



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

September 13, 2024

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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 SR0068 formally crosses, below grade, the track of Bessemer and Lake Erie Railroad in Brady's Bend Township, Armstrong County  
Docket Nos. I-2019-3012769

**Joint Stipulation of Facts**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the *non-proprietary* version of the Joint Stipulation of Facts in the above-referenced proceeding. The *proprietary* version has been submitted to the Secretary's Bureau via their ShareFile.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Rosul', written over a light blue horizontal line.

Grant Rosul  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 318204  
(717) 783-5243  
[grosul@pa.gov](mailto:grosul@pa.gov)

GR/ac  
Enclosures

cc: Per Certificate of Service

**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 : **Docket No. I-2019-3012769**  
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, : **Electronically Filed**  
the track of Bessemer and Lake Erie Railroad :  
in Bradys Bend Township, Armstrong County :

**JOINT STIPULATION OF FACTS**

On October 3, 2019, the Pennsylvania Public Utility Commission (“Commission”) instituted an investigation into two crossings on an abandoned line of the Bessemer and Lake Erie Railroad (“B&LE”). One of those crossings, where State Route S.R. 0268 crosses, above grade, a track of B&LE, known as the Blackburn Tunnel, was the subject of a dispute over whether the Blackburn Tunnel crossing was still the responsibility of B&LE after it had sold the land that included the Blackburn Tunnel. On August 1, 2022, Administrative Law Judge (“ALJ”) Mary D. Long issued a Recommended Decision, recommending that the Blackburn Tunnel be filled, and the work performed by B&LE at its initial cost, with the Commission to assign final costs and future maintenance responsibilities at a future hearing. On December 8, 2022, the Commission issued an Opinion and Order adopting ALJ Long’s Recommended Decision. B&LE completed the necessary work to fill-in the Blackburn Tunnel pursuant to the December 8, 2022, Opinion and Order.

On May 8, 2024, B&LE filed a petition requesting a hearing to determine the cost allocation for the work completed on the Blackburn Tunnel. On May 29, 2024, ALJ John M. Coogan ordered a prehearing conference to occur on July 2, 2024, with prehearing memorandums due on or before June 18, 2024. B&LE, Pennsylvania Department of Transportation (“Department”), and the Bureau of Investigation and Enforcement (“I&E”), collectively (“Parties”), filed prehearing memorandums and were present telephonically for the July 2, 2024, prehearing conference. On July 9, 2024, ALJ Coogan entered a Scheduling Order to lay out how the cost allocation proceedings would move forward.

1. In response to the July 9, 2024 Scheduling Order, the Parties now jointly submit and file this Joint Stipulation of Facts pursuant to 52 Pa. Code § 5.234(a). Pursuant to the Interim Order entered January 4, 2021, B&LE was ordered at its initial cost and expense to

prepare and submit to the Commission and all parties of record for examination, an engineering report detailing the current condition of the tunnel structure at the crossing located in Fairview Township, Butler County.

2. The report was ordered to be completed by a certified professional engineer, and to include an engineer's professional opinion about the current integrity of the structure, a recommended disposition of the structure, including preliminary cost estimates and any other matter of material or serious concern.

3. B&LE complied with the directives of the Interim Order and submitted the AECOM Engineering Report to all parties on July 30, 2021.

4. The costs incurred by B&LE for the AECOM Engineering Report was \$19,584.10. Copies of the invoices for the AECOM Engineering Report are attached hereto as Joint Stipulation (JS) - 1.

5. Pursuant to the December 8, 2022, Opinion and Order adopting the August 1, 2022, Recommended Decision, B&LE was ordered at its initial cost and expense to submit 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.

6. B&LE engaged Swank Construction to complete the construction and remediation directives as ordered.

7. B&LE submitted a Means and Methods proposal and engineering sketch plan ("Plan") to all parties on August 29, 2023.

8. A Secretarial Letter was issued on October 10, 2023, approving the Plan submitted by B&LE.

9. Swank Construction began the Tunnel Fill Project on October 23, 2023.

10. Swank Construction completed the Tunnel Fill Project on March 29, 2024.
11. The costs incurred by B&LE for the Tunnel Fill Project totaled \$2,770,912.00. Copies of the invoices for the Tunnel Fill Project are attached hereto as JS-2.
12. Pursuant to the December 8, 2022 Opinion and Order adopting the August 1, 2022 Recommended Decision, the Department was ordered, at its initial cost and expense, to furnish all material and do all work necessary to establish and maintain any detours or traffic controls required to properly and safely accommodate highway traffic during the Tunnel Fill Project.
13. The initial costs incurred by the Department in complying with the traffic control directive totaled \$27,189.05. Copies of the Department's invoices for traffic control are attached hereto as JS-3.
14. Engineer Daniel Helfrich, P.E., from the Commission's Rail Safety Division, conducted a Final Inspection of the Tunnel Fill Project on May 8, 2024. After conducting the Final Inspection, it is the position of the Commission's Rail Safety Division that the work performed as part of the Tunnel Fill Project was completed and is satisfactory.
15. Four property owners were impacted by the Tunnel Fill Project. They are: Ronald E. Stitt, Anne Marie Sherwin, Patricia A. Tascarella, and Kay D. Barnhart (collectively, "the Property Owners").
16. The Property Owners affected by the Tunnel Fill Project are satisfied with the completed remediation efforts as it relates to their respective properties as each has been restored to its pre-construction condition. Copies of the letters confirming the Property Owners' satisfaction are attached hereto as JS-4.
17. After a final cost allocation is determined and all litigation concerning this matter is finally adjudicated:

A) A Secretarial Letter will be issued formerly abolishing the Blackburn Tunnel crossing. At that time, the Commission will no longer have jurisdiction over the crossing that encompasses the Blackburn Tunnel, and the future costs and maintenance of the tunnel will be the responsibility of the private landowners on which the tunnel resides.

B) The Department, at its sole cost and expense, shall furnish all material and do all work necessary to maintain the roadway of State Route 0268, including the right-of-way and any features or other ancillary facilities of the roadway located at the Blackburn Tunnel.

C) If any non-carrier public utility is affected, each non-carrier public utility company, at its sole cost and expense, shall furnish all material and perform all work required hereafter to maintain their respective facilities through the area of the former crossing.

Respectfully submitted,

By: 

Leah J. Bobula, Assistant Counsel  
Supreme Court I.D. 332184  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
(717) 787-3128  
[lbobula@pa.gov](mailto:lbobula@pa.gov)

By: 

Grant Rosul, Prosecutor  
Supreme Court I.D. 318204  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[grosul@pa.gov](mailto:grosul@pa.gov)



By: \_\_\_\_\_

John M. Steidle, Esquire  
PA Attorney I.D. No. 84404  
Bessemer & Lake Erie Railroad Company  
Burns White Center  
48 26<sup>th</sup> Street  
Pittsburgh, PA 15222  
(412) 995-3000  
[jmsteidle@burnswhite.com](mailto:jmsteidle@burnswhite.com)

Dated: September 13, 2024

**JS-1**

CN/BLE Western Allegheny (WA) Branch Tunnel 42.09

AECOM

<b>Invoice</b>	<b>Cost</b>
1	\$3,144.80
2	\$11,656.90
3	\$1,268.80
4	\$683.20
5	\$1,171.20
6	\$488.00
7	\$1,171.20
<b>TOTAL</b>	<b>\$19,584.10</b>

Check Payment to:  
 AECOM Technical Services, Inc.  
 An AECOM Company  
 1178 Paysphere Circle  
 Chicago, IL 60674

ACH Payment to:  
 AECOM Technical Services, Inc.  
 An AECOM Company  
 Bank of America  
 Account Number  
 ABA Number

Wire Transfer Payment to:  
 AECOM Technical Services, Inc.  
 An AECOM Company  
 Bank of America  
 New York, NY 10001  
 Account Number  
 ABA Number  
 SWIFT CODE



1700 Market Street, Suite 1600, Philadelphia, PA 19103  
 Tel: 215.735.0832  
 Fax: 215.735.0883

Federal Tax ID No. 95-2661922

**ATTN : MARK PAULL**  
**CANADIAN NATIONAL**  
**17641 SOUTH ASHLAND AVENUE**  
**HOMewood, ILLINOIS 60430**  
**United States**

**Invoice Date: 29-MAR-21**  
**Invoice Number: 2000477398**

**Agreement Number: 60651865**  
**Agreement Description:**

**Payment Term: 30 DAYS**

*Please reference Invoice Number and Project Number with Remittance*

**Project Number : 60651865**  
**Bill Through Date : 01-FEB-21 - 12-MAR-21**

**Project Name : Canadian National Railway - MSA**  
**Work Order No: KRFRUS2021\_BR-001**

**Task Number : 001**

**Task Name : RFR - BLE Tunnel Ins**

**Labor Bill Rate**

<u>Employee Name/Title</u>	<u>Title/Expenditure</u>	<u>Date</u>	<u>Hours</u>	<u>Bill Rate</u>	<u>Billed Amt</u>
Fuhrman, Daniel M	Engineer II	22-JAN-21			
Fuhrman, Daniel M	Engineer II	29-JAN-21			
Radle Jr, Daniel P	Engineer VI	05-FEB-21			
Wilson, Jonathan (Jonathan)	Engineer II	22-JAN-21			
Wilson, Jonathan (Jonathan)	Engineer II	29-JAN-21			
<b>Total Labor Bill Rate</b>			<b>26.50</b>		<b>3,144.80</b>

**Task Total : RFR - BLE Tunnel Ins**

**3,144.80**

**Project Total : Canadian National Railway - MSA**

**3,144.80**

**Invoice Summaries**

Total Current Amount :	3,144.80
Retention Amount :	0.00
Pre-Tax Amount :	3,144.80
Tax Amount :	0.00
<b>Total Invoice Amount :</b>	<b>3,144.80</b>

**Billing Summaries**

<u>Billing Summary</u>	<u>Current</u>	<u>Prior</u>	<u>Total</u>	<u>Limit</u>	<u>Remain</u>
Billings	3,144.80	0.00	3,144.80	4,003.00	858.20
<b>Billing Total :</b>	<b>3,144.80</b>	<b>0.00</b>	<b>3,144.80</b>		

# **IMPORTANT REMITTANCE INFORMATION**

**Please include the AECOM invoice number when sending payment**

**INVOICE NUMBER: 2000527727**  
**Invoice Date: 13-AUG-21**  
**Invoice Due Date: 12-SEP-21**  
**Amount Due: \$11,656.90 USD**  
**Project Number: 60651865**

To process your payment timely and ensure credit is given, please include the AECOM invoice number when sending payment. Including this invoice number will allow AECOM to promptly apply your payment without delay or additional information requests placed upon your organization.

Failure to reference the AECOM invoice number when sending payment may result in delay of your account being credited.

To expedite payment processing, AECOM is asking its clients to submit payments electronically by ACH (Automated Clearing House) if possible.

ACH payments provide an alternative to paper checks, affording you the following advantages:

- Certainty of delivery
- Reduced operating costs through the elimination of paper check mailing

Regards,

AECOM Cash Application Department  
[CashAppsRemittance@aecom.com](mailto:CashAppsRemittance@aecom.com)

Check Payment to:  
 AECOM Technical Services, Inc.  
 An AECOM Company  
 1178 Paysphere Circle  
 Chicago, IL 60674

ACH Payment to:  
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 An AECOM Company  
 Bank of America  
 Account Number  
 ABA Number

Wire Transfer Payment to:  
 AECOM Technical Services, Inc.  
 An AECOM Company  
 Bank of America  
 New York, NY 10001  
 Account Number  
 ABA Number  
 SWIFT CODE



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Federal Tax ID No. 95-2661922

**ATTN : MARK PAULL**  
**CANADIAN NATIONAL**  
**17641 SOUTH ASHLAND AVENUE**  
**HOMEWOOD, ILLINOIS 60430**  
**United States**

**Invoice Date: 13-AUG-21**  
**Invoice Number: 2000527727**

**Agreement Number: 60651865**  
**Agreement Description:**

**Payment Term: 30 DAYS**

*Please reference Invoice Number and Project Number with Remittance*

**Project Number : 60651865**  
**Bill Through Date : 13-MAR-21 - 30-JUL-21**

**Project Name : Canadian National Railway - MSA**  
**Work Order No: KRFRUS2021\_BR-001**

**Task Number : 001**

**Task Name : RFR - BLE Tunnel Ins**

**Labor Bill Rate**

<u>Employee Name/Title</u>	<u>Title/Expenditure</u>	<u>Date</u>	<u>Hours</u>	<u>Bill Rate</u>	<u>Billed Amt</u>
Confair, William J (Bill)	Engineer III	23-JUL-21			
Confair, William J (Bill)	Engineer III	30-JUL-21			
Lodato, Mark V	Engineer I	23-JUL-21			
Radle Jr, Daniel P	Engineer VI	16-JUL-21			
Radle Jr, Daniel P	Engineer VI	23-JUL-21			
Radle Jr, Daniel P	Engineer VI	30-JUL-21			
Steel, Monica A	Administrative VI	16-JUL-21			
<b>Total Labor Bill Rate</b>			<b>99.00</b>		<b>11,656.90</b>

**Task Total : RFR - BLE Tunnel Ins**

**11,656.90**

**Project Total : Canadian National Railway - MSA**

**11,656.90**

**Invoice Summaries**

Total Current Amount :	11,656.90
Retention Amount :	0.00
Pre-Tax Amount :	11,656.90
Tax Amount :	0.00
<b>Total Invoice Amount :</b>	<b>11,656.90</b>

# **IMPORTANT REMITTANCE INFORMATION**

**Please include the AECOM invoice number when sending payment**

**INVOICE NUMBER: 2000543019**  
**Invoice Date: 24-SEP-21**  
**Invoice Due Date: 24-OCT-21**  
**Amount Due: \$1,268.80 USD**  
**Project Number: 60651865**

To process your payment timely and ensure credit is given, please include the AECOM invoice number when sending payment. Including this invoice number will allow AECOM to promptly apply your payment without delay or additional information requests placed upon your organization.

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 AECOM Technical Services, Inc.  
 An AECOM Company  
 1178 Paysphere Circle  
 Chicago, IL 60674

ACH Payment to:  
 AECOM Technical Services, Inc.  
 An AECOM Company  
 Bank of America  
 Account Number  
 ABA Number

Wire Transfer Payment to:  
 AECOM Technical Services, Inc.  
 An AECOM Company  
 Bank of America  
 New York, NY 10001  
 Account Number  
 ABA Number  
 SWIFT CODE



1700 Market Street, Suite 1600, Philadelphia, PA 19103  
 Tel: 215.735.0832  
 Fax: 215.735.0883

Federal Tax ID No. 95-2661922

**ATTN : MARK PAULL**  
**CANADIAN NATIONAL**  
**17641 SOUTH ASHLAND AVENUE**  
**HOMEWOOD, ILLINOIS 60430**  
**United States**

**Invoice Date: 24-SEP-21**  
**Invoice Number: 2000543019**

**Agreement Number: 60651865**  
**Agreement Description:**

**Payment Term: 30 DAYS**

*Please reference Invoice Number and Project Number with Remittance*

**Project Number : 60651865**  
**Bill Through Date : 31-JUL-21 - 27-AUG-21**

**Project Name : Canadian National Railway - MSA**  
**Work Order No: KRFRUS2021\_BR-001**

**Task Number : 001**

**Task Name : RFR - BLE Tunnel Ins**

**Labor Bill Rate**

<u>Employee Name/Title</u>	<u>Title/Expenditure</u>	<u>Date</u>	<u>Hours</u>	<u>Bill Rate</u>	<u>Billed Amt</u>
Radle Jr, Daniel P	Engineer VI	06-AUG-21			
Radle Jr, Daniel P	Engineer VI	13-AUG-21			
Radle Jr, Daniel P	Engineer VI	20-AUG-21			
Radle Jr, Daniel P	Engineer VI	27-AUG-21			
<b>Total Labor Bill Rate</b>			<b>6.50</b>		<b>1,268.80</b>
<b>Task Total : RFR - BLE Tunnel Ins</b>					<b>1,268.80</b>

**Project Total : Canadian National Railway - MSA**

**1,268.80**

**Invoice Summaries**

Total Current Amount :	1,268.80
Retention Amount :	0.00
Pre-Tax Amount :	1,268.80
Tax Amount :	0.00
<b>Total Invoice Amount :</b>	<b>1,268.80</b>

## **IMPORTANT REMITTANCE INFORMATION**

**Please include the AECOM invoice number when sending payment**

**INVOICE NUMBER: 2000548128**  
**Invoice Date: 12-OCT-21**  
**Invoice Due Date: 11-NOV-21**  
**Amount Due: \$683.20 USD**  
**Project Number: 60651865**

To process your payment timely and ensure credit is given, please include the AECOM invoice number when sending payment. Including this invoice number will allow AECOM to promptly apply your payment without delay or additional information requests placed upon your organization.

Failure to reference the AECOM invoice number when sending payment may result in delay of your account being credited.

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AECOM Technical Services, Inc.  
An AECOM Company  
1178 Paysphere Circle  
Chicago, IL 60674

ACH Payment to:  
AECOM Technical Services, Inc.  
An AECOM Company  
Bank of America  
Account Number  
ABA Number

Wire Transfer Payment to:  
AECOM Technical Services, Inc.  
An AECOM Company  
Bank of America  
New York, NY 10001  
Account Number  
ABA Number  
SWIFT CODE



1700 Market Street, Suite 1600, Philadelphia, PA 19103  
Tel: 215.735.0832  
Fax: 215.735.0883

Federal Tax ID No. 95-2661922

**ATTN : MARK PAULL**  
**CANADIAN NATIONAL**  
**17641 SOUTH ASHLAND AVENUE**  
**HOMEWOOD, ILLINOIS 60430**  
**United States**

**Invoice Date: 12-OCT-21**  
**Invoice Number: 2000548128**

**Agreement Number: 60651865**  
**Agreement Description:**

**Payment Term: 30 DAYS**

*Please reference Invoice Number and Project Number with Remittance*

**Project Number : 60651865**  
**Bill Through Date : 28-AUG-21 - 24-SEP-21**

**Project Name : Canadian National Railway - MSA**  
**Work Order No: KRFRUS2021\_BR-001**

**Task Number : 001**

**Task Name : RFR - BLE Tunnel Ins**

**Labor Bill Rate**

<u>Employee Name/Title</u>	<u>Title/Expenditure</u>	<u>Date</u>	<u>Hours</u>	<u>Bill Rate</u>	<u>Billed Amt</u>
Radle Jr, Daniel P	Engineer VI	03-SEP-21			
Radle Jr, Daniel P	Engineer VI	10-SEP-21			
Radle Jr, Daniel P	Engineer VI	17-SEP-21			

**Total Labor Bill Rate**

**3.50**

**683.20**

**Task Total : RFR - BLE Tunnel Ins**

**683.20**

**Project Total : Canadian National Railway - MSA**

**683.20**

**Invoice Summaries**

Total Current Amount :	683.20
Retention Amount :	0.00
Pre-Tax Amount :	683.20
Tax Amount :	0.00
<b>Total Invoice Amount :</b>	<b>683.20</b>

# **IMPORTANT REMITTANCE INFORMATION**

**Please include the AECOM invoice number when sending payment**

**INVOICE NUMBER: 2000571612**  
**Invoice Date: 13-DEC-21**  
**Invoice Due Date: 12-JAN-22**  
**Amount Due: \$1,171.20 USD**  
**Project Number: 60651865**

To process your payment timely and ensure credit is given, please include the AECOM invoice number when sending payment. Including this invoice number will allow AECOM to promptly apply your payment without delay or additional information requests placed upon your organization.

Failure to reference the AECOM invoice number when sending payment may result in delay of your account being credited.

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Chicago, IL 60674

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An AECOM Company  
Bank of America  
New York, NY 10001  
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SWIFT CODE



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Fax: 215.735.0883

Federal Tax ID No. 95-2661922

**ATTN : MARK PAULL**  
**CANADIAN NATIONAL**  
**17641 SOUTH ASHLAND AVENUE**  
**HOMEWOOD, ILLINOIS 60430**  
**United States**

**Invoice Date: 13-DEC-21**  
**Invoice Number: 2000571612**

**Agreement Number: 60651865**  
**Agreement Description:**

**Payment Term: 30 DAYS**

*Please reference Invoice Number and Project Number with Remittance*

**Project Number : 60651865**  
**Bill Through Date : 25-SEP-21 - 26-NOV-21**

**Project Name : Canadian National Railway - MSA**  
**Work Order No: KRFRUS2021\_BR-001**

**Task Number : 001**

**Task Name : RFR - BLE Tunnel Ins**

<b>Labor Bill Rate</b>					
<u>Employee Name/Title</u>	<u>Title/Expenditure</u>	<u>Date</u>	<u>Hours</u>	<u>Bill Rate</u>	<u>Billed Amt</u>
Radle Jr, Daniel P	Engineer VI	12-NOV-21			
Radle Jr, Daniel P	Engineer VI	19-NOV-21			
Radle Jr, Daniel P	Engineer VI	26-NOV-21			
<b>Total Labor Bill Rate</b>			<b>6.00</b>		<b>1,171.20</b>
<b>Task Total : RFR - BLE Tunnel Ins</b>					<b>1,171.20</b>

**Project Total : Canadian National Railway - MSA** **1,171.20**

**Invoice Summaries**

Total Current Amount :	1,171.20
Retention Amount :	0.00
Pre-Tax Amount :	1,171.20
Tax Amount :	0.00
<b>Total Invoice Amount :</b>	<b>1,171.20</b>

# **IMPORTANT REMITTANCE INFORMATION**

**Please include the AECOM invoice number when sending payment**

**INVOICE NUMBER: 2000582530**  
**Invoice Date: 16-JAN-22**  
**Invoice Due Date: 15-FEB-22**  
**Amount Due: \$488.00 USD**  
**Project Number: 60651865**

To process your payment timely and ensure credit is given, please include the AECOM invoice number when sending payment. Including this invoice number will allow AECOM to promptly apply your payment without delay or additional information requests placed upon your organization.

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SWIFT CODE



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Federal Tax ID No. 95-2661922

**ATTN : MARK PAULL**  
**CANADIAN NATIONAL**  
**17641 SOUTH ASHLAND AVENUE**  
**HOMEWOOD, ILLINOIS 60430**  
**United States**

**Invoice Date: 16-JAN-22**  
**Invoice Number: 2000582530**

**Agreement Number: 60651865**  
**Agreement Description:**

**Payment Term: 30 DAYS**

*Please reference Invoice Number and Project Number with Remittance*

**Project Number : 60651865**  
**Bill Through Date : 27-NOV-21 - 31-DEC-21**

**Project Name : Canadian National Railway - MSA**  
**Work Order No: KRFRUS2021\_BR-001**

**Task Number : 001**

**Task Name : RFR - BLE Tunnel Ins**

<b>Labor Bill Rate</b>					
<u>Employee Name/Title</u>	<u>Title/Expenditure</u>	<u>Date</u>	<u>Hours</u>	<u>Bill Rate</u>	<u>Billed Amt</u>
Radle Jr, Daniel P	Engineer VI	03-DEC-21			
Radle Jr, Daniel P	Engineer VI	10-DEC-21			
Radle Jr, Daniel P	Engineer VI	17-DEC-21			
<b>Total Labor Bill Rate</b>			<b>2.50</b>		<b>488.00</b>
<b>Task Total : RFR - BLE Tunnel Ins</b>					<b>488.00</b>

**Project Total : Canadian National Railway - MSA 488.00**

**Invoice Summaries**

Total Current Amount :	488.00
Retention Amount :	0.00
Pre-Tax Amount :	488.00
Tax Amount :	0.00
<b>Total Invoice Amount :</b>	<b>488.00</b>

# **IMPORTANT REMITTANCE INFORMATION**

**Please include the AECOM invoice number when sending payment**

**INVOICE NUMBER: 2000591600**  
**Invoice Date: 11-FEB-22**  
**Invoice Due Date: 13-MAR-22**  
**Amount Due: \$1,171.20 USD**  
**Project Number: 60651865**

To process your payment timely and ensure credit is given, please include the AECOM invoice number when sending payment. Including this invoice number will allow AECOM to promptly apply your payment without delay or additional information requests placed upon your organization.

Failure to reference the AECOM invoice number when sending payment may result in delay of your account being credited.

To expedite payment processing, AECOM is asking its clients to submit payments electronically by ACH (Automated Clearing House) if possible.

ACH payments provide an alternative to paper checks, affording you the following advantages:

- Certainty of delivery
- Reduced operating costs through the elimination of paper check mailing

Regards,

AECOM Cash Application Department  
[CashAppsRemittance@aecom.com](mailto:CashAppsRemittance@aecom.com)

Check Payment to:  
AECOM Technical Services, Inc.  
An AECOM Company  
1178 Paysphere Circle  
Chicago, IL 60674

ACH Payment to:  
AECOM Technical Services, Inc.  
An AECOM Company  
Bank of America  
Account Number  
ABA Number

Wire Transfer Payment to:  
AECOM Technical Services, Inc.  
An AECOM Company  
Bank of America  
New York, NY 10001  
Account Number  
ABA Number  
SWIFT CODE



1700 Market Street, Suite 1600, Philadelphia, PA 19103  
Tel: 215.735.0832  
Fax: 215.735.0883

Federal Tax ID No. 95-2661922

**ATTN : MARK PAULL**  
**CANADIAN NATIONAL**  
**17641 SOUTH ASHLAND AVENUE**  
**HOMEWOOD, ILLINOIS 60430**  
**United States**

**Invoice Date: 11-FEB-22**  
**Invoice Number: 2000591600**

**Agreement Number: 60651865**  
**Agreement Description:**

**Payment Term: 30 DAYS**

*Please reference Invoice Number and Project Number with Remittance*

**Project Number : 60651865**  
**Bill Through Date : 01-JAN-22 - 28-JAN-22**

**Project Name : Canadian National Railway - MSA**  
**Work Order No: KRFRUS2021\_BR-001**

**Task Number : 001**

**Task Name : RFR - BLE Tunnel Ins**

<b>Labor Bill Rate</b>					
<u>Employee Name/Title</u>	<u>Title/Expenditure</u>	<u>Date</u>	<u>Hours</u>	<u>Bill Rate</u>	<u>Billed Amt</u>
Radle Jr, Daniel P	Engineer VI	14-JAN-22	■	■	■
Radle Jr, Daniel P	Engineer VI	21-JAN-22	■	■	■
<b>Total Labor Bill Rate</b>			<b>6.00</b>		<b>1,171.20</b>
<b>Task Total : RFR - BLE Tunnel Ins</b>					<b>1,171.20</b>

**Project Total : Canadian National Railway - MSA** **1,171.20**

**Invoice Summaries**

Total Current Amount : 1,171.20  
Retention Amount : 0.00  
Pre-Tax Amount : 1,171.20  
Tax Amount : 0.00

**Total Invoice Amount : 1,171.20**

XML Mass Printing Summaries

<u>Project Num</u>	<u>Project Name</u>	<u>Customer Name</u>	<u>Draft Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>
60651865	Canadian National Railway - MSA	CANADIAN NATIONAL		11-FEB-22	1,171.20

**JS-2**

CN/BLE Western Allegheny (WA) Branch Tunnel 42.09  
 Swank Construction Company

Item No.	Desc.	Component Portion	Invoice 1		Invoice 2		Invoice 3		Invoice 4		Invoice 5/Final		To Date Summary		Amount Remaining	
10	Mobe/Demobe	\$100,000	0.5	\$50,000	0	\$0	0.25	\$25,000	0	\$0	0.25	\$25,000	1	\$100,000	0	\$0
20	Clear Site/Access	\$100,000	1	\$100,000	0	\$0	0	\$0	0	\$0	0	\$0	1	\$100,000	0	\$0
30	Drilled Holes	\$1,000,000	0.5	\$500,000	0.5	\$500,000	0	\$0	0	\$0	0	\$0	1	\$1,000,000	0	\$0
40	Tunnel Fill	\$1,000,000	0.5	\$500,000	0.25	\$250,000	0.25	\$250,000	0	\$0	0	\$0	1	\$1,000,000	0	\$0
50	Site Restoration	\$175,000	0	\$0	0	\$0	0	\$0	0	\$0	1	\$175,000	1	\$175,000	0	\$0
<b>Total</b>		<b>\$2,375,000</b>		<b>\$1,150,000</b>		<b>\$750,000</b>		<b>\$275,000</b>		<b>\$0</b>		<b>\$200,000</b>		<b>\$2,375,000</b>		<b>\$0</b>
A	Change Order #1	\$395,912	0	\$0	0	\$0	0	\$0	1	\$395,912	0	\$0	1	\$395,912	0	\$0
<b>Total</b>		<b>\$2,770,912</b>		<b>\$1,150,000</b>		<b>\$750,000</b>		<b>\$275,000</b>		<b>\$395,912</b>		<b>\$200,000</b>		<b>\$2,770,912</b>		<b>\$0</b>

Change Order #1: 17%  
 100% Complete as of March 29, 2024

Swank Construction Company  
632 Hunt Valley Circle  
New Kensington, PA 15068

Invoice: 11237421

(724) 335-6000

Sold to

CANADIAN NATIONAL RAILWAY CO.  
17641 SOUTH ASHLAND AVENUE  
HOMEWOOD, IL 60430

Ship to

PA CHICORA TUNNEL  
BUTLER CO.

<u>Account</u>	<u>P.O. Num</u>	<u>Job Number</u>	<u>Ship Date</u>	<u>Terms</u>	<u>Invoice Date</u>	<u>Page</u>
5254	23700-042	23700-042		Net 30	11/30/23	1

All services performed entirely within the United States.

Location: SR 268 Blacksburg Tunnel, Chicora, PA

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
	0.5	Mobilization		
	1	Clear Site / Access		
	0.5	Drilled Holes		
	0.5	Tunnel Fill		
	0	Site Restoration		

Subtotal 1,150,000.00

Total \$1,150,000.00

Swank Construction Company  
632 Hunt Valley Circle  
New Kensington, PA 15068

Invoice: 11237422

(724) 335-6000

Sold  
to

BESSEMER & LAKE ERIE RAILROAD  
17641 SOUTH ASHLAND AVENUE  
HOMWOOD, IL 60430

Ship  
to

PA CHICORA TUNNEL  
BUTLER CO.

<u>Account</u>	<u>P.O. Num</u>	<u>Job Number</u>	<u>Ship Date</u>	<u>Terms</u>	<u>Invoice Date</u>	<u>Page</u>
5254	23700-042	23700-042		Net 30	12/22/23	1

All services performed entirely within the United States.

Location: SR 268 Blacksburg Tunnel, Chicora, PA

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
	0	Mobilization		
	0	Clear Site / Access		
	0.5	Drilled Holes		
	0.25	Tunnel Fill		
	0	Site Restoration		

Subtotal 750,000.00

Total \$750,000.00

Swank Construction Company  
632 Hunt Valley Circle  
New Kensington, PA 15068

Invoice: 12370421

(724) 335-6000

Sold  
to

BESSEMER & LAKE ERIE RAILROAD  
17641 SOUTH ASHLAND AVENUE  
HOMEWOOD, IL 60430

Ship  
to

PA CHICORA TUNNEL  
BUTLER CO.

<u>Account</u>	<u>P.O. Num</u>	<u>Job Number</u>	<u>Ship Date</u>	<u>Terms</u>	<u>Invoice Date</u>	<u>Page</u>
5254	23700-042	23700-042		Net 30	1/26/24	1

All services performed entirely within the United States.

Location: SR 268 Blacksburg Tunnel, Chicora, PA

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
	0.25	Mobilization		
	0.25	Tunnel Fill		

Subtotal 275,000.00

Total \$275,000.00

Swank Construction Company  
632 Hunt Valley Circle  
New Kensington, PA 15068

Invoice: 12370420

(724) 335-6000

Sold  
to

BESSEMER & LAKE ERIE RAILROAD  
17641 SOUTH ASHLAND AVENUE  
HOMEWOOD, IL 60430

Ship  
to

PA CHICORA TUNNEL  
BUTLER CO.

<u>Account</u>	<u>P.O. Num</u>	<u>Job Number</u>	<u>Ship Date</u>	<u>Terms</u>	<u>Invoice Date</u>	<u>Page</u>
5254	23700-042	23700-042		Net 30	2/29/24	1

All services performed entirely within the United States.

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
	1	Lump Sum Billing Est #4 Change Order #1	395,912.00	395,912.00

Subtotal 395,912.00

Total \$395,912.00

Swank Construction Company  
632 Hunt Valley Circle  
New Kensington, PA 15068

Invoice: 1237421

(724) 335-6000

Sold  
to

BESSEMER & LAKE ERIE RAILROAD  
17641 SOUTH ASHLAND AVENUE  
HOMEWOOD, IL 60430

Ship  
to

PA CHICORA TUNNEL  
BUTLER CO.

<u>Account</u>	<u>P.O. Num</u>	<u>Job Number</u>	<u>Ship Date</u>	<u>Terms</u>	<u>Invoice Date</u>	<u>Page</u>
5254	23700-042	23700-042		Net 30	3/31/24	1

All services performed entirely within the United States.

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
	0.25	Mobilization		
	1	Site Restoration		

Subtotal 200,000.00

Total \$200,000.00











# JS-4

Chris Hensley  
Supervisor Structures  
3460 W Bristol Rd.  
Flint, MI. 48507  
T 810-240-6390  
Christopher.hensley@cn.ca

## Right of Entry Agreement

Project: Western Allegheny Branch Tunnel Fill – 42.08

Date: July 8, 2024

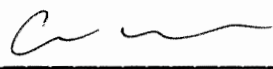
According to the terms of the Right of Entry Agreement made and entered into on the 10<sup>th</sup> day of April, 2023 (hereinafter referred to as "Agreement"), between Kay D. Barnhart (hereinafter referred to as "Landowner") and Bessemer and Lake Erie Railroad Company (hereinafter referred to as "Railroad Company"), as indicated by Part 4, Railroad Company is to restore the Landowner's property to pre-construction condition to the Landowner's satisfaction.

By signing below, the parties hereto have acknowledged that the Landowner's property has been restored, and the Railroad (and its employees, agents, and contractors) has left property in neat and orderly condition to the satisfaction of the Landowner. The Agreement is now terminated.

Kay D. Barnhart

Bessemer and Lake Erie Railroad

By: Kay Dawn Barnhart

By: 

Date: 7.10.2024

Supervisor – Bridges and Structures



Chris Hensley  
Supervisor Structures  
3460 W. Bristol Rd.  
Flint, MI. 48507  
T 810-240-6390  
Christopher.hensley@cn.ca

---

Right of Entry Agreement

Project: Western Allegheny Branch Tunnel Fill – 42.08

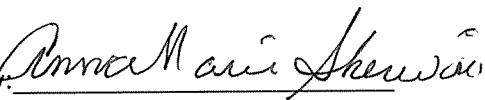
Date: July 8, 2024

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According to the terms of the Right of Entry Agreement made and entered into on the 10<sup>th</sup> day of April, 2023 (hereinafter referred to as “Agreement”), between Anna Marie Sherwin (hereinafter referred to as “Landowner”) and Bessemer and Lake Erie Railroad Company (hereinafter referred to as “Railroad Company”), as indicated by Part 4, Railroad Company is to restore the Landowner’s property to pre-construction condition to the Landowner’s satisfaction.

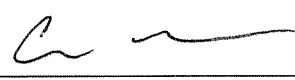
By signing below, the parties hereto have acknowledged that the Landowner’s property has been restored, and the Railroad (and its employees, agents, and contractors) has left property in neat and orderly condition to the satisfaction of the Landowner. The Agreement is now terminated.

Anna Marie Sherwin

By: 

Date: 7-8-2024

Bessemer and Lake Erie Railroad

By: 

Supervisor – Bridges and Structures



Chris Hensley  
Supervisor Structures  
3460 W. Bristol Ro.  
Flint, MI. 48507  
T 810-240-6390  
Christopher.hensley@cn.ca

---

Right of Entry Agreement

Project: Western Allegheny Branch Tunnel Fill – 42.08

Date: July 8, 2024

---

According to the terms of the Right of Entry Agreement made and entered into on the 10<sup>th</sup> day of April, 2023 (hereinafter referred to as "Agreement"), between Ronald E. Stitt (hereinafter referred to as "Landowner") and Bessemer and Lake Erie Railroad Company (hereinafter referred to as "Railroad Company"), as indicated by Part 4, Railroad Company is to restore the Landowner's property to pre-construction condition to the Landowner's satisfaction.

By signing below, the parties hereto have acknowledged that the Landowner's property has been restored, and the Railroad (and its employees, agents, and contractors) has left property in neat and orderly condition to the satisfaction of the Landowner. The Agreement is now terminated.

Ronald E. Stitt

By: Ronald E. Stitt

Date: 7-8-2024

Bessemer and Lake Erie Railroad

By: Chris Hensley

Supervisor – Bridges and Structures



Chris Hensley  
Supervisor Structures  
3460 W. Bristol Rod  
Flint, MI. 48507  
T 810-240-6390  
Christopher.hensley@cn.ca

---

Right of Entry Agreement

Project: Western Allegheny Branch Tunnel Fill – 42.08

Date: July 8, 2024

---

According to the terms of the Right of Entry Agreement made and entered into on the 10<sup>th</sup> day of April, 2023 (hereinafter referred to as “Agreement”), between Patricia A. Tascarella (hereinafter referred to as “Landowner”) and Bessemer and Lake Erie Railroad Company (hereinafter referred to as “Railroad Company”), as indicated by Part 4, Railroad Company is to restore the Landowner’s property to pre-construction condition to the Landowner’s satisfaction.

By signing below, the parties hereto have acknowledged that the Landowner’s property has been restored, and the Railroad (and its employees, agents, and contractors) has left property in neat and orderly condition to the satisfaction of the Landowner. The Agreement is now terminated.

Patricia A. Tascarella

By: 

Date: 7/8/24

Bessemer and Lake Erie Railroad

By: 

Supervisor – Bridges and Structures

**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 SR0068 formally crosses, below :  
grade, the track of Bessemer and Lake :  
Erie Railroad in Brady's Bend Township, :  
Armstrong County :

Docket No. I-2019-3012769

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Joint Stipulation of Facts** dated September 13, 2024, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).


**Service by Electronic Mail Only**

**PROPRIETARY and NON-PROPRIETARY VERSIONS**

Administrative Law Judge John Coogan  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[jcoogan@pa.gov](mailto:jcoogan@pa.gov)

John M. Steidle, Esq.  
Burns White, LLC  
Burns White Center  
48 26<sup>th</sup> Street  
Pittsburgh, PA 15222  
[jmsteidle@burnswhite.com](mailto:jmsteidle@burnswhite.com)  
*Counsel for B&LE*

Leah Jo Bobula, Esq.  
Commonwealth of Pennsylvania  
Pennsylvania Department of Transportation  
Office of Chief Counsel  
P. O. Box 8212  
Harrisburg, PA 17105-8212  
[lbobula@pa.gov](mailto:lbobula@pa.gov)  
*Counsel for PennDOT*

  
\_\_\_\_\_  
Grant Rosul  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 318204  
(717) 783-5243  
[grosul@pa.gov](mailto:grosul@pa.gov)