

## **Railroad reality: Only so many trains can run on a single track**

(The following story by Bruce Rushton appeared on The State Journal-Register website on September 19, 2009.)

SPRINGFIELD, Ill. — At least two inconvenient truths confront the Union Pacific Railroad and anyone else who wants to put high-speed passenger trains, plus more freight traffic, through Springfield along Third Street.

First, only so many trains can run on a single railroad track.

Second, the city owns some of the land needed to build for a second track along Third Street, and city officials and an attorney for the county say the project can't proceed unless the city gives up the property.

Mayor Tim Davlin has said that the Union Pacific can run as many trains as it wants down Third Street and no one can prevent it.

But a 2007 study funded by the Association of American Railroads, an industry group that includes the Union Pacific, says that a single-track line, with optimal traffic control and signaling equipment, can accommodate a practical maximum of 30 trains per day if used by different types of trains. The maximum jumps to 75 trains if parallel tracks are available.

### Single-track limit

Mark Davis, spokesman for the Union Pacific, confirmed that the single-track corridor between St. Louis and Chicago now has a capacity of 30 trains per day. Amtrak runs 10 trains a day, and the Union Pacific runs between two and five daily, according to the railroad. Assuming Amtrak's schedule doesn't change, Davis acknowledged that the math works out to an additional 15 freight trains per day before the track would reach capacity.

Without high-speed rail paid for by the federal government, U.S. Sen. Dick Durbin, D-Illinois, said he believes the Union Pacific is forecasting a mix of passenger and freight trains totaling 34 trains a day on Third Street.

"That's a lot of trains from our current number," Durbin said. "I don't know if they (Union Pacific) would double-track if there was no high-speed rail."

Sangamon County Board Chairman Andy Van Meter said he doesn't know how many more trains the Union Pacific could run on Third Street without a second track.

"I'm sure they can increase (freight traffic) by some amount," Van Meter said. "What we don't know is how much. It's not going to be by Carl Sagan's billions and billions."

### Springfield a bottleneck

During a Sept. 9 meeting of the Illinois Commerce Commission, a Union Pacific vice president said the railroad foresees 22 freight trains and 18 passenger trains per day by 2017, putting the total at 40.

That number, however, is based on double tracks and high-speed passenger rail, and double-tracking is far from a done deal.

The Union Pacific's John Rebensdorf acknowledged as much in an Aug. 28

letter to Durbin.

In the letter, Rebensdorf wrote that the railroad will build “as much double track as we can” along Third Street without city approval. However, he also wrote that lack of a full double-track route through the city would delay passenger trains.

“Unnecessary train congestion” would slow motorists, Rebensdorf said in the letter, adding that the Union Pacific and Illinois Department of Transportation cannot solve the problem by themselves.

In short, Springfield is a potential bottleneck, and city officials say they hold the corkscrew.

“I’m a business guy, and I do understand a bottleneck — it’s going to cost you money,” said Ward 1 Ald. Frank Edwards.

City property needed

Ernie Slottag, Davlin’s spokesman, said he believes the city owns land that would be needed to build gates for a new track and that signals would have to be moved onto city streets.

“That’s one of our trump cards,” Slottag said.

The city’s legal staff has told council members the city can’t be forced to give up the property, and aldermen won’t do so willingly, Edwards said.

“That ain’t gonna happen,” he said.

Van Meter said the city’s land is an important issue.

“Without it, Union Pacific could not have double track through that part of Springfield,” Van Meter said.

Davis said the Union Pacific doesn’t agree that the city controls the land. Federal law, not a law dating to the 19th century that the city is relying on, gives the railroad the right to go ahead with the double-track project, he said.

Durbin said his legal staff has checked, but found no federal agency that could prevent Union Pacific from installing double track.

“There’s no place for us to turn that could stop them from making that decision (to install a second track),” Durbin said. “They could make it tomorrow, and they own the right-of-way.”

Railroad’s rights unclear

But Durbin also said he’s not sure the railroad can condemn city land.

“If they need additional real estate, it may be a matter of negotiation—I just don’t know,” Durbin said.

Ed Gower, former general counsel for the state Department of Transportation, said the railroad can’t build on city land without the city’s blessing.

“I’m not aware of any law in the state of Illinois that gives a railroad the power to condemn public property for purposes of construction of railroad

facilities, other than if you consider the right to cross public streets with a railroad to be a condemnation,” said Gower, who has been hired by Sangamon County to fight high-speed rail on Third Street.

Laurie Reynolds, a University of Illinois law professor, said the issue depends on the type of land.

If publicly owned land is fallow, then the railroad might have a case, Reynolds said. It’s a different story if the land is being used, she said.

“I think the key is whether the land is being put to a public use, and a street is as basic a public use as you can get,” Reynolds said.

Edwards said he’s heard arguments that the railroad has the power to condemn public land. The issue could wind up in court, he allowed.

“It would be one helluva fight, wouldn’t it?” Edwards said.

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Amtrak has priority

Federal law requires the Union Pacific Railroad to let Amtrak passenger trains use its track. That creates a hurdle to additional freight traffic, because track capacity decreases as the mix of train types increases.

Passenger trains consume as much as three times the track capacity of freight trains, according to an Aug. 7 letter from John Rebensdorf, a Union Pacific vice president, to Mayor Tim Davlin and Sangamon County Board Chairman Andy Van Meter.

Train types, the speeds they travel, their length and the amount of siding available all affect track capacity, Union Pacific spokesman Mark Davis said. Federal law says freight traffic must yield to Amtrak passenger trains, but that rule crumbles if there is insufficient siding for a freight train to pull off the main track.