
Documentation of the Historic Chicago, Rock Island and Pacific Railroad Bridge

C. R. I. & P. Bridge
Benton County, crossing Route 65



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Historical Narrative

The existing railroad bridge at milepost 202.73 over Route 65 in Benton County was constructed in 1929 under a contractual agreement between the Missouri State Highway Commission and the Chicago, Rock Island, and Pacific Railroad (C. R.I. & P.). The bridge was constructed to eliminate the at-grade crossing of Route 65 with the existing railroad tracks. The C.R.I. & P. Railroad had constructed this line across northern Benton County in 1902-04, soon after acquiring the defunct St. Louis, Kansas City, and Colorado Railroad which at that time extended from St. Louis only as far west as Freeburg, Osage County. The C.R.I. and P., in a massive expenditure of capital, extended the line west across Missouri to Kansas City, routing the line across the edge of the Ozark Border through a region previously lacking direct railway transportation between these two cities. The new rail line allowed the transport of the region's grain, livestock and other agricultural products plus mineral resources such as coal and clay, while also providing passenger service between St. Louis and Kansas City.¹

The elimination of at-grade railroad crossings--such as the one on Route 65 at the C. R.I. & P. Railroad--was among the top priorities in the first years of the Missouri State Highway Commission. Inaugurating the construction of some 7,500 miles of primary and secondary state roads following the passage of the Centennial Road Law in 1921, the Highway Commission, working through the Missouri State Highway Department, followed an on-going policy to eradicate as rapidly as possible all railroad grade crossings from the state highway system, with U.S. routes and primary state routes having priority over secondary state routes. In pursuing its plan to eliminate existing grade crossings, the Commission was following an older state policy first adopted in a 1919 Missouri statute, Chapter 95, which established the Public Service Commission. Article 3, Section 10459 of Chapter 95 granted the Public Service Commission the power to abolish or permit grade crossings:

No public road, highway or street shall hereafter be constructed across the track of any railroad corporation at grade . . . without having first secured the permission of the commission.

The statute effectively outlawed at-grade crossings of railroads and highways, with the Public Service Commission, in short, having full authority over the grade intersections, with the power to:

¹ St. Louis Southwestern Railway Company, "Historic Report (49 C.F.R. 1105.8), St. Louis Southwestern Railway Company, Abandonment Exemption in the State of Missouri, ICC Docket No. AB-39 (Sub-No. 18x)," October 18, 1993, Historic Preservation Program, Missouri Department of Natural Resources, Jefferson City.

. . . alter or abolish any such crossing, and to require, where, in its judgement, it would be practicable, a separation of grades at any such crossing heretofore or hereafter established. . . .²

In addition, the Public Service Commission had the authority to apportion the expenses incurred in the construction of grade separations between the railroad companies and the relevant public body, such as the State Highway Commission.

The state of Missouri considered its policy to prohibit and eliminate grade crossings a "constitutional exercise of the police power in the interest of public safety," but the policy also followed that of the federal government which insisted in the Transportation Act of 1920 that grades be separated at all crossings of railroads and primary highways built with federal-aid funds. However, the federal policy remained essentially incidental as Missouri retained its own authority and mechanisms regarding at-grade crossings. Upon application by the State Highway Commission, the Public Service Commission, after holding appropriate hearings, might order the construction of a railroad or highway overpass to effect a grade separation, and also order how the costs for the project would be apportioned.³

From its inception, therefore, the Highway Commission took an active role in reducing the number of at-grade railroad crossings as a matter of state policy. The Commission endorsed the policy as one which would remove the obvious hazards to traffic; reduce the frequency of traffic bottlenecks at highway and railroad intersections; diminish unnecessary expenses incurred at crossing locations (such as costs from accidents and the installation of signals); and realize savings in construction costs by shortening the total lengths of highways. In its Fourth Biennial Report of 1924 the Commission predicted, "The savings in abolishing railroad grade crossings alone will more than pay all engineering expense for the entire state highway system."⁴

Many of the grade-crossing eliminations came as the Highway Department designed and relocated the new state highways away from the older state-designated routes, some of which repeatedly crossed stretches of railroad tracks. During initial highway relocation

². The Revised Statutes of the State of Missouri, 1919. Volume III, c. 95, art. 3, sec. 10459.

³. See "Chicago, Rock Island and Pacific Railway Company v. Public Service Commission of Missouri," Reports of Cases Determined by the Supreme Court of the State of Missouri, Vol. 315 (Columbia: E.W. Stephens Publishing Co., 1927), 1108-1119.

⁴. Missouri State Highway Commission (MSHC), Fourth Biennial Report of the State Highway Commission of Missouri for the Period Ending December 1, 1924 (Jefferson City: Hugh Stephens Press), 51; Missouri State Highway Commission (MSHC), Fifth Biennial Report of the State Highway Commission of Missouri for the Period Ending December 1, 1926 (Jefferson City: Hugh Stephens Press), 89.

surveys, the Highway Department chose economical points of crossing and routed the new highways along one side of the railroads for long distances. In the first two years of the Highway Commission, from 1922 through 1924, 160 of the 731 total railroad grade crossings in the state highway system were removed through road relocations.⁵

The other method for ridding the state highway system of its railroad grade crossings was the construction of separation structures, in the form of either highway overpasses or railroad overpasses. These projects involved the authorization of the Public Service Commission, with contractual agreements between the railroad companies and the Highway Commission which generally shared project costs equally. Shortly after the elimination program began, however, some of the railroad companies began to question their paying proportionate costs on certain overhead crossing projects. In November 1925, in the face of the railroads' growing protests, the Highway Commission formally resolved "to continue the present policy of having the railroad companies pay 50% of the cost of grade separations, including the approaches."⁶

The Highway Commission's resolution came as the C. R.I. & P. Railway Company appealed a decision made by the Public Service Commission requiring the Railroad to pay one-third of the costs of a highway viaduct over its tracks at Route 8 (Route 36) in northwest Missouri. The Cole County Circuit Court upheld the ruling made by the Public Service Commission, after which, in 1926, the Railroad brought its appeal before the Missouri Supreme Court. The Railroad argued, in sum, that it should not be required to pay for the costs of the viaduct approaches outside of its right of way; that in federal-aid projects, the Railroad should share only in the costs of the state's proportionate amount; that the Public Service Commission had no power to assess any costs against the Railroad where the grade crossing was not unusually dangerous; and that the Public Service Commission needed the consent of the Interstate Commerce Commission before ordering an expenditure by the Railroad.⁷

The Supreme Court unanimously concurred in the majority opinion written by Judge C. Higbee who upheld the Circuit Court's earlier decision. Higbee determined that the entire cost of the grade separation project conceivably might be borne by the railroad company, since:

. . . it is the presence of the railroad track which makes necessary the construction of the viaduct. Take away the railroad and there would be no more need or occasion for a viaduct than for a Chinese pagoda. Hence, . . . the necessity for the overhead

⁵ MSHC, Fourth Biennial Report, 51; MSHC, Fifth Biennial Report, 99.

⁶ "Policy Regarding Division of Costs of Grade Separations," November 12, 1925, Minutes, MSHC.

⁷ "Chicago, Rock Island and Pacific Railway Company v. Public Service Commission of Missouri," 1108-1119.

crossing being caused solely by the railroad track, the [Public Service] Commission, with entire propriety, might have apportioned the entire cost of the construction and maintenance of the viaduct to the railroad company."⁸

Higbee further ruled against the Railroad's contention that it should not pay for the viaduct approaches outside of its right of way. "The approaches are necessary parts of the crossing," Higbee wrote, "without which the viaduct would not be a crossing; it would be a useless obstruction." The judge also determined that federal-aid allotments for highway projects become state money, a matter in which the railroad company should not be concerned. He upheld Section 10459 which outlawed all grade crossings, including those which were not dangerous. Finally, Higbee concluded, the Public Service Commission did not need the approval or consent of the Interstate Commerce Commission to order the construction of the viaduct or to impose costs upon the Railroad. After this decision, the railroads had little recourse but to cooperate in the construction of grade separation structures.⁹

Through the 1920s, as the new state highway system steadily emerged, the State Highway Department remained more active than any other state in reducing the numbers of grade crossings. By the end of 1926, 320 grade crossings had been eliminated: 240 (75 percent) through highway relocations, and eighty (25 percent) through the construction of grade separation structures. The total cost of the structures then amounted to \$1,429,500. Fifty-eight were on U.S. highways, and the remainder were on the state system. Each of the remaining 411 grade crossings also had received at least some attention toward their future elimination. In addition, the department had erected mechanical warning signals at twenty locations.¹⁰

The project designed to eliminate the grade crossing of Route 65 at the C.R.I. & P. in Benton County was finalized in late 1928. The Commission approved the contractual agreement with the railway, which covered "the manner of crossing and distribution of the cost of the construction," on November 10. Likely, as was customary, the Commission and the Railroad shared the costs for the project on an equal 50-50 basis. The Railroad engineered and constructed the bridge itself and the adjacent approaches within the railroad right of way, while the Missouri State Highway Department concurrently built the adjacent section of highway extending approximately 1,000 feet to either side of the bridge, as well as the drainages and culverts necessitated by the new railroad embankments. The Commission received bids for its portion of the project (Project No. 65-60) on January 15, 1929. J. A.

⁸. Ibid., 1114.

⁹. Ibid.; MSHC, Fifth Biennial Report, 100; see also "Chicago, Rock Island and Pacific Railway Company v. State Highway Commission of Missouri," Reports of Cases Determined by the Supreme Court of the State of Missouri, Vol. 322 (Columbia: E.W. Stephens Publishing Co., 1930), 419-434.

¹⁰. MSHC, Fifth Biennial Report, 99-100.

Kerr of Ozark, Missouri, submitted the low bid of \$13,366.08. The Commission approved the contract with Kerr on February 12, 1929.¹¹

When the Highway Commission approved the contract with the C. R.I. & P. Railroad at the end of 1928, the crossing at Route 65 was one of about 300 grade crossings remaining in the state system. By the end of 1930, the Highway Department had eliminated over 500 grade crossings, the majority (324) through highway relocations and about one-third (172) through grade separation structures.¹² The elimination program bogged down during the Great Depression when the railroad companies, faced with severe financial shortages, found it virtually impossible to contribute further toward grade separation structures. A large delegation of railroad officials met with the Highway Commission in December 1931 and discussed alternative means to continue the program. The railroad officials suggested delayed payment plans, cost sharing, cost reductions, and a long-range plan, but the Commission preferred to postpone the construction of separation structures until the economic conditions improved. Over a year later, in February 1933, as the Centennial Road System neared completion, the Chief Engineer reported that forty-seven grade separations remained in the construction program, but because of the railroads' continued financial straits, the Highway Department would make the best possible highway and railroad connections at grade level.¹³

The C.R.I. & P. Railroad continued to use and maintain the bridge over Route 65 for approximately forty-two years. The company ended its passenger service from St. Louis to Kansas City in 1950, but continued to carry passengers over the line between Kansas City and Eldon for another decade. The railway company ceased its freight operations in 1979, and

¹¹ "Approval of Instruments Signed by the Vice-Chairman in October," November 10, 1928; "Award of Contracts," February 12, 1929; "Approval of Bids Received," January 15, 1929, Minutes of Proceedings of the Missouri State Highway Commission (MSHC), Secretary's Office, Missouri State Highway Commission, Jefferson City. Hereafter cited as Minutes, MSHC; "Plan and Profile of Proposed State Road, Benton County, Route 65, Section 60," 1928-29, Missouri State Highway Department, Plans and Records Office, Design Division, Missouri Highway and Transportation Department, Jefferson City.

¹² Missouri State Highway Commission (MSHC), Sixth Biennial Report of the State Highway Commission of Missouri for the Period Ending December 1, 1928 (Jefferson City: Hugh Stephens Press), 454; Missouri State Highway Commission (MSHC), Seventh Biennial Report of the State Highway Commission of Missouri for the Period Ending December 1, 1930 (Jefferson City: Hugh Stephens Press), 505.

¹³ "Policy regarding deferred payments by railroads, postponement of grade separation program," September 8, 1931; "Conference with railroads regarding grade separations," November 10, 1931; "Request for conference regarding grade separation matters," December 8, 1931; "Delegation of railroad representatives regarding grade separations," December 15, 1931; Report regarding status of grade separation program; matter of temporary crossings," February 14, 1933, Minutes, MSHC.

was acquired by the St. Louis Southwestern Railway Company in the following year. No rail traffic has been handled on the line under the new ownership.¹⁴

List of Photographs (orientations)

- Number 1 facing west
- Number 2 facing east
- Number 3 facing north
- Number 4 facing north
- Number 5 facing southwest
- Number 6 facing northwest
- Number 7 facing northwest
- Number 8 facing northwest
- Number 9 facing north
- Number 10 facing east
- Number 11 facing east
- Number 12 facing south
- Number 13 facing northwest
- Number 14 facing west
- Number 15 facing northwest
- Number 16 facing west
- Number 17 facing northwest

Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



Photograph 13



Photograph 14



Photograph 15



Photograph 16



Photograph 17

