



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

IN REPLY PLEASE
REFER TO OUR FILE

August 4, 2025

C-2025-3054989

TO ALL PARTIES OF RECORD

Formal Complaint of Butler Township regarding the condition of the crossing surface at the public crossing (DOT 591 313 U) where State Route 4030 (Powder Mill Road) crosses, at grade, a single track of Reading Blue Mountain & Northern Railroad Company located in Butler Township, Schuylkill County.

To Whom It May Concern:

This matter is before us by reason of a formal complaint filed with the Commission by Butler Township on April 30, 2025, regarding the public crossing (DOT 591 313 U) where State Route (S.R.) 4030 (Powder Mill Road) crosses, at grade, a single track of Reading Blue Mountain & Northern Railroad Company (RBMN) located in Butler Township, Schuylkill County.

The complaint alleges that the crossing surface is generally depressed below the level of the tracks, contains numerous pot holes, and is becoming progressively more deteriorated. The dangerous condition of the surface requires passenger vehicles to significantly reduce their speed while traversing the crossing. Butler Township desires RBMN to repair their crossing surface to a condition which allows passenger vehicles to safely traverse the crossing at a reasonable speed without causing damage to their vehicles and is seeking relief from the Commission.

Following receipt of the complaint, a formal field investigation and conference was arranged by a Commission staff engineer and held on May 28, 2025, at the subject public crossing. Representatives of Butler Township, RBMN, and the Pennsylvania Department of Transportation were in attendance.

At the field conference, it was noted that S.R. 4030 (Powder Mill Road) is a two (2) lane, bi-directional asphalt paved roadway with shoulders that crosses (DOT 591 313 U), at grade, a single track of RBMN. The existing railroad crossing is located approximately 0.4 miles east of the intersection with S.R. 4041 (Mahanoy Avenue) and consists of an asphalt crossing surface equipped with existing railroad warning devices comprised of mast-mounted automatically operated flashing-light warning signals, crossbuck (R15-1) signs, and emergency notification (I-13) signs. Each roadway approach has grade crossing advanced warning (W10-1) signs, grade crossing pavement markings, and stop lines. The Average Daily Traffic volume for S.R. 4030 (Powder Mill Road) is 3,011 vehicles with 7% truck traffic based on publicly available records.

According to the Federal Railroad Administration's grade crossing database the crossing is located at mile post 0.8 on RBMN's Shenandoah line. The line experiences 1 switching train movement per day at a maximum timetable speed of 10 miles per hour. There was no accident history at the subject crossing located within the Federal Railroad Administration's grade crossing database.

The Pennsylvania Department of Transportation (Department) has indicated that it will be repaving S.R. 4030 (Powder Mill Road) during the summer of 2026 and has agreed to aid RBMN in making temporary repairs to their crossing in August of 2025, and fully replacing their crossing surface during the summer of 2026.

At the field conference a depression was observed on the northeast quadrant of the crossing between the shoulder of the roadway and the rail bed. The Department and RBMN have agreed to investigate the depression and determine if it is the result of a failed pipe and/or inlet. By email received by a Commission staff engineer on July 8, 2025, the Department averred that following the field conference it cleaned two (2) inlets, and a Department maintained pipe adjacent the crossing surface. RBMN has agreed to install a new cross pipe below its tracks while replacing the crossing surface if deemed necessary following investigation of the depression.

The Department, at its initial cost, agrees to 1) make temporary repairs to the approach roadway and crossing surface by milling and placing hot mix asphalt pavement, 2) establish and maintain any detours or traffic controls during the period of time the crossing surface is being fully replaced, and 3) repave the approach roadway and crossing surface, following the replacement of the tracks, ties, and ballast by RBMN.

RBMN, at its sole cost, agrees to 1) establish and maintain any detours or traffic controls while temporary repairs to the crossing surface are being made, 2) provide railroad flagging during all repair/ replacement work, 3) make necessary drainage improvements on the northeast quadrant of the crossing following investigation of the depression, and 4) replace its tracks, ties, and ballast at the crossing in preparation of being paved with hot mix asphalt by the Department.

Following the completion of all work to repair and replace the crossing surface a final inspection will be scheduled to determine the acceptability of the work. If the work is found to be acceptable to the parties, Butler Township has agreed that it would be satisfied, and the formal complaint would be resolved.

The complaint was discussed in detail with all attending parties of record at the field conference and none have advised that they object to the issuance of a Secretarial Letter, prior to hearing, directing the repair and in-kind replacement of the crossing surface.

It does not appear that any facilities of any non-carrier public utility will be affected by the proposed work at the subject crossing. It will not be necessary for the Commission to appropriate railroad property to accommodate the improvement.

Inasmuch as the parties are in agreement that repairs are necessary to the at grade crossing herein and in the interest of public safety, the Commission is of the opinion that a Secretarial Letter can be issued approving the repairs of the at grade crossing without a formal hearing.

The Commission hereby establishes its jurisdictional limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way.

The Commission has exclusive jurisdiction in crossing alterations and is the final arbiter of any fees associated with a crossing application. Any conditions, including fees associated with a crossing application, must be approved by the Commission.

Upon full consideration of the matters involved, we determine that it is not necessary to schedule a hearing in this proceeding at this time and that issuance of Secretarial Letter without a hearing is proper since none of the parties has expressed any objections to the proposal.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the repair and replacement of the crossing is necessary and proper for the service, accommodation, convenience, or safety of the public.

The work to repair and replace the subject crossing as discussed at the formal field conference is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. Schuylkill County be made a party hereto.
3. The public crossing (DOT 591 313 U) where State Route 4030 (Powder Mill Road) crosses, at grade, a single track of Reading Blue Mountain & Northern Railroad Company in Butler Township, Schuylkill County be repaired and replaced in-kind as herein directed.
4. The Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and perform all work necessary to make temporary repairs to the approach roadway and crossing surface by milling and placing hot mix asphalt pavement, in addition to repaving the approach roadway and crossing surface following replacement of the tracks, ties, and ballast by Reading Blue Mountain & Northern Railroad Company; all in accordance with this Secretarial Letter.
5. Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary to make drainage improvements on the northeast quadrant of the crossing following investigation of the embankment depression, and replace its tracks, ties, and ballast at the crossing in preparation of being hot mix asphalt paved by the Pennsylvania Department of Transportation; all in accordance with this Secretarial Letter.

6. Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate vehicular and pedestrian traffic during the time the temporary repairs to the crossing surface are being made by the Pennsylvania Department of Transportation; all in accordance with this Secretarial Letter.

7. The Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate vehicular and pedestrian traffic during the time the crossing surface is being replaced; all in accordance with this Secretarial Letter.

8. Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, furnish all material and perform all work relating to its facilities, which may be required as incidental to the performance of the proposed work; furnish construction engineering and inspection service if required as a result of the proposed work; and furnish and maintain flagmen and watchmen, as required, to protect its operations during the time the work is being performed.

9. Any relocation of, changes in, and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority at its initial cost and expense, and in such manner as will not interfere with the repair and reconstruction of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility or municipal authority at its sole cost and expense.

10. Any relocation of, changes in, and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located beyond the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority at its initial cost and expense, and in such manner as will not interfere with the repair and reconstruction of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility or municipal authority at its sole cost and expense.

11. The Pennsylvania Department of Transportation and Reading Blue Mountain & Northern Railroad Company, at each respective party's sole cost and expense, pay all compensation for damages, if any, due to the owners of property taken, injured, or destroyed by reason of work completed by each respective party at the crossing in accordance with this Secretarial Letter.

12. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and railroad traffic will not be endangered or unnecessarily inconvenienced, and so that the requirements of each of the parties will be provided for and accommodated insofar as possible.

13. The Pennsylvania Department of Transportation, at least seven (7) days prior to the start of work, notify local emergency management services and all parties of record of the actual date on which work will begin.

14. The repair and replacement of the crossing be completed on or before August 31, 2026, and that on or before said date the Pennsylvania Department of Transportation, report in writing the date of actual completion of the work to this Commission and certify to the parties of record and this Commission that the work has been satisfactorily completed in accordance with this Secretarial Letter.

15. Upon notice of completion of the work herein directed, a final inspection be held by the Commission's Rail Safety Section to determine the acceptability of the work to replace the crossing surface.

16. Upon completion of the in-kind replacement of the crossing surface, Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossing, including the warning devices and all appurtenant equipment, and maintain at all times in a safe, smooth and satisfactory condition the crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide the Pennsylvania Department of Transportation and Butler Township at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

17. Upon completion of the in-kind replacement of the crossing surface, the Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the highway approach roadway of the subject crossing to points twenty-four (24) inches beyond each outside rail, and in addition, maintain the grade crossing advance warning signs, pavement markings, and stop lines; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Reading Blue Mountain & Northern Railroad Company and Butler Township at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

18. Upon completion of the in-kind replacement of the crossing surface, each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities, existing or altered, located within the limits of the improvement.

19. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any costs incurred by the non-carrier utility companies and municipal authorities and other matters relevant to this proceeding.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an eFiling account through the Commission's website (the account is free of charge) and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>.

If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority, or certified mail to allow tracking of your filing.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right-hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Sincerely,

A handwritten signature in cursive script that reads "Matthew L. Homsher".

Matthew L. Homsher
Secretary