

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held April 24, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chairman  
Kathryn L. Zerfuss  
John F. Coleman, Jr.  
Ralph V. Yanora

Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 501 500 G) by replacement of the existing bridges where State Route 0083 (Interstate 83) crosses, above grade, the tracks of Norfolk Southern Railway Company and State Route 3029 (Loucks Mill Road) located in Spring Garden Township, York County, and the allocation of certain costs incident thereto.

A-2021-3027407

**ORDER**

**BY THE COMMISSION:**

By Order entered December 19, 2024, the Commission approved the Application of the Pennsylvania Department of Transportation (PennDOT) for approval to alter the public crossing (DOT 501 500 G) by replacement of the existing bridges where State Route 0083 (Interstate 83) crosses, above grade, the tracks of Norfolk Southern Railway Company and State Route 3029 (Loucks Mill Road), located in Spring Garden Township, York County, and the allocation of costs incident thereto. The Commission also directed that certain property be appropriated for the purpose of the aforesaid project, pursuant to Section 2702 of the Public Utility Code. 66 Pa.C.S. § 2702. Specifically, the aforesaid project necessitated the appropriation of property within Spring Garden Township, York County, filed with the Recorder of Deeds of York County on October 4, 2023, by Instrument No. 2023038457 (Department Claim No. 6601288000).

On February 20, 2025, PennDOT filed the instant Petition with the Commission to transfer jurisdiction in this matter to the Court of Common Pleas of York County, pursuant to 66 Pa.C.S. § 2704, for the filing of a petition to deposit the estimated just compensation amount into court pursuant to the Eminent Domain Code, 26 Pa.C.S. § 307. PennDOT has determined that the just compensation for the property appropriation is \$264,500.00 which, as of the date of the Petition, has not been accepted by Norfolk Southern Railway Company.

Section 2704(a) of the Public Utility Code provides in pertinent part:

The compensation for damages which the owners of adjacent property taken, injured, or destroyed may sustain in the construction, relocation, alteration, protection, or abolition of any crossing under the provisions of this part, shall, after due notice and hearing, be ascertained and determined by the commission.

66 Pa.C.S. § 2704(a).

Section 2704(b) of the Public Utility Code provides in part:

The commission may, of its own motion, or upon application of any party in interest, submit to the court of common pleas of the county wherein the property affected is located, the determination of the amount of damages to any property owner due to such condemnation, for which purpose such court shall appoint viewers, from whose award of damages an appeal to said court shall lie on the part of any person or party aggrieved thereby, under the general law applicable to the appointment of viewers, for the ascertainment of damages due to the condemnation of private property for public use.

66 Pa.C.S. § 2704(b).

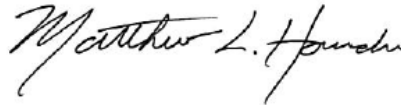
We determine it is appropriate to refer the subject property damage claim of Norfolk Southern Railway Company to the Court of Common Pleas of York County in

accordance with 66 Pa.C.S. § 2704(b). Accordingly, this Commission finds that the instant Petition of PennDOT should be granted, and that the property damage claim should be referred to the Court of Common Pleas of York County; **THEREFORE,**

**IT IS ORDERED:**

1. That the Petition filed on February 20, 2025, by the Pennsylvania Department of Transportation is granted.
2. That this matter is referred to the Court of Common Pleas of York County for a determination of the amount of damages due to Norfolk Southern Railway Company for the property interests that have been appropriated, as set forth more fully in the Commission Order entered December 19, 2024, at A-2021-3027407.

**BY THE COMMISSION**



Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: April 24, 2025

ORDER ENTERED: April 24, 2025