313006

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ENTERED
Office of Chief Counsel
November 18, 2026
Part of
Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY – CONTROL – NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY

COMMENTS AND REQUEST FOR CONDITIONS OF SOUTH HEIDELBERG TOWNSHIP, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA

(Grade Separation at Krick Lane and the Norfolk Southern Railway Line)

South Heidelberg Township, Berks County, Pennsylvania, a Second-Class Township with municipal offices at 555A Mountain Home Road, Sinking Spring, Pennsylvania 19608 (the "Township"), by its undersigned counsel, submits these comments and request for conditions under the procedural schedule adopted in the Board's decision served August 18, 2026. Consistent with its Notice of Intent to Participate, the Township takes no position on the competitive merits of the proposed transaction. The Township asks that, if the Board approves the transaction, the Board impose the conditions in Part VI to mitigate the transaction's effects on the at-grade crossing of Krick Lane and the Norfolk Southern Railway Company ("NS") line in the Township.

I. STATUS OF THE TOWNSHIP'S PARTICIPATION

1. The Township filed its Notice of Intent to Participate in this proceeding on March 5, 2026, and the Board entered it as part of the public record that day. The Notice stated that the Township was participating to protect its transportation, safety, and community interests and reserved the Township's right to comment.
2. The Board's August 18, 2026, decision provided that parties that had already submitted a notice of intent to participate were not required to resubmit notice. The Township is therefore a party of record and files these comments by the November 18, 2026 deadline for comments, protests, and requests for conditions.

II. IDENTITY AND INTEREST OF THE TOWNSHIP

1. The Township is a Second-Class Township of the Commonwealth of Pennsylvania in southwestern Berks County, governed by a Board of Supervisors. It maintains the public roads within its borders and provides police protection through the South Heidelberg Township Police Department.
2. NS operates a line of railroad through the Township. The line crosses Krick Lane at grade just south of Pennsylvania State Route 422.
3. **No grade separation for 4.8 miles.** Krick Lane lies within a 4.8-mile stretch of the NS line between the Furnace Road bridge and the Shillington Road bridge, each of which carries the road over the railroad. That stretch contains six public at-grade crossings and no grade-separated crossing. When a train occupies the line, drivers and emergency vehicles on one side must detour around the blocked crossing to reach the other side. The driving detour from Krick Lane is approximately 4.5 miles to Furnace Road, Wernersville, and approximately 4.2 miles to South Dwight Street, Sinking Spring.
4. **Krick Lane's role.** Krick Lane is a Township-owned road connecting U.S. Route 422 and Fritztown Road with the South Heidelberg industrial area. It is the principal access for the South Heidelberg industrial park, Redner's Warehouse Markets' distribution facility, Sunoco/Energy Transfer, Ethos (1m sq. foot warehouse under construction), 2 other warehouses to be constructed, to be developed commercial property, and other employers. Average daily traffic currently at the crossing is approximately 5,000 vehicles, of which approximately 7.5% are trucks.
5. **Regional planning.** A grade separation at Krick Lane is an identified project in the region's transportation planning. The Reading Area Transportation Study's 2027–2050 Long Range Transportation Plan lists a new bridge on Krick Lane over the NS line among its most critical unfunded bridge projects (Exhibit A). The project also appears in the Berks County Comprehensive Plan and in the joint comprehensive plan of Lower Heidelberg Township, South Heidelberg Township and Wernersville Borough, which states that the Township is pursuing funding for a bridge at Krick Lane.

III. THE PROJECT

8. The Township proposes a bridge carrying Krick Lane over the NS line (the "Krick Lane Grade Separation"). The Reading Area Transportation Study's long-range plan estimates its cost at $10,700,000 in federal fiscal year 2026 dollars (Exhibit A).
9. A public highway-rail grade separation in the Commonwealth of Pennsylvania requires approval of the Pennsylvania Public Utility Commission under 66 Pa.C.S. § 2702. The Township does not ask the Board to displace that process. It asks the Board to condition any approval so that the combined system bears a share of the cost proportionate to the transaction's effects and cooperates in carrying out the project.

IV. THE TRANSACTION'S EFFECTS ON THE KRICK LANE CROSSING

10. **Train volume.** According to the Revised Application's operating plan / the Board's environmental threshold data, the NS line segment through the Township is projected to

increase in the number of trains per day, and gross tonnage on the segment is projected to increase.

11. **Train length, not only train count.** The number of trains per day understates the effect at a crossing. Each closure of Krick Lane lasts as long as a train takes to clear it, so longer and slower trains block the road longer even if the daily count does not change. The Township asks that the Board and its Office of Environmental Analysis consider the Applicants' projected train lengths and speeds on this segment and not train counts alone. The Pennsylvania Department of Transportation's 2025 State Rail Plan makes the same point: as train lengths have increased, blocked crossings have become a greater problem, because a longer train is harder to stop without occupying a crossing (Exhibit B).
12. **Blocked crossings and equipment failures.** Each event of a blocked crossing and equipment failure closes Krick Lane entirely, and with no grade separation for approximately 4-5 miles, the only alternatives are the detours described in paragraph 5. More trains and longer trains increase both the frequency of these events and their duration.
13. **Statewide recognition of blocking at Krick Lane with Krick Lane being the most pressing need in the Commonwealth of Pennsylvania for such crossings.** PennDOT's 2025 State Rail Plan asked stakeholders to identify locations where stationary trains frequently occupy crossings for extended periods. Seven (7) locations in the Commonwealth were identified, *and Krick Lane in South Heidelberg is listed first and has been confirmed as the location with the worst and most pressing issues* (Exhibit B, Figure 4.3). Another of the seven (7), Woodrow and Columbia Avenues in neighboring Sinking Spring, is on the same NS line a short distance east. Two (2) of the seven (7) blocked-crossing locations the Commonwealth identified statewide are therefore on the line segment the transaction affects.
14. **Emergency response.** When Krick Lane is blocked, emergency responders must detour approximately 4.5 miles to Furnace Road or 4.2 miles to South Dwight Street (paragraph 5), adding valuable minutes to a response.
15. **Regional support.** The need for a grade separation at Krick Lane is supported by Conrad Weiser Area School District; Sunoco/Energy Transfer; Redner's Warehouse Markets; South Heidelberg industrial park businesses; Ethos Development Group; Lower Heidelberg Township; the Berks County Commissioners; the Berks County Industrial Development Authority; the Reading Area Transportation Authority; State Representative Eric J. Weaknecht; State Senator Christopher M. Gebhard; and local agricultural operators.

V. LEGAL STANDARD

16. The Board may impose conditions on a transaction under 49 U.S.C. § 11324(c). There must be a sufficient nexus between the condition and the transaction, the Board does not impose mitigation to remedy pre-existing conditions, and the condition must be reasonable. *See Canadian Nat'l Ry. Co. – Control – EJ&E W. Co.*, FD 35087, Decision No. 16 (STB served Dec. 24, 2008).

17. In *CN/EJ&E*, the Board required the applicants to bear 67% of the cost of one (1) grade separation and 78.5% of the cost of another, at crossings its environmental staff found substantially affected by the transaction. *Id.* The D.C. Circuit upheld the Board's authority to impose those conditions. *Village of Barrington v. STB*, 636 F.3d 650 (D.C. Cir. 2011).
18. The Board has declined grade separation requests in other circumstances. In *Canadian Pacific Railway Ltd. – Control – Kansas City Southern*, FD 36500, Decision No. 35 (STB served Mar. 15, 2023), *aff'd, Coalition to Stop CPKC v. STB*, No. 23-1165 (D.C. Cir. June 20, 2025), the Board declined requests from Chicago-area communities for grade separations at many crossings. In FD 35087 (Sub-No. 8), the Board repeatedly denied petitions by the Village of Barrington to reopen the 2008 decision and require a grade separation at U.S. Route 14, including by decision served April 26, 2017.
19. Those decisions do not control here. Barrington sought a grade separation years after approval, by petition to reopen, which required a showing of material error, new evidence, or substantially changed circumstances under 49 C.F.R. § 1115.4. The Township raises the issue now, in the primary proceeding, before the environmental record closes. Unlike the CPKC request, the Township seeks one (1) grade separation at one (1) crossing, with a defined project, and with existing regional planning support. It asks for a share proportionate to the transaction's effect, with possible full funding.
20. The Township's request is limited to the transaction's incremental effects. It does not ask NS or Union Pacific to remedy conditions that existed before the transaction, or effects of background traffic growth.

VI. REQUESTED CONDITIONS

If the Board approves the transaction, the Township requests that it impose the following conditions:

1. Cost contribution. Applicants shall contribute 90%-100% of the total cost of design, right-of-way acquisition, and construction of the Krick Lane Grade Separation, reflecting the share of vehicle delay and safety risk at the crossing attributable to the transaction, with the Township being hopeful to furnish any remaining obligation through grant funding and/or loans.

2. Railroad cooperation. Applicants shall (a) cooperate in good faith with the Township and the Pennsylvania Department of Transportation in design review; (b) grant temporary and permanent easements reasonably needed for the project on commercially reasonable terms; (c) provide flagging, track protection and construction coordination; and (d) support, and not oppose, the Township's applications to the Pennsylvania Public Utility Commission and for state and federal grant funding for the project.

3. Maintenance. Maintenance responsibility for the structure shall be allocated as provided in the Pennsylvania Public Utility Commission's order approving the project, and nothing in the Board's conditions shall alter that allocation.

4. Interim measures. Until the grade separation is in service, Applicants shall:

- (a) notify Berks County Department of Emergency Services ("Berks County DES") directly, in real time, whenever a train is stopped across Krick Lane or any of the other at-grade crossings between Furnace Road and South Dwight Street;
- (b) staff an emergency line for these crossings that is answered by a person at all times and can identify the train, its direction, the cause of the stop, and the expected clearing time;
- (c) not hold a train stationary across Krick Lane for more than 10 minutes, except when required to stop by a signal indication, an emergency, or federal safety regulations; and, when a train is disabled across Krick Lane, begin separating the train to open Krick Lane promptly, complete the separation as soon as it can safely be done and in no event later than 30 minutes absent circumstances documented in the report required by subparagraph (d), and notify Berks County DES when the crossing is open; and
- (d) report each blocked-crossing event at Krick Lane, with its duration, in the reporting required by the Board's oversight conditions.

These measures reduce, but do not cure, the effect of a blocked crossing. A notification tells a responder that a crossing is closed; it does not open a route.

5. Environmental review. The Office of Environmental Analysis shall include Krick Lane and the other at-grade crossings between Furnace Road and South Dwight Street in its analysis of grade crossing delay, emergency response and safety in the Draft and Final Environmental Impact Statements, and shall consider the Krick Lane Grade Separation as a recommended mitigation measure.

6. Oversight. Applicants shall report, for the NS segment through the Township, the number of trains per day, average and maximum train length, and average speed through the Krick Lane crossing. The Board shall retain jurisdiction during the oversight period to impose additional conditions if trains per day, train length, or total blocked time at Krick Lane exceeds the levels projected in the Revised Application.

VII. RESERVATION OF RIGHTS

The Township reserves the right to supplement this filing in response to the Applicants' responses or filings, the recommendations of the Board's environmental staff, and filings by any other party, and to participate in the environmental review process and any public meetings.

VIII. CONCLUSION

For these reasons, the Township respectfully requests that the Board, if it approves the transaction, impose the conditions in Part VI.

Respectfully submitted,

KOZLOFF STOUDT
Professional Corporation

By: _____

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Counsel for South Heidelberg Township
Berks County, Pennsylvania

Date: November 18, 2026

EXHIBIT A

Reading Area Transportation Study
2027–2050 Long Range Transportation Plan
Unfunded Projects

UNFUNDED HIGHWAY, BRIDGE AND TRANSIT PROJECTS

(ALL COSTS ARE ESTIMATES IN FFY 2026 DOLLARS) FEBRUARY, 20 26

INTERSTATE AND EXPRESSWAY IMPROVEMENTS		
PROJECT NAME	MUNICIPALITY	Estimated Cost
Interstate 78 / Grimes Interchange Closure	Bethel	$13,400,000
Interstate 78 / Midway Rd Interchange Upgrade	Bethel	$13,500,000
Interstate 78 / PA 419 Interchange Upgrade	Bethel	$13,500,000
Interstate 78 / PA 183 Interchange Upgrade	Upper Tulpehocken	$13,500,000
Interstate 78 Shartlesville Interchange Upgrade	Upper Bern	$13,500,000
Interstate 176 / PA 724 Interchange Reconstruction	Cumru	$20,300,000
US 422 West Shore Bypass Upgrade	Exeter	$63,400,000
PA 12 / PA 61 Interchange Upgrade	Muhlenberg	$105,600,000
PA 12 / River Road Interchange Upgrade	Reading	$65,000,000
	SUBTOTAL	$321,700,000

NEW / EXPANDED FACILITIES		
PROJECT NAME	MUNICIPALITY	Estimated Cost
PA 61 Widening (Tuckerton to SR 12)	Muhlenberg	$50,000,000
US 422 East Reconfiguration	Amity	$47,100,000
Crosstown Connector SR 422 to SR 562	Exeter	$27,000,000
	SUBTOTAL	$124,100,000

SAFETY PROJECTS		
PROJECT NAME	MUNICIPALITY	Estimated Cost
PA 12 @ PA 662	Ruscombmanor	$4,800,000
PA 183 Safety Improvements (SR 4016 to I-78)	Jefferson, Upper Tulpehocken	$13,600,000

PA 419 Safety Improvements (SR 422 to I-78)	Heidelberg, Marion, Tulpehocken, Bethel	$10,800,000
PA 562 Safety Improvements (SR 2021 to SR 73)	St. Lawr., Exeter, Amity, Earl, Douglass	$35,700,000
PA 568 Safety Improvements (SR 724 to SR 10)	Robeson	$11,500,000
PA 662 Safety Improvements (US 422 to SR 562)	Amity	$16,200,000
PA 662 Safety Improvements (US 222 to SR 61)	Richmond, Perry	$21,500,000
PA 724 Safety Improvements (SR 345 to Chester Co.)	Birdsboro, Union	$19,300,000
PA 737 Safety Improvements (US 222 to I-78)	Kutztown, Maxatawny, Greenwich	$27,000,000
SR 2033 Safety Improvements (US 422 to SR 562)	Exeter	$20,200,000
SR 3222 Lancaster Avenue	Reading	$7,500,000
	SUBTOTAL	**$188,100,000**

UNFUNDED HIGHWAY, BRIDGE AND TRANSIT PROJECTS

(ALL COSTS ARE ESTIMATES IN FFY 2026 DOLLARS) FEBRUARY, 2026

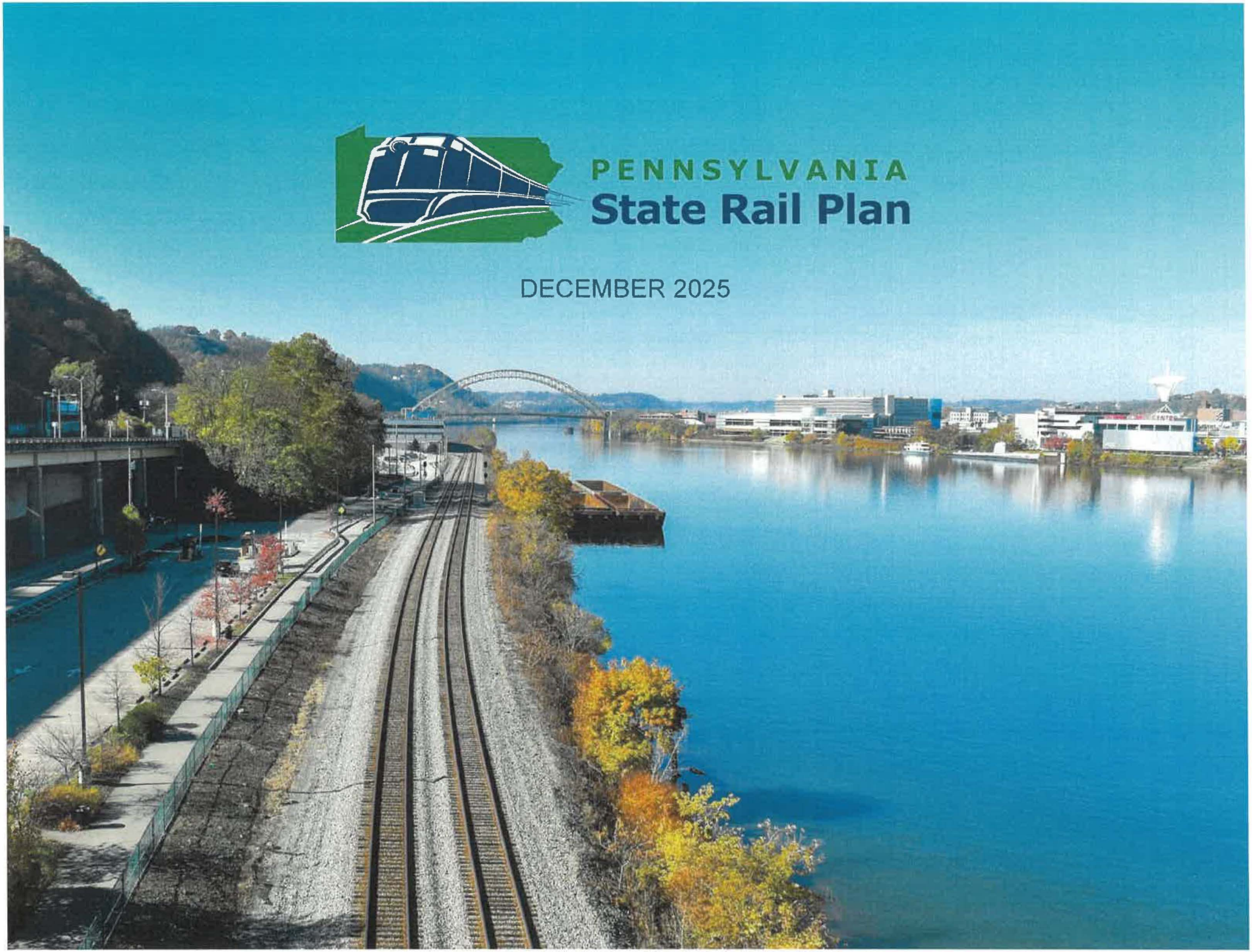
MOBILITY, CONGESTED CORRIDORS AND ITS PROJECTS		
PROJECT NAME	MUNICIPALITY	ESTIMATED COST
PA 23 Corridor Study (Chester Co. to Lancaster Co.)	Caernarvon	$1,450,000
PA 23 Corridor Implementation	Caernarvon	$19,000,000
PA 100 Corridor Study (Montgomery Co. to Lehigh Co.)	Colebrookdale, Washington, Bally, Hereford	$2,150,000
PA 100 Corridor Implementation	Colebrookdale, Washington, Bally, Hereford	$61,050,000
PA 419 Womelsdorf Area Traffic Study	Womelsdorf	$300,000
PA 724 Congestion/Safety Study	Sinking Spring, Spring, Cumru	$500,000
SR 1010 Corridor	Ontelaunee to Topton	$30,300,000
SR 2011 (Heisters Lane) Widen to 4-lanes	Reading	$24,200,000
SR 2016 (Bellevue Ave) Widening - PA 61 to Mall Drive	Muhlenberg	$8,100,000
SR 2022 (Ben Franklin Highway) Road Diet Study	Douglass	$300,000
SR 3023 (State Hill Rd) Widening	Spring	$9,100,000
SR 3055 (Van Reed Road) @ Dwight Street	Spring	$4,600,000
Reading Vision Zero Action Plan Implementation	Reading	$2,100,000
Rural ITS Coverage	Various	$4,600,000
	SUBTOTAL	$167,750,000

BRIDGE PROJECTS		
PROJECT NAME	MUNICIPALITY	ESTIMATED COST

New Bridge on Krick Lane over NS RR	South Heidelberg	$10,700,000
All Unprogrammed SD State Bridges	Various	TBD
All Unprogrammed SD Local Bridges >20'	Various	TBD
	SUBTOTAL	**$10,700,000**
TRANSIT PROJECTS		
PROJECT NAME	**MUNICIPALITY**	**ESTIMATED COST**
Passenger Rail Service	Reading to Pottstown	TBD
	SUBTOTAL	
	TOTAL	**$812,350,000**

EXHIBIT B

Pennsylvania Department of Transportation
2025 State Rail Plan, Section 4.6, pp. 187–189
(Figure 4.3, Locations of Blocked Crossings)



PENNSYLVANIA
State Rail Plan

DECEMBER 2025

4.6 SAFETY AND CROSSING ISSUES, OPPORTUNITIES, AND NEEDS

This section describes issues, opportunities, and needs, not only of atgrade crossings, but also of grade separated highway-rail crossings.

Grade Crossing Safety Improvements

As described in Chapter 2, PennDOT administers the FHWA RailwayHighway Crossings (Section 130) Program. The program receives about $7 million annually and funds approximately 20 projects per year to improve safety at crossings. Section 130 projects included in the 2025 State Rail Plan are identified in Appendix F.

Figure 4.2 Highway-Rail Grade Crossing in Pennsylvania



Source: PennDOT

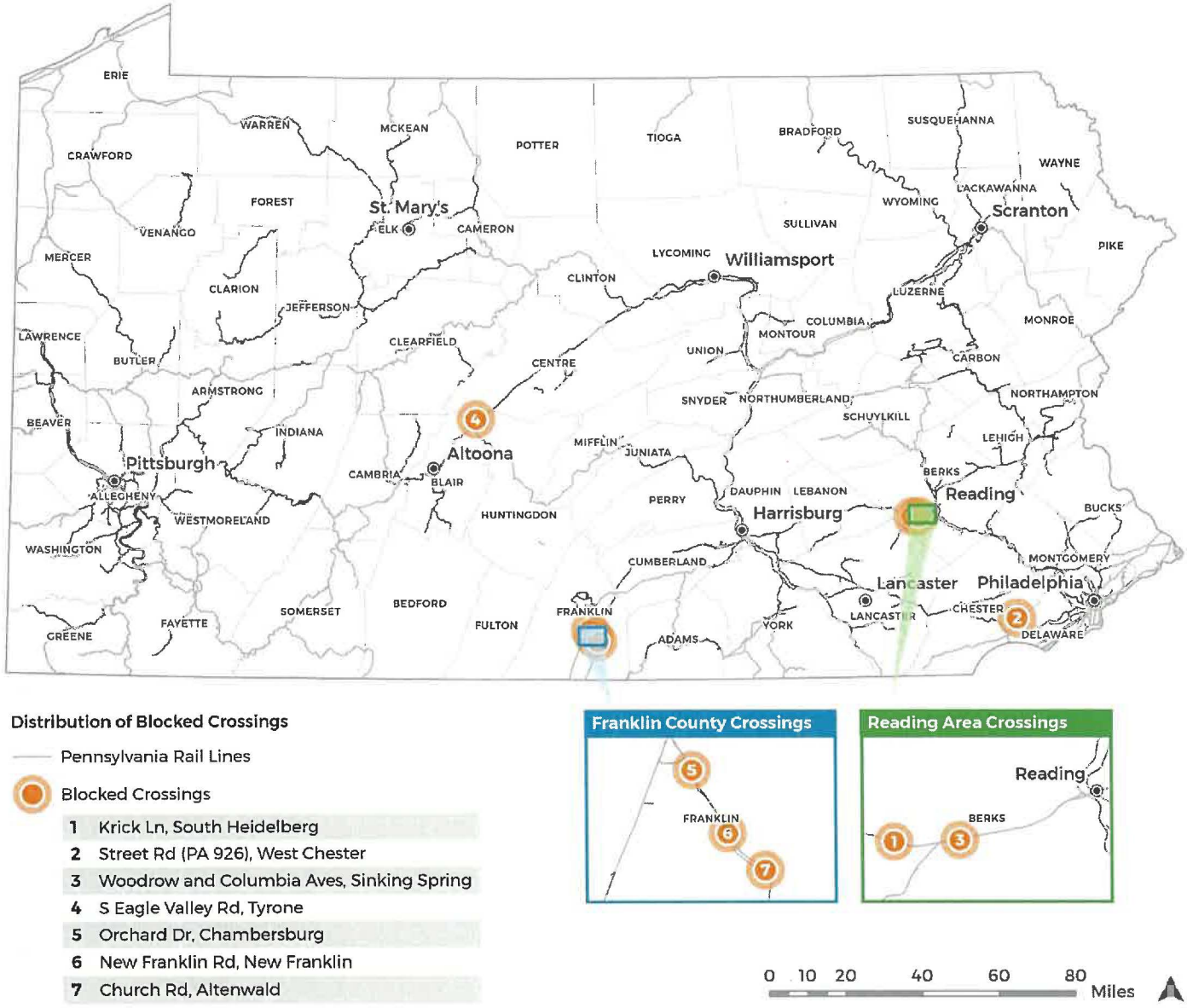
Grade Crossing Maintenance and Improvements

As in other states, railroads in Pennsylvania are responsible for maintaining railroad crossings, including crossing surfaces, as well as any crossing signals. In addition to Section 130 funding, PennDOT's RFAP and RTAP programs have been used to assist railroads in maintaining crossings. Selected RFAP and RTAP projects between 2019 and 2023 involved resurfacing and/or maintenance or improvements of signals at 31 crossings. Of the projects recommended for the 2020 State Rail Plan and carried forward in this plan, 20 would replace crossing signal systems, and 2 would improve crossings. Of the projects proposed in this 2025 State Rail Plan, 46 would resurface crossings and in some cases replace signal equipment, 14 would replace signal equipment only, two would add a grade separation, 17 would improve crossings such as adding gates and lights to a crossing with passive devices, and one would improve sight lines at crossings.

Blocked Crossings

As train lengths have increased, blocked crossings have become a greater issue across the nation. It is more difficult to park a longer train than a shorter train without occupying a highway/rail grade crossing. Stakeholders were asked to identify areas where stationary trains frequently occupy crossings for extended periods of time. Seven locations rose to the top, as shown in **Figure 4.3**.

Figure 4.3 Locations of Blocked Crossings



Distribution of Blocked Crossings

Pennsylvania Rail Lines

Blocked Crossings

1	Krick Ln, South Heidelberg
2	Street Rd (PA 926), West Chester
3	Woodrow and Columbia Aves, Sinking Spring
4	S Eagle Valley Rd, Tyrone
5	Orchard Dr, Chambersburg
6	New Franklin Rd, New Franklin
7	Church Rd, Altenwald

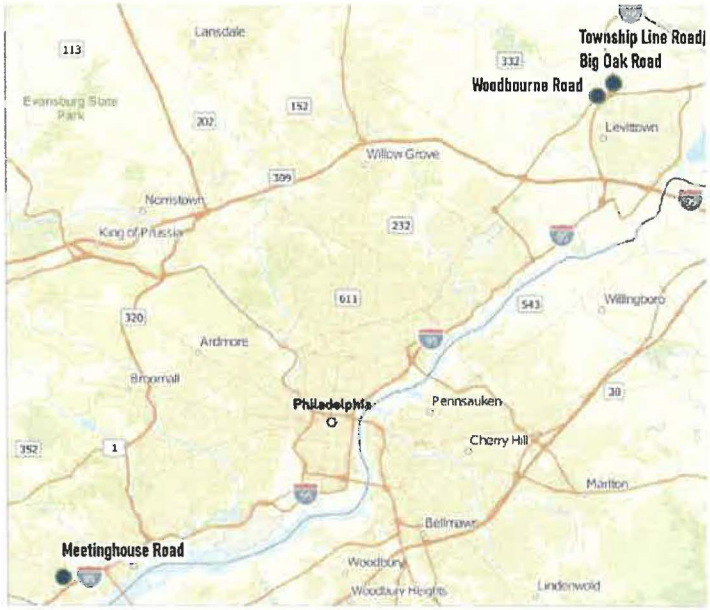
Source: Rail Plan Outreach, WSP Analysis

FEATURED CROSSING ELIMINATION PROJECT: GRADE CROSSING ELIMINATION STUDY.

PennDOT was awarded a Fiscal Year 2022 Railroad Grade Crossing Elimination Grant by the FRA for the CSX/SEPTA Grade Crossing Elimination Study. The study used next-generation artificial intelligence technologies to support safety and operational improvement alternative analyses. he three crossings are on two CSX freight lines, one of which is a shared corridor with a SEPTA commuter rail line to West Trenton, which is identified as the Neshaminy Line by SEPTA. Shown with green dots on the map in Exhibit 1 below, the three crossings are:

- Meetinghouse Road crossing at Milepost 16.02 on CSX's Philadelphia Subdivision-Crossing Number USDOT #140670C.
- Township Line Road/Big Oak Road crossing at Milepost 27.40 of CSX's Trenton Subdivision and 27.50 of SEPTA's Neshaminy Line-Crossing Number USDOT 589731K.
- Woodbourne Road (SR 2033) crossing at Milepost 25.70 of CSX's Trenton Subdivision and 26.50 of SEPTA's Neshaminy Line-Crossing Number USDOT 589964G.

Figure 4.4 Locations of Blocked Crossings



Source: PennDOT

These crossings experience frequent congestion impacting supply chains, nearby residents, regional visitors, first responders, commuter rail services, and freight operations. Conflicts between nearby rail yard movements that trigger extended gate activations and high volumes of vehicle, commuter rail and freight traffic raise serious safety concerns for nearby communities. The Grade Crossing Elimination Study will evaluate the potential for closing these highway at-grade crossings, grade separation alternatives, and site-specific congestion reduction and safety upgrades. The study is expected to be finalized in mid-2026.

VERIFICATION

I, Sean McKee, Township Manager of South Heidelberg Township, declare under penalty of perjury that the factual statements in Parts II through IV concerning the Township and the Krick Lane crossing are true and correct to the best of my knowledge, information and belief.

By: _____
Sean McKee, Township Manager

Executed on November 18, 2026.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments and Request for Conditions of South Heidelberg Township has been electronically filed with the Surface Transportation Board on the 18th day of November, 2026, and served by electronic mail or First Class Mail upon all parties of record in Docket No. FD 36873.

KOZLOFF STOUDT
Professional Corporation

By: _____
Andrew S. George, Esquire
Attorney ID No. 83923