



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

IN REPLY PLEASE
REFER TO OUR FILE

October 10, 2023

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:

Pursuant to Paragraph 3 of Administrative Law Judge Mary D. Long's Recommended Decision dated July 29, 2022, Bessemer and Lake Erie Railroad was directed to submit complete detailed construction plans for the work proposed to dewater, seal, and fill the entire subject tunnel structure from portal to portal for all parties of record to review and to the Commission for approval. By Opinion and Order entered December 8, 2022, the Commission adopted, without modification, the Recommended Decision dated July 29, 2022.

On August 29, 2023, Bessemer and Lake Erie Railroad submitted a plan summary consisting of a Means and Methods proposal that described the scope of work and the general construction sequence to completely fill the subject tunnel.

On September 18, 2023, a teleconference was held between the Commission's Bureau of Investigation and Enforcement, the Pennsylvania Department of Transportation, and Bessemer and Lake Erie Railroad to discuss the August 29, 2023 Means and Methods proposal.

Following the teleconference, the parties agreed that Bessemer and Lake Erie Railroad would submit to all parties of record for review and to the Commission for approval an engineering sketch plan to illustrate the scope of work and construction sequence described in the Means and Methods proposal submitted on August 29, 2023. It was further agreed that, following the completion of the construction work to completely fill the subject tunnel, Bessemer and Lake Erie Railroad would submit to all parties of record "As-Built" plans that encompass all changes made throughout the construction phase of the project.

The requested engineering sketch plan was received on September 26, 2023 with a Certificate of Service certifying that a copy was served on all the parties of record. The engineering sketch plan was identified as "CN/Bessemer & Lake Erie Railroad West Allegheny Tunnel Abandonment Chicora, Butler County, PA" and consists of two (2) sheets of construction sketch plans.

No objection to the plans were received by the Commission.

In accordance with Section 2702 of the Public Utility Code, the Commission issues this Secretarial Letter approving the Means and Methods proposal and the engineering sketch plan submitted by Bessemer and Lake Erie Railroad, and directing Bessemer and Lake Erie Railroad to submit complete detailed "As-Built" plans following the completion of the construction project.

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.

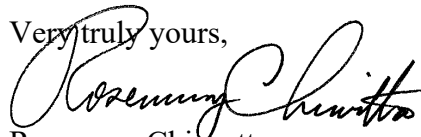
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax 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,



Rosemary Chiavetta
Secretary