

# Memo

**To:** Docketing Division  
**From:** Jill Henry, Rail Specialist, Rail Division  
**Cc:** PUCO Legal Department  
**Date:** 2/10/2022

**Re:** PUCO Case No. 21-276-RR-FED- In the Matter of a Request for the Installation of Active Warning Devices at the Cincinnati Eastern Railroad Grade Crossing, DOT#, 481-818X, on Tri-County Road/CR 24 in Brown County, Ohio.

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On March 4, 2020, the Ohio Rail Development Commission (ORDC) authorized funding for Cincinnati Eastern Railroad (CCET) to install lights and gates at Tri-County Road/CR 24, DOT#481-818X, grade crossing in Brown County, Ohio. The crossing was surveyed, on July 17, 2019, and was found to warrant the upgrades.

On May 5, 2021, the Commission approved the project and ordered completion by February 5, 2022.

On February 4, 2022, CCET filed for a 4-month extension until June 5, 2022. In the request, CCET states that the project has been delayed due to unsuccessful negotiations with adjacent landowners to establish an easement for electric service. Negotiations are ongoing.

Staff has discussed this issue with ORDC, and they are supportive of the extension request. Staff notes that CCET has kept staff apprised of the negotiation difficulties. Staff finds that CCET is working to complete this project. Staff recommends the extension request be approved.

# **|| 40 SERVICES LLC**

**PO Box 3108**

**Westerville, OH 43082**

**February 4, 2022**

**Ms. Jill Henry**

**Rail Division Chief**

**State Program Manager**

**Public Utilities Commission of Ohio**

**RE: Case No. 21-276-RR-FED 4-MONTH EXTENSION REQUEST**

Dear Ms. Henry:

As designated representative for the Cincinnati Eastern Railroad for the Tri County Highway warning device project, I am seeking an Extension in the matter of the referenced Case.

On May 5, 2021, the Cincinnati Eastern Railroad was Ordered to install warning devices at the Tri County Highway grade crossing. Sufficient electric power is not currently available at the crossing to power modern warning devices. To date, AEP has negotiated unsuccessfully with adjacent landowners to establish an easement that would permit utility lines over the adjacent parcels. Negotiations are continuing.

The Cincinnati Eastern Railroad formally requests a 4-month extension to allow AEP to secure the easement and construct the electric service to the grade crossing. The Cincinnati Eastern Railroad could then activate the new warning devices. The 4-month extension would provide a new deadline date of June 5, 2022.

Michael D. Forte'

Project Manager

40 Services LLC

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**2/4/2022 6:16:34 PM**

**in**

**Case No(s). 21-0276-RR-FED**

Summary: Request Request for Order Extension electronically filed by Mr. Michael Forte on behalf of AEP and CCET and Eagle Township Trustees and Brown County Engineer and Ohio Rail Development Commission

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 21-0276-RR-FED**

Summary: Memorandum In the Matter of a Request for the Installation of Active Warning Devices at the Cincinnati Eastern Railroad Grade Crossing, DOT#, 481-818X, on Tri-County Road/CR 24 in Brown County, Ohio. electronically filed by Mrs. Jill A. Henry on behalf of PUCO/Rail Division