

THIRTY-NINTH ANNUAL REPORT

OF THE

**Railroad and Warehouse  
Commission**

OF THE

**State of Illinois**

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Railroads for the Year Ending June 30, 1909.  
Grain Inspection Department for the Year Ending Oct. 31, 1909.  
Office Expenses for the Year Ending Nov. 30, 1909.

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**COMMISSIONERS.**

**ORVILLE F. BERRY, Chairman.**

**JAMES A. WILLOUGHBY**

**B. A. ECKHART.**

**WILLIAM KILPATRICK, Secretary.**

**CHARLES J. SMITH, Assistant Secretary.**

**F. G. EWALD, Consulting Engineer.**

**THOMAS L. WOLF, Rate Clerk.**



**SPRINGFIELD, ILL.**  
**ILLINOIS STATE JOURNAL CO., STATE PRINTERS**  
**1910**

## ORDERS AND OPINIONS.

BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

St. Louis and St. Libory Railway Company

v.

Illinois Central Railroad Company

*Petition for Crossing.*

APPEARANCES:

For Petitioner, Mr. Edward L. Thomas.

For Respondent, Mr. John G. Drennan.

The petitioner, the St. Louis and St. Libory Railway Company, a corporation organized under the general laws of the State of Illinois, filed its petition in this cause asking permission to cross with its railway the track and right of way of the Illinois Central Railroad Company on what is known as its St. Louis Division, about two and one-half miles south of Freeburg, St. Clair county, Illinois, by either a grade or under crossing as the Commission may deem best, and to apportion the cost of the construction, maintenance and operation of said crossing between the parties as is by law provided.

The places of the proposed crossing were viewed by the Commission on February 1, 1909, and the case heard at the office of the Commission in Springfield, Illinois, on February 2, 1909.

The evidence offered at the hearing shows the following facts:

That the petitioner is constructing a railroad from the east bank of the Mississippi river opposite the city of St. Louis, Missouri, in a southeasterly direction through the county of St. Clair, State of Illinois, to the village of St. Libory, in said county and State, and proposes to operate the same by steam both for the carriage of passengers and of freight.

That the railroad of the respondent is their southern entrance to East St. Louis from their main line south, and is much used.

That at the points of the proposed crossings and on each side of the same for some distance, the respondent's line has a grade of about five-tenths of one per cent.

That at the point of the proposed under crossing there is a fill on respondent's line of about eleven (11) feet above the surface of the ground, and that at this point also a public highway from Freeburg to New Athens is located on the west side of respondent's track and wholly on respondent's right of way, which is one hundred feet wide at this point. That owing to the frequent passage of trains on respondent's track, and the grade of its track at the point of the proposed grade crossing over respondent's right of way and track, we are of the opinion that a grade crossing would be very inconvenient and troublesome for the handling of respondent's trains and at

the same time dangerous, and we therefore eliminate the consideration of the proposed grade crossing, and decide on and approve the under crossing plan as presented by the petitioner with the changes, however, as noted below.

The evidence further shows an undesirable condition of the soil at the point of the under crossing and the necessary and difficult handling of a large quantity of surface water, which will make the under crossing much more expensive than under ordinary conditions.

It is therefore ordered and decided that the petitioner, The St. Louis and St. Libory Railway Company be and it is hereby authorized to cross by under crossing the right of way and track of the respondent as the same is now located, at a point as now surveyed and located, on the center line of respondent's track, distant four hundred and fifty-four (454) feet, more or less, southeasterly along said center line from respondent's Mile Post "E 24 No. 672," as the same is now located, said point of crossing being in the southwest quarter of section five (5), township two (2) south, range seven (7) west, St. Clair county, Illinois.

It is further ordered that the plans and specifications of said crossing shall be as submitted by petitioner with the following changes:

*First*—The plan for bridge for respondent's track shall be of re-inforced concrete construction in accordance with the plans submitted by respondent to this Commission at the hearing of this case, the maximum height allowed, however, from the bottom of the bridge to the top of respondent's rail to be not more than three (3) feet, making the top of rail of petitioner's line not less than twenty-five (25) feet below the top of rail of respondent's track, as the latter is now located.

*Second*—The concrete abutment walls to extend out to such a distance beyond respondent's track as will prevent sliding and caving of the embankment and sides of the cuts.

*Third*—The bridge for the public highway to be over petitioner's line at the present location of said highway, and to be built of such material and design as petitioner may see fit.

It is further ordered that the details of design and building of said crossing in accordance with the plans as laid down by the Commission, shall be left to the engineers of the petitioner and of the respondent, and in case of a disagreement between the parties, the question shall be submitted to the Commission for final decision.

It is further ordered that the expense of separating the grades at said crossing shall be paid by the railroads interested in the following proportion; two-thirds of such expense shall be paid by the petitioner, the St. Louis and St. Libory Railway Company, and one-third of such expense shall be paid by the respondent, the Illinois Central Railroad Company.

It is further ordered that the bridge over the public highway above described, be constructed and maintained at the sole expense of the petitioner, the St. Louis and St. Libory Railway Company.

Dated at Springfield, Illinois( this second day of March, A. D. 1909.

W. H. BOYS, *Chairman*.

B. A. ECKHART, *Commissioner*.

J. A. WILLOUGHBY, *Commissioner*.

## BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

East St. Louis and Eastern Railway Company

v.

Illinois Central Railroad Company

*Petition for Crossing.*

## APPEARANCES:

For Petitioner, Mr. M. W. Schaefer.

For Respondent, Mr. John G. Drennan.

The petitioner in this case is organized under the General Railway Act, being chapter 114 of the Revised Statutes of the State of Illinois, and under its charter is authorized and empowered to construct and operate a railroad from section twenty (20), township one (1) north, range eight (8) west, in St. Clair county, Illinois, to section twenty-six (26), township one (1) south, range seven (7) west, in St. Clair county, Illinois.

In the construction of the petitioner's line it is necessary to cross the main track of the respondent at a point near the city of Belleville, in St. Clair county, Illinois, and in its petition filed in this cause the petitioner asks that such crossing be made by means of an overhead crossing over the tracks of the respondent.

The respondent interposes no objection to the construction of such an overhead crossing.

It is therefore ordered and decided that the petitioner, the East St. Louis and Eastern Railway Company have leave, and it is hereby empowered to cross with its track the main track and right of way of the respondent, the Illinois Central Railway Company (the right of way for such crossing being first obtained as required by law) at or near Mile Post "East St. Louis 15" plus 3,082 feet, near Belleville, in St. Clair county, in the State of Illinois, and which said point of crossing is particularly described and set forth in the petition filed herein, and that such crossing shall be made by means of a substantial overhead crossing over the tracks of the respondent, the Illinois Central Railroad Company.

It is further ordered that the lowest part of such overhead structure shall be not less than twenty-two (22) feet above the top of the rails of the petitioner's track.

Inasmuch as it appears that the parties in interest have mutually agreed upon the proportion of the expense of constructing such overhead crossing, which is to be borne by each of them, no order is made in regard thereto.

Dated at Springfield, Illinois, this second day of March, A. D. 1909.

W. H. BOYS, *Chairman.*B. A. ECKHART, *Commissioner.*J. A. WILLOUGHBY, *Commissioner.*

## BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Cairo and Thebes Railroad Company

v.

Eastern Illinois and Missouri Railroad Company

Chicago and Eastern Illinois Railroad Company

Illinois Central Railroad Company

*Petition to Cross at Grade.*

## SUPPLEMENTAL ORDER.

And now on this day comes the petitioner in the above entitled cause, and in compliance with the order of this Commission entered herein on April

22, 1907, files complete and detailed plans and specifications of the interlocking plant proposed to be installed at the crossing particularly described in said order, and asks that the same be approved.

And, it appearing to the Commission that such plans and specifications have been examined and approved by the representatives of the respective respondents, and by the Consulting Engineer of this Commission, and the same appearing to be in all respects in conformity with the former order of this Commission;

It is therefore ordered and decided that the detailed plans and specifications for an interlocking plant to be installed by the petitioner at the intersection of its line of road with the line of road operated by the respondents, and located a short distance southeast of the town of Santa Fé, in Alexander county, Illinois, be and the same are hereby approved.

Dated at Springfield, Illinois, this second day of March, A. D. 1909.

W. H. BOYS, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

East St. Louis and Eastern Railway Company

v.

St. Louis, Belleville and Southern Railroad Company

*Petition for Crossing.*

APPEARANCES:

For Petitioner, Mr. M. W. Schaefer.

For Respondent, Mr. John G. Drennan.

The petitioner in this case is organized under the General Railway Act, being chapter 114 of the Revised Statutes of the State of Illinois, and under its charter is authorized and empowered to construct and operate a railroad from section twenty (20), township one (1) north, range eight (8) west, in St. Clair county, Illinois, to section twenty-six (26), township one (1) south, range seven (7) west, in St. Clair county, Illinois.

In the construction of the petitioner's line it is necessary to cross the main track of the respondent at a point near the city of Belleville, in St. Clair county, Illinois, and in its petition filed in this cause the petitioner asks that such a crossing be made by means of a subway under the tracks of the respondent.

The respondent interposes no objection to the construction of such a subway.

It is therefore ordered and decided that the petitioner, the East St. Louis and Eastern Railway Company, have leave, and it is hereby empowered to cross with its track the main track and right of way of the respondent, the St. Louis, Belleville and Southern Railroad Company (the right of way for such crossing being first obtained as required by law), at a point about six hundred and ninety-seven (697) feet east of Mile Post "East St. Louis 12" near Belleville, in St. Clair county, in the State of Illinois, and which said point of crossing is particularly described and set forth in the petition filed herein, and that such crossing shall be made by means of a substantial subway underneath the tracks of the respondent, the St. Louis, Belleville and Southern Railroad Company.

Inasmuch as it appears that the parties in interest have mutually agreed upon the proportion of the expense of constructing such subway, which is to be borne by each of them, no order is made in regard thereto.

Dated at Springfield, Illinois, this second day of March, A. D. 1909.

W. H. BOYS, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

## BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

East St. Louis and Eastern Railway Company

v.

Illinois Central Railroad Company

*Petition to Cross at Grade.*

## APPEARANCES:

For Petitioner, Mr. M. W. Schaefer.

For Respondent, Mr. John G. Drennan.

The petitioner, organized under the General Railroad Laws of this State, is engaged in constructing a railroad in St. Clair county, Illinois, and in the construction of its line it is necessary to cross the right of way and tracks of the respondent a short distance from Belleville in said county.

The branch line of the respondent proposed to be crossed by the petitioner, and known as the Belleville and Carondelet branch, is little used and no regular trains are at present being operated over it. It is the same branch line that is described in the case of Belleville and Interurban Railway Company v. Illinois Central Railroad Company, decided December 29, 1908, and the conditions as there recited are the same as appear in this case and need not be here repeated.

It is therefore ordered and decided that the petitioner, the East St. Louis and Eastern Railway Company be and it is hereby authorized to cross at grade with a single main track, the main track of the respondent, the Illinois Central Railroad Company (the right of way for said crossing being first obtained as required by law), at Mile Post 1 plus seventeen hundred and thirty-six (1736) feet on the Belleville and Carondelet branch of the Illinois Central Railroad Company, in St. Clair county, Illinois.

It is further ordered and decided that there shall be furnished, placed and maintained at said crossing a proper gate located at the intersection of the two roads and so constructed and arranged as to bar the passage of trains on one road while the crossing is being used by the other, and that the petitioner shall cause to be prepared a plan or drawing of the gate proposed to be installed at said crossing and submit the same to this commission for its approval, and upon approval of the same this order shall become effective.

It is further ordered and decided, that if petitioner's line of railroad shall be operated by electricity by means of a trolley wire, that then such wire shall be suspended not less than twenty-two (22) feet above the top of the rails at said crossing and shall be protected by a trolley guard of approved design.

Nothing in this order contained shall be construed as authorizing either of the companies interested to run the said crossing without stopping. The Commission reserves to itself the right at any time in the future to change or modify this order in any respect and to require additional protection at said crossing should the necessities of the case demand it.

Inasmuch as the parties interested have agreed between themselves upon the division of the expense of constructing and maintaining such gate and crossing, no decision or order is made in regard thereto.

Dated at Springfield, Illinois, this third day of March, A. D. 1909.

W. H. BOYS, *Chairman,*

B. A. ECKHART, *Commissioner,*

J. A. WILLOUGHBY, *Commissioner.*

## BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

East St. Louis and Eastern Railway Company

v.

Illinois Central Railroad Company

*Petition for Crossing.*

## APPEARANCES:

For Petitioner, Mr. M. W. Schafer.

For Respondent, Mr. John G. Drennan.

The petitioner in this case is organized under the General Railway Act, being chapter 114 of the Revised Statutes of the State of Illinois, and under its charter is authorized and empowered to construct and operate a railroad from section twenty (20), township one (1) north, range eight (8) west, in St. Clair county, Illinois, to section twenty-six (26), township one (1) south, range seven (7) west, in St. Clair county, Illinois.

In the construction of the petitioner's line it is necessary to cross the main track of the respondent at a point near the city of Belleville, in St. Clair county, Illinois, and in its petition filed in this cause the petitioner asks that such a crossing be made by means of a subway under the tracks of the respondent.

The respondent interposes no objection to the construction of such a subway.

It is therefore ordered and decided that the petitioner, the East St. Louis and Eastern Railway Company have leave, and it is hereby empowered to cross with its track the main track and right of way of the respondent, the Illinois Central Railroad Company (the right of way for such crossing being first obtained as required by law), at a point about three thousand five hundred and ninety-nine (3599) feet east of Mile Post "East St. Louis 11," near Belleville, in St. Clair county, in the State of Illinois, and which said point of crossing is particularly described and set forth in the petition filed herein, and that such crossing shall be made by means of a substantial subway underneath the tracks of the respondent, the Illinois Central Railroad Company.

Inasmuch as it appears that the parties in interest have mutually agreed upon the proportion of the expense of constructing such subway which is to be borne by each of them, no order is made in regard thereto.

Dated at Springfield, Illinois, this second day of March, A. D. 1909.

W. H. BOYS, *Chairman,*B. A. ECKHART, *Commissioner,*J. A. WILLOUGHBY, *Commissioner.*

## BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Toledo, St. Louis and Western R. R. Co., Petitioner

v.

Danville, Urbana and Champaign Ry. Co., Respondent

*Petition for Protection of Grade Crossing.*

## APPEARANCES:

For Petitioner, Charles A. Schmettau.

For Respondent, George B. Gillespie.

About the year 1881 the Toledo, St. Louis and Western Railroad Company built its main track through the outskirts of the village of Ridge Farm, Illinois, in a northeasterly and southwesterly direction, and since that time has operated its line as a steam railroad.

On July 31, 1902, the Danville, Urbana and Champaign Railway Company was organized under the General Railroad Laws of this State for the purpose of constructing a railroad from Danville, Illinois, to Springfield, Illinois, which road was to be operated by electricity.

The respondent's railroad was constructed into the village of Ridge Farm in the fall of 1905, and in the construction of its line it was necessary to cross the main line of the petitioner in the outskirts of the village. Under the laws of this State as they stood in 1905 railroad companies had the right to agree upon and construct crossings without the consent or approval of the Commission.

When the respondent was about ready to construct its line from Danville to Ridge Farm, its representatives opened up negotiations with the representatives of the petitioner concerning the crossing at Ridge Farm. These negotiations dragged along for a considerable time, because of the inability of the parties to agree upon the terms of a contract. In the latter part of September, 1905, the petitioner was advised that the respondent was about to put in a crossing at the point in question, without the formality of a contract, and without the consent of the petitioner, whereupon the petitioner applied to the General Manager of the respondent for information concerning the plans of his company and was assured that it was not the intention of respondent to steal a crossing, but that it intended in good faith, to enter into a contract with petitioner concerning the same. Upon the strength of these assurances, the petitioner proceeded with its negotiations with the respondent concerning the terms of the proposed contract. Some days later the petitioner was informed that it was the intention of the respondent to "force" the crossing on the following Saturday night. An attempt was made by petitioner to prevent the respondent from "forcing" the crossing by standing an engine on its tracks at the proposed point of crossing which was on one of the streets of the village.

Without going into further details, it is enough to say that the efforts of the petitioner to prevent the putting in of the crossing were ineffectual, and the crossing was completed in the early part of the month of October, 1905.

On October 30, 1905, the petitioner filed in the office of the Secretary of this Commission its petition against the respondent wherein it was alleged in substance, that the crossing in question was constructed on or about October 4, 1905; that petitioner had applied to respondent to protect said crossing with an interlocking or other safety device, but that respondent had refused to so protect said crossing; that on account of trees, buildings and other physical obstructions, cars approaching such crossing from either direction on respondent's line, were hidden from the view of employes operating trains on petitioner's road; that petitioner's track approaching said crossing from the west is on a descending grade of .28 per cent, and from the east on a descending grade of .45 per cent and that by reason of said grades, it is difficult to stop trains at said crossing; that petitioner operates over said crossing each day eighteen (18) freight trains and four (4) passenger trains and that because of such facts such crossing is dangerous to the public and to the employes of both the petitioner and the respondent.

In conclusion the petitioner prayed the Commission to view the crossing and to require the respondent to construct and maintain at its own cost such interlocking device as the Commission might require. After the respondent was served with notice of the filing of this petition, our predecessors viewed the crossing, and afterwards heard the case at the office of the Commission in Springfield. The parties do not agree upon what transpired at such hearing, but inasmuch as no formal order was entered in said cause, that question is immaterial.

On June 10, 1908, the petition was re-docketed on motion of the petitioner, and afterwards the crossing viewed and the cause heard by the present Commission.

We are satisfied from our view of the crossing and from the evidence offered on the hearing that the crossing is a dangerous one and should be



protected by an interlocker. And in this conclusion both of the parties to this cause concur. The parties are, however, unable to agree upon the kind of a device that shall be installed and they have failed to reach an agreement as to the proportion of the expense of installation and maintenance which each company shall bear. It therefore becomes our duty to decide these questions.

It is therefore ordered and decided that the respondent, the Danville, Urbana and Champaign Railway Company shall furnish and install at the crossing of its main track with the main track of the petitioners, the Toledo, St. Louis and Western Railroad Company, an interlocking system in which the machine or interlocking device is to be located in a one story cabin at some convenient place near said crossing and that such device shall include proper signals on the line of the petitioner, and derails in the main tracks of both the petitioner and the respondent.

It is further ordered and decided that said interlocking system shall be constructed and installed in accordance with detailed plans and specifications furnished by this Commission, a copy of which is hereto attached and made a part of this order.

It is further ordered and decided that in the operation of said interlocking system so to be installed, and until the further order of this Commission, the parties hereto may operate said interlocker without the use of regular attendants except such as the respondent company furnishes in the way of train employes, when their trains or cars desire to cross, and that the signals governing the movement of trains on the petitioners road shall indicate "clear" at all times, except when trains or cars of the respondent company desire to pass over said crossing.

Under all the circumstances surrounding this case, we believe it to be but fair to depart, to some extent, from the ordinary rule regarding the apportionment of the expense of installing and maintaining interlocking plants at existing crossings.

It is therefore ordered and decided that the cost of constructing, installing and maintaining said interlocking plant shall be paid, one-fourth by the petitioner, and three-fourths by the respondent.

It is further ordered and decided that said respondent shall cause said interlocking system to be installed ready for operation within ninety days of the date of this order.

Dated at Springfield, Illinois, this 15th day of April, 1909.

W. H. BOYS, *Chairman*,

B. A. ECKHART, *Commissioner*,

J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Michigan Central Railroad Company

v.

Chicago and Southern Traction Company

This matter coming on before the Railroad and Warehouse Commission of the State of Illinois, upon the supplemental petition of the Michigan Central Railroad Company, and the answer of the respondent, Chicago and Southern Traction Company, thereto, both parties hereto being present before the Commission, and the Commission having heard the arguments of counsel, and having jurisdiction of the subject matter and of the parties hereto, the Commission finds that the respondent, Chicago and Southern Traction Company has failed to comply with the order of the Commission heretofore entered on the 14th day of May, A. D. 1906, and the further orders of the Commission entered herein on the 1st day of May, 1907, and on the 9th day of July, 1908, and that the undercrossing at or near West End

avenue, in the city of Chicago Heights, Cook county, Illinois, has not now been completed, as directed by the said order of May 14, 1906; that said undercrossing is not in process of construction, and that the construction of said undercrossing has not been commenced by the said Chicago and Southern Traction Company.

The Commission further finds that since the entry of the order May 14, 1906, to-wit: in the month of December, 1908, an accident resulting in the death of one person has occurred at said crossing which would not have occurred if the said undercrossing had been constructed as heretofore directed by this Commission.

It is therefore ordered by the Commission, that the said Chicago and Southern Traction Company, respondent herein, shall begin on or before the 10th day of May, 1909, the actual construction of said undercrossing, as heretofore ordered by the Commission on May 14, 1906, and shall fully and finally complete the same on or before the 10th day of July, 1909, and after said last mentioned date shall cross the tracks of the Michigan Central Railroad Company in the city of Chicago Heights, Cook county and State of Illinois, by means of said undercrossing and shall remove and discontinue the use of the grade crossing on West End avenue in the city of Chicago Heights.

It is further ordered, that if the said Chicago and Southern Traction Company shall not on or before the 10th day of May, 1909, begin the actual construction of said undercrossing, or if the construction of said undercrossing as heretofore ordered shall not be fully and finally completed by said Chicago and Southern Traction Company on or before the 10th day of July, 1909, the permission heretofore granted by the Commission to temporarily cross the tracks of the Michigan Central Railroad Company at grade in the city of Chicago Heights, shall *ipso facto* be withdrawn, and in such event, or any or either of them, the said Michigan Central Railroad Company may remove the rails, crossing frogs and other appurtenances of the said grade crossing of said Chicago and Southern Traction Company from the right of way of the said Michigan Central Railroad Company.

Dated at Springfield, Illinois, April 15, A. D. 1909.

W. H. BOYS, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

St. Louis and Illinois Belt Railway

v.

Illinois Central Railroad Company

*Petition to Cross.*

APPEARANCES:

For Petitioner, Mr. L. O. Whitnel.  
For Respondent, Mr. John G. Drennan.

The petitioner, the St. Louis and Illinois Belt Railway, is a corporation organized and existing under the laws of this State for the purpose of constructing, operating and maintaining a steam railroad between the city of Edwardsville, county of Madison and State of Illinois, and a point on the Mississippi river near the boundary line common to St. Clair and Monroe counties, State of Illinois.

The railroad of the petitioner as located and in course of construction makes it necessary and desirable to cross the main track of the Illinois Central Railroad Company at a point in section twenty-five (25), township four

(4) north, range eight (8) west of the Third Principal Meridian in said county of Madison, said point of crossing being forty-six hundredths miles west of Mont station measured along the line of the Illinois Central Railroad Company; and in its petition filed in this cause, which is accompanied by an agreement between the parties hereto, the petitioner asks that leave be granted to cross the main track of the respondent company by means of an overhead crossing.

In its answer filed February 23, 1909, which is accompanied by an agreement between the parties hereto, the respondent company interposes no objection to the construction of such a crossing. This Commission viewed the location of the proposed crossing on May 1, 1909, as provided by law.

It is therefore ordered and decided that the petitioner, the St. Louis and Illinois Belt Railway have leave, and it is hereby empowered to cross with its track, the main track and right of way of the respondent, the Illinois Central Railroad Company (the right of way for such crossing being first obtained as required by law) at a point in section twenty-five (25), township four (4) north, range eight (8) west of the Third Principal Meridian, in the county of Madison, said point of crossing being more particularly described and set forth in the petition filed herein, and that said crossing shall be made by means of a viaduct or bridge of substantial character spanning the main track of the respondent, the Illinois Central Railroad Company.

It is further ordered that the lowest part of the structure spanning the tracks and right of way of the respondent company shall not be less than twenty-two (22) feet above the top of the rails of the respondent company's tracks.

It appearing among other things that the parties in interest having mutually agreed upon the proportion of the expense of the construction of such overhead crossing which is to be borne by each of them, no order is made in regard thereto.

Dated at Springfield, Illinois, this 9th day of June, A. D. 1909.

B. A. ECKHART, *Acting Chairman*,  
J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

St. Louis and Illinois Belt Railway

v.

Vandalla Railroad Company

*Petition to Cross.*

APPEARANCES:

For Petitioner, Mr. L. O. Whitnel.

For Respondent, Mr. S. W. Fordyce, Jr.

The petitioner, the St. Louis and Illinois Belt Railway, is a corporation organized and existing under the laws of this State for the purpose of constructing, operating and maintaining a steam railroad between the city of Edwardsville, county of Madison and State of Illinois, and a point on the Mississippi river near the boundary line common to St. Clair and Monroe counties, State of Illinois.

The railroad of the petitioner as located and in course of construction makes it necessary and desirable to cross the tracks of the Vandalla Railroad Company at a point in the southwest quarter of section eighteen (18), township three (3) north, range seven (7) west in said county of Madison, said point of crossing being more particularly described as being ten hundred and thirty-two (1032) feet west of mile post number two hundred and twenty-three (223) of the respondent company; and its petition filed in this cause, which is accompanied by an agreement between the parties hereto, the petitioner asks that leave be granted to cross the tracks of the respondent company by means of an overhead crossing.

In its answer filed March 25, 1909, which is accompanied by an agreement between the parties hereto, the respondent company interposes no objection to the construction of such a crossing. This Commission viewed the location of the proposed crossing on May 1, 1909, as provided by law.

It is therefore ordered and decided that the petitioner, the St. Louis and Illinois Belt Railway have leave, and it is hereby empowered to cross with its track, the two main tracks and right of way of the respondent, the Vandalia Railroad Company (the right of way for such crossing being first obtained as required by law) at a point in the southwest quarter of section eighteen (18), town three (3) north, range seven (7) west, said county of Madison, said point of crossing being more particularly described and set forth in the petition filed herein, and that said crossing shall be made by means of a viaduct or bridge of substantial character spanning the two main tracks of the respondent, the Vandalia Railroad Company.

It is further ordered that the lowest part of the structure spanning the tracks and right of way of the respondent company shall not be less than twenty-two (22) feet above the top of the rails of the respondent company's tracks.

It appearing among other things that the parties in interest having mutually agreed upon the proportion of the expense of the construction of such overhead crossing which is to be borne by each of them, no order is made in regard thereto.

Dated at Springfield, Illinois, this 9th day of June, A. D. 1909.

B. A. ECKHART, *Acting Chairman*,  
J. A. WILLOUGHBY, *Commissioner*.

---

BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

St. Louis and Illinois Belt Railway

v.

St. Louis, Troy and Eastern Railroad Company

*Petition to Cross.*

APPEARANCES:

For Petitioner, Mr. L. O. Whitnel.  
For Respondent, Mr. E. H. Conrades.

The petitioner, the St. Louis and Illinois Belt Railway, is a corporation organized and existing under the laws of this State for the purpose of constructing, operating and maintaining a steam railroad between the city of Edwardsville, county of Madison and State of Illinois, and a point on the Mississippi river near the boundary line common to St. Clair and Monroe counties, State of Illinois.

The railroad of the petitioner as located and in course of construction makes it necessary and desirable to cross the main track of the St. Louis, Troy and Eastern Railroad Company at a point in the northwest quarter of section seven (7), township three (3) north, range seven (7) west in said county of Madison; and in its petition filed in this cause, which is accompanied by an agreement between the parties hereto, the petitioner asks that leave be granted to cross with its main track the main track of the respondent, at grade.

The answer filed by the respondent company on February 15, 1909 is in the form of an agreement between the parties hereto and a duplicate of the one above referred to. The respondent company interposes no objection to the construction of such a crossing. The Commission viewed the location of this proposed crossing on May 1, 1909.

It appearing that both railroads are located upon private right of way, and it appearing further upon representations made to this Commission

that a majority of the stockholders and officers in the St. Louis, Troy and Eastern Railroad Company are also officers and stockholders in the St. Louis and Illinois Belt Railway, and that owing to the fact that only freight traffic is carried over the tracks of the St. Louis, Troy and Eastern Railroad Company, and that it is the intention of the St. Louis and Illinois Belt Railway to carry nothing but freight traffic over its line when completed and ready for operation, and that no passengers are now being carried over the tracks of the respondent company, nor is it the intention of the petitioner, the St. Louis and Illinois Belt Railway to carry passenger traffic over its line when completed and ready for operation, the Commission does not deem it necessary from the foregoing facts to cause a separation of grades to be maintained at this crossing.

It is therefore ordered and decided that the petitioner, the St. Louis and Illinois Belt Railway have leave, and it is hereby empowered, to cross with its main track, the main track and right of way of the respondent, the St. Louis, Troy and Eastern Railroad Company (the right of way for such crossing being first obtained as required by law) at a point in the northwest quarter of section seven (7), township three (3) north, range seven (7) west in said county of Madison, said point of crossing being more particularly described and set forth in the petition filed herein, and that said crossing shall be at grade.

It is further ordered that the petitioner, the St. Louis and Illinois Belt Railway shall construct said grade crossing at its sole expense.

Considering the character of traffic which will pass over the tracks of the railroad companies, parties to this cause, and such other information as has been presented to the Commission for its consideration, and it appearing further from the agreement entered into between the parties hereto that the petitioner, the St. Louis and Illinois Belt Railway has obligated itself to erect and maintain at its own cost and expense, an interlocking device at said crossing whenever the respondent, the St. Louis, Troy and Eastern Railroad Company or the Railroad and Warehouse Commission deems it necessary that said crossing shall be equipped with an interlocking system, it therefore appears unnecessary at this time to require this crossing to be equipped with an interlocking system.

Dated at Springfield, Illinois this 9th day of June, A. D. 1909.

B. A. ECKHART, *Acting Chairman*,  
J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Chicago and Southern Traction Company

v.

Illinois Central Railroad Company

And now on this day, the parties to the above entitled cause appeared before the Commission for the further consideration of the subject matter hereof.

The petitioner, Chicago and Southern Traction Company, prayed for a further extension of time within which to comply with the order of the Commission, of the date of January 18, 1906, special reference being made thereto for greater certainty. Oral and documentary evidence was offered by the respective parties, and arguments were heard for and on behalf of the respective parties, and upon consideration, the Commission is still of the opinion that a grade crossing unnecessarily impedes and endangers the business and travel upon both of the railroads, parties hereto, and further re-affirms its former finding that said crossing should be made by means of a subway, at or near 157th street, in the city of Harvey, Cook county, Illinois, or in the vicinity thereof.

The Commission has also taken into consideration the order entered in this case, of the date of July 9, 1908, special reference being made thereto for greater certainty, and finds from the evidence introduced, that the drainage ditches and other improvements in process of construction at that time, for protecting the point where said subway was ordered to be constructed, from overflow, were completed in the early fall of 1908.

The Commission finds that said system of drainage, in contemplation when said order was entered, July 9, 1908, has been successful in that it has prevented the surface waters west and south of Harvey from overflowing the point where said crossing was ordered to be made, and that it is now practicable, and has been practicable for eight months last past, to construct said subway, in accordance with the order of this Commission.

This Commission further finds that the Chicago and Southern Traction Company have made no attempt to comply with the order of this Commission of the date of January 18, 1906, and the order supplemental thereto, of the date of July 9, 1908, before referred to, and the Chicago and Southern Traction Company do not now give the Commission any assurance that they intend in the immediate or near future to comply with said order and supplemental order.

This Commission calls attention to the further fact that in the order of January 18, 1906, the Commission authorized the parties in this case to arrange to agree upon a crossing at any other point in the vicinity of Harvey, Illinois, agreeable to the parties hereto, provided the crossing so agreed upon, shall be by means of either subway or viaduct, to the end that there shall be a separation of the grades of said railroad, whenever said crossing shall be made.

This Commission further finds that the said railroad companies by mutual agreement entered into a contract, by which a temporary grade crossing might be made at 157th street, in Harvey, until December 31, 1906, and that the contract in relation thereto, was duly submitted to this Commission for inspection, special reference being made thereto for greater certainty, and this Commission finds that in harmony with the order of January 18, 1906, a temporary grade crossing was shortly after the entering of said order, put, and has from thence hitherto been used by said Chicago and Southern Traction Company.

The Commission finds that it still has and retains jurisdiction of the subject matter of this proceeding, and the parties hereto, and that it has jurisdiction in the premises.

It is, therefore, ordered that permission to the Chicago and Southern Traction Company to cross at grade temporarily the railroad tracks of the Illinois Central Railroad Company at or near 157th street, in the city of Harvey, Cook county, Illinois, by said order of January 18, 1906, is hereby revoked and annulled.

It is further ordered that said Chicago and Southern Traction Company shall, within thirty days from service of a copy of this order, remove and thereafter cease to use said grade crossing of the tracks of said Illinois Central Railroad Company, and that said Chicago and Southern Traction Company shall not be permitted to cross the railroad tracks of the Illinois Central Railroad Company except by means of a viaduct or subway, to the end that there may be separation of the grades of said railroads whenever a crossing shall be made.

It is further ordered that, in all other respects, said order of January 18, 1906, remain in full force and effect.

Dated this tenth day of July, A. D. 1909.

B. A. ECKHART, *Acting Chairman*,  
J. A. WILLOUGHBY, *Commissioner*.

## BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Louisville and Nashville Railroad Company

v.

Baltimore and Ohio Southwestern Railroad Company

*Protection of Crossing at Enfield, Illinois.*

And now on the third day of August, 1909, comes the Louisville and Nashville Railroad Company, the petitioner, in the case entitled above, by John W. Logsdon, its superintendent, and the Baltimore and Ohio Southwestern Railroad Company, respondent, by J. B. Carothers, its superintendent, and Hugh J. Graham, its attorney, and it appearing to the Commission that there is an ambiguity in the language of the order heretofore entered in this matter on the twentieth day of April, A. D. 1906, with reference to the division of the cost of maintenance of the interlocking plant at Enfield, Illinois.

And the Commission being fully advised in the premises, and it being fully agreed between the parties hereto that the cost of construction and maintenance was to be equally divided between the petitioner and respondent, and that so long as the said interlocker is operated by the Baltimore and Ohio Southwestern Railroad Company, in the manner and under the conditions now existing, the Louisville and Nashville Railroad Company shall contribute fifteen dollars per month toward the cost of operation of the said interlocker, and the balance of expense of operation shall be borne by the said Baltimore and Ohio Southwestern Railroad Company.

It is therefore ordered that the last paragraph of the said order of April twentieth, A. D. 1906, be and the same is hereby amended so as to read as follows:

"It is further ordered that the cost of installation of and maintenance of said interlocking system shall be borne equally between the parties hereto; that the petitioner, the Louisville and Nashville Railroad Company shall pay as expense of operation of said interlocking system the sum of fifteen dollars (\$15.00) per month during each and every month that said system is operated, and that the balance of expense of operation shall be borne by the respondent, the Baltimore and Ohio Southwestern Railroad Company."

Dated at Springfield, Illinois this 3d day of August, A. D. 1909.

ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

## BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

WHEREAS, The following order was made and entered by this Commission on the first day of October, 1908:

"WHEREAS, A petition has been filed with this Commission by the railroads centering at East St. Louis, Illinois, asking for the establishment of a special switching district; and

WHEREAS, No hearing has yet been had on said petition, and

WHEREAS, Such hearing is to be had in the near future,

*It is Therefore Ordered and Decided*, That Rule No. 23 of the Illinois Commissioners' Schedule of Reasonable Maximum Freight Rates, as contained in Classification No. 10, effective July 1, 1906, be and the same is hereby continued in full force and effect in the city of East St. Louis, Illinois, until the further order of this Commission.

Dated at Springfield, Illinois, this 1st day of October, A. D. 1908."

W. H. BOYS, *Chairman*.

## BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Peoria, Lincoln and Springfield Traction Company

v.

Chicago and Alton Railroad Company  
and

Illinois Central Railroad Company

This matter coming on before the Railroad and Warehouse Commission of the State of Illinois, upon the motion of the Peoria, Lincoln and Springfield Traction Company for a modification of the order heretofore entered by the Commission on the 9th day of April, 1908, all parties hereto being present before the Commission and the Commission having heard the evidence and arguments of counsel, and having jurisdiction of the subject matter and of the parties hereto, finds that said Peoria, Lincoln and Springfield Traction Company has failed to comply with the order of the Commission heretofore entered on the 9th day of April, 1908, and that the under-crossings under the tracks of the said Chicago and Alton Railroad Company and the Illinois Central Railroad Company in the city of Lincoln, Logan county, Illinois have not now been completed as directed by the said order of April 9th, 1908; that said under-crossings are not in process of construction and that the construction of said under-crossings has not been commenced by the said Peoria, Lincoln and Springfield Traction Company.

It is therefore ordered by the Commission that the motion of the said Peoria, Lincoln and Springfield Traction Company for a modification of the order entered by this Commission on the 9th day of April, 1908, be and the same is hereby denied.

And it is further ordered that the said Peoria, Lincoln and Springfield Traction Company shall begin on or before the 1st day of December, 1909, the actual construction of said under-crossing as heretofore ordered by the Commission on said April 9th, 1908, and shall make substantial progress toward the completion of the same on or before the 1st day of January, 1910, and upon the completion of the said under-crossing, shall cross under the tracks of the said Chicago and Alton Railroad Company and the Illinois Central Railroad Company in the city of Lincoln, Logan county, Illinois, by means of said under-crossings and shall remove and discontinue the use of the grade crossings with the said Chicago and Alton Railroad Company and the Illinois Central Railroad Company in the said city of Lincoln at such time.

Provided, however, that if the said Peoria, Lincoln and Springfield Traction Company shall not have secured by the 1st day of December, 1909, the proper ordinance from the city council of the city of Lincoln for the construction of said subway, or shall be prevented by legal authority from constructing said subway, then in that event the said Peoria, Lincoln and Springfield Traction Company shall re-locate its line and make substantial progress to the satisfaction of this Commission in securing a new right of way and crossings before the 5th day of February, 1910.

And it is further ordered, that if said Peoria, Lincoln and Springfield Traction Company shall not on or before the 1st day of December, 1909, begin the actual construction of such under crossings, or the substantial progress toward the completion of said under-crossings shall not be made by the



said Peoria, Lincoln and Springfield Traction Company before the 5th day of February, 1910, the permission heretofore granted by the Commission to temporarily cross the tracks of the said Chicago and Alton Railroad Company and the Illinois Central Railroad Company at grade in said city of Lincoln, shall *ipso facto* be withdrawn and in such event any or either of them, said Chicago and Alton Railroad Company and Illinois Central Railroad Company may remove the rails, crossing frogs and other appurtenances of the said grade crossings of the said Peoria, Lincoln and Springfield Traction Company from the rights of way of the said Chicago and Alton Railroad Company and the Illinois Central Railroad Company, provided, however, that if the said Peoria, Lincoln and Springfield Traction Company shall not have obtained from the city council of the city of Lincoln after *boni fide* request and effort to secure same, the proper ordinance for the construction of said subway, or of the said Peoria, Lincoln and Springfield Traction Company shall have been prevented by legal authority from the construction of said subway, as herein ordered, and if the said Peoria, Lincoln and Springfield Traction Company shall have under such circumstances relocated its line in accordance with order heretofore provided, and shall have made substantial progress toward the acquirement of additional right of way and such additional crossings over said road as herein provided, then in that event the permission given by this Commission to temporarily cross at grade shall be continued until such time as the Commission may determine. The Commission reserves jurisdiction over the subject matter and the parties herein.

Entered this 5th day of October, 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHAET, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Kensington and Eastern Railroad Company

v.

Indiana Harbor Belt Railroad Company

*Petition to Cross at Grade.*

APPEARANCES:

For Petitioner, J. G. Drennan.

For Respondent, Glennon, Gary, Walker & Howe.

The petitioner, organized under the General Railroad Laws of this State, has located its line of railroad in accordance with the provisions of its charter. The said line of railroad extends from a point in the city of Chicago, at the junction of 111th street with the Illinois Central Railroad Company's main line of railroad, running thence in a southeasterly direction, to a point at or about the junction of Gostlin or Fort street, in Hammond, Ind., with Howard ave. in Burnham, Cook county, Ill.

It appears that the location of petitioner's railroad is such that it crosses the right of way and main tracks of the respondent, the Indiana Harbor Belt Railroad Company, in Cook county, Illinois, at or near the intersection of said Gostlin or Fort street, extended westerly from Hammond, Indiana, and Howard ave., Burnham, Cook county, Illinois, as shown on blue print attached to the petition filed in this case. It appears that, at said point of crossing, the respondent's road maintains one main track, which the petitioner desires to cross with two or more tracks. It appears, from an inspection of the premises made by this Commission, and the evidence introduced at the hearing, that such grade crossing, as is prayed for by the petitioner, will not impede or endanger travel upon the respondent's railroad.

It further appears to the Commission that said Indiana Harbor Belt Railroad Company and said Kensington and Eastern Railroad Company and the Chicago, Lake Shore and South Bend Railway Company, a tenant line of said Kensington and Eastern Railroad Company, have contracted in relation to the same, and have filed with this Commission copies of their contracts in relation to said crossing.

It further appears to the Commission that in and by said contracts, said parties have made all necessary provisions for protecting said crossing by an interlocking plant of the most approved kind, subject to the supervision and control of this Commission or its engineer.

It is therefore ordered and decided that the petitioner, Kensington and Eastern Railroad Company, be and is hereby authorized to cross at grade with two tracks, the main track of the respondent, Indiana Harbor Belt Railroad Company, at the point of intersection above mentioned and described, subject to the necessity for such condemnation proceedings as may be required by law, in case of disagreement between the parties interested, in relation thereto.

It appearing that the tracks of the petitioner will cross the track of the respondent company within the interlocking limits of an interlocking plant now in operation, known as the State line interlocking plant, it is further ordered and decided that the said Kensington and Eastern Railroad Company will cause its tracks to be interlocked in connection with said State line interlocking plant, in accordance with plans to be approved by this Commission or its engineer.

Inasmuch as the parties interested have agreed between themselves upon the division of the expense of constructing, maintaining and operating said interlocking plant, no decision or order is made in relation thereto.

It is further ordered and decided that the petitioner pay the costs and expenses in connection with this proceeding, to be taxed by the clerk of this Commission as provided by law.

Dated at Springfield this 5th day of October, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Cairo and Thebes Railroad Company

v.

Southern Illinois and Missouri Bridge Company  
St. Louis Southwestern Railway Company  
St. Louis, Iron Mountain and Southern Ry. Co.  
Chicago and Eastern Illinois Railroad Company

and

Illinois Central Railroad Company

*Petition for Connection to Bridge Tracks at Thebes, Illinois.*

WHEREAS, On February 4, 1908, the original cause presented by said petition was heard and afterwards an order issued therein; and

WHEREAS, Afterwards a petition for re-hearing of said cause was presented by the petitioner and said hearing upon said petition set for March 3, 1908; and

WHEREAS, From time to time said hearing upon said petition has been continued; and

WHEREAS, On June 9, 1909, a motion was made by the petitioner to dismiss the original proceedings and also its petition for re-hearing without prejudice;

And said motion to dismiss coming on for hearing before the Commission, and the Commission being fully advised in the premises, it is ordered, adjudged and decreed by the Commission that said motion be denied.

It is further ordered that said petition for re-hearing be and the same is set for hearing at the November term of this Commission.

Dated at Springfield, Ill., this 5th day of October, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

John A. Montelius, et al.

v.

Toledo, Peoria and Western Ry. Co.

*Insufficient Passenger Service.*

APPEARANCES:

For Petitioner, Hon. L. Y. Sherman.

For Respondent, Mr. W. H. Horton.

The complaint of John A. Montelius et al, filed herein on the 9th day of June, 1909, and other later dates, were all upon the hearing of the cause consolidated and heard as one complaint. The complaint states that the complainant is a resident of Piper City, Illinois, and that the defendant named is a common carrier actually engaged in the transportation of freight and passengers by railroad, and that the present passenger service of said defendant from Forest, Illinois, east to Effner is insufficient; that it is impossible for the people of that vicinity to travel to Peoria and back from said city on the same day, and that some of the villages and contiguous territory along said line of railroad are entirely dependent on said railway company for passenger and freight service, and that two of the trains numbered three and two operated on said road should be run from Peoria through to the State line for the accommodation of the people along said line of railroad, and the purpose of the petition is to compel the defendant to furnish, run and operate trains from Peoria, Illinois continuously to Effner, or the State line, in said State.

It appears from the testimony offered in the case that the defendant corporation operates a railway duly organized and chartered under the laws of the State of Illinois; that along said line of railway from Peoria to the State line are the cities of Washington, Eureka, El Paso, Chenoa, Forrest, Chatsworth, Piper City and some other small villages. It appears from the evidence that the length of the road between the points mentioned is 111 miles; that it is 65 miles from Peoria to Forrest and 46 miles from Forrest to the State line, and 12 miles from Forrest to Piper City, the home of the complainant. It further appears from the evidence that the defendant company operates two trains from Peoria east, one starting at 9:32 A. M. from Peoria and the other at 3:25 P. M. These two trains run from Peoria to the State line. Going west through Piper City there is a train to Peoria at 2:50 and one at 8:00 P. M. The train going east in the evening from Peoria stops at Forrest, and if there are passengers at that point on the train they are compelled to wait until the next day for a train. This is the source of complaint, the complainant insisting that the train east in the evening should not stop at Forrest, but should be continued on through to the State line. It is claimed, and not denied, that there is no way of getting from Piper City by train to Peoria and return the same day. It appears from the evidence that prior to 1908 the trains referred to run through to the State line as desired by the complainant herein. It is claimed by the defendant that the reason said trains do not run through to the State line at present, is, first, that there is not sufficient number of passengers to justify the train

going beyond Forrest; that financially they cannot afford to operate the train, and hence were compelled for that reason to stop it at Forrest. The further claim is made that they could not operate the train through from Peoria to the State line and return and keep within the sixteen hour law for passenger crews on trains, and that it would make a double expense if they undertook to do it. There is no particular dispute about the facts in this case. The evidence is somewhat vague as to the number of passengers or the total earnings of the entire road, the evidence only showing that the particular branch of the road from Forrest to the State line does not financially pay.

It is also agreed by counsel for the respective parties that it is not within the province or power of this Commission to compel this or any railroad company to operate any particular number of trains and to any particular point at any particular time, and while that is true as stated by the respective parties, it is the business of this Commission to carefully investigate all complaints of this character and see that so far as it is within their power the railroad companies shall accommodate the traveling public. The question for the Commission to determine is, whether under the facts as they appear in this case, if suit were brought in the proper court by the complainant, would that court upon the evidence heard before this Commission, or before the court, issue a writ compelling the defendant to continue its trains from Forrest to the State line as heretofore.

The statute provides no method by which this Commission may compel a railroad to run any particular number of trains. The only way to compel the performance of this duty is by proceedings in court. The Commission can only inquire into the facts concerning an alleged violation of law by a railroad company upon this point in this State and institute, or cause to be instituted such proceedings in the courts as may be necessary, but this is the extent of the Commission's power under our present law. The evidence in the case showing the financial condition of the railroad, the number of passengers carried over this particular line, and its earnings from the point where it stops to the desired destination is very vague and indefinite, and while that question alone would not justify the Commission, yet it might if the full facts were before us, assist materially in the conclusion to be reached.

After a very careful consideration of the facts and circumstances in this case the Commission thinks it very doubtful at least if the courts would sustain a petition for a writ of mandamus. The general rule is that a mandamus will not be granted when it is clear that it will be unavailing, or if for any reason it is not within the power of the defendant to comply, although its inability is due to the want of necessary funds or the means of raising them. The court would also take into consideration the service already rendered in this case, the inability to operate the trains with one crew, the additional expense attached, together with the service already furnished the people along the line of the road. Applying to the facts as they appear in this case, the decisions of the courts upon this question, it is the opinion of the Commission that the courts would deny the writ. In the evidence, however, it is set up by the defendant, that they are desirous of accommodating the people in this particular locality, and it is manifest there is more or less inconvenience to the petitioner and many others, and that it would be desirable if a better service could be rendered along this particular line of the road. The Commission suggests to the defendant that they undertake to so schedule their trains that persons from that vicinity would be able to get into and return from Peoria the same day. If this could be done it would seem to solve the problem, and it would seem that such service could be rendered without additional expense to the defendant.

Believing from the evidence before us that if proceedings in court were commenced that the court would deny the writ, the prayer of the petitioner will be denied. If, however, at any time in the future it can be shown with

any reasonable certainty to this Commission that sufficient revenue will be derived from the operation of the trains asked for, or if it can be shown that the business of the whole line is such that it would make the business reasonably remunerative, we should not hesitate upon another application to take the necessary steps to bring about such service.

Dated at Springfield, Illinois, this 19th day of October, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Wabash Railroad Company  
Illinois Central Railroad Company  
and  
Chicago and Alton Railroad Company  
v.  
Bloomington, Pontiac and Joliet Electric Railway Company

*Objection to Crossing.*

APPEARANCES:

For Wabash R. R. Co., S. E. Cotter,

For Illinois Central R. R. Co., John G. Drennan,

For Chicago and Alton R. R. Co., Winston, Payne, Strawn and Shaw,

For Bloomington, Pontiac and Joliet Electric Ry. Co., A. C. Norton.

Now on this day comes the respective parties by their attorneys, and this cause coming on for hearing upon the original petition filed herein on March 25, 1905, together with the petition for modification of an order entered in said cause;

And it appearing to the Commission that formal pleadings have been waived by the respective parties hereto, and they and each of them have submitted themselves to the jurisdiction of this Commission for the purpose of determining the questions involved, as shown by the petitions herein, namely, for the purpose of having this Commission prescribe the place where and the manner in which the railroad tracks of the said Bloomington, Pontiac and Joliet Electric Railway Company shall cross the tracks of the Illinois Central Railroad Company and the said Wabash Railroad Company, and whether or not the said Bloomington, Pontiac and Joliet Electric Railway Company shall enter the interlocker now in use between the respective parties hereto, and for such further orders as this Commission may see fit to make from time to time.

And it appearing to the Commission that heretofore on April 21, 1905, an order was entered in this cause directing a subway crossing at said point;

And it further appearing from the petition for modification of said order herein filed and after a full hearing of said question and a re-examination of the crossing at said point;

It is hereby ordered, adjudged and decreed that said former order entered in this cause on April 21, 1905, be and the same is hereby set aside and for naught held.

And this cause now coming on for hearing upon the application of the said Bloomington, Pontiac and Joliet Electric Railway Company for a grade crossing across said tracks of the Wabash Railroad Company and the Illinois Central Railroad Company, and for permission to enter the interlocker located at or near said crossing, all of which is fully set out in the maps

and plats filed in this cause, to which reference is hereby made, and on the hearing of said application, and the arguments of counsel thereon, and the objections filed by the Chicago and Alton Railroad Company to the same, and the Commission being fully advised in the premises;

It is ordered, adjudged and decreed by the Commission that the said Bloomington, Pontiac and Joliet Electric Railway Company shall have the right to cross at grade with its main track, the main track and side track of the Illinois Central Railroad Company, and the main track and "Y" track of the Wabash Railroad Company, after having secured the necessary right of way as provided by law, on a location hereinafter fully described, said proposed crossing being situated in or near the northern limits of the city of Pontiac, Illinois, and described more particularly as follows:

Commencing at a point of tangent in Main street near the intersection of Wabash avenue and said Main street, thence north in said Main street on the tangent produced across the tracks of said Illinois Central Railroad Company at a point about one hundred and fifty (150) feet easterly of the easterly right of way line of the Chicago and Alton Railroad Company, thence on a curve toward the east and terminating on a tangent easterly of the easterly right of way line of the said Chicago and Alton Railroad Company and about twenty (20) feet therefrom, thence northeasterly and parallel with the right of way line of said Chicago and Alton Railroad Company and across the main track and "Y" track of said Wabash Railroad Company to a point of connection with its line now in operation, all as indicated on plan filed in the office of this Commission.

It is further ordered that the track of the Bloomington, Pontiac and Joliet Electric Railway Company at the proposed crossing shall be properly interlocked in connection with the tracks at such crossings now existing, and for the purpose of proper protection to the said parties to this proceeding, and the public generally, the petitioner shall make such changes, enlargements and additions to the present interlocking system at such point as shall be satisfactory to this Commission, which plans and specifications for such interlocking system shall have been presented to and received the formal approval of this Commission, which said plans and specifications shall be prepared and submitted to this Commission for their examination and approval at the earliest convenient date possible.

It is further ordered, adjudged and decreed that the petitioner, the Bloomington Pontiac and Joliet Electric Railway Company shall install and maintain at each of the said crossings a proper trolley guard of suitable length and approved design, which shall be approved by this Commission.

It is further ordered, adjudged and decreed that the petitioner, the Bloomington, Pontiac and Joliet Electric Railway Company shall construct and maintain said proposed grade crossings and the trolley guards above referred to at each of said crossings at its sole expense, and that all changes, enlargements, additions and improvements necessary to be made to the present interlocking system which are necessary to connect its own track shall be made at its own expense, and the same company that is now maintaining and operating the plant shall continue to do so as heretofore, but the said Bloomington, Pontiac and Joliet Electric Railway Company shall be charged with one-fourth of the cost of operation and one-fourth of the cost of maintenance of said interlocking system.

It is further ordered, adjudged and decreed that the grade crossing now in the track of the Wabash Railroad Company in Wabash ave. in the city of Pontiac, and the grade crossing now in the tracks of the Illinois Central Railroad Company at Aurora street, in the city of Pontiac, shall immediately upon the completion of the crossings as hereinbefore described, be taken up; the said crossings hereby allowed are to take the place of those now in temporary use at said points.

It is further ordered that said interlocking system be installed and ready for operation on or before the first day of February, 1910.

The Commission further reserves and retains full jurisdiction over all parties and the subject matter of this proceeding until the same is fully completed and the final order entered in relation thereto.

Dated at Springfield, Illinois, this 20th day of October, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Danville and Edwardsville Terminal Railroad

v.

Toledo, St. Louis and Western Railroad Company

Litchfield and Madison Railroad Company

and

Illinois Terminal Railroad Company

*Petition for Crossing at Edwardsville.*

APPEARANCES:

For Petitioner, Messrs. Gillespie, Fitzgerald and Burton.

For Respondent, T., St. L. and W. Ry. Co., Mr. Charles A. Schmettau.

The petitioner herein is a railway organized under the General Railroad Laws of the State of Illinois; that it has located a line of Belt Railway on the outskirts of the city of Edwardsville connecting the various railway lines of said city with each other, and forming a belt on which to move freight from one of said railways to another, and connecting all of such railways with the various electric railway lines constituting the Illinois Traction System which enters the city of Edwardsville; that in and by said petition it is shown that petitioner will cross the right of way of the Toledo, St. Louis and Western Railroad Company, in the county of Madison and State of Illinois in the southwest quarter of section number twelve (12), township four (4) north, range eight (8) west of the Third Principal Meridian, and at a point approximately ten hundred and sixty-nine (1069) feet southwesterly measured along the center of the said Toledo, St. Louis and Western Railroad Company from the northeast corner of the said southwest quarter of said section number twelve (12), and at this point the said Toledo, St. Louis and Western Railroad Company's tracks are located upon a trestle, and that at the point where said petitioner's railway is to cross the said right of way, the said trestle is of a height of about thirty (30) feet above the grade line of the petitioner's right of way; that at this point the petitioner desires to construct its tracks under the tracks of the Toledo, St. Louis and Western Railway Company, and that there will be a clearance between the top of the rails of petitioners's tracks and the tracks of the Toledo, St. Louis and Western Railroad Company's tracks of more than twenty-five (25) feet; that the construction of petitioner's tracks across the right of way of the said Toledo, St. Louis and Western Railroad Company at this point will not necessitate any change of grade in the tracks of the Toledo, St. Louis and Western Railroad Company, but that the physical conditions admit of such a crossing and no other character of crossing by the petitioner, which crossing is known and described in petitioner's petition as Toledo, St. Louis and Western Railroad Company crossing number two, a plat of such crossing is attached to said petition and is hereby referred to as a part thereof.

The answer of the respondent, the Toledo, St. Louis and Western Railroad Company to the petition of petitioner as to crossing number two admits that the crossing at this point could be made under grade as prayed for by the petitioner. Respondent also shows in its answer that at such proposed point of crossing there is a natural water course passing under defendant's track immediately adjacent to the proposed location of the petitioner's tracks and states that any structure designed to carry defendant's tracks over the petitioner's railroad track will of necessity have to be constructed so as to leave a sufficient opening for said water course, and asks that the petitioner may be required in making such under grade crossing to construct a stone archway or other permanent structure, with an opening sufficient not only for the passage of its railroad, but for the said water course, and asks that the prayer of the petition so far as an under grade crossing is concerned be granted.

The said Commission having made personal examination of said crossing, and having heard the testimony of witnesses and arguments of counsel, and being fully advised in the premises;

It is therefore ordered, adjudged and decreed that the said prayer of the petitioner be granted, and having first obtained the right of way, shall have permission to cross the track of the respondent under grade as prayed for in the petition.

It is further ordered by the Commission that the petitioner shall proceed at once to prepare plans and specifications for said under grade crossing or subway, to be submitted to the Commission for their approval.

It is further ordered that in preparing such plans and specifications they shall not only be prepared with a view of taking care properly of the track of the petitioner, but also shall be prepared with a view of taking care of the water going down said watercourse referred to in the answer of the respondent.

It is further ordered that the additional cost of such under grade crossing made necessary for the taking care of the said water course shall be paid for by the respondent, the Toledo, St. Louis and Western Railroad Company.

It is further ordered that the plans and specifications for said under grade crossing or subway shall be submitted to this Commission for their approval within sixty days from this date.

The division of cost as to the under grade crossing or subway is held under advisement by the Commission until its final order.

The Commission retains full jurisdiction of the subject matter and the parties hereto until the final order herein is made.

Dated at Springfield, Illinois, this 21st day of October, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Illinois Transfer Railroad Company

v.

St. Louis, Iron Mountain and Southern Railway Company  
Crossing at Valley Junction.

APPEARANCES:

For Petitioner, Mr. W. S. McChesney, Jr.

For Respondent, Mr. C. H. Middleton.

The petitioner herein, the Illinois Transfer Railroad Company having in course of construction an extension of its main line beginning at a point



on the westerly right of way line of the Illinois Central Railroad Company at Valley Junction, St. Clair county, Illinois, extending in a southwesterly direction, petitions for the right to construct, maintain and operate at grade a junction and crossing of its main line with the main line and "Y" track respectively of the St. Louis, Iron Mountain and Southern Railway Company.

It appears also from the plat filed with the petition that the specified junction and crossing are located within the limits of an interlocking system, which is now being operated and maintained at said Valley Junction.

Further recital of the petition declares it to be the purpose to construct said main line with the view of handling switching business only and that no regularly scheduled freight and passenger trains will be operated over it.

The Commission having viewed the crossing as required by law, and all parties interested having appeared before the Commission, and there being no objections on the part of the respondent, and the Commission being fully advised in the premises.

It is therefore ordered that the petitioner, the Illinois Transfer Railroad Company, having first acquired the right of way for said junction and crossing as required by law, shall have the right to construct, maintain and operate a connection or junction at grade with its main track, the main track of the St. Louis, Iron Mountain and Southern Railway Company, and the right to construct, maintain and operate a grade crossing of its main track with the "Y" track of said St. Louis, Iron Mountain and Southern Railway Company, as indicated on the plan filed with the petition herein.

It is further ordered that the main track of the petitioner shall be interlocked in connection with the interlocking plant now in existence and operation at said Valley Junction.

Inasmuch as the parties hereto have come to an understanding, as indicated by a duly executed agreement on file in this office, as to the division of expense of constructing said junction and crossing and all expenses connected with the construction, operation and maintenance of the interlocking units made necessary by the construction of said junction and crossing, no decision or order is made in regard thereto.

Dated at Springfield, this 28th day of October, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Metropolitan West Side Elevated Railway Company

v.

The Suburban Railroad Company

*Petition for Crossings.*

APPEARANCES:

For Petitioner, Mr. A. L. Gardner.

For Respondent, Mr. Walter W. Ross.

The Metropolitan West Side Elevated Railway Company, the petitioner in this case, is a corporation organized under the General Railroad Laws of this State, and doing a general urban and interurban railway business within the city limits of Chicago and adjacent territory over a system of tracks which are elevated to a point a short distance west of Robinson (52d) ave., where they gradually descend westward to grade in crossing said Robinson (52d) ave. The Suburban Railroad Company, respondent in this case, is also a corporation organized under the General Railroad Laws of this State and does a general urban and interurban railway business over tracks which are laid at grade from points within the city limits of Chicago to La Grange, Illinois.

The petition herein and the attached plat which is made a part of said petition, indicates that there are constructed and in operation two main tracks which cross the tracks of the respondent company, and the authority is asked by the petitioner, the Metropolitan West Side Elevated Railway Company, to construct two additional main tracks which shall cross at grade the two main tracks of the respondent the Suburban Railroad Company.

It further appears that these two additional tracks will lie within the limits of an interlocking system which is now in operation at the proposed point of crossing.

The Commission viewed the crossing as required by law and a hearing was held on the same day in Chicago at which both parties were represented.

At this hearing it developed that trains of the Aurora, Elgin and Chicago Railway Company also make use of the tracks of the petitioner in order to reach the down town terminals, and the growing business of both the petitioner and the said Aurora, Elgin and Chicago Railway Company requires the construction of two additional main tracks as recited in the petition.

There being now in operation two main tracks of the petitioner which cross at grade the two main tracks of the respondent, it would appear from the testimony presented, and the physical conditions surrounding the present crossing, that it would be manifestly impracticable at this time to insist on a separation of grades of the proposed crossings.

There being no objection on the part of the respondent, and the petitioner having received the authority by ordinance of the city of Chicago, passed November 30, 1908 to construct two additional main tracks across said Robinson (52d) ave., and the Commission being fully advised in the premises;

Now, therefore, it is ordered that the petitioner, the Metropolitan West Side Elevated Railway Company, shall have the right to construct, maintain and operate at grade, two additional main tracks across the two main tracks of the Suburban Railroad Company, located in Robinson (52d) ave., Chicago, Cook county, State of Illinois, as shown on plat filed with said petition and made a part hereof.

It is further ordered that the two additional main tracks herein referred to shall be interlocked in connection with the interlocking plant now in existence and operation at said crossing.

Inasmuch as the parties have come to an understanding as indicated by an agreement on file in this office, dated February 18, 1909, and signed by the President of the Metropolitan West Side Elevated Railway Company, and the president of the Suburban Railroad Company and L. S. Owsley, as receiver for the Suburban Railroad Company, as to the division of expense of constructing, maintaining and operating said crossings, and all expenses connected with the construction, operation and maintenance of the interlocking units made necessary by the construction of said crossings, no decision or order is made in regard thereto.

Dated at Springfield, Illinois, this 28th day of October, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

St. Louis and Illinois Belt Railway Company

v.

East St. Louis and Suburban Railway Company

*Petition for Crossing.*

This is a petition filed by the St. Louis and Illinois Belt Railway Company, a corporation created and organized and operating under the laws of

the State of Illinois for the purpose of constructing, maintaining and operating a steam railroad between the city of Edwardsville, county of Madison and State of Illinois to a point on the Mississippi river near the St. Clair and Monroe county line, in the State of Illinois. Said petition prays for a grade crossing over and across the right of way and tracks of the East St. Louis and Suburban Railway Company at a point in the south east quarter of section number twenty-three (23), in township number four (4) north, range eight (8) west in the county of Madison and State of Illinois in accordance with the terms of and as shown by an agreement between the said two companies and the map or blue print showing the lines of said railways and the point of crossing, which are attached and made a part of the petition.

And the Commission having examined said petition, exhibits and plat, and having also as required by law personally examined the said crossing at the point named in said petition, and said cause coming on for hearing at a regular meeting of said Commission on May 4, 1909, and the said Commission having full jurisdiction of the subject matter contained in said petition and the respective parties being present and represented at said hearing, after due consideration, and being fully advised in the premises, the Commission finds:

That the prayer of said petition for a grade crossing be granted at the point described in said petition, the physical conditions surrounding said crossing being such that a grade crossing is the only practical manner of crossing.

It is therefore ordered, adjudged and decreed by the Commission that the said petitioner, the St. Louis and Illinois Belt Railway Company be and it is hereby authorized to cross with a single track at grade, the track of the East St. Louis and Suburban Railway Company at a point in the south-east quarter of section twenty-three (23) township four (4) north, range eight (8) west, in Madison county, Illinois, the right of way having been first obtained as required by law, a specific description of which is given on the plat or blue print attached to said petition and hereby referred to as a part of this order.

It is further ordered that in case the said petitioner or defendant should desire that said crossing be changed under paragraph five of the contract attached to said petition, the same shall not be changed without the knowledge and permission by order of this Commission, upon a petition presented for that purpose by the respective parties.

Inasmuch as the respective parties have in and by their said agreement provided for the manner in which the expense of said crossing shall be paid, the Commission makes no order in relation to the same so far as the expense of the crossing is concerned.

The Commission hereby retains jurisdiction of the subject matter and the parties in interest in this case so if occasion should require they may enter such further orders as may seem proper at any time, upon giving due notice to the respective parties before entering such order.

It is further ordered by the Commission that the petitioner pay to the State of Illinois all the necessary expenses of the said Commission in connection with said crossing, as provided by law, and that the Secretary of this Commission present said bill to the said petitioner.

Dated at Springfield, Illinois, this 30th day of November, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

## BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

St. Louis and Illinois Belt Railway Company  
 v.  
 Toledo, St. Louis and Western Railroad Company  
 and  
 Illinois Terminal Railroad Company  
 v.  
 Litchfield and Madison Railroad Company

*Petitions for Grade Crossing.*

## APPEARANCES:

Mr. L. O. Whitnel, for St. L. & I. B. R. R. Co.  
 Mr. C. A. Schmettau, for T., St. L. & W. R. R. Co.  
 Mr. Henry S. Baker, for I. T. R. R. Co.  
 Mr. W. N. Warnock, for L. & M. R. R. Co.

The above entitled causes coming on to be heard at the October meeting, 1909, of said Commission, and the petitioner in the case of the Illinois Terminal Railroad Company v. Litchfield and Madison Railroad Company asked leave to amend their said petition by striking out of said petition the words on the first page thereof, "Troy and Eastern Railroad" and inserting in lieu thereof the words "Illinois Belt Railway," which amendment was allowed.

And it appearing to the Commission that the petition in the case of the St. Louis and Illinois Belt Railway Company v. Toledo, St. Louis and Western Railroad Company was filed on January 9, 1909, praying for permission to construct a grade crossing over and across the right of way of the track of the Toledo, St. Louis and Western Railroad Company at a point located in the county of Madison and State of Illinois in the northeast quarter of the southwest quarter of section number fourteen (14), in township four (4), range eight (8) west, being nine hundred and seventy-seven (977) feet southerly measured along the center line of the Toledo, St. Louis and Western Railroad from a point where the east and west half section line of section fourteen (14) aforesaid crosses the center line of the Toledo, St. Louis and Western Railroad, the center line of the proposed track of the St. Louis and Illinois Belt Railway crossing the center line of the Toledo, St. Louis and Western Railroad at an angle of six degrees and twenty-two minutes ( $6^{\circ} 22'$ ), said crossing being fully shown upon a map attached to said petition marked exhibit "A," which map or plat is hereby referred to.

And it also appearing to the Commission that on February 10, 1909, the Illinois Terminal Railroad Company, filed a petition before said Commission to cross at grade the main track of the Litchfield and Madison Railway at a point south of the city of Edwardsville, in said Madison county, said point being in the southwest quarter of section number fourteen (14), in township four (4), range eight (8) west of the Third Principal Meridian, said crossing being an alignment with the proposed crossing of the track of the St. Louis and Illinois Belt Railway Company over the main track of the Toledo, St. Louis and Western Railroad Company in said quarter section, as above described, all of which fully appears from a map or plat of said crossing attached to said petition which is hereby referred to.

It further appears from said petition that the petitioner desires to unite with the said Litchfield and Madison Railroad Company in protecting said crossing with proper devices and appliances.

And all of the parties in interest being properly before the Commission, and the Commission having jurisdiction of all parties in interest and the subject matter of said petitions, and by agreement of the parties and con-

sent of the Commission the above entitled two cases and petitions are hereby consolidated and are to be henceforth dealt with as one petition and proceeding.

And it appearing to the Commission that the Toledo, St. Louis and Western Railroad Company and the St. Louis and Illinois Belt Railway Company have entered into an agreement in relation to the said crossing referred to in said petition.

And it also appearing to the Commission that the Litchfield and Madison Railroad Company and the Illinois Terminal Railroad Company have also entered into an agreement in relation to said crossing referred to in said petition, and that the Commission has made personal examination of said proposed crossings petitioned for in said petitions as required by law, and the Commission being fully advised in the premises:

It is hereby ordered, adjudged and decreed that the said agreements between the respective parties hereto be and the same is hereby made part of the records in this case, and the said railroads permitted to cross at grade with a single track, having first obtained the right of way as required by law.

It is further ordered, adjudged and decreed by the Commission that the petitioners, the St. Louis and Illinois Belt Railroad Company and the Illinois Terminal Railroad Company shall furnish, instal and hereafter maintain and operate at said crossings, namely, the crossing of the St. Louis and Illinois Belt over the Toledo, St. Louis and Western Railroad and the crossing of the Illinois Terminal Railroad over the Litchfield and Madison Railroad, at their own cost and expense, an interlocking plant of standard pattern satisfactory to this Commission, to be approved by them. That said petitioners shall with all convenient speed proceed to install and complete said interlocking system, having first submitted the plans and specifications to this Commission for their approval and when completed and ready for operation shall report to this Commission the fact of such completion.

For the purpose of entering any further order that may be necessary in this case after the report of the installation of said interlocking system is made, the Commission retains jurisdiction of the persons and the subject matter of this cause.

Dated at Springfield, Illinois, this 30th day of November, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

Chicago, Wheaton and Western Railroad Company

v.

Chicago and Northwestern Railway Company

and

Elgin, Joliet and Eastern Railway Company

*Petition for Crossing.*

The petitioner in the above entitled cause is a railroad corporation organized and existing under the provisions of the Act of the Legislature of the State of Illinois entitled, "An Act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations when so organized," and that it has the right as such railroad corporation to acquire property for and to construct and operate its railroad as follows:

From a point on the Elgin branch of the Aurora, Elgin and Chicago Railroad Company, in section seven (7), township thirty-nine (39) north, range

ten (10) east, in the county of DuPage, in the State of Illinois, in a general westerly direction, through the county of DuPage, in the State of Illinois, to and into the city of West Chicago, in the said county of DuPage, and thence in a general westerly direction to and into the city of Geneva and to the westerly limits of said city of Geneva in the county of Kane, in said State of Illinois, with a branch or auxillary line from a point of connection with its main line at the intersection of State street and Anderson boulevard in said city of Geneva northerly to the end of Anderson boulevard at the northerly city limits of said city, and with a branch or auxillary line from a point of connection with its main line at the intersection of State street and Third street in said city of Geneva in a general southerly and southeasterly direction to a point in the southerly city limits of said city of Geneva, near the west bank of Fox river.

The petitioner petitions for authority to cross with its tracks the main line of the Elgin, Joliet and Eastern Railway Company and the so-called Elgin branch line of the Chicago and Northwestern Railway Company in the southeast quarter of the northwest quarter of section number four (4), in township number thirty-nine (39) north, range nine (9) east of the Third Principal Meridian, in the county of DuPage and State of Illinois; that it desires to construct such crossing at such place and in such a manner as will not impede or endanger the travel or transportation upon said main line of the Elgin, Joliet and Eastern Railway Company and the main line of the so-called Elgin branch of the Chicago and Northwestern Railway Company so crossed.

The petitioner states that in the construction and maintenance of such railroad crossing separation of grade would be necessary in the southeast quarter of the northwest quarter of section four (4), in township thirty-nine (39) north, range nine (9) east of the Third Principal Meridian, in the county of DuPage and State of Illinois, of the lines of railroad operated by the Elgin, Joliet and Eastern Railway Company and the Chicago and Northwestern Railway Company, and of the track or tracks of your petitioner, and for the purpose of particularly describing the location and surroundings of such crossing, there is attached to said petition and made a part thereof, a map or blue print marked exhibit "A," upon which the route or line of said petitioner is colored in red, the route or line of the Elgin, Joliet and Eastern Railway Company is colored in green, and the route or line of the Chicago and Northwestern Railway Company is colored in yellow, and the particular point of crossing in question is marked "proposed crossing."

Said petitioner prays that this Commission proceed to view the site of said proposed crossing and upon an investigation and hearing pursuant to law, that it make such an order with reference to the said place, mode and manner of crossing and expense thereof as may seem to said Board to be proper.

The Commission having as required by law visited the location as described in said petition and upon said map and plat above referred to, and duly examined the same as required by law, and having jurisdiction of the subject matter and of the parties, who were all present before said Commission, and being fully advised in the premises, the Commission finds:

That the prayer of said petition should be granted, and that the said petitioner, the Chicago, Wheaton and Western Railway Company should be allowed to cross the track or tracks of the respondents, the Chicago and Northwestern Railway Company and the Elgin, Joliet and Eastern Railway Company, with an overhead crossing by means of a bridge, as prayed for in said petition. Said bridge or overhead crossing shall be made of modern plans and to be substantial in every particular and of sufficient strength to thoroughly protect the public, and shall be in substantial compliance with the plans and specifications set forth in the petition, and also set forth in an agreement between the respective parties, signed by them and filed and made a part of the records in this proceeding.

It is further ordered, adjudged and decreed that the lowest part of the said overhead crossing of the bridge spanning the tracks of the respondent companies shall not be less than twenty-two (22) feet above the top of the rails of the respondent companies tracks.

It further appearing to the Commission that the respective parties hereto, and each of them, have entered into an agreement in relation to the details of said crossing and the expense that each of said parties is to bear in relation thereto, as well as to the maintenance of said crossing, the said agreement so entered into and filed being made a part of the record of this proceeding, and it further appearing that in and by said agreement the question of expense and cost to the respective parties has been determined, the Commission makes no order in relation to the expense of said crossing between the respective parties, or for the maintenance thereof.

For the purpose of making any future order that may be necessary in relation to this proceeding, the Commission hereby retains jurisdiction of the parties and the subject matter.

It is further ordered that the petitioner herein pay the necessary expenses incurred by the Commission in examining said crossing and that the Secretary of this Commission make and forward to the petitioner a bill for the same, and that they remit said amount to this Commission with all convenient speed.

Dated at Springfield, Illinois, this first day of December, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.

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BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

*Copy of Order Entered in the Case of Peoria, Lincoln, Springfield Traction Company v. Chicago and Alton Railroad Company and the Illinois Central Railroad Company; at the Hearing Before the Railroad and Warehouse Commission, December 7, 1909.*

The petitioner shall prepare a statement within ten days from this date to the Commission and file a complete statement of conditions and actions heretofore taken by them and by the city council and other officers of the city of Lincoln in relation to this matter and shall furnish to each of the defendants interested a copy of the same statement within ten days. The defendants and each of them shall then within ten days examine as they may see proper such statement of facts and file with the Commission at the end of ten days their concurrence to or dissent from as to the facts set forth by the petitioner. After the filing of above such statements by the petitioner and the defendants the Commission shall visit the premises in controversy together with their engineer or engineers, as they may see fit. The petitioner also is authorized through their proper officers and engineer or engineers as they may see fit shall meet at the same time and place fixed by the Commission and each of the roads in interest; the defendants may meet through their proper representatives, and engineer or engineers with the respective parties at the same time and place. At least five days notice of the time and place of meeting shall be given to the petitioner and defendants by the Commission; and the city of Lincoln, through its proper officers and engineer, is hereby requested to cooperate with the Commission and the several roads in interest and when such meeting is completed the matter shall then be taken up for hearing at the January term. At such meeting all the questions involved in the original petition and in all orders made since shall be a further subject for consideration and examination.

The petitioner is also required to add any facts and data or memorandum in connection with the expense, practicability, etc., of re-location and that

this proceeding so far as the meeting, statements, etc., is without prejudice to any of the parties interested and for the sole purpose of the information of the Commission so when it concludes the said matter it may do so upon a full investigation.

By order of Commission.

[Signed] ORVILLE F. BERRY, *Chairman*.

BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF ILLINOIS.

The Belleville and Mascoutah Traction Company

v.

Louisville and Nashville Railroad Company

*Petition for Under Grade Crossing.*

APPEARANCES:

For Petitioner, Mr. Edw. Thomas.

For Respondent, Mr. J. M. Hamill.

The petitioner, the Belleville and Mascoutah Traction Company is an electric railroad organized under the general railway act of the State of Illinois for the purpose of constructing, maintaining and operating a railroad from the city of Belleville to the city of Mascoutah both in the county of St. Clair and State of Illinois.

The petition states that in the construction of its said railway it is necessary to cross the track and right of way of the railroad now owned and controlled by the Louisville and Nashville Railroad Company at a point in the northeast quarter of section thirty-two (32), township one (1) north, range seven (7) west in said county of St. Clair and State of Illinois about four miles easterly from the city of Belleville in said county and State and they desire to cross such defendant railroad by an under crossing for the operation of motor, passenger and express cars only as is fully shown by plat of said proposed crossing which is marked exhibit "A" and made a part of said petition and to which reference is here made.

The answer of the defendant company admits that the petitioner is a railroad company duly organized as stated in said petition for the purpose as set forth in said petition; admits that in the construction of its said railway it is necessary for the petitioner to cross the right of way and railroad tracks of defendant company at the point mentioned in said petition, or at some other point. The defendant company in its answer states it is willing to permit the petitioner to cross underneath its said tracks with its line of railway for the operation of motor, passenger and express cars only at the point mentioned in said petition upon the condition that the Commission will require petitioner to construct and maintain in safe and perfect condition at its own cost and expense a twenty-four foot span through plate girder steel bridge to support defendant's road and railroad tracks at said point of crossing, and the Commission having made personal examination of said crossing, as required by law, and having full jurisdiction of both the subject matter and the parties in interest and having heard the testimony of witnesses, the arguments of counsel, and being fully advised in the premises:

It is therefore ordered, adjudged and decreed that the prayer of the petitioner be, and the same is hereby, granted and having first obtained the right of way shall then have permission to cross the track of the defendant, the Louisville and Nashville Railroad, under grade, as prayed for in said petition at a point on respondents track distant west 714 feet from respondent's mile post marked St. Louis 22., as the same is now located said place of crossing being about four miles east of Belleville, Illinois, in the northeast



quarter of section thirty-two (32), township one (1) north, range seven (7) west of the Third Principal Meridian, county of St. Clair and State of Illinois.

It is further ordered by the Commission that the petitioner shall proceed at once to prepare plans and specifications for said under grade crossing or sub-way and bridge which, when so prepared, shall be submitted to this Commission for their approval. Said bridge shall be built substantially as follows: The retaining walls to be of concrete construction with culvert of concrete of sufficient size to be built in behind the retaining wall on the east side for the protection of the said bridge and track from water. The distance from face to face of retaining walls shall be at least sixteen feet, eight feet on each side of the center of the petitioners track and measured at right angles with center line of said track. The superstructure to be of the kind submitted by respondent provided that top roof rail of respondents track at its present grade to the bottom of said superstructure when finished and in place shall not exceed two feet. The plan and material for said superstructure shall be approved by this Commission before the same is erected that the height from top of rail of petitioners track to the bottom of superstructure of respondents shall not be less than sixteen feet, the distance from the top of the petitioners rail to the top of the respondents rail shall not when completed be less than eighteen feet.

It is further ordered by the Commission that the petitioner shall proceed at once to prepare plans and specifications for such under grade crossing and said sub-way and bridge which when so prepared shall be submitted to this Commission for its approval.

It is further ordered and decreed that in preparing such plans and specifications for said under grade crossing they shall prepare the same with a view to taking care properly of the track or tracks of the petitioner and the defendant company, and also shall be prepared with a view of taking care of the water going down through said water course in such a manner as to in no wise injure or endanger said tracks or sub-way.

It is further ordered and decreed that in the preparation of said sub-way and the placing of the same therein it shall be done with care and speed and in such a manner as to retard just as little as possible the business of the defendant company.

It is further ordered, adjudged and decreed that the cost of such under grade crossing superstructure and protection shall be divided between the companies as follows: The petitioner shall pay two-thirds of the cost thereof and the defendant company one-third the cost thereof and that when such sub-way or under grade crossing is completed the petitioner shall file in the office of this Commission a statement showing the expense thereof which shall be made a part of the record of this case.

It is further ordered, adjudged and decreed that the petitioner shall pay the expense of viewing of said crossing to the State of Illinois, as provided by law, and the Secretary of this Commission is hereby directed to present a bill to the petitioner for the sum of such expenses and when so collected the said fee, which shall be \$30.00, shall be turned into the Treasury of the State of Illinois.

For the purpose of entering any further order that may be necessary in this case the Commission hereby retains jurisdiction of the subject matter and of the petitioner and respondent in this proceeding.

Dated at Springfield, this 14th day of December, A. D. 1909.

[Signed] ORVILLE F. BERRY, *Chairman*,  
B. A. ECKHART, *Commissioner*,  
J. A. WILLOUGHBY, *Commissioner*.