



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

November 4, 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 formerly crossed, below grade, the track of Bessemer and Lake Erie Railroad in Bradys Bend Township, Armstrong County.

Docket No. I-2019-3012769

I&E's Cost Allocation Reply Brief

Dear Secretary Chiavetta:

Enclosed please find the **Cost Allocation Reply Brief** of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement in the above-referenced proceeding.

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

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Enclosures

cc: As per Certificate of Service
Daniel R. Helfrich, P.E. (*via email* - dhelfrich@pa.gov)

**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 : Docket No. I-2019-3012769
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 :

**COST ALLOCATION REPLY BRIEF
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

Grant Rosul
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Dated: November 4, 2024

I. PROCEDURAL HISTORY

The Bureau of Investigation and Enforcement (“I&E”) incorporates the procedural history as set forth in its Cost Allocation Main Brief submitted on October 25, 2024, on pages 1 and 2. A Main Brief was also submitted by Bessemer & Lake Erie Railroad Company (“B&LE”) on October 25, 2024, and by the Pennsylvania Department of Transportation (“PennDOT”) on October 25, 2024. Pursuant to the schedule established in the September 16, 2024, Briefing Order and in accordance with Commission regulations at Sections 5.501 and 5.502, I&E now submits this Reply Brief.¹

II. STATEMENT OF THE CASE

I&E herein references and incorporates the Statement of the Case section as set forth in its Cost Allocation Main Brief submitted on October 25, 2024, on pages 2 through 5, as well as Appendix A – I&E’s Proposed Findings of Fact. I&E’s Cost Allocation Main Brief and accompanying appendices include an extensive discussion of the facts, supported by the record in a substantial and credible manner, on the sole issue remaining to be addressed in this litigation — final cost allocation.

III. BURDEN OF PROOF

As stated in I&E’s Main Brief, Bessemer & Lake Erie, as the public utility responsible for the tunnel, bears the burden of proving, by a preponderance of evidence, the final allocation of costs.² Further, “the proponent of a rule or order has the burden of proof.”³

As the party who petitioned for a final allocation of costs to be determined by this Court,

¹ 52 Pa. Code §§ 5.501-5.502; *see also* Briefing Order, dated March 2, 2022.

² 66 Pa.C.S. §§ 315 and 332(a); *see also Samuel J. Lansberry, Inc. v. Pa. P.U.C.*, 578 A.2d 600, 602 n. 1 (Pa. Cmwlth. 1990); *Borough of Bridgewater v. Pa. P.U.C.*, 124 A.2d 165 (Pa. Super. 1956); *N. Lebanon Twp. v. Pa. P.U.C.*, 962 A.2d 1237 (Pa. Cmwlth. 2008).

³ 66 Pa.C.S. § 332(a).

B&LE is the moving party and the party that is “the proponent of a rule or order.”

“A preponderance of the evidence means only that one party has presented evidence that is more convincing, by even the smallest amount, than the evidence presented by the other party.”⁴ As evident in the record of this case and as supported by I&E’s Main Brief on Cost Allocation and this Reply Brief on Cost Allocation, Bessemer & Lake Erie has failed to carry its burden to prove that any party besides itself should bear the full cost for the Tunnel Fill Project to remediate its below-grade crossing.

IV. SUMMARY OF ARGUMENT

Bessemer & Lake Erie seeks to relitigate issues that have already been decided in this matter. Specifically, Bessemer & Lake Erie claims that it is not a “concerned party,” that the Commission lacks authority to impose costs on it because the Commission’s regulation of rail-highway crossings is preempted by federal regulation, and that the doctrine of laches or the statute of limitations bar the Commission from allocating costs to B&LE.

In its December 8, 2022, Opinion and Order adopting the Recommended Decision of Administrative Law Judge Mary D. Long (“December 8, 2022 Order”) the Commission addressed all the issues raised by the Bessemer & Lake Erie Railroad (“B&LE”) that it now re-argues in this proceeding via its October 25, 2024, Cost Allocation Main Brief, including the Commission’s authority to regulate rail-highway crossings and B&LE’s status as a concerned party.

The Public Utility Code, 66 Pa.C.S. § 316, expressly provides that whenever the Commission makes any “finding, determination or order...[it] shall remain conclusive and

⁴ *Energy Conservation Council of Pennsylvania v. Pa. P.U.C.*, 995 A.2d 465, 478 (Pa. Cmwlth. 2010).

binding on all parties affected thereby, unless set aside, modified or annulled on judicial review.”⁵

Further, in its May 7, 2024, petition, B&LE requested this proceeding expressly “**for the purpose of allocating the costs incurred by B&LE and future maintenance in connection with the above-captioned matter.**” (emphasis added).

B&LE did not request the Court or the Commission re-address its arguments that it is not a “concerned party,” federal preemption, or any other arguments it raised in its Exceptions to Administrative Law Judge Mary D. Long’s August 1, 2022, Recommended Decision and the subsequent December 8, 2022, Order. Therefore, those issues are not properly before the Court to consider. To the extent that they are properly before the Court, they are *res judicata*, barred by the doctrine of collateral estoppel, and proscribed by Section 316 of the Public Utility Code as they have already been addressed in this litigation.

The only issue that B&LE addresses in its Main Brief that is not *res judicata* is the final allocations of costs. B&LE asserts that it would be neither just nor reasonable to assess the railroad the final cost to remediate the tunnel. However, as the party who built the Blackburn Tunnel, benefitted from the tunnel, and whose neglect of the tunnel led to its deteriorating and dangerous condition necessitating that the tunnel be filled and sealed, it is eminently just and reasonable for B&LE to bear the full costs of the Tunnel Fill Project.

⁵ “Whenever the commission shall make any rule, regulation, finding, determination or order, the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside, annulled or modified on judicial review.” 66 Pa.C.S. § 316.

V. ARGUMENT

A. THE ISSUES RAISED BY B&LE IN ITS MAIN BRIEF SECTION II. A-D ARE RES JUDICATA, BARRED BY THE COLLATERAL ESTOPPEL DOCTRINE, AND BARRED BY SECTION 316 OF THE CODE

Litigation before the Commission generally follows the precepts of civil litigation.⁶

This would include the doctrines of *res judicata* and collateral estoppel. The Commonwealth Court has held that “decisions of Commonwealth administrative agencies, such as the Commission, are entitled to *res judicata* and collateral estoppel effect where the agency is acting in a judicial capacity and resolves disputed issues of fact properly before it, which parties had an opportunity to litigate.”⁷

1. B&LE’s Arguments Have Already Been Decided by the December 8, 2022, Order

In its Cost Allocation Main Brief, B&LE again argues that it is not a concerned party and therefore cannot be assessed any costs.⁸ However, in its December 8, 2022, Order, the Commission addressed this contention and found that “[t]he Commission’s power regarding rail-highway crossings endures until the Commission issues an order authorizing the abolition of the crossing.”⁹ The Commission determines which parties are “concerned” or “interested” within the meaning of 66 Pa.C.S. §§ 2704(a) & 2702(c).¹⁰

⁶ See, e.g., *Stillwater Lakes Coalition of Independent Owners c/o Ruben Collazo v. Stillwater Sewer Corporation Stillwater Lakes Civic Association*, Docket No. C-2022-3031532 (Opinion and Order December 22, 2022) (“The Commission’s preliminary objection practice is analogous to Pennsylvania civil practice regarding preliminary objections.”).

⁷ *Respond Power LLC v. Pa. P.U.C.*, 250 A.3d 547 (Table), 2021 WL 446097 at *6 (Pa. Cmwlth. February 9, 2021) (opinion not reported) (citing *Kentucky-West Virginia Gas v. P.U.C.*, 721 F. Supp. 710 (M. D. Pa. 1989), *aff’d* 899 F.2d 1217 (3d Cir. 1990)).

⁸ B&LE Cost Allocation Main Brief, pp. 5-16.

⁹ December 8, 2022, Order, p. 32, citing *City of Pittsburgh v. Pa. P.U.C.*, 404 A.2d 786 (Pa. Cmwlth. 1979).

¹⁰ December 8, 2022, Order, p. 32, citing *County of Chester v. Pa. P.U.C.*, 408 A.2d 552 (Pa. Cmwlth. 1979).

In its Cost Allocation Main Brief, B&LE again argues that the doctrine of laches and the three year statute of limitations bar any Commission action regarding the conveyance of the property that includes the Blackburn Tunnel.¹¹ However, this issue was raised by B&LE before ALJ Long and the Commission previously in this litigation. The Commission rejected, without discussion, these arguments.¹² The Commission ruled that that is irrelevant in determining who is a “concerned party,” explaining “the Commission has held railroads accountable in cases where a railroad fails to secure Commission authorization to abolish a crossing but sells the property.”¹³

In its Cost Allocation Main Brief, B&LE again argues that this preceding is preempted by federal law and that the Commission is therefore deprived of jurisdiction and authority to allocate costs for or assess liability for the Blackburn Tunnel.¹⁴ However, the Commission, in its December 8, 2022, Order, adopted the Recommended Decision of ALJ Long that “federal law regulating rail service does not preempt the Commission’s authority to regulate rail-highway crossings and to allocate costs related to the safety and maintenance of rail-highway crossings.”¹⁵ Further, the Commission ruled that it “is vested with exclusive jurisdiction to determine and prescribe the manner in which rail-highway crossings may be constructed, altered, relocated, suspended or abolished, and no rail-highway crossing may be altered, relocated, suspended or abolished without Commission authorization.”¹⁶

¹¹ B&LE Cost Allocation Main Brief, pp. 16-21.

¹² December 8, 2022, Order, p. 8.

¹³ December 8, 2022, Order, p. 33 (citing *Bronder v. Armstrong Cnty. Rails to Trails*, Docket C-00956690 (Order entered November 6, 1996) and *Borough of Bridgeville v. Allegheny Cnty.*, 74 P.U.C. 720 (1991)).

¹⁴ B&LE Cost Allocation Main Brief, pp. 22-23.

¹⁵ December 8, 2022, Order, p. 17.

¹⁶ December 8, 2022, Order, p. 32 (citing 66 Pa.C.S. § 2702(a)-(b)).

2. The Doctrine of Res Judicata Bars Re-Litigation of B&LE's Arguments Presented in its Main Brief

The doctrine of *res judicata* is a judicially created device to prevent the re-litigation of issues or claims already decided and reflects the refusal of the law to tolerate repeated litigation. “[R]es judicata and collateral estoppel both serve to preclude a party from pursuing litigation that revisits a claim or an issue that has been settled by a previous action, thereby preserving the interest in finality of judicial determinations, preventing endless litigation, and precluding parties from obtaining the proverbial “second bite at the apple.””¹⁷

Res judicata will bar a claim or issue “where the former and latter suits possess the following common elements: (1) identity of issues; (2) identity in the cause of action; (3) identity of persons and parties to the action; and (4) identity of the capacity of the parties suing or being sued.”¹⁸

All the elements of *res judicata* are met in the instant case. In this specific dispute over the allocation of final costs for the work done to prepare the Blackburn Tunnel for proper abandonment, B&LE again raises again the same issues (lack of jurisdiction, federal preemption, and others), in the same cause of action (the Commission’s investigation into the safety of the Blackburn Tunnel), and the parties are identical (with the exception of the Property Owners, who are satisfied that the tunnel has been filled and are not concerned with cost allocation between the remaining Parties). The capacity of the parties to be a part of the litigation has not changed, and B&LE does not argue that it was not privy to the litigation

¹⁷ *Daley v. A.W. Chesterton, Inc.*, 37 A.3d 1175, 1189-90 (Pa. 2012).

¹⁸ *Id.*

that resulted in the Commission’s December 8, 2022, Order or otherwise prevented from raising its arguments at an earlier stage in this proceeding.

Further, the Commission’s December 8, 2022, Order was a final order. That Order addressed all the issues B&LE then raised, and now wishes to raise again.

3. B&LE is Barred by Collateral Estoppel from Re-Litigating the Issues it Raises in its Main Brief

The collateral estoppel doctrine is “premised on practical considerations that overlap substantially with those of *res judicata*. These include avoiding the “cost and vexation” of repetitive litigation, conserving judicial resources, and, by preventing inconsistent decisions, encourage[ing] reliance on adjudication.”¹⁹ It “forecloses re-litigation in a later action, of an issue of fact or law which was actually litigated and which was necessary to the original judgment.”²⁰

“Collateral estoppel will only apply where: the issue is the same as in the prior litigation; the prior action resulted in a final judgment on the merits; the party against whom the doctrine is asserted was a party or in privity with a party to the prior action; and the party against whom the doctrine is asserted had a full and fair opportunity to litigate the issue in the prior action.”²¹

All the elements of collateral estoppel are met here. The factual and legal issues raised by B&LE in its Cost Allocation Main Brief were addressed by the Commission in its December 8, 2022, Order. The December 8, 2022, Order was as final order insofar as it

¹⁹ *In re Coatesville Area School District*, 244 A.3d 373, 381 (Pa. 2021) (quoting *Office of Disciplinary Counsel v. Kiesewetter*, 889 A.2d 47, 50-51 (Pa. 2012) (internal quotation marks omitted)).

²⁰ *Hebden v. W.C.A.B. (Bethenergy Mines, Inc.)*, 632 A.2d 1302, 1304 (Pa. 1993) (quoting *City of Pittsburgh v. Zoning Bd. of Adjustment of Pittsburgh*, 559 A.2d 896, 901 (Pa. 1989)).

²¹ *In re Coatesville Area School District*, 244 A.3d at 381.

pertains to the issues raised by B&LE. All matters relating to the disposition of the Blackburn Tunnel have already been decided, with the sole exception of the final cost allocation. The doctrine is being asserted against B&LE, who was a party to the litigation giving rise to the December 8, 2022, Order. B&LE was given a full and fair opportunity to litigate those issues, with a hearing having been held, a Recommended Decision being issued by ALJ Long, and Exceptions to the Recommended Decision having been filed by B&LE prior to the Commission's December 8, 2022, Order.

4. Section 316 of the Code Prohibits Re-Litigation of the Issues Again Raised by B&LE

Section 316 of the Pennsylvania Public Utility Code states:

Whenever the commission shall make any rule, regulation, finding, determination or order, the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside, annulled or modified on judicial review. The issuing or registration by the commission of any certificate, license or permit whatsoever, under the provisions of this part, or any finding, determination or order made by the commission refusing or granting such certificates, licenses or permits, shall not be construed to revive or validate any lapsed, terminated, invalidated or void powers, franchises, rights or privileges; or to enlarge or add to the rights, powers, franchises or privileges contained in any charter, or in the grant of any franchise, or any supplement or amendment to any charter, or to give or remit any forfeiture.

66 Pa.C.S. § 316.

The December 8, 2022, Order, and the findings and determinations contained therein as they relate to the issues of B&LE's status as a concerned party, federal preemption, and the applicability of laches and the statute of limitations, are conclusive and cannot be revisited. B&LE should not be permitted to use its *Petition Requesting a Hearing for the Purpose of Allocating Costs Associated with the Commission's Opinion and Order Entered December 8,*

2022, to collaterally attack the factual and legal findings and determinations in the December 8, 2022, Order.

At the time of the December 8, 2022, Order, it appeared that B&LE accepted the Commission's jurisdiction over this matter as well as the factual findings and legal conclusion of the Commission. B&LE could have, but did not, appeal the Commission's December 8, 2022, Order to the Commonwealth Court. B&LE instead filed a Petition to allocate final costs, implying that it would argue that at least some of the costs borne by B&LE during the Tunnel Fill Project should be borne by others. However, B&LE used its October 25, 2024, Cost Allocation Main Brief to re-argue and re-litigate legal and factual matters that have already been decided by the Commission in its December 8, 2022, Order.

Because no aspect of the Commission's December 8, 2022, Order was set aside, annulled, or modified on judicial review, the findings and determinations of that Order stand.

B. BESSEMER & LAKE ERIE RAILROAD SHOULD BEAR THE COSTS OF THE TUNNEL FILL PROJECT

Bessemer & Lake Erie Railroad expended \$19,584.10 on the engineering report for the Tunnel Fill Project and \$2,770,912.00 in total on the Tunnel Fill Project.²² As discussed in I&E's Cost Allocation Main Brief, in apportioning costs between parties for the repair, maintenance, alteration, or abolishment of a rail crossing, "the PUC is not limited to any fixed rate with respect to the allocation of costs, but instead, may take all relevant factors into consideration."²³ The allocation of costs between the parties is within the discretion of the PUC, but such allocation must be just and reasonable."²⁴

²² Joint Stipulation of Facts, Paras. 4 and 11.

²³ *City of Philadelphia v. Pa. P.U.C.*, 626 A.2D 1298, 1301 (Pa. Cmwlth. 1996).

²⁴ *Id.* (citing *Borough of South Greensburg v. Pa. P.U.C.*, 544 a.2D 82 (Pa. Cmwlth. 1988)).

The factors for determining the assignment of costs and maintenance responsibilities, as noted in the following:

- 1) The party that originally built the crossing, and whether the roadway existed before the construction of the crossing;
- 2) The party that owned and maintained the crossing;
- 3) The relative benefit initially conferred on each party with the construction of the crossing;
- 4) Whether either party is responsible for the deterioration of the crossing resulting in the need for its repair, replacement or removal;
- 5) The relative benefit that each party will receive from the repair, replacement or removal of the crossing.²⁵

In addition, the Commission has considered the following: (1) the benefits to the utility and its ratepayers; (2) the availability of state or federal funding for the project; (3) the placing of the costs upon the party responsible for the situation; and (4) the equities of a particular situation.²⁶ These factors are neither mandatory nor exclusive of other considerations, and the Commission's allocation of cost will stand as long as the allocation is just and reasonable and has a sound legal and factual basis.²⁷

Here, B&LE derived the benefits from the crossing, as it enjoyed the use of the Blackburn Tunnel to move freight and derive revenue from such commerce. By having its

²⁵ *Greene Township v. Pa. P.U.C.*, 668 A.2d 615 (Pa. Cmwlth. 1995); *see also AT&T v. Pa. P.U.C.*, 558 Pa. 290, 737 A.2d 201 (1999) (when allocating costs of constructing, removing or altering a rail-highway crossing, the PUC is not confined to any one rate or formula; it must consider all relevant factors).

²⁶ *Application of the City of Wilkes-Barre*, Docket No. A-00101606 (Order entered April 9, 1981).

²⁷ *AT&T v. Pa. P.U.C.*, 737 A.2d 201, 209 (Pa. 1999); *Wheeling & Lake Erie Railway Co.*, 778 A.2d at 793; *Bell Atlantic-Pa., Inc. v. Pa. P.U.C.*, 672 A.2d 352 (Pa. Cmwlth. 1996).

rail-highway crossing in the form of a tunnel, the railroad avoided the liability of maintaining an at-grade crossing.²⁸

Further, B&LE was responsible for the deterioration of the tunnel by ceasing maintenance for the tunnel around 2001. It derived the benefit of not having the cost of maintenance from 2001 until 2024, when the Tunnel Fill Project was completed.²⁹

The most equitable outcome would be to have the railroad bear the final costs of filling, sealing, and abandoning its tunnel, as it is the party who benefitted most from the tunnel, used the tunnel, was aware of the tunnel's particular conditions (having moved its freight through it), and was in a better position to maintain the tunnel.

The local governments that B&LE identifies as those who should bear the costs of the Tunnel Fill Project — Butler County and Fairview Township — are no longer parties to this proceeding.³⁰ Butler County and Fairview Township were not on the service list for any of the remaining parties' conferences, the Joint Stipulation of Facts, the Briefing Order, or the Main Briefs.

Had B&LE intended to have Butler County and Fairview Township bear some of the cost of the Tunnel Fill Project, it should have requested the Court join them as necessary or indispensable parties. B&LE failed to do so, and thereby waived its right to now argue that

²⁸ December 8, 2022, Order, at p. 36 (“B&LE primarily benefitted from the Blackburn Tunnel by transporting freight through the crossing for many years prior to selling the land to WALA. In addition, following B&LE’s failure to secure Commission approval to abolish and abandon the Blackburn Tunnel crossing, B&LE benefitted from cost savings for many years by not expending resources to maintain the crossing.”).

²⁹ *Id.*

³⁰ Bessemer & Lake Erie Railroad, Cost Allocation Main Brief, October 25, 2024, p. 24 (“[The] ALJ’s Recommended Order directing initial costs be allocated to the B&LE should be reallocated and borne by ... PennDOT, Butler County[,] and Fairview Township.”).

non-parties be assigned the final cost allocation to remediate a tunnel that, as the Commission determined in its December 8, 2022, Order, was the responsibility of B&LE³¹.

Other arguments by B&LE as to why it should not be allocated the final costs of the Tunnel Fill Project should also fall on deaf ears. The argument that the railroad should not be allocated costs because it has since sold the land underneath which the Blackburn Tunnel once ran was also addressed in the Commission's December 8, 2022, Order, in both the context as a controlling factor in assigning costs and as a prerequisite to determining "concerned party" status. However, as the Commission noted in its December 8, 2022 Order, ownership is not a controlling factor in assessing costs.³²

B&LE argues that it "did not cause and could not have caused any deterioration to the [Blackburn Tunnel] that occurred over the last twenty years when B&LE no longer possessed the same."³³ However, the Commission's December 8, 2022, Order has already determined that "the lack of maintenance by B&LE over the past twenty years has contributed to the Blackburn Tunnel's deterioration and partial collapse" and that "B&LE admitted to not maintaining or inspecting the Blackburn Tunnel since 2002."³⁴

VI. CONCLUSION

I&E respectfully requests that presiding ALJ Coogan and the Commission find that (1) Bessemer & Lake Erie Railroad is and was at all times responsible for the cost and maintenance of the railroad tunnel; (2) that Bessemer & Lake Erie Railroad should be

³¹ *Id.* at pp. 35-36 ("B&LE's actions to sell the property instead of properly completing the process to receive Commission authorization to abolish the Blackburn Tunnel did not absolve B&LE of its maintenance responsibility. However, the lack of maintenance by B&LE over the past twenty years has contributed to the Blackburn Tunnel's deterioration and partial collapse.").

³² December 8, 2022, Order at pp. 32-33.

³³ B&LE Cost Allocation Main Brief, p. 25.

³⁴ December 8, 2022, Order at pp. 35-36.

allocated the final costs it has already incurred to remediate the Blackburn Tunnel during the Tunnel Fill Project; (3) that PennDOT bear its own costs, already incurred, for traffic control during the construction phase of the Tunnel Fill Project; and (4) the below-grade crossing of the Bessemer & Lake Erie Railroad at State Route 268 known as the Blackburn Tunnel should be abolished.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "G. Rosul", with a long horizontal flourish extending to the right.

Grant Rosul
Prosecutor
PA Attorney ID No. 318204

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Erie Railroad in Bradys Bend Township, :
Armstrong County :

Docket No. I-2019-3012769

CERTIFICATE OF SERVICE

I hereby certify that I have this day, November 4, 2024, served a true copy of the foregoing **Cost Allocation Reply Brief of the Bureau of Investigation and Enforcement**, 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:

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