



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

IN REPLY PLEASE
REFER TO OUR FILE

March 6, 2026

A-2025-3055038

TO ALL PARTIES OF RECORD

Application of the Pennsylvania Department of Transportation of for approval to alter the public crossing (DOT 591 374 K) by adding railroad preemption to two (2) highway traffic signals on each side of the crossing, where State Route 0309 is intersected by Chapmans Road (State Route 4001) and Pope Road, and where State Route 0309 is intersected by Walbert Avenue (State Route 1006) and Church Road, where State Route 0309 crosses, at grade, a track of Norfolk Southern Railway Company in South Whitehall Township, Lehigh County and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us, by reason of an application filed May 7, 2025, by Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public crossing (DOT 591 374 K) by adding railroad preemption to two (2) highway traffic signals on each side of the crossing, where State Route (S.R.) 0309 is intersected by Chapmans Road (S.R. 4001) and Pope Road, and where S.R. 0309 is intersected by Walbert Avenue (S.R. 1006) and Church Road, where S.R. 0309 crosses, at grade, a track of Norfolk Southern Railway Company (NS) in South Whitehall Township, Lehigh County and the allocation of costs incident thereto.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on June 18, 2025, at the site of the crossing. All parties were notified by letter via electronic mail sent on May 30, 2025, of the date and time of the field conference. Representatives of the Department, CDR Maguire Engineering (consultant for the Department), NS, AECOM (Consultant for NS), Service Electric Cable TV & Communications and South Whitehall Township were in attendance. PPL Electric Company, UGI, Verizon and Lehigh County were notified of the time and place of the meeting but did not attend.

At the existing crossing, S.R. 0309 is a four-lane bituminous asphalt roadway with shoulders that is separated into two-lanes in each direction by a concrete divider. There are no curbs or sidewalks. The roadway crosses, at grade, a single track of NS having a concrete panel crossing surface in good condition. S.R. 0309 has an annual daily traffic count of 9,170 vehicles per day with 6-percent trucks.

The warning facilities at the crossing consist of automatically operated cantilevered flashing-light railroad warning signals, bell, stop lines, Advance Grade Crossing Warning (W10-1) signs, and pavement markings on both approaches to the subject crossing without gates. NS stated there are typically two (2) trains per day over the crossing operating at a speed of 10 miles per hour.

There are two (2) four-way intersections on each side of the subject crossing. Approximately 250 feet to the west of the subject crossing, is the four-way intersection of S.R. 0309 with Chapmans Road (S.R. 4001) and Pope Road. Approximately 420 feet to the east of the subject crossing, is the four-way intersection of S.R. 0309 with Walbert Avenue (S.R. 1006) and Church Road. The existing highway traffic signals at both subject intersections do not have railroad preemption from the subject crossing.

At the field conference, the Department described the proposed project. The project will be done at the Department's sole cost and expense. The Department proposes adding railroad preemption to the existing traffic signals at both adjacent intersections. The parties discussed if preemption was only warranted at the closer of the two intersections, the western intersection. The Department stated as part of the safety project that preemption would be added to the traffic signals at both of the subject intersections.

The parties also discussed whether gates could be added at the subject crossing. New gates would each have to span the shoulder and two-lanes of the roadway. When in the upright position, the long gates would have interference from the existing high-voltage transmission lines on the western side of the subject crossing. Therefore, the parties agreed that gates could not be added to the subject crossing.

The Department will upgrade both of the traffic signals at the intersections of S.R. 0309 with Chapmans Road (S.R. 4001) by:

- (1) adding railroad preemption from the subject crossing to the highway traffic signals on the eastern and western sides of the subject crossing,
- (2) installing a junction box near the subject crossing for the preemption interconnect,
- (3) providing cables from the junction box to the traffic signal control boxes at the intersections on the eastern and western sides of the subject crossing.

NS, at the sole cost and expense of the Department, will provide the railroad preemption interconnect cable to the junction box.

The Department, at its sole cost and expense, will submit detailed roadway construction plans, including traffic signal plans with railroad preemption, to all parties of record for review.

Funding for the project will be 80% Federal and 20% State funds. The estimated total cost for the project described above is \$460,000.00.

NS agreed to maintain its warning facilities at the subject crossing including the automatically operated cantilevered flashing-light warning signals, bell and all appurtenant equipment, and to maintain at all times in a smooth and satisfactory condition the concrete panel crossing surface.

The Department, at its sole cost and expense, will maintain the advanced warning signs, stop lines and pavement markings on both approaches to the subject crossing.

South Whitehall Township, at its sole cost and expense, will maintain the highway traffic signals and railroad preemption timing at the four-way intersections on the eastern and western sides of the subject crossing.

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 along S.R. 0309 and extending along the highway right-of-way to include the intersection of S.R. 0309 with Chapmans Road (S.R. 4001) and Pope Road and the intersection where S.R. 0309 with Walbert Avenue (S.R. 1006) and Church Road.

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 and inasmuch as no objection has been filed with the Commission, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

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

The application of Pennsylvania Department of Transportation is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public at-grade crossing where State Route 0309 crosses, at grade, a track of Norfolk Southern Railway Company in South Whitehall Township, Lehigh County, be altered as herein directed.
3. Pennsylvania Department of Transportation, at its sole cost and expense and prior to the start of construction, shall submit detailed construction plans, including traffic signal plans with railroad preemption for the four-way intersections on the eastern and western sides of the subject crossing, to all parties of record for review and to the Commission for approval.
4. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to alter the subject crossing by (1) adding railroad preemption from the subject crossing to the traffic signals on the eastern and western sides of the subject crossing, (2) installing a junction box near the subject crossing for the preemption interconnect, (3) providing cables from the junction box to the traffic signal control boxes at the intersections on the eastern and western sides of the subject crossing; all in accordance with the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
5. Norfolk Southern Railway Company, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the subject crossing by providing railroad preemption interconnect to the junction box; all in accordance with the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
6. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic controls at the subject crossing that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.
7. Norfolk Southern Railway Company, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and perform all work necessary to furnish any watchmen, flagmen, inspectors, and/or engineering services that may be deemed necessary to protect the railroad's operations or facilities during the time the facilities are being installed.

8. 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 the Commission's jurisdiction, which may be required as incidental to the execution of the proposed project, be made by said public utility, at its initial cost and expense and in such manner as will not interfere with construction of the project.

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 in private right-of-way within the limits of the Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility or municipal authority and in such manner as will not interfere with the project.

10. 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.

11. Pennsylvania Department of Transportation notify all parties of record at least ten (10) days prior to performing any work in accordance with this Secretarial Letter.

12. All work necessary to complete the alteration of the subject crossing be done in a manner satisfactory to this Commission on or before December 31, 2028, and that on or before said date, Pennsylvania Department of Transportation report the date of actual completion of the work.

13. Pennsylvania Department of Transportation pay all compensation for damages due to the owners of any property taken, injured or destroyed by reason of the alteration of the subject crossing in accordance with this Secretarial Letter.

14. All costs, which are to be reimbursed by the Department of Transportation consistent with this Secretarial Letter, shall be reimbursed pursuant to the provisions of 23 C.F.R. §§ 140, 646. The aforesaid Federal reimbursement shall not supersede, delay or, in any manner, postpone the effect of any paragraph contained in this or any related Secretarial Letter or Order.

15. Upon completion of construction of the project, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the crossing, including the automatically operated cantilevered flashing-light warning signals, and all appurtenant equipment, and to maintain at all times in a smooth and satisfactory condition the concrete panel crossing surface installed at the crossing; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Pennsylvania Department of Transportation and South Whitehall Township at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

16. Upon completion of construction of the project, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the highway approaches to the subject crossing up to the concrete panel crossing surface and, in addition, maintain the Grade Crossing Advance Warning (W10-1) signs, the Do Not Stop On Tracks (R8-8) signs, stop lines and pavement markings on the approaches thereto, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Norfolk Southern Railway Company and South Whitehall Township at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

17. Upon completion of construction of the project, South Whitehall Township, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway traffic signals and traffic signal control boxes at the four-way intersections on the eastern and western sides of the subject crossing, and to maintain the cable from the junction box to the traffic signal control boxes, in a safe and satisfactory condition.

18. Upon completion of the work herein directed, South Whitehall Township, at its sole cost and expense, shall maintain and shall annually inspect the traffic signals and the traffic signal control boxes, at the four-way intersections on the eastern and western sides of the subject crossing, and the cables form the junction box to the traffic signal control boxes to ensure that the timing and preemption operation of the signal systems are functioning as designed. South Whitehall Township shall contact Norfolk Southern Railway Company and arrange for railroad personnel to activate the railroad crossing warning system to accommodate the required inspection. South Whitehall Township shall report any operational problems that cannot be corrected during the annual inspection to both the Pennsylvania Department of Transportation and the Pennsylvania Public Utility Commission.

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 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 black ink that reads "Matthew L. Homsher". The signature is written in a cursive style with a large, stylized initial "M".

Matthew L. Homsher
Secretary