

May 11, 2023

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17105-3265

Re: 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 SR0268 formerly crossed, below grade, the track of Bessemer and Lake Erie Railroad in Bradys Bend Township, Armstrong County, Docket No. I-2019-3012769  
BW File No.: 10684-272312

Dear Secretary Chiavetta:

I am enclosing for filing a Petition for Extension of Time on behalf of The Bessemer & Lake Erie Railroad Company in the above referenced matter. As evidenced by the attached Certificate of Service, the Petition is being served on all parties of record.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

*/s/ John M. Steidle*

John M. Steidle

JMS/pms  
Enclosure

cc: All Interested Parties of Record (per attached service list)  
Administrative Law Judge Mary D. Long  
Commission's OSA

**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 : Docket No. I-2019-3012769  
Fairview Township, Butler County and :  
where State Route SR0268 formerly crossed, :  
below grade, the track of Bessemer and Lake :  
Erie Railroad in Bradys Bend Township, :  
Armstrong County :

**PETITION FOR EXTENSION OF TIME**

Bessemer and Lake Erie Railroad Company (“B&LE”), by and through its counsel Burns White LLC, hereby files this petition for an extension of time to submit detailed construction plans as ordered the Recommended Decision and adopted in the Commission’s Opinion and Order dated December 8, 2022, pursuant to 52 Pa. Code §1.15, based upon the following:

1. The aforementioned Opinion and Order adopted the August 1, 2022 Recommended Decision of Administrative Law Judge Mary D. Long, and ordered B&LE : at its initial cost and expense and within six (6) months of an entry of an order approving the work described herein, shall submit to all parties of record for review and to the Commission for approval, complete detailed construction plans for the work proposed to permanently dewater, seal, and fill the entire subject tunnel structure at State Route 268, from portal to portal.

2. Pursuant to numbered Paragraph 3 of the Recommended Decision and adopted by the Commission’s Opinion and Order, the complete detailed construction plans were to be submitted to all parties, on or before June 8, 2023, (*six months from the entry of the Commission’s Order*).

3. B&LE requests an extension of time until August 31, 2023, to submit the detailed construction plans.

4. B&LE is unable to complete the required submission by the June 8, 2023 deadline because B&LE is currently working to secure the necessary Right of Entries (ROE) from the related property owners to secure access routes to both ends of the tunnel.

5. In addition, efforts to finalize and submit complete detailed construction plans as ordered by the Commission has been delayed but is currently progressing. B&LE needs additional time to finalize the detailed construction plans.

WHEREFORE, The Bessemer & Lake Erie Railroad Company respectfully requests an extension of time until August 31, 2023 to submit the detailed construction plans as ordered in numbered Paragraph 3 of the Recommended Decision adopted by the Commission's Opinion and Order dated December 8, 2022.

Respectfully submitted,

BURNS WHITE LLC

By: /s/ John M. Steidle  
John M. Steidle, Esquire  
Edwin B. Palmer, Esquire  
Burns White Center  
48 26<sup>th</sup> Street  
Pittsburgh, PA 15222  
(412) 995-3000  
*jmsteidle@burnswhite.com*  
*ebpalmer@burnswhite.com*

Dated: 5/11/2023

Attorneys for Bessemer & Lake Erie  
Railroad Company

VERIFICATION

I, Mark Paull do state that I am authorized to make this statement on behalf of Bessemer & Lake Erie Railroad Company and verify that I have read the attached Petition for Extension of Time and that the within information is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Mark Paull

Date: 5/10/23

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Petition for Extension of Time** dated May 11, 2023, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (related to service by a party).

**Service by Electronic Mail Only:**

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

Kayla L. Rost  
PA PUC Bureau of Investigation and  
Enforcement  
400 North Street  
Harrisburg, PA 17120  
[karost@pa.gov](mailto:karost@pa.gov)

H. William White, III, Esquire  
Butler County Commissioners' Office  
124 West Diamond Street  
P.O. Box 1208  
Butler, PA 16003-1208  
[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)  
*Solicitor for the County of Butler*

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

Melissa J. Noyes  
Assistant Counsel  
Pennsylvania Department of Transportation  
Office of Chief Counsel  
P. O. Box 8212  
Harrisburg, PA 17105-8212  
[mnoyes@pa.gov](mailto:mnoyes@pa.gov)

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

Matthew F. Marshall, Esquire  
Dillon McCandless King Coulter &  
Graham, LLP  
600 Cranberry Woods Drive, Suite 175  
Cranberry Township, Pa 16066  
[mmarshall@dmkcg.com](mailto:mmarshall@dmkcg.com)  
*Counsel for Fairview Township*

Nick Andreassi  
Andreassi Gas Company  
1073 Kittanning Pike  
Chicora Pa 16025  
724-445-3606  
[N\\_Andreassi@Yahoo.Com](mailto:N_Andreassi@Yahoo.Com)

**Service by First Class United States Mail Only:**

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

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

William and Kay Barnhart  
136 Boosel Road  
Chicora, PA 16025

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

Ann Marie Sherwin  
1276 Kittanning Pike  
Chicora, PA 16025

Ronald and Madeline Stitt  
1281 Kittanning Pike  
Chicora, PA 16025

Dean and Patricia Tascarella  
1270 Kittanning Pike  
Chicora, PA 16025

Respectfully submitted,

BURNS WHITE LLC

By:           /s/ John M. Steidle          

John M. Steidle, Esquire  
Edwin B. Palmer, Esquire  
Burns White Center  
48 26<sup>th</sup> Street  
Pittsburgh, PA 15222  
(412) 995-3000  
[jmsteidle@burnswhite.com](mailto:jmsteidle@burnswhite.com)  
[ebpalmer@burnswhite.com](mailto:ebpalmer@burnswhite.com)

Attorneys for Bessemer & Lake Erie  
Railroad Company