

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

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Illinois Central Railroad Company,  
Petitioner,

v.

Village of Belle Rive in Jefferson County, Illinois,  
Respondent.

Petition for the Removal of 10<sup>th</sup> Street Bridge in Belle Rive,  
Illinois.

T07-0119

**ORDER**

By the Commission:

**PROCEDURAL HISTORY**

On December 24, 2007, the Illinois Central Railroad Company ("Petitioner" or "the Railroad"), a Delaware Corporation, filed its Petition with the Illinois Commerce Commission ("Commission") to approve the prior removal of the bridge carrying 10<sup>th</sup> Street over Petitioner's tracks in the Village of Belle Rive, Illinois ("Respondent" or "Village"), a political subdivision within the State of Illinois.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, a hearing on the Petition was held on April 23, 2008, at the Commission's offices in Springfield, Illinois before a duly authorized Administrative Law Judge of the Commission. Petitioner was represented by counsel, and presented the testimony of Alan Craine, Illinois Central Railroad Manager of Bridges and Structures, and Richard Payne, Civil Engineer and President of ESCA Consultants, Urbana, Illinois. An appearance was also made by Joseph VonDeBur, Commission Rail Safety Specialist, on behalf of Staff of the Commission. Respondent Village did not enter an appearance. However, Counsel for Petitioner stated on the record that he had been in contact with Respondent Village's attorney. The Village attorney indicated that since the sole subject matter of this Petition dealt with prior removal of the 10<sup>th</sup> Street Bridge, he would not appear to oppose the removal. The Village Attorney also advised counsel for the Railroad that the Village acknowledged that the 10<sup>th</sup> Street Bridge had been in need of removal. The record shows that the Respondent and its counsel received notice of the time and place of the hearing and the matters to be addressed at the hearing. At the conclusion of the April 23, 2008 hearing, the case was marked "Heard and Taken."

**PETITIONER'S EVIDENCE**

At the hearing on April 23, 2008, the Railroad presented the testimony of Alan Craine, Illinois Central Railroad Manager of Bridges and Structures, and Richard Payne, Civil Engineer and President of ESCA Consultants, Urbana, Illinois. The evidence showed that the Railroad constructed the 10<sup>th</sup> Street Bridge pursuant to a contract entered into in 1925 between the Railroad and the Village. Over time, due in part to a fire intentionally set by vandals, the Bridge deteriorated to the point where it was no longer suitable for use. This deterioration included holes in the roadbed and a partial detachment of the pedestrian walkway. On November 13, 1995, the Railroad closed the 10<sup>th</sup> Street Bridge and barricaded it to prevent injuries to those crossing the bridge. The Railroad actually removed the 10<sup>th</sup> Street Bridge on November 27, 2007, because the Bridge posed too great a danger to trespassers on the bridge as well as to train operations below the bridge. The bridge carrying Illinois Route 142 over the Railroad's tracks provides an adequate means of crossing the tracks very near the 10<sup>th</sup> Street Bridge. The meeting point of Illinois Route 142 and 10<sup>th</sup> Street creates a dangerous intersection due to the angle at which the roads meet. Removal of the 10<sup>th</sup> Street Bridge decreased the danger at this intersection by decreasing the number of vehicles traveling on 10<sup>th</sup> Street.

**STAFF'S POSITION**

Staff has no objection to the Petition, but did state that the Railroad must seek Commission approval prior to removing any other bridges in the future. Counsel for the Railroad noted Staff's position and agreed to comply in the future.

**COMMISSION ANALYSIS AND CONCLUSION**

The Commission is of the opinion that the removal of the 10<sup>th</sup> Street Bridge is and was proper and necessary for public safety.

**COMMISSION FINDINGS AND ORDERS**

The Commission, after a review of the entire record, is of the opinion and finds that:

- (1) the Railroad is engaged in the transportation for-hire of persons and/or property by rail in the State of Illinois and is a rail carrier as defined by the Illinois Commercial Transportation Law ("Law");
- (2) the Village is a political subdivision within the State of Illinois and is subject to the jurisdiction of the Commission by virtue of its status as the Road Authority at the grade separation.
- (3) the Commission has jurisdiction of the parties hereto and the subject matter hereof;

- (4) the statements of fact set forth in the prefatory portion of this order are supported by the evidence of record and are hereby adopted as findings of fact;
- (5) the 10<sup>th</sup> Street Bridge created a public safety hazard prior to its removal and said removal was warranted;
- (6) the Railroad should seek Commission approval prior to removing bridges in the future;
- (7) the approval of the Commission should reasonably be given for the prior removal of the 10<sup>th</sup> Street Bridge in Belle Rive, Illinois.

IT IS THEREFORE ORDERED that the approval of the Illinois Commerce Commission be, and it is hereby, granted to the Railroad for its removal of the 10<sup>th</sup> Street Bridge in Belle Rive, Illinois.

IT IS FURTHER ORDERED that subject to Sections 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission, subject to the Administrative Review Law.

By Order of the Commission this 16<sup>th</sup> day of July 2008.

JUDGE
SECTION CHIEF
<i>DWS</i>
ORDERS SUPERVISOR



CHARLES E. BOX  
CHAIRMAN