

**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 :

**ORDER ADMITTING  
JOINT STIPULATION OF FACTS INTO THE RECORD**

On July 2, 2024, a prehearing conference was held in this proceeding. On July 9, 2024, a Scheduling Order was issued, memorializing matters discussed during the prehearing conference and setting forth the procedural rules for this proceeding, including the following schedule:

Direct Testimony or Status Report	August 16, 2024
Rebuttal Testimony or Joint Stipulation of Facts	September 13, 2024
Evidentiary Hearing	October 2, 2024

On August 16, 2024, the active parties to this proceeding, including the Pennsylvania Commonwealth Department of Transportation (PennDOT), the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement (I&E), and the Bessemer & Lake Erie Railroad Company (B&LE), submitted a status report in the form of a draft Joint Stipulation of Facts.

On September 13, 2024, PennDOT, I&E and B&LE filed a finalized Joint Stipulation of Facts.

Although the July 9, 2024 Scheduling Order provided for an evidentiary hearing on October 2, 2024, all active parties requested by e-mail on September 6, 2024 that the evidentiary hearing be cancelled. Therefore, no evidentiary hearings have been held in this proceeding as the parties were able to agree to a factual basis for proceeding to the briefing stage. Parties may stipulate to relevant matters of fact,<sup>1</sup> and, although the Joint Stipulation of Facts were not received in evidence at an evidentiary hearing, the Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties.<sup>2</sup> The parties to this proceeding are unanimous in their desire to effectuate the Joint Stipulation of Facts. I have reviewed the Joint Stipulation of Facts and, as I find the request to admit the Joint Stipulation of Facts into the record to be reasonable, the request will be granted.

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<sup>1</sup> 52 Pa. Code § 5.234

<sup>2</sup> 52 Pa.Code § 1.2(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Joint Stipulation of Facts filed on September 13, 2024 is admitted into the record of this proceeding.

Dated: September 16, 2024

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/s/  
John M. Coogan  
Administrative Law Judge

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

*Revised 8/15/2024*

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