

# Memo

**To:** Docketing Division  
**From:** Thomas Persinger, Rail Project Specialist, Rail Division  
**Cc:** PUCO Legal Department  
**Date:** 2-6-2023

**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 stated that the project has been delayed due to unsuccessful negotiations with adjacent landowners to establish an easement for electric service. Negotiations are ongoing. Staff filed a recommendation for the extension request on February 11, 2022.

On May 16, 2022, CCET filed a for an additional 4-month extension request until October 5, 2022. CCET states that the electric service is still not complete at this location. Construction of the warning devices has begun, but construction cannot be completed until the electric service is in place. On September 23, 2022, CCET filed for an additional 4-month extension request until February 5, 2023, stating an alternate option for power at the crossing is being pursued. On November 16, 2022, the Commission approved the extension request, granting a new deadline of February 5<sup>th</sup>, 2023.

On February 1, 2023, CCET filed for another 4-month extension. CCET has indicated they have found an alternative solution to supply power to the crossing and construction has begun. However, they are waiting on material deliveries to complete the project. Staff has discussed this issue with ORDC, and they are supportive of the

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extension request. Staff finds that CCET is working to complete this project. Staff recommends the extension request be approved.

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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 Mr. Thomas Persinger on behalf of PUCO/Rail Division