



**COMMONWEALTH OF PENNSYLVANIA**  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120

June 1, 2023

IN REPLY PLEASE  
REFER TO OUR FILE

I-2019-3012769

TO ALL PARTIES OF RECORD

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 formerly crossed, below grade, the track of Bessemer and Lake Erie Railroad in Bradys Bend Township, Armstrong County.

To Whom It May Concern:

By Recommended Decision issued July 29, 2022, and adopted by Order entered December 8, 2022, we directed Bessemer and Lake Erie Railroad to 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.

By petition received on May 11, 2023, Bessemer and Lake Erie Railroad requests the Commission grant an extension of time in which to submit the detailed construction plans. In the petition, Bessemer and Lake Erie Railroad states they are currently working to secure the necessary Right of Entries from the related property owners to provide complete construction access to both ends of the tunnel structure.

We have carefully reviewed the record in this proceeding and will grant Bessemer and Lake Erie Railroad's petition for an extension of time to August 31, 2023.

THEREFORE:

The petition received May 11, 2023, from Bessemer and Lake Erie Railroad be and is hereby granted to the extent herein directed:

1. Paragraph 3 of our Recommended Decision issued July 29, 2022, and adopted by Order entered December 8, 2022, which reads as follows, to wit:

“3. That Bessemer & Lake Erie Railroad, 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.”

be and is hereby modified to read:

3. That Bessemer & Lake Erie Railroad, at its initial cost and expense, and on or before August 31, 2023, 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. In all respects not inconsistent herewith, our Order entered December 8, 2022, remains in full force and effect.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

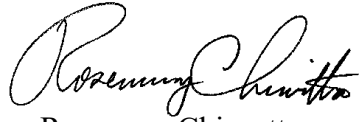
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an eFiling account through the Commission’s website (the account is free of charge) and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>.

If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority, or certified mail to allow tracking of your filing.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right-hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta  
Secretary