

November 14, 2023

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

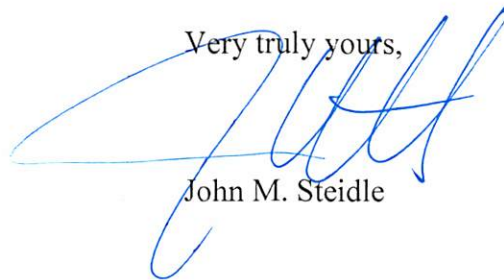
Re: Investigation upon the Commission's motion into matters pertaining to the Proper safety of the traveling public and disposition of the crossing where State Route SR0268, crosses over a railroad tunnel formally used by Bessemer And Lake Erie Railroad in Fairview Township, Butler County and where State 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,



John M. Steidle

JMS/krc  
Enclosure

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

**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 : Docket No. I-2019-3012769  
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 complete the alteration of the subject crossing as ordered by 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, which provided that all work necessary to complete the alteration of the subject crossing at State Route 268 be done in a manner satisfactory to this Commission within twelve months of the entry of an Order approving the work described herein, and that on or before said date, Bessemer & Lake Erie Railroad shall report to this Commission in writing the date of actual completion of work.

2. Pursuant to Paragraph 11 of the Recommended Decision and adopted by the Commission’s Opinion and Order, the work necessary to complete the alteration of the subject crossing was to be completed on or before December 8, 2023, (*twelve months from the entry of the Commission’s Order*) and to report to the Commission in writing the date of the actual completion of the work.

3. B&LE requests an extension of time until March 31, 2024, to complete the alteration of the subject crossing at State Route 268.

4. B&LE had previously requested and received an extension of time to submit detailed construction plans. The proposal and plans were submitted for approval on August 29, 2023.

5. The Commission approved the proposal and plan by Secretarial Letter dated October 10, 2023.

6. As such, B&LE is unable to complete the alteration of the subject crossing by the December 8, 2023 deadline and requests additional time to complete the project.

WHEREFORE, The Bessemer & Lake Erie Railroad Company respectfully requests an extension of time until March 31, 2024 to complete the alteration of the subject crossing at State Route 268 as ordered in numbered Paragraph 11 of the Recommended Decision adopted by the Commission's Opinion and Order dated December 8, 2022.

Respectfully submitted,

BURNS WHITE LLC

By: 

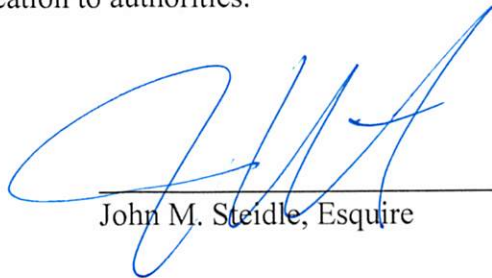
John M. Steidle, Esquire  
Edwin B. Palmer, Esquire  
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Dated: 11/14/2023

Attorneys for Bessemer & Lake Erie  
Railroad Company

VERIFICATION

I, John M. Steidle, Esquire, a member of the firm, Burns White LLC, attorneys for Bessemer & Lake Erie Railroad Company (“B&LE”) and the foregoing proceeding, make this verification on behalf of B&LE and do state as an attorney for B&LE I am authorized to make this verification on behalf of B&LE and further state that the facts set forth in the foregoing Petition for Extension of Time are true and correct to the best of my knowledge, information and belief. I understand my statements are made subject to the penalties of 18 Pa.C.S. § 4904, providing for criminal penalties for unsworn falsification to authorities.

  
\_\_\_\_\_  
John M. Steidle, Esquire

Date: 11/14/2023

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Petition for Extension of Time** dated November 14, 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  
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*Solicitor for the County of Butler*

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*Counsel for Fairview Township*

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

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Butler, PA 16003

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Fairview Township Supervisors  
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Karns City, PA 16041

William and Kay Barnhart  
136 Boosel Road  
Chicora, PA 16025

Bruce and Rebecca Rodgers  
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Ronald and Madeline Stitt  
1281 Kittanning Pike  
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Dean and Patricia Tascarella  
1270 Kittanning Pike  
Chicora, PA 16025

Respectfully submitted,

BURNS WHITE LLC

By: 

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Railroad Company