



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

IN REPLY PLEASE
REFER TO OUR FILE

February 19, 2026

A-2023-3043240

TO ALL PARTIES OF RECORD

Application of D&J Fox Holdings, LLC for approval of the alteration of the crossing (DOT 966 038 R) where State Route 0050 (Millers Run Road) crosses, at grade, the tracks of MarkWest Liberty Midstream & Resources LLC through lease agreement/easement with property owner Montour Trail Council, operated thereon by Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County.

To Whom It May Concern:

This matter is before the Commission by reason of a Petition filed with the Commission, dated September 3, 2025. In its Petition, D&J Fox Holdings, LLC (D&J) petitioned the Commission to withdraw the subject application to alter the subject public crossing (DOT 966 038 R).

On February 7, 2025, prior to the request of D&J to withdraw from this proceeding, the Inspection Section of the Commission's Rail Safety Division independently inspected the subject crossing and indicated safety concerns regarding the wide-open, unprotected area of track/crossing surface along the southern side of State Route 0050 (Millers Run Road).

Upon receipt of the Petition, a field investigation and conference was arranged by a Commission staff engineer and held on October 16, 2025, at the site of the subject crossing. Representatives of D&J, Pennsylvania Department of Transportation, Montour Trail Council, MPLX, Wheeling & Lake Erie Railway Company, Frontier Railroad Services, Diamondback Signal and Comcast attended the field conference. Although notified by letter sent by electronic mail on October 1, 2025, there were no representatives of Cecil Township, Washington County, Columbia Gas of Pennsylvania, Verizon Pennsylvania LLC, Windstream, Pennsylvania American Water, Comcast Cable Communications, Inc. or West Penn Power in attendance.

At the field conference, the Commission's Rail Safety Division reiterated the continued public safety concern at the crossing regarding the wide-open, unprotected area of track/crossing surface along the southern side of State Route 0050 (Millers Run Road). All parties in attendance discussed this issue in detail. A Commission staff engineer directed D&J to submit proposed alternative plans to restrict vehicular access to the unprotected areas of track by means of guiderail, barriers, and/or fencing in lieu of its previously approved plans.

On August 5, 2025, the Montour Trail Council (MTC) filed an objection to the situation and circuitry plans approved by the Commission by Secretarial Letter dated June 30, 2025. In its objection, MTC stated that the position of Gate #1 appeared to block its trail.

Wheeling & Lake Erie Railway Company, at the sole cost and expense of D&J and within sixty (60) days of the date of this Secretarial Letter, is directed to submit a revised situation and circuitry plan for the subject crossing to all parties for review and to the Commission for approval, addressing the concerns of MTC. D&J is directed to request an additional extension of time in which to complete the work, if necessary. Upon Commission approval of the revised situation and circuitry plans, D&J is directed to move forward with the alteration of the crossing in accordance with our Secretarial Letter dated February 15, 2024, and the revised approved plans.

In lieu of submitting a revised situation and circuitry plan and moving forward with its alteration as previously approved, D&J, at its sole cost and expense and within sixty (60) days of the date of this Secretarial Letter, is directed to submit an alternative plan to address the safety concerns at the crossing to all parties for review and to the Commission for approval and, if necessary, to request an additional extension of time in which to complete the work.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code, THEREFORE:

1. The Petition filed by D&J Fox Holdings, LLC dated September 3, 2025 to withdraw its application is denied.

2. Within fifteen (15) business days of the date of this Secretarial Letter, D&J Fox Holdings, LLC, at its initial cost and expense, is directed to close the unprotected area of track/crossing surface along the southern side of State Route 0050 (Millers Run Road) from the existing guiderail end treatment to the existing mast-mounted cantilevered railroad warning device in the southwest quadrant and to close off the unprotected area of track/crossing surface within its property from the existing concrete barrier to the existing mast-mounted cantilevered railroad warning device in the southwest quadrant. The track shall be protected from vehicular access temporarily by use of long-term channelizing devices, in accordance with Pennsylvania Department of Transportation Publication 213, Temporary Traffic Control Guidelines, until such time that a permanent solution is implemented. In accordance with the Commission's minimum lateral (side) clearance required by 52 Pa. Code, Section 33.122, no temporary traffic control devices shall be placed within 12 feet of the centerline of track.

3. Wheeling & Lake Erie Railway Company, at the sole cost and expense of D&J Fox Holdings, LLC, within sixty (60) days of the date of this Secretarial Letter and prior to the start of construction, prepare and submit a revised situation and circuitry plan for the subject crossing to all parties for review and to the Commission for approval, addressing the concerns of the Montour Trail Council in their objection dated August 5, 2025.

4. Upon Commission approval of the revised plans in Numbered Paragraph 3, D&J Fox Holdings, LLC, proceed with the alteration of the crossing in accordance with our Secretarial Letter dated February 15, 2024, and the revised approved plans.

5. In lieu of Paragraph 3 and Paragraph 4, above, D&J Fox Holdings, LLC, at its sole cost and expense and within sixty (60) days of the date of this Secretarial Letter, submit an alternative plan to address the safety concerns at the crossing to all parties for review and to the Commission for approval.

6. Paragraph 15 of our Secretarial Letter dated February 15, 2024, last modified on July 25, 2025, directed the alteration of the crossing to be completed on or before June 30, 2026. D&J Fox Holdings, LLC, file a Petition with the Commission to request the appropriate extension of time necessary to complete the work directed herein on or before the June 30, 2026 deadline, if necessary.

7. Failure to comply with the directives set forth herein will result in this matter being referred to the Commission's Bureau of Investigation & Enforcement for enforcement action as deemed appropriate.

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 black ink, reading "Matthew L. Homsher". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Matthew L. Homsher
Secretary