

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :
On Its Own Motion :
v. :
Keokuk Junction Railway Company : T09-0067
Citation with respect to Keokuk Junction Railway :
Company's failure to maintain the College Road :
(AAR/DOT #801 373L, railroad milepost 142.14- :
TPWM) and the IL 95 (AAR/DOT #801 386M, :
railroad milepost 151.12-TPWM) highway-rail grade :
crossing surfaces in accordance with the :
requirements of 92 Ill. Adm. Code Part 1535.203 :

CITATION

By the Commission:

WHEREAS, it has come to the attention of the Illinois Commerce Commission ("Commission") via complaints from the public, local governmental officials, and state representatives that existing conditions at the College Road (AAR/DOT #801 373L, railroad milepost 142.14-TPWM) and the IL 95 (AAR/DOT #801 386M, railroad milepost 151.12-TPWM) public highway-rail grade crossings of Keokuk Junction Railway Company's ("KJRY") track, owned and operated by Keokuk Junction Railway Company, do not meet the minimum requirements of 92 Ill. Adm. Code Part 1535; and

WHEREAS, Commission staff has sent KJRY letters dated October 12, 2007, March 26, 2008, October 29, 2008, and February 6, 2009, respectively, (attached as Exhibits A thru D) listing both locations where repairs were required in order to have the surfaces at the subject crossings meet the minimum requirements of 92 Ill. Adm. Code Part 1535.203; and

WHEREAS, Staff has also sent electronic mail messages and placed telephone calls to KJRY representatives requesting information on when repairs to the subject crossings would be completed; and

WHEREAS, the KJRY has submitted any correspondence to Staff explaining how the railroad intends to repair the surfaces at the subject crossings; and

WHEREAS, it appears that formal proceedings should be instituted by Citation for the purpose of obtaining information from KJRY regarding its plans to repair the crossing surfaces listed in letters sent by Staff, as well as their future willingness to respond to Staff's requests for information; and

WHEREAS, proper notice should be given to the KJRY with respect to said proceedings; and

WHEREAS, a hearing or hearings should be held for the purpose of taking testimony from all the parties involved regarding the issues so raised.

IT IS THEREFORE ORDERED that Keokuk Junction Railway Company is cited and hereby required to appear at a hearing to be held at the Commission's offices, Leland Building, 527 East Capitol Avenue, Springfield, Illinois, on June 19, 2009, at 10:00 a.m. to show cause, if any there be, why an Order should not be issued requiring the KJRY to make the appropriate repairs to the crossing surfaces mentioned in Staff's letters dated October 12, 2007, March 26, 2008, October 29, 2008, and February 6, 2009, respectively, (Attached as Exhibits A thru D), attached hereto and made a part hereof; and requiring such other or further relief as the Commission may, under the circumstances, deem necessary to comply with the Law.

IT IS FURTHER ORDERED that the Keokuk Junction Railway Company be, and it is hereby, required and directed to prepare a schedule specifying how and when KJRY will make repairs to the subject crossing surfaces to be presented at said hearing, and also develop and submit a plan showing the railroad will respond to future Commission Staff grade crossing complaint letters in a more expedient manner.

By Order of the Commission this 20th day of May 2009.



CHARLES E. BOX
Chairman

JUDGE
SECTION CHIEF <i>MES</i>
<i>DWJ</i> ORDERS SUPERVISOR



**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Michael E. Stead

Rail Safety Program Administrator

October 12, 2007

Mr. Shane Cullen
Superintendent of Transportation
Pioneer Rail Corp
1318 South Johanson Road
Peoria, IL 61607

R07-183

Dear Mr. Cullen:

On October 4, 2007, a representative of this office inspected the CH 22 highway-rail grade crossing of Keokuk Junction Railway's track (**AAR/DOT #801 373L, railroad milepost 142.14-TPWM**), located Canton, Fulton County. The inspection took place following receipt of a rough surface complaint.

Results of the inspection indicate that existing conditions at the crossing do not meet the minimum requirements of 92 Ill. Adm. Code (IAC) 1535.203. Our findings are summarized:

- CH 22 -The existing 48 foot timber/asphalt surface is in very poor condition. The crossing timbers are extremely worn and out of alignment. Several of the timbers have split, with pieces missing resulting in holes in the crossing timbers. There are also gaps between the ends of the timbers that result in poor rideability. The asphalt between the rails on the northeast end of the crossing has separated from the gauge timber several inches that also adds to the roughness of the crossing surface.
- Photographs of the crossing are enclosed for your information.

According to 92 IAC 1535.203: *"Every grade crossing shall be constructed and maintained in such a manner that it will not interfere with the reasonably safe use of the roadway when traveled in the usual and ordinary manner."* Please advise this office within the next thirty (30) days of your company's plans to ensure that the crossing surface is properly repaired and/or replaced to meet the requirements of 92 IAC 1535.

Thank you for your prompt attention to this matter. If you have any questions, please contact Robert Berry, Railroad Safety Specialist, at (217) 785-8434 or bberry@icc.illinois.gov.

Very truly yours,

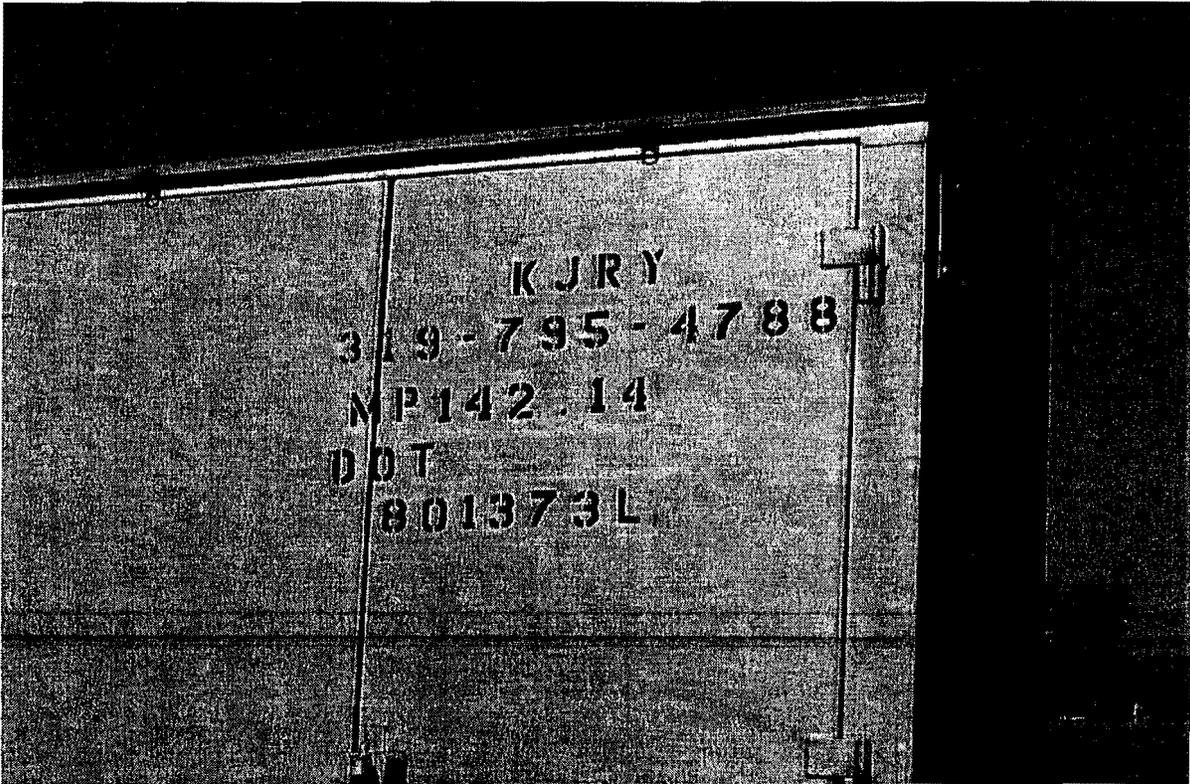
Michael E. Stead
Rail Safety Program Administrator

Enclosure

cc: Representative Mike Smith
Bill Kuhn, Fulton County Engineer

RSB

CH 22 (AAR/DOT #801 373L)
near Canton, Fulton County (KJRY)



Looking at signal cabinet



Looking north from crossing

CH 22 (AAR/DOT #801 373L)
near Canton, Fulton County (KJRY)

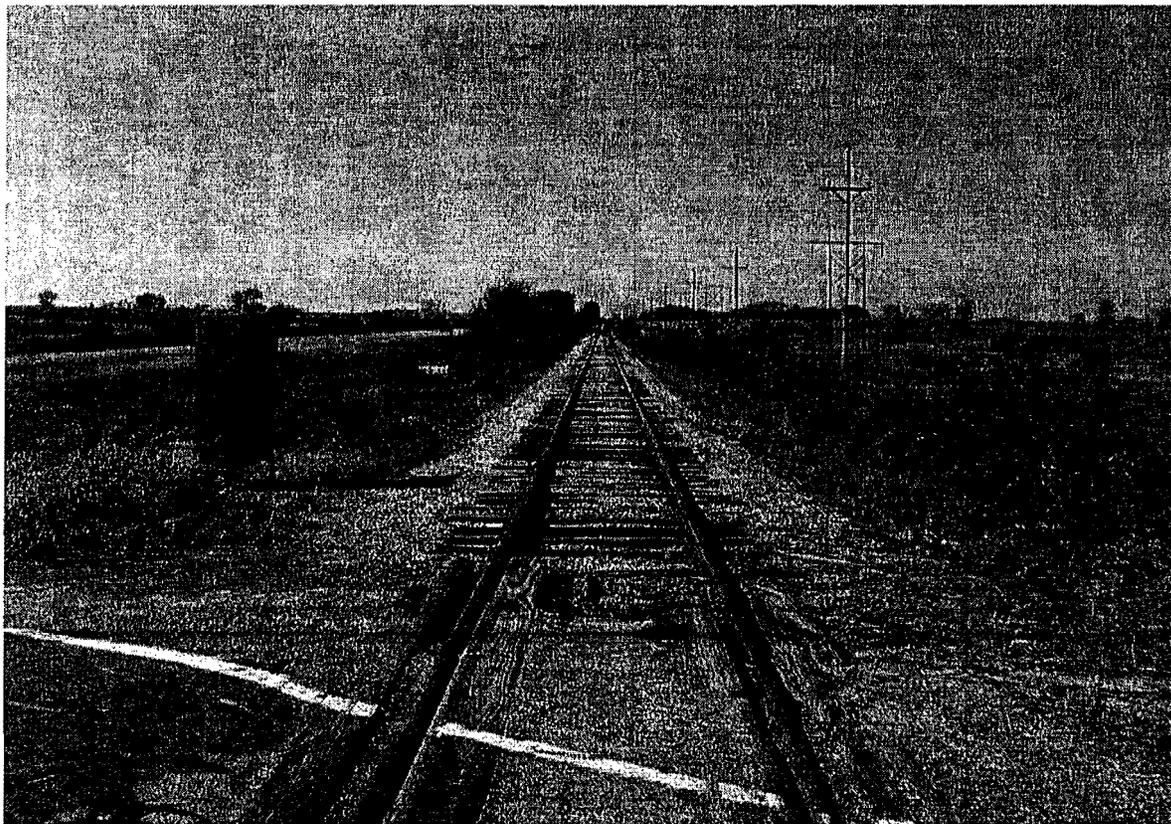


Looking northeast toward Canton

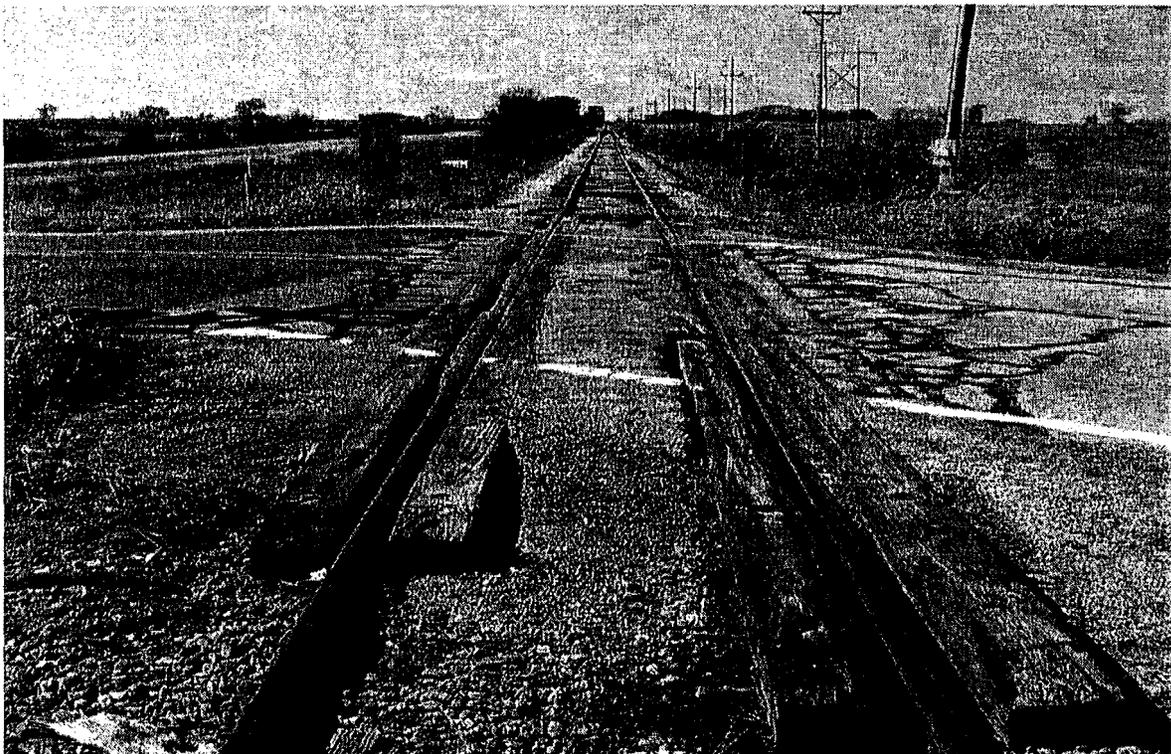


Looking south at CH 9 intersection from crossing

CH 22 (AAR/DOT #801 373L)
near Canton, Fulton County (KJRY)



Looking southwest from crossing



CH 22 (AAR/DOT #801 373L)
near Canton, Fulton County (KJRY)

Looking at crossing surface (NE) showing gap between timber and asphalt



Looking at south rail and timbers

CH 22 (AAR/DOT #801 373L)
near Canton, Fulton County (KJRY)



Looking at north rail and timbers



**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Michael E. Stead

Rail Safety Program Administrator

March 26, 2008

Mr. Shane Cullen
Superintendent of Transportation
Keokuk Junction Railway Company
1318 S. Johanson Road
Peoria, IL 61607

R08-0047

Dear Mr. Cullen:

On March 25, 2008, a representative of this office inspected the College Road (**AAR/DOT #801 373L, railroad milepost 142.14**) highway-rail grade crossing of Keokuk Junction Railway Company's (KJRY) track near Canton, Fulton County. The inspection was conducted in response to a rough surface complaint we recently received.

Results of the inspection indicate that existing conditions at the College Road crossing do not meet the minimum requirements of 92 Illinois Administrative Code (IAC) 1535.203. Our findings are outlined below:

- College Road - The existing full-depth timber surface includes several timbers that are severely worn and several hold-down spikes are exposed, causing a potential safety hazard for the motoring public. The surface needs to be reconstructed to meet the requirements of 92 IAC 1535.
- Photos are enclosed for your information.

According to 92 IAC 1535.203: "Every grade crossing shall be constructed and maintained in such manner that it will not interfere with the reasonably safe use of the roadway when traveled in the usual and ordinary manner." Please advise this office within the next 30 days of your company's plans to ensure that the crossing surface is properly repaired and meets the requirements of 92 IAC 1535.

Thank you for your prompt attention to this matter. If you have any questions, please contact John Saladino, Railroad Safety Specialist, at (217) 785-8423 or jsaladino@icc.illinois.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead
Rail Safety Program Administrator

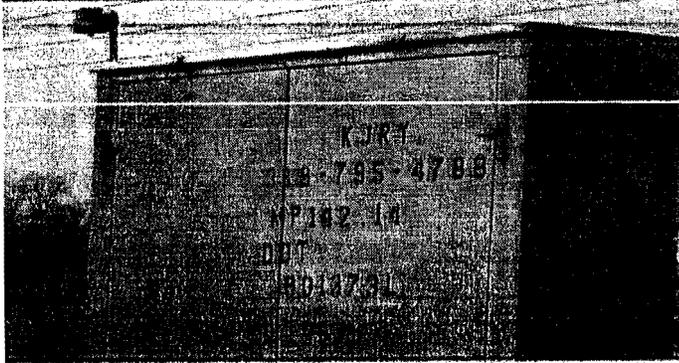
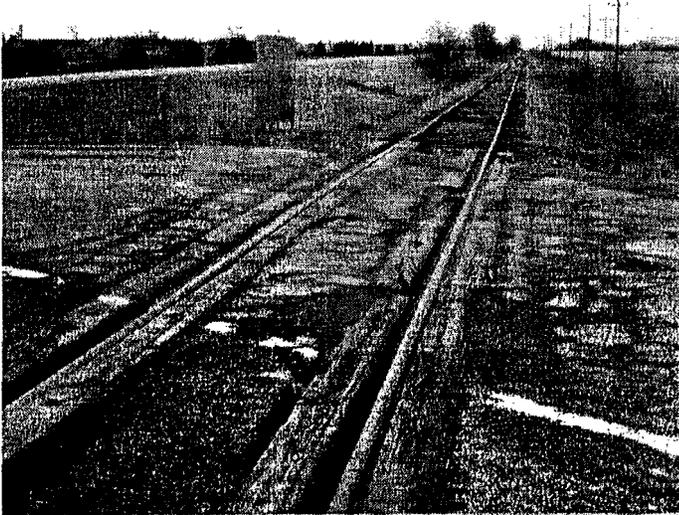
Enclosure
JRS



**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Michael E. Stead

Rail Safety Program Administrator

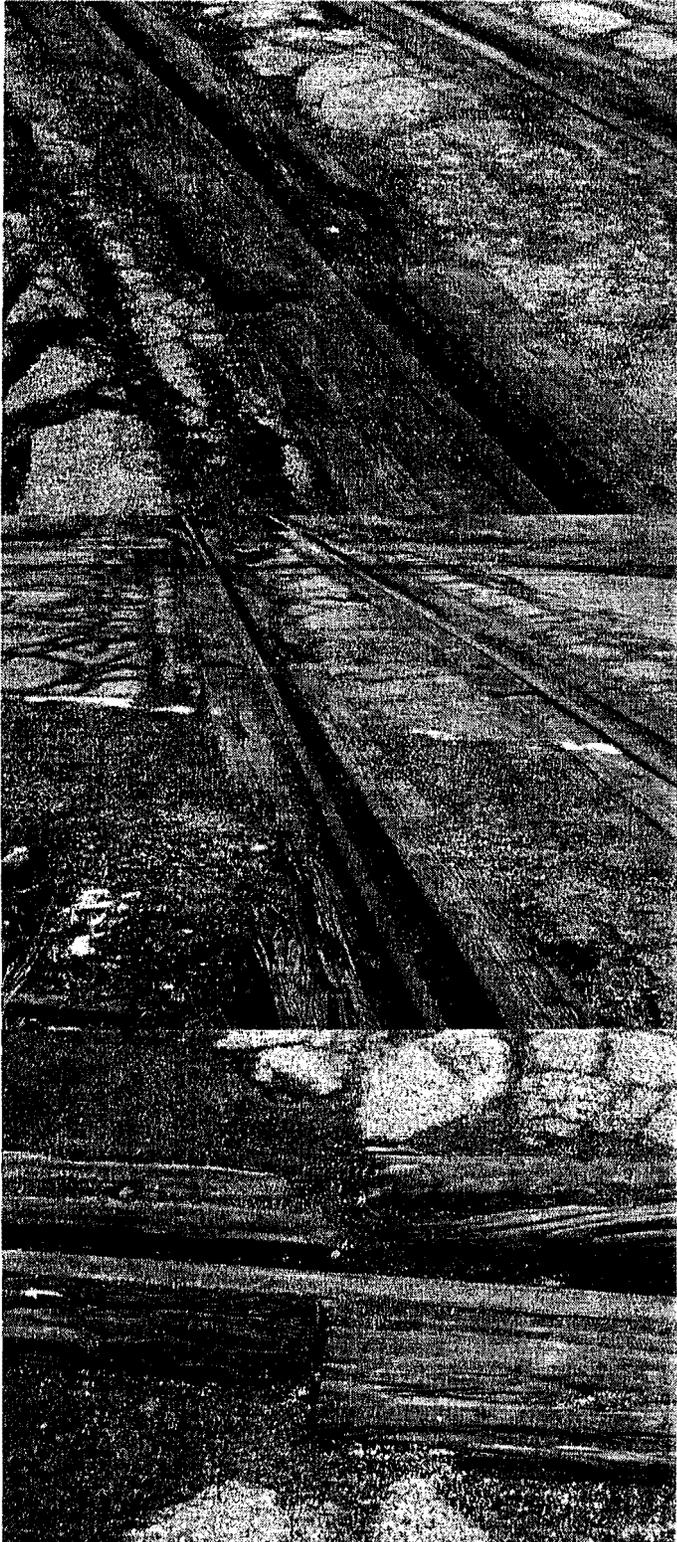




**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Michael E. Stead

Rail Safety Program Administrator



STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

October 29, 2008

Mr. Shane Cullen
Superintendent of Transportation
Keokuk Junction Railway Company
1318 S. Johanson Road
Peoria, IL 61607

R08-181

Dear Mr. Cullen:

On October 28, 2008, a representative of this office inspected the IL 95 (**AAR/DOT #801 386M, railroad milepost 151.12-TPWM**) highway-rail grade crossing of Keokuk Junction Railway Company's (KJRY) track near Cuba, Fulton County. The inspection was conducted in response to a rough surface complaint we recently received.

Results of the inspection indicate that existing conditions at the crossing do not meet the minimum requirements of 92 Ill. Adm. Code (IAC) 1535.203. Findings from the inspection are outlined below:

- The single track "SAF-DRI" crossing surface has failed, and is a hazard to the motoring public. Several panels are missing and the remaining panels are in severe distress. The crossing surface needs to be scheduled for reconstruction as soon as possible.
- Photos are enclosed for your information.

According to 92 IAC 1535.203: *"Every grade crossing shall be constructed and maintained in such manner that it will not interfere with the reasonably safe use of the roadway when traveled in the usual and ordinary manner."* Please advise this office within the next 30 days of your company's plans to ensure that the crossing surface is properly repaired and meets the requirements of 92 IAC 1535.

Mr. Shane Cullen
October 29, 2008
Page Two

Thank you for your prompt attention to this matter. If you have any questions, please contact John Saladino, Railroad Safety Specialist, at (217) 785-8423 or jsaladino@icc.illinois.gov.

Very truly yours,

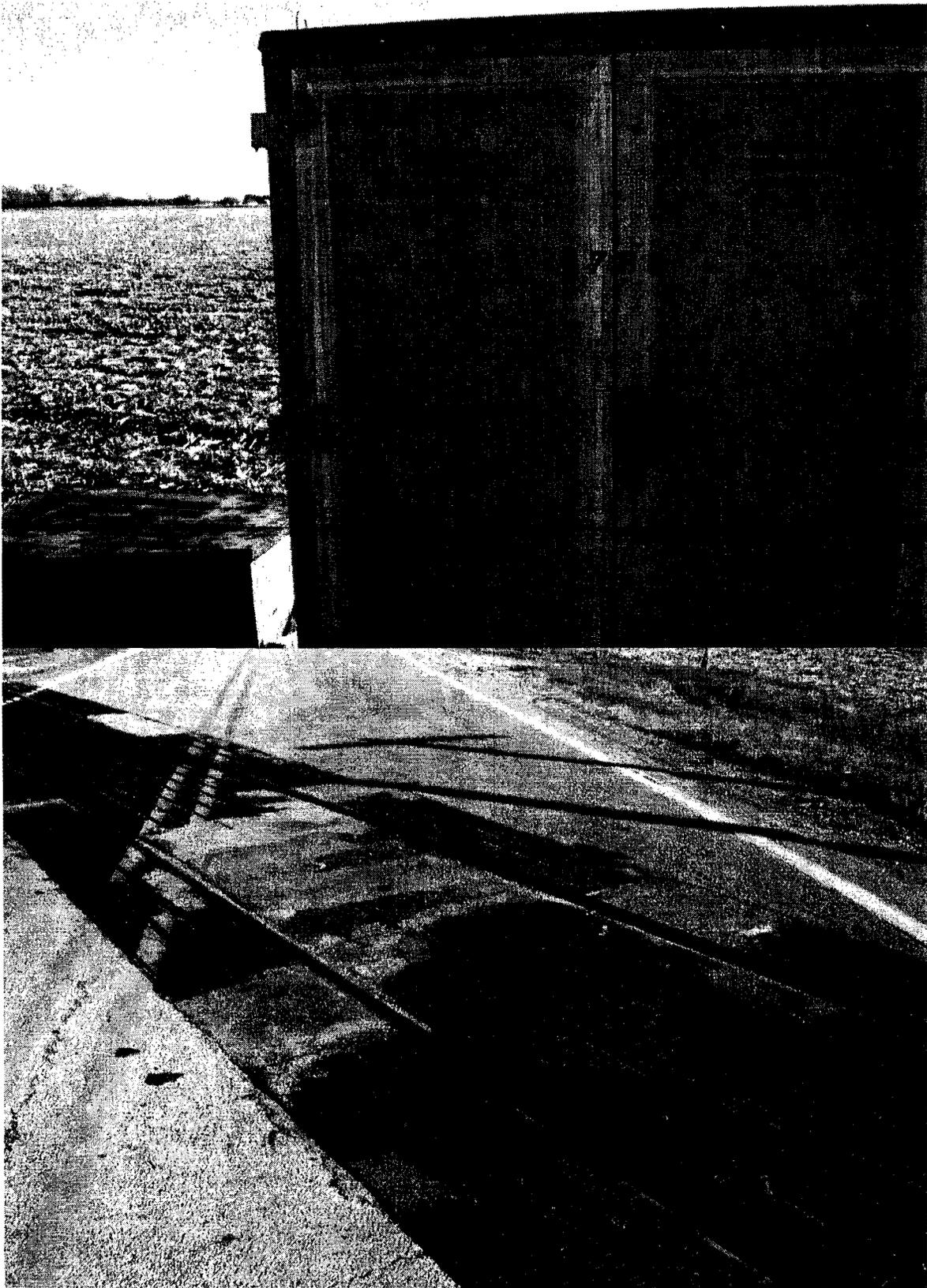


Michael E. Stead
Rail Safety Program Administrator

Enclosure

cc: Jim Morris, IDOT
JRS

IL 95, Cuba, IL
AAR/DOT #801 386M, KJRY milepost 151.12 - TPWM



IL 95, Cuba, IL
AAR/DOT #801 386M, KJRY milepost 151.12 - TPWM



STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

*Michael E. Stead**Rail Safety Program Administrator*

February 6, 2009

Mr. Shane Cullen
Superintendent of Transportation
Keokuk Junction Railway Company
1318 S. Johanson Road
Peoria, IL 61607

SECOND NOTICE
R08-047
R08-181

Dear Mr. Cullen:

On March 26, 2008, and October 29, 2008, this office notified your company by letter (copies enclosed) of poor surface conditions at the College Road (**AAR/DOT #801 373L, railroad milepost 142.14-TPWM**), and IL 95 (**AAR/DOT #801 386M, railroad milepost 151.12-TPWM**) highway-rail grade crossing of Keokuk Junction Railway Company's (KJRY) track near Canton and Cuba, Fulton County. The letter also asked that your company notify this office of your plans to repair the crossings. On February 5, 2009, a representative of this office re-inspected the crossings, and found that no work had been accomplished and conditions at the crossings have worsened.

As of this date, we have not received any indication that repairs have been scheduled or completed. Please notify this office immediately of the status of your company's plans to ensure that the surfaces at all of the crossings noted above are properly repaired and satisfy the requirements of 92 Ill. Adm. Code (IAC) Part 1535. Failure to respond to this notice will likely result in the initiation of Citation proceedings by this office.

Thank you for your prompt attention to this matter. If you have any questions, please contact John Saladino, Railroad Safety Specialist, at (217) 785-8423 or jsaladino@icc.illinois.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead
Rail Safety Program Administrator

Enclosures
JRS