

**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 : I-2019-3012769  
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 :

**SUPPLEMENTAL SCHEDULING ORDER**

On July 9, 2024, a Scheduling Order was issued in this proceeding. Among other things, Fairview Township and Butler County were recognized as observational parties to this proceeding. On July 10, 2024, I received an e-mail from counsel for the Pennsylvania Department of Transportation (PennDOT), stating that PennDOT finds it acceptable to release both Fairview Township and Butler County from future correspondence and proceedings involving this matter.<sup>1</sup> In response to the e-mail from counsel for PennDOT, I requested that both Fairview Township and Butler County confirm that they would like to no longer participate and both consent to be removed from the service list for this proceeding. Counsel for Fairview Township provided confirmation on July 10, 2024, and counsel for Butler County provided confirmation on July 12, 2024. On July 10, 2024, Counsel for Bessemer & Lake Erie Railroad Company and the Commission's Bureau of Investigation and Enforcement stated neither party had any objection to the removal of Fairview Township and Butler County as parties to this proceeding.

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<sup>1</sup> Counsel for PennDOT's e-mail was sent in response to the discussion during the July 2, 2024 prehearing conference in this proceeding, where both counsel for Fairview Township and Butler County requested that their respective clients be removed from this proceeding. Tr. 261-262. In response to counsel for Fairview Township and Butler County's requests, I asked parties to inform me if parties are in agreement that Fairview Township and Butler County may be released from this proceeding. Tr. 277-278.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Fairview Township and Butler County are not parties to this proceeding in any capacity.

2. That the ordering paragraphs of the July 9, 2024 Scheduling Order otherwise remain in effect.

Date: July 25, 2024

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/s/

John M. Coogan  
Administrative Law Judge

**I-2019-3012769 - v. INVESTIGATION STATE ROUTE SR0268 & SR0068**

*Revised 7/12/2024*

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