

A BRIEF HISTORY OF THE KELLAR BRANCH RECREATIONAL TRAIL 10-25-08
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In 1980 Peoria acquired the Kellar Branch rail line (Kellar line) that was abandoned by the bankrupt Chicago, Rock Island and Pacific Railroad Company that runs 8.39 miles from Pioneer Park to Adams Street in front of O'Brien Steel Fabrication. From July 10, 1984 until February 24, 1998 Peoria & Pekin Union Railway Company ("P&PU") hauled freight over the Kellar line from downtown to Pioneer Park to various customers in the Pioneer Park area. In 1998 P&PU assigned its remaining interest of the 20 year contract to Pioneer Industrial Railway Co. (PIRY).

Among other terms the 1998 agreement contemplated that if a spur line were constructed allowing a western connection to the Union Pacific, rail traffic on the Kellar line would cease and a recreational trail would be built on the right-of-way that Peoria purchased for \$856,000. The agreement by its terms was to terminate on July 10, 2004, a fact which PIRY still disputes. One provision in the agreement states "PIRY will not oppose such discontinuance." [of service] Another provision calls for PIRY to "cooperate with the City's efforts to acquire and construct such connection. In point of fact it parked its switch engine and/or cars during the construction of the spur connection in 2004 and 2005 causing delay to shipments of lumber to Carver Lumber Company, the sole remaining customer on the Kellar line.

For more than a decade, the City of Peoria, the village of Peoria Heights and the Peoria Park District have been working to develop a recreational hike/bike trail on the right-of-way of the Kellar line that runs 8.9 miles from Pioneer Park to Adams Street. The Peoria Park District has secured grants to complete most of the trail construction with an asphalt surface. The southern 2.2 miles at the southern end of the Kellar line will remain intact to service O'Brien Steel Fabrication and the 6.3 miles of right-of-way through Peoria Heights and Peoria will become the trail and will end at Harvard Street where it will link up with the route through Springdale cemetery.

When no progress was being made by Peoria the Recreational Trail Advocates (RTA) was incorporated January 24, 2000 to promote the extension of the Rock Island Trail State Park from Pioneer Park to downtown Peoria and to promote the establishment of additional connections with the Park.

Hoping to stop the efforts of the RTA to encourage Peoria to build the spur extension PIRY on May 2, 1999 sued a member of the RTA for Libel and Civil Conspiracy in Peoria County. February 8, 2000 the trial court dismissed the complaint with prejudice and on June 2, 2000 awarded sanctions (monetary penalty) against PIRY for filing a frivolous lawsuit. Not giving up PIRY appealed the trial court decision July 17, 2000. On June 11, 2001 the appeal was denied and the Illinois Appellate Court awarded sanctions on August 2, 2001 stating the appeal was frivolous as well.

Late 1999-Early 2000

As the City proceeded with plans to build the spur extension linking the Kellar line up with the main line of the UP it requested rail service bids from PIRY. PIRY failed to bid and the contract was awarded to DOT who owned Central Illinois Railway (CIRY). Peoria entered into a contract with CIRY June 26, 2000.

July 10, 2004

Peoria takes the position that the 20 year contract it originally had with P&PU that was assigned to PIRY for the balance of the contract term had expired. PIRY effectively blocked CIRY from making deliveries on the Kellar line by parking its engine or cars where the new switch was being installed to allow Carver Lumber to receive shipments of lumber from the west. (See PJS article August 1, 2004)

Late 2004- early 2005

Due to budget problems Peoria was unable to begin construction of the spur extension until late 2004. In the meantime, PIRY continued to service over the Kellar line. Construction finally started when Peoria called for private donations for the final \$175,000. O'Brien Steel Fabrication at the southern end of the Kellar line on the unneeded 2.2 mile part of the line agreed to donate this amount if a trail were built. (See PJS article October 6 and 13, 2004)

Late 2004

As construction of the spur line proceeds PIRY proceeds to park its locomotive and rail cars on the Kellar line at a point where the switch to Carver Lumber Company has to be installed. This action forces the contractor off the job and effectively prevents any deliveries to Carver Lumber. (See PJS January 5, and July 7, 2005)

August 1, 2005

PIRY finally agrees to remove its locomotive from the switch and allow construction to resume (See PJS July 16, 2005)

August 3, 2005

Despite its agreement to remove its equipment CIRY still blocks the switch. (see PJS August 3, 2005)

August 10, 2005

PIRY again agrees to remove its engine (PJS August 10, 2005)

August 10, 2005

Surface Transportation Board (STB) which has jurisdiction over all railroad matters and which has the final say in this controversy rules on 8-10-05 that it can discontinue service over the Kellar line and remove PIRY after 90 days expires. (PJS August 11, 2005)

August 17, 2005

After agreeing to continue service to Carver Lumber until the new spur extension is finished, PIRY pulls its locomotive off the Kellar line and refuses to provide service to his former only customer. This forces CIRY to begin service on short notice. (See PJS

August 18, 2005

PIRY first sues Peoria, Peoria Heights and DOT Railroad in La Salle County (improper county) and is forced to transfer the case to Tazewell County on 1-18-06. This lawsuit is ripe for decision but nothing is being done pending the STB final decision.

May 8, 2006 Rt. 6 Tunnel Lighting project commenced by Roger John, George and Mike Friberg of PPD

August 24, 2006

Peoria Park Board accepts bid for trail construction from Pioneer Parkway to Candletree Court (See PJS August 25, 2005)

August 31, 2006

Peoria Park Board awarded grant of \$200,000 for the Glen Avenue to Peoria Heights section of the trail. (See PJS August 31, 2006)

November 2005

PPD loses \$200,000 in Illinois Department of Natural Resources grant because there has been no construction of the recreation trail. (Peoria-Times Observer November 2, 2005).

January 20, 2006

The STB reversed its December 23, 2005 Decision allowing for the discontinuance of service over the Kellar line and the removal of PIRY.

April 26, 2006

STB finds it has insufficient information to determine the adequacy of current and future rail service to Carver Lumber Company and gives Carver and CIRY until July 24, 2006 to supplement the record and gives PIRY until August 14, 2006 to reply.

January 12, 2007

PIRY requests authority to return to the Kellar Branch and provide alternative service to Carver Lumber and to reopen the STB's decision of August 10, 2005 that allowed the

discontinuance of service over the Kellar Branch and the removal of PRY. The STB allowed the case to be reopened but denied PIRY the right to operate on the Kellar Branch. (See PJS 1-21-07)

January 18, 2007

PIRY contacted Mayor Allen of Peoria Heights regarding the purchase for cash the right-of-way for cash through Peoria Heights for the purpose of shipping freight and carrying passengers on a trolley all the way to the museum square area. PIRY offers to develop a self-propelled trolley but makes no financial commitment. It offers to carry bikes on the trolley and to “work” with the trail advocates! PIRY plans to make a presentation about the trolley to Peoria Heights trustees March 12, 2007 at 6:30 P.M. at the Village Hall.

May 19, 2007 Kellar Branch Cleanup

START UPDATE FROM THIS ENTRY

November 19, 2007 the STB rules that both Pioneer Industrial RR Co. and Central Illinois RR Co. can both operate over the Kellar Branch.

November 25, 2007 Mayor Mark Allen announces that the village will try to get the decision of the STB reversed and supports the conversion of the track to a trail through Peoria Heights. PJS editorial supports the recreational use of the Kellar Branch vs rail use due to the fact that no other rail customers have come forward in the past two years.

November 27, 2007 the Peoria City Council voted 7-4 to postpone voting on a resolution asking Sen. Obama, Sen. Durbin and other members of the Illinois Congressional delegation to support the city in converting the Kellar Branch into a recreational trail. The also refused to demand the railroads pay to use the Kellar Branch.

December 5, 2007 Peoria Heights approves a trail resolution to legislators supporting the conversion of the rail going through Peoria Heights into a recreational trail 6-0.

December 5, 2007 the 2 rail carriers have a fight over the Kellar Branch and police were called.

December 11, 2007 the 2 rail carriers reach agreement on which parts of the Kellar Branch they will operate over.

December 22, 2007 a group of people from Peoria and Peoria Heights have been appointed to determine if a combination rail and trail can co-exist in the limited right-of-way.

January 4, 2008 Peoria Heights gives \$5,000 for its share of a formalized study of the rail/trail corridor project.

January 7, 2008 the bench honoring Larry Johnson has been installed at Alpha Park library.

January 23, 2008 there was a Press Conference held about the Kellar Branch- Public officials supported the project.

January 30, 2008 former Mayor Maloof said in 2005 Peoria City Council received 2.3 million dollars from the federal government for a new gateway to the west for railroads and not one customer has come forward at a press conference. Mayors Mingus, Ardis and Allen all spoke in favor of the trail.

February 7, 2008 the Kellar Branch committee meets for the first time

February 11, 2008 the editorial board suggests Peoria charge for the use of its rail line as other owners do. The 24.7 Elm Industrial Lead from Middle Grove (MP 461.5) to Kickapoo Creek Road (MP 486.2) owned by U.P. announces abandonment

David Pittman announces bike to work week for May 12—16, 2008

2-16-08 TY. Linn of Chicago picked to study the rail/trail feasibility.

3-11-08 RTA places ad in PJS for a pro bono attorney.

3-31-08 Mayor Allen sends a demand letter to Pioneer Industrial RR Co. demanding it eliminate all the drainage problems it created by using the ROW.

4-7-08 John Bousky of Illinois Cycle promises to make a 3 wheeled bike for trail cleanup

4-8-08 Peoria Heights complains of drainage issues caused by the Kellar Branch.

4-13-08 Mayor Allen threatens to force Pioneer Industrial RR Co. off the track because it failed to remove weeds or prevent erosion and damage to drain tiles that have been broken by discarded rail ties.

4-28-08 City Council investigates the safety issue of the storage of 40 oil tank cars on the Kellar Branch and charge fees for the storage of hazardous materials. Spain said a reasonable amount of rent should be charged for any cars stored on the line.

4-26-08 Peoria clean-up on Kellar Branch from Pioneer Parkway to Northmoor Road. Pioneer refused to give us permission for cleanup.

5-5-08 Dave Barber, Sup. of Public Works was ordered to negotiate an agreement with TY LIN INTERNATIONAL of Chicago to review the 30 page report of the PPD on the feasibility of a co-existing rail and trail and calculate what the cost of completion.

All officers were re-elected for 2008: George-President, David-V.P., Mike Pula-Treasurer, Coralynn-Secretary. Directors will be George, David and Michol Pula

Discussion re CB&Q Depot sign that was damaged. Estimated repairs at \$2,650 by Prairie Signs.

5-7-08 Mackinaw Valley Vineyard hosting meeting on linking Bloomington to Morton trails

6-1-08 Peoria asked to pay \$20,000 for review of feasibility study by TY LIN INTERNATIONAL

9-15-08 Dedication of Larry Johnson's memorial bench

10-25-08 TY LIN INTERNATIONAL after review of PPD study comes up with 18.2 million for side by side trail v PPD estimate of \$29 million. PPD has only \$4 million and expects the cost to be \$6 million if there is no inclusion of a rail.

12-1-08 GMB receives notification of a donation of a 45'X 123' property at 1101 N.E. Rock Island Avenue. Group decided to pass on the donation

1-15-09 Trail brochures arrive from printer

5-16-09 Editorial and pictures of the erosion of the right-of-way of Kellar Branch in Peoria Heights.

4-7-09 Kellar Branch gets onion award by Cilco substation

4-13-09 Official vote on not accepting the Rock Island Avenue property

5-4-09 George passed around the trail head drawings prepared by Wilbur Johnson intended for PPD trail in the rear of the building

5-16-09 Kellar Branch clean-up on Peoria Heights part of the ROW

6-9-09 GMB met with ICC President John Erwin re RIT connectivity issues and advertising and marketing the trail.

6-10-09 GMB contacted Dale Adkins, Chairman Recreation & Tourism Administration at WIU about marketing assistance.

7-11-09 Rock Island Trail Workday-3 volunteers showed up

7-13-09 Joint operating protocol was reached by Pioneer Industrial RR Co. & Central Illinois RR Co.

IDOT now is requiring another appraisal, another title search and a survey of the Kellar Branch.

Approval of \$2,000 for repair of CB &Q depot sign

7-18-09 Peoria agrees to charge \$1.00 per year to Pioneer Industrial RR Co. and Central Illinois RR Co. to operate on the unused parts of the north and south ends of the Kellar Branch.

7-25-09 Tom Leiter announces that agreements with all the parties has been reached and are awaiting approval by the STB. Both railroads will continue service on the northern and southern ends of the Kellar Branch that are not needed for trail. The middle 7 mile section of ties and rails will be removed.

7-25-09 Work day on the trail performed by Christine Stowell, GMB and Michol Pula

7-28-09 Peoria approves the agreement to charge \$1.00 per year for the 2 railroads to use the northern and southern ends of the Kellar Branch.

8-3-09 Peoria approved joint operating protocol of Pioneer Industrial RR Co. and Central Illinois RR Co. with Sandburg voting no.

George negotiated a \$2,000 repair of the CB&Q Depot sign

8-22-09 Third workday on RIT

9-14-09 Professor Rob Porter, Recreational Parks, Tourism & Administration at WIU met with the group to help on tourism aspects of the trail and connectivity.

Duryea Days were set for October 9 & 10

11-2-09 Attorney Leiter presented update on the Kellar Trail project in its 2nd year with his involvement.

Duryea Days was not successful due to road repairs to downtown Peoria Heights streets and weather.

Mike Pula arranged for the installation of the rehabilitated CB&Q Depot sign in Wyoming, IL

Members selected locations for the concrete benches donated by UAW along the Rock Island Trail north of Pioneer Parkway.

Tim is working with the sketches for the Peoria Heights trailhead.

Group approves \$2,000 expenditure for Peoria Regional Bike Map.

12-4-09 East Peoria purchases a corridor for a bike trail connection from Buffalo Wild Wings. The trail section will link the pedestrian bridge over Farm Creek with the Michel bridge. This will be surfaced with blacktop and link up with the Morton Bikeway.

12-7-09 Allen Road Crossing is in Phase I. Phase II is design phase scheduled for summer 2010. Tunnel will be on top of trail and Allen Road will be elevated over the tunnel. Project Engineer Richard Dotson reports the tunnel will be lighted.

Trail marking has been vandalized and search is underway for a better system. Plan is to get all park districts to use the same system.

Discussion re legal existence of RTA when we have RIT. Decision to continue existence of RTA.

Discussion continued re a trailhead behind future PPD headquarters.

Web page needs updating.

Hanna City trail is now in need of an appraisal. Cost is expected to be 16,000 with Peoria Co. to pay 75% and Fulton Co. to pay 25% with the towns along the route to contribute.

Work continues on the Tri County Regional map.

\$6,000 authorized for selection of a bike corridor connecting Bloomington to Morton.

Audubon bird seed sale netted us \$250.00.

Illinois Wheelm'n, Illinois Valley Striders, Peoria Area Mountain Biking Association and Peoria Bicycle Club is hosting a benefit for the Friends of the Rock Island Trail, Inc. on 1-30-2010 at Peoria Theatre on 3325 N. Dries Lane (former Landmark Theatre) from 4-10 . They will showing 3 films A RIDE WITH GEORGE, 24 SOLO, AND RUNNING THE SAHARA. Drawings before each showing. All proceeds go to the trail.

Submitted by 12-7-09 by George Burrier