee girders. Responsible for calculation review and drawing development in support of the TS&L Report. [11/15/2011-05/15/2012]

Delaware Department of Transportation, Bridge 1-715C Rehabilitation, Wilmington, Delaware. Structural engineer for heat straightening of a damaged steel girder on the ramp structure. Provided preliminary and final design of the heat straightening details, cost estimation, and contract drawing development. [11/01/2014-08/31/2015]

Delaware Department of Transportation, BR 1-717 Bridge Rehabilitation, Wilmington, Delaware. Structural engineer for rehabilitation final design geometry and cost estimation associated with deck and joint replacement; contract drawing development; and construction support services. The superstructure is comprised of simple span steel plate girders with an existing cast-in-place deck which will be replaced with a precast concrete panel decks using UHPC concrete under an accelerated two week construction schedule. Staged construction will be used to maintain traffic on I-95 and SR 1 below the bridge. Construction support services including RFI review began in early 2016 while physical construction began in September and is currently ongoing. [03/15/2015-11/30/2016]

Delaware Department of Transportation, Bridge 1-577 Rehabilitation, Wilmington, Delaware. Structural engineer for rehabilitation of the 6-span structure with a superstructure comprised of continuous span concrete T-beams and a steel bascule span. Provided preliminary and final design of concrete beam replacement, superstructure and substructure rehabilitation, bridge jacking, bridge bearings, and deck joints; cost estimation; contract drawing development; and construction phase services. [09/15/2014-12/31/2019]

Pennsylvania Department of Transportation, District 8-0, SR0075 Bridge Preservations – WO 04, Franklin County, Pennsylvania. Structural engineer for the final design engineering of the short span bridge preservation package including cost estimation and contract drawing development. [11/15/2015-09/30/2016]

Pennsylvania Department of Transportation, District 4-0, Skinners Falls Bridge Rehabilitation. Task Leader for the rehabilitation of the 110 year old Thru Baltimore (Petit) pin-connected truss in Wayne County, PA. Scope of work included identifying and detailing critical steel repairs for various truss elements, stringer replacement, floorbeam replacement, timber deck evaluation and replacement, temporary jacking of the truss for bearing replacement and stone masonry substructure rehabilitation. [04/30/2019-Present]

AECOM

Engineering Report



Bessemer and Lake Erie Railroad Tunnel under SR 0268
Fairview Township, Butler County, PA

Prepared for: Bessemer and Lake Erie Railroad Company

Prepared by: AECOM
Gulf Tower
707 Grant Street, 5th Floor
Pittsburgh, PA 15219

Date Submitted: July 30, 2021

Signature:

Daniel P Radle Jr, PE

SEAL

EXHIBIT
B&LE 14
tabbies

AECOM

Table of Contents

	Page
Project Background / Overview	1
Engineering Assessment of Current Structure	1
Recommended Structure Disposition and Alternates	2
Preliminary Cost Estimate	2
Appendix A – Concrete Bulkheads with Foam Sand Fill Sketch and Visuals	
Appendix B – At Grade Bridge Carrying SR 0268 Sketch and Visuals	
Appendix C – Quantities and Cost Estimate	
Appendix D – Site Visit Report and Photos	
Appendix E – Real Estate Documents	

AECOM

Project Background / Overview:

(1) Project Background:

The Pennsylvania Public Utility Commission (PUC) has instituted an investigation for all matters related to the abolition and safety of a crossing on an abandoned line of the Bessemer and Lake Erie Railroad. The crossing is located in Fairview Township, Butler County where the railroad tracks were previously laid through a tunnel that is overlain by State Route SR 0268. The railroad tracks and ties have been removed at this location, but the tunnel and its structure remain in place.

The tunnel has an existing timber roof structure and an existing corrugated steel liner of the tunnel that is in a deteriorated state in several locations, a portion of the tunnel has collapsed completely, there are multiple drainage issues due to poor grading, and some of the rock above the tunnel entrances has begun to crack. The existing timber roof structure was built in the early 1900's. The existing corrugated tunnel liner was installed in the 1970's and AECOM did not perform any structural analysis of the corrugated tunnel liner; however, based on professional knowledge and experience with these types of corrugated liners, AECOM considers this to be a non-structural element. B&LE received STB approval for abandonment of the line in January 2001 and, with no property interest, was no longer inspecting or maintaining the corridor, including the tunnel.

B&LE has asked AECOM to provide engineering support including investigation of possible alternates for remediation. Two alternates are proposed in this report: installing a concrete bulkhead in order to pump foam sand backfill into the portion of the tunnel that is below SR 0268 or to install an overhead bridge carrying SR 0268 spanning over the tunnel. The overhead bridge will utilize concrete adjacent box beams founded on drilled shaft abutments.

(2) Location:

Bessemer and Lake Erie Railroad Tunnel under SR 0268
Fairview Township, Butler County, PA
Butler County, Pennsylvania

Engineering Assessment of Current Structure:

As seen in the site visit report and photos (See Appendix D), the existing tunnel structural system has isolated failures and signs of distress. One component of the structural supporting system is the original timber roof structure. Since it was constructed in 1906, made of timber, and is currently showing signs of failure, it is concluded this component is no longer adequate for structural support. The second component of the structural supporting system is the soil and rock layer that the tunnel is drilled through. The surrounding area has previously been strip mined as a part of the Freeport Coal Seam. Also, since this is currently showing signs of distress and failure it is concluded this component is not adequate for structural support without conducting an extensive geotechnical investigation to assess the subsurface conditions above the tunnel. Based on professional knowledge and experience with these types of corrugated liners, AECOM infers that this corrugated tunnel liner is not to be considered a structural component as it is not designed to support any earth load from above, as indicated by the collapse of the tunnel and several locations with deformations in the liner. Also, the details and construction of the liner does not suggest that any outward thrust caused by the arching action can occur at the bottom of the liner interfacing the concrete foundation. With this being considered, it has been determined that this structure does not have the structural integrity to prevent future collapsing or any subsidence in the roadway above.

Recommended Structure Disposition and Alternates:

(1) Alternate 1 (Recommended Structure): Concrete Bulkheads with Foam Sand Fill

This includes the installation of concrete bulkheads placed within the tunnel about 50 feet from the edges of the roadway above. All work for the installation of concrete bulkheads will occur within the tunnel. This will create a section of tunnel that is about 130 feet long that will be centered below SR 0268. Once the bulkheads are installed the 130 feet section of tunnel will then have foam sand backfilled into it filling all the voids in the tunnel to eliminate future collapses of the tunnel. All foam sand backfilling will be installed using drilled holes from the roadway and ground surface that penetrates into the tunnel. See Appendix A, for plan sketch and visuals.

This alternate will take less time to construct and will be less expensive as compared to Alternate 2 described below. One concern is this option does not eliminate potential future subsidence of the roadway above related to previous strip mining in the area regardless of the presence of a tunnel. Also, this option requires adequate access for construction equipment to install the bulkheads and backfill with foam sand. Lastly, this alternate will require proper temporary support systems within the tunnel to safely construct the bulkheads and backfill with foam sand.

(2) Alternate 2: At Grade Bridge Carrying SR 0268

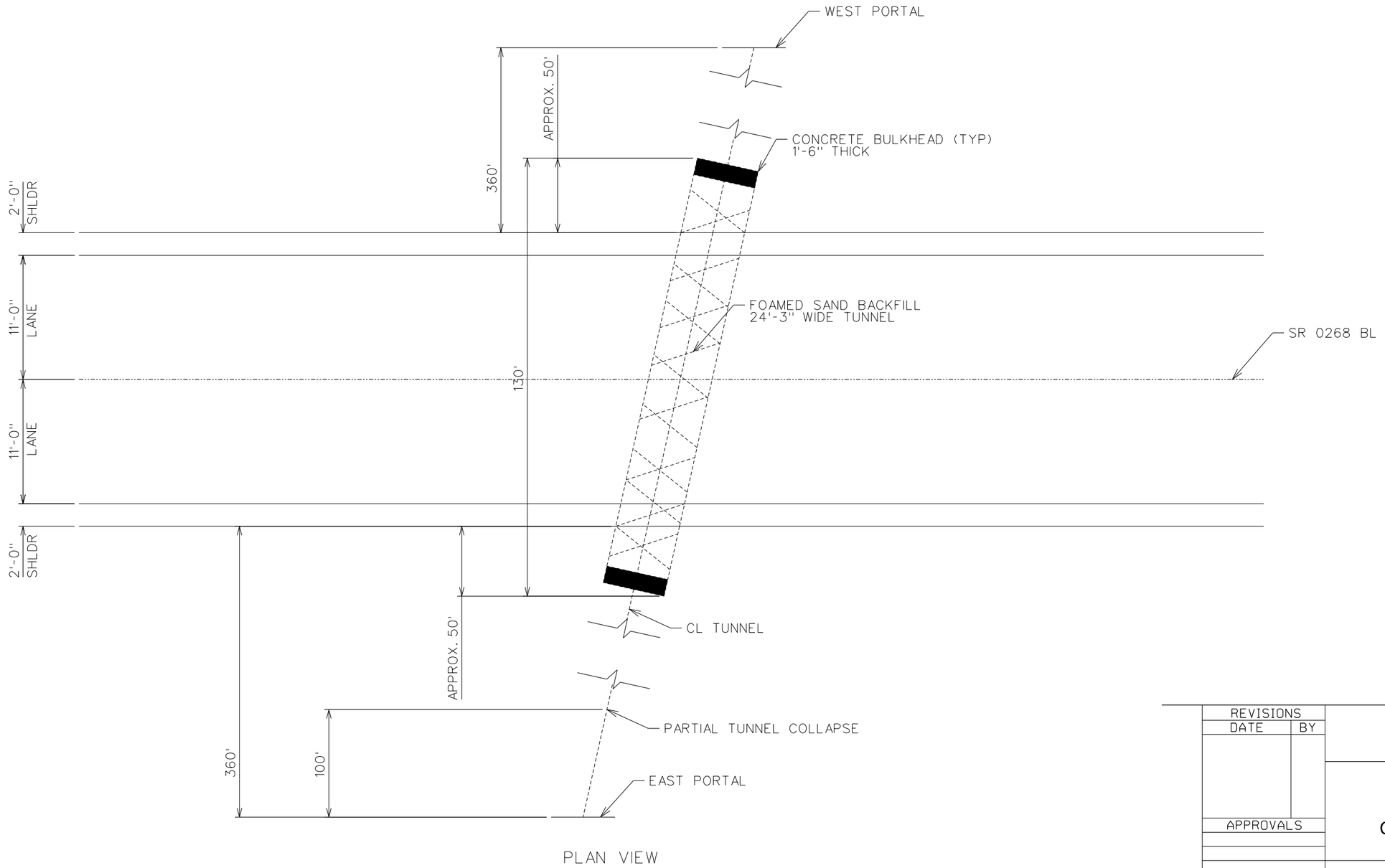
This includes the installation of an at grade bridge carrying SR 0268 spanning over the tunnel. This bridge will consist of adjacent box beams spanning approximately 40 feet and will be full roadway width plus about 5 feet of shoulder backup for a total width of approximately 45 feet. The adjacent box beams will be supported by concrete abutments with drilled shafts. The drilled shafts will need to have a tip elevation below the bottom of the tunnel to ensure a proper foundation is constructed. See Appendix B, for plan sketch and visuals.

This alternate will ensure that the roadway will not have any future subsidence and does not require adequate access to construct. A major disadvantage is this alternate will take more time to construct and will be more expensive as compared to Alternate 1 described above. Also, this will create another bridge structure for PennDOT to tabulate, monitor, and maintain.

Preliminary Cost Estimate:

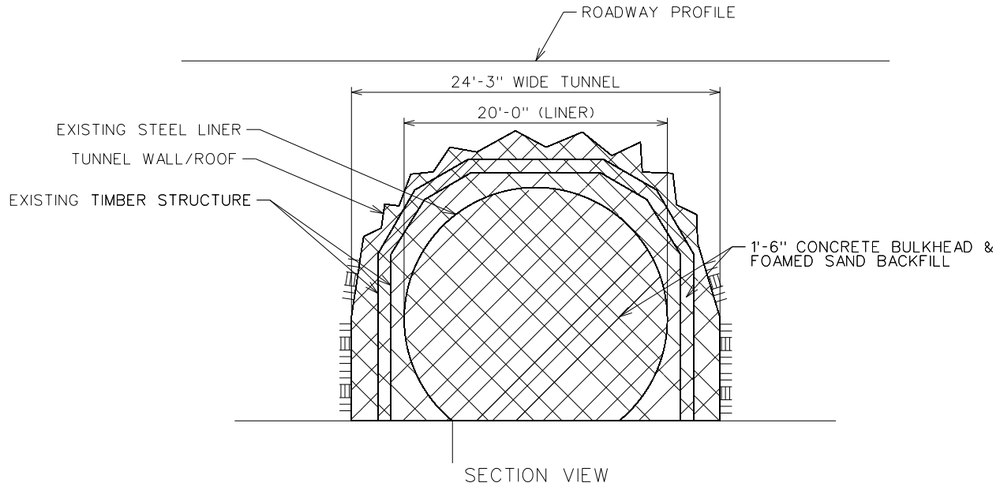
A cost estimate was prepared for the proposed alternates. The cost to construct the concrete bulkheads with foam sand backfill alternate is approximately $856,000. The cost to construct the at grade bridge carrying SR 0268 alternate is approximately $876,000. A detailed quantity and cost estimate information is provided in Appendix C.

Appendix A -
Concrete Bulkheads with Foam Sand Fill
Sketch and Visuals

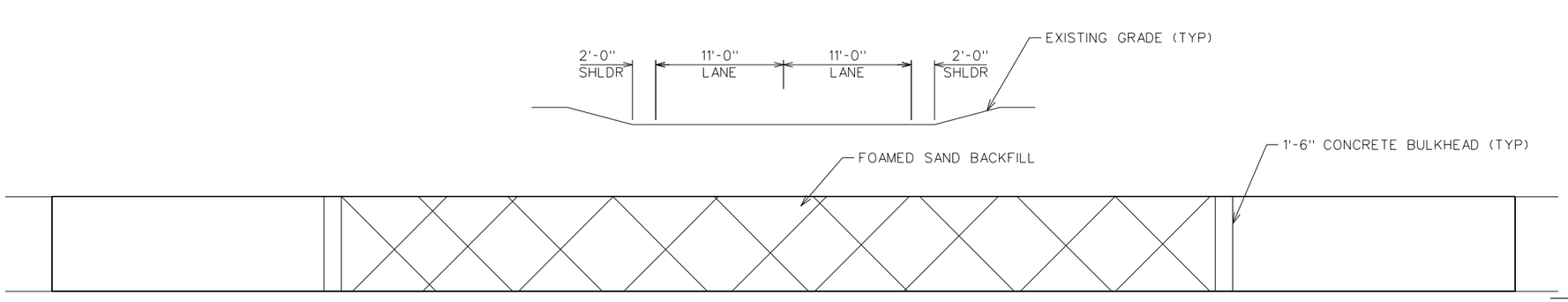


PLAN VIEW

REVISIONS		B&LE RAILROAD
DATE	BY	
		FAIRVIEW, PA, BUTLER COUNTY
APPROVALS		CONCRETE BULKHEAD ALTERNATIVE PLAN VIEW
SHEET	DRAWN BY: MVL	NO SCALE	DWG NO:
	CHECKED BY: WJC	DATE: 7/12/2021	FILE:



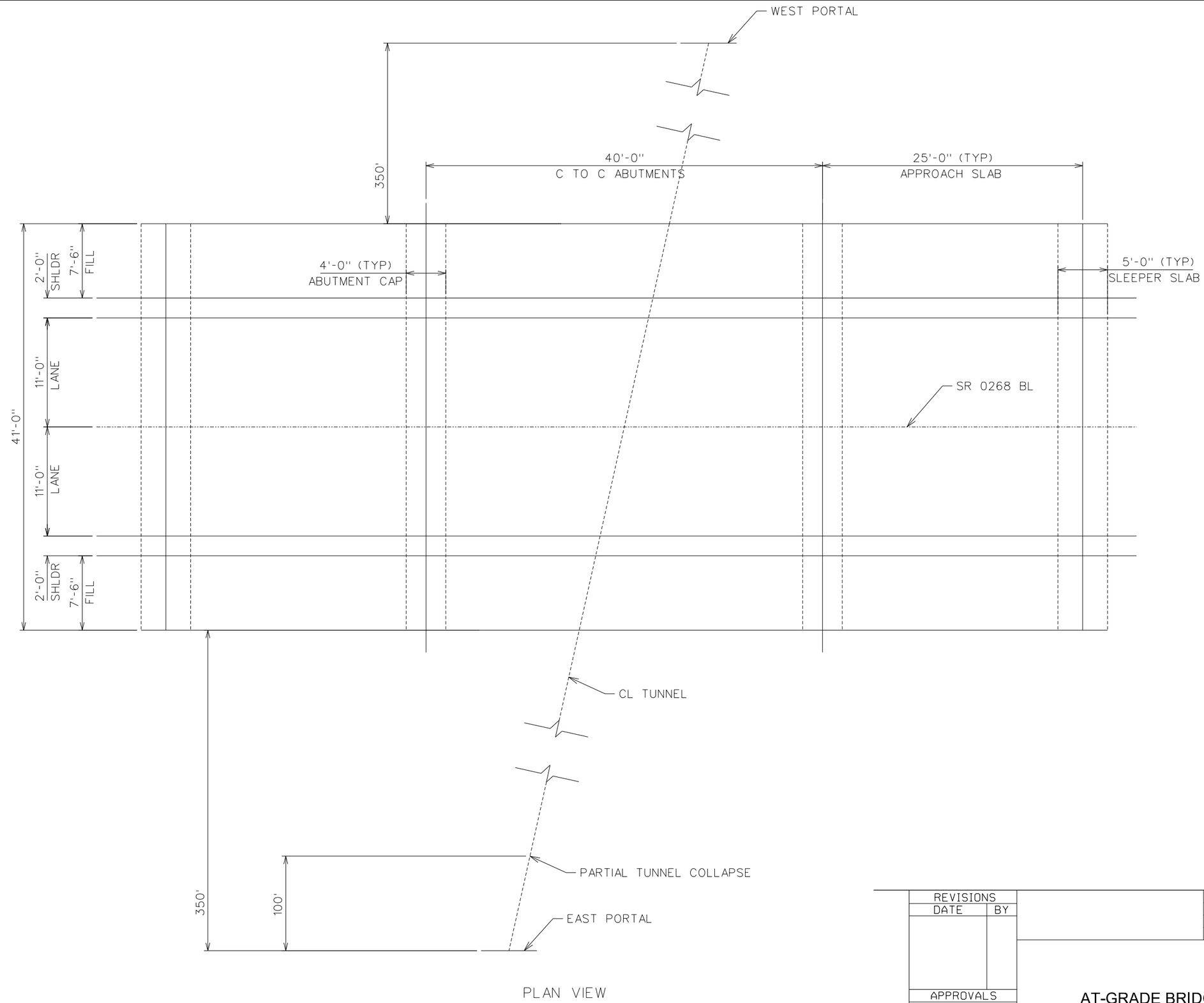
SECTION VIEW



ELEVATION VIEW

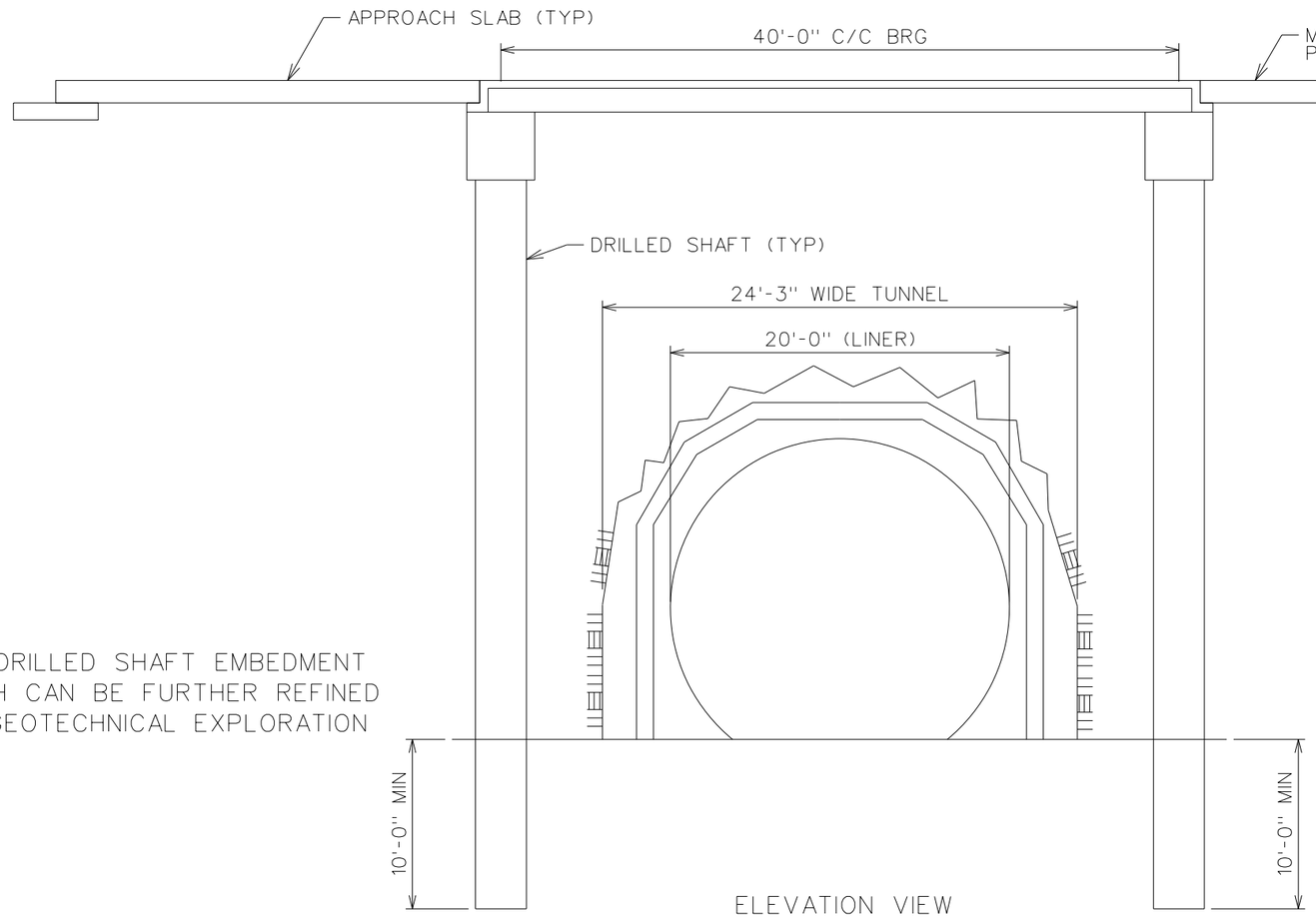
REVISIONS		B&LE RAILROAD		
DATE	BY			
		FAIRVIEW, PA, BUTLER COUNTY		
APPROVALS		CONCRETE BULKHEAD ALTERNATIVE ELEVATION AND SECTION VIEWS		
SHEET		DRAWN BY: MVL	NO SCALE	DWG NO:
		CHECKED BY: WJC	DATE: 7/12/2021	FILE:

Appendix B -
At Grade Bridge Carrying SR 0268 Sketch and Visuals

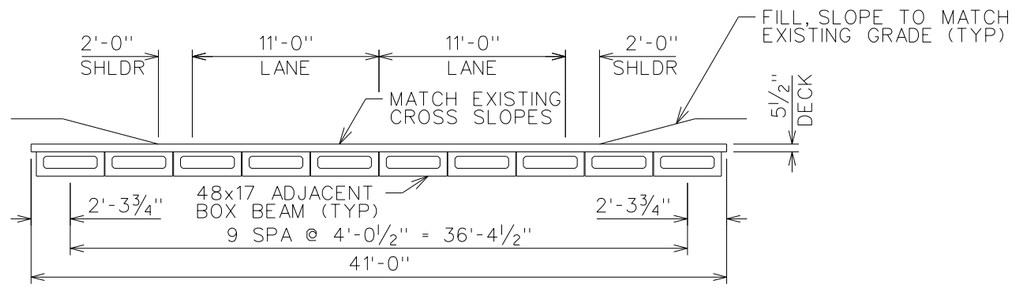


PLAN VIEW

REVISIONS			
DATE	BY		B&LE RAILROAD
			FAIRVIEW, PA, BUTLER COUNTY
APPROVALS		AT-GRADE BRIDGE ALTERNATIVE PLAN VIEW	
SHEET		DRAWN BY: MVL	NO SCALE	DWG NO:
		CHECKED BY: WJC	DATE: 7/12/2021	FILE:



ELEVATION VIEW



SECTION VIEW

NOTE: DRILLED SHAFT EMBEDMENT LENGTH CAN BE FURTHER REFINED WITH GEOTECHNICAL EXPLORATION

REVISIONS		B&LE RAILROAD
DATE	BY	
		FAIRVIEW, PA, BUTLER COUNTY
APPROVALS		AT-GRADE BRIDGE ALTERNATIVE ELEVATION AND SECTION VIEWS
SHEET	DRAWN BY: MVL	NO SCALE	DWG NO:
	CHECKED BY: WJC	DATE: 7/12/2021	FILE:

Appendix C -
Quantities and Cost Estimate

AECOM	SUBJECT SR 268 B&LE Tunnel Alternatives Quantity Calculations	SHEET NO. 1 OF 2 JOB NO. 60651865 BY: MVL DATE: 7/15/21 CH: WJC DATE: 7/15/21

Bridge Quantities Calculations

Excavation Quantities

Deck and Approach Slabs	=	328.22	CY	*40' span, two 25' approach slabs, two 2.5' sleeper slabs 2*1.25' CL of bearing to approach slab*
Abutments	=	85.19	CY	
Total	=	**414**	CY	

Deck Concrete Quantities

Class AAAP Concrete	=	**28**	CY	*5.5" thick deck, 41' wide deck, 40' span*

Approach Slab Concrete Quantities

Class AA Concrete	=	**102**	CY	*Two approach slabs (25'x1.33'x41')*

Substructure Concrete Quantities

Abutment Stems	=	48.59	CY	
Sleeper Slab	=	15.19	CY	
Total Class A Concrete	=	**64**	CY	

Backfill Quantities

Backfill Volume	=	**134**	CY	*Excavation quantity minus concrete quantities*

Reinforcement Quantities

Epoxy Coated Bars	=	**29100**	LB	*Assumed 150 LB/CY*

Adjacent Box Beam Quantities

Linear Foot	=	**400**	LF	*40' span, 10 beams*

Drilled Shaft Quantities

Drilled Shaft Linear Feet	=	**600**	LF	*5 shafts at each abutment, approx 60' in length*

Bulkhead Quantities Calculations

Excavation Quantities

Footing Excavation	=	**18**	CY	*Two 5' x 2' x 24.25' footings at each bulkhead*

Concrete Quantities

Bulkhead Concrete (Class A)	=	67	CY	*Two concrete bulkheads, 1.5' thick*
Footing	=	18	CY	*Two 5' x 2' x 24.25' footings at each bulkhead*
Total	=	**85**	CY	

Reinforcement Quantities

Epoxy Coated Bars	=	**12750**	LB	*Assume 150 LB/CY*

Fill Quantities

Total Fill	=	3500	CY	*130' long segment in 600 SF tunnel area, plus an additional 20% to account for additional voids*
Foam Volume	=	**1050**	CY	*30% of total backfill volume*
Remaining Volume	=	**2450**	CY	

AECOM	SUBJECT SR 268 B&LE Tunnel Alternatives Cost Calculation	SHEET NO. 1 OF 1 JOB NO. 60651865 BY: MVL DATE: 7/15/21 CH: WJC DATE: 7/15/21

Bridge Cost Calculation

Description	Quantity	Unit	Unit Price	Total Cost
Class 3 Excavation	414	CY	$ 30	$ 12,420
Class AAAP Cement Concrete	28	CY	$ 1,100	$ 30,800
Class AA Cement Concrete	102	CY	$ 1,100	$ 112,200
Class A Cement Concrete	64	CY	$ 1,100	$ 70,400
Structural Backfill	134	CY	$ 75	$ 10,050
Reinforcing Bars, Epoxy Coated	29100	LB	$ 1.85	$ 53,835
Prestressed Concrete Adjacent Box Beams, 48" X 17"	400	LF	$ 500	$ 200,000
Drilled Shafts	600	LF	$ 400	$ 240,000
			Subtotal	$729,705
			20% Contingency	$145,941
			Total Cost	**$876,000**

Bulkhead Cost Calculation

Description	Quantity	Unit	Unit Price	Total Cost
Class 3 Excavation	18	CY	$ 30	$ 540
Class A Cement Concrete	85	CY	$ 1,100	$ 93,500
Reinforcing Bars, Epoxy Coated	12750	LB	$ 1.85	$ 23,588
Fill (Sand)	2450	CY	$ 200	$ 490,000
Fill (Foam)	1050	CY	$ 100	$ 105,000
			Subtotal	$712,628
			20% Contingency	$142,526
			Total Cost	**$856,000**

Appendix D -
Site Visit Report and Photos

PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

SITE VISIT DESCRIPTION

AECOM completed an initial site visit at the abandoned Bessemer and Lake Erie Railroad (BLE) tunnel under SR 268 in Butler County, PA to develop a reconnaissance report that will be utilized for scoping the additional engineering services effort required to respond to the PUC Letter dated October 3, 2019 (I-2019-3012769). The purpose of the visit was to obtain a general understanding of the existing structure condition, determine if there were any visible signs of additional structural failure, assess the drainage conditions at the tunnel approaches, and assess inspection access.

EXISTING TUNNEL STRUCTURE AND CONDITION

Per existing plans, the tunnel is rock cut with a timber bent supports built in the early 1900s. Bent spacing is unknown. In 1975, a three (3) gauge corrugated steel, gasketed liner was added with 12" of material placed in the annular void. All railroad track and ties have been removed. The tunnel is approximately 744' long.

At the east portal, the rock above the tunnel is visibly cracked and deteriorated (Photo 1) and a complete collapse of the tunnel is visible approximately 100' beyond the portal entrance (Photo 5).

At the west portal the rock above the tunnel is visibly cracked and deteriorated (Photo 9) and portions of the corrugated steel liner are deformed indicating some degree of structural failure (Photo 11). There is evidence of possible survey monitoring of deformation with survey markings on the tunnel. AECOM can inquire with PennDOT to obtain this information if available.

At both ends of the tunnel, the grading of the abandoned railroad right-of-way after removal of tracks and ties, has caused significant ponding with depths varying from a few inches up to 3' deep. The rock cut slopes at the entrance approaches appear to be stable with no signs of major geotechnical failure.

Above the tunnel, there are no obvious visual indications of subsidence. However, the area is wooded beyond the limits of the SR 268 crossing and clear zone (Photos 8 and 12).

The existing SR 268 roadway is not located over the visible tunnel collapse. There are no apparent signs of roadway failure due to underground subsidence.

SITE ACCESS

Inspection access to both portals is limited by heavy vegetation, steep topography, and poor drainage. There are possible abandoned access roads and locally used trails. See attached aerial with approximate access locations. Clearing vegetation should be considered if any equipment is to be utilized during inspection. Due to the rock slope deterioration, tunnel collapse, and visible steel liner deformations, it is not recommended that inspection crews enter the tunnel or complete a hands on inspection of the tunnel portals. Possible inspection methods include 3D imaging to determine extents of tunnel lining deformation, borings through the earth and rock above the tunnel to determine state of the rock.

HOURS AND MILEAGE

ITEM	DESCRIPTION	QTY/HRS
Preparation		1.5
On Site	9:00 AM to 10:30 AM	3.0
Travel Time		6
Other (Describe)	Inspection Report	6
	Total Hours Charged	**16.5**
Mileage (From:To)	Wilson	100
Mileage (From:To)	Fuhrman	140

Report By: *Jonathan Wilson/Daniel Fuhrman*

Attachments:	Photos	Y
	Track Chart	N
	Aerial Photo	Y
	General Plan Sheets	Y

PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *1*
Date: *1/19/2021*
Direction of View: *West*

Description

Close-up view of east portal (25' rod used for scale). Debris built-up and blocking portal entrance. Rock above tunnel is cracked and deteriorated.



Photograph No.: *2*
Date: *1/19/2021*
Direction of View: *West*

Description

View of east portal taken along the abandoned railway. Note significant ponding on the ballast. Ponding extends into the tunnel at the east portal. Depth of ponding ranged from approximately 3'-0" at the abandoned drainage swales to 6" over the abandoned railroad ballast. Ponding extended along the entire length of visible abandoned right-of-way.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *3*
Date: *1/19/2021*
Direction of View: *West*

Description

View of east portal from a distance of approximately 100 yards. Poor drainage conditions have led to significant ponding along the abandoned railway. Ponding extended along the entire length of visible abandoned right-of-way.



Photograph No.: *4*
Date: *1/19/2021*
Direction of View: *South*

Description

View of the slope along the south side of railway at east portal. Typical condition of all adjacent slopes.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *5*
Date: *1/19/2021*
Direction of View: *West*

Description

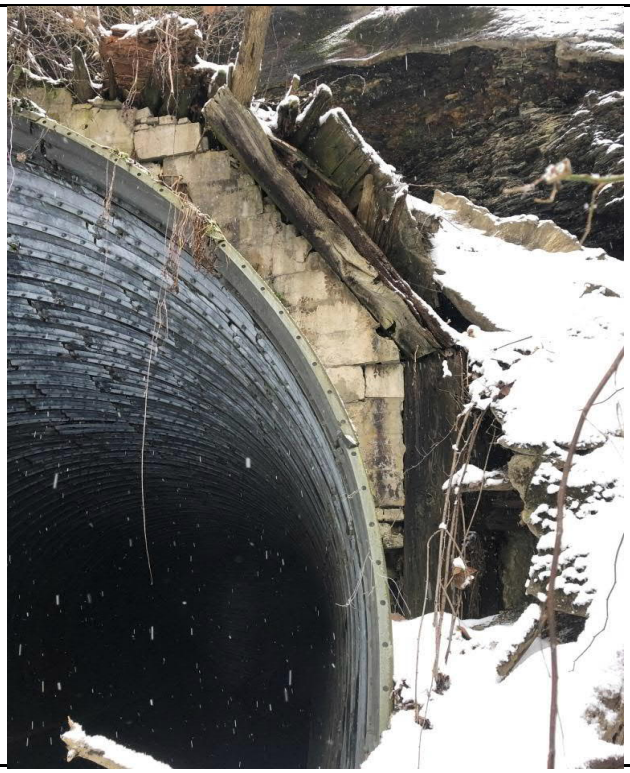
View looking into the east portal at the collapse approximately 100' into the tunnel.



Photograph No.: *6*
Date: *1/19/2021*
Direction of View: *West*

Description

View of tunnel structure at east portal. Rock and concrete facing eroding away from timber structure.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

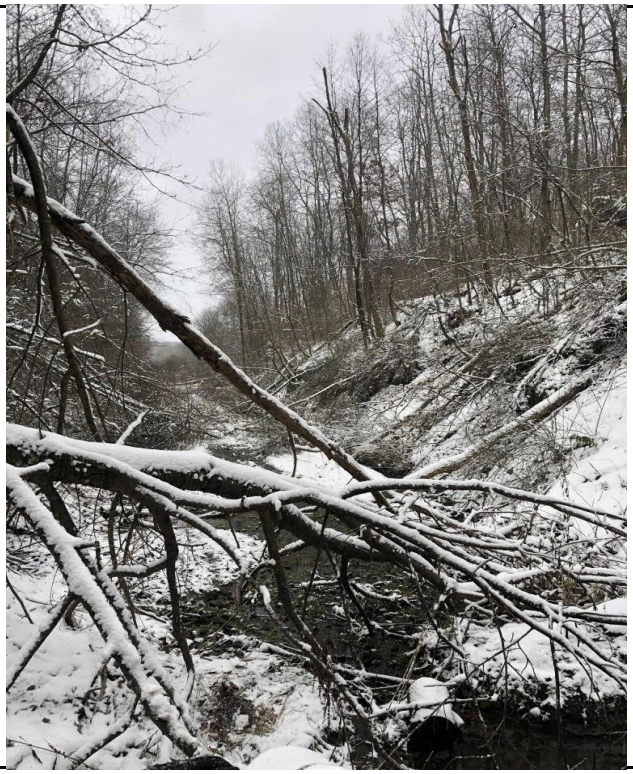
Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *7*
Date: *1/19/2021*
Direction of View: *East*

Description

View of railway looking from east portal. There is heavy debris and significant ponding along railway. Steep slopes along railway on both sides limit access to what can be achieved on foot.



Photograph No.: *8*
Date: *1/19/2021*
Direction of View: *North*

Description

View of landscape above collapse near east portal. There are no obvious signs of subsidence on the surface.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *9*
Date: *1/19/2021*
Direction of View: *East*

Description

View of the west portal (25' pole used for scale). Rock above tunnel has cracked and deteriorated.



Photograph No.: *10*
Date: *1/19/2021*
Direction of View: *East*

Description

View of the west portal. There is significant ponding down the railway. Steep slopes along the north and south sides of the railway can also be seen. Ponding did not extend into the tunnel. Ponding extended along the entire length of visible abandoned right-of-way.



PRELIMINARY ENGINEERING SITE INSPECTION REPORT

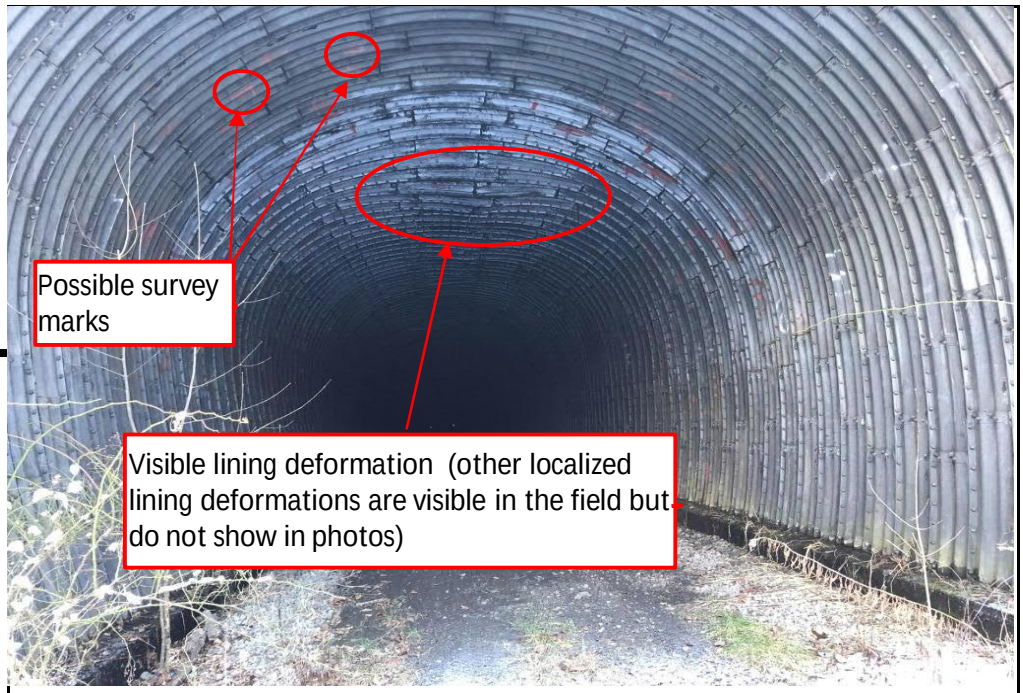
Railroad/Line:	Bessemer and Lake Erie Railroad	*Date of Report:*	1/19/2021
Location:	Fairview Township, Butler County, PA	*Date of Visit:*	1/19/2021
Project Sponsor:	Canadian National Railway	*Weather:*	Cloudy/Snow
		Avg. Temp.:	31°

PHOTOGRAPHS

Photograph No.: *11*
Date: *1/19/2021*
Direction of View: *East*

Description

View from the west portal looking into the tunnel toward the collapse. Buckling of the top of the tunnel is shown. Possible orange survey marks near deformation in the tunnel.

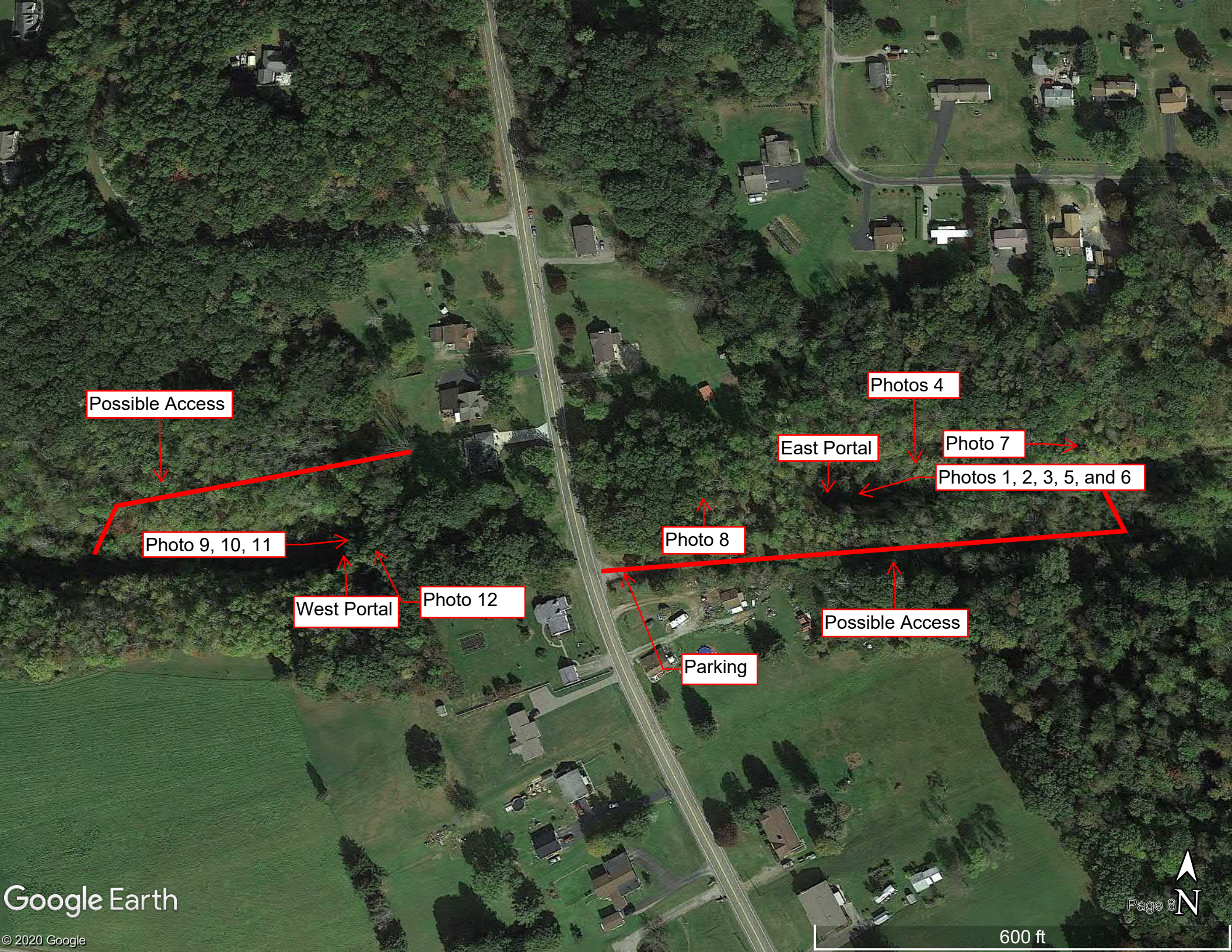


Photograph No.: *12*
Date: *1/19/2021*
Direction of View: *West*

Description

View of the west portal from above. There are no obvious signs of subsidence on the surface.




Possible Access
Photos 4
East Portal
Photo 7
Photos 1, 2, 3, 5, and 6
Photo 8
Photo 9, 10, 11
West Portal
Photo 12
Possible Access
Parking
Google Earth
© 2020 Google
600 ft
N

Magnolia Road

DOT 051 734R

B&LE RR MP- WA44.91

Abolished

Butler County

SR 268/40/2100

Kittanning Pike Rd

Tunnel Collapse



Railroad tunnel collapse – Butler County - S.R. 268 475' south of Mossy Oak Lane.

East end tunnel opening is ~ 380' from the edge of road.

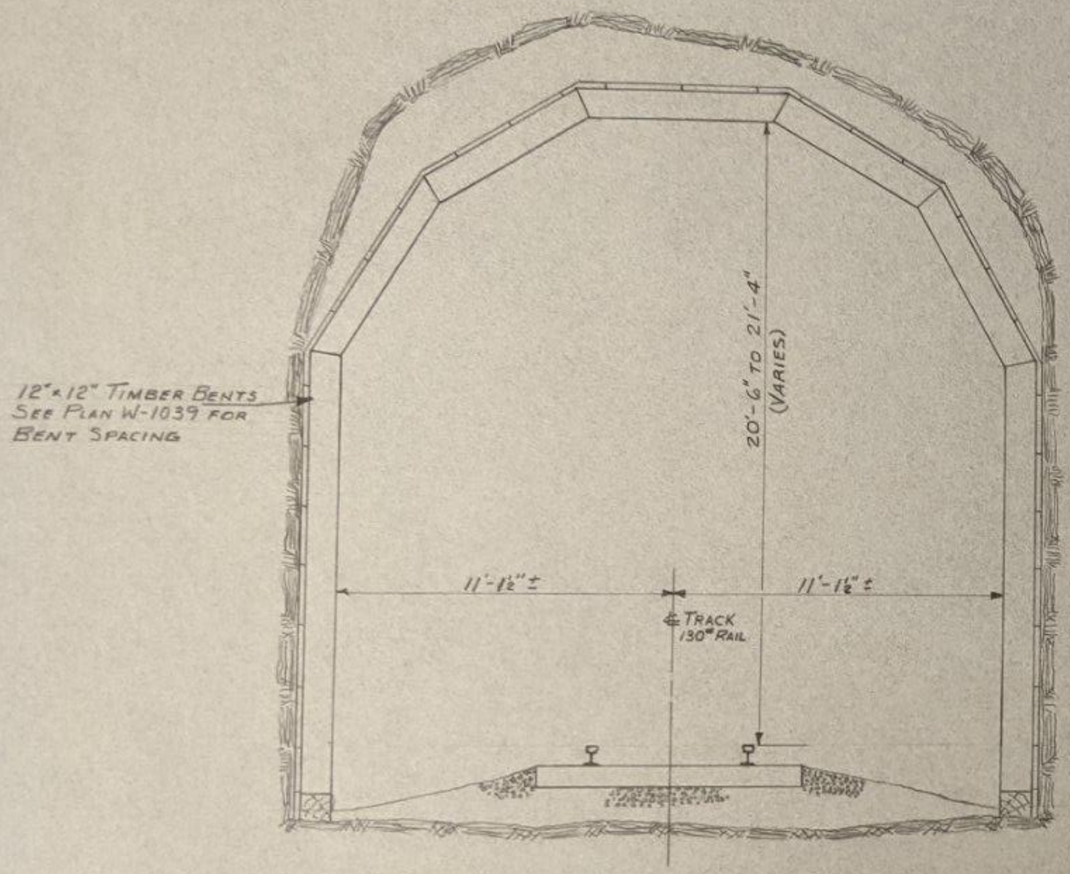
Collapse is 101' from east opening

Estimate collapse is 60' long

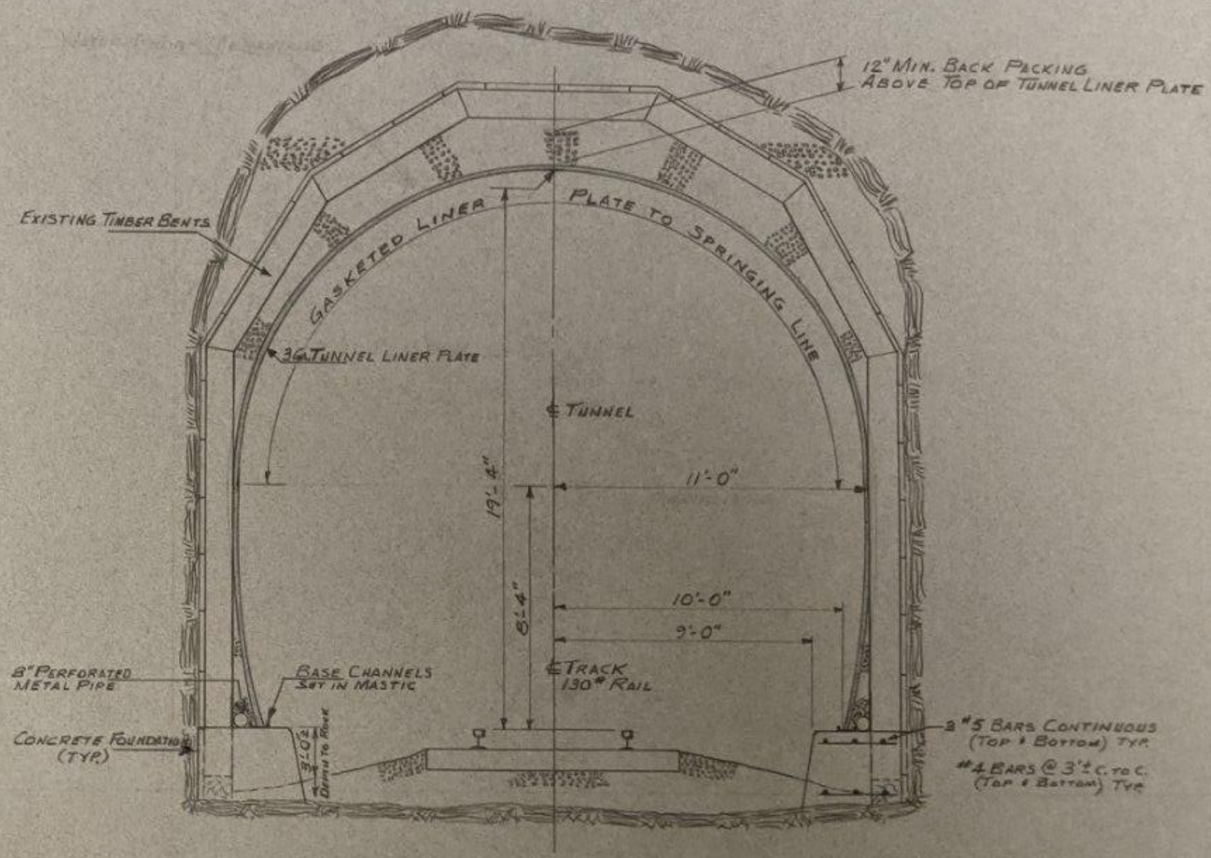
Total length of tunnel is ~675'







TYPICAL EXISTING SECTION



PROPOSED SECTION

BESSEMER AND LAKE ERIE RAILROAD COMPANY

PROPOSED TUNNEL RELINING

BLACKSBURG TUNNEL

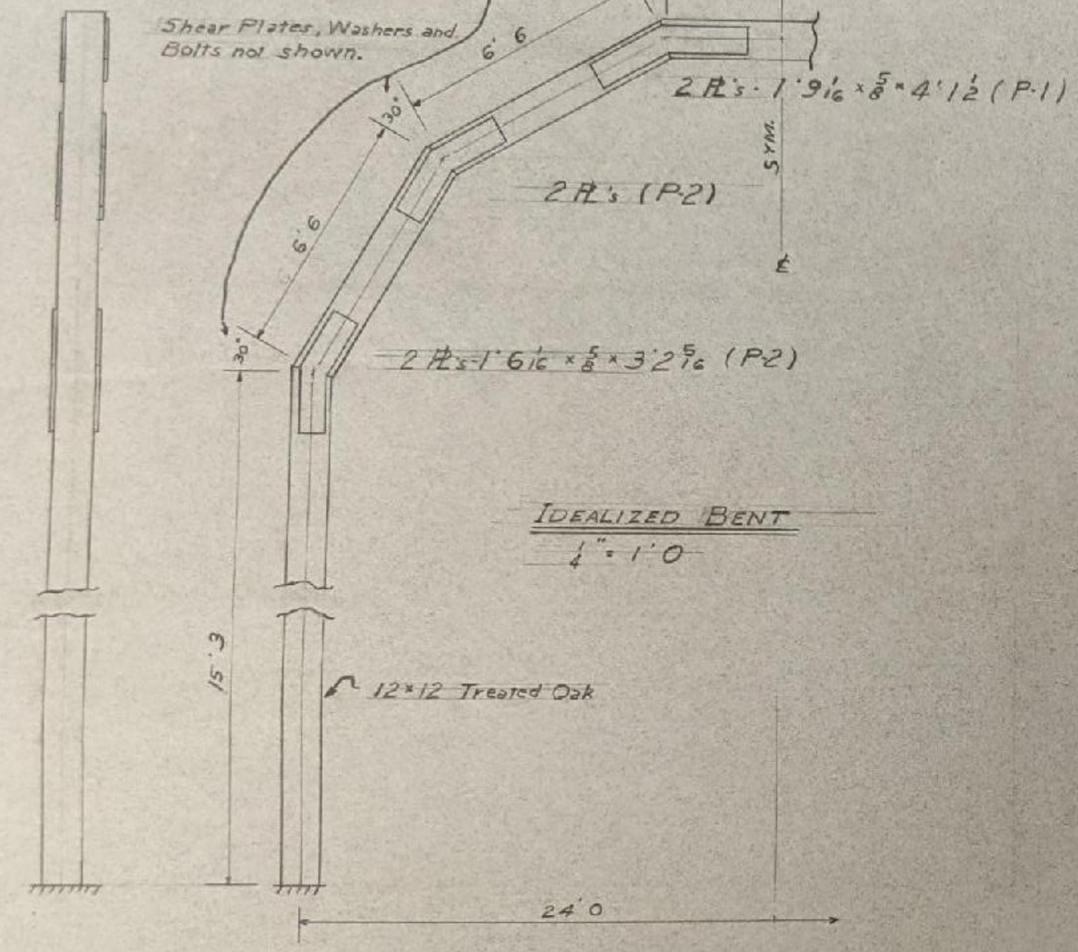
WESTERN ALLEGHENY DIVISION

OFFICE OF CHIEF ENGINEER
GREENVILLE, PA.
DRAWN BY WEN CHECKED BY EBJ CHECKED FOR SAFETY

SCALE NONE
DATE 5-15-73

X-1776

07915 X-1776



IDEALIZED BENT
1/4" = 1'0

BILL OF MATERIAL - ONE BENT

SHIP MK.	NO.	SHOP MK	DESCRIPTION	FT	IN	REMARKS
P-1	4		℄ 1' 9 1/16 x 5/8	4	1 1/2	
P-2	8		℄ 1' 6 1/16 x 5/8	3	2 5/16	
	80		BOLTS - 3/4 ϕ	1	4	w/ HEX NUT
	160		SHEAR PLATES - 4" ϕ			MALLEABLE IRON
	160		WASHERS - 3" ϕ			do -FOR 3/4" BOLT

Note: All holes 13/16".
Shear Plates are TECO No. 2 - 4" dia. of Malleable Iron.

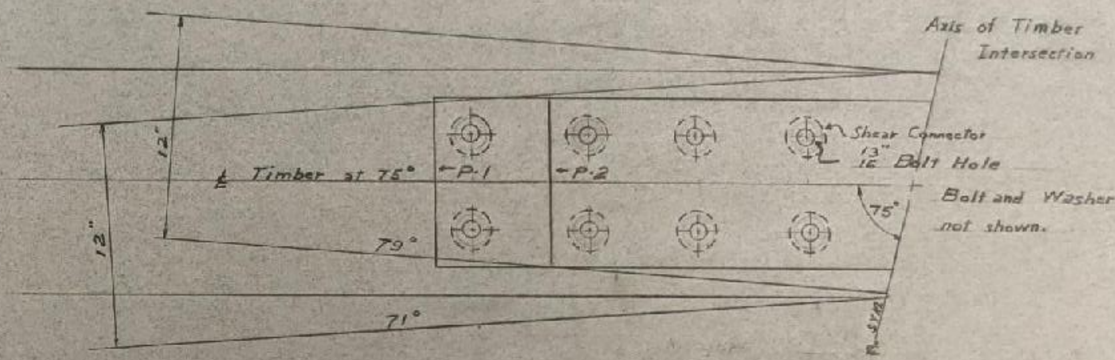
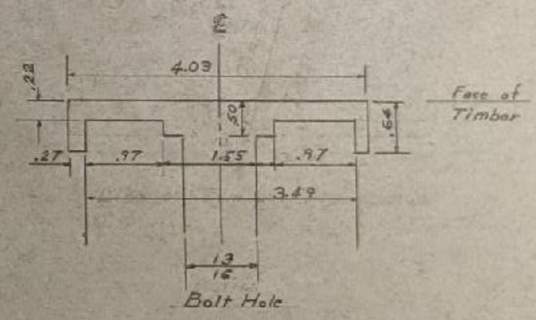
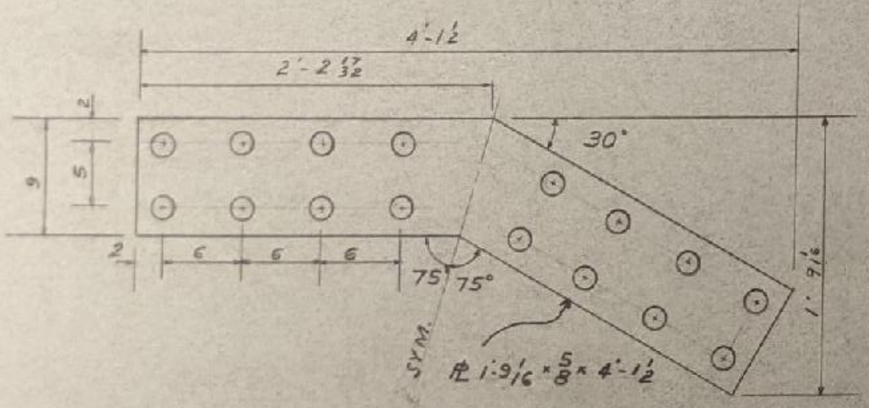


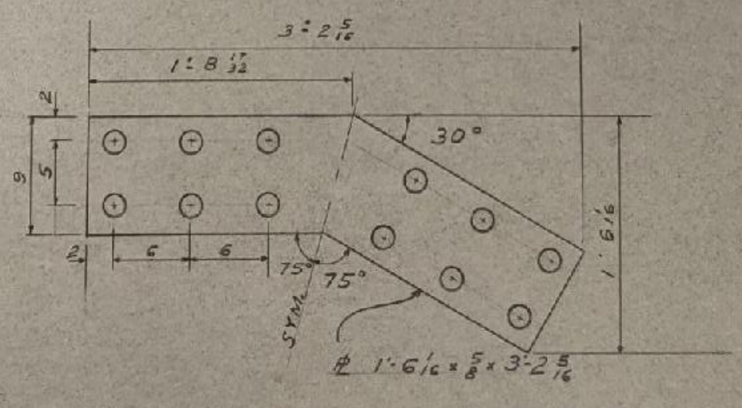
PLATE POSITION
1 1/2" = 1'0



CIRCULAR DAP



2 PLATES - MK P-1



4 PLATES - MK P-2

BESSEMER AND LAKE ERIE RAILROAD COMPANY

PROPOSED SPLICE PLATES FOR
TIMBER TUNNEL BENT
WESTERN ALLEGHENY TUNNEL

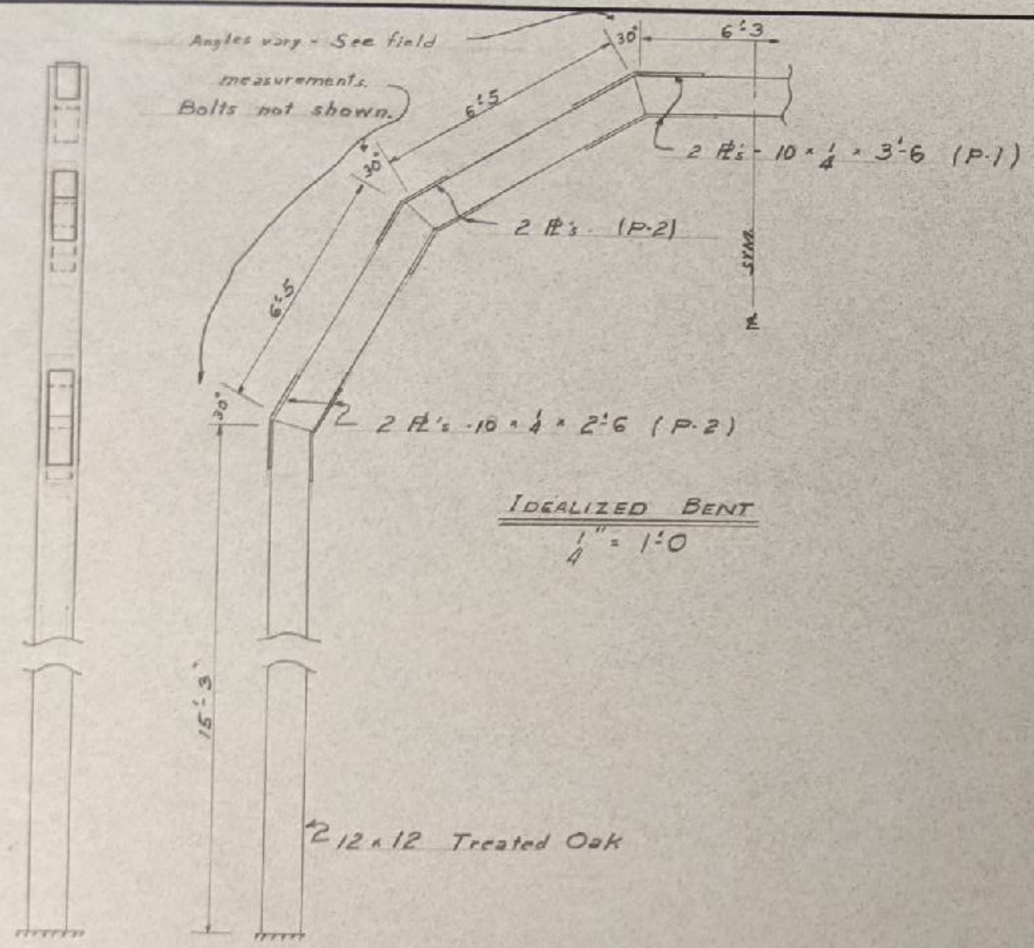
OFFICE OF CHIEF ENGINEER
GREENVILLE, PA.
DRAWN BY... F.M. ..CHECKED BY.....

SCALE... AS SHOWN
DATE... 12-3-68

Y-1071-B

G & W LEACH CO., PGH., PA.

08938

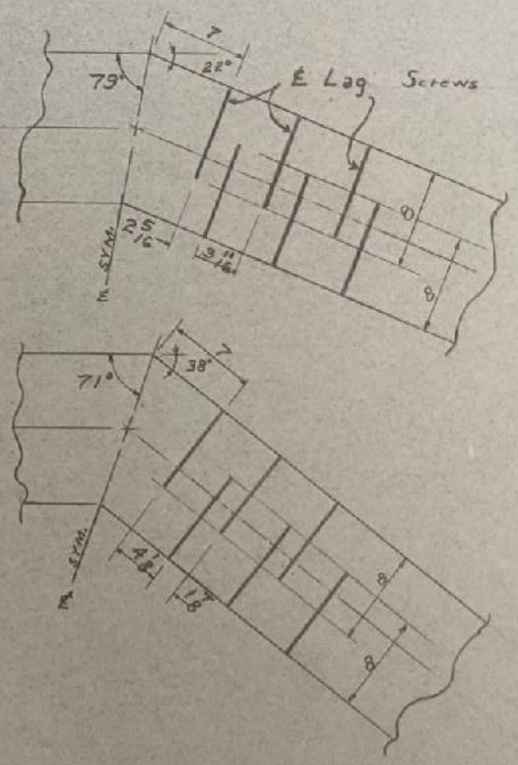


IDEALIZED BENT
¼" = 1'-0

BILL OF MATERIAL - ONE BENT

SHIP MK	No	SHOP MK	DESCRIPTION	FT	IN	REMARKS
P-1	4		Pl 10 × ¼	3	6	BENT AS REQUIRED
P-2	8		Pl 10 × ¼	2	6	do
	112		LAG SCREWS: 1" ϕ	0	8	

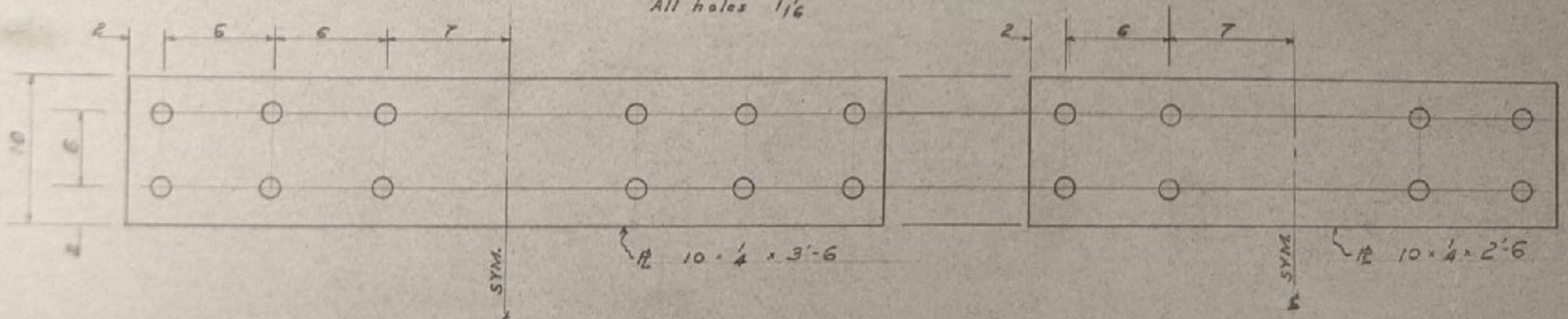
TIMBER ANGLE
79°
PLATE BEND ANGLE
22°



TIMBER ANGLE
71°
PLATE BEND ANGLE
38°

LAG POSITION
1" = 1'-0

Note: Bend plates on ℄ to PLATE BEND ANGLE = 2 × [90° - TIMBER ANGLE].
All holes 1 1/16



2 PLATES - MK P-1

4 PLATES - MK P-2

BESSEMER AND LAKE ERIE RAILROAD COMPANY

PROPOSED SPLICE PLATES FOR
TIMBER TUNNEL BENT
WESTERN ALLEGHENY TUNNEL

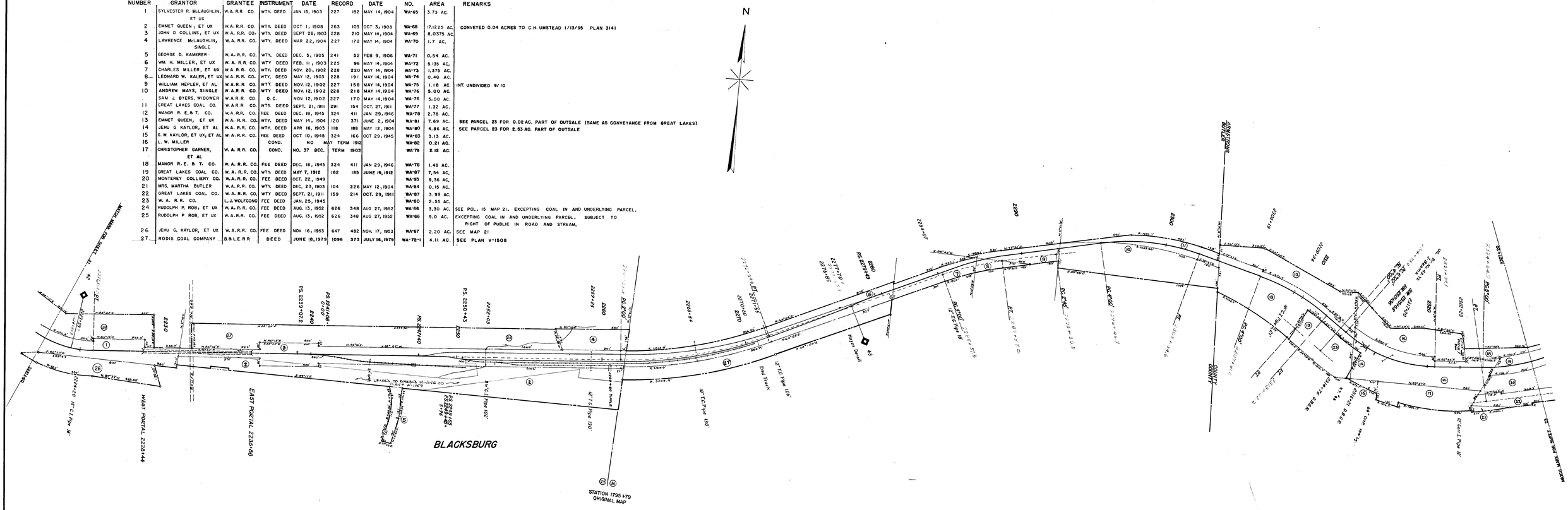
OFFICE OF CHIEF ENGINEER
GREENVILLE, PA.
SCALE As Shown
DATE 12-3-68
DRAWN BY F.M. CHECKED BY R.E.K.

Y-1071-A

G & W LEACH CO., PGH., PA.

08938 Y-1071-A

NUMBER	GRANTOR	GRANTEE	INSTRUMENT	DATE	RECORD		DATE	CUSTODIAN NO.	AREA	REMARKS
1	SYLVESTER R. McLAUGHLIN, ET UX	W.A. R.R. CO.	WTY. DEED	JAN 15, 1903	227	152	MAY 14, 1904	WA-65	3.73 AC.	
2	EMMET QUEEN , ET UX	W.A. R.R. CO.	WTY. DEED	OCT 1, 1908	263	103	OCT 3, 1908	WA-68	17.1225 AC.	CONVEYED 0.04 ACRES TO C.H. UMSTEAD 1/13/95 PLAN 3141
3	JOHN D COLLINS, ET UX	W.A. R.R. CO.	WTY. DEED	SEPT 28, 1903	228	210	MAY 14, 1904	WA-69	8.0375 AC.	
4	LAWRENCE McLAUGHLIN, SINGLE	W.A. R.R. CO.	WTY. DEED	MAR 22, 1904	227	172	MAY 14, 1904	WA-70	1.7 AC.	
5	GEORGE D. KAMERER	W.A. R.R. CO.	WTY. DEED	DEC. 5, 1905	241	52	FEB 9, 1906	WA-71	0.54 AC.	
6	WM. H. MILLER, ET UX	W.A. R.R. CO.	WTY DEED	FEB. 11, 1903	225	96	MAY 14, 1904	WA-72	5.135 AC.	
7	CHARLES MILLER, ET UX	W.A. R.R. CO.	WTY. DEED	NOV. 20, 1902	228	220	MAY 14, 1904	WA-73	1.375 AC.	
8	LEONARD W. KALER, ET UX	W.A. R.R. CO.	WTY. DEED	MAY 12, 1903	228	191	MAY 14, 1904	WA-74	0.40 AC.	
9	WILLIAM HEPLER, ET AL	W.A R.R. CO.	WTY DEED	NOV. 12, 1902	227	158	MAY 14, 1904	WA-75	1.18 AC.	INT. UNDIVIDED 9/10
10	ANDREW MAYS, SINGLE	W.A.R.R. CO.	WTY DEED	NOV. 12, 1902	228	218	MAY 14, 1904	WA-76	5.00 AC.	
	SAM J. BYERS, WIDOWER	W.A.R.R. CO.	Q. C.	NOV. 12, 1902	227	170	MAY 14, 1904	WA-76	5.00 AC.	
11	GREAT LAKES COAL CO.	W.A.R.R. CO.	WTY. DEED	SEPT. 21, 1911	291	154	OCT. 27, 1911	WA-77	1.32 AC.	
12	MANOR R. E. & T. CO.	W.A.R.R. CO.	FEE DEED	DEC. 18, 1945	324	411	JAN 29, 1946	WA-78	2.78 AC.	
13	EMMET QUEEN, ET UX	W.A. R.R. CO.	WTY. DEED	MAY 14, 1904	120	371	JUNE 2, 1904	WA-81	7.69 AC.	SEE PARCEL 23 FOR 0.02 AC. PART OF OUTSALE (SAME AS CONVEYANCE FROM GREAT LAKES)
14	JEHU G KAYLOR, ET AL	W.A. R.R. CO.	WTY. DEED	APR 16, 1903	118	188	MAY 12, 1904	WA-80	4.86 AC.	SEE PARCEL 23 FOR 2.53 AC. PART OF OUTSALE
15	G. W. KAYLOR, ET UX, ET AL	W.A.R.R. CO.	FEE DEED	OCT 10, 1945	324	166	OCT 29, 1945	WA-83	3.13 AC.	
16	L. W. MILLER		COND.	NO MAY TERM 1912				WA-82	0.21 AC.	
17	CHRISTOPHER GARNER, ET AL	W. A. R.R. CO.	COND.	NO. 37 DEC. TERM 1903				WA-79	2.12 AC.	
18	MANOR R. E. & T. CO.	W. A. R.R. CO.	FEE DEED	DEC. 18, 1945	324	411	JAN 29, 1946	WA-78	1.48 AC.	
19	GREAT LAKES COAL CO.	W. A. R.R. CO.	WTY. DEED	MAY 7, 1912	162	185	JUNE 19, 1912	WA-87	7.54 AC.	
20	MONTEREY COLLIERY CO.	W.A.R.R. CO.	FEE DEED	OCT. 22, 1949				WA-93	9.36 AC.	
21	MRS. MARTHA BUTLER	W.A.R.R. CO.	WTY. DEED	DEC. 23, 1903	104	226	MAY 12, 1904	WA-84	0.15 AC.	
22	GREAT LAKES COAL CO.	W. A. R.R. CO.	WTY DEED	SEPT. 21, 1911	159	214	OCT. 29, 1911	WA-87	3.99 AC.	
23	W. A. R.R. CO.	L. J. WOLFGONG	FEE DEED	JAN. 25, 1945				WA-80	2.55 AC.	
24	RUDOLPH P. ROB, ET UX	W. A. R.R. CO.	FEE DEED	AUG. 13, 1952	626	348	AUG 27, 1952	WA-66	3.30 AC.	SEE POL. 15 MAP 21. EXCEPTING COAL IN AND UNDERLYING PARCEL.
25	RUDOLPH P ROB, ET UX	W.A.R.R. CO.	FEE DEED	AUG. 13, 1952	626	348	AUG 27, 1952	WA-66	9.0 AC.	EXCEPTING COAL IN AND UNDERLYING PARCEL. SUBJECT TO RIGHT OF PUBLIC IN ROAD AND STREAM.
26	JEHU G. KAYLOR, ET UX	W.A.R.R. CO.	FEE DEED	NOV 16, 1953	647	482	NOV. 17, 1953	WA-67	2.20 AC.	SEE MAP 21
27	RODIS COAL COMPANY	B & L E. R R	DEED	JUNE 18, 1979	1096	373	JULY 16, 1979	WA-72-1	4.11 AC.	SEE PLAN V-1508


N
BLACKSBURG
WEST PORTAL 2228+44
EAST PORTAL 2236+98
ANNEX BRANCH
COUNTY
STATION 1795+79
ORIGINAL MAP
MATCH LINE SHEET 21
MATCH LINE SHEET 23
LEASED TO KOPPERS MINING CO.
Buyer Unroll
End Track
18" T.C. Pipe 106'
18" T.C. Pipe 130'
12" T.C. Pipe 130'
12" T.C. Pipe 101'
24" T.C. Pipe 106'
24" T.C. Pipe 130'
24

Appendix E -
Real Estate Documents

Instr:200211080037746 11/08/2002
Pages:5 F:$40.50 2:30PM
Michele Mustello T20020037129
Butler County Recorder MLWESTERN

MONITEAU SCHOOL DIST $226.28
CLAY TWP $226.28
KARNS CITY AREA SCHO $571.50
FAIRVIEW TWP $571.49
TOTAL TAX $5584.43

THIS QUIT CLAIM DEED

MADE THE 24th of October in the year of our Lord two thousand and two (2002)

200211080037746
11/08/2002 2:30:40PM T20020037129
PA TRF TAX $2901.00
MONITEAU SCHOOL DIST $543.94
CONCORD TWP $543.94

BETWEEN

BESSEMER AND LAKE ERIE RAILROAD COMPANY, whose address is 135 Jamison Lane, P. O. Box 68, Monroeville, PA 15146, a corporation organized and existing under the laws of the state of Delaware, (hereinafter called "Grantor"),

AND AFFIDAVIT FILED

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, whose address is 121 Maier Lane, West Sunbury, PA 16061, (hereinafter called "Grantee");

WITNESSETH, that the Grantor, for and in consideration of the sum of Two Hundred Ninety Thousand and One Hundred Dollars and zero cents ($290,100.00), lawful money of the United States of America, unto it well and truly paid by the Grantee, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has remised, released and quit claimed, and by these presents does remise, release and forever quit claim unto the Grantee, itself, its heirs and assigns,

ALL THAT CERTAIN tract of land situate in Clay, Fairview and Concord Townships, Butler County, and Brady's Bend Township, Armstrong County, Commonwealth of Pennsylvania, consisting of approximately three hundred ninety-four (394) acres, more or less, and a six hundred foot (600') viaduct, together with all rights, privileges and easements appurtenant thereto (collectively the "Premises"). Being the property conveyed to Grantor herein by virtue of Butler County Deed Book Volume 885, page 1062 and Armstrong County Deed Book Volume 510, page 27.

This transfer is subject to all legal highways and to all prior conveyances of coal and mining rights, oil and gas leases, rights of way and easements affecting the herein described tracts of land in instruments of record.

TO HAVE AND TO HOLD the said premises with all and singular the appurtenances, unto the said Grantee, its heirs and assigns, to and for the only proper use and behoove of the said Grantee, its heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

ATTEST:

A Bradley Cramer Jr.
Assistant Secretary

BESSEMER AND LAKE ERIE
RAILROAD COMPANY

By: J. Giles
J. E. Giles
President and Chief Executive
Officer

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:
Andrea C. Parente

William G. Bamhard

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF ALLEGHENY)

On this, the 24th day of October, 2002, before me the undersigned officer, personally appeared J. E. Giles, who acknowledged himself to be the President and Chief Executive Officer of Bessemer and Lake Erie Railroad Company, a corporation, and that he as such President and Chief Executive Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President and Chief Executive Officer.

In witness whereof, I hereunto set my hand and official seal.

Patricia L. Kirk
Notary Public

Notarial Seal
Patricia L. Kirk, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires July 13, 2004

CERTIFICATE OF RESIDENCE

I, Andrea C. Parenti, do hereby certify that the precise residence and complete post office address of the within named Grantee is 121 Maier Lane, West Sunbury, PA 16061.

This 24 day of October, 2002

Andrea C. Parenti
Agent for Grantee

QUIT CLAIM DEED

From

BESSEMER AND LAKE ERIE RAILROAD COMPANY

To

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Recorder, return to:
Western Allegheny Landowners Association
121 Maier Lane
West Sunbury, PA 16061

DILLON McCANDLESS KING
128 W. CUNNINGHAM ST
BUTLER PA 16001

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF _____)

RECORDED on this _____ day of _____, A.D. 2002, in the Recorder's Office of the said County, in Record Book Volume _____, Page _____.

Given under my hand and seal of the said office, the date above written.

_____, Recorder.

REV-183 EX (6-96)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	2901.00
Book Number	Inst#
Page Number	200211080037746
Date Recorded	11-8-02

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name	Telephone Number: Area Code
Dillon McCandless King Coulter & Graham	(724) 283-2200

Street Address	City	State	Zip Code
128 W. Cunningham St	Butler	PA	16001

B TRANSFER DATA

Date of Acceptance of Document:

Grantor(s)/Lessor(s)	Grantee(s)/Lessee(s)
Bessemer and Lake Erie Railroad Company	Western Allegheny Landowners Association
Street Address: 135 Jamison Lane, P.O. Box 68	Street Address: 121 Maier Lane
City: Monroeville — State: PA — Zip Code: 15146	City: West Sunbury — State: PA — Zip Code: 16061

C PROPERTY LOCATION

Street Address	City, Township, Borough
	Clay, Fairview and Concord Twps. in Butler Co.; Brady's Bend Twp in Armstrong Co.

County	School District	Tax Parcel Number
Butler and Armstrong	~~Moniteau~~ and Karns ~~City~~	

D VALUATION DATA

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
290,100.00	+ 0.00	= 290,100.00
4. County Assessed Value	**5. Common Level Ratio Factor**	**6. Fair Market Value**
	×	=

E EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed

2. **Check Appropriate Box Below for Exemption Claimed**

- ☐ Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- ☐ Transfer to Industrial Development Agency.
- ☐ Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- ☐ Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- ☐ Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- ☐ Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____.
- ☐ Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- ☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- ☒ Other (Please explain exemption claimed, if other than listed above.) Property is located almost entirely in Butler County in the municipalities of Clay, Fairview, and Concord Townships. The $2,901.00 local transfer tax amount should be distributed as follows: $1,087.88 to Concord Township; $452.56 to Clay Township and $1,142.99 to Fairview Township. The remaining $217.57 is payable to Brady's Bend Township, ~~Armstrong County.~~

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party	Date
Michael C. Marcotte	11-8-02

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

Instr:200306180026406 06/18/2003
Pages:4 F:$38.50 9:25AM
Michele Mustello T20030024978
Butler County Recorder MLM/M WILL

THIS INDENTURE

200306180026406
06/18/2003 9:25:20AM T20030024978
PA TRF TAX $228.40
KARNS CITY AREA SCHO $114.20
FAIRVIEW TWP $114.20
TOTAL TAX $456.80

Made the 21 *day of* May, *2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation, with an address of 121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***WILLIAM G. BARNHART and KAY D. BARNHART, husband and wife, of 136 Boosel Road, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***TWENTY-TWO THOUSAND EIGHT HUNDRED FORTY AND 00/100 ($22,840.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and the center of S.R. 0268, Kittanning Pike, at line of lands now or formerly Edith Hill, said point being the Southwest corner of the herein described tract; Thence along the center of S.R. 0268, Kittanning Pike, N 15° 07' W, a distance of 123.2 feet more or less to a point on the centerline of said railroad and line of lands to be conveyed to Ronald E. and Madeline E. Stitt; Thence along lands to be conveyed to Ronald E. and Madeline E. Stitt, S 87° 34' 15" E, a distance of 468.7 feet more or less to a point; Thence along same, N 04° 45' W, a distance of 258.5 feet more or less to a point on the Northern right-of-way line of said railroad; Thence along the said Northern right-of-way and lands of the K.E. Griffiths Plan of lots, N 85° 15' E, a distance of 1150.2 feet more or less to a point on line of lands to be conveyed to Robert L., Jr. and Linda L. Livingston; Thence along said lands to be conveyed to Robert L., Jr. and Linda L. Livingston, S 04° 55' E, a distance of 199.9 feet more or less to a point on the centerline of said railroad; Thence along the centerline and lands to be conveyed to Robert L., Jr. and Linda L. Livingston and lands to be conveyed to Jack R. and Margretta L. Dittman, N 85° 15' E, a distance of 1311.8 feet more or less to a point of curvature; Thence along the centerline of said railroad and lands to be conveyed to Jack R. and Margretta L. Dittman, by a curve to the left, having a radius of 2864.93 feet, an arc distance of 24.5 feet more or less to a point on line of lands to be conveyed to the Bradys Bend Corp; Thence along the said lands to be conveyed to Bradys Bend Corp and lands now or formerly of the Rochester & Pittsburgh Coal Company, S 02° 21' W, a distance of 400.0 feet more or less to a point on line of lands now or formerly of the Ridgeview Country Club; Thence along the lands of the Ridgeview Country Club the following nine (9) courses, 1) Thence N 89° 17' W, a distance of 1473.8 feet more or less to a point on a curve; 2) Thence by a curve to the left, having a radius of 1176.59 feet, an arc distance of 113.0 feet, and a chord bearing, S 00° 00' 25" E, a distance of 112.96 feet to a point of reverse curvature; 3) Thence by a curve to the right, having a radius of 508.34 feet, an arc distance of 137.0 feet, and a chord bearing, S 04° 57' 45" W, a distance of 136.59 feet to a point of tangency; 4) Thence S 12° 41' W, a distance of 141.0 feet to a point; 5) Thence N 77° 19' W, a distance of 60.0 feet to a point; 6) Thence N 12° 41' E, a distance of 141.0 feet to a point of curvature; 7) Thence by a curve to the left, having a radius of 448.34 feet, an arc distance of 120.8 feet more or less, and a chord bearing, N 04° 57' 45" E, a distance of 120.46 feet to a point of compound curvature; 8) Thence by a curve to the left, having a radius of 1178.59 feet, an arc distance of 117.4 feet more or less, and a chord bearing, N 05° 45' 40" W, a distance of 117.33 feet to a point; 9) Thence N 89° 17' W, a distance of 1118.39 feet more or less to a point on line of lands now or formerly Edith Hill; Thence along said lands of Edith Hill the following four (4) courses, 1) Thence N 00° 43' E, a distance of 15.0 feet to a point; 2) Thence N 89° 17' W, a distance of 120.0 feet to a point; 3) Thence S 00° 43' W, a distance of 15.0 feet to a point; 4) Thence N 89° 17' W, a distance of 109.28 feet to a point in the center of S.R. 0268, the PLACE OF BEGINNING.

CONTAINING 22.84 acres more or less and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and part of the lands conveyed by Rudolph P. Rob, et ux, to the Western Allegheny Railroad Company by Deed dated August 13, 1952 and recorded in Deed Book Vol. 626 Page 348, and all of the lands conveyed by George D. Kamerer to the Western Allegheny Railroad Company by Deed dated December 5, 1905 and recorded in Deed Book Vol. 241 Page 52.

BEING a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.

*with appurtenances. **To Have and To Hold** all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns **Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

***In Witness Whereof,** the said Grantor has hereunto set its hand and seal the day and year first above written.*

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST: _____

_____ _____

COMMONWEALTH OF PENNSYLVANIA :

: *ss*

COUNTY OF BUTLER :

ON THIS, the 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

MY COMMISSION EXPIRES:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantees is: ***136 Boosel Road, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parente

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello - Recorder of Deeds

Recorded _____ Number _____

D E E D

Volume _____ Page _____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

WILLIAM G. BARNHART and KAY D. BARNHART, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

WILLIAM G. BARNHART
KAY D. BARNHART
136 Boosel Road
Chicora, PA 16025

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Instr:200306180026571 06/18/2003
Pages:4 F:$38.50 12:12PM
Michele Mustello T20030025070
Butler County Recorder MLDEAN M T

THIS INDENTURE

200306180026571
06/18/2003 12:12:29PM T20030025070
PA TRF TAX $42.30
KARNS CITY AREA SCHO $21.15
FAIRVIEW TWP $21.15
TOTAL TAX $84.60

Made the 21 *day of* May *, 2003,*

Between ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC., a Pennsylvania non-profit corporation,*** *with an address of* ***121 Maier Lane, West Sunbury, Pennsylvania 16061,***

(hereinafter called "Grantor"),

And ***DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife, of 1270 Kittanning Pike, Chicora, PA 16025, as tenants by the entireties,***

(hereinafter called "Grantees").

Witnesseth, *That the said Grantor, in consideration of* ***FOUR THOUSAND TWO HUNDRED THIRTY AND 00/100 ($4,230.00) DOLLARS*** *paid to the Grantor by the Grantees, the receipt of which is hereby acknowledged, does remise, release and quit-claim unto the said Grantees, and to their heirs and assigns, forever,*

ALL that certain piece, parcel, or tract of land situate in Fairview Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lake Erie Railroad, former Western Allegheny Railroad Company and the center of Kittanning Pike, at line of other lands of Dean M. and Patricia A. Tascarella, said point being the Southeast corner of the herein described tract; Thence along said Southern right-of-way line and other lands of Dean M. and Patricia A. Tascarella, N 89° 17' W, a distance of 130.6 feet more or less to a point; Thence by other lands of Dean M. and Patricia A. Tascarella, S 02° 18' W, a distance of 20.0 feet to a point; Thence by same, N 88° 27' W, a distance of 148.2 feet more or less to a point; Thence by same; S 18° 49' E, a distance of 150.3 feet more or less to a point on line of lands now or formerly C.A. McKenzie; Thence along lands of C.A. McKenzie and lands now or formerly T.F. Beck, Sr., N 84° 47' W, a distance of 468.6 feet to a point on a curve; Thence along lands of T.F. Beck, Sr. by a curve to the right, having a radius of 873.66 feet, an arc distance of 393.0 feet more or less and a chord bearing, N 81° 51' 50" W, a distance of 389.7 feet more or less to a point of tangency; Thence continuing along lands of T.F. Beck, Sr., N 64° 57' W, a distance of 109.1 feet more or less to a point on line of lands now or formerly of the Petroleum Valley Youth Coalition; Thence along the lands of the Petroleum Valley Youth Coalition and lands to be conveyed to Donald C., Jr. and Carol L. McCollough, N 03° 06' W, a distance of 192.4 feet more or less to a point on the centerline of said railroad right-of-way; Thence along said centerline and lands to be conveyed to Thomas H. and Anna Marie Sherwin, by a curve to the left, having a radius of 716.78 feet, an arc distance of 514.4 feet more or less to a point of tangency; Thence along same, N 85° 15' E, a distance of 367.1 feet more or less to a point; Thence along lands to be conveyed to Thomas H. and Anna Marie Sherwin, S 36° 52' 10" E, a distance of 48.6 feet to a point; Thence by same, N 77° 11' 55" E, a distance of 293.9 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, S 15° 07' E, a distance of 102.4 feet more or less to a point; the PLACE OF BEGINNING.

CONTAINING 4.23 acres more or less and being a part of the lands conveyed by Sylvester R. McLaughlin to the Western Allegheny Railroad Company by Deed dated January 15, 1903 and recorded in Deed Book Vol. 227 Page 152, and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and also being a part of the lands conveyed by Jehu G. Kaylor, et ux, to the Western Allegheny Railroad Company by Deed dated November 16, 1953 and recorded in Deed Book Vol. 647 Page 482.

BEING a portion of the same premises conveyed to the Grantor herein by virtue of a deed from the Bessemer and Lake Erie Railroad Company dated October 24, 2002, and recorded in the Butler County Recorder of Deeds Office at Instrument No. 200211080037746 and the Armstrong County Recorder of Deeds Office at Record Book 2558, Page 207.

with appurtenances. ***To Have and To Hold*** *all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor to and for the use of the said Grantees, their heirs and assigns* ***Forever.***

NOTICE — THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, *the said Grantor has hereunto set its hand and seal the day and year first above written.*

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

Attest:

By: _____ *(SEAL)*
Glenn J. Stevens, President

Sharon M. Stevens
Sharon M. Stevens, Secretary

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS OR ATTEST:

_____ _____

_____

COMMONWEALTH OF PENNSYLVANIA :

: *ss*

COUNTY OF BUTLER :

ON THIS, the 21 *day of* May, *2003, before me a Notary Public in and for said State and County, personally appeared* ***GLENN J. STEVENS,*** *who acknowledged himself to be the President of* ***WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.,*** *a corporation, and that such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.*

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

MY COMMISSION EXPIRES:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I do hereby certify that the precise residence of Grantee(s) is: ***1270 Kittanning Pike, Chicora, PA 16025.***

WITNESS my hand this 21 *day of* May, *2003.*

Andrea C. Parente

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello

Michele M. Mustello - Recorder of Deeds

Recorded	Number
_____	_____

D E E D

Volume	Page
_____	_____

From

WESTERN ALLEGHENY LANDOWNERS ASSOCIATION, INC.

To

DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

DEAN M. TASCARELLA
PATRICIA A. TASCARELLA
1270 Kittanning Pike
Chicora, PA 16025

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

Instr:200311140051557 11/14/2003
Pages:4 F:$39.00 2:45PM
Michele Mustello T20030047329
Butler County Recorder MLM/M DEA

DEED

THIS INDENTURE, MADE the 14th day of Nov., 2003,

BETWEEN DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife, of 1270 Kittanning Pike, Chicora, Pennsylvania 16025, parties of the first part,

AND **DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife,** of 1270 Kittanning Pike, Chicora, Pennsylvania 16025, as tenants by the entireties, parties of the second part:

WITNESSETH, that the said parties of the first part, in consideration of the sum of **ONE and 00/100 ($1.00) DOLLAR**, to them now paid by the said parties of the second part, do grant, bargain, sell and convey unto the said parties of the second part, their heirs and assigns,

ALL that certain piece, parcel or tract of land situate in Fairview Township, Butler County, Pennsylvania, bounded and described as follows:

PARCEL ONE:

BEGINNING at the Southeast corner of the parcel herein described in the center line of Route 268, said point being common to the Northeast corner of lands of now or formerly Clayton A. McKenzie; thence by now or formerly McKenzie, the following six courses and distances: South 71° 42' West, 109.43 feet; thence North 26° 07' West, 16 feet; thence South 72° 41' West, 146.97 feet; thence North 18° 24' West, 44.14 feet; thence North 84° 28' West, 7.49 feet; thence North 18° 22' West, 149.60 feet; thence continuing along lands of the Bessemer and Lake Erie Railroad Company, the following three courses and distances: South 88° 14' East, 140.15 feet to a stone corner; thence North 03° 18' East, 20 feet to a point; thence South 88° 14' East, 134.19 feet to a point in the center line of Route 268; thence by the same the following two courses and distances: South 15° 38' East, 20.96 feet; thence South 19° 04' East, 118.68 feet to a point, the place of beginning.

HAVING thereon erected a dwelling house and garage and containing 0.945 of an acre per the survey of Thomas H. Weibel, P.L.S., dated July 16, 1987.

BEING the same premises conveyed to the Grantors by Homer C. McKenzie and Jean O. McKenzie, by virtue of deed dated July 24, 1987, and recorded in the Office of Recorder of Deed of Butler County, Pennsylvania, in Deed Book Volume 1358, Page 124.

PARCEL TWO:

BEGINNING at a point being on the Southern right-of-way line of the Bessemer & Lakè Erie Railroad, former Western Allegheny Railroad Company and the center of Kittanning Pike, at line of other lands of Dean M. and Patricia A. Tascarella, said point being the Southeast corner of the herein described tract; Thence along said Southern right-of-way line and other lands of Dean M. and Patricia A. Tascarella, N 89° 17' W, a distance of 130.6 feet more or less

to a point; Thence by other lands of Dean M. and Patricia A. Tascarella, S 02° 18' W, a distance of 20.0 feet to a point; Thence by same, N 88° 27' W, a distance of 148.2 feet more or less to a point; Thence by same; S 18° 49' E, a distance of 150.3 feet more or less to a point on line of lands now or formerly C.A. McKenzie; Thence along lands of C.A. McKenzie and lands now or formerly T.F. Beck, Sr., N 84° 47' W, a distance of 468.6 feet to a point on a curve; Thence along lands of T.F. Beck, Sr. by a curve to the right, having a radius of 873.66 feet, an arc distance of 393.0 feet more or less and a chord bearing, N 81° 51' 50" W, a distance of 389.7 feet more or less to a point of tangency; Thence continuing along lands of T.F. Beck, Sr., N 64° 57' W, a distance of 109.1 feet more or less to a point on line of lands now or formerly of the Petroleum Valley Youth Coalition; Thence along the lands of the Petroleum Valley Youth Coalition and lands to be conveyed to Donald C., Jr. and Carol L. McCollough, N 03° 06' W, a distance of 192.4 feet more or less to a point on the centerline of said railroad right-of-way; Thence along said centerline and lands to be conveyed to Thomas H. and Anna Marie Sherwin, by a curve to the left, having a radius of 716.78 feet, an arc distance of 514.4 feet more or less to a point of tangency; Thence along same, N 85° 15' E, a distance of 367.1 feet more or less to a point; Thence along lands to be conveyed to Thomas H. and Anna Marie Sherwin, S 36° 52' 10" E, a distance of 48.6 feet to a point; Thence by same, N 77° 11' 55" E, a distance of 293.9 feet more or less to a point on the center of S.R. 0268, Kittanning Pike; Thence along the center of S.R. 0268, S 15° 07' E, a distance of 102.4 feet more or less to a point; the PLACE OF BEGINNING.

CONTAINING 4.23 acres more or less and being a part of the lands conveyed by Sylvester R. McLaughlin to the Western Allegheny Railroad Company by Deed dated January 15, 1903 and recorded in Deed Book Vol. 227 Page 152, and being a part of the lands conveyed by Emmet Queen, et ux, to the Western Allegheny Railroad Company by Deed dated October 1, 1908 and recorded in Deed Book Vol. 263 Page 103, and also being part of the lands conveyed by John D. Collins, et ux, to the Western Allegheny Railroad Company by Deed dated September 28, 1903 and recorded in Deed Book Vol. 228 Page 210, and also being a part of the lands conveyed by Jehu G. Kaylor, et ux, to the Western Allegheny Railroad Company by Deed dated November 16, 1953 and recorded in Deed Book Vol. 647 Page 482.

BEING the same premises conveyed to Dean M. Tascarella and Patricia A. Tascarella, husband and wife, by deed of Western Allegheny Landowners Association, Inc., dated May 21, 2003, and recorded in the Office of Recorder of Deeds of Butler County, Pennsylvania, at Instrument No. 200306180026571.

THIS DEED WAS PREPARED FOR THE PURPOSE OF INCORPORATING TWO TRACTS INTO ONE DEED, THEREFORE NO TRANSFER TAXES ARE REQUIRED. From husband + wife to themselves..

with the appurtenances: **TO HAVE AND TO HOLD** the same unto and for the use of the said parties of the second part, their heirs and assigns forever,

And the said parties of the first part, for themselves, their heirs, executors and administrators covenant with the said parties of the second part, their heirs and assigns against all lawful claimants the same and every part thereof to Warrant and Defend.

NOTICE--THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY

HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section I of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

WITNESS the hands and seals of the said parties of the first part.

Witness:

_____ Dean M Tascarella (SEAL)
DEAN M. TASCARELLA

_____ Patricia A Tascarella (SEAL)
PATRICIA A. TASCARELLA

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS:

_____ _____

_____ _____

COMMONWEALTH OF PENNSYLVANIA :
: ss.
County of Butler :

On this the 14th day of Nov., A.D. 2003, before me, a Notary Public, personally appeared **DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife,** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary Ann Lascuola
Notary Public

My commission expires:

Notarial Seal
Mary Ann Lascuola, Notary Public
City of Butler, Butler County
My Commission Expires Apr. 16, 2006

Certificate of Residence

I, the undersigned, do hereby certify that grantees' precise residence is: 1270 Kittanning Pike, Chicora, Pennsylvania 16025.

Witness my hand this 14 day of November, 2003.

Andrea C. Parenti

Recorded _____ Number _____

Vol. _____ Page _____

DEED

(Adopted)

From

DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife,

to

DEAN M. TASCARELLA and PATRICIA A. TASCARELLA, husband and wife

==========

Fees, $_____

==========

To the Recorder mail to:

Mr. and Mrs. Dean M. Tascarella
1270 Kittanning Pike
Chicora, PA 16025

I hereby CERTIFY that this document is recorded in the Recorder's Office of Butler County, Pennsylvania

Michele M. Mustello
Michele M. Mustello - Recorder of Deeds

Dillon McCandless King
Coulter & Graham L.L.P.
Attorneys at Law
128 West Cunningham Street
Butler, PA 16001

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DISTRICT MINING OPERATIONS
25 Technology Drive, California Technology Park, Coal Center, PA 15423
(724) 769-1100 www.dep.pa.gov/mining

COAL STATUS REPORT – BITUMINOUS COAL REGION

NAME: Bill Confair

ADDRESS: AECOM
707 Grant St., 5th Floor
Pittsburgh, PA 15219

SITE ADDRESS / LOCATION:
40.971838, -79.714343

Latitude:40º 58' 18.6"N Longitude:79º 42' 51.6"W

MUNICIPALITY: Fairview Twp.
COUNTY: Butler
USGS QUADRANGLE: Chicora

PURPOSE OF REPORT:
☐ MSI ☐ O & G ☒ OTHER

COAL SEAM RESEARCHED: Upper Freeport
MINE NAME: Kincaid Mine
OPERATOR: Butler Consolidated Coal Co.
LAST MINING DATE: Prior to 1935

SURFACE ELEVATION: 1,410 FEET +/-
COAL SEAM ELEVATION: 1,300 FEET +/-
COVER* (OVERBURDEN): 110 FEET +/-

MINING UNDER OR NEAR THIS SITE: ☒ Yes ☐ No ☐ Future Possibility ☐ Unknown ☐ Coal Seam Non-Existent

REMARKS:
The site is located near an abandoned mine on the Upper Freeport coal seam and mining is complete.

REFERENCE SOURCES CHECKED

☒ WPA MAPPING
☒ CDO MINE MAP INDEX
☒ DETAILED MINE MAP
☒ COAL RESOURCES OF Butler County
☐ OTHER

☒ OSM MICROFILM
☐ BITUMINOUS COAL FIELDS OF PA PART II (SISLER)
☐ US GEOLOGICAL SURVEY FOLIOS
☐ MINERAL RESOURCE REPORT 68 – Coal Distribution & Thickness

REPORT INFORMATION OBTAINED FROM: Coal Resources Mapping and WPA Mapping

BY: Mara Evans **DATE:** 7/28/2021

***COVER = Vertical distance between the ground surface and the coal seam.**

Please note: This report is for informational purposes only and should not be considered an evaluation or assessment of environmental risks, liabilities, and/or concerns at the site. The information in this Coal Status Report is for the indicated point location only. Coal Status Reports are for underground coal mining information only. Information pertaining to surface coal mines and/or industrial mineral (non-coal) surface and underground mines is available from the applicable DEP District Mining Office for your site. Please visit www.dep.pa.gov/Business/Land/Mining/BureauofDistrictMining for further information.

Disclaimer: The information contained in this report may have been compiled from various sources. The Department cannot guarantee, and assumes no responsibility for, the accuracy, completeness, and/or veracity of the information in the report. The Department disclaims any responsibility for any actions, or the lack thereof, taken in reliance on the information contained in the report. The user agrees that the Department, its employees, officers, agents, or contractors will not be liable for any damages or losses resulting directly or indirectly from the use of, or reliance on, the information contained in the report.



Public Information Request
40.971838, -79.714343
40º 58' 18.6" N, 79º 42' 51.6"



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

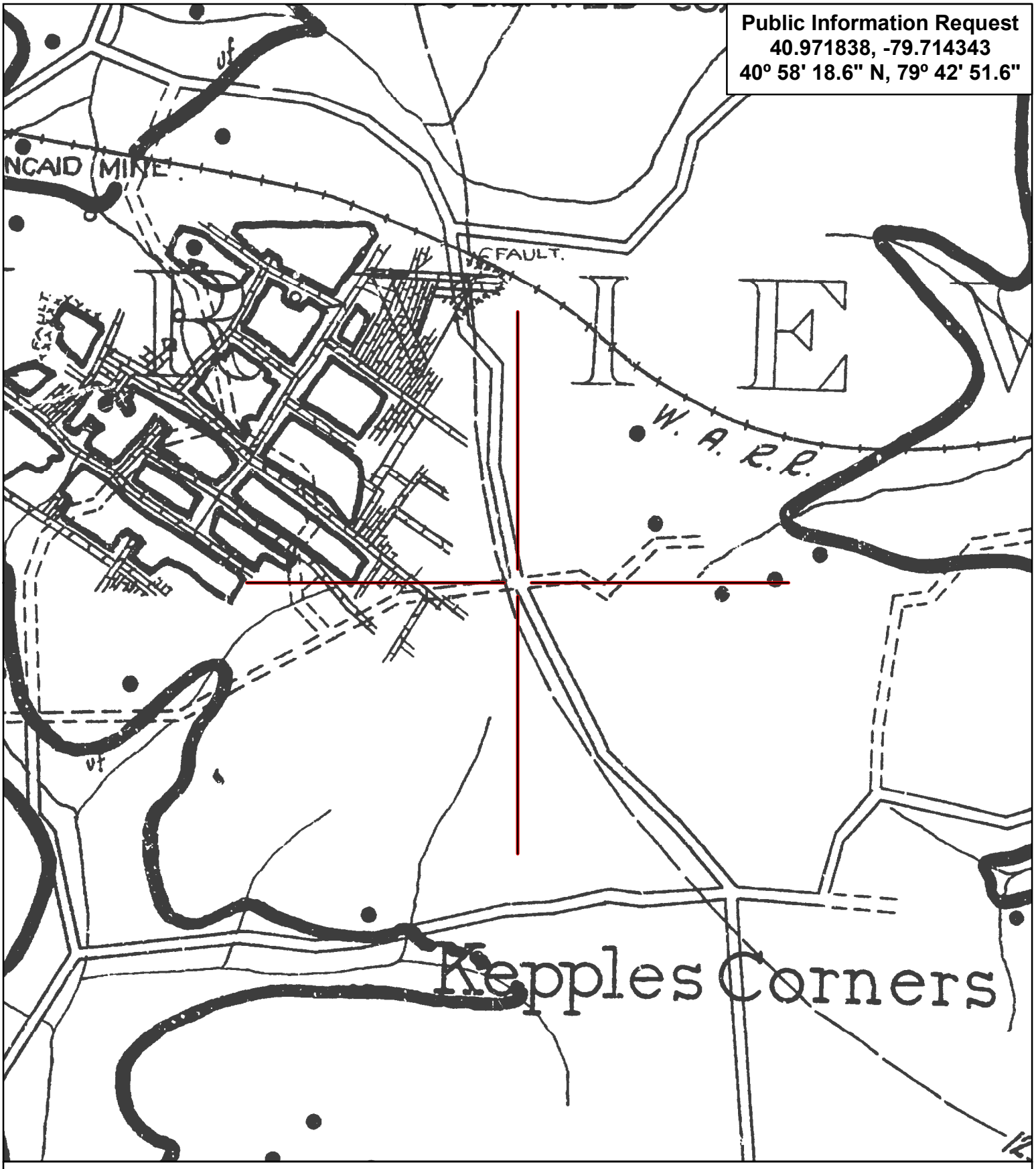
This map was prepared using information considered to be the best historic data available. The Department cannot verify the accuracy or completeness of this information or alignment of images.

Scale: 1 inch = 200 feet

N

Aerial Map

Imagery Source:
PA's Aerial Imagery Program, PEMA



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

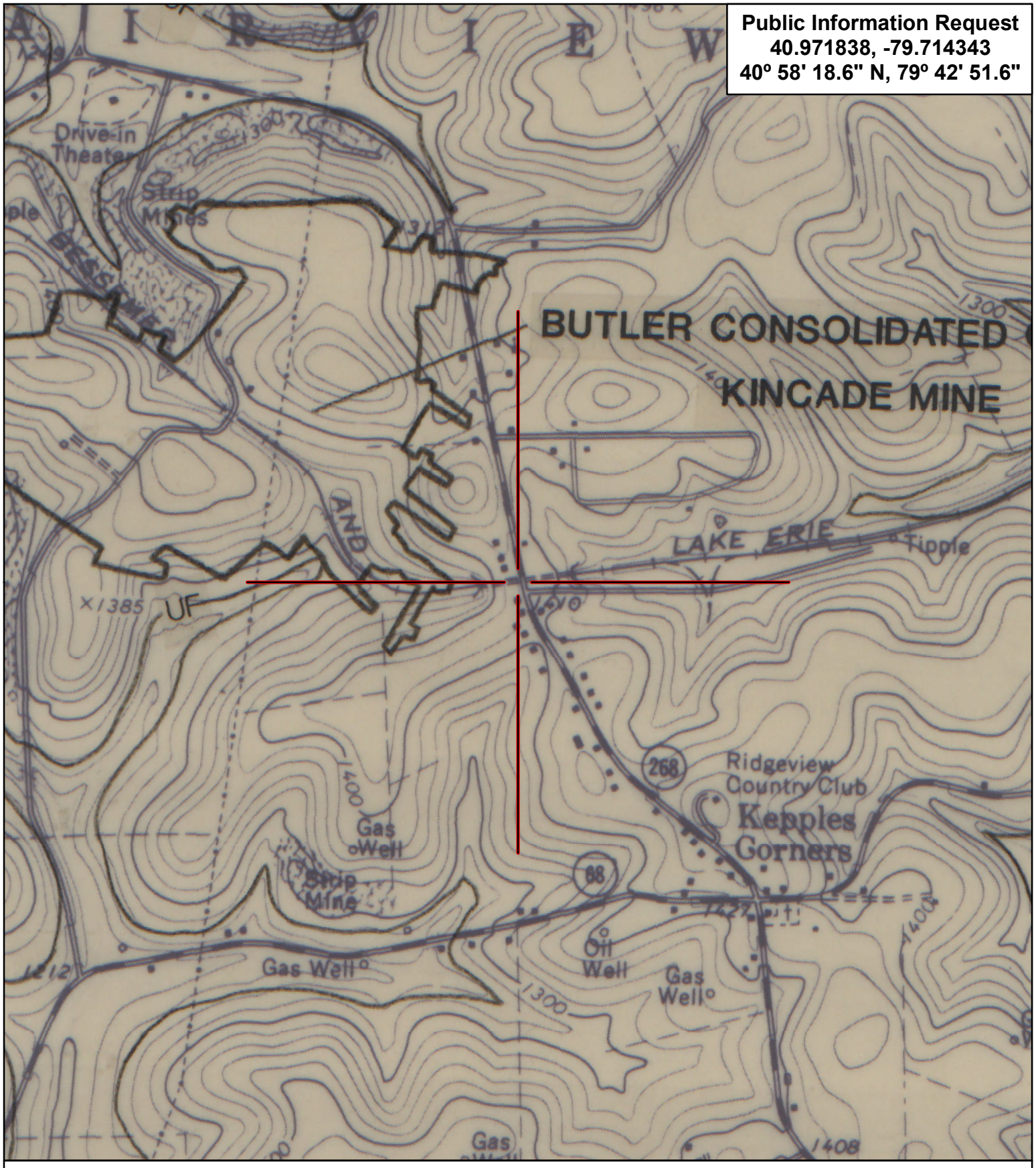
This map was prepared using information considered to be the best historic data available. The Department cannot verify the accuracy or completeness of this information or alignment of images.

Scale: 1 inch = 1,000 feet

N

WPA Mine Map
Works Progress Administration

Upper Freeport Coal Seam



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

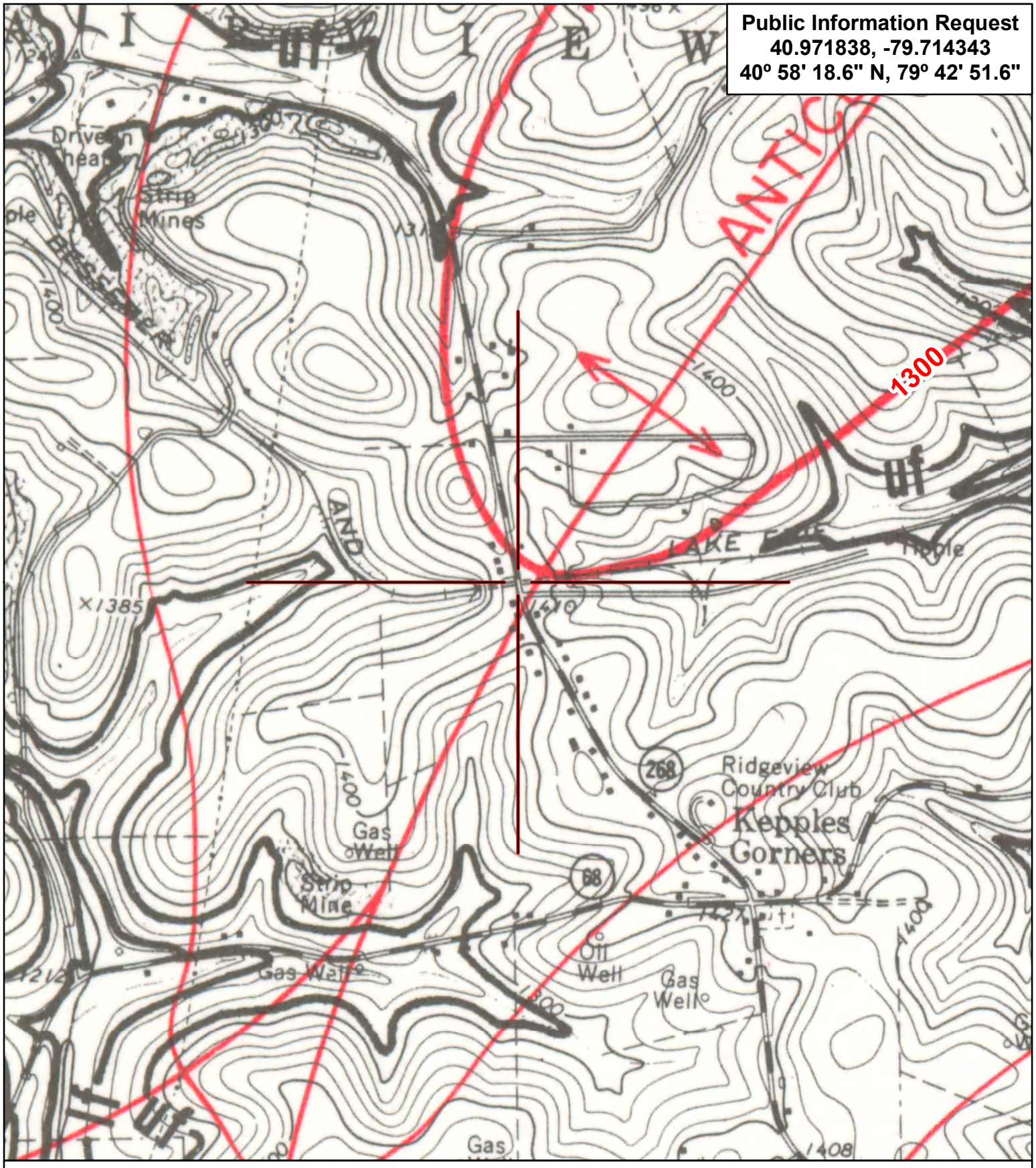
This map was prepared using information considered to be the best historic data available. The Department cannot verify the accuracy or completeness of this information or alignment of images.

Scale: 1 inch = 1,000 feet

N

Mine Map
IUPASG_11003

Kincaid Mine
Butler Consolidated Coal Co.
Upper Freeport Coal Seam



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

This map was prepared using information considered to be the best historic data available. The Department cannot verify the accuracy or completeness of this information or alignment of images.

Scale: 1 inch = 1,000 feet

N

Coal Resources Map
Mineral Resource Report 90

Structure Contours and Outcrops
Upper Freeport Coal Seam

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

February 1, 2012

A-00117858

TO ALL PARTIES

Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant's former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the Township of Marion, Clay, Concord and Fairview in Butler County and in the Township of Brady's Bend in Armstrong County and application for the abolition of one Tunnel located in the Township of Fairview in Butler County

To Whom It May Concern:

By Commission Secretarial Letter issued April 22, 2002 in the above-captioned proceeding, Bessemer and Lake Erie Railroad Company was directed to abolish various crossings in Armstrong and Butler Counties. All work has been completed.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that since all work has been completed, the case be "CLOSED."

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within twenty (20) days of the date of this letter.

Very truly yours,

Rosemary Chiavetta
Secretary

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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 Brady's Bend Township, Armstrong County	:	Docket No. I-2019-3012769

DIRECT TESTIMONY OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT

Testimony of: Daniel R. Helfrich, P.E.
Rail Safety Section
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission

Date: November 15, 2021

Q: Please state your name.

A: Daniel R. Helfrich.

Q: By whom are you employed and in what capacity?

A: I work for the Pennsylvania Public Utility Commission, Bureau of Technical Utility Services. I am a Civil Engineer Consultant in the Rail Safety Section.

Q: How long have you been employed with the Commonwealth and what are your credentials?

A: I have worked for the Pennsylvania Public Utility Commission since October 2012. Previously, I was employed as a Civil Engineer for the Pennsylvania Department of Environmental Protection for 18 years. I have been a licensed professional engineer in the Commonwealth of Pennsylvania since 1998, and have a bachelor's degree in Environmental Engineering Technology and an associate's degree in Nuclear Engineering Technology from the Pennsylvania State University.

Q: What are your current job responsibilities as a Civil Engineer for the Bureau of Technical Utility Services?

A: In my capacity as a Civil Engineer, I act as an engineering representative and liaison among the Public Utility Commission, the Pennsylvania Department of Transportation ("PennDOT"), railroad companies, local municipal government and non-carrier public utility companies on complex matters relating to the location, design, construction, rehabilitation and safety of rail-highway crossings. I

am also responsible for analyzing the safety aspects of public highway rail crossings including the condition of bridge and tunnel structures. Additionally, I serve as the Public Utility Commission's representative on the State Mining Commission. The State Mining Commission has exclusive jurisdiction of the mining of coal under lands and easements or rights-of-way purchased, condemned, or otherwise acquired by the Commonwealth. The State Mining Commission is empowered to determine the amount of coal to be left in place for the purpose of furnishing vertical and lateral support of land, easements, or right of ways acquired by the Commonwealth. In essence, State Mining Commission proceedings involve the determination of the amount of coal that must be left in place to prevent subsidence of public roadways, rights-of-way, and structures such as bridges and tunnels.

Q: **Do these responsibilities provide you with the necessary engineering expertise and background to provide an expert opinion on a final, safe disposition of the subject tunnel?**

A: Yes.

Q: Are you familiar with the crossing that is the subject of this case?

A: Yes, I am.

Q: Describe the crossing.

A: The existing railroad tunnel structure is an approximately 750-foot-long bare rock cut structure with timber bent supports that was originally constructed in the early 1900's. The tunnel interior was lined with a corrugated metal liner for the entire

length in the 1970's. The railroad track and ties were removed from the structure at some point in the past.

Q: When did you last visit the crossing?

A: March 31, 2021.

Q: What were your observations of the current condition of the subject tunnel?

A: At the time of my site visit, access to the tunnel portals was limited by heavy vegetation, steep slopes, and standing water. No surface subsidence above the tunnel was noticed or identified at the time of the site visit.

Q: Who has inspection and maintenance responsibility for the subject tunnel?

A: In my opinion, the inspection and maintenance of the subject tunnel is the responsibility of the railroad. In my experience, it has always been Rail Safety's position that the inspection and maintenance of the railroad facilities and infrastructure is the responsibility of the operating railroad. In this case the railroad, or its predecessor, originally built the subject tunnel, operated and maintained the subject tunnel for decades, and the railroad was the party that benefitted the most by having a safe and operable tunnel to efficiently move freight and commodities without the liability of an alternative crossing such as an at-grade crossing. Also, it is my opinion that the railroad is the party responsible for the deterioration of the subject tunnel due to the lack of proper maintenance which results in the deteriorated conditions that exist today.

Q: Are you aware of any past Commission orders or Secretarial Letters that involve the subject tunnel?

A: Yes. The Bessemer & Lake Erie Railroad originally filed an application on or about May 31, 2001 with the Commission, Docket No. A-00117858, for approval to abolish 29 public crossings, including the subject tunnel, but the final disposition of the tunnel was not included in the April 30, 2002 Secretarial Letter granting the application to abolish. That is the only Commission record I could find for the subject tunnel crossing.

Q: Earlier you stated that an alteration occurred sometime during the 1970's whereby the tunnel was lined with a corrugated metal. Was there an application filed by the Bessemer & Lake Erie Railroad to alter the public crossing by the construction or installation of the corrugated liner?

A: Not to my knowledge. There was nothing I could find in the Commission's records where the Bessemer & Lake Erie Railroad requested approval to alter the public crossing by constructing the corrugated metal liner within the subject tunnel.

Q: You stated that the railroad tracks and ties were removed at some point. Is this an active line?

A: No, this is not an active line. The Bessemer & Lake Erie Railroad filed an application in 2000 with the Surface Transportation Board ("STB") requesting to abandon and discontinue service on this line at the federal level. The STB granted the application on or about January 9, 2001 and January 12, 2001.

Q: Does the Surface Transportation Board ("STB") abandonment of the rail line effect the party responsible for inspection and maintenance of any remaining legacy structures or features?

A: No. Although the railroad received STB approval for the abandonment and discontinuance of service of the line in 2001, the subject public crossing will not be abolished by the Commission until the final disposition of the subject tunnel is determined by the Commission. Until the final disposition of the subject tunnel, the inspection and maintenance of the subject tunnel will continue to be the responsibility of the railroad. Accordingly, pursuant to 66 Pa.C.S. §2702, the subject tunnel is still a public crossing subject to the Commission's jurisdiction and the railroad's responsibility until an application, or in this case an investigation, is filed requesting approval to abolition the crossing and a Commission Order or Secretarial Letter is issued directing the final disposition of the subject tunnel.

Q: What is your opinion on the Commission's jurisdiction for the subject crossing?

A: In cases of grade-separated crossings such as a bridge or a tunnel, the Rail Safety Section has consistently established jurisdictional limits over the entire length of the subject structure. There is case law affirming the Commission's practice of establishing jurisdiction over the entirety of a bridge or tunnel structure when a public crossing is involved. So, in this case, the Commission's Rail Safety Section established its jurisdictional authority over the entire length of the subject tunnel.

Not only is the full length of the tunnel subject to the Commission's jurisdiction through 66 Pa.C.S. §2702, but the crossing is also a facility of the railroad which falls under 66 Pa.C.S. §1501.

Q: Did you review the preliminary engineering report dated July 30, 2021 and completed by AECOM on behalf of the railroad?

A: Yes.

Q: Does the preliminary engineering report adequately address all the public safety concerns or interests at the crossing?

A: No. Although the preliminary engineering report provides a good summary of the history and existing conditions of the subject tunnel and even provides some recommendations for the disposition of the subject tunnel under the highway right-of-way, the report is preliminary and not a detailed engineering study. Notably, the study does not provide recommendations to prevent land subsidence outside of the highway right-of-way or the prevention of access to the tunnel or the tunnel portal areas. The individual(s) who conducted the study did not complete any tests to check the status or condition of the tunnel beyond the portals, such as bore/vertical holes to determine the structural integrity of the overlaying rock strata or the extent of the collapsed areas in the middle portions of the tunnel beyond the visible sight from the portals.

Q: What is your opinion on the limits of the recommended alternatives for the disposition of the subject tunnel as proposed by the preliminary engineering report?

A: The recommended alternatives for the disposition of the subject tunnel do not account for the areas outside of the highway right-of-way and could potentially be the most dangerous option to address the unstable tunnel. If the recommended alternative from the preliminary engineering report was approved and implemented for the final disposition of the subject tunnel, the property owners would be left with the remaining liability of the legacy structure that remains. Furthermore, as the agency with exclusive jurisdiction over public crossings and responsible for public safety, there is a potential for future liability for the Commission if an accident or incident would occur at, inside, or near the tunnel if the entirety of the subject tunnel is not properly and fully addressed. Furthermore, the individual(s) who completed the study did not assess or investigate the condition of the tunnel beyond looking at what was visible through the portals. The area beyond the initial collapse is unknown and the air quality is unknown. Even more concerning is the lack of structural integrity in light of the recommendation to have individuals inside the tunnel installing bulkheads and inserting the foam sand. To complete the recommendation by the study would involve Occupational and Safety Health Administration ("OSHA") and potentially Mine Safety and Health Administration ("MSHA") requirements and be very dangerous for the workers completing the job.

Last, the study does not address the drainage issues clearly documented in the photos. It is pretty clear that the drainage issues did not occur while the line was active, so it is unclear when the water started pooling and where it came from.

Q: What is the primary safety concern at the subject tunnel?

A: In my opinion, the primary safety concern at the subject tunnel is the lack of structural integrity necessary for the prevention of roadway or land subsidence. This position is supported by the July 30, 2021 preliminary engineering report completed by AECOM on behalf of the Bessemer & Lake Erie Railroad which states at the bottom of page 1, "With this being considered, it has been determined that this structure does not have the structural integrity to prevent future collapsing or any subsidence in the roadway above."

Q: Are there other safety concerns for the subject tunnel?

A: Yes. First is the concern for public access to the tunnel portals and the tunnel interior. Although there were no signs of trespassing or vandalism, unrestricted access to the tunnel and tunnel portal areas can be an inviting site for trespassers who may not know of the potentially dangerous conditions within the tunnel or the area of the portals. The rock above both portals has the potential to collapse and be dangerous to anyone in the area at the time of the failure. Additionally, the confined space of the tunnel interior may be an oxygen deficient environment where any potential access could be dangerous. Furthermore, the poor surface drainage in the areas near the tunnel portals is undesirable and may be considered dangerous if the water is deep enough to constitute a hazard.

Q: What is your opinion regarding the final disposition of the subject tunnel?

A: It is my opinion that the subject tunnel portal areas should be permanently sealed with a concrete or grouted rock bulkhead, and the tunnel filled with suitable material such as foam sand, flowable fill, or other acceptable material to encompass the whole void space within the entire limits of the subject tunnel. This solution would prevent potential subsidence over the entire length of the tunnel, eliminate potential access to the tunnel, and remove the potential for trespassing. Additionally, filling the entire tunnel would also be the safest option for the workers completing the work since they will not be inside the structurally deficient tunnel. Further, it is my opinion that this work should be completed by the railroad at its sole cost and expense.

Q: What is your opinion on the time frame to perform the work to backfill the subject tunnel?

A: It is my opinion that the work should be completed as soon as feasible due to the public safety concerns that I previously described, including the current poor structural condition of the tunnel and the potential for structural failure and subsidence above the highway and private property. In any case, this work should be performed no more than one (1) year from the date of a Commission Order that resolves the disposition of the entire tunnel structure.

Q: Have all your answers and responses today been based upon your personal knowledge or engineering expertise?

A: Yes.

Q: Does this conclude your direct testimony?

A: Yes. However, I reserve the right to supplement my testimony as additional issues and facts arise during the course of the proceeding.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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 Brady's Bend Township, Armstrong County	:	Docket No. I-2019-3012769

VERIFICATION

I, Daniel R. Helfrich, P.E. hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: November 15, 2021

Daniel R. Helfrich

Daniel R. Helfrich, P.E.
Pennsylvania Public Utility Commission Bureau of Technical Utility Services – Rail Safety Section
Commonwealth Keystone Building 400 North Street
Harrisburg, PA 17120

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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 Brady's Bend Township, Armstrong County	:	Docket No. I-2019-3012769

REBUTTAL TESTIMONY OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT

Testimony of: Daniel R. Helfrich, P.E.
Rail Safety Section
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission

Date: December 15, 2021

Q: Please state your name for the record.

A: Daniel R. Helfrich.

Q: Are you the same Daniel R. Helfrich who previously provided direct testimony in this matter?

A: Yes.

Q: Have any of your credentials or experience changed since the submission of your direct testimony?

A: No.

Q: Please describe your previous employment with the Pennsylvania Department of Environmental Protection ("DEP").

A: I was employed in DEP's Bureau of Abandoned Mine Reclamation with various job titles and positions for my entire 18 years of employment at DEP. I started as a civil engineer trainee and advanced to a civil engineer manager position.

Q: Did you ever evaluate project sites for potential mine subsidence or design mine subsidence control projects during your employment at DEP?

A: Yes, I estimate that I worked on 15 to 20 projects that involved mine subsidence control or mine subsidence evaluation.

Q: Did you have the opportunity to review the written direct testimony of Daniel Paul Radle, Jr., one of the witnesses for Bessemer & Lake Erie Railroad Company?

A: Yes, I did review Mr. Radle's testimony.

Q: And did you review the AECOM engineering study offered by Mr. Radle?

A: Yes.

Q: Did you review the Pennsylvania Department of Environmental Protection documents attached to Mr. Radle's testimony, labeled as B&LE Exhibit 15?

A: Yes, I did review B&LE Exhibit 15.

Q: Do you have any general comments to offer related to Mr. Radle's testimony?

A: For clarification purposes I would like to point out that Mr. Radle's testimony makes numerous references to the coal seam in the area of the subject tunnel as the "Freeport Coal Seam." This is a misnomer, and it would be accurate to state that the coal seam in the area of the subject tunnel is the "*Upper* Freeport Coal Seam." There is a distinction between the "Upper" and "Lower" Freeport coal seams, and I have never heard of a coal seam referred to as the "Freeport Coal Seam." The Upper and Lower Freeport coal seams are distinct and separate coal seams.

Q: So, it is your opinion that the "Freeport Coal Seam" referred to in Mr. Radle's testimony should instead be referred to as the "*Upper* Freeport Coal Seam?"

A: Yes, and this is supported by B&LE Exhibit 15 that shows that the coal seam researched was the Upper Freeport coal seam.

Q: Is the Upper Freeport coal mine seam located near or around the subject tunnel?

A: The Upper Freeport coal seam lies under the entire eastern region of Butler County. In the area of the subject tunnel, the Upper Freeport coal seam lies

approximately 100-feet below the roadway surface as shown by the Coal Resources Map, Mineral Resource Report 90, Structure Contours and Outcrops, Upper Freeport Coal Seam included as part of B&LE Exhibit 15. This would put the Upper Freeport coal seam approximately 50-60 feet below the bottom of the subject tunnel.

Q: Is the Kincade coal mine located under or in close proximity to the subject tunnel?

A: Based on my review of B&LE's Exhibit 15, the Kincade Mine was a deep or underground mine that extracted Upper Freeport coal from the early 1900's until approximately 1936. The Kincade deep mine is generally located to the northwest of the subject tunnel and the extent of the underground mining of the Upper Freeport coal seam via the Kincade Mine complex terminates approximately 300-feet west of the western portal of the subject tunnel. Therefore, based on my review of the B&LE Exhibit 15, no underground mining occurred below the subject tunnel and the Upper Freeport coal is still present under the subject tunnel, but coal mining did occur within the general vicinity of the subject tunnel.

Q: In reviewing the AECOM study, did the report mention any review or analysis related to the purported strip mining allegedly located near the tunnel?

A: No. The AECOM study did not mention or provide any information or analysis related to the purported strip mining. The study did contain a random reference to strip mining on page 2, specifically "One concern is this option does not eliminate

potential future subsidence of the roadway above related to previous strip mining in the area regardless of the presence of a tunnel." However, that is the only reference or discussion of strip mining in the study.

Q: What is your opinion on past strip mining in the area of the subject tunnel?

A: It is my opinion that past strip mining did not occur in close proximity to the subject tunnel due to the depth of the Upper Freeport coal seam, the lack of another coal seam near the surface, and the lack of other supporting evidence to the contrary.

Q: In light of your engineering expertise and experience with coal mining and mine subsidence through your involvement with the State Mining Commission and previous work experience with DEP, does the Kincade Mine affect or have any bearing on the structural integrity of the subject tunnel?

A: Based on my engineering expertise, past experience, and the evidence I reviewed for this case, it is my opinion that the Kincade Mine does not have any bearing on the structural integrity of the subject tunnel because the mine complex terminates approximately 300-feet west of the subject tunnel.

Q: In light of your engineering expertise and experience with coal mining and mine subsidence through your involvement with the State Mining Commission and previous work experience with DEP, does the Upper Freeport coal seam affect or have any bearing on the structural integrity of the subject tunnel?

A: As for the Upper Freeport coal seam, it is my opinion that the Upper Freeport coal

is still present under the subject tunnel and as such, the coal seam does provide support under the subject tunnel, but this does not affect the structural integrity of the subject tunnel itself and that mine subsidence is not anticipated or expected below the subject tunnel.

Q: If the subject tunnel was completely filled per your recommendation in your direct testimony, would the presence of the Kincade Mine affect the long-term integrity or safety of the subject tunnel?

A: No, the Kincade Mine would not affect the long-term integrity or safety of the subject tunnel.

Q: If the subject tunnel was completely filled per your recommendation in your direct testimony, would the presence of the Upper Freeport coal mine seam affect the long-term integrity or safety of the subject tunnel?

A: No.

Q: If the roadway above the subject tunnel is affected by future subsidence or sinkholes, in your opinion, what would be the most likely cause?

A: Based on my engineering expertise, experience, and the evidence I reviewed for this case, it is my opinion that if future subsidence or sinkholes would affect the roadway or property above the subject tunnel, the cause of the future subsidence or sinkholes would most likely be the result of the subject tunnel's structural failure and would not be related to past mining in the area.

Q: Have all your answers and responses today been based upon your personal knowledge or engineering expertise?

A: Yes.

Q: Does this conclude your rebuttal testimony?

A: Yes. However, I reserve the right to supplement my testimony as additional issues and facts arise during the course of the proceeding.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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 Brady's Bend Township, Armstrong County	:	Docket No. I-2019-3012769

VERIFICATION

I, Daniel R. Helfrich, P.E. hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 15, 2021

Daniel R. Helfrich

Daniel R. Helfrich, P.E.
Pennsylvania Public Utility Commission Bureau of Technical Utility Services – Rail Safety Section
Commonwealth Keystone Building 400 North Street
Harrisburg, PA 17120

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

November 15, 2020

Via E-File
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street 2nd FL
Harrisburg, PA 17120

RE: I-2019-3012769

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's ***Certificate of Service*** as proof of service for Testimony and Exhibits 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,

Jennifer Brown-Sweeney
Assistant Counsel

Cc: Parties of Record
Mark Chappell, P.E., Utilities and Right of Way Section Chief (*email*)
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor (*email*)
Charles P. Keilman, IV, District Grade Crossing Engineer, District 10-0 (*email*)
Alicia Kavulic, Geotech Engineer, Highway Administration, District 10-0 (*email*)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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	:	**Docket No. I-2019-3012769** **Electronically Filed**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document dated November 15, 2021, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

Service by Electronic Mail Only

Bradys Bend Township Supervisors
1004 State Route 68
East Brady, PA 16028
bbtownship@gmail.com

Armstrong County Commissioners
Armstrong County Courthouse
450 East Market Street
Kittanning, PA 16201
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

Kayla Rost, Esq.
PA Public Utility Commission
Bureau of Enforcement & Investigation
400 North Street
Harrisburg, PA 17120
karost@pa.gov

John M. Steidle, Esquire
Edwin B. Palmer, Esquire
Burns White LLC
48 26th Street
Pittsburgh, PA 15222
jmsteidle@burnswhite.com
ebpalmer@burnswhite.com

H. William 'Wil' White, III, Esquire Butler County Commissioners' Office 124 West Diamond Street
P.O. Box 1208
Butler, PA 16003-1208
wwhite@co.butler.pa.us

Matthew F. Marshall, Esquire
Dillon McCandless King Coulter &
Graham, LLP
600 Cranberry Woods Drive, Suite 175
Cranberry Twp., PA 16066
mmarshall@dmkcg.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

Ronald and Madeline Stitt
1281 Kittanning Pike
Chicora, PA 16025

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

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

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

Dean and Patricia Tascarella
1270 Kittanning Pike
Chicora, PA 16025

William and Kay Barnhart
136 Boosel Road
Chicora, PA 16025

Ann Marie Sherwin
1276 Kittanning Pike
Chicora, PA 16025

Respectfully submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Iber A. Guerrero Lopez

Iber Guerrero Lopez, Legal Assistant to
Jennifer Brown-Sweeney
Assistant Counsel
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No.: 717/787-3128
Fax No.: 717/772-2741

DATED: November 15, 2021

DEPARTMENT OF TRANSPORTATION'S TESTIMONY
DOCKET NO. I-2019-3012769
HEARING STATEMENT NO. 1
DIRECT TESTIMONY OF CHARLES KEILMAN IV, P.E.
HEARING DATE: January 18, 2022

Q. Please state your name and business address.

A. Charles Peter Keilman IV. The business address is 2550 Oakland Avenue Indiana County Pennsylvania, 15701.

Q. By whom are you employed and in what capacity?

A. I am employed by PennDOT District 10-0, full-time as a Senior Civil Engineer Supervisor. I am officially the Grade Crossing Engineer for District 10-0.

Q. What counties does District 10-0 encompass?

A. District 10-0 encompasses Armstrong, Butler, Clarion, Indiana, and Jefferson Counties.

Q. How long have you been employed by PennDOT and in what other capacities have you been employed?

A. I have been employed by PennDOT over 3.5 years in a full-time capacity. I worked 1 year as a Civil Engineer Trainee and 1.5 years as a Civil Engineer – Transportation. I worked as an Engineering, Scientific, and Technical Intern (ESTI) for PennDOT in the summers of 2014 and 2015.

Q. Please generally describe your duties as District Grade Crossing Engineer.

A. I manage over 300 highway/railway crossings in our district. This includes monitoring the safety and physical conditions, coordinating repairs, estimating project costs for railroad projects, selecting projects for safety improvements, determining scope of work for projects that involve railroad coordination, coordinating with the Public Utility

Commission, and assist with any other tasks that involve railroad companies or railroads in general.

Q. What is your educational background?

A. I have a B.S. in Civil Engineering Technology from the University of Pittsburgh at Johnstown.

Q. Are you a registered professional engineer in Pennsylvania?

A. Yes.

Q. Are you authorized to testify in this proceeding on behalf of PennDOT?

A. Yes.

Q. Are you familiar with the crossings which are the subject of today's proceeding?

A. Yes.

Q. Can you please describe what has been marked for identification purposes as Department Exhibit A?

A. This is a location map of the crossings and the surrounding area.

Q. Does the location map marked as Department Exhibit A accurately depict the crossings and the surrounding area?

A. Yes.

Q. Was Exhibit A prepared by you or under your direction and control?

A. It was prepared under my direction and control.

Q. Can you further describe the existing subject crossings?

A. The SR 0268 and Bessemer and Lake Erie Railroad ("B&LE") tunnel crossing is in Fairview Township, Butler County. There are two lanes of traffic on SR 0268 over the B&LE tunnel. There is no DOT number associated with this crossing. The SR 68 and

former Kaylor railroad Bridge crossing is in Brady's Bend Township, Armstrong County. Currently, there is no structure or substructure at this former crossing. The DOT number is 051730N for the highway below grade crossing.

Q. Is the crossing located on SR 0068 still in use?

A. No. The SR 0068 Kaylor Railroad Bridge was removed in the summer of 2004. The railroad overpass structure was removed in its entirety and the roadway was realigned in the vicinity of the railroad crossing. It is my understanding that the parties have entered into a joint stipulation on the disposition of this crossing so future references to "crossing" will be in relation to the SR 0268 crossing.

Q. Please describe the average daily traffic volume for the SR 0268 crossing.

A. The average daily traffic volume ("ADT") is 1,454 vehicles per day with 9% of the ADT being classified as trucks. The roadway is classified as a rural minor arterial and there is little to no pedestrian traffic. However, PennDOT does not track pedestrian traffic for the crossing.

Q. Can you briefly describe the history of this crossing?

A. According to available documents, this crossing was created in 1906 when B&LE (or predecessor-in-interest to B&LE) created a timber bent support tunnel under existing SR 268. The railway line was operated by B&LE and its predecessor until it was abandoned in January 2001. According to the Secretarial Letter docketed at A-00117858 from April 30, 2002, B&LE sought to have this crossing abolished but was not successful.

Q. How did PennDOT learn that the tunnel under the crossing had partially collapsed?

A. A local resident, Mr. Dittman, stopped at our Karns City Stockpile on Thursday, February 22, 2018 and informed personell there of the collapsed tunnel. Mr. Dittman provided a

picture of the collapsed section of the tunnel, claiming his grandson took the picture while driving a 6-wheeler through the tunnel.

Q. Did SR 0268 have to be closed or detoured as a result of the partial collapse?

A. We have not closed or detoured SR 0268 as a result of the partial collapse.

Q. Is the roadway open now?

A. Yes, the roadway is open now.

Q. Does PennDOT have a record of any Public Utility Commission ("PUC") orders or secretarial letters on this crossing?

A. Yes. They include Secretarial Letters docketed under A-00117858 dated April 30, 2002, June 14, 2006, March 25, 2009, and February 1, 2012. They are attached as Department Exhibit B.

Q. Was Exhibit B prepared by you or under your direction and control?

A. It was prepared under my direction and control.

Q. Under the current PUC orders and secretarial letters, which party is currently assigned maintenance responsibility of the SR 0268 crossing?

A. There are no PUC Orders or Secretarial Letters assigning maintenance responsibility of the SR 0268 crossing.

Q. Please provide a brief overview of the property interest at the location of the tunnel crossing.

A. PennDOT acquired and owns a 50 foot right of way (25 feet in each direction) from the center line of SR 268 (formerly known as SR 251) as shown on the Plan titled "Final Drawings for Construction and Condemnation of Right of Way, Route No. 251, Section No. 4 in Butler and Armstrong County" and attached as Department Exhibit C. This plan

was completed in construction on August 31, 1932. The area in which the current SR 268 crosses over the Railroad Tunnel is shown on Sheet 8 of 24 on the plan.

This plan secured additional required right of way for the State Route from surface owners Sylvester McLaughlin and J.G Kaylor on the East side of the State Route, and from Will H. Miller and S.W McCullough on the West side of the State Route in the area above the 120 foot right of way and tunnel for the Western Allegheny Railroad. Recording information is unable to be located in either Armstrong or Butler Counties.

Prior to this plan, PennDOT owned a 33 foot right of way (16.5 feet in each direction) according to Pennsylvania pamphlet laws dated May 1, 1861 and recorded in road docket number 5, page 249 recorded in Butler County September 23, 1862. This record is attached in Department Exhibit C.

Q. Does the PennDOT right of way extend to the tunnel openings?

A. No.

Q. Would PennDOT be able to place barricades at the tunnel openings to restrict access?

A. No. Since it is not PennDOT right of way, PennDOT would not be able to enter private property and place barricades or otherwise restrict access on and to private property.

Q. Which party does PennDOT believe should be financially responsible for stabilizing and remediation of the crossing?

A. PennDOT believes B&LE should be financially responsible for the stabilizing and remediation of the crossing.

Q. Why?

A. The tunnel was constructed by B&LE or it's predecessor-in-interest for the railroad's benefit under an existing legal state route. B&LE abandoned the line in 2001 but was not successful in having it abolished. B&LE should have continued to maintain the tunnel until there was an agreed upon disposition that provided for the safety of the traveling public, and the crossing was abolished. Since that did not happen and the tunnel is collapsing, it should be B&LE's responsibility to ensure the tunnel is properly stabilized.

Q. Which party does PennDOT believe should be assigned future maintenance of the crossing and why?

A. PennDOT believes that B&LE should be assigned future maintenance of the crossing. The tunnel was built by B&LE for its benefit after the roadway was already legally established. Currently, the tunnel does not benefit the Department in any way. Any future maintenance issues should be addressed by B&LE since it is their facility.

Q. Is PennDOT in favor of having the crossing abolished?

A. PennDOT is in favor of having the crossing abolished, without the possibility of it being used as a rails-to-trails or being reopened in the future by any railroad. The Department would like all safety issues to be permanently addressed before the crossing is abolished. This includes access being restricted from both ends, and the tunnel being filled in with appropriate fill to permanently support the traveling public on SR 268.

Q. Does this conclude your testimony?

A. Yes.

DEPARTMENT OF TRANSPORTATION'S TESTIMONY
DOCKET NO. I-2019-3012769
HEARING STATEMENT NO. 2
DIRECT TESTIMONY OF ALICIA KAVULIC
HEARING DATE: January 18, 2022

Q. Please state your name and business address.

A. Alicia Kavulic. My business address is 2550 Oakland Avenue, Indiana, PA 15701.

Q. By whom are you employed and in what capacity?

A. I am employed by PennDOT as a District Geotechnical Engineer.

Q. How long have you been employed by PennDOT and in what other capacities have you been employed?

A. I have been with PennDOT 23.5 years. During this time I have held various other Civil Engineer titles, working as a Design Project Manager, Design Squad Leader, and Assistant Geotechnical Engineer.

Q. Please generally describe your duties as District Geotechnical Engineer.

A. I review geotechnical reports for roadways and bridges, support construction inspection staff for foundation operations, such as pile driving, caissons, footer checks, etc., landslide analysis and remediation.

Q. What is your educational background?

A. I hold a B.S. degree in Civil Engineering from Penn State University. I graduated in December 1997.

Q. Are you a registered professional engineer in Pennsylvania?

A. Yes.

Q. Are you authorized to testify in this proceeding on behalf of PennDOT?

A. Yes.

Q. Are you familiar with the SR 268 crossing which is the subject of today's proceeding?

A. Yes.

Q. When was the last time you visited the crossing?

A. In 2018, however I only observed the roadway. I did not inspect the tunnel or adjacent properties.

Q. What are the present defects and hazards currently at the tunnel crossing?

A. The present defects include the collapsed section of tunnel approximately 100 feet in from the east end of the tunnel. There are indications that all-terrain vehicles were using the tunnel. The collapse creates a dangerous situation for anyone entering the tunnel and possibly becoming trapped. Additionally, while there is no current impact to the roadway, further deterioration of the tunnel and movement of the material above it could eventually cause settlement or a sinkhole under or adjacent to the roadway.

Q. Is the tunnel currently accessible on both ends?

A. The tunnel is accessible from both the east and west entrances. Both pedestrians and all-terrain vehicles can access the tunnel. Due to the collapsed portion, the tunnel is not clear for passage through from one end to the other.

Q. Has the collapsed section completely closed off the tunnel?

A. Yes.

Q. What caused the collapse?

A. I believe deterioration of the tunnel roof allowed water and soil from above to fall through and into the tunnel. This created loose material above the tunnel and allowed fill material to shift, causing a sinkhole at the surface above.

Q. Is there water in the tunnel and what concerns you about the water?

A. Yes. The concern is that the more water enters the tunnel, the more soil material can be washed away or eroded. Also, if the water gets trapped, it could build up and release all at one time, which could be dangerous if anyone is nearby. Also, deep water is a drowning hazard for anyone that would try to access the tunnel.

Q. Are you familiar with the most recent inspection report conducted by PennDOT?

A. Yes. The initial inspection was conducted on February 23, 2018. The inspection was performed by the PennDOT District 10-0 Bridge Inspection Unit. The inspection indicated a fully collapsed section of the tunnel approximately one hundred feet in from the east of the tunnel.

Q. Are you also familiar with the Engineering Report conducted on behalf of Bessemer and Lake Erie Railroad ("BLE") and dated July 30, 2021.

A. Yes. It was prepared by AECOM.

Q. Is the July 30, 2021 Engineer Report the subject of a Protective Order granted on August 16, 2021 by Administrative Law Judge Mary D. Long?

A. Yes. As such, I have been advised that any specific information that could pose a security risk should be answered in protected testimony.

Q. Do you believe that the report was comprehensive enough to present disposition alternatives that could proceed through PennDOT's preliminary and final design phases?

A. The report is an overview of the field observations and research information. It is not comprehensive enough to determine the exact conditions. Core boings at the site, are required to obtain information on the type of fill material above and adjacent to the tunnel,

as well as the density and moisture content of that soil. In addition, core borings may find voids that have been created from the erosion of fill material.

Q. What, if any, additional information or reports do you think is necessary prior to making a serious determination on the best way to permanently stabilize and repair the tunnel?

A. Core borings need to be taken from the roadway to the tunnel. A report needs to be prepared to present boring logs. The information obtained for the fill material and the depth to the tunnel will be required to determine the best solution. A sequence of operations regarding the placement of the foam sand fill and how any water trapped between the new concrete bulkheads in the tunnel will be addressed is also necessary prior to the finalization of any plans.

Q. In BLE's Report they list two recommended structure dispositions, please describe them.

A. Alternative 1 is concrete bulkheads with foam sand fill. This includes two concrete bulkheads placed approximately 50 feet laterally from the edge of the roadway, to create a barrier that will be filled in with foam sand to fill the tunnel. Alternative 2 is a bridge that would span the tunnel and carry SR 268 over it.

Q. Which alternate does PennDOT prefer and why?

A. The preference would be Alternate 1 so that a new structure is not constructed that would have to be maintained and eventually replaced.

Q. Has District 10 ever used foam sand fill?

A. No. Typically if the District has a project that requires the filling of a void, such as a mine, we would use flowable back fill.

Q. What is flowable back fill?

A. It is a mixture of cement and aggregate.

Q. Does PennDOT have any concerns with utilizing foam sand fill?

A. Conceptually, we don't have concerns with this method of filling the tunnel if the railroad is comfortable using it and it is approved by the appropriate environmental agencies. However District 10 does not have experience with this material and would utilize flowable back fill on similar projects.

Q. Do you believe that the recommendation in BLE's Report of filling approximately 130 feet of tunnel is sufficient?

A. This depends on the elevation distance from the top of the roadway down to the top of the tunnel. The proper distance from the roadway must be calculated based on a slope no steeper than 1.5H:1V. This would ensure that the roadway is sufficiently supported.That depth should be verified by core borings as discussed earlier.

Q. Please explain what 1.5H:1V means.

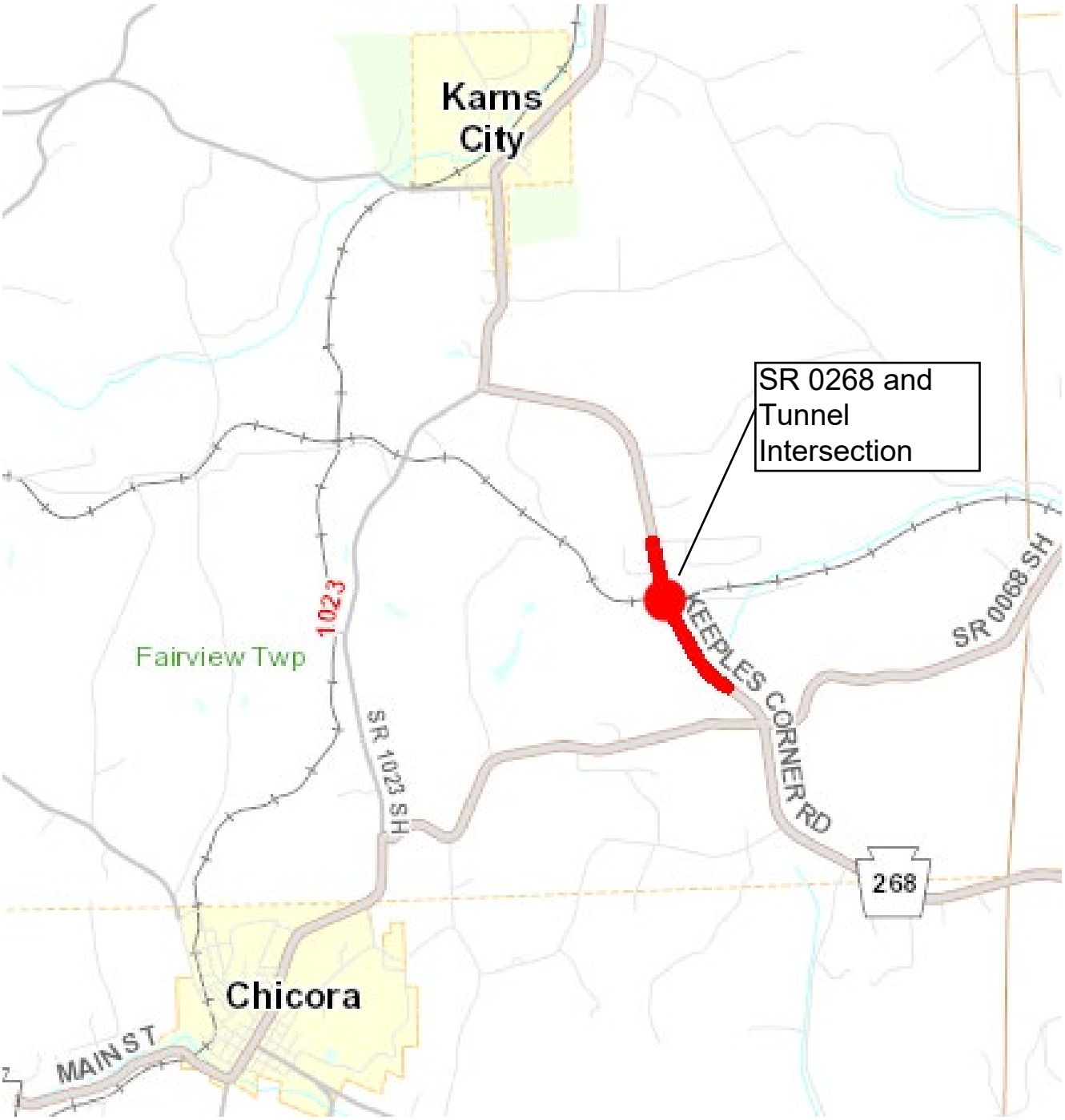
A. It means for every 1 foot of vertical difference in height, there would 1.5 feet of horizontal distance.

Q. Do you believe that dewatering of the area prior to filling the tunnel is necessary?

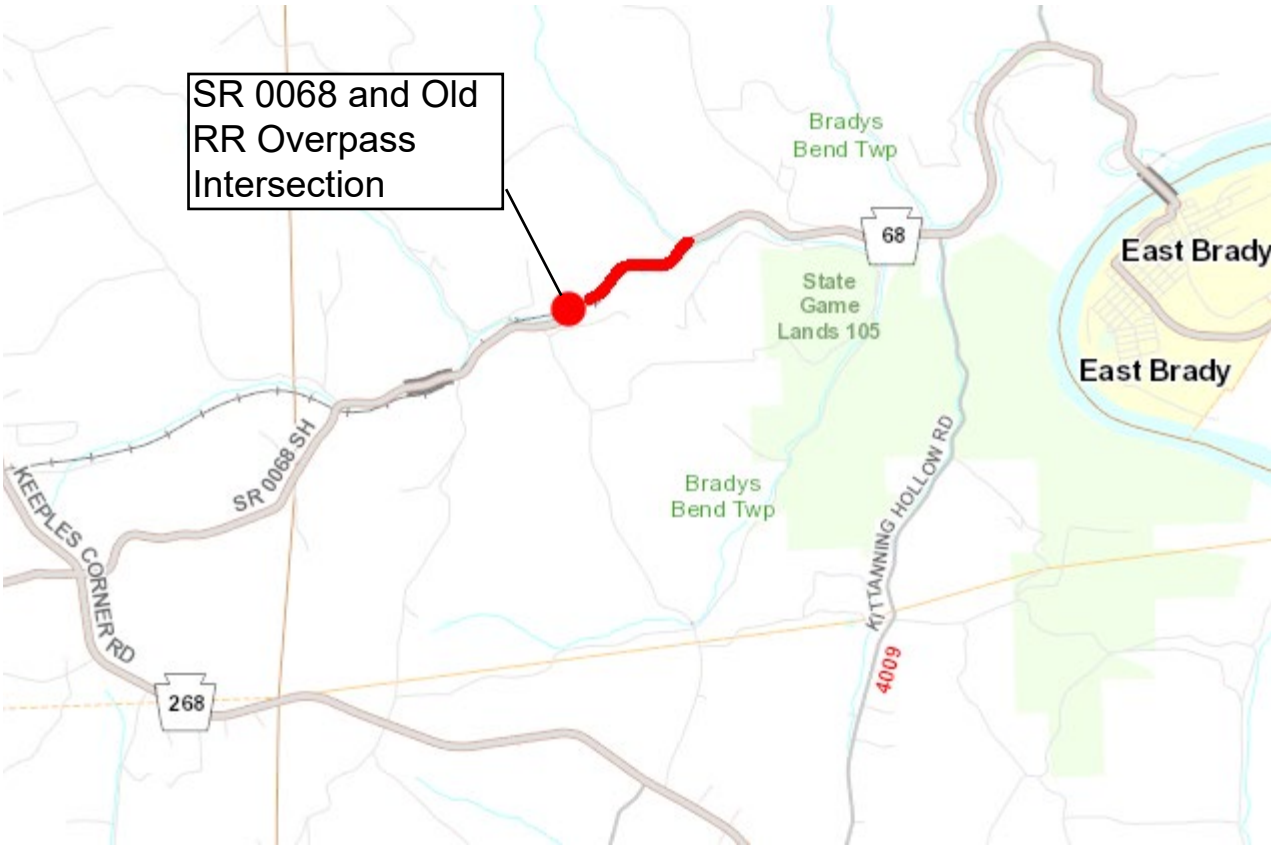
A. Possibly. There is a currently a significant amount of water in the tunnel. Dewatering depends on whether the foam sand fill will displace the water when it is being placed. Prior to any construction, PennDOT would need to be provided and agree to a process for pumping/dewatering the tunnel or an explanation of the displacement of water during the sand foam fill installation.

Q. Does this conclude your testimony?

A. Yes.



Department Exhibit A



Department Exhibit A

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

A-00117858
(corrected)

APRIL 30, 2002

TO ALL PARTIES

DOCKETED
MAY 01 2002

Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant" former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the Township of Marion, Clay, Concord and Fairview in Butler County and in the Township of Brady's Bend in Armstrong County and application for the abolition of one Tunnel located in the Township of Fairview in Butler County.

DOCUMENT
FOLDER

To Whom It May Concern:

This matter is before us upon application, filed May 31, 2001, by Bessemer and Lake Erie Railroad Company (B&LE) requesting Commission approval to abolish 29 at grade and separated grade crossings at various locations in Armstrong and Butler Counties.

A field conference, arranged by a Commission staff engineer and held at the site of the crossings was attended by representatives of B&LE, PennDOT, Concord Township, Fairview Township and Brady's Bend Township.

B & LE avers that it no longer needs a portion of its Hilliard's Branch and Western Allegheny Branch. The railroad states that at Docket No. Ab-88 (Sub No. 10X) the Surface Transportation Board granted approval to abandon and discontinue service on the subject rail line.

A list of the crossings to be abolished and their locations is as follows:

No.	Location	Street	Type	DOT No.
1	Marion Twp. Butler Co.	S. R. 4012	at grade	051 760 F
2	Marion Twp. Butler Co.	S. R. 0308	at grade	051 754 L

Department Exhibit B

3	Marion Twp. Butler Co.	T-541	at grade	051 756 R
4.	Marion Twp. Butler Co.	T-560	at grade	051 755 J
5	Clay Twp. Butler Co.	T-458	at grade	051 698 X
6	Clay Twp. Butler Co.	S. R. 0308	at grade	051 699 E
7	Clay Twp. Butler Co.	T-515	at grade	051 702 K
8	Concord Twp. Butler Co.	T-504	at grade	051 708 B
9.	Concord Twp. Butler Co.	T-608	at grade	051 712 R
10	Concord Twp. Butler Co.	T-621	at grade	051 716 T
11.	Concord Twp. Butler Co.	S. R. 1017	at grade	051 718 G
12.	Fairview Twp. Butler Co.	S. R. 1013	at grade	051 721 P
13.	Fairview Twp. Butler Co.	S. R. 1013	at grade	051 722 W
14.	Fairview Twp. Butler Co.	T-674	at grade	051 723 D
15	Fairview Twp. Butler Co.	T-621	at grade	051 724 K
16	Fairview Twp. Butler Co.	T-676	at grade	051 726 Y
17	Fairview Twp. Butler Co.	T-621	at grade	051 727 F

Department Exhibit B

18	Brady's Bend Twp. Armstrong Co.	SR0068	at grade	051 731 V
19	Brandy's Bend Twp. Armstrong Co.	SR4007	at grade	051 733 J
20	Brady's Bend Twp. Armstrong Co.	SR0068	at grade	051 734 R
21	Concord Twp. Butler Co.	T-502	highway below grade	051 706 M
22	Concord Twp. Butler Co.	SR0038	highway below grade	051 710 C
23	Concord Twp. Butler Co.	T-606	highway below grade	051 711 J
24	Concord Twp. Butler Co.	T-623	highway below	051 715 J
25	Concord Twp. Butler Co.	SR1013	highway above grade	051 720 H
26	Fairview Twp. Butler Co.	B & P Railroad	railroad below grade	
27	Fairview Twp. Butler Co.	SR1023	highway below grade	051 728 M
27a)	Fairview Twp. Butler Co.	SR0268	highway above grade (tunnel)	
28	Brady's Bend Twp. Armstrong Co.	SR0068	highway below grade	051 730 N

B&LE and Concord Township have reached an agreement concerning the disposition of the crossings involving Concord Township roads. The township, at the at grade crossings of T-504, T-608 and T-621, will remove the rails and ties at each crossing. The Township will repave the crossing areas to conform with the approach roadways. B&LE agrees to remove the separated grade crossings at T-623, T-502 and T-606. At each of these crossings, B&LE will remove the superstructure, abutments and backwalls of the bridges. At T-606 and T-623 the remaining fill will be graded to a 2:1 slope. At T-502, the north-side fill will be graded to a 2:1 slope with the south-side full grading will be extended to provide better sight distance.

Department Exhibit B

At crossing Nos. 2 and 18, the rails and ties have been removed and crossing area repaved. At crossing Nos. 1, 3-7, 11-17, 19 and 20, B&LE will remove the rails and ties from the highway right-of-way and restore the disturbed highway area with suitable material conforming with local and/or PennDOT specifications. B&LE agrees to remove any crossbuck warning signs and any warning devices and their foundation to one foot below ground level at the crossings.

At crossing Nos 22 and 27, B&LE agrees at its sole cost to remove the substructure and superstructure of the bridge and grade the remaining fill to a 2:1 slope. PennDOT agrees, at its sole cost, to provide maintenance of traffic for the two bridge removals.

At crossing No 25, B&LE will remove the rails and ties from under the bridge and the bridge remain in place. At crossing No. 26, B&LE agrees to remove the superstructure of the bridge and the westerly abutment.

At crossing No. 28, PennDOT is in the process of designing a highway realignment along with the bridge removal. Once the design is complete, PennDOT will submit the plans to the parties. At crossing No. 27(a), B&LE and PennDOT presently are negotiating the disposition of the tunnel. These two crossings will be the subject of future Secretarial letters or formal hearing.

B&LE avers that work on the crossing abolitions may not start until 2003. The railroad proposes to install "TRACKS OUT OF SERVICE" signs at the at grade crossings, so that until the crossings are abolished, in accordance with the Motor Vehicle Code [75§3342(c)(4)] certain vehicles [75§3342(b)] will not be required to stop at the crossings.

The applicant has certified that a copy of the application has been served on each party in interest. Upon full consideration of the matters involved, we find that a hearing is not necessary at this time and that a Secretarial letter may be issued approving the application.

The Commission issues this Secretarial letter in accordance with Section 2702 of the Public Utility code and finds that the abolition of the crossings is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Bessemer & Lake Erie Railroad Company is approve as herein directed:

1. The crossings listed in this application, except for Crossing Nos. 27(a) and 28, at various locations in Armstrong and Butler Counties, be and are hereby abolished.

2. The Bessemer & Lake Erie Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to abolish crossing Nos. 1, 3-7, 11-17, 19 and 20 by removing rails and ties within the limits of the highways; restore the disturbed area with suitable material conforming on all respects with the abutting highway paving; and removing any warning devices at the crossings and their foundations to at least one foot below ground.

Department Exhibit B

3. The Bessemer & lake Erie Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to abolish crossing Nos. 21-24, and 27 by removing the substructure and superstructure of the bridges and grading the remaining fill to a 2:1 slope; crossing No. 25 by removing the rails, ties and any other railroad facilities at the crossing; and crossing No. 26 by removing the superstructure and westerly abutment of the bridge.

4. Concord Township, at its sole cost and expense, furnish all material and do all work necessary to abolish crossing Nos. 8, 9 and 10 by removing the rails and ties within the limits of the highways; restore the disturbed area with suitable material conforming in all respects with the abutting highway paving; and removing the crossbuck warning signs and posts at each crossing.

5. Any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility, other than Bessemer and Lake Erie Railroad Company, which may be required as incidental to the abolition of the crossings, be made by said utility at the sole cost and expense of Bessemer and Lake Erie Railroad Company, and in such a manner as will not interfere with the abolition of the crossings; and such relocated or changed facilities thereafter to be maintained by said utility, at its sole cost and expense.

6. Bessemer and Lake Erie Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control devices that may be required to properly accommodate traffic during the time crossing Nos. 1, 3-7, 11-17, 19-21, 23, and 24 are being abolished.

7. Concord Township, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control devices that may be required to properly accommodate traffic during the time crossing Nos. 8, 9, and 10 are being abolished.

8. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control devices that may be required to properly accommodate traffic during the time crossing Nos. 22 and 27.

9. Bessemer & Lake Erie Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary to install "TRACKS OUT OF SERVICE" signs (R8-9) at the at grade crossings, in accordance with Part 8 of the Manual on Uniform Traffic Control Devices, until such time as the rails and ties are removed from the crossing areas.

10. The rail-highway crossing abolitions be completed in a manner satisfactory to this Commission on or before December 31, 2004 and that on or before said date, Bessemer and Lake Erie Railroad Company report the actual completion of the work.

Department Exhibit B

11. Upon completion of the abolition of the at-grade crossings, Pennsylvania Department of Transportation, Marion Township, Clay Township, Concord Township, and Fairview Township each, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its respective roadways in the areas formerly occupied by the at-grade crossings.

12. Upon completion of the abolition of crossing No. 25, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the substructure and superstructure of the bridge carrying SR1013 over the former railroad right-of-way.

13. This Secretarial letter insofar as it imposes costs upon any party, is without prejudice to the right of that party to recover part or all of said costs in accordance with any lawful agreement between it and any of the other parties hereto.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within ten (10) days of the date of this letter.

Very truly yours,

James J. McNulty
Secretary

Department Exhibit B

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

June 14, 2006

A-00117858

TO ALL PARTIES

Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant's former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the Township of Marion, Clay, Concord and Fairview in Butler County and in the Township of Brady's Bend in Armstrong County and application for the abolition of one Tunnel located in the Township of Fairview in Butler County.

To Whom It May Concern:

This matter is before us upon petition filed May 8, 2006 by Bessemer and Lake Erie Railroad Company (B&LE) seeking modification of the Secretarial letter issued April 5, 2002 in this proceeding which directed B&LE to abolish several crossings at various locations in Butler and Armstrong Counties.

In its petition, B&LE states that twenty-two (22) crossings have been abolished. However, due to limited work forces, the remaining 6 crossings have not been abolished. B&LE requests that the Secretarial letter be modified to extend the completion date until December 31, 2006.

The petition has been served on all parties and none has any objection to the proposed modification.

The Commission issues this Secretarial letter in accordance with Section 2702 of the Public Utility Code and finds that the Secretarial letter issued April 5, 2002 in this proceeding be modified. The petition filed May 8, 2006 by Bessemer and Lake Erie Railroad Company be granted to the extent hereinafter directed:

1. Paragraph 10 on page 5 of our Secretarial letter issued April 5, 2002 in this proceeding which reads as follows, to wit:

DOCUMENT FOLDER

Department Exhibit B

DOCKETED
DEC 13 2006

"10. The rail-highway crossing abolitions be completed in a manner satisfactory to this Commission on or before December 31, 2004 and that on or before said date, Bessemer and Lake Erie Railroad Company report the actual completion of the work."

be and is hereby modified to read as follows:

10. The rail-highway crossing abolitions be completed in a manner satisfactory to this Commission on or before December 31, 2006 and that on or before said date, Bessemer and Lake Erie Railroad Company report the actual completion of the work.

2. In all respects not inconsistent with this letter, our Secretarial letter issued April 5, 2002 remain in full force and effect.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within ten (10) days of the date of this letter.

Very truly yours,

James J. McNulty
Secretary

Department Exhibit B

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

March 25, 2009

A-00117858

TO ALL PARTIES

Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant's former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the Township of Marion, Clay, Concord and Fairview in Butler County and in the Township of Brady's Bend in Armstrong County and application for the abolition of one Tunnel located in the Township of Fairview in Butler County

To Whom It May Concern:

This matter is before us upon petition filed February 20, 2009 by Pennsylvania Department of Transportation (PennDOT) seeking modification of the Secretarial Letter issued April 22, 2002, in this proceeding which directed Bessemer and Lake Erie Railroad Company (B&LE) to abolish several crossings at various locations in Butler and Armstrong Counties.

In its petition, PennDOT states that B&LE was directed to remove the railroad structures at crossings numbers 22 and 27 at its sole cost and expense. B&LE was granted and extension of time to complete the project until June 14, 2006. PennDOT avers the work has not been completed. In the interest of public safety, PennDOT proposes to remove the two structures at its initial cost and expense.

The petition has been served on all parties and none has any objection to the proposed modification.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the Secretarial Letter issued April 22, 2002 in this proceeding be modified. The petition filed February 20, 2009, by PennDOT be granted to the extent hereafter directed:

1. Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and do all work necessary, to abolish crossings numbers 22 and 27 by removing the substructure and superstructure of the bridges and grade the remaining fill to a 2:1 slope.

2. Upon completion of the abolition of the crossings herein directed, this proceeding be scheduled for a hearing at a time and place assigned by this Commission, upon due notice to all parties, to receive evidence relative to the allocation of initial costs incurred, and any other matters relevant to this proceeding.

3. In all respects not inconsistent with this Secretarial Letter, issued April 22, 2002 remain in full force and effect.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within twenty (20) days of the date of this letter.

Very truly yours,

James J. McNulty
Secretary

Department Exhibit B

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

February 1, 2012

A-00117858

TO ALL PARTIES

Application of Bessemer and Lake Erie Railroad Company for approval of the abolition of twenty-eight crossings where applicant's former Hilliard's Branch and Western Allegheny Branch are intersected by public highways and streets in the Township of Marion, Clay, Concord and Fairview in Butler County and in the Township of Brady's Bend in Armstrong County and application for the abolition of one Tunnel located in the Township of Fairview in Butler County

To Whom It May Concern:

By Commission Secretarial Letter issued April 22, 2002 in the above-captioned proceeding, Bessemer and Lake Erie Railroad Company was directed to abolish various crossings in Armstrong and Butler Counties. All work has been completed.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that since all work has been completed, the case be "CLOSED."

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within twenty (20) days of the date of this letter.

Very truly yours,

Rosemary Chiavetta
Secretary

Department Exhibit B

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF HIGHWAYS

FINAL DRAWINGS FOR CONSTRUCTION AND CONDEMNATION OF RIGHT OF WAY

ROUTE NO. 251 SECTION NO. 4

IN BUTLER AND ARMSTRONG COUNTY

From Sta. 1018+17.32 To Sta. 1282+41

Flat Chained Length ~~28,259.15~~ Ft. 28,288.80

Scales { Plan: 1 In. = 50 Ft. / Profile: Hor. 1 In. = 50 Ft. Vert. 1 In. = 10 Ft.

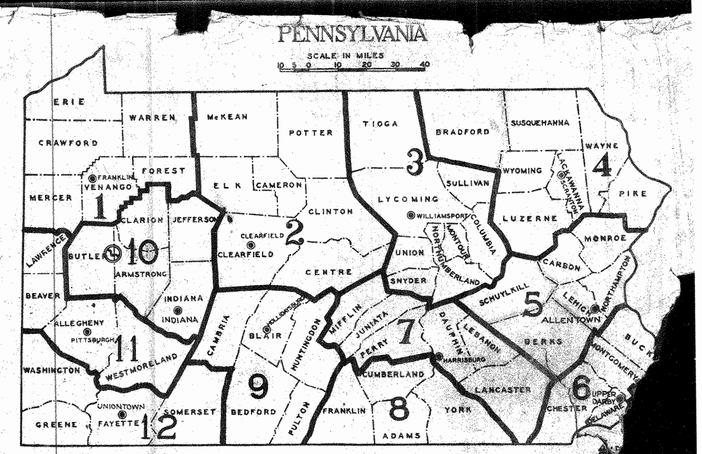
APPL. 8578 IN BUTLER COUNTY.

FINAL DATA

CONTRACTOR: Holmes Construction Co. Wooster, Ohio.
DISTRICT ENGINEER: E.J. Finn
DATE OF NOTICE TO PROCEED: May 24, 1932
DATE OF ACTUAL BEGINNING: May 24, 1932
DATE OF COMPLETION: August 31, 1932
DATE OF FINAL INSPECTION: August 31, 1932
INSPECTORS: A.J. Kuhn, A.M. Adams, H.H. McClure, G.P. Dunnegan, Harry King, P.F. Tompkins, J.B. Lowry.

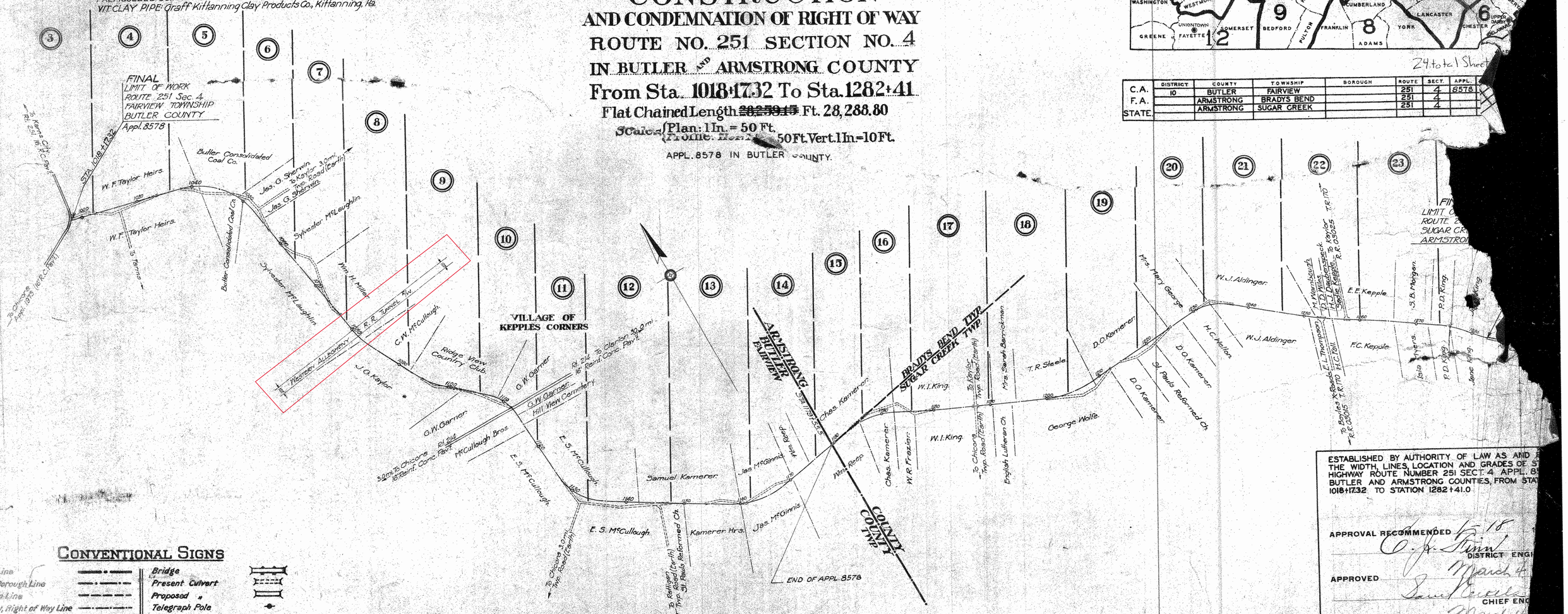
MATERIAL

SAND: Mahoning Valley Sand Co. West Pittsburgh, Pa.
STONE: Pittsburgh Limestone Co., Kaylor, Pa.
CEMENT: Universal Atlas Portland Cement Co., Universal, Pa.
West Penn Cement Co., West Winfield, Pa.
Crescent Portland Cement Co., Crescentdale, Pa.
STEEL: Fort Pitt Bridge Co., Pittsburgh, Pa.
National Steel Fabric Co., Monessen, Pa.
REINF. CONC. PIPE: Concrete Products Co. of Pa., Pittsburgh, Pa.
CAST IRON PIPE: U.S. Pipe and Foundry Co., Addaston, Ohio.
CALCIUM-CHLORIDE: Dow Chemical Co. Midland, Mich.
PREMOULDED JOINT: National Steel Fabric Co., Monessen, Pa.
VIT. CLAY PIPE: Graff Kittanning Clay Products Co., Kittanning, Pa.



24 total Sheets

	DISTRICT	COUNTY	TOWNSHIP	BOROUGH	ROUTE	SECT.	APPL.
C.A.	10	BUTLER	FAIRVIEW		251	4	8578
F.A.		ARMSTRONG	BRADYS BEND		251	4	
STATE.		ARMSTRONG	SUGAR CREEK		251	4	



CONVENTIONAL SIGNS

County Line	Bridge
City or Borough Line	Present Culvert
Township Line	Proposed "
Property, Right of Way Line	Telegraph Pole
Reservation	Electric Railway Pole
Power Line	Fence
Proposed Road	Hedge
Railroad	Stone Wall
Electric Railway	Tree
	Side Stake

Profile

INDEX MAP

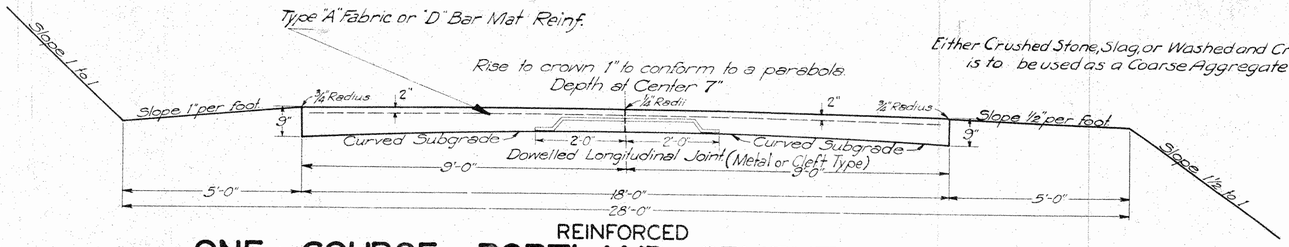
Scale: 1 in. = 800 ft.

ESTABLISHED BY AUTHORITY OF LAW AS AND F
THE WIDTH, LINES, LOCATION AND GRADES OF S
HIGHWAY ROUTE NUMBER 251 SECT. 4 APPL. 85
BUTLER AND ARMSTRONG COUNTIES, FROM STA
1018+17.32 TO STATION 1282+41.0

APPROVAL RECOMMENDED 2/15
E. J. Finn
DISTRICT ENGI
APPROVED March 4
CHIEF ENG
APPROVED March 4
SECRETARY OF HIG
APPROVED March 7
GO

2/15/32 **Department Exhibit C**

DISTRICT	COUNTY	ROUTE	SEC	SHEETS
10	BUTLER & ARM	251	4	2 OF 24
FAIRVIEW TOWNSHIP, BUTLER COUNTY, BRADYS BEND & SUGAR CREEK TWPS. ARM. CO.				



REINFORCED ONE COURSE PORTLAND CEMENT CONCRETE

For details see Sheet "B" Attached and Paragraph 156 of the Specifications
For details of Type "A" Fabric Reinforcement see Sheet "A" Attached.
For details of Type "D" Bar Mat Reinforcement see Sheet "D" Attached.

Either Crushed Stone, Slag, or Washed and Crushed Gravel is to be used as a Coarse Aggregate on this project.

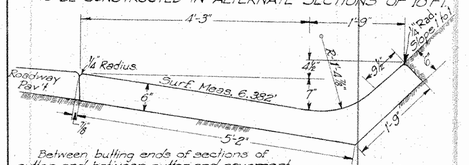
FINAL EQUALITIES

Intersection, Sta. 1111+85.20 to Sta. 1112+02.20	17.00'	
Sta. 1018+17.32 to Sta. 1083+92.52	6875.20	6,577.70'
Sta. 1083+92.52 Back = Sta. 1084+22.85 Ahead (-29.53')		
Sta. 1084+22.85 to Sta. 1147+55.50	6333.45'	6,335.80'
Sta. 1147+55.50 Back = Sta. 1148+40.23 Ahead (-84.73')	6,316.03'	
Sta. 1148+40.23 to Sta. 1170+53.22	2212.99'	2,210.70'
Sta. 1170+53.22 Back = Sta. 1170+35.96 Ahead (+17.32')		
Sta. 1170+35.96 to Sta. 1192+69.63	2233.67'	2,237.40'
Sta. 1192+69.63 Back = Sta. 1173+42.07 Ahead (+1,907.56')		
Sta. 1173+42.07 to Sta. 1211+31.50	3,789.43'	3,792.65'
Sta. 1211+31.50 Back = Sta. 1211+21.25 Ahead (+10.25')		
Sta. 1211+21.25 to Sta. 1237+93.95	2,672.70'	2,675.07'
Sta. 1237+93.95 Back = Sta. 1237+81.57 Ahead (+12.38')		
Sta. 1237+81.57 to Sta. 1278+96.92	4,115.35'	4,113.48'
Sta. 1278+96.92 Back = Sta. 1278+97.90 Ahead (-0.98')		
Sta. 1278+97.90 to Sta. 1282+41.00	343.10'	343.85'
HORIZONTAL OVERALL LENGTH OF PROJECT	28,275.39'	TOTAL FLAT CHAINED LENGTH 28,288.80'

15,939.18 LIN. FT. OF SHOULDERS IN BUTLER CO.
12,245.06 LIN. FT. OF SHOULDERS IN ARMSTRONG CO.

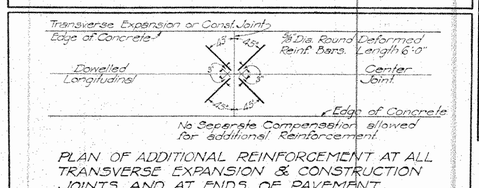
This is a Federal Aid Project and as such is subject to Inspection by Representatives of the Bureau of Public Roads of the United States Department of Agriculture.

TO BE CONSTRUCTED IN ALTERNATE SECTIONS OF 10 FT.



Between bulking ends of sections of gutter and between gutter and pavement joint construction joint with approved asphalt or tar 1/8" thick and sealed joints.

PLAIN CEMENT CONCRETE GUTTER



No Separate Compensation allowed for additional Reinforcement.

PLAN OF ADDITIONAL REINFORCEMENT AT ALL TRANSVERSE EXPANSION & CONSTRUCTION JOINTS AND AT ENDS OF PAVEMENT.

FINAL SPECIAL NOTES

Original Legal Right-of-Way is thirty-three feet (33') in width. Obtained from Records in Office Clerk of Courts of Butler Co., Road Docket No. 5, page 249.

Required Right-of-Way is fifty feet (50') in width plus additional for slopes except between Sta. 1096+00 and Sta. 1097+00, Sta. 1112+25 and Sta. 1113+00, and Sta. 1151+20 to Sta. 1152+20 where 45' is required, and between Sta. 1146+50 and Sta. 1149+75 where 43' is required, and between Sta. 1212+50 and Sta. 1212+90 where 41½' is required.

Before work shall be started and material ordered the Contractor shall meet and consult with the District Engineer relative to material, equipment and all arrangements for prosecuting the work.

Tile Underdrain to be placed where directed by the Engineer.

The Contractor shall place a white flag approximately 30" square to a staff approximately 8' above the ground at a conspicuous point at the end of each grading section.

All intersections with connecting roads shall be warped when so directed by the Engineer.

Buildings as noted on sheets 10, 11 and 13 to be removed by the Butler County Commissioners, and buildings as noted on sheets 17, 19, 21 and 23 to be removed by the Armstrong County Commissioners prior to the Contractor's operations.

The top of all endwalls to be parallel with the grade line.

Culverts shall not be placed until staked and ordered placed by the Engineer.

The embankment as noted on sheets 6, 10, 11, 12, 13, 16, 18 and 21 to be rolled in layers ½ the specified depth as provided in Par. 96 of the Spec.

Widened shoulders at the locations indicated on the drawings, cross sections or directed by the engineer to be dressed and rolled at no additional compensation.

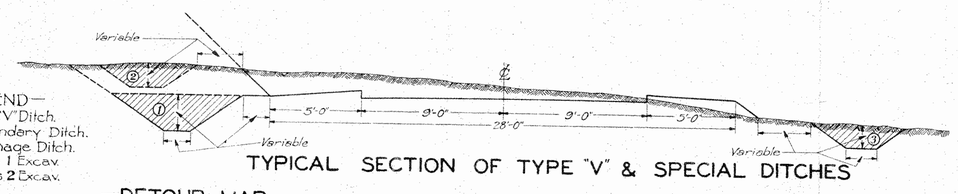
The grade line shown on the drawings represents the profile of the finished pavement surface along the center line of the proposed construction, excepting the superelevated curves where the Department's Standards will apply.

The ends of paving sections shall be constructed with additional depth as shown on the drawings for thickened edge pav't.

The Crown on all superelevated curves on this project shall be omitted and the surface shall be straight across from edge to edge.

All gas, oil and water lines to be removed or lowered by the owner at the direction of the Engineer.

Transverse Expansion Joints indicated by an "X" and "XS". Joints marked "XS" to be omitted if Stone, or Washed and Crushed Gravel is used as a Coarse Aggregate. See Paragraph 156-A of the Specifications.

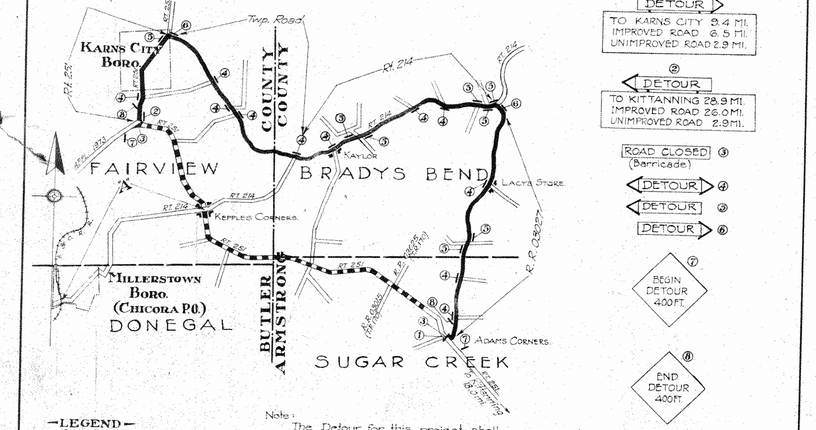


TYPICAL SECTION OF TYPE "V" & SPECIAL DITCHES

PUBLIC UTILITIES

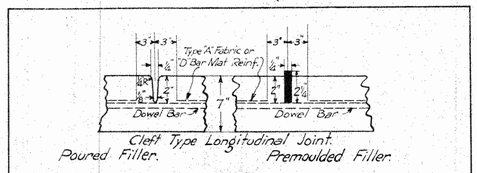
Peoples Telephone Co.	Chicora, Pa.
Sugar Creek Telephone Co.	East Brady, Pa.
Bell Telephone Co.	Butler, Pa.
United Natural Gas Co.,	Oil City, Pa.
S.H. Kamerer (Oil lines)	Kaylor, Pa.
Ultra Penn Oil Co.	Butler, Pa.
McCullough Gas Co.	Chicora, Pa.
National Transit Co.	Oil City, Pa.
Bruin Oil and Gas Co.	Bruin, Pa.
Wm. Garner (Water Line)	Chicora, Pa.
Standard Oil Co.	Butler, Pa.
East Brady Light and Fuel Supply Co.	East Brady, Pa.

—DETOUR MAP—



Note: The Detour for this project shall be posted and maintained by the Penna. Department of Highways.

The gross weight of trucks for delivering material to this project is restricted in accordance with Par. 99-A of the Spec. for hauling over Route designated by A.



SKETCHES SHOWING CLEFT TYPE DOWELLED LONGITUDINAL CENTER JOINT.

GRADING ANALYSIS NOT FURNISHED ON THIS PROJECT.

GRADING SECTIONS

The following information on the estimated amounts of grading quantities has been used by the Department of Highways in its preliminary estimate for this project, and shall not be taken or used as a waiver of the provisions of the Specifications.

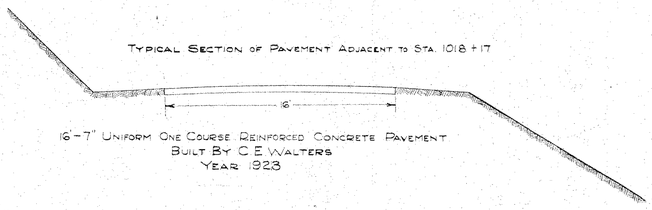
FINAL CUT	FINAL FILL	Sta. to Sta.	Length	Total Cut	Waste.	Available Cut	Fill + % Shrinkage	Excess Cut	Excess Fill.	Class I	Class II
12,185	10,288	1018+17.32-1081+55	6337.68	12914	560	12354	12189	165		12318	596
10,358	9,470	1081+55 - 1140+00	5815.47	10641	165	10476	10250	226		10458	183
12,568	11,362	1140+00-1185+00	6360.15	13261	105	13156	12964	192		13143	113
10,081	8,913	1185+00-1233+00	4810.25	8708	80	8628	8572	56		8557	
5,813	4,876	1233+00-1282+41	4952.40	5024	129	4895	4815	80		4837	
		Totals	28275.95	50548	1039	49509	48790	719		49304	

Department Exhibit C

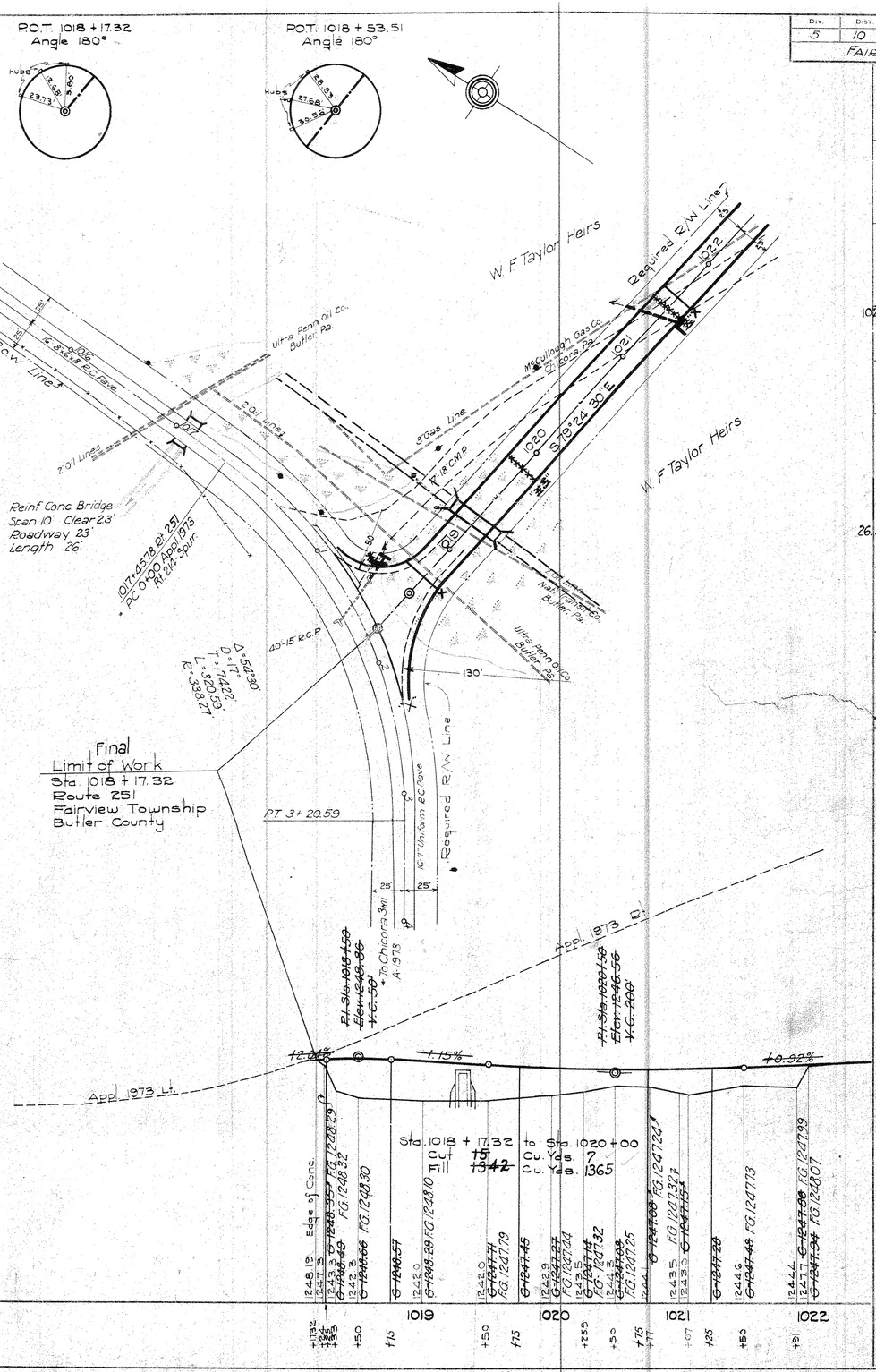
Div.	Dist.	County	Route	Sec.	Sheet
5	10	BUTLER	251	4	3 of 24
		FAIRVIEW TOWNSHIP	Appl. 8578		

FINAL
B.M. Bronze Plate on N.W. Cor. of Bridge
Pt of Sta. 1017+03
Elev. 1240.62

TYPICAL SECTION OF PAVEMENT ADJACENT TO STA. 1018 + 17



16'-7" UNIFORM ONE COURSE REINFORCED CONCRETE PAVEMENT
BUILT BY C.E. WALTERS
YEAR 1923



FINAL
REQUIRED LIST.

1018 + 17.32
Remove Conc. Apron 2.22± CY Excav.

1018 +
Construct 50' Radius Lt.
~~103~~ 99 S.Y. Reinf. Conc. Pavt.
Construct 130 Radius Rt.
~~99~~ 89 S.Y. Reinf. Conc. Pavt.

1018 + 41 1.62
~~Remove old endwall~~ ~~3~~ CY. Excav.
Extend present pipe on Lt.
Placed 26' 15" R.C.P.
Placed 1 Type ~~DES~~ - EW Lt. 0.75 cy B Conc.
5.97 cy outlet Ditch

1020+52 ~~1018+75~~ – ~~1020+25~~ 1021+29
Const. drainage ditch Lt.
6 ~~23~~ CY. Class 2 Excav.
8 C.Y. Class 1 Excav.

1018 + ~~25~~ 25 – ~~1021+75~~ 1020+00
Const. drainage ditch Rt.
30 ~~113~~ CY. Class 2 Excav.

1018 +
Build Std. Reinf. Conc. Box
Span 5' Clear, 4' Act & Nom-Leng. 42.5'
Skew 80° Rt. Clear Roadway 28'
21.9 ~~22.7~~ CY. Class A Conc.
9.8 ~~6.7~~ CY. " B "
~~419~~ 491 lbs. Plain Steel Bars
~~60~~ 60 ~~66~~ CY. Class 2 Excav.
26.37 ~~134~~ CY. Inlet and Outlet Ditch-Cl. 2
5180-75, 12-23-30; 5185, 1-18-28
5333, 11-20-29 2 Curbs & 4 Wings

Pipe lines at Sta. 1018+ and Sta. 1019+ to be lowered by the Owners at the direction of the Engineer

1021+55
Placed 42' 15" R.C.P.
" 1 Type 'E' Ew Rt. 1.39 cy B Conc.
5.92 cy Outlet Ditch
0.14 cy Inlet Ditch

Sta. 1019+ ?
Conc. Box 5.82 Cu. Yds
Class "B" Concrete

DATUM 1210

Department Exhibit C

TRACED BY

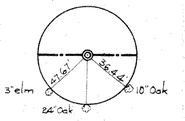
Department Exhibit C

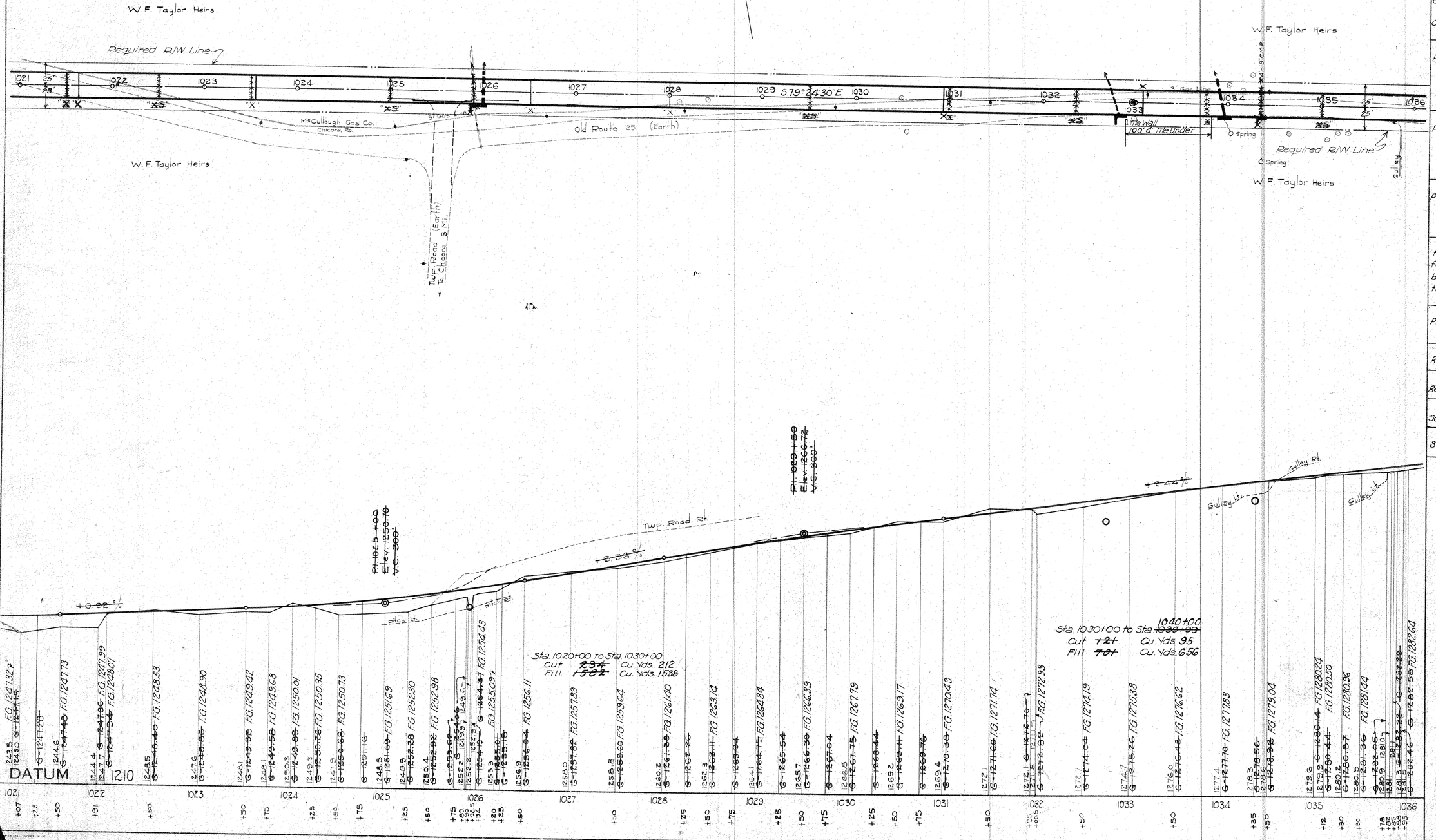
Dist.	County	Route	Sec.	Sheet
10	BUTLER	251	4	4 of 24

FAIRVIEW Township - Appl. 8578

B.M. Bent Spike in Base of ~~36"~~ 38" Oak
18~~8~~ Rt. of Sta. 1033+00
Elev. 1277.00

P.O.T. 1032+96.32
Angle 180°





Sta 1020+00 to Sta 1030+00
Cut ~~234~~ Cu. Yds. 212
Fill ~~1502~~ Cu. Yds. 1588

Sta 1030+00 to Sta ~~1038+00~~ 1040+00
Cut ~~121~~ Cu. Yds. 95
Fill ~~701~~ Cu. Yds. 656

FINAL REQUIRED LIST.

1024+30 - 1025+25½
Fill Pocket Rt. 27 cy. Fill

1025+
Grade Twp. Road Rt. 16 ~~cy Cut~~ ~~15 cy Fill~~
Const Apron Rt (~~33~~ 38 x 11) 45 ~~38~~ 42 sy Pl. Conc.

1025+35
Placed ~~38~~ 24" R.C.P.
" 1 Type ~~E~~ "B" Ew Rt. 1.41 cy "B" Conc.
7.09 cy. Inlet Ditch
0.99 cy Outlet Ditch

1032+68
Placed ~~36~~ 15" R.C.P.
" 1 Type "E" Ew Rt. 1.34 cy "B" Conc.
0.10 Scy. Inlet Ditch
3.46 Scy. Outlet Ditch

~~1034+~~ 1033+94
Placed 36" 15" R.C.P.
" 1 Type ~~E~~ "B" Ew Rt. 0.92 cy "B" Conc.
2.82 ~~c~~ cy. Inlet Ditch
2.33 cy Outlet Ditch

Gas line from Sta 1030+ to Sta 1044+ to be removed from Right-of-Way by the Owner at the direction of the Engineer.

1032+82 - 1033+82
Placed 100'-4" Tile Underdrain Rt.
" 0.19 cy "B" Conc.
6'-4" Tile Outlets.

1033+25
Removed old pipe 1.11 cy. Excav.

1034+35
Removed old pipe 4.44 cy. Excav.

1028+38
Scupper Ditch Rt. 0.83 cy. Excav.

1033+30
8'-4" Tile Underdrain Lateral to Sump

Traced by

Department Exhibit C

Div.	Dist.	County	Route	Sec.	Sheet
5	10	BUTLER	251	4	5 of 24

FAIRVIEW TOWNSHIP - Appl. 85718

P.O.T. 1038+36.33
Angle 180°

Survey P.I. 1047+08.81
Angle 250°40'

Constr. P.I. 1046+42.89
Angle 247°01'

S 78° 24' 30" E

S 12° 23' 30" E

Butler Consolidated Coal Co.

W. F. Taylor Heirs.

Bruin Oil & Gas Co.
Bruin Pa.

Old Route 251 (Earth)

Required R/W Line

2" Gas Line

2" Oil Line

Req. Limit of Slope

Fr. House

Barn

Private Drive

Lane

Final
Δ-67° 01' Rt.
D-4° 30'
T-843.22'
L-1489.26'
R-1273.57'
Superelevate 1/2" per ft. of width.
Crown to be omitted.

Final P.C. Sta. 1035+01.03

P.T. Sta. 1050+50.44

Sta. 1040+00 to Sta. 1050+00
Cut ~~452~~ 382 Cu. Yds.
Fill ~~1867~~ 1648 Cu. Yds.

+8.44%
+0.52%
-1.88%
-8.04%

DATUM 1240

REQUIRED LIST.

1035+02
Placed ~~38~~ 37 15" R.C.P.
" 1 Type ~~E~~ B Ew Rt 0.99 c.y. B Conc.
0.22 ~~3~~ c.y. Inlet Ditch
0.49 c.y. Outlet Ditch

1036+50
Grade Drive Rt ~~1~~ 19 c.y. Fill

1036+50
Placed ~~38~~ 39 15" R.C.P.
" 1 Type ~~E~~ B Ew Rt 1.36 c.y. B Conc.
0.32 ~~2~~ c.y. Inlet Ditch

~~1037+~~ 1038+08
Placed 36 15" R.C.P.
" 1 Type "B" Ew Rt 0.95 c.y. B Conc.
0.20 ~~4~~ c.y. Inlet Ditch
1.86 ~~2~~ c.y. Outlet Ditch
1.21 c.y. Parallel Ditch

1045+00
Grade Drive Lt 16 ~~+50~~ c.y. Fill
1 c.y. Cut.

~~1046+~~ 1047+84
Placed ~~40~~ 37 15" R.C.P.
" 1 Type "B" Ew Rt 0.95 c.y. B Conc.
3.54 C.Y. Outlet Ditch
0.14 c.y. Inlet Ditch

1047+30
Removed Old Pipe 3.33 3c.y. Excav.

~~1048+~~
~~Remove Old Pipe 3c.y. Excav.~~

1049+50
Grade Drive Lt 19 ~~+0~~ c.y. Fill
12 c.y. Cut.

1049+50
Grade Drive Lt 1 ~~+0~~ c.y. Fill
22 c.y. Cut.

~~1049+~~ 1048+83
Placed ~~68~~ 50 30" R.C.P.
" 1 Type ~~E~~ D Ew Rt 1.65 c.y. B Conc.
21.09 ~~40~~ c.y. Outlet Ditch

~~1049+~~
~~Remove Old Pipe 3c.y. Ex~~

1047+15 to 1048+00
~~1049+25 to 1050+25~~
Const. Drainage Ditch Rt.
4 ~~24~~ c.y. Class 2 Excav.
14 c.y. Class 1 Excav.

Pipe Lines from Sta. 10
to Sta. 1047+ to be removed
the Right of Way
the Owner at the direction
Engineer

1048+88 to 1050
Const'd. Drainage Ditch
11 c.y. Class 2 Exc
17 c.y. Class 1 Exc

TRACED BY

Dist.	County	Route	Sec.	Sht.
10	BUTLER	251	4	6 of 24

A-8578 FAIRVIEW TOWNSHIP

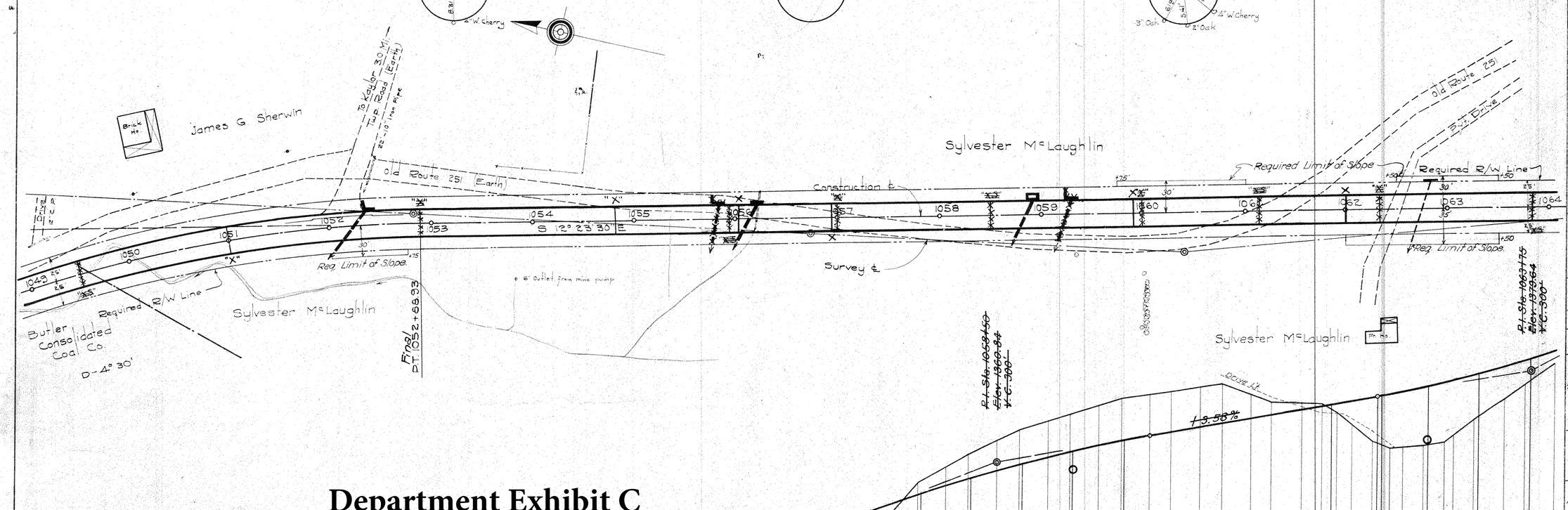
FINAL
Survey B.M. Cut on S.W. Cor of 1st Conc Step of Porch
50 Lt of Sta 1050+50
Elev 1304.09

Survey PT 1053+09.48
Angle 180°
6" W. Cherry
2" W. Cherry
4" W. Cherry

Survey POT 1056+92.10
Angle 180°
3" W. Cherry
6" W. Cherry
2" W. Cherry

FINAL
Survey B.M. Pent Spike in Root of 24" Oak
25 Rt of Sta ~~1060+75~~ 1059+90
Elev 1361.06

Survey PI 1060+60.60
Angle 172°04
3" Oak
2" Oak
4" W. cherry



Department Exhibit C

REQUIRED LIST.

~~1050+50~~ 60 - 1051+50 41
Bench Slopes Rt 78 cy. Excav. 71.63

1052+12 271
Grade Two Road Lt ~~100~~ cy. Cut
Const. Apron Lt (6'x1') 6 s.y. Conc. 4.67
42

1052+06
Placed 52' 18" C.I.P. Lock-joint
" I Type "ES" Ew Lt. 2.43 cy. B Conc.
1.06 ~~2.0~~ cy. Inlet Ditch

~~1052+~~
~~Remove Old Pipe 3 cy. Excav.~~

~~1052+40~~ 20 - 1053+20
Bench Slope Rt ~~45~~ 44 cy. Excav.

~~1055+38~~ 1056+18
Placed ~~38~~ 42' 18" R.C.P.
" I Type "E" Ew Lt 1.29 cy. B Conc.
~~2 cy. Inlet Ditch.~~

~~1055+30 - 1056+20~~
~~Bench Slope Rt 48 cy. Excav.~~

~~1056+~~
~~Remove Old Pipe 3 cy. Excav.~~

~~1056+50 - 1061+75~~
~~Place 525' 4" Tile Underdrain Lt.~~
~~40 4" Tile Laterals~~
~~10 4" Tile Outlets~~

1057+00 - 1058+72
Fill Pocket on Rt 35 cy. Fill

~~1058+~~ 1058+90
Placed 40' 15" R.C.P.
" I Type "EA" Ew Lt. 2.01 cy. B Conc.
~~4 cy. Inlet Ditch~~
1.60 ~~2~~ cy. Outlet Ditch

1062+80
Placed 64' 18" R.C.P.
" I Type "D" Ew Lt. 0.80 cy. B Conc.

The embankment from Sta 1062+00 to Sta 1064+00 to be rolled in layers 1/2 the specified depth as provided in Paragraph 96 of the Specifications.

1059+25 - 1060+50
Removed 25 cy Rock Excav below Subgrade

1052+12
Consld. Ditch along Road Approach Lt.
2 c.y. Class 2 Excav.

Div.	Dist	County	Route	Sec.	Sheet
5	10	Butler	251	4	7of 24

Fairview Township - Appl. 85718

REQUIRED LIST.

~~1064+~~

~~Grade Drive Rt.~~ ~~10cy. Fill~~

78 1066+77.70
~~1064+85~~ - ~~1067+80~~
Build Std. Conc. Gutter Rt.
106.42 ~~188~~ sy. Plain Conc.
~~5cy. Flare~~ 27~~33~~ cy. Excav.
1067+00 Place 20 15 RCP on Rt
"I Type D" Ew Rt 0.29 cy. B Conc.

1067+20
Placed 36 14 C.I.P.
" I Type "E" A_2 Ew Lt 1.85 cy. B Conc.
" I " "A_{12}" Rt 1.77 cy. B Conc.
~~4cy. Inlet Ditch~~

1073+20
Placed ~~46~~ 42 16" Lock-joint C.I.P.
" I Type "B" Ew Rt 1.02 cy. B Conc.
~~3cy. Inlet Ditch~~

~~1075+~~ 1076+25
Placed 34 38 15" R.C.P.
" I Type "E 8" Ew Rt 0.99 cy. B Conc.
0.36 ~~4~~ cy. Inlet Ditch
8.94 ~~20~~ cy. Outlet Ditch

Pipe Line from Sta. 1070+ to Sta. 1110+ to be removed from Right-of-Way ~~of Highway~~ by the Owner at the direction of the Engineer.

1066+90 - 1068+50
Removed 59.26 cy. Rock Excav. below Subgrade.

1064+80
Consl'd. Scupper Ditch Rt. 1.49 cy. Excav.

FINAL
~~Survey~~ B.M. Spike in root of 24" Oak
~~100~~ Lt of Sta ~~1069+20~~ 1068+90
Elev. 1425.29

Survey P.I. 1068+12.11
Angle 185°00'

Survey P.T. 1070+61.95
Angle 180°

FINAL
Survey B.M. Spike in root of 24" Oak
50' Lt of Sta 1076+~~45~~ 15
Elev. 1414.45

Hub & Guards
Hub
Spike
8" W Cherry
4" Oak
4" Oak

Sylvester McLaughlin
(J.M. McCullough Caretaker)

Will H. Miller

Old Route 251 (Earth)

Drive

2" Gas Line

McCullough Gas Co.
Chicora, Pa.

End Woods

Will H. Miller

(Required Limit of Slope)
Required R/W Line

Required Limit of Slope

Survey ℄

Required Limit of Slope

Survey ℄

Barn

Sylvester McLaughlin

S 12° 23' 30" E

Construction ℄

Required R/W Line

Begin Woods

Sylvester McLaughlin

Department Exhibit C

~~P.I. Sta. 1069+50~~
~~Elev. 1436.38~~
~~P.C. 1066~~

~~P.I. Sta. 1076+50~~
~~Elev. 1415.93~~
~~P.C. 1066~~

Old Rt. 251

+9.72%

-2.80%

-2.80%

— Barn Floor

Sta. 1060 ~~+ 21~~ 00 to Sta. ~~1069 + 85~~ 1070 + 00
Cu. ~~4303~~ Cu. Yds. 4453
Fill ~~2413~~ Cu. Yds. 2348

Sta. 1070+00 to Sta. ~~1080 + 25~~ 1081+50
Cu. ~~1595~~ Cu. Yds. 2213
Fill ~~1319~~ Cu. Yds. 1237

DATUM 1350

1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078

Traced by

Department Exhibit C

Dist.	County	Route	Sec.	Sheet
10	BUTLER	251	4	8 of 24

FAIRVIEW TOWNSHIP A-851

FINAL B.M. Spike in root of 24" Oak Lt. of Sta. 1080+85 Elev. 1414.77

Survey P.I. 1081 + 97.04 Angle 161° 51'

Constr. P.I. 1081 + 67.06 Angle 162° 34'

P.O.T. 1081 + 27.75 Angle 180°

Survey ℄

Constr. ℄

Hub

4" Oak

3" W. Cherry

24" Apple

Spike

Ft. Ho.

Final
Δ - 17° 26' Lt
D - 4° 00'
T - 219.66'
L - 435.83'
R - 1432.69'
Superelevate ½ per ft. of width
Crown to be omitted

Will H. Miller

Sylvester McLaughlin

C.W. McCullough

J.G. Kaylor

Survey ℄

Drainage

2" Gas Line

Final P.C. 1079 + 47.20

Brush

60'

60'

Field roads

Gas meter

McCullough Gas Co., Chicora, Pa.

Final 1083 + 92.52 Back = Equa. 1083 + 92.52 = 1084 + 22.05 Ahead FINAL

Drainage

Construction ℄

Required R/W Line

Fr. Ho.

Drive

Barn

Shed

Pipe

Tunnel R/W

R.R. R/W Line

R.R. ℄ of tunnel

Western Allegheny R.R.

Approx. ℄ of tunnel

80'

60'

S 12° 23' 30" E

S 29° 43' 30" E

1077 1078 1079 1080 1081 1082 1083 1085 1086 1087 1088 1089 1090 1091 1092

Required R/W Line

REQUIRED LIST.

~~1079+50~~
Grade Drive Lt. 2 ~~5~~ c.y. Cut

~~1081+~~
~~Grade Drive Lt. 100 c.y. Cut~~

1082+66
Grade Drive Lt. 8 ~~20~~ c.y. Fill

~~1084+~~
~~Grade Drive Rt. 25 c.y. Fill~~

1083+77
Placed ~~48~~ 46.15" R.C.P.
" I Type "E.A." Ew Lt 1.3 c.y. B Conc.
~~3 c.y. Inlet Ditch~~
10.51 ~~30~~ c.y. Outlet Ditch

~~1089+~~
~~Remove Old Pipe 3 c.y. Excav.~~

1089+10
Grade Drive Rt 4 ~~10~~ c.y. Cut

~~1090+~~
~~Grade Drive Rt. 15 c.y. Cut~~

1091+65
Grade Drive Rt 11.25 c.y. Cut

1080+62 - 1081+22
Removed 4.44 c.y. Rock Excav. below Subgrade.

1081+25 - 1081+40
Removed 1.11 c.y. Rock Excav. below Subgrade.

1077+80
Constd. Scupper Ditch Rt. 0.09 c.y. Excav.

1078+15
Constd. Scupper Ditch Lt. 0.12 c.y. Excav.

1078+50
Constd. Scupper Ditch Rt. 0.19 c.y. Excav.

1078+55
Constd. Scupper Ditch Lt. 0.35 c.y. Excav.

P.I. 1081+50
Elev. 1399.85
VC 300

P.I. 1085+50
Elev. 1394.07
VC 450

P.I. 1091+00
Elev. 1423.75
VC 300

Drive Lt.

Drive Rt.

Barn

DATUM 360

F.G. 1415.96 F.G. 1415.29 F.G. 1414.78 F.G. 1414.39 F.G. 1414.15 F.G. 1413.87 F.G. 1413.37 F.G. 1412.62 F.G. 1411.49 F.G. 1409.98 F.G. 1408.21 F.G. 1406.29 F.G. 1404.31 F.G. 1402.45 F.G. 1401.16 F.G. 1400.53 F.G. 1400.50 F.G. 1401.74 F.G. 1403.48 F.G. 1405.75 F.G. 1408.51 F.G. 1411.42 F.G. 1414.35 F.G. 1417.22 F.G. 1419.76 F.G. 1421.83 F.G. 1423.29 F.G. 1424.24 F.G. 1424.68

FINAL: Equa. 1083 + 92.52 Bk. = 1084 + 22.05 Ah.

Traced by

Final by

Div.	County	Route	Sec.	Sheet
10	BUTLER	251	4	9 of 24
FAIRVIEW TOWNSHIP		PA-8578		

Department Exhibit C

FINAL
B.M. Spike in root 15" Cherry
75' Lt. of Sta. 1092+45
Elev. 1419.88

Final P.I. Sta. 1096+46.70
Angle 158° 00'

FINAL
B.M. Spike in root 24" Cherry
39' Rt. of Sta. 1102+06
Elev. 1443.83

P.O.T. Sta. 1104+06.90
Angle 180° 00'

C.W. McCullough

Required R/W Line

Ridge View Country Club
R.D. Foss, Manager

Final
P.C. Sta. 1094+23.90

Final
P.I. Sta. 1096+46.70
Δ - 22° 00' Lt.
D - 5° 00'
T - 222.81'
L - 440.00'
R - 1146.28'
Superelevate ⅝ per foot of width
Crown to be omitted.

Final
P.T. Sta. 1098+63.90

McCullough Gas Co., Chicora, Pa.

S 23° 49' 30" E

S 51° 49' 30" E

Required Limit of Slope

94' 4" Tile Underdrain

2" Gas line

Old Route

Ridge View Country club

Drive

Gas well

Gas Meter

Required R/W Line

J.G. Kaylor

Ff. Ho.

Barn

Wagon Shed

Garage

Shed

G.W. Garner

J.G. Kaylor

P.I. 1105+25
Elev. 1457.46
V.C. 600'

Drive Lt.

-6.75%

Drive Rt.

-0.88%

Drive Rt.

Drive Rt.

Drive Lt.

+2.29%

P.I. 1097+50
Elev. 1420.03
V.C. 300'

Sta. 1100 +00 to Sta. 1108 +96
Cu. Yds. ~~3356~~ 3225
Fill ~~31~~ Cu. Yds. 31

DATUM 1380

1091 1092 1093 1094 1095 1096 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106

REQUIRED LIST.

1095+92
Placed ~~36'~~ 37' 15" R.C.P.
" 1 Type "B" Ew Lt. 1.15cy. B Conc.
0.25 3cy. Inlet Ditch
0.69 2cy. Outlet Ditch

~~1095+~~
~~Remove Old Pipe 3cy. Excav.~~

~~1096+~~
~~Grade Drive Rt. 10cy. Fill~~

~~1097+~~
~~Grade Drive Rt. 5cy. Fill~~

1097+85
Grade Drive Lt. 21 ~~20~~ cy. Fill

40' 1099+18
Placed ~~48'~~ 15" R.C.P.
" 1 Type "E" Ew Lt. 1.47cy. B Conc.
~~2cy. Inlet Ditch~~
12.76 ~~20~~ cy. Outlet Ditch

40' 1102+44
Placed ~~48'~~ 15" R.C.P.
" 1 Type "E" Ew Lt. 1.82cy. B Conc.
~~4cy. Inlet Ditch~~
0.80 ~~4~~ cy. Outlet Ditch

~~1105+~~ 1106+35
Grade Drive Lt. ~~18~~ 19cy. Cut

~~1105+~~
~~Grade Drive Lt. 10cy. Cut~~

1102+54 - 1103+50
Placed 96' 4" Tile Underdrain Lt.

1103+60
Constd. Scupper Ditch Rt. 0.66cy. Exc.

IMPERIAL 6000 4-30

Department Exhibit C

Div.	Dist.	County	Route	Sec.	Sheet
5	10	BUTLER	251	4	10 of 24

FAIRVIEW TOWNSHIP - Appl. 8578

1114+50 - 1115+65
Removed 1259 c.y. Rock Excav. below Subgrade.

1109+00
Graded Drive Lt. 3 c.y. Fill.

1118+40
Graded Drive Rt. 61 c.y. Fill.

1118+50 to 1121+70
Consld. Special Ditch Lt.
13 c.y. Class 2 Excav.

REQUIRED LIST.

~~1108+~~ 1109+40
Placed 40' 15" R.C.P.
" 1 Type "E" Ew Lt. 1.56 c.y. B Conc.
~~5 c.y. Inlet Ditch~~
0.50 ~~4~~ c.y. Outlet Ditch

1110+25
Const. Special Ditch Rt.
1.19 ~~5~~ c.y. Class 2 Excav.

1111+25
Remove Old Pipe 222 ~~3~~ c.y. Excav.

1111+75 2.21
~~Remove Old Endwall Rt. 3 c.y. Excav.~~
Place 26' 15" R.C.P. Rt. to extend pipe
" 1 Type ~~"B"~~ E Ew Rt. 1.6 c.y. B Conc.

1111+85
Remove Conc. Apron ~~4~~ c.y. Excav. 2.33

1111+85
Build 50' Radius Lt. 29 ~~28~~ s.y. Conc.
" 25' " Rt. ~~31~~ 3 s.y. " 59

1112+02
Remove Conc. Apron ~~6~~ c.y. Excav. 9.79

1112+
Build 25' Radius Lt. 28.93 ~~25~~ s.y. Conc.
" 50' " Rt. ~~34~~ s.y. " 56.95

~~1113+~~
~~Grade Drive Rt. 15 c.y. Cut~~

1114+00
Grade Drive Lt. ~~153.00~~ c.y. Cut

1115+60
Place 40' 14" C.I.P.
" 1 Type "A" Ew Lt. 1.49 c.y. B Conc.
" 1 " "A2" " Rt. 1.69 c.y. B Conc.
~~5 c.y. Inlet Ditch~~

06 0863
1116+00 - 1118+25
Consld. Std. Conc. Gutter on Rt.
~~109.35~~ 165 s.y. Plain Conc.
~~3 c.y. Flare~~ 4.19 c.y. Excav.
1115+85 Placed 20' 15" R.C.P. on Rt.
" 1 Type "D" Ew Rt. 0.25 c.y. B Conc.

~~1119+~~
~~Remove old Pipe 3 c.y. Excav.~~

50' 1119+50
Placed ~~60~~ 68' 18" R.C.P.
" 1 Type "D" Ew Lt. 0.76 c.y. B Conc.
~~3 c.y. Inlet Ditch~~

Frame Garage on left of Sta 1110+ to be removed by the Butler County Commissioners.

Pipe lines at Sta 1111+ and Sta. 1113+ to be lowered by the Owner at the direction of the Engineer.

The embankment from Sta 1117+00 to Sta 1122+00 to be rolled in layers ½ the specified depth as provided in paragraph 96 of the Specifications.

Oil rack on right of Sta 1113+ to be removed by the Butler County Commissioners.

P.C. 1107+55.14
Angle 180°

P.I. 1110+44.38
Angle 223°57'

FINAL
B.M. ▯ Cut on Conc. base of Gas Pump
60' Lt. of Sta. 1112+55
Elev. 1423.96

P.T. 1113+04.51
Angle 180°

"KEPPLES CORNERS"

Ridge View Country Club

G.W. Garner

Barn

Shed

Drive

Req. B/W Line

40' To Clarion 30 mi.

16' Reinf. Conc. Pave

Garage

Well

Fr. Ho.

20.2 C.M.P.

Gas Pumps

Gas Sta.

McCullough Gas Co. Chicora Pa.

Burial Lines

Hill View Cemetery

Fr. Shed

Water Line 2" Iron

Water Line 2" Plastic

Gas Line

Conc. Block Garage

Cinder Driveway

Tile Garage

Ref. Signal

Conc. Apron

Route 2 L4

To Chicora 3 mi.

Req. B/W Line

McCullough Bros

E.S. McCullough

Required B/W Line

Required Limit of Slope

Drive

Gas Well

Meter

Required R/W Line

Final
End Pav't
Sta. 1111 + 85.20

Final
Begin Pav't
Sta. 1112 + 02.00

Final
P.C. 1107+55.14

Final
P.T. 1113+04.51

Final.
Δ = 43°57' Rt.
D = 8°
T = 289.24'
L = 549.37'
R = 716.78'
Superelevate 1 1/8" per ft. of width
Crown to be omitted

Sta. 1109+96 to Sta. 1120+00
Cut ~~2364~~ Cu. Yds. 2251
Fill ~~2165~~ Cu. Yds. 2174

DATUM 1360

Route 2 L4

Route 2 R4

Drive Lt.

Pi 1111+35 Ew 1426.35 ve 100

Pi 1116+00 Ew 1425.04 ve 300

Pi 1118+00 Ew 1377.74 ve 300

1105 1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119 1120

Department Exhibit C

Div.	County	Route	Sec.	Sheet
10	BUTLER	251	4	11 of 24
FAIRVIEW TOWNSHIP				A-8578

P.O.T. Sta. 1123+98.25
Angle 180°00'

FINAL 18"
B.M. Spike in Root of 16" Walnut
100' Rt. of Sta. 1128 +75
Elev. 1385.40

FINAL Pl. 1131+83.40
Angle 125°43'

FINAL
Δ - 54°17' Lt.
D - 6°00'
T - 488.77'
L - 904.72'
R - 955.37'
Superelevate 5/8" per ft. of width.
Crown to be omitted.

E.S. McCullough

Required R/W Line

Required Limit of Slope

20'-18" C.M.P.

Drive

Barn

Final P.C. 1126 + 93.63

Fr. Ho.

Gas Line

McCullough Gas Co., Chicora, Pa.

S 52° 30' E

Old Route 251

2" Gas line

Drive

Field Entr.

Gar.

S 62° 30' E

To Chicora 3 Mi. (Earth) 10.2 Surf.

REQUIRED LIST.

~~1120+~~
~~Grade Drive Rt~~ ~~100~~ c.y. Fill

1122+30
Placed 38' 15" R.C.P.
" 1 Type "E A" Ew Lt 2.02 c.y. "B" Conc.
~~5 c.y. Inlet Ditch~~
5.45 25 c.y. Outlet Ditch

1125+66
Grade Drive Lt 40 ~~35~~ c.y. Fill

1125+79
Placed 44' 15" R.C.P.
" 1 Type "B" Ew Lt 1.71 c.y. "B" Conc.
~~3 c.y. Inlet Ditch~~
~~2 c.y. Outlet Ditch~~

1126+24
Remove old pipe 2.22 ~~3~~ c.y. Excav.

~~1129+~~ 1132+00
Grade Drive Rt 109 ~~95~~ c.y. Fill

1128+80
Placed ~~44~~ 39' 15" R.C.P.
" 1 Type "E A" Ew Lt 1.67 c.y. "B" Conc.
~~4 c.y. Inlet Ditch~~
0.98 ~~2~~ c.y. Outlet Ditch

~~1131+~~
~~Graded Drive Lt~~ ~~100~~ c.y. Fill

~~1132+~~ 1131+65
Placed ~~38~~ 37' 15" R.C.P.
" 1 Type "B" Ew Lt 1.00 c.y. "B" Conc.
~~2 c.y. Inlet Ditch~~

~~1131+~~
~~Remove old pipe~~ ~~3~~ c.y. Excav.

~~1132+~~ 1129+
Graded Twp. Road, Rt 213 ~~125~~ c.y. Fill
Const. Conc. Apron (8'x11') Rt.
11.11 ~~9~~ s.y. Pl. Conc. Pave.

Frame Garage on Rt at Sta. 1128+ to be Removed by the Butler County Commissioners.

Pipe line from Sta. 1112+ to Sta. 1130+ to be removed from the right of way by the Owner at the direction of the Engineer.

Pipe line at 1130+ to be lowered by the Owner at the direction of the Engineer.

The embankment from Sta. 1125+00 to Sta. 1129+00 to be rolled in layers 1/2 the specified depth as provided in paragraph 96 of the Specifications.

1122+75 - 1124+25
Removed 50.93 c.y. Rock Excav. below Subgrade

Sta. 1120 + 00 to Sta. 1130 + 00
Cut ~~2215~~
Cu. Yds. 2176
Fill ~~4031~~
Cu. Yds. 4128

Drive Lt

Drive Rt

Field Entr.

Twp. Road Rt

DATUM 1350

IMPERIAL 6000 6-30

Traced by

Department Exhibit C

Dist.	County	Route	Sec.	Sheet
10	BUTLER	251	4	12 of 24

FAIRVIEW TOWNSHIP-Appl.8578

REQUIRED LIST.

1135+75
Placed ~~54~~ 40 18" R.C.P.
" 1 Type "E" Ew Lt 1.56cy. 8 Conc.
~~3 cy. Inlet Ditch~~
2.75 Scy. Outlet Ditch

1139+75
Grade Drive Lt 48.35 c.y. Cut

~~1139+~~
~~Grade Drive Lt~~ ~~30 c.y. Cut~~

1143+00
Placed 38' 15" R.C.P.
" 1 Type "EA" Ew Lt 1.90cy. 8 Conc.
~~4 cy. Inlet Ditch~~
0.55 Scy. Outlet Ditch

1143+
Grade Twp. Road Rt 218 326 c.y. Cut
173 c.y. Fill
Const. Conc. Apron Rt (8'x1') 32
5.78 S.y. Pl. Conc. Pave.

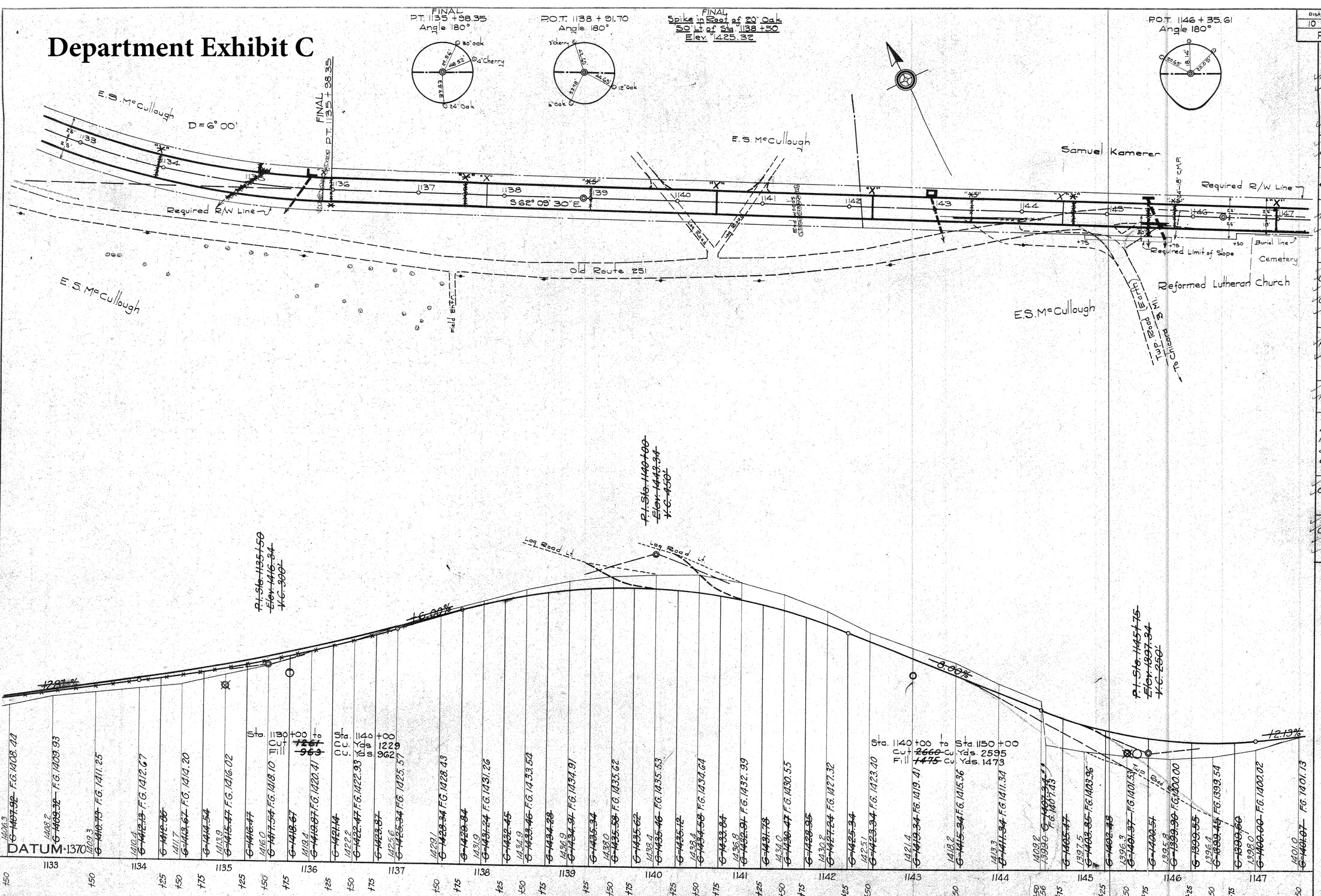
1145+45
Placed ~~46~~ 54 18" R.C.P.
" 1 Type "D" Ew Lt 0.76cy. 8 Conc.

1145+60
Removed old pipe 4.44 3c.y. Excav.

The embankment from Sta. 1143+75 to Sta. 1145+75, to be rolled in layers ½ the specified depth as provided in paragraph 96 of the Specifications.

1145+
Const'd. Apron Rt (29'x1') 3.22 s.y. Conc.

1144+56 to 1146+50
Const'd. Drainage Ditch Lt.
7 c.y. Class 2 Excav.
17 c.y. Class 1 Excav.



Dist.	County	Route	Sec.	Sheet
10	BUTLER	251	4	13 of 24

FAIRVIEW TOWNSHIP: Appl. 85.78

REQUIRED LIST.

44' 1150+90
Placed ~~36~~ 15" R.C.P.
" 1 Type "E5" End Wall Lt. 1.58 c.y. B Conc.
~~3 c.y. Inlet Ditch~~
301 c.y. Outlet Ditch

1151+00
Grade Drive Lt. Rt. 43 ~~50~~ c.y. Cut

37' 1152+50
Placed ~~36~~ 18" R.C.P.
" 1 Type "B" End Wall Lt. 1.17 c.y. B Conc.
~~2 c.y. Inlet Ditch~~

~~1151+~~
~~Remove old pipe~~ ~~3 c.y. Excav.~~

~~1152+~~ 1154+25
Grade Drive Rt. 1126 c.y. Fill

~~1160+~~
~~Remove old pipe Lt.~~ ~~4 c.y. Excav.~~

1160+72 164
Grade Drive Rt. ~~185~~ c.y. Fill

~~1160+~~
~~Remove old pipe Lt.~~ ~~3 c.y. Excav.~~

1161+12
Placed 70' 18" C.I.P. Leak joint
" 1 Type ~~Special~~ End Wall Lt. 0.78 c.y. B Conc.
~~3 c.y. Outlet Ditch~~
0.57 c.y. Inlet Ditch

Frame Garage on Rt. at Sta. 1151+00 to be removed by the Butler County Commissioners.

Oil Lines at Sta 1151+ and Sta 1152+ are to be lowered by the Owner at the direction of the Engineer.

The embankment from Sta 1160+25 to Sta 1162+25 to be rolled in layers ½ the specified depth as provided in paragraph 96 of the Specifications.

1160+67
Placed 26' 15" R.C.P. Across Drive Rt.

1160+00 to 1160+64
Constd. Special Ditch Rt.
5 c.y. Class 2 Excav.

1160+90 to 1163+40
Constd. Special Ditch Rt.
9 c.y. Class 2 Excav.

1147+00
Constd. Scupper Ditch Rt. 0.38 c.y. Excav.

P.O.T. 1149 + 06.08
Angle 180°

Final
B.M. Spike in Side of 30" Oak
Rt. of Sta. 1153 + 92
Elev. 1403.02

P.O.T. 1154 + 33.98
Angle 180°

P.O.T. 1158 + 09.89
Angle 180°

Final
B.M. Spike in side of 24" Sassafras
78' Lt. of Sta. 1160+~~58~~65
Elev. 1402.08

Samuel Kamerer
Required R/W Line
Oil Derrick
Shed
Oil Barrels
Gar.
Fr. Ho.
R.T. Road
1.75-6' C.I.P.
Old Route 251 (Earth)
Final 1158 + 00.36
P.C.
24"-24" C.I.P.
72"-72" C.M.P.
D = 4°
James McGinnis
Required Limit of Slope
Kamerer Heirs
Reformed Lutheran Church
Cemetery
Burial Line
Final Equ. 1147 + 55.50 Back = 1148 + 40.23 Ahead
2" Oil Line
Standard Oil Co.
Butler Rd.
24-18" C.M.P.
S 62° 09' 30" E

Road Lt.
Drive Lt.
Drive Rt.
+2.13%
-0.52%
+5.68%
-1.88%
+2.38%
Pt. 1150 + 00 Elev. 1404.60 V.C. 250'
Pt. 1152 + 50 Elev. 1403.70 V.C. 300'
Pt. 1157 + 50 Elev. 1423.10 V.C. 350'
Pt. 1161 + 25 Elev. 1416.06 V.C. 400'

Sta 1150+00 to Sta 1160+~~82~~00
Cut ~~2681~~ Cu. Yds. 2653
Fill ~~616~~ Cu. Yds. 532

DATUM 1350

Final
Sta. 1147 + 55.50 Back = Sta. 1148 + 40.23 Ahead

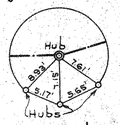
Traced by

Department Exhibit C

Dist.	County	Route	Sec.	Sheet
10	BUTLER	251	4	14 of 24

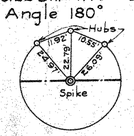
FAIRVIEW TOWNSHIP-Appl.8578

Final
P.I. 1163 + 59.78
Angle 137° 20' 30"

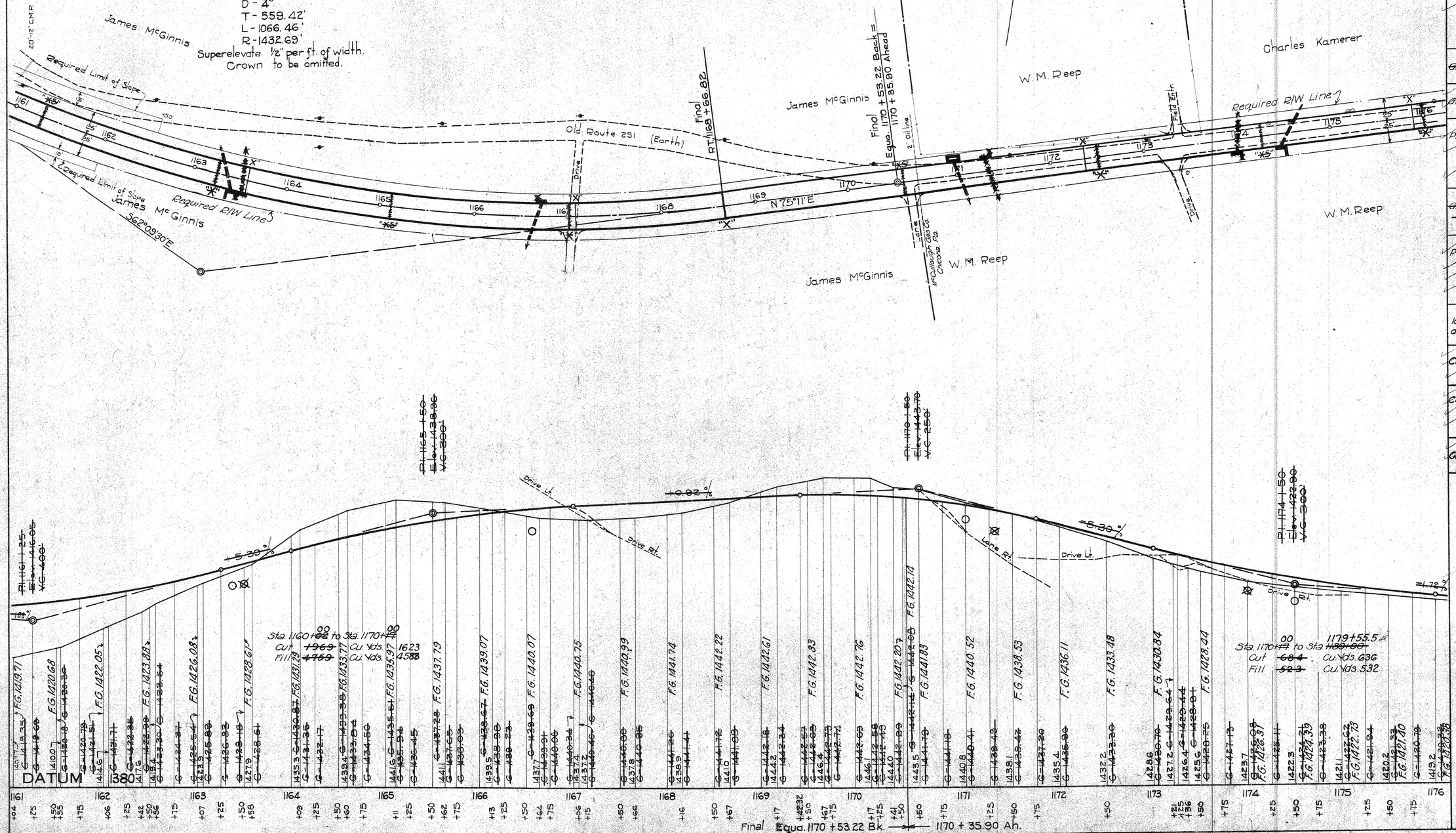


Final
Δ - 42° 39' 30" Lt
D - 4°
T - 559.42'
L - 1066.46'
R - 1432.69'
Superelevate ½" per ft. of width.
Crown to be omitted.

Final Equa. 1170 + 53.22 Bk. = 1170 + 35.90 Ah.
Angle 180°



Final
B.M. Spike in Root of 24" Cherry
27' Rt. of Sta. 1173 + 40
Elev. 1429.54'



REQUIRED LIST.

35' 1163+43
Placed 36" 15" R.C.P.
"1 Type E" Ew Rt 1.35 c.y. B Conc.
~~2 c.y. Inlet Ditch~~
~~18 c.y. Outlet Ditch~~

1166+80
Placed 40' 15" R.C.P.
"1 Type E B" Ew Lt 1.03 c.y. B Conc.
~~2 c.y. Inlet Ditch~~
~~5 c.y. Outlet Ditch~~

~~1167+~~
~~Grade Drive Rt~~ ~~50 c.y. Fill~~

1170+45
Grade Drive Rt 3 ~~5~~ c.y. Fill

1171+00
Placed ~~36~~ 37 15" R.C.P.
"1 Type E A" Ew Lt 1.69 c.y. B Conc.
~~4 c.y. Inlet Ditch~~
4.89 ~~15~~ c.y. Outlet Ditch

~~1173+~~
~~Grade Drive Rt~~ ~~5 c.y. Fill~~
~~" " Lt~~ ~~5 c.y. Fill~~

40' 1174+50
Placed ~~36~~ 15" R.C.P.
"1 Type E" Ew Rt 1.31 c.y. B Conc.
2.21 ~~3~~ c.y. Inlet Ditch
1.84 ~~10~~ c.y. Outlet Ditch

Oil Line at Sta 1170+ to be lowered by the Owner at the direction of the Engineer.

1163+37 to 1163+65
Consld. Special Ditch Lt.
1 c.y. Class 2 Excav.

1166+81 to 1168+28
Consld. Drainage Ditch Lt.
5 c.y. Class 2 Excav.
2 c.y. Class 1 Excav.

1175+50
Consld. Scupper Ditch Rt 1.1 ~~1.44~~ c.y. Excav.

Traced by

Department Exhibit C

Dist.	County	Route	Sec.	Sheet
10	Butler-Armstrong	251	4	15 of 24

FAIRVIEW TWP. & SUGAR CREEK-BRADYS BEND TWPS

REQUIRED LIST.

1177+00
Placed 36" 15" R.C.P
" 1 Type "EA" Ew Rt 1.65 c.y. B Conc.
0.11 3 c.y. Inlet Ditch

~~1177+00 — 1179+25~~
~~Place 225' 4" Tile Underdrain Rt~~
~~" 40' 4" Tile Laterals~~
~~10' 4" Tile Outlets~~

1179+40
Placed 36" 15" R.C.P
" 1 Type "BA" Ew Rt 1.54 c.y. B Conc.
~~3 c.y. Inlet Ditch~~

~~1181+~~ 1182+00
Placed ~~40~~ 39 15" R.C.P
" 1 Type "EA" Ew Rt 1.90 c.y. B Conc.
~~4 c.y. Inlet Ditch~~
0.53 5 c.y. Outlet Ditch

1182+17
Grade Drive Lt. 42 ~~20~~ c.y. Fill

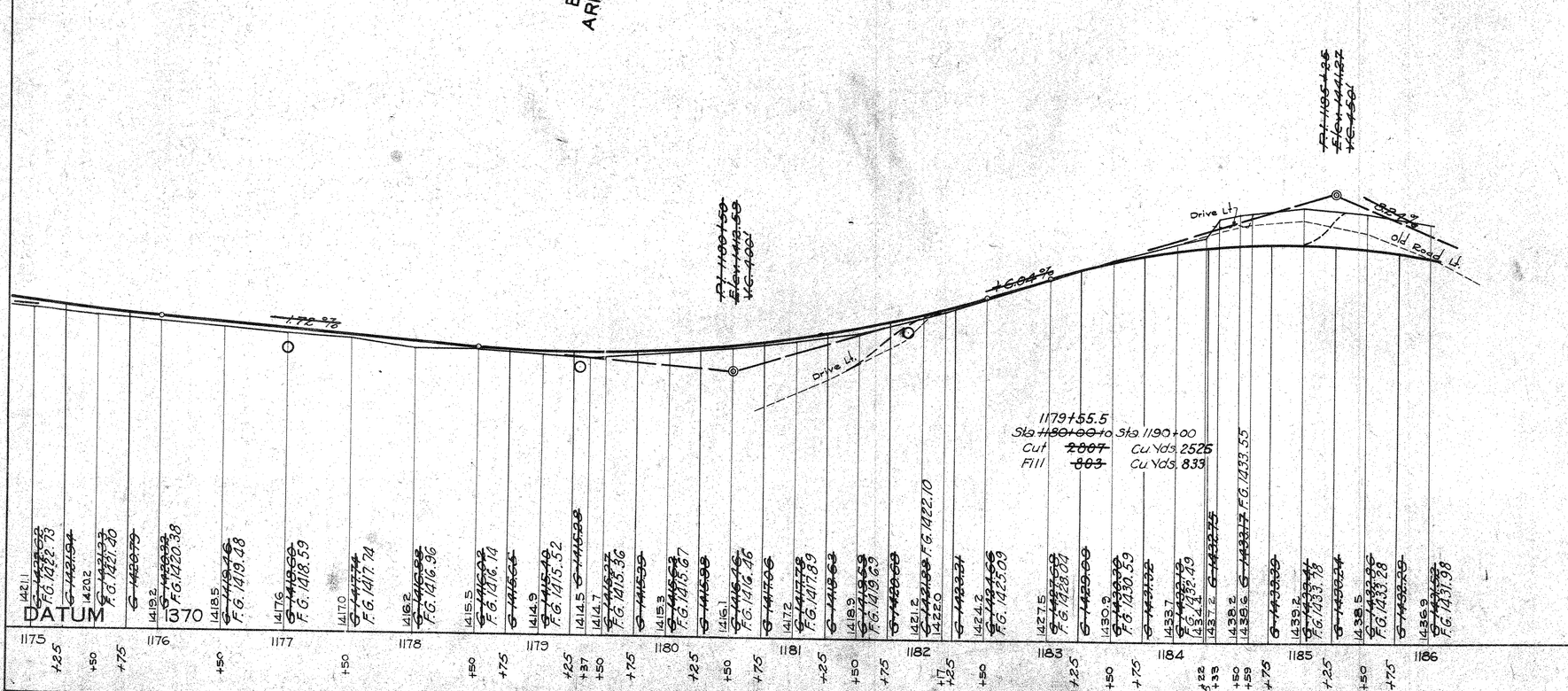
1179+35
Removed Old pipe 0.97 c.y. Excav.

1185+00
Graded Drive Lt. 181 c.y. Cut.

1184+50
Const'd. Outlet Ditch Rt. 3.60 c.y. Exc.

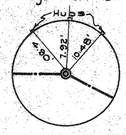
P.O.T. 1184 + 98.35
Angle 180°
4" Pear
3" Cherry
4" Pear
Spike
25.59
37.01
27.50

FAIRVIEW TOWNSHIP
BRADYS BEND TOWNSHIP
SUGAR CREEK TOWNSHIP
COUNTY
COUNTY
BUTLER
ARMSTRONG
Charles Kamerer
Charles Kamerer
W. M. Reep
W. M. Reep
Barn
Shed
Drive
Fr. Ho.
Garage
Twp Line
Required R/W Line
Required R/W Line
County Post
Sta. 1179 + 55.5
Final P.C. 1182 + 80.46
D = 4°
76° 02'
N 75° 11' E
20'-12" C.M.
25'
25'



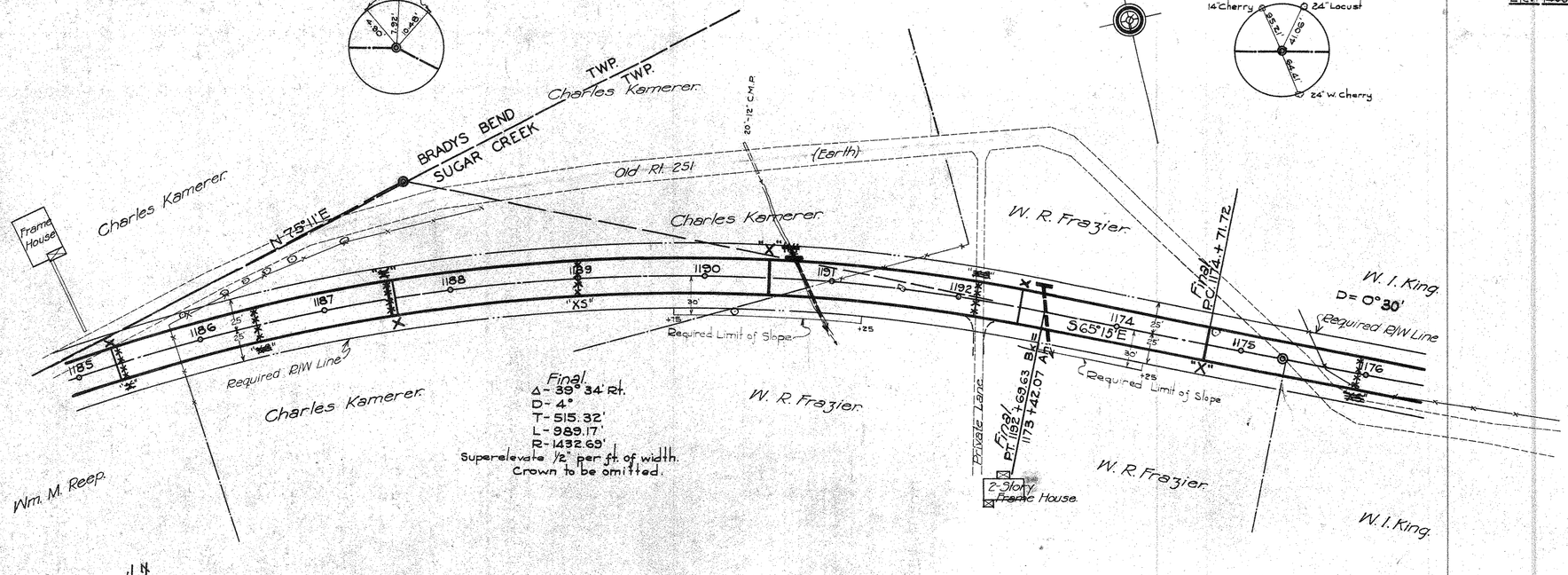
Final. B.M. Spike in Root of 15" Apple 95' Rt. of Sta. 1186 + 45 Elev. 1438.03

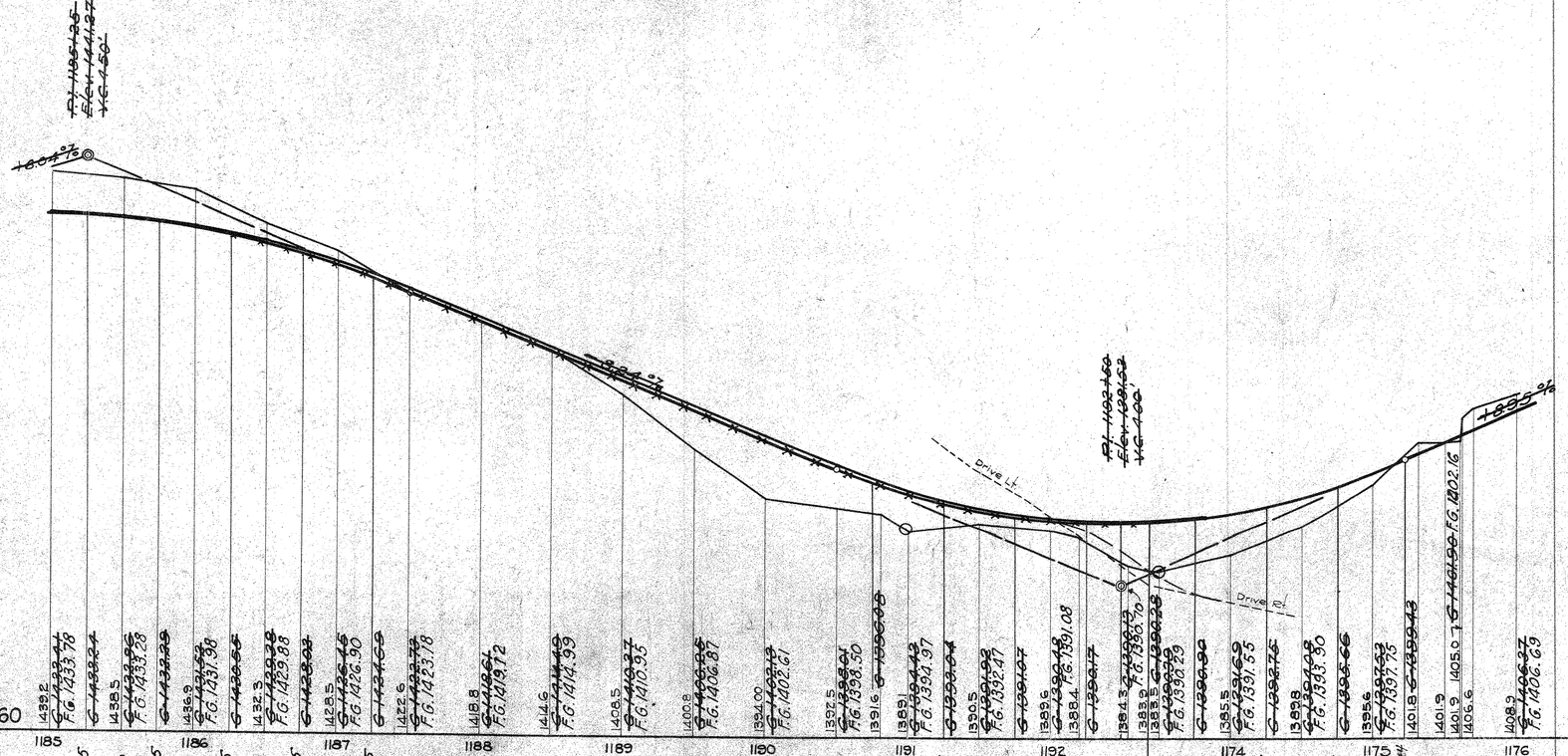
Final Pt. 1187 + 95.78 Angle 219° 34'



P.O.T. 1175 + 32.40 Angle 180°

~~B.M. Spike in Root of 18" w. Cherry Rt. of Sta. 1175 + 70 Elev. 1400.55~~





Div.	County	Route	Sec.	Sheet
10	ARMSTRONG	251	4	16 of 24

BRADYS BEND & SUGAR CREEK TWPS.

REQUIRED LIST.

11190+76
Placed 52' 24" Lock-joint C.I.P.
" 1 Type "B" Ew Lt. 1.27c.y. "B" Conc.

11192+25
Grade Drive Rt. ~~32~~ 25 c.y. Fill.

11192+69
Placed 48' "24" R.C.P.
" 1 Type "D" Ew Lt. 1.13c.y. "B" Conc.
2.63c.y. Outlet Ditch

The embankment from Sta" 1189+50 to Sta 1191+50 to be rolled" in layers 1/2 the specified depth as provided in paragraph 96 of the Specifications.

11192+50 to 11175+00
Const'd. Special Ditch Lt.
5 c.y. Class 2 Excav.

Department Exhibit C

IMPERIAL 4000 8-30

Traced by

Department Exhibit C

Dist	County	Route	Sec	Sht
10	ARMSTRONG	251	4	17 of

SUGAR CREEK TOWNSH

REQUIRED LI

40 ~~1176~~ 1177+60
Placed ~~22~~ 15" R.C.P.
" 1 Type ~~EA1~~ Ew Rt 1.60 c.y. "B" Conc.
~~4 c.y. Inlet Ditch~~

38' 1184+40
Placed ~~40~~ 15" R.C.P.
" 1 Type ~~EA1~~ Ew Lt 1.61 c.y. "B" Conc.
~~4 c.y. Inlet Ditch~~
3.60 ~~4~~ c.y. Outlet Ditch

1186+
Grade Drive Rt ~~22~~ 5 c.y. Cut
41 C.Y. Fill

1187+25 6 c.y. Cut
Grade Twp. road Lt 56 ~~20~~ c.y. Fill
Const Apron (45'x1') 5 s.y. Pl. Conc.
~~Grade Twp road Rt~~ ~~10 c.y. Fill~~
Const Apron (~~45~~ 30'x1') Rt ~~5~~ 3.33 s.y. Pl. Conc.

~~1187+ Across Road Rt~~
~~Place 26" 15" R.C.P.~~
~~" 1 Type E Ew~~
~~2 c.y. Inlet Ditch~~
~~3 c.y. Outlet Ditch.~~

Frame Shed on left at Sta 1184+ to be removed by Armstrong County Commissioners.

1186+82 - 1187+12
Constructed Apron (30'x1') Rt.
3.33 s.y. Pl. Conc.

1182+85 to 1184+00
Const'd. Special Ditch Rt.
1 c.y. Class 2 Excav.

1189+00 - 1190+39
Const'd. Special Ditch Rt.
4.92 c.y. Class 2 Excav.

1189+60 - 1190+72
Const'd. Special Ditch Lt.
3.54 c.y. Class 2 Excav.

P.O.T. 1177+81.70
Angle 180°
5" W. Cherry
35.82'
6.03'

Final P.I. 1179+01.90
Angle 175°42'
6" W. Cherry
25.82'
3.78'
185.68
P.O.T.
12" Cherry

P.O.T.
Angle 180°
2" Wooden Post
20" Cherry
20" Cherry
P.I.
185.68

Final P.T. 1183+31.72
Angle 180°
10" Apple
12" Apple
15" Apple
34.15'
47.32'

Final B.M. Spike in Side of 40" Oak
20' Rt. of Sta. 1186+75
Elev. 1431.40

Final
Δ = 4°18' Lt.
D = 0°30'
T = 430.18
L = 860.00'
R = 11459.19'

W. I. King
W. R. FRAZIER
W. I. King
W. I. King
W. I. King

Final P.T. 1183+31.72

Orchard
Fr. Barn
Fr. Shed
Fr. Ho.
To Keylor (Earth) Road
Drive
Shed
Gas Pump
To Chicora Township
Required R/W Line
Required R/W Line

S 65°15'E
S 69°33'E

1175 1176 1177 1178 1179 1180 1181 1182 1183 1184 1185 1186 1187 1188 1189 1190

DATUM 1360

Sta. 1190+00 to Sta. 1180+00
Cut ~~961~~ 915 Cu. Yds.
Fill ~~2056~~ 2825 Cu. Yds.

Sta. 1180+00 to Sta. 1190+00
Cut ~~1165~~ 1040 Cu. Yds.
Fill ~~368~~ 384 Cu. Yds.

+3.25 %
+3.91 %
+1.38 %

P.I. 178+65
Elev. 1433.03
VC 350

P.I. 1187+65
Elev. 1428.45
VC 300

Twp. Road Lt.
Twp. Road Rt.

F.G. 1402.16
F.G. 1411.11
F.G. 1415.56
F.G. 1419.96
F.G. 1424.31
F.G. 1428.30
F.G. 1431.50
F.G. 1434.02
F.G. 1436.08
F.G. 1435.41
F.G. 1435.77
F.G. 1436.77
F.G. 1437.06
F.G. 1434.01
F.G. 1433.34
F.G. 1432.77
F.G. 1431.99
F.G. 1431.30
F.G. 1430.67
F.G. 1430.22
F.G. 1430.06
F.G. 1430.34
F.G. 1430.38
F.G. 1432.17
F.G. 1433.79
F.G. 1435.72
F.G. 1437.73

Department Exhibit C

Dist	County	Route	Sec.	Sheet
10	ARMSTRONG	251	4	18 of 24

SUGAR CREEK TOWNSHIP

P.O.T. 1192 + 23.00
Angle 180°

12" Maple
12" Maple
12" Maple
12" Maple

~~B.M. Spike in Side of 12" Apple 12' Rt. Sta 1194 + 76 Elev. 1432.06~~

W. I. King
Mrs. Sarah Barrickman
T.R. Steele
T.R. Steele
W. I. King
George Wolfe
George Wolfe
Fr. Ho.
Fr. Ho.
Required R/W Line
Required R/W Line
Fence
Grave Line
Cemetery
Marker
Marker
Conc. Walk
English Lutheran Church
Limestone Drive
Drive
Row of Apple Trees
Required Limit of Slope
Old South 251
S 69°33' E
D = 3°-00'
P.C. 1199 + 28.85
End
R.C.W.P.
Drive at
Drive at
Drive at
Fl. 1182 + 50
Elev. 1447.40
VC 410'
Fl. 1198 + 75
Elev. 1390.06
VC 350'
+3.91%
-2.55%
+7.92%

Sta. 1190+00 to Sta. 1200+~~00~~
Cut ~~1500~~ Cu. Yds. 1442
Fill ~~2702~~ Cu. Yds. 2954

DATUM 1360

REQUIRED LIST.

1192+35 ~~184~~
Graded Drive 2% ~~180~~ c.y. Cut

1197+ ~~272~~
Graded Drive 2% ~~54~~ c.y. Fill

~~1198+~~ 1197+90
Placed ~~44'~~ 18" R.C.P.
"I Type "B" Ew Lt 1.3 c.y. "B" Conc.
~~5 cy. Inlet Ditch~~

~~1198+~~
~~Remove old pipe 3 c.y. Excav.~~

1197+00 - 1201+00
~~1193+00 - 1194+75~~
Const'd Drainage Ditch Lt
40 ~~19~~ c.y. Class 2 Excav.
98 c.y. Class 1 Excav.

42 1199+63
Placed ~~48~~ 18" R.C.P.
"I Type "D" Ew Lt 1.1 C.Y. "B" Conc.

41 1203+25
Placed ~~38~~ 15" R.C.P.
"I Type "E" Ew Lt 1.1 4 C.Y. "B" Conc.
~~2 cy. Inlet Ditch~~
1.26 ~~5~~ c.y. Outlet Ditch

~~1195+00 to 1197+15~~
~~Fill Pocket Rt.~~
~~81 C.Y. Fill~~

The embankment from Sta. 1195+50 to Sta. 1197+50 and Sta. 1200+00 to Sta. 1202+00 to be rolled in layers ½ the specified depth as provided in paragraph 96 of the Specifications.

1192+75
Graded Drive Lt. 65 c.y. Cut.

1201+
Graded Road Approach Rt.
101 c.y. Fill.

1200+00 to 1201+50
Const'd. Drainage Ditch Rt.
4 c.y. Class 2 Excav.
2 c.y. Class 1 Excav.

DIST	County	Route	Sec.	Sheet
10	ARMSTRONG	251	4	19 of 24
SUGAR CREEK TOWNSHIP				

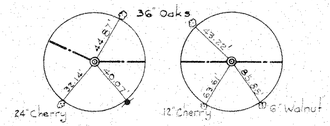
Final P.I. 1204 +18.80
Angle 151° 17'

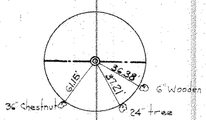
P.O.T. 1204 +86.50
Angle 180°

Final B.M. Spike in Side of 36" Oak
Rt. of Sta. 1204 +20
Elev. 1436.74

~~B.M. Spike in Side of 18" Butternut~~
~~Rt. of Sta. 1212 +85~~
~~Elev. 1382.87~~

P.O.T. 1215 +70.55
Angle 180°





Final
Δ - 28° 43' Lt.
D - 3°
T - 488.95'
L - 957.22'
R - 1910.08'
Superelevate 3/8" per ft. of width.
Crown to be omitted.

T.R. Steele

D.O. Kamerer

Final P.T. 1208 +29.07

Final Equa. 1211 + 31.50 Back = 1211 + 21.25 Ahead

Gate Line

Barn

Drive

C.M.P.

United Natural Gas Co.
Oil City, Pa.

Gas Line

Required R/W Line

Required Limit of Slope

Water Pump

Fr. Shed

Fr. Barn

3' Casing

Drive

Grave Line

Cemetery

St. Pauls Reformed Church

Phillips Gas Co. Butler, Pa.

S69°33'E

N81°44'E

1203 1204 1205 1206 1207 1208 1209 1210 1211 1212 1213 1214 1215 1216 1217 1218

~~P.I. 1206 +00~~
~~Elev. 1446.39~~
~~V.C. 550'~~

+7.82%

-2.74%

+6.36%

Sta. 1200 ~~+00~~ to Sta. 1210 ~~+10~~ 00
Cut ~~3465~~ Cu Yds. 3155
Fill ~~1783~~ Cu Yds. 2198

Sta. 1210 ~~+10~~ to Sta. 1220 ~~+00~~ 00
Cut ~~750~~ Cu Yds. 686
Fill ~~1021~~ Cu Yds. 1886

~~P.I. 1213 +00~~
~~Elev. 1377.22~~
~~V.C. 300'~~

Drive Rt.

Drive Lt.

DATUM 1360

Final Equa. 1211 + 31.50 Bk. = 1211 + 21.25 Ah.

Department Exhibit C

REQUIRED LIST

1209+00
Placed 40' 15" R.C.P.
" 1 Type "E" End Wall 1.07 C.Y. "B" Conc.
0.3 C.Y. Inlet Ditch

1212+80
Placed 40 ~~45~~' 24" R.C.P.
" 1 Type ~~D~~ "B" End Wall 1.31 C.Y. "B" Conc.

1214+30
Graded Drive Lt. 13 ~~15~~ C.Y. Fill

1214+66
Graded Drive Rt. 32 ~~35~~ C.Y. Fill

1214+85 - 1215+50
Fill Pocket Rt. 18 C.Y. Fill

Gas Line at Sta. 1211+ to be lowered by the Owner at the direction of the Engineer.

Corn Crib on Left of Sta 1213+ to be removed by Armstrong County Commissioners.

1205+00 - 1207+00
74.07 C.Y. Rock Excav. Below Subgrade

1213+40
Graded Drive Rt. 13 C.Y. Fill.

1214+15
Graded Drive Rt. 27 C.Y. Fill.

1211+70 to 1215+50
Constd. Special Ditch Lt.
20 C.Y. Class 2 Excav.

Traced by

Department Exhibit C

Dist.	County	Route	Sec.	Sht.
10	ARMSTRONG	251	4	20 of

SUGAR CREEK TOWNSHIP

REQUIRED LIST

12/7+30
Place 38' 15" R.C.P.
"1 Type "E" A1 Ew Lt 1.49 C.Y. "B" Co
~~3 c.y. Inlet Ditch~~
2.4 ~~40~~ c.y. Outlet Ditch

12/9+65 28
Grade Drive Rt ~~18~~ c.y. Cut

1222+00 - 1222+20
1221+00 - 1223+25
Const Drainage Ditch Lt
1.49~~43~~ c.y. Class 2 Excav.

1222+15
Place ~~38'~~ 32' 15" R.C.P.
"1 Type "B" Ew Lt 0.99 C.Y. "B" Conc.
0.05 ~~1~~ c.y. Outlet Ditch

1227+70
Place ~~38'~~ 41' 15" R.C.P.
"1 Type "B" Ew Rt 0.98 C.Y. "B" Conc.
0.06 ~~2~~ c.y. ~~Inlet~~ Ditch Outlet

1228+85
Remove old pipe 1.85 ~~2~~ c.y. Excav.

1230+62 46
Grade Drive Rt ~~29~~ c.y. Cut

1220+75
Scupper Ditch Rt. 0.22 C.Y. Excav.

1226+50 - 1229+00
Constd. Special Ditch Rt.
13 c.y. Class 2 Excav.

1222+00
Constd Special Ditch Lt
1 0.87 c.y. Cl. 2 Excav.

1222+20
Constd Special Ditch Lt
0.62 c.y. Cl. 2 Excav.

P.O.T. 1219+73.85
Angle 180°

4" Cherry
Walnut
12" W. Cherry
36.04
39.70
51.0'

Final B.M. Spike in Root of 20" Oak
70' Rt of Sta. 1220+40
Elev. 1416.22

P.O.T. 1225+09.2
Angle 180°

4" Thorn
8" Apple
28.81'
11.85

P.O.T. 1228+09.72
Angle 180°

2" Maple
2" Maple
22.33'
21.66'
20.82'

P.O.T. 1229+18.86
Angle 180°

6" Thorn
12" Maple
20" Apple
33.44'
19.10'
38.94'
34" Chestnut

D.O. Kamerer
D.O. Kamerer
Mrs. Mary George
Mrs. Mary George
Required R/W Line
Row of Cherry Trees
Old Route 251
Grave Line
Cemetery
St. Pauls Reformed Church
Drive
Fr. Ho.
D.O. Kamerer
H.C. Welton
Required R/W Line
Fr. Ho.
Fr. Barn
Drive
Gar.
Final PC 1229+37.39
D = 6°00'
N 8° 44 E
135-15" C.M.P.

+6.38%
+6.78%
-0.304%
-3.94%
Drive Rt
Drive Rt
Ditch
Rt 1218+50 Elev 1415.50 V.E. 300
Rt 1223+50 Elev 1419.40 V.E. 200
Rt 1231+60 Elev 1412.09 V.E. 300

Sta. 1220+00 to Sta. 1230+00
Cut ~~1096~~ Cu. Yds. 988
Fill ~~820~~ Cu. Yds. 768

DATUM 350

| | | |

Department Exhibit C

Dist.	County	Route	Sec.
10	ARMSTRONG	251	4
	SUGAR CREEK TOWNSH.		

REQUIRED L...

~~1236+~~ 1235+00
Placed 52' 18" R.C.P.
" 1 Type "DE" Ew Rt. 1.06 C.Y. "B" Conc.
~~2 c.y. Inlet Ditch~~

39 1240+00
Placed ~~42~~ 15" R.C.P.
" 1 Type "B E" Ew Rt. 1.39 C.Y. "B" Conc.
~~2 c.y. Inlet Ditch~~
~~4 c.y. Outlet Ditch~~

~~1243+~~
~~Shade Drive Rt.~~ ~~4 c.y. C...~~

39 ~~1243+~~ 1242+83
Placed ~~28~~ 15" R.C.P.
" 1 Type "E" Ew Rt. 1.32 C.Y. "B" Conc.
~~2 c.y. Inlet Ditch~~
~~5~~ c.y. Outlet Ditch
4.59

Gas line at Sta. 1235+ to be lowered by the Owner at the direction of the Engineer.

Frame Shed on Left of Sta. 1243+ to be removed by the Armstrong County Commissioners.

The embankment from Sta. 1234+00 to Sta. 1236+50 to be rolled in layers 1/2 the specified depth as provided in paragraph 96 of the Specifications.

1243+00 — 1245+93
Placed 288'-4" Tile R't.
8'-4" Tile Outlet
0.19 C.Y. "B" Conc.

1234+00 — 1235+50
Constd. Special Ditch Rt.
6 c.y. Class 2 Excav.

1242+50
Constd. Special Ditch Rt.
0.68 c.y. Class 2 Excav.

Traced by ...

Final P.I. 1233+20.8
Angle 223°44'
8" Maple
6" Oak
36" Chestnut
W. J. Aldinger
Mrs. Mary George
N 81°44' E
Gas Line
United Central Gas Co.
Required Limit of Slope
Required R/W Line
H.C. Welton
Final
Δ = 43°44' Rt
D = 6°
T = 383.41'
L = 728.89'
R = 955.37'
Superelevate 3/4" per ft. of Width
Crown to be omitted
W. J. Aldinger
Final P.T. 1236+66.28
Final EQUALITY 1237+93.95 Back
1237+81.57 Ahead
~~B.M. Spike in Root of 36" Chestnut Snag~~
~~20' Lt. of Sta. 1234+35~~
~~Elev. 1202.47~~
Final EQUALITY 1237+93.95 B = 1237+81.57 A.
Angle 180°
1 Tree
2 Tree
2 Tree
Final B.M. Spike in Root of 4" Poplar
35' Rt. of Sta. 1236+30
Elev. 1372.01
Final B.M. Spike in Root of 36" Pine
35' Rt. of Sta. 1244+05
Elev. 1349.10
Final P.O.T. 1244+36.10
Angle 180°
Hub.
Hub.
S 54°32' E
Shed
Required R/W Line
W. J. Aldinger
Fr. Barn
Fr. Ho.
18" C.M.P.
288'-4" Tile Underdrain
Tile Wall
Gas Line
Spring
W. J. Aldinger
Ger.

~~P.I. 1231+00~~
~~Elev. 1412.09~~
~~V.C. 300'~~
~~-0.30%~~
~~P.I. 1235+50~~
~~Elev. 1378.29~~
~~V.C. 300'~~
~~-3.46%~~
~~-4.44%~~
~~P.I. 1240+00~~
~~Elev. 1352.76~~
~~V.C. 200'~~
~~+0.92%~~
~~P.I. 1244+25~~
~~Elev. 1341.93~~
~~V.C. 200'~~
~~5.08%~~

Sta. 1230+00 to Sta. 1240+00
Cut ~~2975~~ Cu. Yds. 2239
Fill ~~1993~~ Cu. Yds. 2035

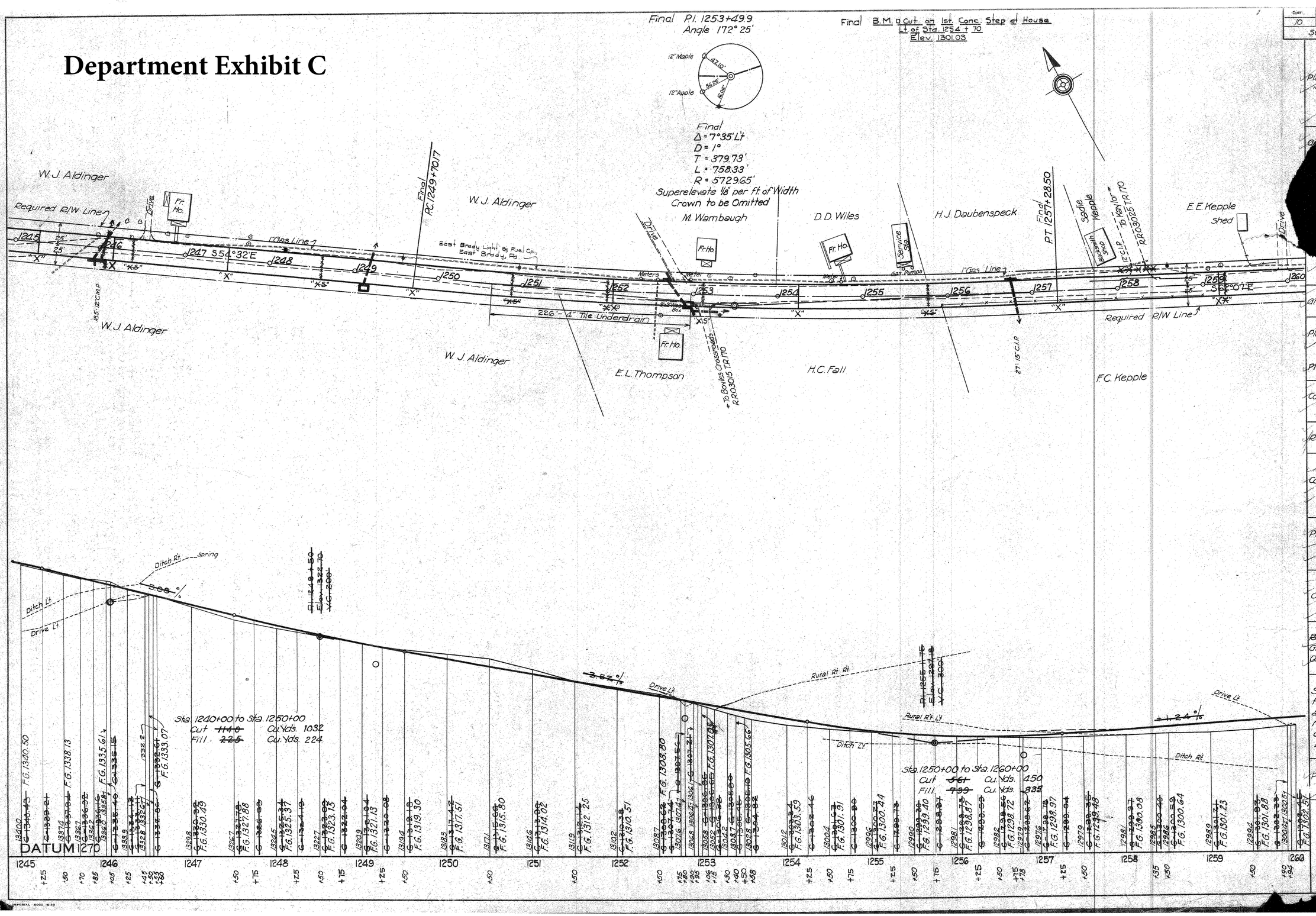
DATUM

Sta.	Elev.	F.G.
1231	1413.9	~~C 1410~~ F.G. 1412.00
+25		~~C 1410.40~~
+50	1413.6	~~C 1410.22~~ F.G. 1409.80
+60		~~C 1409.60~~
+75		~~C 1409.84~~
1232	1411.7	~~C 1406.38~~ F.G. 1406.86
+25		~~C 1404.53~~
+50	1409.9	~~C 1402.59~~ F.G. 1403.14
+75	1408.3	~~C 1400.46~~
1233	1403.9	~~C 1398.14~~ F.G. 1398.70
+10		~~C 1397.16~~
+40	1399.2	~~C 1394.18~~ F.G. 1394.85
1234	1387.4	~~C 1389.21~~ F.G. 1388.89
+25		~~C 1385.78~~
+35	1376.7	~~C 1384.84~~
+50	1376.2	~~C 1383.47~~ F.G. 1384.22
+75		~~C 1381.27~~
1235	1373.0	~~C 1379.18~~ F.G. 1379.92
+25		~~C 1378.21~~
+32	1371.3	~~C 1376.35~~ F.G. 1376.02
+50	1371.2	~~C 1375.35~~ F.G. 1376.02
+75		~~C 1373.01~~
1236	1369.5	~~C 1371.90~~ F.G. 1372.64
+25		~~C 1370.48~~
+50	1367.0	~~C 1369.00~~ F.G. 1369.71
+75		~~C 1367.80~~
1237	1366.5	~~C 1366.68~~ F.G. 1367.12
	1365.2	~~C 1364.41~~ F.G. 1364.56
1238	1364.7	~~C 1361.46~~ F.G. 1362.43
	1364.6	~~C 1361.64~~ F.G. 1361.59
1239	1362.6	~~C 1359.42~~ F.G. 1359.40
	1358.6	~~C 1357.20~~ F.G. 1357.22
1240	1356.3	~~C 1355.13~~ F.G. 1355.13
	1350.6	~~C 1354.21~~
1241	1352.5	~~C 1353.27~~ F.G. 1353.31
		~~C 1352.60~~
	1351.1	~~C 1351.91~~ F.G. 1351.93
		~~C 1351.21~~
1242	1350.4	~~C 1350.77~~ F.G. 1350.85
	1349.3	~~C 1349.77~~ F.G. 1349.79
	1348.5	~~C 1348.78~~ F.G. 1348.80
1243	1347.5	~~C 1347.78~~ F.G. 1347.81
	1346.8	~~C 1346.78~~ F.G. 1346.83
		~~C 1346.20~~
	1344.5	~~C 1346.74~~ F.G. 1345.71
		~~C 1346.18~~
	1343.8	~~C 1344.36~~ F.G. 1344.23
		~~C 1343.62~~
1244	1342.5	~~C 1342.50~~ F.G. 1342.65
		~~C 1341.56~~
	1340.0	~~C 1340.43~~ F.G. 1340.50
		~~C 1339.21~~
	1337.4	~~C 1337.94~~ F.G. 1338.13
1245	1336.7	~~C 1336.97~~
	1336.2	~~C 1336.18~~
	1338.0	~~C 1335.40~~
1246		

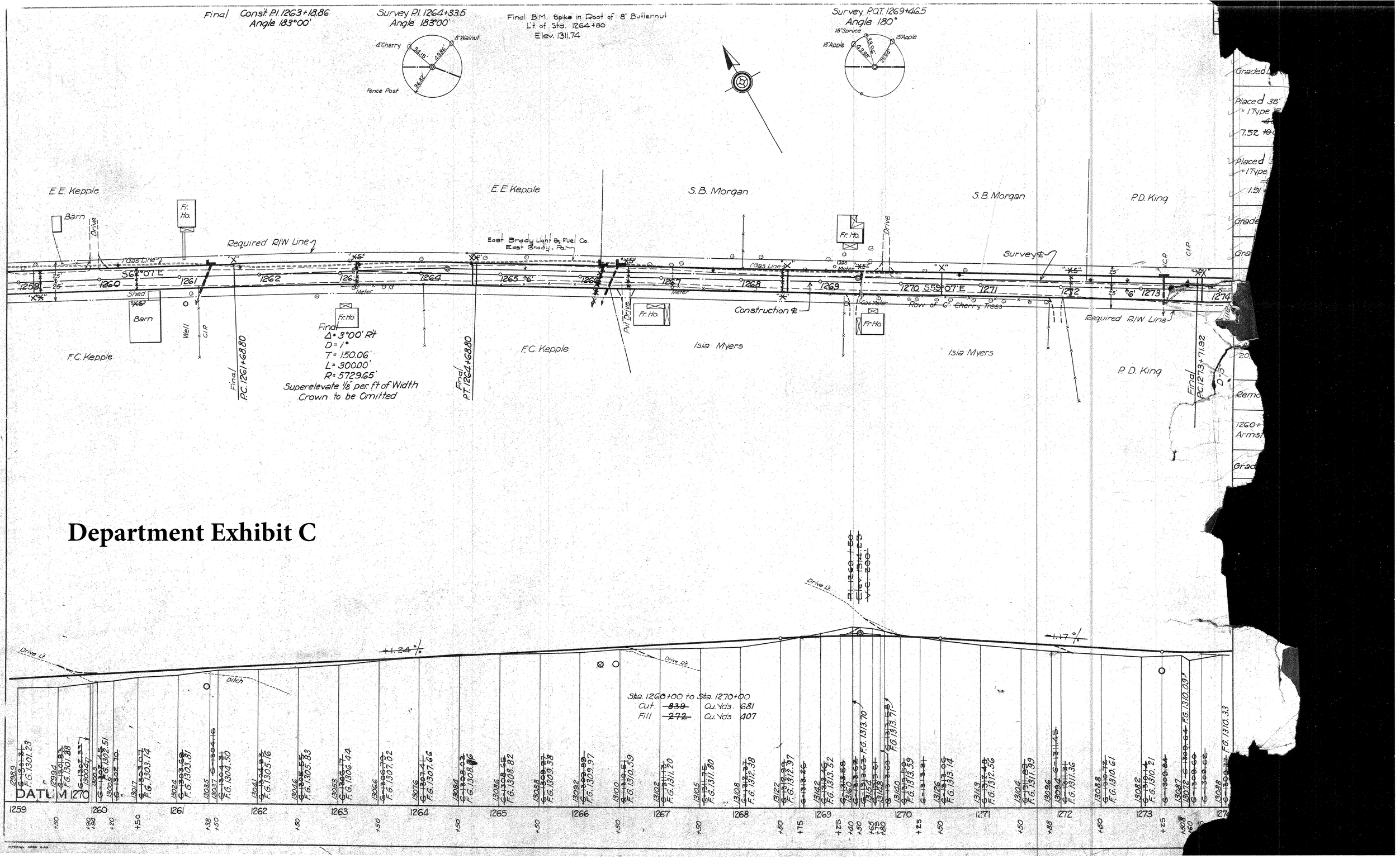
Final Equa. 1237 + 93.95 Bk. ← → 1237 + 81.57 Ah.

IMPERIAL 6000 6-30

Department Exhibit C



Department Exhibit C



Survey P.C. 1273+50.81
Angle 180°

Final B.M. Spike Rear 12" Hemlock
Rt. of Sta. 1276+70
Elev. 1322.69

Survey P.I. 1276+1.50
Angle 164°15'

Final Const.ⁿ P.I. 1276+36.11
Angle 164°15'

Survey P.T. 1278+75.8
Angle 180°

FINAL
Survey B.M. Spike in root 12" Hemlock
Rt. of Sta. 1276+70
Elev. 1322.69

Final
P.C. 1281+28.84
Angle 180°

Final
P.I. 1283+21.6
Angle 168°28'30"

Fence Post

2" Hemlock

10" Cherry

9" Cherry

Final
Δ = 11°31'30" Lt.
D = 3°
T = 192.76'
L = 384.16'
R = 1910.08'

P.D. King

Mrs. Jane King

Ida Rumbaugh

Required Right-of-Way Line

Survey ℄

Const.ⁿ ℄

East Brady Light & Fuel Co.
East Brady, Pa.

Drive

1" Gas Line

Required Limit of Slope

Required Right-of-Way Line

Meter

Ditch

2" Gas Line

1" Pipe Lines

Water Line

Fr. Ho.

Fr. Barn

Shed

Water Trough

P.T. 1285+1.30

Rt. 251 A 6963 A 18mi. To Kittanning

18'(9'x7.9") R.C. Pave.

S 54°53'30" E

Final
P.C. 1273+71.92

Final
EQUALITY
P.T. 1278+96.92 Back
1278+97.90 Ahead

18" Conc. Apron

15" RCP & E.W.

Final
LIMIT OF WORK
STA. 1282+41
ROUTE 251
SUGAR CREEK TWP.
ARMSTRONG COUNTY

Typical Section of Pavement Adjacent To Sta. 1282+41

18'-0"

18'(9'x7.9") One Course Reinforced Concrete Pavement
Built By: The Blue Ridge Const. Co., Uniontown, Pa.
Year: 1931

Final
Δ = 15°45' Rt.
D = 3°
T = 264.19'
L = 525.00'
R = 1910.08'
Superelevate 3/8" per ft. of Width
Crown to be Omitted

P.I. 1274+75
Elev. 1308.66
V.C. 300'

P.I. 1280+00
Elev. 1346.72
V.C. 300'

+7.51%

-1.17%

+1.00%

Drive Lt.

Drive Rt.

Ditch Lt.

Ditch Rt.

Sta. 1270+00 to Sta. 1280+00
Cut +1044 Cu. Yds. 955
Fill +1055 Cu. Yds. 1306

Sta. 1280+00 to Sta. 1282+41
Cut +119 Cu. Yds. 154
Fill -51 Cu. Yds. 62

DATUM 1280

1273 1274 1275 1276 1277 1278 1279 1280 1281 1282 1283 1284 1285 1286 1287 1288

Final Equ. 1278+96.92 Back — 1278+97.90 Ahead

Department Exhibit C

Form 989 (R-8-19-31)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Department Exhibit C

Right-of-Way Record

Route 251 County Butler Township Fairview

Borough ..... District 10 Application .....

Name or names of roads State road from Kittanning, via Fairview, to Clintonville.

Date of ~~confirmation~~ approval May 1, 1861.

Width of right-of-way 33 feet.

Description: (From Southern boro line of Kams City
(To Butler-Armstrong Cos. line.
(From Station 183+27 (
(To Station 0+00 (

Records in County Court House Butler County

Pennsylvania Pamphlet Laws (date) 1861 Page 542.

Road Docket No. 5 Page 249.

Quarter Sessions Docket No. ..... Page .....

Borough Ordinance No. ..... Date .....

Paper Files Case No. State Roads Date 23 Sept. 1862.

History Under this Act commissioners were appointed to view and lay out a State road "from Kittanning, Armstrong County, to Franklin, Venango County, via Fairview, Butler County, and Clintonville, Venango County."

~~Remarks:~~ Sec. 3 provided: "... the said road ... shall be opened to a width of thirty-three feet."

A Supplement to the above Act, 5 Apr. 1862 P.L. 278, (over)

Records investigated by J. Cole McLaughlin Date April 16, 1934.

Title Jr. Draftsman.

stipulated that the northern terminus of the road be Clintonville, not Franklin.

Remarks: A draft of the road was filed in Butler County September 23, 1862. The courses and distances are recorded in Rd. Dls. 5, p. 249.

Department Exhibit C

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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	:	I-2019-3012769

VERIFICATION

I, Alicia Kavulic, District 10-0 Geotechnical Engineer, Commonwealth of Pennsylvania, Department of Transportation, in the foregoing document marked as Hearing Statement No. 2, 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 District 10-0 Geotechnical Engineer for the Commonwealth of Pennsylvania, Department of Transportation, I am authorized to make this statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge, and belief.

DATED: 11/10/21

Alicia Kavulic

Alicia Kavulic
Geotechnical Engineer
Engineering District 10-0

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's motion 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	:	I-2019-3012769

VERIFICATION

I, Charles Keilman IV, District 10-0 Grade Crossing Engineer, Commonwealth of Pennsylvania, Department of Transportation, in the foregoing document marked as Hearing Statement No. 1, 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 District 10-0 Grade Crossing Engineer for the Commonwealth of Pennsylvania, Department of Transportation, I am authorized to make this statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge, and belief.

DATED: 11/10/21

Charles P Keilman IV

Charles Keilman IV
Grade Crossing Engineer
Engineering District 10-0