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SERVICE DATE - FEBRUARY 11, 1998

Surface Transportation Board
Washington, DC 20423

STB Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY,
AND MISSOURI PACIFIC RAILROAD COMPANY--CONTROL AND MERGER--
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY
COMPANY, SPCSL CORP. AND THE DENVER AND RIO GRANDE
WESTERN RAILROAD COMPANY

February 11, 1998

NOTICE TO THE PARTIES:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) today has issued the Final Mitigation Plan (FMP) for Reno, NV.

The FMP was prepared by SEA as part of the ongoing Reno Mitigation Study ordered by the Board as a condition of its August 12, 1996 approval of the Union Pacific/Southern Pacific (UP/SP) merger. The FMP contains SEA's proposed recommendations at this time for mitigating the potential environmental effects of increased train traffic through Reno as a result of the UP/SP merger (beyond the environmental mitigation already imposed by the Board in its August 1996 decision). The FMP also contains comments from over 530 commenters on the Preliminary Mitigation Plan (released in September 1997), SEA's responses to those comments, and additional technical analysis conducted by SEA.

SEA invites public review and comment on the FMP during a 30-day review period, which will end on March 12, 1998. Copies of the FMP have been distributed to interested parties, and are also available at the Reno and Sparks branches of the Washoe County Public Library.

SEA will consider all timely comments on the FMP before making final recommendations to the Board. After full consideration of the PMP, the FMP, all public comments, and SEA's final recommendations, the Board will issue a final decision imposing additional specific mitigation measures for Reno and Washoe County that it deems to be appropriate.

Individuals who wish to file a comment may submit one original; government agencies and businesses are asked to submit an

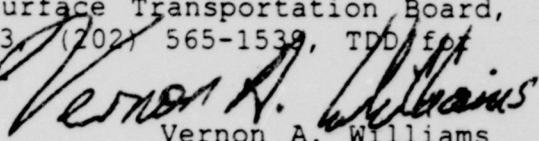
original plus 10 copies. Public comments should be submitted in writing to the address listed below no later than March 12, 1998 to considered:

Office of the Secretary
Case Control Unit - Room 715
Finance Docket No. 32760
Surface Transportation Board
1925 K Street NW
Washington DC 20423-0001

In the lower left-hand corner of the envelope indicate:

Attention: Elaine K. Kaiser
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Environmental Filing - Reno FMP

FOR FURTHER INFORMATION CONTACT: Harold McNulty, Section of
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the hearing impaired: (202) 565-1695


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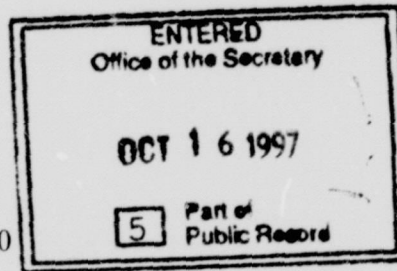
K

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October 9, 1997

Surface Transportation Board
1925 K Street, NW, Room 700
Washington, DC 20423-0001



K

Dear Sirs,

Please consider the following comments in your preparation of the Final Mitigation Plan of Finance Docket No. 32760 as they relate to the Reno Mitigation Study and the Preliminary Mitigation Plan (PMP).

As an alternate representative to the Reno Mitigation Study Task Force, I felt very frustrated with the direction, tone and velocity of this study. The meetings were argumentative and had many hostile undertones. Most attendees were so determined to be heard that they didn't spend any time listening to the issues and concerns of others. Several members would often interrupt other people's comments. The prevailing attitude of demanding to be heard kept the meetings moving at a snail's pace. I am not certain the outcome justified the time and money spent to generate it. I have addressed three areas of concern below that prevented us from producing any quality mitigation measures.

Management of Task Force Meetings

The Section of Environmental Analysis and its third party contractor (SEA) often conducted themselves as if these proceedings were merely a formality and that the outcome had been predetermined. The City of Reno (City) asserted on numerous occasions that their requests for information were either not answered adequately, or in some instances, not at all. SEA responded to these assertions with non-answers such as "We'll look into it" or "Send us your request again and we'll see you get the information." I got a strong impression that SEA hoped to drag its feet long enough so they wouldn't have to respond. Their leadership in guiding this group to a viable

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solution was not to be found and as a result, we wandered aimlessly through each meeting and have little to show for it. SEA had a unique opportunity to participate in creating a legitimate win/win result for both the City and the Union Pacific Railroad (UP), but what they did most was sit silently at the head table and let Mike Hemmer (UP) and Mark Demuth (Reno) debate minutia. We spent the first three meetings in 1997 arguing about how many trains were going to be coming through Reno in five years. SEA let hours of debate go on over the length of trains, the speed of trains, the scheduling of trains, and the contents of trains when the Surface Transportation Board (STB) had already accepted UP's five year business plan as a sufficient working document on which to base mitigation. By April, 1997, it was becoming evident that we had little chance of producing any meaningful mitigation measures. When SEA cancelled the August and September Task Force meetings, it seemed that we were participating in a rubber-stamp process. We had taken no votes or polls of Task Force members on any of the possible mitigation options and had not even reached anything that could be construed as a consensus. When SEA produced the PMP, the Task Force had no ownership of any of the recommendations.

The membership of the task force was heavily weighted in favor of the City of Reno, and the numerous representatives of the City and the community used these meetings to cry of the evils of the railroad without doing much to assist in producing a solution. Most would complain about the *issue de jour* and then hold their hands out, waiting for someone else to provide a solution that met their needs. SEA allowed people to comment in an almost free-for-all style, wandering from topic to topic, rather than keeping the group focused and moving towards a productive goal. In this aspect, the City worked against their own best interest by using up valuable time.

The City of Reno's Approach

For the City's part, their incessant and belligerent questioning of each jot and tittle chewed up countless hours that could have been productive. The Reno City Council apparently did not give their representatives the option of discussing alternatives other than the depressed railway option and now, in typical Reno fashion, is berating SEA for not considering other alternatives.

Throughout the mitigation process the City's representatives had not been given permission to discuss grade separations and at the Preliminary Mitigation Plan (PMP) Task Force meet-

ing, the City challenged SEA for not considering them. When SEA asked the City if they had since received permission, the response was "no." This pointless verbal jousting characterized most of our meetings.

The City persistently tried to make track relocation to the I-80 corridor the mitigation goal. When it was clear that SEA would not and could not consider that option, the City then hung all its efforts on the depressed railway option. Other than a brief viewing of preliminary engineering drawings for various grade separations, we didn't consider that option.

The city of Reno was awash in propaganda and misinformation produced from several sources. In most instances it was misleading, and in some cases, outright deception. The City spent considerable effort on describing and substantiating the horrific environmental and public safety impacts the additional train traffic would have on our valley. The Reno Gazette-Journal published numerous articles on the Task Force meetings that slanted or inaccurately portrayed the discussions, and knowingly printed wrong information at least once. There was a widely circulated brochure titled "Look out, Reno, you're about to be railroaded!" This brochure, distributed by the City, urged citizens to only accept the depressed railway option. This brochure's deceptions included blaming the UP/SP merger as responsible for future nuclear fuel rods being shipped through Reno, increased local air pollution, and increased emergency response times and public nuisance. The City failed to mention in any of its efforts that the UP doesn't have an option to accept or decline hauling the nuclear waste, or that the waste would come through Reno regardless of the merger. When the City repeatedly lamented the environmental and air quality harms, they failed to mention is that nearly every governmental body in the Truckee Meadows, that is, Reno, Sparks, and the immediate Washoe County areas, are pursuing growth with an insatiable lust. We have numerous state and local economic development agencies, chambers of commerce, various tax incentives and recruitment efforts, all working feverishly to draw new businesses into our area. Crying foul about the environmental impacts reeks of hypocrisy. The emergency response times argument may or may not be legitimate. The City has a fire station south of the RR tracks at 2nd & Evans, which is three blocks east of downtown. The City also has a fire station north of the RR tracks at 5th & Morrill, which is seven blocks east of downtown. Wells Avenue, which is grade separated from the RR tracks, passes north-south between these

two fire stations. The brochure complains of increased public nuisance that will adversely affect tourism. There are a great many residents who would argue that the tourists are a nuisance.

Beneficial Interests

There was a brief discussion regarding who should contribute money towards mitigation and how much. The discussion steered clear of considering beneficial interests despite several attempts to put the topic on the table. It seemed that as far as SEA and the City were concerned, the only sources of funds were the UP and taxes. The City looked to the State Legislature for sales tax and room tax overrides to fund a portion of the costs. The City made no public efforts to get the financial support of the downtown business community for any mitigation options. These costs would be borne by local residents and tourists. There were numerous comments regarding the negative financial impact to businesses due to the proximity of the railroad tracks. If the depressed railway was the selected mitigation option, then the downtown business interests will reap a positive financial impact because all train traffic will be affected by mitigation. If the downtown businesses receive a financial gain, then they should share in the cost of attaining that gain. Many Task Force members popularly denounced this concept even as they refused to discuss it.

The City maintains a Home Page on the Internet and there are numerous comments about fairness and doing what is right. If people momentarily set aside what the City says and looks only at its actions, it would appear that fairness and doing what is right fade from view. The City spent a great deal of time and money trying to secure the I-80 corridor option. When that door was closed by the STB, they spent all their efforts pursuing the depressed railway option. The City Council gave no permission to consider grade separations. Both options the City pursued would eliminate most train effects downtown including all traffic considerations, but would have done absolutely nothing for those outside the downtown area.

Conclusion and Suggestions

I think that the only thing that Task Force members could agree on is that most parties are equally dissatisfied with the recommendations. There appears to be very little or no local sup-

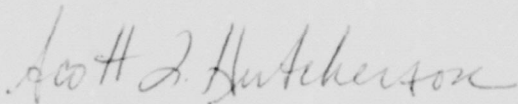
port of train speed increases as the principal mitigation tool. I would like the STB consider either of the following options:

1. The preferred choice would be to send SEA and the Reno Task Force back to the table to develop workable funding solutions for the depressed railway. If we employ the City's fairness concept and achieve financial support from the downtown business interests that will receive the most benefit, we will be significantly closer to a solution. If the UP sees the community making an honest effort to produce a solution where all parties come out ahead, I believe they just might be willing to revisit their contribution level. The depressed railway would address all of the downtown concerns and would be a significant improvement in the downtown area. It would create a greatly improved operating, safety and liability environment for UP. There are ways to mitigate the impacts in the west Reno areas that are viable if the Task Force members will shut up long enough to listen.
2. The next best alternative would be to order two or three grade separations to be built. The logical locations would be at Keystone Avenue, Arlington Avenue, and Evans Avenue. The total cost for these three separations would be approximately \$65 million. With the \$35 million that the UP offered and the \$63 million approved by the Nevada State Legislature in sales tax and room tax revenues, there are still funds available to mitigate the merger effects in the west Reno areas. If these separations result in reducing RR traffic impact to below pre-merger levels, then the downtown beneficial interests should be required to contribute and the sales tax be levels reduced appropriately.

There are some very viable and workable solutions that can be developed if all the parties involved would commit themselves to seeking solutions that benefit everyone rather than expending all their energy trying to protect their own interests and losing everything in the process. I hope common sense will prevail.

Surface Transportation Board
Reno PMP Comments
Page 6

Respectfully Submitted,
Eagle-Picher Minerals, Inc.

A handwritten signature in cursive script, reading "Scott L. Hutcherson".

Scott L. Hutcherson
Traffic Manager

Encl: 10 copies

Cc: Merri Belaustegi-Traficanti, City of Reno
Mike Hemmer, UP Railroad
Reno Gazette-Journal

STB FD

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October 7, 1997

Office of the Secretary

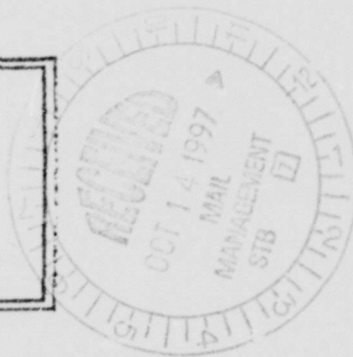
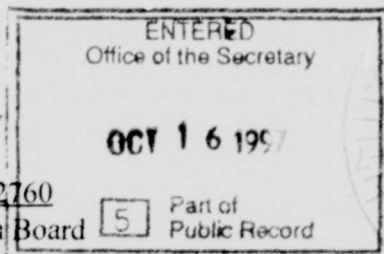
Case Control Unit

Finance Docket No. 32760

Surface Transportation Board

1925 K Street, NW, Room 700

Washington, D.C. 20423-0001



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Attn.: Elaine K. Kaiser

Chief, Section of Environmental Analysis

Environmental Filing - Wichita

We appreciate this opportunity to comment on the recommendations within the Preliminary Mitigation Plan that will affect the citizens of Haysville, South Wichita and Southern Sedgwick County.

Section 10.2 #1

UP shall make necessary capital improvements to its track and appurtenances to enable trains to operate over the UP rail line at an operating timetable speed of 60 miles per hour from milepost 222.76 near the Butler/Harvey County line to Hillside in Sedgwick County and from milepost 247.0 near Pawnee to milepost 266.4 in Riverdale and to allow a speed limit of 30 miles per hour between Hillside and Pawnee. UP shall operate all through trains at the timetable speed through Sedgwick County consistent with safe operating practices dictated by conditions at the time each train traverses the rail line.

The City of Haysville is concerned about this recommendation. As a community do we really want trains traveling at 60 miles per hour? Will the trains actually travel at 60 miles per hour through our community? The answer to the first question is no. The City of Haysville has approximately 90 residential units that abut the railroad right-of-way, one major sports complex and numerous businesses. The proximity of these locations to the railroad right-of-way makes this a real question of safety for the citizens of our community. On the other hand we do not think that the trains will travel at 60 miles per hour. We would ask that you evaluate the restrictions imposed by the UP upon themselves that are found in the Union Pacific Railroad Co. System Timetable, section of Special Instructions, specifically Maximum Speeds: General, Cars, Fuel Conservation, Tons Per Operative Brake and Hot Weather Speed Restrictions & Cold Weather Speed Restrictions. Because of these restrictions we believe that the majority of the trains will not be able to run at the 60 mile per hour speed limit. They will probably be traveling at a speed closer to 45 - 50 miles per hour. Will 45 - 50 miles per hour mitigate the crossing delays? If the slower speed mitigates the problem, then we would prefer a 50 mile per hour speed limit.

Section 10.2 #2

UP shall eliminate train crew changes in Wichita and Sedgwick County for all merger related through trains.

The City of Haysville agrees with this recommendation.

Section 10.2 #3

Subject to the concurrence of the City of Wichita and Sedgwick County, UP shall install appropriate circuitry, compatible with new technology being planned by the City and County, to communicate to emergency vehicle dispatchers the exact location of each train on the UP rail line in Sedgwick County.

The City of Haysville has its own dispatch center for law enforcement. We are asking that the UP be required to provide Haysville dispatch with the ability to know the location of trains operating in Sedgwick County on the UP line. Since 71st Street South (Grand Ave.) has the only grade crossing in our city, this information would be an asset to our law enforcement operations and community safety.

Section 10.2 #4

UP shall install pedestrian crossing gates at the following four grade crossings in Wichita; 10th Street North, 13th Street North, Skinner and Mt. Vernon. The gates shall include appropriate skirts and fencing to prevent school children and other pedestrians from bypassing the gates.

The City of Haysville requests that the grade crossing on 71st Street South (Grand Ave.) be added to this list. With only one grade crossing in the center of our city, all east/west pedestrian traffic is funneled across this location. The City Library, Swimming Pool, Bike Path, Post Office and City Building are all located on the west side of the rail line. Children and adult pedestrians who reside on the east side of our community, cross at this location to utilize these facilities. During the school year approximately 250 youth from 6th, 7th & 8th grades use this crossing to and from school. The Haysville Alternative High School students have to use this crossing for travel to and from the City Library, as they do not have a library in their facility.

Section 10.2 #5

UP shall sponsor and participate twice during the school year in a rail safety educational program with schools whose boundaries cross or are adjacent to the UP tracks in Sedgwick County.

The City of Haysville agrees with this recommendation and looks forward to having the youth of this community trained by this program.

Section 10.2 #6

Before increasing train speed, UP shall provide train safety information to all employers, employees and residents at properties abutting the UP right-of-way in Wichita and Sedgwick County.

The City of Haysville agrees with this recommendation and believes this will contribute greatly to the safety of residents, employees and businesses in our community.

Section 10.2 #7

UP shall install grade crossing gates with flashing lights at the following 16 grade crossings in Wichita and Sedgwick County where flashing lights are the only warning device. Greenwich, 17th Street North, 11th Street North, 10th Street North, 9th Street North, Murdock, Lincoln, Bayley, Zimmerly, Osie, Skinner, Mt. Vernon, MacArthur, 55th Street South, 103rd Street South, 119th Street South.

The City of Haysville believes that 79th Street South should be added to this list. Information contained in Attachment H-3, TRAIN-VEHICLE ACCIDENT TABLE, reflects that 79th Street South has the 3rd highest annual accident frequency rate in the county pre-merger. Post-merger, with increased train speeds and no flashers or gates, statistics indicate this crossing would have the highest rate in the county.

Section 10.2 #8

UP shall construct separating fences or guardrails along its tracks at locations agreed upon by the City of Wichita between 21st Street North and Pawnee where it is necessary to prevent vehicle access to the tracks.

The City of Haysville has no comment on this recommendation.

Section 10.2 #9

UP shall install hot box detectors; dragging equipment detectors; and high, wide, shifted load at two locations, one in the vicinity of milepost 248 (about 6 miles south of Wichita) and another in the vicinity of milepost 239 (about 3 miles north of Wichita).

The City of Haysville agrees that this equipment should be installed. The location for the south detectors should be in the area of milepost 257, rather than milepost 248. By placing the detection equipment at milepost 257, problems can be discovered and corrected before the trains enter Haysville and the south Wichita area. This would also be an area sparsely populated, if indeed there was a problem and the train did have to come to a stop, thereby affecting fewer citizens.

Section 10.2 #10

UP shall create a community advisory panel to establish regular and continuing communications between UP and local representatives regarding railroad-related safety and environmental issues.

The City of Haysville agrees with this recommendation and would ask that the UP be required to include representation from the City of Haysville on this panel.

Section 10.2 #11

During the Board's five-year oversight period, UP shall provide to the City of Wichita and to Sedgwick County copies of the sections of the quarterly reports that it files with the Board, reporting on the status of its implementation of the environmental mitigation measures related to the UP rail line.

The City of Haysville agrees with this recommendation and would ask that the UP be required to also furnish this information to the City of Haysville.

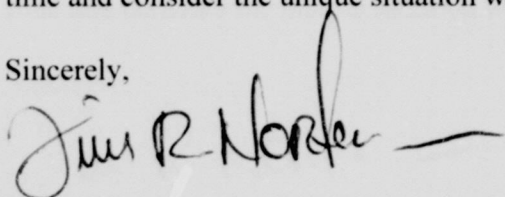
The City of Haysville appreciates the communication about the inclusion in the process of mitigating the UP/SP merger. We realize it is a complicated issue that will not have very simple conclusions and remedies. We also realize that it is a very emotional issue that can cause heated debate and ill will. Certainly, the City of Haysville wants to seek the higher ground on the issue but also serve the best interest of Haysville citizens. To that end we will continue to be an active participant in the ongoing dialogue and offer pertinent information when required and acceptable solutions when it is appropriate.

We understand that Haysville is a smaller player in this mitigation study. Because of our unique situation in Haysville with only one crossing and that on Grand Avenue, our only East/West through street, we must continue to implore the Surface Transportation Board for some kind of relief. Our situation presently at the crossing on Grand Avenue is not the best we could hope for. Any kind of increased rail traffic could have a very negative effect on the safety of school age children, timeliness of emergency vehicles and general traffic flow. It is simplistic to recommend that each government agency might have to make the necessary infrastructure changes and build below grade crossings if they see the need. In Haysville's case that option is extremely expensive for the city to bear alone.

While we would like to believe that the UP would study our problem voluntarily and come to the conclusion that some of their corporate profits could be best utilized in investment in the safety, quality of life and traffic flow of our great little town, we believe that mandates through this mitigation study might be our best hope for being more than a "fly speck" to the powers that be.

As we move forward, we implore the Surface Transportation Board to review the facts one more time and consider the unique situation we have in the City of Haysville.

Sincerely,



Tim Norton
Mayor, City of Haysville



Mike McElroy
City of Haysville Representative, Wichita Mitigation Committee

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Gaming Corporation

Office of the Secretary

OCT 14 1997

5 Part of Public Record

October 14, 1997

Office of the Secretary
 Surface Transportation Board
 Finance docket 32760
 1925 K Street, NW, Room 700
 Washington, DC 20423

32760

Executive Offices



Attention: Elaine K. Kaiser
 Chief, Section of Environmental Analysis
 Environmental Filing - Reno

**Re: Reno Mitigation Study Preliminary Mitigation Plan ("PMP")
 Union Pacific/Southern Pacific Merger**

Dear Ms. Kaiser:

I am in receipt of the above referenced PMP which sets forth numerous scenarios to mitigate the traffic congestion created by the proposed merger of Union Pacific and Southern Pacific - many of which include the use of land owned by Fitzgeralds Reno, Inc. ("Fitzgeralds").

Please be advised Fitzgeralds has worked diligently over the past several years to acquire additional land for the expansion of its hotel casino foot-print in order to remain competitive in the Reno market. After acquiring the necessary real estate and air rights, Fitzgeralds entered into a Development Disposition Agreement ("Agreement") with the City of Reno which provided for the addition of a 500 room hotel tower. Although the Agreement has since expired, Fitzgeralds knows that it must expand its facility in order to remain competitive and has taken affirmative steps toward making the expansion happen.

The PMP recommendations which propose the use of Fitzgeralds' property will foil a critical expansion opportunity for the company and will materially hinder Fitzgeralds' ability to compete in the Reno market. For these reasons, Fitzgeralds requests that the Section of Environmental Analysis reject each of the PMP recommendations which contemplate the use of Fitzgeralds' property.

Sincerely yours,

Cara L. Brown
 Vice President and General Counsel
 Fitzgeralds Gaming Corporation

cc: Philip D. Griffith, President and CEO
 Fitzgeralds Reno, Inc.

Max Page, Vice President and General Manager
 Fitzgeralds Reno, Inc.

STB FD

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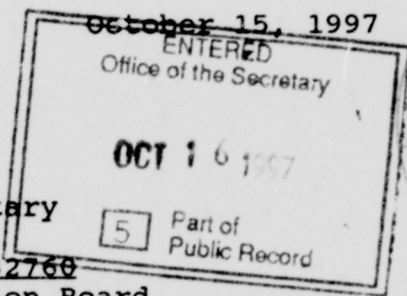
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MCDONALD CARANO WILSON MCCUNE
BERGIN FRANKOVICH & HICKS LLP
ATTORNEYS AT LAW

John Frankovich

Reply to: Reno



Office of the Secretary
Case Control Unit
Finance Docket No. 32760
Surface Transportation Board
1925 K Street, NW, Room 500
Washington, DC 20423-0001

Attention: Elaine K. Kaiser
Chief, Section of Environmental Analysis
Environmental Filing

Re: Preliminary Mitigation Plan, Reno, Nevada

Dear Ms. Kaiser:

The following comments are submitted on behalf of the undersigned, John Frankovich, as a 40-year resident of Reno and as a member of the Task Force established to provide community input into the Mitigation Plan for the Reno area.

At the beginning of the Task Force process, I was optimistic that it would result in substantive mitigation of the Railroad Merger impacts on this community. I thought that SEA through DeLeuw, Cather & Company would undertake an independent review of the merger impacts and recommend effective and permanent mitigations. As the process unfolded, it became apparent that it was being controlled by the Railroad. The PMP is demonstrable evidence of the Railroad influence. The concerns and issues set forth by the Task Force members have not been addressed in the PMP. Disappointment does not begin to express my reaction to the PMP.

The principal recommendation of the PMP is to increase the speed of trains through the Reno area. It should be noted for the record that this was not the recommendation of the Task Force nor was it proposed by any member of the Task Force, including the Railroad, as the principal mitigation measure for the merger impacts.

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Surface Transportation Board
October 15, 1997
Page 2

An increase in the speed of the trains through a city which is highly congested with vehicles and pedestrians simply cannot be considered to be an effective or permanent mitigation. (The Reno area has been identified as the single most impacted community on the entire Railroad line.) It is highly questionable whether the proposed increase in speed can be consistently achieved, especially since most, if not all, of the trains will either be stopping or starting in Sparks. There is no control over the length or weight of trains which will directly impact the trains' ability to obtain the requisite speed. Additionally, the PMP indicates that a significant number (over 50 percent) of the trains through Reno are currently operating below the current 20 mile an hour speed limit. If these trains were able to achieve a higher speed, they would no doubt do so. If a train is currently only able to go 10 miles an hour because of the load it is carrying or the grade it is on or any other reason, it is of no benefit to tell that train that it is allowed to go 10 miles an hour faster.

In addition, an increased speed of trains is simply not enforceable. Many factors will affect the ability of a train to obtain the speed necessary to achieve the limited mitigation benefits set forth in the PMP. It will be virtually impossible for any independent entity to effectively monitor the speed of trains through Reno. In addition, there is no penalty or other enforcement mechanism set forth in the PMP in the event that the proposed train speeds cannot be attained.

The PMP has almost no concern for public safety. The PMP acknowledges that there will be more accidents and that they will be more severe. To put this in English, the increased speed will result in more deaths in the Reno community. That is too high a price to pay for a railroad merger.

The PMP does not address the impacts that the merger will have on the tourism industry in this community. Tourism is the No. 1 industry in this community. The Railroad merger should not be entitled to damage or destroy any community's principal economic resource. It is not an answer that the Railroad was here first. Over the last 100 years, Reno certainly has grown. However, any community is entitled to grow and, indeed, must grow if it is to survive. Reno did not grow up around a railroad that consisted of a merged railroad combining the Union Pacific and the Southern

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Pacific lines. In addition, a substantial portion of the impacted property which has developed in the vicinity of the Railroad was originally owned by the Railroad and was sold by the Railroad to private enterprise specifically for development. It is both unfair and, indeed, irresponsible not to address the impacts of the merger on the tourism industry in the Reno area.

The PMP purports to provide "reasonable" mitigation. This suggests that the SEA evaluated the costs associated with the proposed mitigation. However, costs should not be an overriding factor without an analysis of the corresponding benefits to be received by the Railroad. A cost benefit analysis is common practice in any business. The PMP contains no such analysis.

The PMP is based on the fundamental assumption that in the year 2000 there will be an average of 25 trains through Reno. This number was provided by the Railroad which has an incentive to understate the impacts of the merger. The Railroad indicated that projections beyond five years are "speculative". However, the year 2000 is only two years away. Thus, at the very least, the Railroad should have provided an updated evaluation of its projected number of trains over the next five years. That information is undoubtedly readily available.

Even if the Railroad's calculation of the number of trains is accurate and the mitigation as proposed in the PMP will work (assumptions that are highly questionable), there is and will be a limit to the number of trains that can pass through this community without creating an intolerable impact. In evaluating the environmental impacts of the merger, the maximum number of trains which the Reno community can tolerate must be established. SEA has clearly indicated that it cannot restrict the number of trains for the "good of the system". While that position is difficult to accept, it is unquestionably within the authority of the STB to require additional mitigation in the event that the number of trains exceeds that projected by the Railroad. If, at some point in the future, the average number of trains through Reno increases, then the Railroad should be required to provide additional mitigation. The Railroad should not be able to benefit from miscalculations provided by the Railroad or as otherwise set forth in the PMP.

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Page 4

The PMP provides no mitigation whatsoever with respect to noise. The PMP acknowledges an increase of 2.7 dbs but concludes that that is not significant. The Report does acknowledge that the noise increase is very close to the significant level. Thus, if there are two or three more trains through Reno, the noise impact will be significant. In addition, since the noise calculation was based on the average number of trains, on those days where there are more trains than the average, which will occur almost half the time, the significant decibel limit as established by SEA will be achieved. The Reno community should not be required to incur significant noise impacts for a large part of the time.

The noise analysis is a case where the numbers simply do not make sense. The principal source of noise is identified as the train horns. The number of train horns will double. Yet, the conclusion is that the doubling of the principal source of noise will have no significant impact. This simply is difficult to accept. The horns will not be of shorter duration with the increased speed since it is a requirement that they be sounded at least 20 seconds before each intersection. This could result in a continuous train whistle starting 20 seconds before Keystone Avenue and sounding continuously through Sutro Street. If that were the case, the noise impacts will be significant. This has not been analyzed in the PMP.

In addition, the PMP indicates that there will be an increase in the corridor of the 65 decibel level. This should require mandatory mitigation. As mentioned above, the PMP does not even recognize the existence of hotel accommodations as being affected by the increased noise. However, hotels are not the only structures that are impacted by the increased 65 decibel corridor. The fact that the PMP contains no noise mitigation whatsoever is both unfair and unreasonable to the Reno area.

The PMP makes specific reference to the adoption and possible implementation of noise regulations by the FRA which could include authorization of directional horns and quiet zones. The PMP should indicate how affected parties can participate in that FRA process. In addition, the Railroad should be required to implement whatever recommendations with respect to noise are authorized by the FRA. In fact, the Railroad indicated in the public statement by Mr. Starzell that notwithstanding the FRA, the

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Page 5

Railroad could implement directional horns. Thus, at the very least, the PMP should require that the Railroad do what the Railroad says it can do to mitigate noise impacts.

The SEA has consistently encouraged the parties to reach a negotiated settlement in the PMP, at the Task Force meetings, and at the public hearings relating to the PMP. While it is questionable whether the negotiation process ought to be considered in adopting an appropriate Mitigation Plan, no one would dispute that a negotiated settlement is in everybody's best interest. However, the PMP has effectively eliminated all likelihood of a negotiated settlement. The Railroad simply has no incentive to negotiate in light of the recommendations of the PMP.

The PMP concludes that underpasses will not provide effective mitigation of the merger impacts. At the public hearings on the PMP, it was indicated that the merger impacts would not be fully mitigated even if seven (7) separate underpasses were required. It would therefore appear that the only effective mitigation for the merger impacts is the depressed track. If the only effective and permanent mitigation for the merger is to depress the tracks, it should be ordered by the STB even though depressing the tracks will also mitigate pre-merger conditions. The STB should be more concerned about mitigating the merger impacts and preserving the Reno community rather than not providing any mitigation of pre-merger conditions.

I appreciate the opportunity to comment on the PMP and am hopeful that the SEA will take these comments into consideration, as well as the other comments provided during the public hearing process, the vast majority of which disagreed with the PMP, and make substantive changes to the PMP in order to provide an effective and permanent mitigation for the Reno community. It is my sincere belief that the future of this entire community is in your hands.

Very truly yours,


John Frankovich

JF:nz

jfstb.ltr

STB FD 32760 10-16-97 K 182618

Regional Transportation Commission

Planning Department ♦ 600 Sutro Street ♦ Mailing Address: P.O. Box 30002 ♦ Reno, Nevada 89520-3002
Telephone 702-348-0480 ♦ FAX 702-348-0450

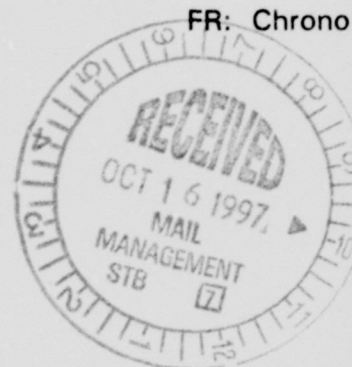
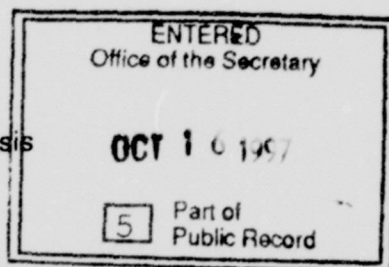
Thomas H. Herndon, Chairman
John R. Mayer, Vice Chairman

James M. Shaw, Commissioner

Michael C. Mouliot, Commissioner
Celia G. Kupersmith, Executive Director

October 14, 1997

Ms. Elaine K. Kaiser, Chief
Section of Environmental Analysis
Environmental Filing—Reno
Office of the Secretary
Case Control Unit
Finance Docket No. 32760
Surface Transportation Board
1925 K Street NW, Room 700
Washington, DC 20423-0001



RE: COMMENTS ON CITY OF RENO PRELIMINARY MITIGATION PLAN (PMP)— UNION PACIFIC/SOUTHERN PACIFIC MERGER

Dear Ms. Kaiser:

RTC planning staff has participated in the Reno Mitigation Task Force process that is assessing the impacts of the additional train traffic caused by the Union Pacific/Southern Pacific merger. Recently, staff received a copy of the Preliminary Mitigation Plan (PMP) that recommends that higher train speeds and only one pedestrian crossing are sufficient to mitigate the effects of the merger. Based on these findings in the PMP, staff has prepared the following comments.

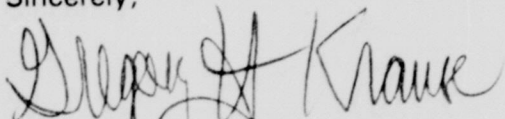
1. According to the Nevada Department of Transportation (NDOT) and RTC forecasts, traffic at the six major crossings between Wells Avenue and Keystone Avenue will increase from 78,000 Average Daily Traffic (ADT) to more than 90,000 ADT. Staff is concerned that even the PMP's recommendation of faster trains does not address the need for additional grade separations to handle the forecasted traffic increases through the downtown core.
2. Concerns over emergency vehicle access with additional train traffic are important. The PMP identifies actions such as more aggressive behavior by emergency vehicle drivers, the random nature of emergency calls, and emergency operators already having plans in place avoid trains. The PMP does not mention real solutions to emergency access, such as the benefit of additional grade separations, so that there would be no chance that emergency vehicles would be delayed by train traffic even on a random basis.
3. The accident portion of the PMP mentions mitigations such as the elimination of grade crossings through street closures or operational changes such as one-way streets.

Again, no mention of the creation of grade separations is mentioned as the best way to eliminate train/vehicle conflicts. Additionally, staff does not recollect any analysis done on street closures or operational changes recommended by the PMP.

4. Citifare operations include more than 700 daily crossings of the tracks carrying an average of nearly 40 passengers per hour of service. Currently, there are already major sight distance problems for Citifare vehicles at Lake Street and Center Street railroad crossings. These concerns obviously become much more critical with the proposal to increase the train speeds. There is no discussion about the mitigation of eliminating train/bus conflicts by providing grade separations throughout the downtown Reno area, and particularly at the locations with current sight distance problems.
5. There is concern about the ability to reach 30 MPH between the required stop in the Sparks yard and the short distance to the Reno downtown area. The inability to reach this speed will increase delays for vehicles waiting at train crossings; thus, benefits of the PMP mitigations are overestimated. mitigation measures contained in the PMP inaccurate.
6. The air quality portion of the PMP admits the small but significant rise in post merger emissions from additional train traffic. However, the mitigations measures contained in the report discuss "options," not commitments, by the railroad to convert to cleaner burning locomotives. There is no cost associated with this conversion and no commitment from the railroad to change to different locomotives. As a primary air quality modeling agency, RTC staff is concerned about any increase in emissions that are not fully mitigated through a dedicated process paid for by the merging companies.
7. RTC staff, as part of the Mitigation Task Force, feels strongly that the PMP removes viable mitigating measures such as grade separations from serious consideration. The installation of grade separations can reduce delay and increase safety by eliminating train/vehicle conflicts.

Please call me at 348-0480 if you have any questions regarding RTC staff comments.

Sincerely,



Gregory H. Krause
Planning Manager

GHK/JML/dsc

cc Mark Demuth, MADCON
Charles McNeely, City of Reno

STB

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United States Senate

WASHINGTON, DC 20510-2803

October 15, 1997

Office of the Secretary
Case Control Unit
Surface Transportation Board
1925 K Street, NW
Room 700
Washington, DC 20423-001

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Finance Docket No. 32760

Dear Sir/Madam:

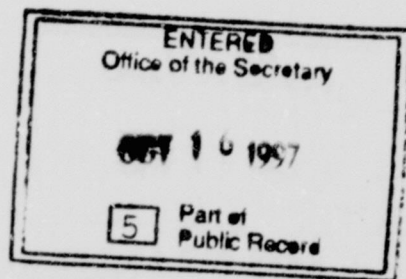
Please accept the following comments filed in regard to the above referenced matter.

Sincerely,

A handwritten signature in cursive script that reads "Harry Reid".

HARRY REID
United States Senator

HR:*



782613

Comments of United States Senator Harry Reid
Re: Finance Docket No. 32760, Union Pacific/Souther Pacific
Merger
Issuance of Reno Mitigation Study Preliminary Mitigation Plan
October 15, 1997

I submit the following comments in my capacity as a United States Senator representing the state of Nevada. I have reviewed the Surface Transportation Board's (STB) preliminary Mitigation Plan and am concerned about the sufficiency of the mitigation measures recommended. While I appreciate the STB's review of the potential impacts resulting from the Union Pacific/Southern Pacific merger, I believe a more thorough examination, specifically an Environmental Impact Statement, is not only warranted but necessary.

The broad array of citizens who commented at last week's hearing in Reno is strong evidence of the serious concern that Nevadans' have about the ramifications of this merger. While we all appreciate the many hours of hard work that went into drafting the "Preliminary Mitigation Plan," it insufficiently addresses the many environmental problems facing Reno as a result of this merger. Additionally, it sends the wrong message to the principals negotiating the financing of the mitigation necessary to accommodate this merger.

While there are a myriad of environmental impacts in need of greater attention, I encourage the STB to include in its consideration the following points as it finalizes this plan:

- The safest way to accommodate the merger is to depress the tracks through downtown Reno, yet the plan does not address this proposal.
- The increase in the number of trains and the speed with which they may operate could significantly increase the number of vehicular and pedestrian accidents.
- Absent proper planning, the longer operating trains running through Reno could hinder the ability of emergency vehicles (e.g., ambulances, fire engines, police) to respond to emergencies.
- Efforts to comply with Clean Air regulations will be undermined as a result of the increased train traffic and longer trains.
- In light of the proximity of the train tracks to the Truckee River, Union Pacific's plans to transport hazardous wastes through the region must be given the strictest scrutiny.

I recognize the limitations of the STB. That said, I believe that it could do more to examine the many environmental issues raised by this merger. I understand that the STB is unable to impose mitigation requirements on any party other than the railroad and that, under your charter, you are unable to impose requirements or costs for any mitigation other than the incremental difference in trains before and after the merger.

In most circumstances, I would agree that this approach is appropriate. In this instance, it is obvious that the city of Reno is dealing with an aggregate problem, rather than an incremental one. The city is facing environmental and quality of life problems that are more than the sum of

a handful of additional trains. Without further mitigation, the train traffic goes beyond a tipping point.

The STB's preliminary selection of a strategy that imposes merely \$12 million in costs on the railroad and would allow trains to move more quickly through the city seems to have been selected primarily because all costs can be imposed on the railroad. While this may be consistent with the STB's charter, it has the perverse effect of dissuading the railroad from continuing to negotiate on mitigation strategies that are both more acceptable to the city and involve financial participation by a number of different parties.

It is imperative that the STB consider the unique nature of this situation as it formulates its final recommendation. I understand that the City of Reno is willing to participate in the development of a final mitigation strategy and I urge the STB to explore the possibility of a final plan that implements a binding agreement between the parties. I share the STB's desire that the parties resume negotiations on a final solution to this problem. I am, however, concerned that the STB's preliminary recommendations do not adequately encourage such an agreement.

It is difficult to over estimate the significance of this merger. There is a lot at stake. While the railroad stands to realize significant profits and growth, it also assumes a new, and arguably greater, responsibility, to this community. To the extent that problems involving health, safety and the environment arise as a result of this merger, they have a responsibility to participate in solving them.

I believe the STB must take a closer examination of the many health, safety and environmental issues necessarily associated with this merger. I believe a thorough review vis-a-vis an Environmental Impact Statement is necessary and strongly encourage the STB to require such an examination. The Board has a responsibility to protect the interests of this community. In my capacity as the U. S. Senator who represents this community, I intend to do my best to ensure that the STB meets this responsibility.

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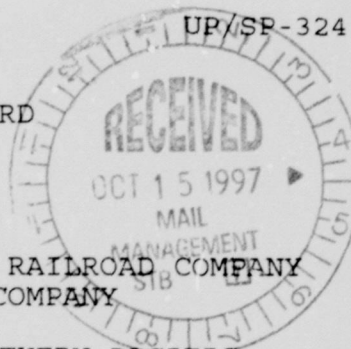
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BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY
AND MISSOURI PACIFIC RAILROAD COMPANY
-- CONTROL AND MERGER --
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY
COMPANY, SPCSL CORP. AND THE DENVER AND
RIO GRANDE WESTERN RAILROAD COMPANY



COMMENTS OF UNION PACIFIC RAILROAD COMPANY
AND SOUTHERN PACIFIC TRANSPORTATION COMPANY
ON THE WICHITA PRELIMINARY MITIGATION PLAN

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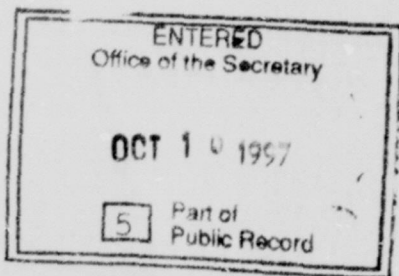
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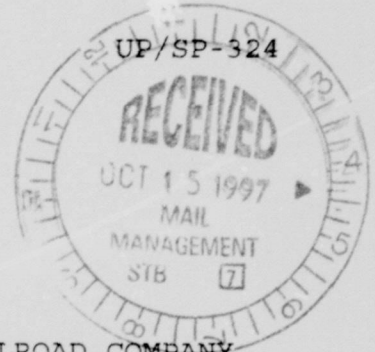
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Attorneys for Union Pacific
Corporation, Union Pacific
Railroad Company and Southern
Pacific Transportation Company



October 15, 1997

BEFORE THE
SURFACE TRANSPORTATION BOARD



Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY
AND MISSOURI PACIFIC RAILROAD COMPANY
-- CONTROL AND MERGER --
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY
COMPANY, SPCSL CORP. AND THE DENVER AND
RIO GRANDE WESTERN RAILROAD COMPANY

COMMENTS OF UNION PACIFIC RAILROAD COMPANY
AND SOUTHERN PACIFIC TRANSPORTATION COMPANY
ON THE WICHITA PRELIMINARY MITIGATION PLAN

Union Pacific Railroad Company ("UP") and Southern Pacific Transportation Company (collectively, "UP/SP") offer the following comments on the Preliminary Mitigation Plan ("PMP") for the Wichita area, dated September 15, 1997. After a thorough review of the PMP, UP/SP concludes that the PMP prescribes workable and effective actions to offset the effects of operating approximately 5.5 additional trains per day on the UP/SP mainline through Wichita. UP/SP can comply with the PMP and can safely operate its trains in the manner contemplated by the PMP, and UP/SP expressly agrees to do so.

UP/SP offers these comments not to attack the PMP but to address the policies underlying it in light of experience over the last year. We hope these comments will be useful to SEA and the Board in evaluating future transactions,

in considering demands for expansion of the PMP and in preparing a Final Mitigation Plan and Board decision.

UP/SP willingly cooperated in this intensive mitigation investigation, not only to obtain permission to add trains to its line through Wichita, but also -- like SEA -- to respond to community concerns. The experience of the last year, however, leads UP/SP reluctantly to question the expense, burden and prudence of this type of mitigation process. UP/SP urges the Section of Environmental Analysis ("SEA") and the Board to reconsider, at least for future proceedings, whether it is necessary or desirable to impose mitigation when a railroad intends to use an existing rail line in the manner originally intended and in a way the railroad is free to use it without federal review. Even if UP/SP receives no benefit from this re-examination, we urge consideration of a less expensive and less potentially damaging approach to future mergers and other efficiency-enhancing transactions that affect the number of trains on existing rail lines.

UP/SP plans to add only 5.5 trains per day to the former Rock Island line through Wichita. This increase is within the range of daily variation in train frequency on many of UP/SP's mainline tracks, including lines between Houston and Los Angeles, Chicago and the Pacific Northwest, Chicago and Los Angeles and Chicago and Texas. For example, UP/SP operates over 100 trains per day through the western suburbs

of Chicago. In Central Nebraska, train frequency regularly reaches 100 long freight trains per day, and as many as 110.

The total post-merger frequency of ten or fewer through trains per day in Wichita is comparable to the number operated by the Rock Island on the same route within recent memory and far fewer than it ran in prior decades. During the mid-1960s, the Rock Island operated at least that number of through trains every day on its line through Wichita, plus more extensive local service than UP/SP plans to operate. UP/SP is merely using the former Rock Island line for its original intended purpose in the manner it has been used before. Moreover, if the merger had never occurred, UP would have been free to increase train frequency to ten or even twenty trains per day without federal approval or oversight. UP did exactly that during the 1993 Missouri River floods. As UP/SP's Wichita local manager testified at the SEA public meeting last month, UP/SP received not a single complaint. No one seemed to notice.

The mitigation study has been more burdensome than anyone likely contemplated at the outset. UP/SP has been billed for millions of dollars by consultants and subcontractors working for SEA. UP/SP also has found it necessary, as has the City of Wichita, to hire lawyers and consultants to look out for its interests, and it has diverted the valuable time of numerous railroad officers and employees to work on the mitigation study. Now, the PMP, although reasonable in

light of its objectives, calls on UP/SP to spend over \$11 million more in mitigation measures. These mitigation measures alone will cost UP/SP some \$500 for every added train passing through Wichita over a ten-year period.

UP/SP respectfully submits that this expensive and time-consuming process is not required by environmental law and that, in retrospect, it is inadvisable as public policy. The ICC and the Board have never before treated conflicts between increased train frequencies and vehicular traffic caused by urban development as requiring mitigation at railroad expense. Unless cabined, this approach to increased train service threatens to impose enormous costs on future rail transactions that increase rail traffic on existing rail lines, even though those lines will be used as they were intended to be used, have been used in the past and could be used in the future without a Board proceeding. SEA and the Board should protect interstate commerce from these costly impositions, or they may curtail efforts to increase the efficiency of the rail network.

A Brief Historical Note

Attached hereto is an historical treatise on the relationships between the City of Wichita and its railroads by Professor Craig Miner of Wichita State University. UP/SP funded Professor Miner's research, but the conclusions are entirely his own. In most respects, Professor Miner's treatise is merely of academic and historical interest, but it

demonstrates conclusively that Wichita has focused on and been concerned about the conflicts between rail traffic and urban development throughout this century. The problems Wichita wants UP/SP to solve now are problems that it recognized for decades and at least once decided not to solve.

The Rock Island did not impose itself on Wichita against the City's will. On the contrary, in the 1880s Wichita begged and cajoled the Rock Island to pass its way. The City wanted additional rail service so badly that its citizens passed a bond issue in the late 1880s to fund construction of the railroad through town, and the City granted easements to the railroad through its streets. Miner at 7. Except for a two-mile segment of the Rock Island line that was consolidated with the parallel Santa Fe line over 80 years ago, the line still follows its original alignment, as shown on the front of Professor Miner's report.

A mature City of Wichita in 1975 decided not to build some of the overpasses it now calls on UP/SP to build. As Professor Minor explains, the City conducted studies and made plans for two overpasses of the Rock Island and Santa Fe tracks in the mid-1970s. Miner at 91. With sixty trains per day passing through Wichita, city newspapers agreed that the time had come to construct those long-delayed overpasses. The City's Capital Improvements Plan for 1977-82 included both overpasses, with construction of a 13th Street overpass slated for 1980 and a Central Street overpass for 1982. Id. at 94.

By 1977, however, a combination of concerns about historic preservation, objections from local businesses and a failed City attempt to shift the costs to the railroads caused the City to withdraw its plans. Id. at 95.

The City reconsidered the subject of overpasses in its 1985 "2020 Plan" in order to solve "a continuing east-west accessibility problem." Id. at 101. When the City updated its 2020 Plan in 1994, it revived the Central and 13th Street overpasses, to be funded by sales and property taxes. Again, though, Wichita took no action to bring those plans to fruition. Id. at 102.

Time and again, Wichita has recognized the benefits for its citizens of building overpasses, but it has chosen to spend its money on other projects. Now, after decades of inaction, Wichita again demands that a railroad pay for those benefits in the form of merger mitigation.

1. NEPA Does Not Require Mitigation for Continuing Operation of a Railroad

UP/SP has high regard for the professional quality of the PMP. It recommends mitigation actions tailored to the carefully measured effects of running 5.5 additional through freight trains via Wichita. But the PMP is the product of a new direction in regulatory policy that needs to be rethought. Although permissible, it is not legally required.

Although the National Environmental Policy Act ("NEPA") was adopted in 1971, neither the ICC nor the Board

has ever before concluded that changes in the number of trains on an existing railroad line require mitigation of conflicts between rail operations and the highways and related development that has surrounded the nation's railroads. UP acquired Missouri Pacific, Western Pacific, Missouri-Kansas-Texas (which runs through Wichita) and Chicago & North Western after extensive environmental review but no suggestion that the mere fact of increases in train operations requires mitigation like that proposed in the PMP. The same is true of ICC approval of mergers creating CSX Transportation, Norfolk Southern and BNSF (which also runs through Wichita). Similarly, the ICC and the Board have approved or exempted dozens of trackage rights arrangements that increase train frequencies on existing rail lines without ordering the participants to mitigate effects on urban development and road crossings.

The Wichita and Reno mitigation studies reflect a policy under which continuing use of rail lines for their intended purpose in a manner fully consistent with permissible unregulated activity requires extensive environmental mitigation at carrier expense. If this policy is followed in the future, it could devour the agency's resources and dissuade railroads from pursuing efficiency-enhancing actions requiring Board approval. Based on the precedent the Board could be setting, there is nothing to stop demands for expensive mitigation for every country rail crossing and every developed area on any rail line where train frequencies increase.

If this new policy were required by law, SEA and the Board would, of course, have no choice but to follow it. But the law did not change in 1996 with adoption of the UP/SP decision. This new direction is not required under NEPA, and SEA should urge the Board to reconsider it. Even if the Board adopts this PMP, it should treat the Wichita and Reno situations as unique and avoid principles of broader application.

There is no debate about NEPA's essential thrust: It applies to all "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C). But it is equally clear that environmental mitigation is not required when a federal action maintains the status quo, continues existing operations or merely restores pre-existing conditions. Committee for Auto Responsibility v. Solomon, 603 F.2d 992, 1003 (D.C. Cir. 1979), cert. denied, 445 U.S. 915 (1980); Sierra Club v. Hassell, 636 F.2d 1095, 1099 (5th Cir. 1981); Burbank Anti-Noise Group v. Goldschmidt, 623 F.2d 115, 116-17 (9th Cir. 1980), cert. denied, 450 U.S. 965 (1981).

Fluctuations in activity within the range of normal operations do not require environmental mitigation, even when those fluctuations clearly will have adverse environmental effects. For example, in Upper Snake River Chapter of Trout Unlimited v. Hodel, 921 F.2d 232 (9th Cir. 1990), the sporting and environmental group argued that the Bureau of Reclamation could not reduce water flow from a Bureau dam below 1,000

cubic feet per second during a drought -- a depressed flow level that had occurred only twice in the prior thirty years -- without environmental review. The parties agreed that the reduced flow would "have a negative effect on the downstream fishery." Id. at 234. However, the court held that no environmental investigation or mitigation was required:

"[The government agencies] are simply operating the facility in the manner intended. In short, they are doing nothing new, nor more extensive, nor other than that contemplated when the project was first operational."

Id. at 235. Although water flow had been high for years prior to the Bureau's action, the court distinguished flow restriction from situations where a project takes place in incremental stages of major proportions or there is a "revision or expansion of the original facilities." Id.

Similarly, the U.S. Navy's decision to lease its San Francisco shipyard to a private ship repair company did not require environmental mitigation, even though the shipyard had been closed for two years and reactivation would have adverse environmental impacts on traffic, noise and other urban values. City & County of San Francisco v. United States, 615 F.2d 498 (9th Cir. 1980). As the court held, "It was not unreasonable to regard the leasing of the yard as a phase in an essentially continuous activity." Id. at 501.

It is entirely reasonable to regard changes in train frequency on an operating mainline railroad, including changes caused by a merger, as a phase in a continuous activity. That is even more clearly the case in Wichita than it was in San Francisco, where the facility had been closed for two years.

The rail line now owned by UP/SP was built for the purpose of carrying trains to, from and through Wichita. It has been used continuously for that purpose since the 1880s. UP/SP plans to continue to use it for its original purpose. UP/SP will run fewer trains over the line than did the Rock Island for many decades.

Another critical element of the status quo is that UP has always had -- and today has -- the unrestricted right to run 5.5 more non-merger-related trains through Wichita without environmental review. Although UP and SP have merged, and have chosen to reroute some rail traffic as a result of that merger, UP would have been entirely free to expand the number of trains through Wichita to the same extent as proposed by UP/SP without government approval. That was the status quo before the merger, and the proposed post-merger operations are indistinguishable from those UP had the right to mount on its own.

UP/SP's use of this line -- like any railroad's use of any existing line -- is indistinguishable from the water flow below the dam in Hodel. Its volume may ebb or swell, but that is what one expects on a railroad line as economic

conditions and operating circumstances change, new industries are constructed, lines are abandoned, and -- as here -- railroads merge. There is no reason for environmental law, or the Board, to view changes attributable to efficiency-enhancing actions requiring Board action as a change from a status quo that includes a railroad's right to effect the same change.

2. Mitigation of Continued Use of a Railroad
Would Be Undesirable Public Policy

Environmental mitigation of continuing operations will give rise to ever-increasing levels of administrative litigation. SEA is already seeing the effects of its Wichita and Reno mitigation studies in the Conrail proceeding, and this effect is likely to continue to expand as the Not-In-My-BackYard phenomenon blossoms. These proceedings consume both SEA staff time and the time and resources of the parties. There is every reason to expect these demands to increase. The Board should exercise extreme caution before encouraging this trend.

The direct costs of the Wichita and Reno investigations have been greater than UP/SP (and perhaps SEA) had expected. Before these mitigation studies are complete, UP/SP likely will be required to spend as much as \$3 million for the work of SEA's consultants. These funds could have been used to contribute to effective mitigation or to provide improved transportation service for the nation's shippers. If this

type of proceeding becomes standard fare in rail licensing proceedings, such costs will continue to mushroom, as there is nothing to limit them. SEA and the Board may be asked to investigate the effects of increased train traffic on every city, town and road crossing where rail traffic is expected to increase.

The costs to rail transportation may be great enough to impair railroads' ability to compete and may block efficiency-enhancing transactions. UP/SP already faces an exposure of some \$25 million in the Wichita and Reno mitigation studies based on the PMPs, and SEA or the Board may increase that total. And the impact is not necessarily limited to rail mergers. The logic applies not only to mergers but also to voluntary trackage rights agreements, poolings, build-ins, and other transactions. Since a primary purpose of many of these transactions is to enhance the efficiency of rail service, the mitigation costs may become a tax on efficiency-enhancing actions.

This tax will have perverse effects. A railroad that engages in an efficiency-enhancing transaction requiring Board action will find itself paying environmental mitigation for running more trains, while a competing railroad running through the same city will pay nothing for operating more trains. Indeed, the two carriers will likely be competing for the same business, but one will be handicapped. This is exactly what is happening in Wichita. UP/SP is required to

pay mitigation costs, while its nose-to-nose competitor, BNSF, which operates trains on a parallel track a block away, pays nothing.

These perverse effects will apply intermodally as well. A railroad seeking Board approval of an efficiency-enhancing transaction may be forced to pay millions in mitigation costs, while competing motor carriers are free to increase the number of trucks on parallel highways while competing for the same business. It is well established that motor carriers are less fuel efficient and cause greater pollution than railroads, yet the mitigation costs will be assessed against the more efficient mode and drive traffic to the less efficient alternative.

Mitigation for continuing use of a railroad has one final perverse effect: It discriminates in favor of cities and towns that have not invested to address rail/highway conflicts in the past. The less a city has done to facilitate vehicular movement over rail lines, the greater the alleged effects of the rail transaction. Those effects are the result of the city or town's growth over the years, unmitigated by actions to address them, but the city or town will blame the railroad transaction and seek reimbursement from the carrier. Meanwhile, a city that invests in infrastructure to remedy the impacts of its own growth will garner little or no mitigation.

Wichita illustrates this pattern. Wichita decided to spend funds targeted for 13th Street and Central Street

overpasses on other transportation facilities. Had Wichita invested its funds (and the railroads no doubt would have contributed reasonable shares), those conflicts would not exist today. Yet, because of Wichita decisions, which UP and SP could not control, UP/SP is being required to bear the financial burden of reducing traffic delay at those street crossings and elsewhere.

These perverse effects, which create negative incentives for cities and towns by discouraging investment in rail-highway facilities and encouraging litigation before the Board, are especially unfair in view of established public policies recognizing that such facilities primarily benefit highway users, not railroads. These policies have constitutional dimensions. By 1935, the Supreme Court had held that "the main purpose of grade separation . . . is now the furtherance of uninterrupted, rapid movement by motor vehicles The railroad has ceased to be the prime instrument of danger and the main cause of accidents. It is the railroad which now requires protection from dangers incident to motor transportation." Nashville, Chattanooga & St. Louis Ry. v. Walters, 294 U.S. 294, 421-23 (1935). The Court also recognized that a highway crossing is of little benefit to railroads and, on the contrary, "serves to intensify the motor competition and to further deplete rail traffic." Id. at 423. The benefits are to the motorist: "The avoidance . . . of traffic interruptions incident to crossing at grade

is now of far greater importance to the highway users than it is to the railroad crossed." Id. at 423-24. Cf. United States v. Chicago, Burlington & Quincy R.R., 412 U.S. 401, 414 (1973). As a result, the Court held that shifting the burdens of providing public benefits to railroads is unconstitutional.

This recognition is now built into ICC rulings and federal transportation policy. The ICC agreed in 1964 that the costs of improving rail-highway crossings "should be borne by public funds" because "it is the increasing highway traffic that is the controlling element in accident exposure at these crossings." Prevention of Rail-Highway Grade-Crossing Accidents Involving Railway Trains and Motor Vehicles, 322 I.C.C. 1, 81 (1964). As the ICC concluded, "the major costs of grade separation and protection at rail-highway grade crossings should be borne by the public since the public is the principal recipient of the benefits." Id. at 82. The mitigation studies are inconsistent with this conclusion.

Similarly, DOT regulations limit the amounts states may ask railroads to contribute to federally funded grade-crossing improvements under 23 U.S.C. § 130. This amount cannot exceed the net benefit to the railroad, which has been defined as 5-10%. 23 U.S.C. § 130(b); 23 C.F.R. § 646.210(b)(3). See also Moreno v. Consolidated Rail Corp., 99 F.3d 782, 785 (6th Cir. 1996).

Thus, although funding of rail-highway projects is governed by constitutional, statutory and regulatory law that

limits railroad exposure and recognizes the primary benefits to the public of such investments, the policy direction reflected in the mitigation studies would impose the costs on the party that receives very few benefits -- UP/SP. This is fundamentally unfair.

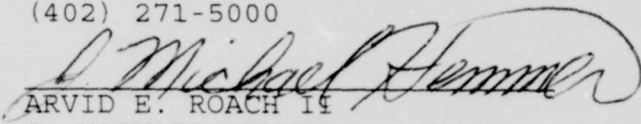
CONCLUSION

From the outset, UP/SP elected to cooperate with the mitigation studies and to try to assist SEA in addressing community needs. SEA and the Board may conclude, after devoting so much effort to these studies and raising expectations in Wichita and Reno, that they must go forward with mitigation plans. If so, and if they remain reasonable, UP/SP will comply. But SEA should urge the Board to consider long and hard before taking this path irrevocably, because it leads only into quicksand. We urge SEA and the Board to reconsider while there is time.

Respectfully submitted,

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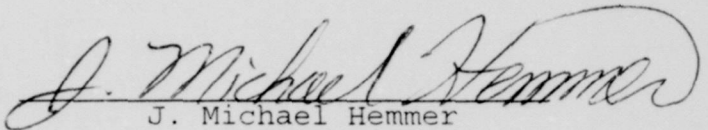

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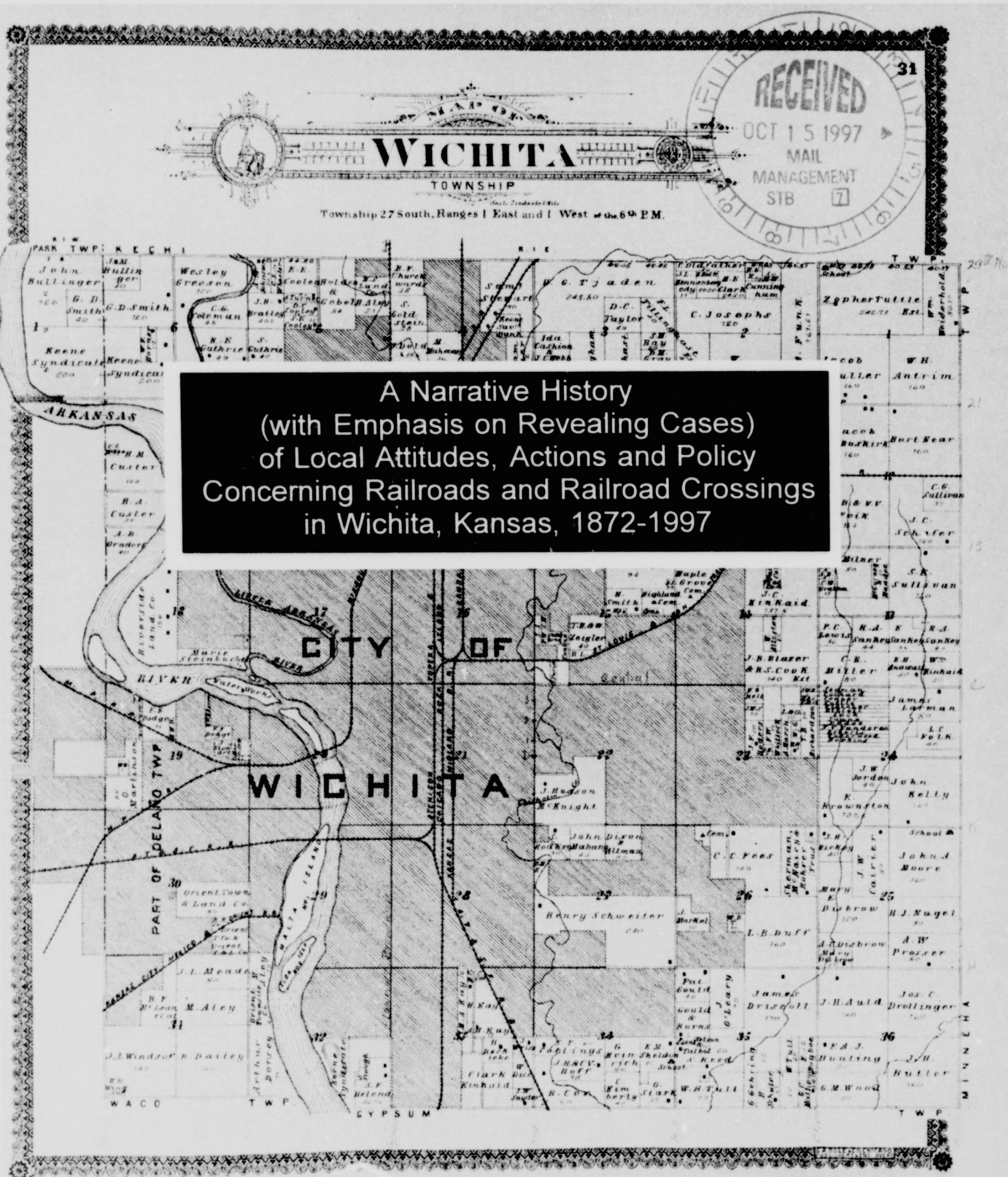
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October 15, 1997

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of October, 1997, I served a copy of the "Comments of Union Pacific Railroad Company and Southern Pacific Transportation Company on the Wichita Preliminary Mitigation Plan" by first-class mail, postage prepaid on all parties in Finance Docket No. 32760 requesting service of filings regarding the Reno and Wichita Mitigation Studies, including counsel for the City of Wichita and Sedgwick County, Kansas (served by hand).


J. Michael Hemmer



(Courtesy of Special Collections at Ablah, Wichita State University)

Craig Miner

This is a detailed historical plat map of the City of Wichita, Kansas. The map shows the city's layout, including the Arkansas River and the Arkansas River Island. The city is divided into numerous land parcels, each labeled with the owner's name and the acreage. The map also shows the boundaries of various townships, including Park Twp, Delano Twp, and Waco Twp. The city is labeled "CITY OF WICHITA" in large, bold letters. The map is oriented with North at the top. The following table lists some of the land parcels and their owners:

| Parcel Number | Owner | Acreage |
|---------------|----------------|---------|
| 1 | John Bullinger | 100 |
| 2 | G.D. Smith | 100 |
| 3 | Wesley Green | 100 |
| 4 | G.D. Smith | 100 |
| 5 | Wesley Green | 100 |
| 6 | G.D. Smith | 100 |
| 7 | Wesley Green | 100 |
| 8 | G.D. Smith | 100 |
| 9 | Wesley Green | 100 |
| 10 | G.D. Smith | 100 |
| 11 | Wesley Green | 100 |
| 12 | G.D. Smith | 100 |
| 13 | Wesley Green | 100 |
| 14 | G.D. Smith | 100 |
| 15 | Wesley Green | 100 |
| 16 | G.D. Smith | 100 |
| 17 | Wesley Green | 100 |
| 18 | G.D. Smith | 100 |
| 19 | Wesley Green | 100 |
| 20 | G.D. Smith | 100 |
| 21 | Wesley Green | 100 |
| 22 | G.D. Smith | 100 |
| 23 | Wesley Green | 100 |
| 24 | G.D. Smith | 100 |
| 25 | Wesley Green | 100 |
| 26 | G.D. Smith | 100 |
| 27 | Wesley Green | 100 |
| 28 | G.D. Smith | 100 |
| 29 | Wesley Green | 100 |
| 30 | G.D. Smith | 100 |
| 31 | Wesley Green | 100 |
| 32 | G.D. Smith | 100 |
| 33 | Wesley Green | 100 |
| 34 | G.D. Smith | 100 |
| 35 | Wesley Green | 100 |
| 36 | G.D. Smith | 100 |

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A Narrative History (with Emphasis on Revealing Cases) of Local Attitudes, Actions and Policy Concerning Railroads and Railroad Crossings in Wichita, Kansas, 1872-1997.

By Craig Miner

I. Introduction:

This study was undertaken to add historical insight to the discussions among representatives of the City of Wichita, Kansas; Sedgwick County, Kansas; the Union Pacific Railroad Company; and the Surface Transportation Board. Due to the routing of several rail lines north and south through Wichita, considerable yards on the north end of the city, switching at scattered industrial locations, and limited and elderly overpasses for grade separation, car/train interaction has long been an issue in the city. The decision of the Surface Transportation Board to require studies and public input on traffic, noise and pollution problems it was alleged the UP/SP merger would cause in Wichita and in Reno, Nevada, brought these long-standing issues to the front. Some in Wichita fear that traffic delays, both for increasing numbers of private autos and for emergency vehicles, would be considerably worsened by plans for more traffic routed through Wichita on the UP lines. It would be a mistake to overlook the long history of these problems or to assume that they stem only from the recent merger.

There has been considerable discussion through 1995, 1996 and 1997 in private between the governmental units and the railroad company, in public meetings locally, and through the local television and newspaper media about the seriousness of the problem, alternate possible solutions and, most prominently, who should pay for any plan selected. These issues have been heavily debated before in Wichita several times. Naturally, these historical situations, while parallel in many ways, are not duplicates of the present crisis. Nevertheless, the cases are instructive for analyzing the causes of the current scenario and documenting many roads not taken.

This is applied history. Therefore, while it must be recognized that local attitudes as well as hard statistics are important, there is no broad context for the sake of context. The specific place and the specific issue are the overriding disciplines. The emphasis is on the factual situation in a number of cases. In each section, however, there is some analysis at a higher level of abstraction. Transportation and development "policy" evolved as much experientially as normatively -- more by practice and post facto in response to a

perceived emergency and less a priori to support a philosophy. This history outlines the reasons for the "problem" in each period, explains the dynamics of the city/rail negotiations, locates the interests involved and their motives, and examines the outcome and its implications for the next era. There are footnotes, so that any source may be checked or any research expanded independently.

This study was funded by the Union Pacific Railroad Company. The research was done and interpretations made independently by the author.

II. Wichita Rail Development, the Urban Rail Pattern & Local Attitudes to 1911.

1. The Establishment of the Local Rail Network, 1872-1911

The question of whether railroads were vitally important to Wichita is easily and unequivocally answered: they were and are. Any suggestion that there is some choice to be made whether or not Wichita shall have railroads, or that there is some choice to be made between rail and auto traffic in any absolute sense, is pure rhetoric.

It is true that Wichita was not founded as a railroad town, as were so many other western places. That was the result of historical accident, not plan. The site of Wichita was until 1870 part of the Osage Indian Reserve, and consequently neither fee simple title for individuals or town sites, nor railroad land grants were available. Wichita was not incorporated until 1870, days after the final settlement of the complex treaty negotiations removing the Osage Indians to the south.

Upon that incorporation, the first and foremost issue on the local agenda was the attraction of a railroad. One of the earliest articles in the town's first newspaper, the Vidette, reported that a bond issue had passed by a vote of 317 to 208 to tax the struggling new county for bond aid to the first railroad of four specified lines to reach Wichita.¹ Shortly Wichitans projected their own railroad, designed to connect Junction City with the Gulf by way of Wichita. A \$200,000 bond issue was proposed then, but the project fell through.²

It was well understood that it was a sellers' market and that the sellers were railroads and the buyers were towns. Virtually all western towns issued bonds and offered other inducements, such as depot lands, in order to attract railroads to them rather than their competitors. As many historians have documented, contrary to the old idea, based on Frederick Jackson Turner's thinking, that the frontier underwent a kind of evolution from trading, to agriculture, to urban development and industry, in fact towns and their latter day concomitant railroads, were the "spearheads" of the frontier.³ There is real question

¹Wichita Vidette, Sept. 13, 1870. Charles Stevens, "Wichita and the Santa Fe to 1874" (M.A. thesis, University of Wichita, 1950), 25.

²Wichita Eagle, Sept. 19, 1941.

³For example, Richard Wade, The Urban Frontier: Pioneer Life in Early Pittsburgh, Cincinnati, Lexington, Louisville, and St. Louis (Cambridge: Harvard University Press, 1959). While there have always been

whether the ancillary agricultural area of places like Wichita could have developed with the efficiency it did had it not been for the "developmental" establishment of a basic rail network to supply towns, which in turn acted as supply depots for farmers. Wichita as a trading town had, in the temporary dearth of rail connections in the region, established a successful freighting business along the Chisholm Trail with the concentrated Indian tribes in Indian Territory to the south. But it was under no illusion that this would or could create lasting economic growth or the diversity that the town would require to become a city.⁴

The reaction of Wichitans to the arrival of their first railroad, the Wichita & Southwestern connection to the Atchison Topeka & Santa Fe main line in Newton, in May of 1872, was wholly positive. The city had hardly waited passively for the blessed event. Residents voted the new line \$200,000 in bonds after considerable politicking with rival towns.⁵ But that would not alone have been sufficient. James R. Mead and Marshall Murdock, a banker and newspaper editor from Wichita, were instrumental in convincing Thomas J. Peter, a Santa Fe superintendent whom Murdock had known previously in Topeka, to take the risk personally of building the branch and then selling the *fait accompli* to the Santa Fe at a profit. The Santa Fe had been reluctant to take the financial risk itself, given the hard economic times and Wichita's insignificance.⁶ Wichita taxpayers hired Joseph G. McCoy, who had developed the Abilene cattle trade under contract with the Kansas Pacific Railroad and in 1872 was developing stockyards with the Santa Fe at Newton. McCoy came to Wichita to give the new railroad a multiplier effect in boosting the town as a cattle shipping point for Texas longhorns driven north. There was perfect understanding of the significance of a railroad for local industrial development and to

polemics wishing, not that the railroads would go away, but that they would service the public more cheaply or more efficiently, the only recent serious historical argument that railroads might not have been necessary in some parts of the West as soon as they came, and therefore did not justify their public subsidies, is Robert Fogel's "cliometric" statistical analysis. And Fogel does not use Kansas as an example of the type of "marginal" region that could have survived without rail until his hindsight tells him the auto and truck would have been invented. See Robert Fogel, Railroads and American Economic Growth: Essays in Econometric History (Baltimore: Johns Hopkins Press, 1964) and The Union Pacific Railroad: A Case in Premature Enterprise (Baltimore: Johns Hopkins Press, 1960).

⁴For general context on Wichita, see Craig Miner, Wichita: The Early Years (Lincoln: University of Nebraska Press, 1982) and Wichita: The Magic City (Wichita: Wichita-Sedgwick County Historical Museum, 1988).

⁵See Miner, Early Years, 70-71 on the subtleties.

⁶Wichita Eagle, Sept. 19, 1941. The original source of this story was Peter himself and it was first published in an article in the Santa Fe Magazine written by Glen Bradley in 1914.

advance the population and tax base, as well as of its obvious importance for serving current needs.⁷

There was an interval of unalloyed joy about being a railhead. The Green Front grocery purchased the first rail shipment in, a carload of flour and one of salt, and the first outgoing cars contained grain and cattle.⁸ Soon there was much more as Wichita became the biggest cattle trading center in the nation, and double-headed trains ran through several autumns out of the 300 ft. square stockyards built by the railroad to the great profit of the local community. Real estate made a "tremendous jump" (five new additions were annexed in 1872) and the local tax roll doubled in value the year the railroad came. Although it was said that it was the policy of the railroad to create numerous towns in Kansas and keep any of them from getting large, at the moment it was the creation, not the size, that mattered to Wichita.⁹

Amenities were few, but important. There was only one passenger train a day from Wichita. It left at 3:40 A.M. and took 1 hr. and 20 minutes to reach Newton and 11 hours to arrive at Kansas City.¹⁰ In 1882, the date of the oldest time card that has been documented, the Santa Fe has one passenger and one freight train only each day going through Wichita.¹¹ More significant was the inclusion of Wichita on the Santa Fe's booster trade trips, leading to visits by a good number of potential investors and residents. Wichita welcomed these travelers with elaborate entertainment and even staged gunfights for them, as were expected of a western town. Said editor Murdock: "A man run over now and then by our fellows as they go rushing to the banks with their memorandum books to make their daily deposits will tend to give our fine haired visitors a lively appreciation of the place."¹²

The Texas cattle trade ended abruptly in 1875, due partly to lobbying against it in the state legislature by local farmers and ranchers. Naturally, no long time passed after that before there were complaints about the Santa Fe in Wichita, not the least of which was that

⁷There is little Wichita-specific information in the general Santa Fe histories, but see Keith Bryant, History of the Atchison, Topeka and Santa Fe Railway (New York, 1974); James Marshall, Santa Fe: The Railroad that Built an Empire (New York, 1945); Joseph Snell, The Birth of the Atchison, Topeka and Santa Fe Railroad (Topeka, Ks., 1968); Lawrence Waters, Steel Trails to Santa Fe (Lawrence, Ks., 1950).

⁸Stevens, "Wichita and the Santa Fe," 38.

⁹Stevens, "Wichita and the Santa Fe," 49, 66, 52.

¹⁰Wichita Eagle, April 10, 1938.

¹¹O.H. Bentley, History of Wichita and Sedgwick County, Kansas 2 vols. (Chicago, 1910), II, 564.

¹²Stevens, "Wichita and the Santa Fe," 39-41, 49, 52-53.

it held a monopoly at that point and acted like it in setting rates and providing service. There was nothing surprising about that fact or the reaction: it was a pattern all over the West.¹³

The attraction of rail competition proceeded apace, complicated by mergers and agreements among rail lines nationally.

The Frisco system was the second attracted, arriving in 1880. Again, Wichita was hardly passive. Local banker W.C. Woodman at a rally in 1879 to get out the vote for bond aid estimated that the new railroad would reduce transportation costs by 45%, saving over \$1 million a year and boosting Wichita's population and trade.¹⁴ There was careful calculation of the exact advantages to Wichita, which in 1878 had imported 17 million board feet of lumber, 17,000 tons of coal, and \$600,000 in machinery. The Frisco proposed to reduce lumber rates from \$30 per thousand to \$17 and coal rates from \$8 to \$4 a ton. Speakers thought that the railroad would double the value of farms and double the market for manufacturers in the city.¹⁵ As to the initial subsidy costs and charges of "bulldozing and intimidation," Woodman asked his audience whether it understood "that no railroad can go from us without also coming to us."¹⁶

The problem was that the so-called "Tripartite Agreement" among the Frisco, Santa Fe and Southern Pacific in 1880 meant that the Frisco was no longer wholly independent of the railroad whose monopoly Wichita had been trying to escape. Instead of a full-grown horse, the press complained, the town was getting only "a suckling colt." There was some bitter comment, and there were those who suggested that Wichita had better quit voting bond aid to railroads. In fact, a technical default by the railroad company on the bond agreement allowed the county to escape paying the Frisco the \$230,000 promised.¹⁷ The Frisco passenger train left Wichita at 8 a.m. and arrived in St. Louis the next morning in time for breakfast, allowing the passenger meantime to enjoy the nice scenery along the Fall and Verdigris rivers in eastern Kansas.¹⁸

¹³For the general history of the Frisco, see Craig Miner, The St. Louis-San Francisco Transcontinental Railroad: The Thirty-Fifth Parallel Project, 1853-1890 (Lawrence, Ks., 1972); Lloyd Stagner, Steam Locomotives of the Frisco Line (Boulder, Colo., 1976); and William Bain, Frisco Folks: Stories and Pictures of the Great Steam Days of the Frisco Road (Denver, Colo., 1961).

¹⁴Miner, Magic City, 32.

¹⁵Wichita Eagle, May 8, 1879.

¹⁶*Ibid.*, May 15, 1879.

¹⁷Accounts are in Miner, Early Years, 162-63 and Miner, Magic City, 32-33.

¹⁸Wichita Eagle, Dec. 9, 1880.

An attempt to make the Arkansas River navigable and run steamboats from Wichita to New Orleans failed miserably in 1880 and a competing rail line continued to seem desirable. The Missouri Pacific system arrived in town in 1883. This time \$400,000 in city bonds were voted for its support. There was opposition, not only to the amount of the aid, but at the rights of way and depot grounds that were part of the deal. The required ordinances passed, however, and the president and general superintendent of the line were made honorary members of the Wichita Board of Trade.¹⁹

Also originating in 1883 was the Wichita street car system. It was first horse and mule-drawn, but in 1888 the Riverside & Suburban street railway became one of the first electric lines in the nation²⁰ The streetcar system, which served the city until the mid 1930s, when buses took over, affected the city traffic pattern, creating a great deal more interaction of automobiles with rail cars than was true of the crossings for the trunk line rail systems. No doubt, too, the complaints Wichitans had about streetcar service, particularly in the nineteen teens, when it was run by the McKinley franchise of Illinois, affected local attitudes toward railways generally.²¹ As early as 1888 the Wichita Beacon editorialized that a certain streetcar company had "developed into a full fledged monster and has assumed the shape and conditions of a soulless, bloodless corporation."²²

The Missouri Pacific did provide a genuinely independent line, but as the famous Wichita real estate boom of the middle 1880s heated up, the city aspired to be more than a three-railroad town. Again there were bonds voted -- \$450,000 by a majority of 2,893 to 6 -- and again in 1887 Wichita got a new railroad, the Rock Island (the line now owned by the Union Pacific).²³ In addition there was a right-of-way granted and a local subscription to aid in the purchase of Rock Island depot grounds.²⁴ An editor predicted that the arrival of the railroad would add 10,000 to the population immediately and that "every man in the town will have employment . . . Every business house will enlarge its stock . . . because

¹⁹Miner, Magic City, 33-34.

²⁰Ibid., 41-42, 80, 90. Wichita Beacon, Nov. 13, 1888.

²¹Miner, Magic City, 126.

²²Wichita Beacon, Jan. 24, 1888.

²³The history of the Rock Island is poorly documented. But see William Hayes, Iron Road to Empire: The History of 100 Years of Progress and Achievements of the Rock Island Lines (New York, 1953) and Bradford Koplowitz, "The Rock Island Line is a Mighty Good Road -- For Research," Chronicles of Oklahoma 66, 2 (1988): 206-15.

²⁴Wichita Eagle, March 23, 1887.

there will be a general faith in and sure hope of the future." ²⁵ Even the Wichita Beacon, which often represented rural complaints against the grasping of Wichita, came out for the bonds before the election June 8, 1886. It claimed that two large manufacturers were watching the result of the bond vote with the intent to locate in Wichita and bring 10,000 jobs with them if it were positive. "Our prosperity and rapid growth or our collapse and retreat will begin on the 9th of June." ²⁶

Wichita's confidence and tendency to take the reins during this heady time is shown by its aggressive movement to build two railroads of its own in 1886, the Kansas Midland and the Wichita & Colorado. Local control of both lines was short-lived, but the action had the desired effect in influencing the competitive patterns of the major companies.

The Kansas Midland route was from Wichita west to Ellsworth, tapping the western Kansas agricultural trade territory and providing Wichita with a connection with the Union Pacific. The origin of the Midland was a meeting in Topeka with Boston capitalist William Darcey by numerous Kansans who wanted to reach Omaha directly from their cities and thus avoid the Kansas City pool and the rate basing line of the Missouri River at Kansas City. The vehicle proposed, to be called the Omaha, Abilene & Wichita, was determined to be impractical. However, O.H. Bentley of Wichita, who attended the Topeka meeting, convinced Darcey to come to Wichita and meet at the Manhattan Hotel with local capitalists interested in a railroad to Ellsworth. The 104-mile Kansas Midland was built with eastern capital participating, creating numerous towns, including one named after Bentley, along the way. The Frisco quickly gained considerable influence and formally purchased the line in 1900. That was fine with Wichita, as the western extension caused the Frisco's independence of the connection with the Santa Fe it had had since 1880. That Jay Gould that same year extended the Missouri Pacific by building a branch southwest of Wichita 86 miles to Kiowa (euphoniously named the Wichita Anthony & Salt Plains Railroad) was no doubt partly occasioned by the competitive Frisco western Kansas connection. ²⁷

Wichita's second 1886 initiative, the Wichita & Colorado, originally was to make a direct connection to Colorado. It, however, reached only Hutchinson, fifty miles

²⁵Miner, Magic City, 58.

²⁶Wichita Beacon, May 28, 1886.

²⁷Bentley, History of Wichita and Sedgwick County, II, 558, 561-62. Kirke Mechem, ed. The Annals of Kansas, 1886-1925 2 vols. (Topeka, 1956), 1:310. For context see Julius Grodinsky, Transcontinental Railway Strategy, 1869-1893: A Study of Businessmen (Philadelphia, 1962) and Russell Kirby, "Nineteenth-Century Patterns of Railroad Development on the Great Plains," Great Plains Quarterly 3, 3 (1983): 157-170.

northwest of Wichita, before being purchased by Gould and the Missouri Pacific. Again, however, it provided Wichita with a new trade territory, and did it with local initiative, but ultimately at someone else's expense.²⁸

There was a third local action equally evocative, though not resulting in the formation of a local company. The Santa Fe, thinking it too needed more western branches, projected a line from Sedgwick, some miles north of Wichita, to Kingman, which was straight west of Wichita. In response there was a heavy lobbying campaign by Wichita with the AT&SF, which resulted in the eventual line, the Wichita & Western, being built from Wichita and not from Sedgwick.²⁹

One could, of course, regard the Kansas Midland and the Wichita & Colorado as "dummy" roads, projected under independent names and with local directors, but done with the interest and cooperation of the relevant trunk lines from the start. That pattern was common, and it would certainly be a mistake to regard, say, the St. Louis, Wichita and Western or the St. Louis, Fort Scott and Wichita as "independent" lines. But in the case of the Midland and the Wichita & Colorado there is evidence that Wichita was able at least to influence trunk line policy to its advantage by proceeding, even if local projectors well understood that absorption was the most likely end for their local company.

Certainly the arrival of the Rock Island and the building of the Kansas Midland and the Wichita & Colorado was a high point in early Wichita rail promotion. Lots in the vicinity of the new Rock Island depot on Douglas Avenue went from \$12 to \$25 each right away.³⁰ Property downtown turned up sharply.³¹ The Rock Island stopped all passenger trains for twenty minutes to allow guests to eat at the new Wichita depot and thus to enhance the Wichita grocery business.³² It proposed to build a \$50,000 hotel.³³ The rail lines constructed extensive stockyards for Wichita, culminating in 1887 with a fifteen-acre facility run jointly by the Missouri Pacific, Santa Fe, Rock Island and Midland.³⁴ Wichita favored a union depot along the same lines, which would create an impressive entry

²⁸Ibid., 566. See also *ibid.*, I, 197-98 for an account of the W&C by Kos Harris.

²⁹Ibid., II, 576.

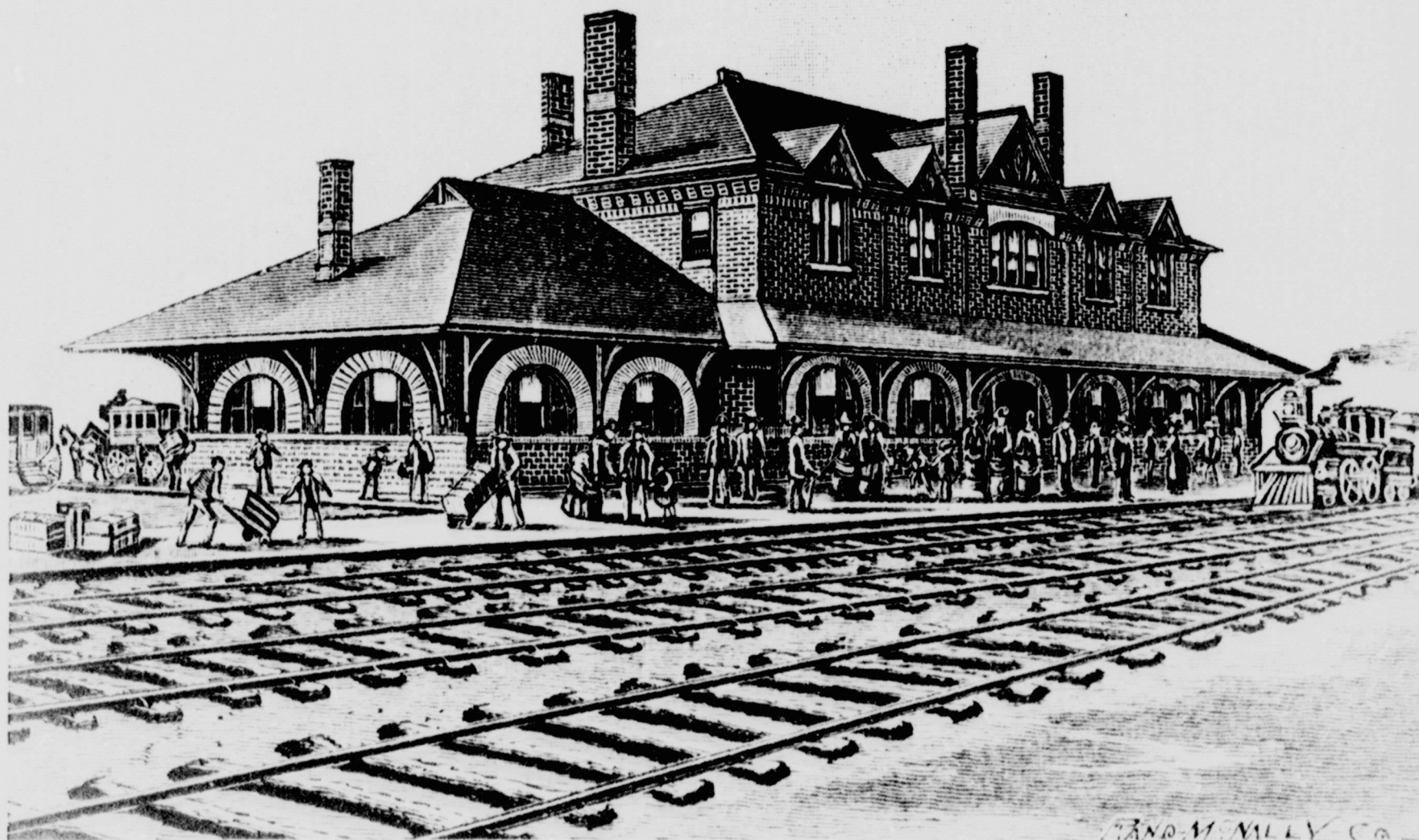
³⁰Wichita Eagle, March 11, 1880.

³¹Ibid., April 11, 1886.

³²Ibid. Nov. 26, 1887.

³³Ibid., Nov. 26, 1887.

³⁴Ibid., Aug. 20, 1885; Jan. 30, 1887.



Rock Island Railroad Depot, 1887
(Courtesy of Wichita-Sedgwick County Historical Museum)

structure for all of Wichita, and the railroads considered it seriously.³⁵ Jay Gould of the Missouri Pacific designed the Midland depot, and made nice comments about Wichita. Some thought that fueled the confidence pushing the real estate boom.³⁶ A delegation from Wichita, headed by miller A.W. Oliver, had visited Gould in his office in St. Louis in January, 1886, and were gratified that the man, shortly to be excoriated in Kansas as the worst of the "Robber Barons," gave them most of two days of his time discussing Wichita's growth strategy.³⁷ Wichita had four trunk lines, and that was confidence-building. Nineteen passenger trains a day in each direction served the city. "Every evening now," an observer wrote, "and within a few minutes of each other, passenger trains arrive in Wichita, one from Galveston, two from St. Louis, one from San Francisco, one from K.C. and Topeka, one from Genesee and the west, one from Greensburg and the west, one from the border at Kiowa, and now, with one from Chicago at the same hour. Wichita would seem pretty well fixed, especially as these trains all, except the Galveston train, arrive here also every morning." ³⁸

The worst of times followed the best. The 1890s were a ruinous period for the local economy -- only anti-corporate Populist rhetoric thrived in that decade in Kansas. Wichita lost one-third of its population and about half of its real estate valuation, making the railroad bond payments already promised particularly burdensome to city taxpayers. There is no question that the contrast with the earlier decade created a special bitterness among those in Wichita who had been the greatest plungers, and that the railroad romance the city had earlier enjoyed now seemed ashes in its mouth. The railroads were not about to physically disappear, nor did anyone want them to. But there was, if not divorce, at least estrangement, as the earlier boom psychology, with its rail mania and overblown hopes, came to seem in retrospect foolish.

The fifth solid Wichita railroad, therefore, did not appear until 1900 when the Kansas City, Mexico and Orient began construction just south of Wichita. It did, however, show that local grandiose rail visions had not entirely disappeared. The idea was to reach a connection with the Asian trade at a planned Mexican west coast port on Topolobampo Bay. The Orient shops were located in Wichita thanks to \$30,000 in city bond aid voted in

³⁵Ibid., Feb. 6, 1887.

³⁶Ibid., Oct. 16, 1885; Nov. 28, 1886; April 27, 1887. Gould on his private train was treated like royalty.

³⁷Ibid., Jan. 12, 1886. On Gould see Maury Klein, *The Life and Legend of Jay Gould* (Baltimore, 1986) and Julius Grodinsky, *Jay Gould, His Business Career, 1867-1892* (Philadelphia, 1957).

³⁸Quoted in *Wichita Eagle*, April 3, 1942.

1900, and by 1913 the line extended 700 miles south to Alpine, Texas. The Mexican connection was never completed, and the railroad fell rather quickly into a series of bankruptcies. But it had strong support in Wichita. Through the KCM&O the city came as close as it ever had to being a sort of "hub" for an important system, and not just a branch way-station.³⁹

In that first decade of the twentieth-century there appeared a sixth railroad. The Arkansas Valley Interurban, however, was a commuter passenger railroad. It was of great importance to bringing shoppers to Wichita from outlying places, but was hardly a factor in freight hauling. It was a local company, backed by city aid, and organized in 1903, although not constructed until 1910.⁴⁰

A final piece of the Wichita rail network as it existed in the early twentieth century, and its seventh railroad, was the Midland Valley Railroad. This company was chartered in 1905 at Ft. Smith, Arkansas to tap coal fields in Arkansas and Oklahoma/Indian Territory. It constructed a branch to Wichita from Tulsa, Oklahoma in 1911.⁴¹ Again bond aid from Wichita and Sedgwick County was a part of the project. There were two propositions voted on in 1911, one for the city and county to subscribe \$2,000 per mile of company stock for every mile of the railroad built in the county and the other for a \$30,000 bond issue by the city of Wichita alone. Both passed, but the first was defeated soundly in rural sections of the county and only carried because of overwhelming support in Wichita proper.⁴² An elegant Midland Valley depot designed by local architect U.G. Charles and costing \$20,000 added a large 40 x 50 waiting room with tiled floors to Wichita's rail infrastructure.⁴³ In 1916 an officer of the Midland Valley stated that from the corporation's perspective it was a mistake to build the extension to Wichita "as the business received from

³⁹Miner, Magic City, 125. See also Keith Bryant, Arthur Stillwell: Promoter with a Hunch (Nashville, 1971), John L. Kerr, Destination Topolobampo (San Marino, 1968); and Arthur Stillwell, Cannibals of Finance: Fifteen Years' Contest with the Money Trust (Chicago, 1912).

⁴⁰Miner, Magic City, 125-26; For a general history see M.D. Isley, Arkansas Valley Interurban (Glendale, Ill., 1977) and Allison Chandler, Trolley Through the Countryside (Denver, 1963).

⁴¹Wichita Eagle, May 11, 1905; Jan. 1, 1911; July 20, 1911. Wichita Beacon March 8, 1906. For documenting the basic histories of local railroads, the Edward Tiehen collection of newspaper notes at the Special Collections Division of the Ablah Library at Wichita State University is an enormous aid. Dr. Tiehen had a special interest in transportation and his notes are being transferred to computer-searchable format. A brief but comprehensive computer-generated guide is Complete Listing of All North American Railroads 1827 to 1986 (privately printed 1986), a copy of which is in the Tiehen collection.

⁴²Wichita Eagle, Feb. 15, 16, 1911.

⁴³Ibid., June 14, 1911.

this place has not justified it."⁴⁴ But for Wichita it opened another market and gave bragging rights to another rail line.

Of course mergers and acquisitions changed ownership and practices at various later points in history, but by the second decade of the twentieth century the fundamental rail network of present Wichita was in place. And it was just then that an auto traffic system began to be superimposed upon it -- a development that was obviously not planned for in the implementation of the original local rail services.

2. A Statistical and Topographical Picture of the Wichita Rail Situation in the first decade of the Twentieth Century.

The population of the city boomed through 1888, dropped precipitously in the 1890s, and recovered strongly in the first decade of the twentieth-century. From a population of 960 at the incorporation date of 1870, the city, through the influence of the coming of the Santa Fe and the cattle trade, reached 4,911 in 1880. It reached its early peak at 33,999 in 1888 with four major trunk lines (AT&SF, Frisco, MP and RI). In 1875 the population had dropped to only 20,841, but by 1910 had not only recovered but surpassed its nineteenth-century peak, at 52,450.⁴⁵ It is no accident that no railroads arrived in town in the 1890s, and that the AVI, the Orient and the Midland Valley were all developments of the first decade of the twentieth century. There might be some debate about which is the chicken and which the egg, but there is no question that population increases and increases in rail service are directly parallel for this period. Historians would generally agree that the construction of the fundamental rail network was a major driving force in the western American economy during this period and had an outsized impact on the rise, fall and growth of western towns.

There was no question that the railroads contributed directly to the growth of the city and that the city knew it. In October, 1902, about 900 passengers a day came into Wichita by rail. The Santa Fe brought 300, the MP 240, the Rock Island 250 and the Frisco 100. Of these it was thought 10 settled in Wichita and almost all the rest shopped there. The various lines brought in a mix of people -- many of those coming on the Rock

⁴⁴Wichita Beacon, Aug. 29, 1916.

⁴⁵Sources of population statistics are the local press, the federal and state census returns, and the Biennial Reports of the Kansas State Board of Agriculture. See also Riley Moffat, Population History of Western U.S. Cities and Towns, 1850-1990 (Lanham, Md., 1996) and James Shortridge, Peopling the Plains: Who Settled Where in Frontier Kansas (Lawrence, Ks., 1995).

Island originating in the South. Agents of the AT&SF thought that more of their passengers stayed in Wichita than in any other rail center west of the Mississippi.⁴⁶

The Orient and Midland Valley terminated in Wichita and therefore their trackage remained mostly south of the center of the city. However the Frisco, the Santa Fe, the Missouri Pacific and Rock Island all crossed the city at its center, not only on a north-south axis, but in very near proximity to one another along Wichita, Mead, Santa Fe, Mosley, and Washington streets. The Big and Little Arkansas rivers, also flowing north-south through the city, formed, with their limited number of bridges, a natural barrier or at least delay to the east-west flow of traffic in Wichita. The big river, just as it reached the downtown area from the north took a considerable eastward bend, resulting in the rail corridor's being only about eight blocks east of it for some distance and only ten or twelve blocks distant through most of the south part of the city. Thus, the river and the multiple tracks created by three, and, south of Douglas, four, rail lines in the same north-south corridor, created a frequent bottleneck, given the increasingly heavy through and switching rail traffic, at the naturally most congested part of Wichita, especially after the arrival of the automobile.

An additional complication existed at the north end of the city, where numerous industries (prominently packing plants, car and plow manufacturing works and a union stock yards) had been located during the 1880s boom and where the Santa Fe, Rock Island and Missouri Pacific later concentrated yards. Considerable and wide yards began at ninth street, with an increasingly major concentration from 21st street to 33rd street north. There were also extensive yards, warehouses and industries just south of the downtown area between Douglas and Kellogg streets and eventually in the southwest section of the city where the Orient shops were located.

Some further detail documents the pattern.⁴⁷ First the downtown, as a traveler across the city would experience it:

⁴⁶Wichita Eagle, Oct. 12, 1902.

⁴⁷Sources for the following section are Standard Atlas of Sedgwick County, Kansas Including a Plat Book of the Villages and Townships of the County (Chicago: George A. Ogle & Co., 1905) and Sanborn Map Co. Fire Insurance Maps of Wichita, Kansas 1884-1935, reels 16 and 17, microfilm #864, Ablah Library, Wichita State University. The Sanborn Company maps are by far the most detailed available for most cities, and show the exact track and industry layout in Wichita. Sanborn's maps were produced for Wichita in 1884, 1887, 1892, 1897, 1903 and 1914. Unfortunately the next series after 1914 is 1935, so the detail of much intermediate development is lost. Also 1903 is the latest picture before the tracks were elevated. Doubtless that presents a conservative picture of the traffic problem that led to the elevation, as there was much growth between 1903 and the completion of the elevation in 1914. The twentieth century Wichita maps are in several volumes and run to hundreds of individual maps. Citation here to specific details is by date and plate number.

The Missouri Pacific had the westernmost route through town, was the only line outside a very narrow corridor, and in a way further narrowed the urban congested zone. It entered the city from the northeast, crossing the Santa Fe main line at the north city limit and proceeding diagonally southwest until turning south to enter the downtown along Wichita Street, only a block east of the Big Arkansas River. One could argue that the effective urban constricted zone, therefore, was not just between the river and the east rail corridor, but between the Missouri Pacific crossings and the Santa Fe crossings, a distance of less than seven blocks. At Douglas the MP turned west, crossed the river and served industries on the west side on its way out of town.

As was true of all the Wichita railroads in the first decade of the twentieth century, the MP had major freight and passenger facilities, with accompanying sidings and switching operations, right on Douglas, the main east-west thoroughfare through Wichita's downtown. More than any of the others, its facilities were in the heart of the downtown commercial district, not on its fringes even at that early date.

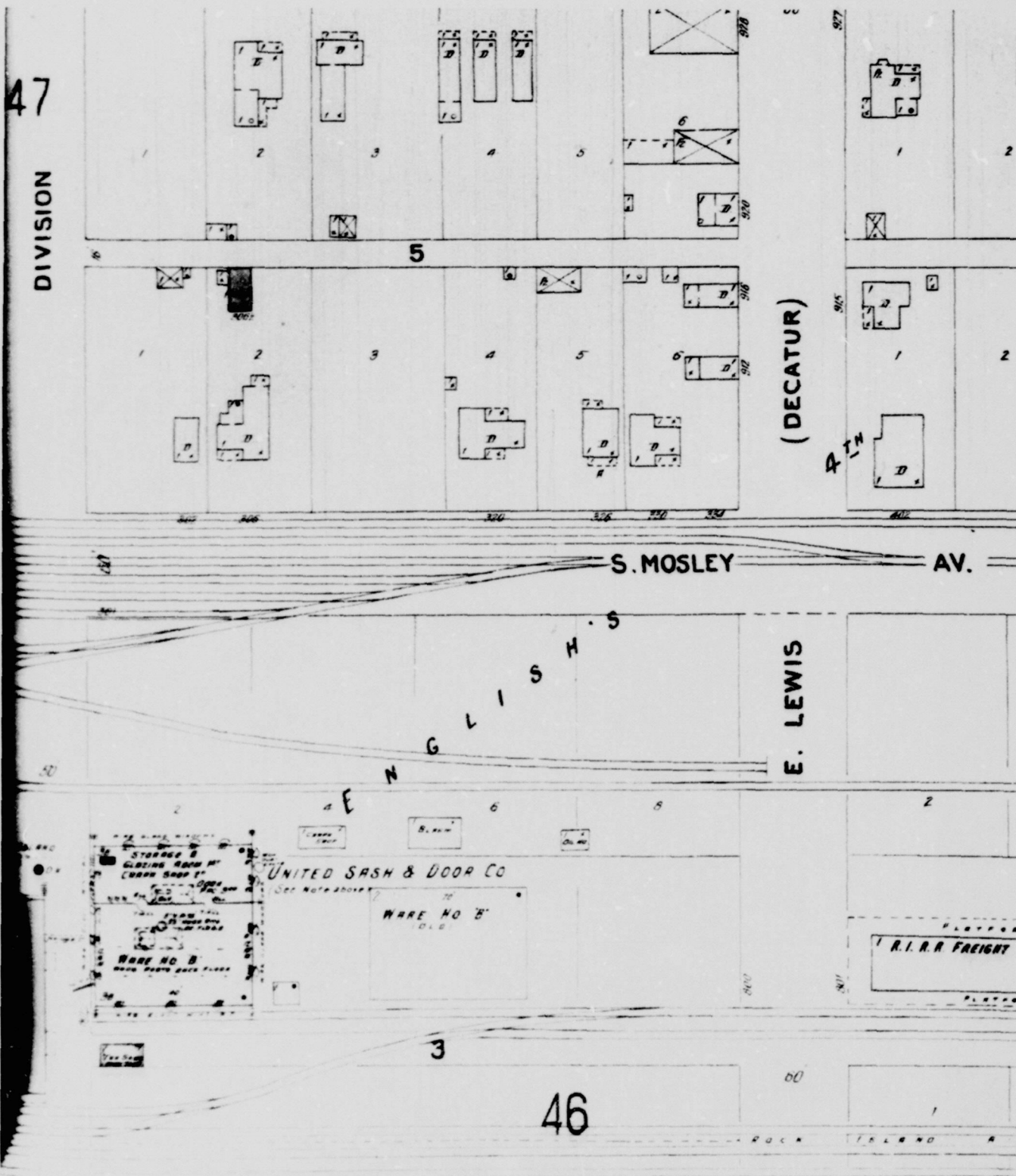
Each railroad passing through town had, of course, its own ganglia of industries. There was no zoning law or planning commission in Wichita until the early 1920s. Therefore all sorts of commercial and residential uses were mixed and adjacent to one another. For example, the MP at Wichita and First streets in 1903 (when the Sanborn's Fire Insurance Maps provide the best data for the period before the track elevations downtown) was three tracks wide, all crossed by streets at grade level, but there were also a number of spurs serving the Wichita Machine & Boiler Shop, the Schwartz Lumber & Coal Co., the Cox-Johnston Diamond Dry Goods Company and others.⁴⁸ At Second Street the MP was five tracks wide with a similar concentration of industrial spurs.⁴⁹ The MP also had a presence on the west side near downtown, with an east-west alignment making the crossings north-south. On Pacific Street north of Chicago (now W. Douglas), it was three tracks wide and had a number of coal supply facilities.⁵⁰

So, the anchor on the west of the downtown was the MP on Water Street. A car or buggy heading east on Douglas would next encounter the Santa Fe tracks on Santa Fe (or 5th) street. The area five blocks east of Lawrence (now Broadway) was and is a warehouse district. Now called "Old Town," and in readapted form one of the jewels of the current Wichita downtown plan, it was in 1903 the jobbing hub for a town that, among

⁴⁸Sanborn's Maps, 1903, Plate # 31 shows this region.

⁴⁹Ibid., Plate #22.

⁵⁰Ibid., Plate #61.



The Rock Island and Frisco Tracks, 1903
(Sandborn Fire Insurance Map)

34

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EACH FLOOR - 700 HEADS SPACED
PART SUPPLIED BY 12000 GAL
WATER TANK ENTER IN ELEVATION
LEFT IN BARGE BODY. ALSO DIRECT
SUPPLY FROM CITY MAINS. -
WATER PRESSURE SOLDS -

N. MEAD AV. 36

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**The Santa Fe and Rock Island Railroads North
of Douglas Avenue, 1903. (Sandborn Fire Insurance Map)**

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other things, bragged about being the broomcorn center of the world. Marketing and shipping were the keys to the businesses in that district, and consequently rail activity was concentrated and intense.

The Santa Fe entered town straight from the north. At its crossing of Central, it was three tracks wide.⁵¹ By the time it crossed Second street, the Santa Fe corridor was five tracks wide with many spurs serving industries like the Wichita Stove and Iron Works and the Wichita Grain Elevator.⁵² At First street and at Douglas, the width was the same five tracks with spurs to the Steffen Bretch Ice Cream Company, the Wichita Paper Company, the C.E. Potts Drug Company, the Wichita Paint & Color Company, the Washburn & Tuller Carriage Company, the McCormick Harvesting Machine Co., the Butts Brothers Lumber yard, and other industries in a number and variety unimaginable to one acquainted only with the modern, relatively abandoned, relatively specialized and "clean" downtown.⁵³ Here, as elsewhere, there had been fast evolution. In the same region in 1887, there had been only two Santa Fe tracks to cross, while the Frisco was single track right across Douglas.⁵⁴

Having crossed the five Santa Fe tracks and proceeding east on Douglas, our hypothetical 1903 motorist would, in only a block, encounter the Rock Island corridor on Mead street. The Rock Island in 1903 ran a single track most of the way into town from the north, with the exception of widening to four tracks at the northern Union Stock Yards, but that corridor also became congested with track and industry as it reached the center of the city. It was two tracks wide at Douglas, quickly widening to three to four tracks just south of Douglas where it served the United Sash and Door Company.⁵⁵

One block further east along Mosley street, the traveler to the eastern suburbs along Douglas encountered the Frisco and its industrial accompaniments. The Frisco was three tracks wide at Douglas and served the Waltersfield Brothers Pump Factory and Machines Shop and the Rochester Brewing Company, among others.⁵⁶

Just south of Douglas and also in downtown Wichita was an even more concentrated rail yard district where the Santa Fe, Rock Island and Frisco performed

⁵¹Ibid., Plate #27.

⁵²Ibid., Plate #28.

⁵³Ibid., Plate #34.

⁵⁴Ibid., 1884, Plates #8, #9.

⁵⁵Ibid., 1903, Plates #36 and 48.

⁵⁶Ibid., Plate #36.

switching and train-makeup activity for the southern quadrant of the city. In that region all the way to Kellogg there were large warehouses and freight houses and the track barrier widened even further for east-west travelers on Lewis and English streets, not to mention Kellogg, which before too long was to become a major east-west traffic way for Wichita. The Santa Fe was at points ten tracks wide in this region with many industrial spurs, the Rock Island was nine tracks wide, and the Frisco five tracks. All had freight and passenger depots on Douglas and many loading and service facilities just south.⁵⁷ This meant that traveling by street east-west in that region at just about any time of day became well-nigh impossible. Some of the drawings of yards were actually marked on the Sanborn's maps "no crossing."

There was one other area outside the downtown that had developed into a rail-intensive region in 1903 with many crossings and remained so -- namely the north-end industrial district beginning about two miles north of the downtown at 9th and Main and extending through 33rd st. north. The stock yards, which in the 1870s had been south of the downtown on Kellogg, were in the 1880s moved to this north region. Many of the major industries attracted during the mid-1880s real estate boom --e.g. Burton Car Works; Gilbert Plow Works; Dold, Cudahy and Whitaker packing plants, -- were located in that region. The packing plants coordinated with the stock yards and the railroad in a very complex manner and the facilities for bringing cattle in, moving them to the slaughterhouses and shipping processed meat out meant extensive yards and sidings and a wide and dangerous area for street traffic to try to cross.

While residences this far north were sparse in 1903, the area did grow -- part of the adjacent area east becoming the *de facto* segregated African-American residential district as that group moved north and east from its original location around the County Courthouse at Central and Main. There was a considerable Mexican community along 21st, many of whom were railroad and packing plant workers. There was a college (Fairmount, now Wichita State) nearby and considerable industrial workers going to and fro. The MP's northeast/southwest alignment, combined with the Frisco's eastward entering route at about 17th street, meant that horse, streetcar and auto traffic at the north end of town had to contend with considerable railroad crossings not only over the MP, Santa Fe and Rock Island yards traveling east-west, but across the MP and Frisco rights of way traveling north-south. The Rock Island and Missouri Pacific ran nearly parallel north of 21st street, and as they ran south converged with the straight north-south route of the Santa Fe, creating an intense industrial triangle. Both because of what had gone on in that region in

⁵⁷The picture can be studied in Ibid., Plates #45-48.

the 1880s and what was happening there in the twentieth-century revival, 21st street and about N. Main was a very rail-intensive region and getting more so yearly.

The main MP yards in 1903 extended from approximately 9th to 12th streets north, very close to N. Main street on the double-tracked diagonal route through which the line entered town. This was the closest of the north rail yard complexes. In 1903 this yard was 7-8 tracks wide with several industry sidings.⁵⁸ Immediately adjacent to it on the west were the car barns of the streetcar company and another group of tracks with more frequent traffic than the MP.⁵⁹

Other railroad yards, further north, were not shown on the 1903 or 1914 Sanborn's insurance maps for Wichita, as the coverage did not extend that far. However, the Santa Fe and Rock Island built yards in the same area in 1912 to move traffic out of the south downtown yards in connection with the elevated track and Union depot projects in that downtown area. The 1935 maps reveal the enormous Santa Fe yard and roundhouse complex extending from 16th to 33rd streets north. The Santa Fe roundhouse was at 25th street. The yards were ten tracks wide there, with a turntable at the roundhouse and many industrial sidings. Industries included the Barnsdall Oil refinery and the Wichita Terminal Elevator Company. Between 25th and 33rd streets near Broadway were Missouri Pacific facilities and a Rock Island roundhouse and yards.⁶⁰ The MP roundhouse at 25th with 18 stalls had been built in 1903 at a cost of \$100,000 -- a significant investment in a city still down on its luck.⁶¹ The Santa Fe north facilities had cost over \$250,000 in 1912.⁶²

A third major area of rail concentration and therefore difficult auto-train traffic interaction by 1911 was in the south part of the city where the Orient shops were located. These were south of Friends University at the end of Hiram street and contained the whole panoply of roundhouse and operating yards as well as locomotive and car repair facilities. The Orient shops were for years a landmark of the area, and just as much a barrier to be avoided or driven around as the city parks and golf courses.⁶³

⁵⁸Sanborn's Maps, 1903, Plates #4 and #7.

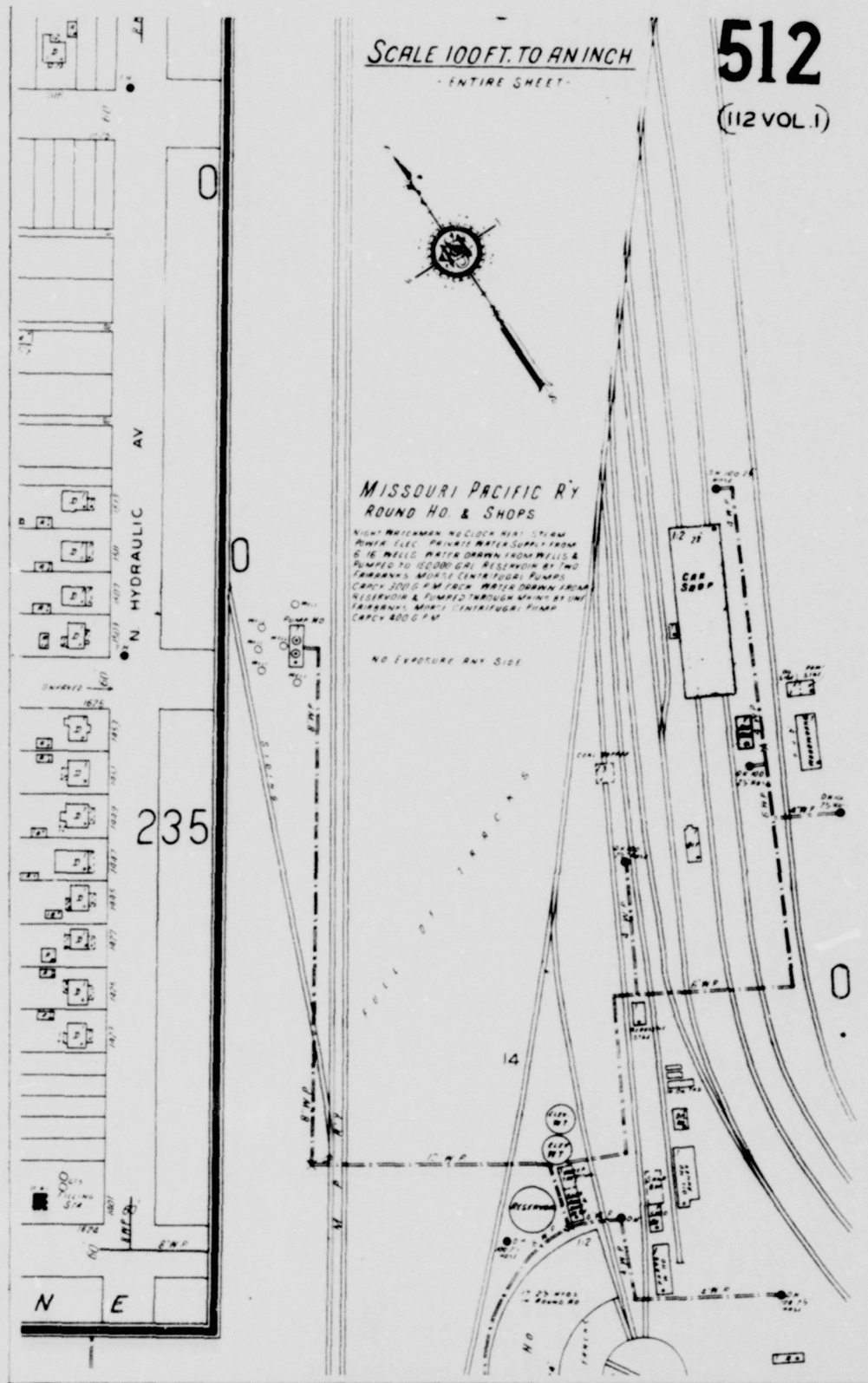
⁵⁹Ibid., 1914, Plate #64.

⁶⁰Ibid., 1935, Plates #512, #530.

⁶¹Bentley, History, II, 560.

⁶²Wichita Eagle, Sept. 27, 1912.

⁶³Sanborn's Maps., 1903, Plate #246.



Missouri Pacific Roundhouse, 1935
(Sandborn Fire Insurance Map)

Given that there were an estimated 110 trains a day running into Wichita in 1909, and 97 in 1913 (up from 32 total in 1886), there was a good chance that our hypothetical auto traveler would be held up at some point in heading east from the river on Douglas and crossing the MP, Santa Fe, Rock Island and Frisco multi-track industrial corridors before traveling eight blocks.⁶⁴ The Santa Fe alone had 18 passenger trains in 1910, carrying 2,000 passengers a day or 750,000 a year. This was up from 4 a day in 1903, and rising.⁶⁵ The northern industrial district would have been a challenging maze, the area immediately south of downtown on its east end virtually impenetrable for autos, and the Orient shop area pretty much out of bounds as well. Therefore, as automobiles were added to the streetcar and horse traffic in the early part of the century (Wichita had 67 miles of paved streets in 1913 and Kansas had 47,000 + motor vehicles), traffic interaction between street and rail vehicles became a definite problem.⁶⁶

What justified the inconvenience in the minds of most --aside from the fact that the tracks were there first -- was the obvious economic impact of the rail system locally, both directly, through employment, purchase of materials and payment of taxes, and indirectly, as an important adjunct to the services of local businesses. Wichita in the 1990s agonizes over the disadvantages of the Air Capital not being an airline passenger and freight hub. No such trade disadvantage existed in 1911. Wichita was a rail hub, centrally located in the county and served by major competitive rail systems. There were complaints, to be sure, about the inconveniences this caused, and complaints about what the service cost, but in general there was solid appreciation of its positive implications.

"The Business Center of the Southwest," as Wichita then dubbed itself, had 225 manufacturing establishments in 1913, up from 103 in 1899. It had 47 passenger trains a day running in and out in 15 directions, and 40 miles of street railway. More than a hundred freight cars a day were loaded with Wichita merchandise. It had ten-story buildings. It was the broom corn capital.⁶⁷

The Santa Fe railroad was, from the standpoint of tonnage handled and money received, "the greatest individual concern in Wichita." In 1903 the Panhandle line had one three-car passenger train and one mixed train from Wichita. In 1910 there was one nine-

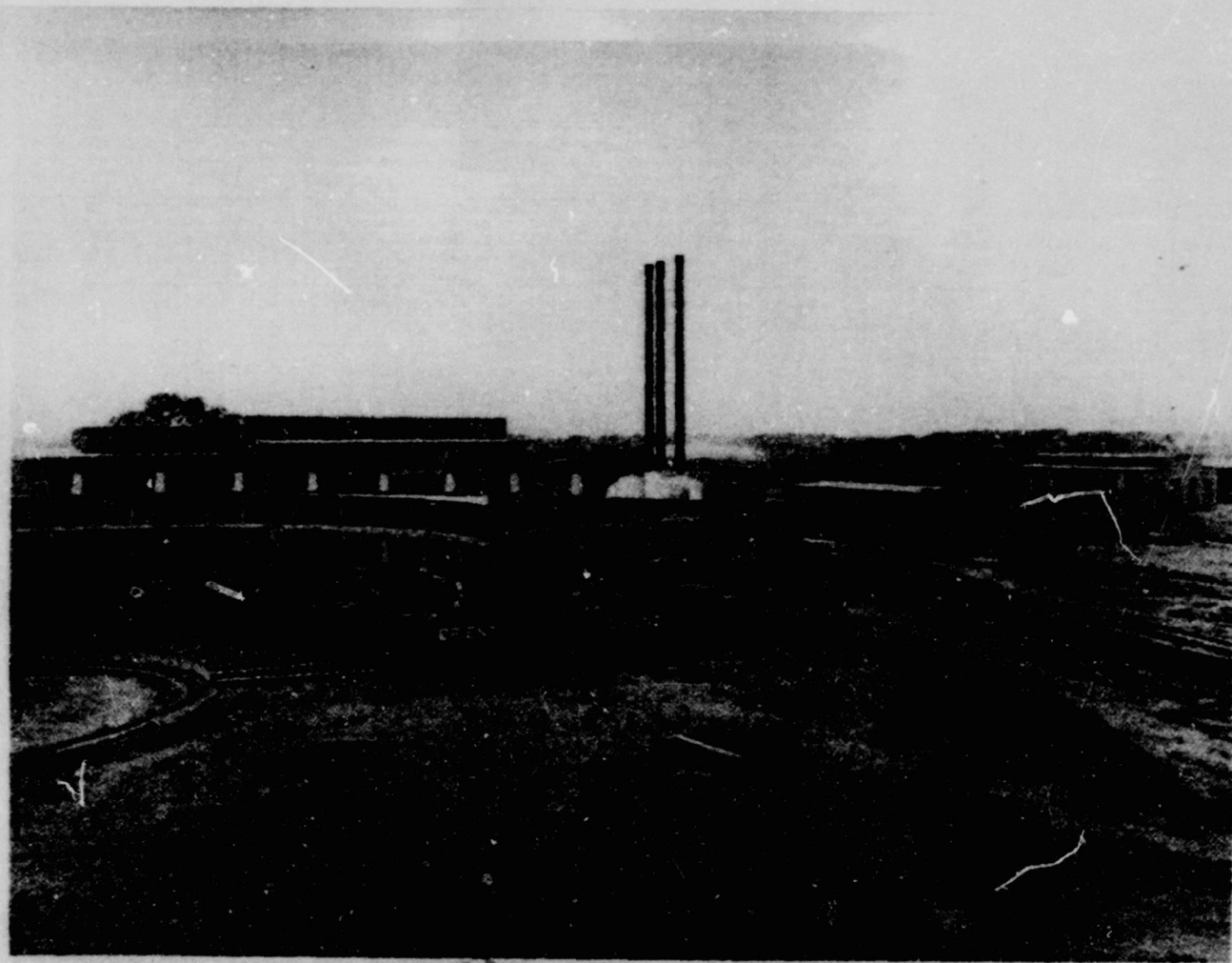
⁶⁴ Kansas State Highway Commission. Wichita Metropolitan Area Traffic Survey [n.d., n.d. <1953>], 7.; Wichita Eagle, May 18, 1886; Wichita Beacon, Southwest Development Number, 1913, s.c. 3100, #62, Ablah Library Special Collections, Wichita State University.

⁶⁵ Bentley, History, II, 567.

⁶⁶ Wichita Beacon, Southwest Development Number, 1913.

⁶⁷ Ibid.

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Orient Shops, 1926
(Courtesy of Local History Section, Wichita Public Library)

coach passenger train operated to Amarillo on that division and another such "shopper train" from Wichita of similar size operated to Carlsbad, New Mexico. At the turn of the century one accommodation train did all the freight and passenger business on the Englewood branch, serving the Clarke County ranching district west of Wichita. But the twentieth century saw more farming in the region and more passenger business on that branch. Thus, in 1910 there were two local freight trains and a passenger train each way daily on the Englewood branch.

According to O.H. Bentley, once mayor of Wichita, an officer of the Kansas Midland, and a considerable follower of the railroads, the total in and out tonnage on the Santa Fe alone for 1909 at Wichita was 268,000. In 1910 it was running nearly double that. The company hauled 5,630 cars of freight into Wichita and 2,622 out of it in the first seven months of 1910, excluding livestock. Livestock amounted to 7,447 cars for the same period. The freight transfer business of the line was in the neighborhood of 45mm lbs. a year transferred by the local freight handling force. According to Bentley's 1910 account, Santa Fe freight trains averaged 75-90 cars at that time and 2,000 tons in weight, and the company was running 10 scheduled freight trains and a half dozen extras every day. It was an era when freight car size and train lengths were increasing regularly to handle the traffic. The MP had 16 passenger trains and 22 freight trains entering Wichita the same year and a valuation of \$1.5 mm for its city property. Its fine brick depot on Douglas, built in 1899 for \$55,000, replaced a "low, rambling structure of wood built in the early 80's" and reflected, even pioneered, the general upturn of the city from "the terrible shock of the boom." The Frisco's monthly payroll in town was \$15,000. The roof was being constructed on the first building of the Orient shops.⁶⁸ It was hard not to feel positively in general about such an industry.

3. Evolving Attitude of Wichitans Toward Local Rail Corporations to 1911.

Victor Murdock, a member of Congress from Kansas and son of the first *Wichita Eagle* editor, wrote insightfully about early Wichita and the railroads that:

⁶⁸Bentley, *History*, II, 567-86. The 75 car length would be considerably higher than average for the country at the time. The Interstate Commerce Commission, *Statistics of Railways in the U.S.* for 1911, p. 218 shows the average number of freight cars per train mile for the Santa Fe that year as 32. The U.P. was 36. While not a direct measure of length, these statistics suggest that train lengths in 1911 in general were about half what Bentley is suggesting. If Wichita freight trains were really 75 cars long, it would represent the best rail technology at the time could do to minimize the number of trains. Train lengths increase regularly as the years go by. Information on car changes may be found in Albro Martin, *Enterprise Denied: Origins of the Decline of American Railroads, 1897-1917* (NY, 1971), 70-71.

about the only corporations visible to Wichita in the old days were the railroads. For twenty-five years or so the town had, upon occasions, two grand passions, the first to get more railroad corporations attached to it and the second to grow inflamed over the attitude of the railroad corporations after the town got them.

The reason for this seeming contradiction was perfectly natural. The proposition was to build a city. The first requisite in that recipe was a railroad. The second requisite was another railroad; the third requisite another. The town which could draw to itself the most railroads would become the city. The proposition seemed sound and was universally accepted. Therefore, all towns went in for railroads.

In a general way the advantage of a single railroad was subject to considerable doubt. As the single railroad approached a given center and passed it, creating new towns, a single railroad scattered rather than concentrated business. Therefore a second railroad was necessary to give the center an advantage over one-railroad towns. But as the railroads were accumulated, the town, which was becoming a city, discovered that it had taken to its bosom corporations, and the way of corporations was past finding out.

The various railroads did not respond to the principles of competition, as the population had hoped, in rates and in other services. The corporations, not revealing any great enthusiasm for this particular town, were suspected of intrigues with other and rival towns, in the way of discriminations, rebates and special assistance of diverse kinds. Thereupon the town would set out to enforce its demands upon the railroads and discover that demands cannot be enforced upon phantoms.

For a corporation in those days was, in identity, a remote thing and an illusory. It was a giant in attack, but a phantom against attack. That was about all anyone could discover about a corporation. After a season of indignation, therefore, the town would gird up its loins and go out to get another railroad.⁶⁹

That was a good summary -- suspicious but glad. Victor's father Marshall had said something similar in 1902 about the absolute necessity for railroads despite the cost, inconvenience and politics of it all. "No Kansas town ever won," he wrote, except through running the gauntlet of relentless rivalry. Towns have given their half to get their first railroad, and half of what was left to get their second. The first railroad was secured to keep a rival from securing it, the second to save the

⁶⁹Quoted in Wichita Eagle, Feb. 9, 1964. Murdock made the statement in the early 1920s.

town from the monopoly of the first, the third to hold the other two level, and, if a fourth, the fourth with the hope of breaking up the pooling arrangement of the other three. There is a distracting history to this succession. In almost all cases the second railroad ruined the profitable wagon trade and business waned. The third may have caused an influx of population, which the town's development did not warrant, and brought on a relapse; the fourth a boom in realty values which brought on a collapse. But the town which never got its first railroad died; the town that never got its second stopped its growth; the town that never got its third, let the rival who secured it, outstrip it in the race.⁷⁰

Neither of the above statements represents mindless or naive boosterism of either railroad or town. There was a recognition of a complex interrelationship, always evolving, but also of the centrality of railroads to business growth and business growth to the health of the city. The elder Murdock was always against a Union depot because he thought separate depots created more traffic and activity, something he thought Wichita then needed more than an orderly plan. The office and depot employees swelled the population, a traveler going from one depot to another might buy a lot, and the general movement "adds life and stir to our streets, which costs us nothing."⁷¹ When in 1886 there was local controversy about the inconveniences caused by the location of the Rock Island depot Murdock, from his office, called the "Eagle's Roost," wrote that the idea of some that rail depots should be located on the outskirts of the city for aesthetic and traffic reasons was misguided.

Are we to have a business center and a center of business, or Mawkish sentiment and a Flattened out village? . . . Lots are to be covered with business houses, bins warehouses, machinery, material of all description, as well as with homes; streets to be filled in with macadam or steel rails or whatever is necessary to carry, to convey the traffic and travel: the side-walks are sufficient for the pedestrians . So far as we are individually concerned, before consenting to the annulling of the labors of years, the council has our consent to run a railroad through every street around the Roost and through and over the Roost itself when all the streets are occupied, rather than to take the chances of dropping back to the status of an ordinary country town, rather than fail, now, in making Wichita a great city.⁷²

⁷⁰Wichita Eagle, Aug. 31, 1902.

⁷¹See e.g. *Ibid.* July 19, 1887; Dec. 14, 1902.

⁷²*Ibid.* Nov. 39, 1886.

O.H. Bentley's 1910 History of Wichita and Sedgwick County indicates that attitude had not changed. "Wichita has always made a strenuous struggle for railroads . . . No railroad ever knocked at the doors of Wichita and Sedgwick County in vain."⁷³ Bentley thought that even some fast dealing by railroads with local aid was "in the natural order of railway building in the West" and should not be unexpected. Local politics were "one long history of voting bonds and railway aid and getting right of way and promoting these great enterprises, which, in the aggregate go to the making of great marts of trade, and great and populous cities. . . . It has been a struggle, but it has paid. The game was worth the candle . . . Two possessions are necessary for a western town: First and foremost it must have the county seat, and, second, it must have ample railway facilities."

Those benefits could not be expected if the town builders were meek. Bentley quoted a slogan that live fish go upstream, and dead ones go with the current. Even actions that seemed less than wise kept momentum going. "And everybody praised the duke," he quoted in regard to Wichita's rail promotion history, "Who this great fight did win./ 'But what good came of it at last,/ Quoth little Peterkin./ 'Why that I cannot tell,' said he./ 'But 'twas a famous victory.'"⁷⁴ The future, it was assumed by the boosters, would justify their getting in on the ground floor with as much rail traffic as possible. When the Wichita Real Estate Dealers' Association was polled in 1912 about what the city needed most, it put "more railroads" first on its list, before soft water, paving, parks and street lights.⁷⁵

Still, what Murdock called "mawkish sentiment" was a genuine countercurrent of doubts about some of the features accompanying rail progress. These were certainly present in Wichita even in the "honeymoon" days of the establishment of the new rail system and were the seeds of significant dissent as times turned.

The Santa Fe from 1872 to 1883 was the only railroad in Wichita, and, as such, was roundly abused from time to time by citizens for its monopolistic irresponsibility. Its threats were seen as a "sword of Damocles" which "at all our feasts" was "suspended by a filament over our devoted heads."⁷⁶ The depot was complained of. In 1886 it was remarked in the local press that "it was a shame the way the Santa Fe Co. is using the city with regard to depots. Nearly all the passengers go to the Douglas Avenue depot, and

⁷³Bentley, History, II, 558.

⁷⁴Ibid, 558-61.

⁷⁵Wichita Eagle, April 25, 1912.

⁷⁶Ibid, Dec. 2, 1875. Wichita Beacon, Feb. 28, 1877.

men, women, and children are there all huddled up in a little, dirty room, which is often filled with smoke of pipe and cigar. The Santa Fe ought to be ashamed of itself."⁷⁷ Sedgwick County farmers were not always enthused about voting bonds for a new railroad they thought would be mostly for the benefit of Wichita, and felt that too much of their profits was consumed in shipping costs. As early as the 1870s farm groups were advocating local packing houses and mills so that rail rates could be paid only on goods in a higher state of processing than the raw farm product and that therefore the benefits could stay in the area.⁷⁸

The Frisco got its share of abuse at the meetings designed to attract a second railroad to the city. Some felt that tax money should not be used to subsidize private business, but only for free public institutions like bridges and jails.⁷⁹ Conservative banker W.C. Woodman thought that depending on "that restraining sense of honor and fair dealing among men," as one local man suggested, rather than on real rail competition, was unwise. He was contemptuous of the Frisco, which he called "a rotten, worthless hulk, running to a terminus in heathen territory with none other for its refuge for hundreds of miles, without money or credit, a hopeless bankrupt, its stock selling for about 1 1/2 cents on the dollar." The Kansas branch, he said, was from the start, just a scheme by the Frisco to make a larger concern buy it out, and Wichita was taken in.⁸⁰

In addition to these broad complaints about local railway strategy, specific difficulties surfaced concerning the interaction of railroads and pedestrian and horse traffic and later auto traffic on city streets. Delays at railway crossings were an issue at some early city council meetings, and safety at rail crossings was a significant issue in cases brought before the Kansas Board of Railway Commissioners by the early 20th century.⁸¹

Early motorists often raced trains to grade crossings, "perhaps to test the mettle of their new machines, perhaps to prove their driving skills to passengers." Unfortunately the racket of early auto engines sometimes drowned out the loco whistle, or their primitive engines failed to drag cars up over high-ballasted rails, or their cable brakes would not stop them on downgrades leading to crossings, resulting in increasing car-train accidents. "In the early years of the new century," writes historian John Stilgoe, "many neophyte

⁷⁷Wichita Eagle, March 14, 1886.

⁷⁸Wichita Eagle, Aug. 21, 1879.

⁷⁹Ibid, May 15, 1879.

⁸⁰Ibid, July 8; July 22, 1879.

⁸¹See Board of Railway Commissioners Annual Reports for Kansas, 1909-10.

motorists panicked when confronted by unusual situations, and the popular tales of the farmer yanking back on his flivver steering wheel and yelling 'whoa' as his car careened down Main Street or into the barn perhaps explains the accidents in which motorists struck not the fronts of locomotives but coal tenders or even trains of the cars."⁸²

The crossing problem surfaced in Wichita before autos. In 1887, for example, it was stated that "the Santa Fe don't recognize that there are any streets in Wichita crossing their tracks from Douglas Avenue south to Kellogg. They claim that they bought the land years ago and think we have no streets." It is understandable that the area south of Douglas would be the one complained of first as the multiple rail yards there made the region virtually impassable for any but rail traffic. The issue was referred to the council judiciary committee. At the same meeting it was reported that the Santa Fe had put flagmen at certain busy crossings, most recently at Central.⁸³

The addition of the auto made the debate about crossings more active. "Trains and engines," wrote a critic in 1908, "go bumping about in a manner that sometimes induces the belief that the railroad companies have nothing but an economic interest in the lives of the people. They do not, of course, intend to grind people under their wheels out of any love of bloodshed, but they are so wildly committed to the mathematics of movement and the economy of time that they do not appear to allow the slowness of old age or the negligence of pedestrians at busy places to enter into their calculations."⁸⁴

The first automobile in Wichita was a steam Locomobile purchased by A.S. Parks in 1899, and the local press said then that its type was here to stay. "We not only give it our respect, but our admiration, for, with its big rubber wheels, it gets over the ground in a velvety sort of way and reaches its destination without being tired When a steep declivity, a few inches of snow and a muddy road will not stop the cycles and automobiles it will be time enough to lament the passing of the horse."⁸⁵

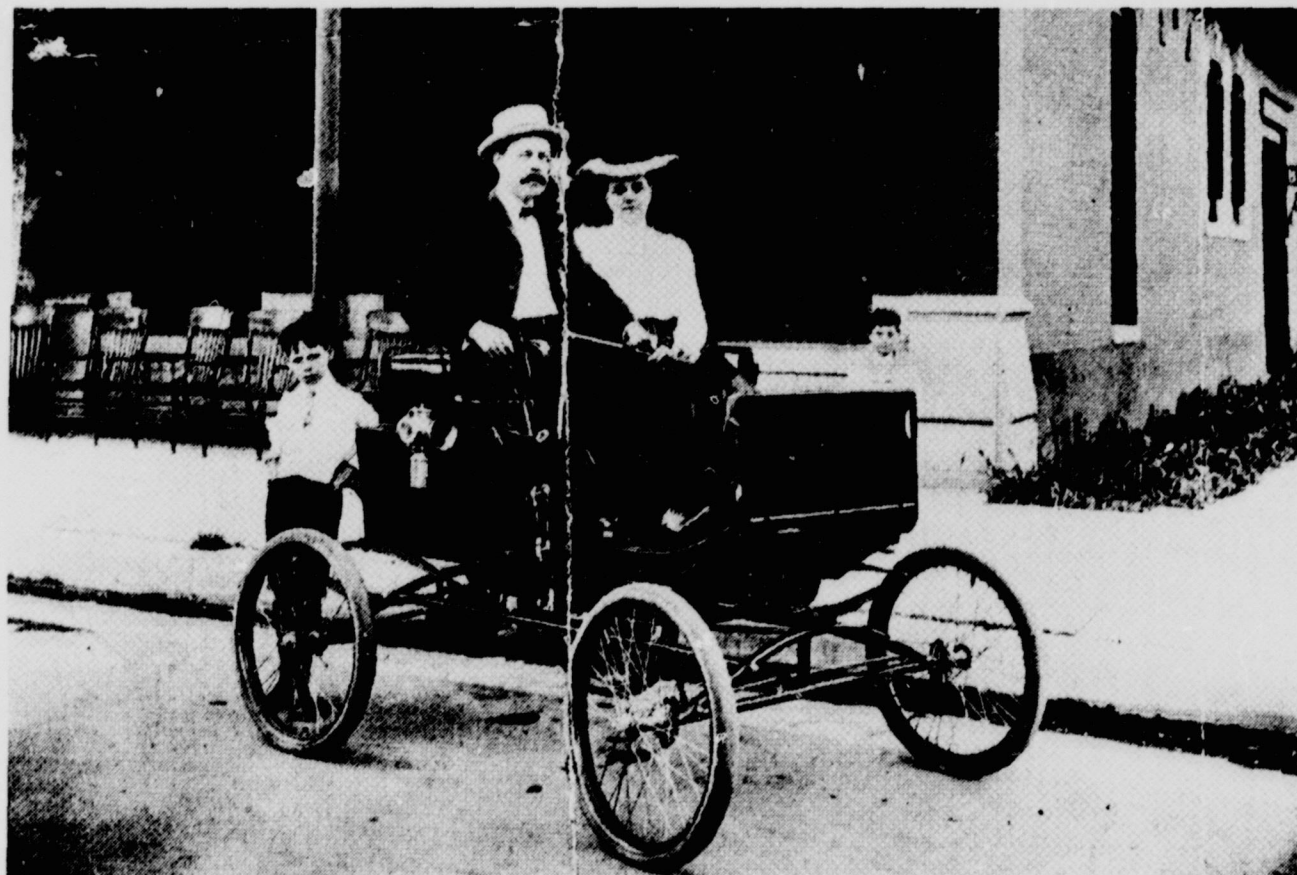
Wichita was a flat city on the prairie, filled with wealth and individualism, and the automobile suited it perfectly. Not even the best efforts of the city council to preserve the streetcar franchise could save it from the competition of the jitney buses and the cars. By the mid-1930s streetcars would disappear altogether and, with the exception of the special

⁸²John Stilgoe, Metropolitan Corridor: Railroads and the American Scene (New Haven, 1983), 175.

⁸³Wichita Eagle, Sept. 13, 1887.

⁸⁴*Ibid.*, Sept. 11, 1908. For an overview of these issues see Craig Miner, The Daylight Station of America (Wichita, 1984.)

⁸⁵Wichita Eagle, Jan. 26, Sept. 27, 1899; March 14, 1915.



AN HISTORICAL PHOTOGRAPH. MR. A. S. PARKS IN ONE OF THE FIRST AUTOMOBILES EVER BUILT. IT IS SAID THIS WAS THE FIRST CAR IN THE STATE OF KANSAS.

(Courtesy of Wichita-Sedgwick County Historical Museum)

case of World War II, public transit in general would be a negligible factor in the city after the coming of the auto. It was the car-- parking for the car, paving for the car, and speed across town for the car-- that became the central intracity transportation concern. Insofar as the railroad tracks and train movements were in the way, they were perceived as a nuisance. The twenty mile-per-hour auto speed limit in place in 1908 could not be enforced.⁸⁶ And no "joy rider" wanted to stop for anything -- not for pedestrians, not other cars and certainly not for trains. "Regulation of traffic remains a joke," wrote a reporter in 1915. "It is not all to be charged up to jay driving. Neither is all of it to be put at the door of the police, though some of it belongs there. The element that is chiefly lacking is a want of a modern system." Lacking that, auto traffic would remain "a sight for the gods and a menace to men."⁸⁷

The natural response, given the times, was government intervention through planning. By 1910 the local influence of the "City Beautiful" and "Model City" movements was strong, and city planning clubs were proposing the creation of a "system" to solve such issues as the crossing problem.⁸⁸ A professor from Boston gave 31 lectures on the City Beautiful to Wichita school children that year.⁸⁹ Wichita women were active in the beautification and planning initiative through the Wichita Federation of Womens' Clubs, and high on their agenda was doing something about the "circulatory problems" of the city.⁹⁰ Their concern was safety and livability (what might now be called "quality of life") more than economics, but more men in the wake of the 1890s depression, when tax money was for the first time spent for city parks, were likewise taking the view that a city was something more than setting for maximum business growth.

The city, it was said by early twentieth-century critics, was "acting as a great big unseeing, unknowing Blind Force." Growth was good, but balance was needed.

There is something entrancingly beautiful about a little old berg out in the prairie which is conjured up out of the prairie grass, and just keeps on growing and growing as fast as it can be knocked down, and keeps growing until it is a mess of factories, and big buildings, and pavements and electric lights, with trains whistling all hours of the day and night, and with millions in it

⁸⁶Ibid., April 9, 1908.

⁸⁷Ibid., April 25, 1915.

⁸⁸Ibid., April 26, Nov. 29, 1910.

⁸⁹Ibid., Aug. 26, 1910.

⁹⁰Ibid., Nov. 30, 1910.

But beautiful as it all is there is something gripingly pathetic about it too. The old town gets blotted out. It loses its identity. It puts on city uniform, and becomes just one of those big busy noisy things like New York, Chicago, 'good old K.C.', or Kokomo. You bet its great to be 'one of them metrolopuses,' but if that's all our people hankered for, they could have saved an awful lot of time and bother by buying \$4.80 worth of railroad ticket . . . through to New York. But this thing of running a branch office of New York, a sort of Me-Too imitation of the Real Thing in Noise and Bigness and Dog-Eat-Dog out on the plains, gets the graduated sodbusters going.⁹¹

In 1911 a number of citizens submitted a petition asking the city to appoint a "Civic Advisor" to make a comprehensive plan for Wichita, including advance provisions for its transportation growth. The petition was simply filed then, but the issue and the idea of a comprehensive plan did not disappear.⁹²

Nationally, there were few grade crossings protected in any way, but the more congested areas moved quickly in that direction. According to the ICC's Statistics of Railways for 1928, Kansas had 11,943 grade crossings, 11,354 of which were totally unprotected. Two had 24-hr gates, 3 had gates operating less than 24 hrs, 12 had 24 hour watchmen, 113 had watchmen less than 24 hours, 270 had visible and audible signals, 214 audible only and 5 visible only. In total there were only 619 of 11,354 crossings that were protected in some way. That was not atypical of the nation in 1928, which had 240,089 crossings, 210,874 of which were unprotected.⁹³

Crossing safety became a national Progressive issue. Railroads tried all kinds of crossing protective devices, but there were cases where motorists knocked down watchmen waving red flags in their haste to get across. Still, city residents often blamed the railroads rather than themselves. In a 1913 Scientific American article entitled "The Grade-Crossing Scandal," it was noted that in Brooklyn there were over 300 train movements daily past a certain crossing where 423 school children crossed four times a day. Flagmen and gate tenders could not keep sidewalk and road traffic from backing up because the frequent trains meant lowering the gates constantly. One survey showed that in an hour and a half 453 persons went over a crossing over which in the same period 11 local and 25 express trains passed. It had become a kind of contest, and no number of warnings calmed the

⁹¹Ibid., Feb. 14, 1914.

⁹²Journal I. June 16, 1911, City of Wichita, City Clerk's Archive.

⁹³p. 201, section C.

frustration of people on a schedule. The answer most often proposed nationally was grade separation, but that was terribly expensive and involved government action and planning of a type untypical of Wichita, at least before the City Commission was created.⁹⁴ But well before 1910 crossing control was a public political issue in that city.

Another class of issues concerned rights of way for railways through residential neighborhoods. Residents along Wichita's Mosley Avenue, so much a rail thoroughfare already, wrote many letters to the editor in 1886 complaining about further rail development along their street and the granting of any more rights of way.⁹⁵ They complained that the city's argument that the railroad had vested rights due to a city contract with it was absurd. Any privilege was a donation by the city, an attorney for the residents said. "The railroad company gave nothing for it and had no legal right to demand it. It was, and is, simply a beggar praying the council to give it a donation." The fee to the streets, the letter said, was vested in the county for the use of the city, and all the council gave the railroad was a revocable license to use that street. Property rights were property rights and any that thought they could be transferred to a private corporation so easily were "unconfirmed lunatics."⁹⁶

Similarly distressing to householders among 19th century railway inconveniences were proposals to use steam power on streetcar lines running deep into residential neighborhoods. In 1887, just before Wichita streetcar lines began to be electrified, there was a petition drive by citizens on certain streets objecting to the Wichita and Suburban railway's plans to use steam. Whatever the benefit of the company, the residents did not feel that they could put up with the aggravation at all hours such motive power would cause.⁹⁷

Finally there was the freight rate issue -- the source of the most local agitation among 19th-century rail issues. Wichita felt that it was discriminated against in rates, in favor particularly of Kansas City and Oklahoma City, and sent all sorts of delegations before the Kansas Board of Railway Commissioners, beginning in the 1880s, to seek redress.⁹⁸ Court cases were instituted with the particular purpose of getting better rates on coal shipped from the southeast Kansas fields. Before the arrival of natural gas in town in

⁹⁴Stilgoe, Metropolitan Corridor, 177-84.

⁹⁵Wichita Beacon, Aug. 7, 1886.

⁹⁶*Ibid.*, Aug. 9, 1886.

⁹⁷Wichita Eagle, Sept. 20, 26, 1887.

⁹⁸Wichita Beacon, June 5, 1889.

1906, coal was the city's sole energy supply for home and industry. The rate from the coal fields to Wichita in 1893 was \$1.60 per ton, while to Kansas City it was \$.70 a ton. There was a similar differential on lumber. Basing rates on the Missouri River, Wichitans said, was a "robbery." It was one of the things that had to go so that Wichita would be "all that is comprehended by the words 'great city.'"⁹⁹

The negative sentiment toward railroads locally increased dramatically with the formation of the People's Party in 1890. That third-party movement, stronger in Kansas than anywhere in the nation, arose partly from the stinging farmers and investors in town lots had gotten in that state with the collapse of the boom of the 1880s into the depression of the 1890s, and for which they partly blamed railroad overbuilding. A major tenant of the Populists was that the federal government should not just regulate but own and operate railroad companies. Kansas was one of the few states in which the state legislature was dominated by Populists, and in which significant state regulatory action toward corporations was instituted in the 1890s. During the Progressive Era, with the strengthening of the Interstate Commerce Act (1887) with the Hepburn Act (1906) and the Mann-Elkins Act (1910), federal regulation of railroads became a factor which encouraged states and municipalities to take a more aggressive stance with rail corporations. Interpretations of the effects of these movements have ranged from Albrow Martin's idea in Enterprise Denied that such governmental involvement in rate-making ruined the rail corporations' ability to raise capital necessary to use new technology to adapt to changing times, to Gabriel Kolko's thought in The Triumph of Conservatism that regulatory legislation cemented the cozy relationship between big corporations and big government, neither of which responded directly to the public.

The early twentieth century was a time when the "drift" of past statecraft, to use Walter Lippmann's phrase, was to be exchanged for the "mastery" of governmental science and the "visible hand" of purposeful management through legislation. Numbers of books on the "railroad question" appeared, most assuming that the corporations needed considerable help from governments to solve their "problems."¹⁰⁰ Wrote James Hudson in a vein typical of this literature: "A new social power sometimes rises to immense proportions before its nature and effects are understood." That seemed true of railroads, which Hudson called "our Frankenstein." The obvious benefits of the system did not

⁹⁹Wichita Eagle, Aug. 6, 1893.

¹⁰⁰Examples are James F. Hudson, The Railways and the Republic (NY, 1886); William Larrabee, The Railroad Question: A Historical and Practical Treatise on Railroads, and Remedies for Their Abuses (Chicago, 1893); Edward Dudley Kenna, Railway Misrule (NY, 1914).

"afford any valid reason for sparing abuses which may have grown out of it."¹⁰¹ Considerable attention was paid in this literature to studying the legal status of railroad corporations vis a vis the public interest, and certainly in the wake of the new federal regulation the idea that they might be more "clothed with the public interest" than had been imagined earlier was no new or strange thought. The frontispiece to one collection of rail "solutions" contained the Latin slogan "Salus populi suprema lex" -- "the health of the people is the supreme law."¹⁰²

These changes in attitude represented a watershed in American thought. When Edward Kenna could say in 1914 that "the railway is far too important an agency in the development of civilization and the solution of social problems to be controlled in the interest of commerce alone; and much too important to be regulated on the theory that all services must be charged for on the basis of exact cost," he was hardly stating a long-standing truism.¹⁰³ There were plenty at the time who considered such thinking a dangerous move toward socialism which would kill the goose that laid the golden eggs.¹⁰⁴ But it was in the air.

Far from being a bastion of conservatism, Wichita and Kansas were on the leading edge of this regulatory trend. There had been a close relationship between the Board of Trade and the Commercial Club and the city government earlier. In 1906, for example, the Commercial Club hired an attorney to prosecute a coal price discrimination case before the state board of railroad commissioners. When the attorney succeeded in getting the coal price at Wichita reduced by \$25 a ton, the city council reimbursed the Club for his expenses on the grounds that the whole community had benefited.¹⁰⁵ Likewise illustrative of the prominence of reliance on structural change and reform through government in Wichita was the creation of a City Commission in 1909 and a City Manager system of government in 1917. The motive was to run the city more like a business with commissioners, elected at large, acting as a board of directors and the manager as a CEO. But there was also the feeling that the at-large elections and the hiring of a professional manager at a substantial salary would mean that city officials could deal with railroad corporations on a peer basis

¹⁰¹Hudson, The Railways and the Republic, 1, 4, 7.

¹⁰²Larrabee, The Railroad Question, frontispiece.

¹⁰³Kenna, Railway Misrule, viii.

¹⁰⁴An example is Ed F. Browne, Socialism or Empire: A Danger (Omaha, n.d. but 1890s).

¹⁰⁵Miner, Magic City, 131.

and could negotiate more effectively on the rail traffic issues that concerned the city. So confident was the local population of the professionalism of the new system that municipal ownership and operation of waterworks and streetcars was regularly proposed in this period. The "black snow" pollution problem on the industrial south side was addressed. A city bacteriologist was appointed and a city Department of Public Welfare created.¹⁰⁶

There was pride locally in the city's modern government structure, and a great interest in using it. The Progressive recall provision, for example, was used quickly in a recall election in Wichita which unseated a mayor and several commissioners.¹⁰⁷ It has been said that part of the motive of the U.S. for using the atomic bomb on Japan was that we had it and getting it had been a lot of trouble. No doubt the decision was not so simple in that case nor were the decisions in early 20th century Wichita. But it was true that the new governmental machinery was there in 1911, the literature of Progressive control of corporations was there, and a political constituency, fed on recent hard times and Populist rhetoric, was there to support a crusading "business" mayor and commission in bringing railroad abuses to heel.

Attitudes had changed since the sole focus in the town was attracting railroads. Wichita now took them for granted, had its own developing problems to which they contributed, and was in a mood for social experiment even at the risk of some economic growth. The public was in a litigious mood, threatening to sue the city about the condition of its sidewalks, and demanding every convenience of the modern age.¹⁰⁸ Planning seemed to be the answer. "The two best things about Wichita," wrote the *Eagle* editor in 1915, "and the secret of its growth, have been the wisdom and vision of its older men and the energy of its youth. The one plans and directs. The other furnishes the energy to carry out the plans." ¹⁰⁹

There was less feeling than earlier that things would just "happen" according to the dictates of the market. Conservatives complained that prosperity and philosophy had led to an "unbridled and reckless desire" for municipal improvement, often, they said, without sufficient specific intellectual direction behind it.¹¹⁰ It looked like an expensive time for

¹⁰⁶Ibid., 135-141, 144-48. *Wichita Eagle*, June 3, 1913.

¹⁰⁷Miner, *Magic City*, 137.

¹⁰⁸*Wichita Eagle*, March 16, 1899.

¹⁰⁹Ibid., March 28, 1915.

¹¹⁰Ibid., Sept. 3, 1908.

taxpayers. But why not, said the liberals. And why not take on the rail question first? "We have ceased to be a village with but few trains."¹¹¹

¹¹¹Ibid., Sept. 11, 1908.

III. The Elevated Tracks, 1911-14

1. The National Context for Grade Separation in the Early Twentieth Century

Wichita's early twentieth-century difficulty with auto traffic interactions with trains was not unique or even unusual. In fact Wichita's 110 trains a day were nothing like many other cities. Passenger traffic alone was phenomenal. Boston's North and South Stations in 1911 handled around 1300 scheduled passenger trains a day on 51 tracks; and Chicago had a similar volume of trains carrying 175,000 passengers a day into and out of the city. So extensive were rail facilities in Chicago that the Chicago Switching District eventually covered 400 square miles and embraced 6,000 miles of track. There was no question that the rail facilities in all these urban places did much (as the term "Loop" applied to Chicago graphically showed) to dictate the shape of the cities and the scope of the core areas. Although public transit on street cars still dominated intracity traffic, private vehicular activity was growing, worsening grade crossing problems. A survey in Chicago in 1911 at the intersection of Grand Blvd. and 38th street showed 3,467 automobiles, 341 horse-drawn vehicles and 294 motorcycles and bicycles passing in a 24 hr. period. That was a small number in light of what was to come, but did indicate the beginning of a trend. Early city plans such as the one Daniel Burnham and Edward Bennett created for Chicago 1906-08 had the rationalization of rail yards and reorientation of street traffic flow as major features. Of course the invention and application in the early twentieth century of the electrically-operated pneumatic interlocking system, combined with electric rail signaling, made the dream of operating high-density rail corridors and massive union stations with multiple and stacked tracks away from the streets technically feasible should such changes be possible politically and economically.¹¹²

John Stilgoe's study of the railroad landscape, Metropolitan Corridor, notes that by the last decades of the 19th century "Americans learned something of bedlam. Spiraling increases in railroad passenger traffic taxed and overtaxed urban terminals" and created a "rush" and "scurry," especially for commuters to and from the new suburbs. Solutions to urban congestion and ways to create "steady-flow" preoccupied urban planners of the early twentieth century. Railroad yards both fascinated Americans and annoyed them. New monumental stations were more than architectural statements: they were also machines to create flow. There were not yet many Luddites or much wilderness nostalgia. Urbanism

¹¹²Carl Condit, Chicago 1910-1929: Building, Planning, and Urban Technology (Chicago, 1973), 40, 50, 59ff., 292, 293-294.

and the complexity of its industry were attractive, and the push was to control, not eliminate it. Electric signals, interlocks, remote-controlled switches and other devices made it possible for the intentionality and intelligence of systems engineers to order chaos. John L. Cowan's 1905 article, "Freeing a City from a Railroad's Control," concerned unjamming yards in Pittsburgh, not some citizen anti-corporate uprising.¹¹³

One entire section of Stilgoe's book is entitled "Crossing." It was a major theme of the time. "At every grade crossing evolved a microenvironment shaped by the confusion of metropolitan space and landscape." It was dangerous. In 1902 4,000 people were killed in the U.S. in crossing accidents. Frightened horses were an early problem, but the automobile, with its ability to get people into or out of trouble more or less quickly than their perceptions told them it would, made crossing dangers more serious still. The universal crossing sign "Look Out" introduced sudden danger into what had once been a slow, largely rural environment. In cities multiple tracks presented greater dangers. Streetcar/train accidents became a problem. Longer trains, sometimes nearly a mile long by the 1920s, could take ten minutes to cross a road, and the frustration of motorists at this led to more temptation to beat the train across. Statistics showed that the more protection there was at the crossing, the more accidents there were. People seemed to figure that if the company had taken all that trouble, they were absolved of responsibility.¹¹⁴

The planners decided that grade separation was the answer. One group urged the dead-ending of roads to reduce the number crossing the tracks. This ran into political difficulty. The alternative, elevating tracks or roads was expensive and produced secondary environmental changes. Suburban dwellers said they ruined the view and many said they had the effect of dividing cities. Rail companies found too that even if state, county and municipal governments shared half the cost of elevating or lowering rail tracks, as was common, tax assessors treated the entire finished structure as a wholly taxable improvement. Usually there were long and bitter local arguments when grade separation plans were proposed.¹¹⁵

One thing was very clear. The automobile changed everything, including the perception of railroads. In 1900 the intersection of a railroad and a road was called by nearly everyone a "road crossing." By 1910 the term "grade crossing" came into use and by 1930 the term "railroad crossing" was almost universal. No longer did Americans

¹¹³Stilgoe, *Metropolitan Corridor*, 23-24, 26-27, 36, 80.

¹¹⁴Ibid., 167, 175, 177-78.

¹¹⁵Ibid., 183-84.

perceive themselves traveling on the rail corridor, but driving across it, and generally trying to avoid it altogether. It was that embarrassing, but inconvenient thing that hauled the heavy materials of modern life from city to city amid considerable congestion.¹¹⁶

The pattern of struggle over grade separation in cities was repeated many times with variations.

For example, what is now the Washington Mall was in 1903 a great railway terminal and yards, right between the Capitol and the Washington Monument. Around 1895 a safety campaign was instituted centering around the elimination of grade crossings where there were thirty fatal accidents or serious injuries a year. The most feasible of the proposed remedies called for sinking the rails into cuts below street level along part of the right of way, while elevating the remaining tracks on embankments under which cross streets would tunnel. The issue was who would pay. The rail corporations expressed willingness to abolish grade crossings and build freight terminals provided that the public pay most of the cost, but they fought moving the terminal from the Mall or erecting a union station for all railroads entering Washington. That battle went on for twenty years with complex clashes among interests. Some opposed further railroad intrusions upon public property, but businessmen did not support schemes that would mean long wagon hauls from freight terminals on Washington's outskirts. And taxpayers objected to paying the cost of safety measures, which they thought the railroads could well afford to finance. The railroads in turn claimed that such measures would throw them into receivership.

In 1900 Congress, the governing body of Washington, proposed a thoroughgoing plan. It offered the Pennsylvania Railroad as inducement to change its grade crossings a gift of fourteen acres on the mall and twelve acres of Garfield Park, southeast of the Capitol. The U.S. government and the District of Columbia would pay \$1,644,500 to cover damages to private property and the cost of approaches to the right of way where streets would pass over or under the tracks. There was an appropriation of \$568,000 for a highway bridge over the Potomac that would leave the railroad as sole possessor of the Long Bridge and causeway. The railroad would build a new \$1.5 million station on the Mall and public funds would add a plaza. Somewhat less generous concessions were made to the B&O, whose tracks were also to be elevated.

Every citizen's group voiced outrage at the cost of this and its further cluttering of what was once a mall. However, the local government was Congress, which was not locally elected, and in February, 1901 both bills passed and President McKinley signed them.

¹¹⁶Ibid., 339.

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The opposing citizens' hope was a Park Commission proposal of 1902 to revitalize L'Enfant's original plan for the mall (obviously without railroads). Unexpectedly, architect Daniel Burnham, meeting with Pennsylvania Railroad president Alexander Cassatt in London, got Cassatt to agree to withdraw from the Mall and join in building a Union Station, provided the railroad was compensated for the change, given the money promised earlier for eliminating grade crossings, and that the city fund approaches commensurate with the structure. The new station was built and a tunnel under the hill carried the tracks across government property underground. Both the city and the railroad companies bore enormous costs.¹¹⁷

Many other cities had similar battles, resulting in such modern tourist attractions as "underground Atlanta," beneath the elevations that city constructed. The funding varied, but Chicago was unusual in getting the railroads to pay the whole bill: generally there was a mix of funding from corporations and city.

But cities all eventually found the rail/auto interaction to be an intolerable problem and each had to deal with it expensively. Wichita's turn was coming also.

2. Wichita and the Elevated Tracks Issue

Opinion had varied on the issue of a union depot for Wichita. Marsh Murdock of the Eagle took pride in having stopped a proposal early that would have sent all rail passengers to the Santa Fe depot, and continued to advocate separate depots in 1902.¹¹⁸ Murdock liked tracks and crossings and bustle too. But he died in 1910, and the old city council/war representation form of local government, as well as perhaps the unalloyed promotion of business "rush and bustle" no matter what, died with him.

The Wichita city engineer suggested in 1907 that all the rail tracks in town between Kellogg and 13th Steets should be elevated. He estimated this would cost \$900,000, and he made a profile in water colors showing his scheme to be presented to the railroad companies, who, during that era of regulatory expansion, presumably were expected to pay a good chunk of that cost.¹¹⁹

As is usually the case with grade crossing reform, the issue of grade separation tended to heat up whenever there was a fatal accident at a rail crossing. In the fall of 1908,

¹¹⁷Constance McLaughlin Green, Washington: Capital City 1879-1950 (Princeton, 1963), 52-55, 137-139.

¹¹⁸Wichita Eagle, Dec. 14, 1902.

¹¹⁹Ibid., Aug. 7, 1907.

James Shepherd was killed by a train, leading to a call for more protection at the crossing of the Douglas tracks.¹²⁰ Two more lives were lost at Douglas in 1910 -- Nicholas Steffen and J.H. Ellis. Their wives and children were mourning for "the husbands and fathers who will never return to them," the newspaper commented. Every time there was such a death, the reporter said, people asked why the railroads did not have elevated tracks, then they forgot. While there were negotiations between the railroad and city officials on the issue by then, the newspaper was cynical about prospects. "The loss of a life or two doesn't seem to make a great deal of difference to the corporations: they would rather save a little money by taking their time in doing the work." Until that time, it was suggested that lights be kept burning at the crossing all night and a 24-hour watchman posted.¹²¹

Charles L. Davidson, elected mayor in 1909 as the city commission form of local government came into existence, made the elevated tracks a campaign issue. John Powell, who lived in the eastern suburb of College Hill and commuted across the Douglas tracks, told Davidson he needed an east-side issue, and that was it. Davidson's first response was that such a plan was too expensive and impractical. Powell told him: "Don't take that into consideration now. What you want is to be elected. You can make the effort anyway and if you fail you can say you did the best you could." It sounded good to Davidson, and he made elevating the tracks and separating the rail crossings from downtown traffic number thirteen on a list of 15 campaign promises which swept him into office.¹²²

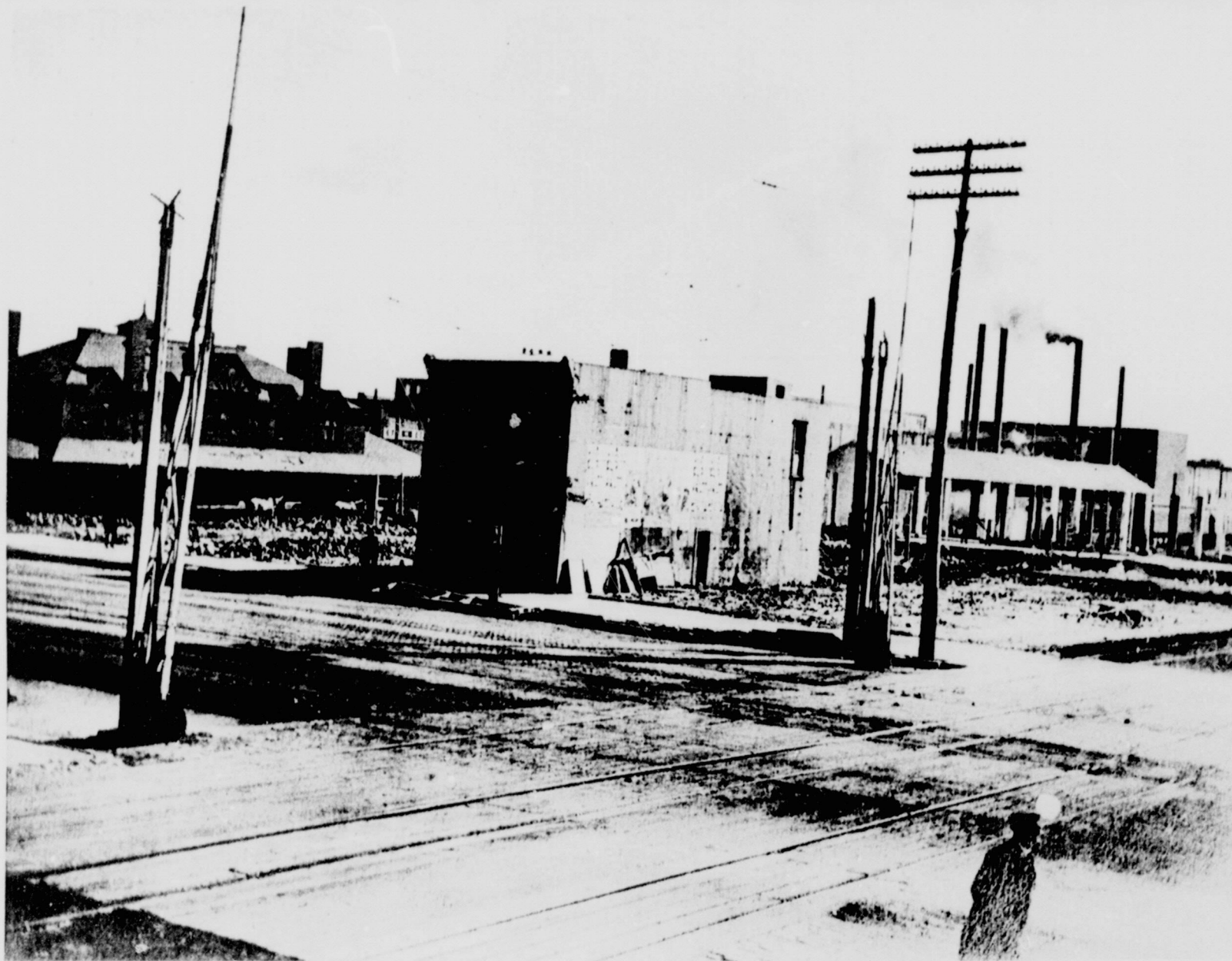
It was a risk, but Davidson and the other commissioners pursued it hard. It was necessary, they thought, to put petty differences aside (the commission passed a formal resolution in 1911 to throttle "foolish, idiotic quarreling") and show the professionalism for which they had been elected under the new at large system. Out of careful work on the details of such a pragmatic thing as track elevation, piece by piece, Davidson thought would come ultimately a benefit greater than any visionary could have imagined all at once. He wrote in one of his annual addresses as mayor that :

A beautiful painting is always at a disadvantage at close inspection. To comprehend the grandure [sic.] and sublime proportions of a great mountain, you must view it at a distance. The history of an individual or of a great battle cannot be written with accuracy and perfect justice, until the jealousies, animosities and personal differences and partisan strife have

¹²⁰Ibid., Sept. 11, 1908.

¹²¹Ibid. June 10, 1910.

¹²²Wichita Eagle, March 8, 1914.



Douglas Avenue Rail Crossing, 1910
(Courtesy of Wichita-Sedgwick County Historical Museum)

died away and have been forgotten. So it is with an administration of the affairs of a city Only the lapse of time weeds out the insignificant and trivial things, and preserves for all time those that are of lasting benefit.¹²³

The elevated track initiative may have seemed trivial to begin with -- a political gesture. "It was my first case of bribery," Davidson recalled a few years later. "I bought the East Side vote for a Union Depot and track elevation. They fell to this thinking, perhaps, I might take a little pleasure excursion to Chicago or wherever they keep these Union Depots and elevated tracks, and bring one back to the city."

But Davidson began to pursue track elevation immediately upon his election. A Beacon headline for Sept. 6, 1909 read "The Elevation of the Railroad Tracks on Douglas Not an Impossibility." The mayor and one city commissioner had visited with the president of the Rock Island railroad and officials of the Frisco on an eastern trip. These railroads would pay their share of the cost of an elevation if the Santa Fe could be convinced. The Santa Fe, Frisco and Rock Island were all investigating the cost. While the project would be expensive, Davidson's investigation of Chicago's fight with its railroads over track elevations there convinced him that "in case it should be necessary it would be possible to compel the railroad to elevate their tracks in this city."¹²⁴

Certainly it seemed at first a daunting prospect. "The first man to whom I mentioned it in railroad circles turned the proposition down so hard that I had nothing to do but talk about the weather." Davidson then got another suggestion from a friend of his, Frank Wood, the exact nature of which he always said was "a state secret," but which partly involved withholding city concessions to the corporations unless they negotiated. After he employed this tactic, some progress was made. The Rock Island and Santa Fe officials talked it over first and eventually brought in the Frisco and the Orient. Davidson eventually made six trips to Chicago, three to St. Louis and three to Kansas City to negotiate with railroad officials over the project.¹²⁵

The ATSF was the most difficult sell. There was an argument over the price the Santa Fe would want for its old facilities. Also J.E. Hurley, the general manager of the Santa Fe, was in ill-health and very negatively disposed to the elevation project. Davidson later claimed that it was not until Hurley died in 1910 and the responsibility went to Santa

¹²³Quoted in Miner, Magic City, 141. Overall see also Craig Miner, The Daylight Station of America (1984)

¹²⁴Wichita Beacon, Sept. 6, 1909.

¹²⁵Wichita Eagle, March 8, 1914.

Fe vice-president W.B. Story that Wichita made any progress with that corporation.¹²⁶ It was true that in the summer of 1909 Santa Fe people were calling on Wichita jobbing houses trying to convince them that the elevation was a bad idea and would be so expensive the railroad would have to abandon other needed projects. Santa Fe operating people saw some advantages, though. As soon as its Belen cut off was finished, it planned to run all its California passenger trains through Wichita and wanted to eliminate the crossing danger for these high speed trains. But it did not seem worth the cost. Hurley doubtless knew better than to accept Davidson's estimate that the elevation would not cost more than \$200,000 (it ended up costing \$1.5 million). Nor did he necessarily buy the mayor's contention that no cost was too much to pay "in comparison to the shocking, sad accidents which occur."¹²⁷ Still, Hurley seemed not wholly intransigent. The local press in October, 1909 reported that he had agreed to abandon Santa Fe plans for a separate depot and was resigned that the elevation "will be done."¹²⁸ Apparently Hurley's death did at least allow the project to become more extensive than was originally envisioned.¹²⁹

The discussions between city and railroads were wide-ranging. There was some talk of carrying Douglas Avenue over the railroads on a viaduct. However to clear the Santa Fe, Rock Island and Frisco grade crossings would require a structure starting west of the Carey House (now Eaton) hotel. Davidson thought it would "not be right to burden the street with that kind of structure." It was possible to engineer a tunnel to lower the tracks under the street, but that project would have to be so deep as to reach water quicksand, near as it was to the river, and would require the building of a two mile-long cofferdam. Davidson therefore concluded that "the elevation of the tracks is the only practical solution of the difficulty as I see it." His ace-in-the-hole was the idea that the city could compel the railroads to do this if necessary. This, however, was based on Sect. 73, ch. 114 of the Kansas 1907 session laws, the wording of which suggested that the city had the power to compel a railroad to change the street by constructing "any viaduct over or tunnels under" its tracks, but not to raise or lower the tracks themselves. It was something the city did not want brought to a court test.¹³⁰

¹²⁶Wichita Eagle, March 8, 1914.

¹²⁷Ibid., July 9, 1909.

¹²⁸Wichita Beacon, Oct. 28, 1909.

¹²⁹Wichita Eagle, March 8, 1914.

¹³⁰Wichita Eagle, July 9, 1909.

By October, 1909, Davidson was confident and the Beacon concluded that "Dreams do sometimes come true." There was to be an elevation 90 ft. wide and about 13 ft. above the street. This would be supported on a steel superstructure of 42 spans set on concrete abutments and covering Douglas with a bridge of 116 ft. between earthen embankments. This would require a slight depression in the street level, as was done in Chicago and elsewhere, but would make the flight of steps easier for passengers. There would be room for five tracks, enough to handle current traffic even if the Orient and the Missouri Pacific went in on the union depot project. Davidson had a long talk with the commissioner of elevation in Chicago and visited Chicago's \$150 million elevated track project for pointers. He thought Wichita could use Chicago as a model and get the same concessions or better from the railroads. Of course the city would have to pay something, but it was getting a bargain. Davidson said he regarded the elevated tracks "as the biggest thing that has ever been talked of."¹³¹

The "devil was in the details" of course. The city commission drafted an ordinance based on those in Chicago and Joliet, Ill., and negotiations began with property owners, yielding a number of injunction suits. Many months were spent discussing whether the elevation could be extended to include not only Douglas, first and second streets, but also third street and Central. To do this the elevation would have to be higher, enough for the Rock Island and the Frisco to go under it with their east-west tracks to the north. It would make passenger access more strenuous, and the Frisco would have too much of a rapid grade after coming off the elevation to make its climb up Cemetery Hill near Fairmount College. There were many questions to be answered from shippers and some talk that Davidson had "gotten us into something at Wichita the people don't want." A few thought they would be afraid to drive under the elevation for fear it would fall and crush them.¹³²

Another difficulty was the question of the rail yards south of Douglas. Initially the plan was to leave them where they were with some remodeling. Access across the tracks would be aided by a viaduct taking Kellogg Avenue over the extensive yards and paid for 2/3 by the railroad companies and 1/3 by the city. The viaduct was built with the help of a \$70,000 bond issue passed 3919 to 718 in May, 1911, but it was found that expansion of the south downtown yards would be too restricted for the railroads' growth prospects.¹³³ Consequently, both the Santa Fe and Rock Island moved many of their yards and facilities

¹³¹Wichita Beacon, Sept. 20, Oct. 28, 1909.

¹³²Wichita Eagle, March 8, 1914.

¹³³Ibid. May, 3, 1911.

north. The Santa Fe in September, 1912, purchased the land for its new yards, shops and roundhouse north of 25th street and invested about \$250,000 there. The M.P., occupying 22 acres, had been in the north area with its yards since 1903.¹³⁴

To try to forestall the same auto traffic/grade crossing problems there that had occasioned the elevation on Douglas, the railroad asked the city to vacate certain north-south streets in the area (Topeka, Emporia and St. Francis, 23rd, 24th, 26th, 27th and 29th) in exchange for the railroad's donating land for the widening of Lawrence (now Broadway) in that northern region.¹³⁵ This was a parallel policy to the closing of William, English, Waterman and Lewis streets at the behest of the railroads in the 1880s to route street traffic around the old downtown south yards.¹³⁶

By the summer of 1910 a drawing could be published showing how a train would look on the new elevation, and it could be reported that "Wichita's Biggest Development is Underway." "The chief factor in all of Wichita's development," said one news story, "is the arrangement of transportation lines upon which the city depends for its growth. So rapidly has the city grown in the past few years that the old system of railroads entering the city in a diversity of streets has become obsolete."¹³⁷ It was admitted that "Wichita's development into a city entirely outgrew the expectations of its founders so that many railroad tracks crossing Douglas avenue, one of the leading streets, for many years have been a daily nuisance to traffic, and a frequent cause of death and disaster."¹³⁸ While waiting until 1910 to change that caused extra difficulty and expense, it was thought that future residents would be thankful.

There was a final series of hitches in 1912, some serious enough that it was feared the Santa Fe would withdraw from the project and the entire elevation plan would be lost. One had to do with vacation of land and alleys for the new Union Depot that had been added to the project.¹³⁹ Another concerned a legal challenge to the city's right to issue the bonds for the Kellogg viaduct.¹⁴⁰ The railroads demanded some further concessions from

¹³⁴Wichita Beacon, Sept. 25, 1912. Wichita Eagle, Sept. 27, 1912.

¹³⁵Wichita Eagle, Oct. 26, 1912.

¹³⁶Ibid., Sept. 8, 1912.

¹³⁷Ibid., May 27, 1910.

¹³⁸Ibid., May 3, 1911.

¹³⁹Ibid., May 22, 1912.

¹⁴⁰Ibid., June 28, 1912.

the city: the city balked. The railroads wanted the city to defend all lawsuits arising from the elevation. The city did not want to, and claimed that the original ordinance for the elevation was written by a Santa Fe attorney. Why didn't the railroad trust the city?¹⁴¹ There was talk of cutting the size of the depot in order to devote more money to the elevation.¹⁴² The Winfield Wholesale Grocery threatened to leave Wichita if it did not get a surface track in front of its building, and it claimed the elevation reduced the value of that building by half.¹⁴³ The Jett & Wood warehouse people met directly with President E.P. Ripley of the Santa Fe to air their complaints. Ripley called the whole issue "a mess of scrambled eggs" and said the railroads were doing it purely for the benefit of Wichita anyway, not for themselves. There was concern that water would collect in the depression where Douglas crossed under the tracks.¹⁴⁴

Citizens were restive. The Santa Fe, the newspaper said, cannot hurt Wichita without hurting itself. "We cannot reconcile our admiration of the Santa Fe with its policy of treating Wichita as a tank town." It crossed Galveston on a great causeway: why could it not elevate its tracks in Wichita? Was the Santa Fe unaware of progress in Wichita in the last forty years?¹⁴⁵ "If we don't spunk up," the Eagle editorialized, "this city is going to be known in the railroad world as the easiest mark on the map."¹⁴⁶

In the end it was all solved with just a few ruffled feathers. Contracts for the track elevation and the Union depot were both signed in July 1912, and the Wichita Business Association put up two large signs to advertise that the project was getting underway.¹⁴⁷ The Union Station was opened informally on Oct. 15, 1913, and the first train passed over the elevated tracks under the control of the new Wichita Union Terminal Railroad and an automatic interlocking signal system that day.¹⁴⁸ A grand opening and elegant dinner at the

¹⁴¹Ibid., July 4, 1912.

¹⁴²Ibid., July 16, 1912.

¹⁴³Ibid., July 26, 1912.

¹⁴⁴Ibid., June 2, 1912.

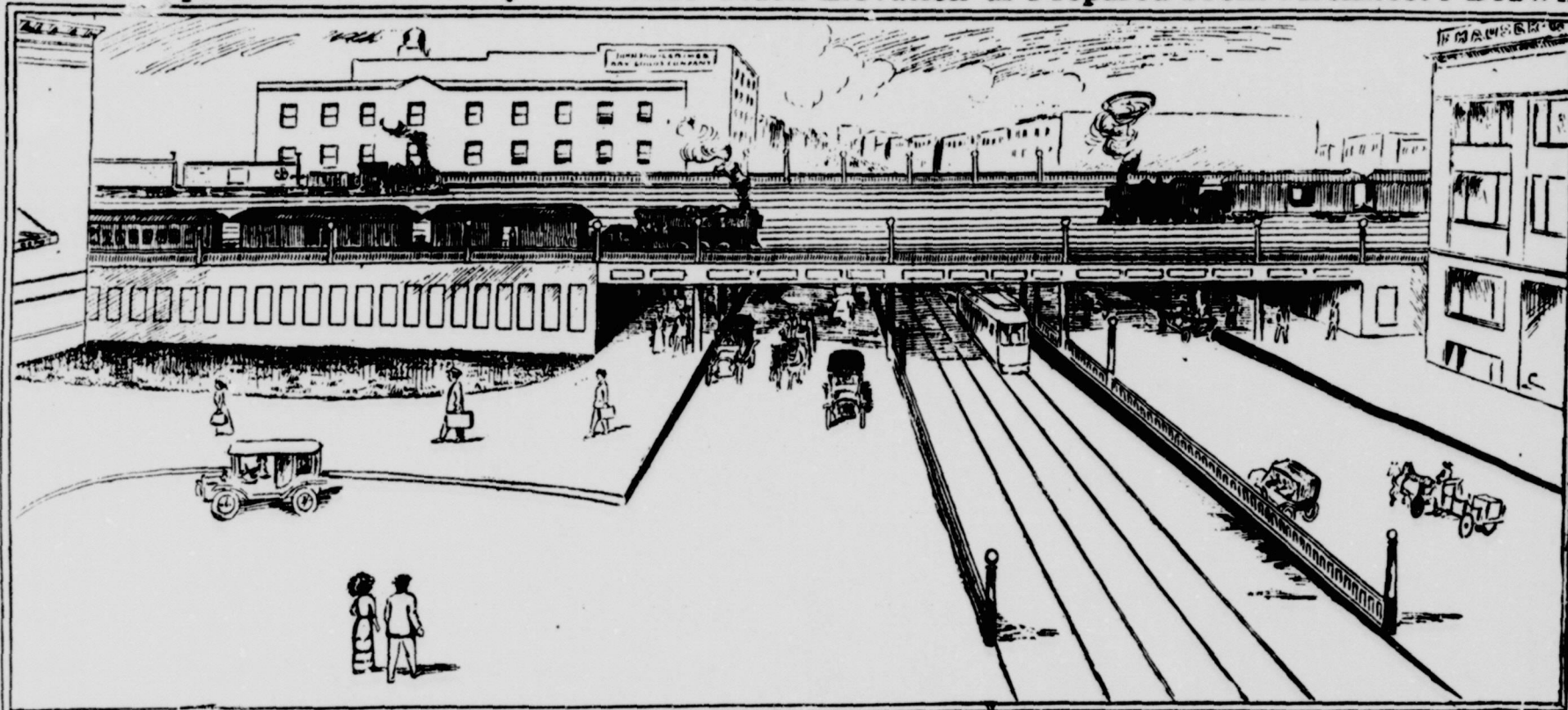
¹⁴⁵Ibid., May 30, 1912.

¹⁴⁶Ibid., May 23, 1912.

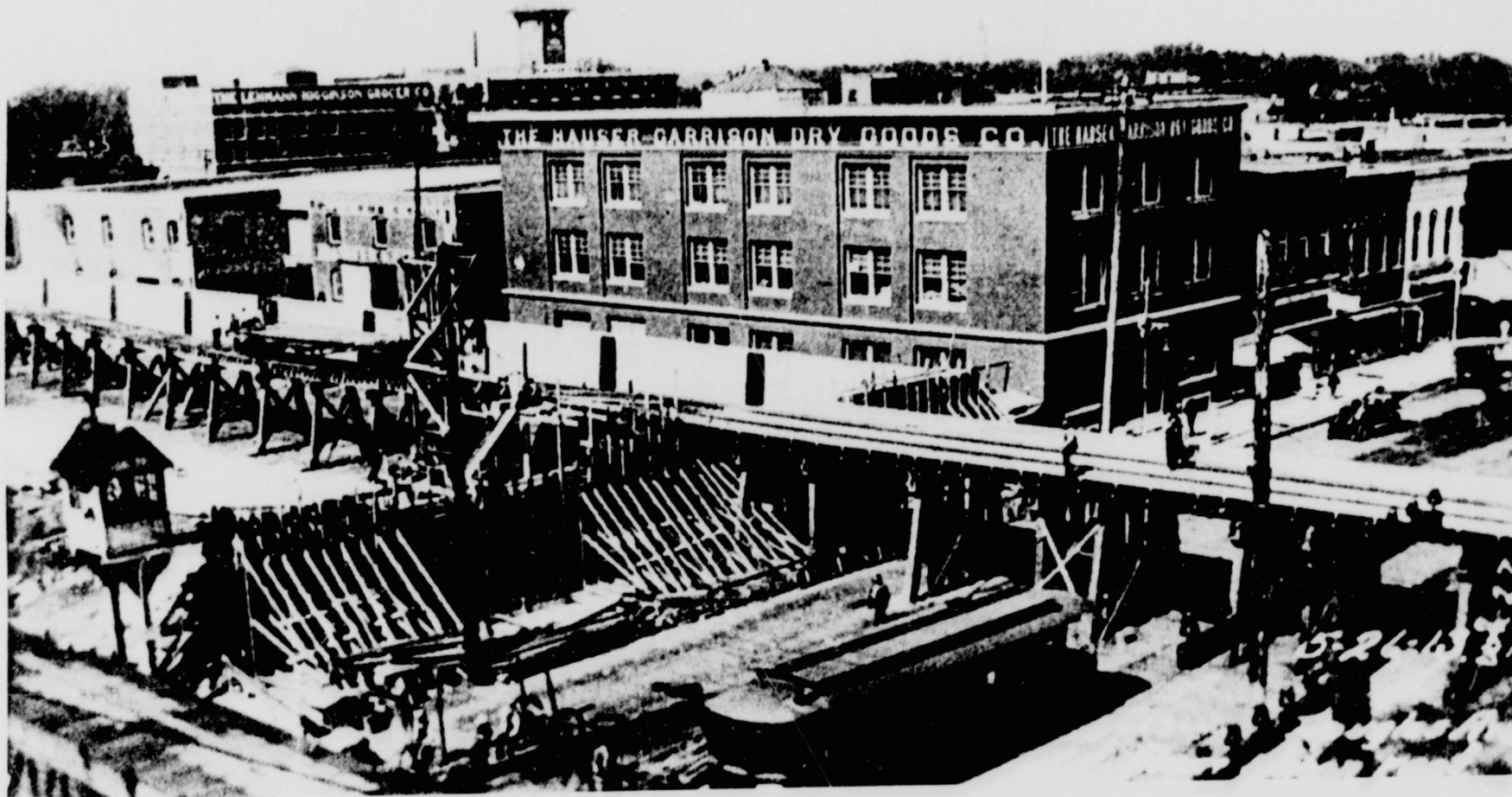
¹⁴⁷Ibid., May 21, July 20, 26, 1912.

¹⁴⁸Wichita Beacon, Oct. 15, 1913, March 2, 1914. Wichita Eagle, March 3, Sept. 13, 1914.

General Appearance of the Douglas Avenue Track Elevation as Prepared From Architect's Drawing

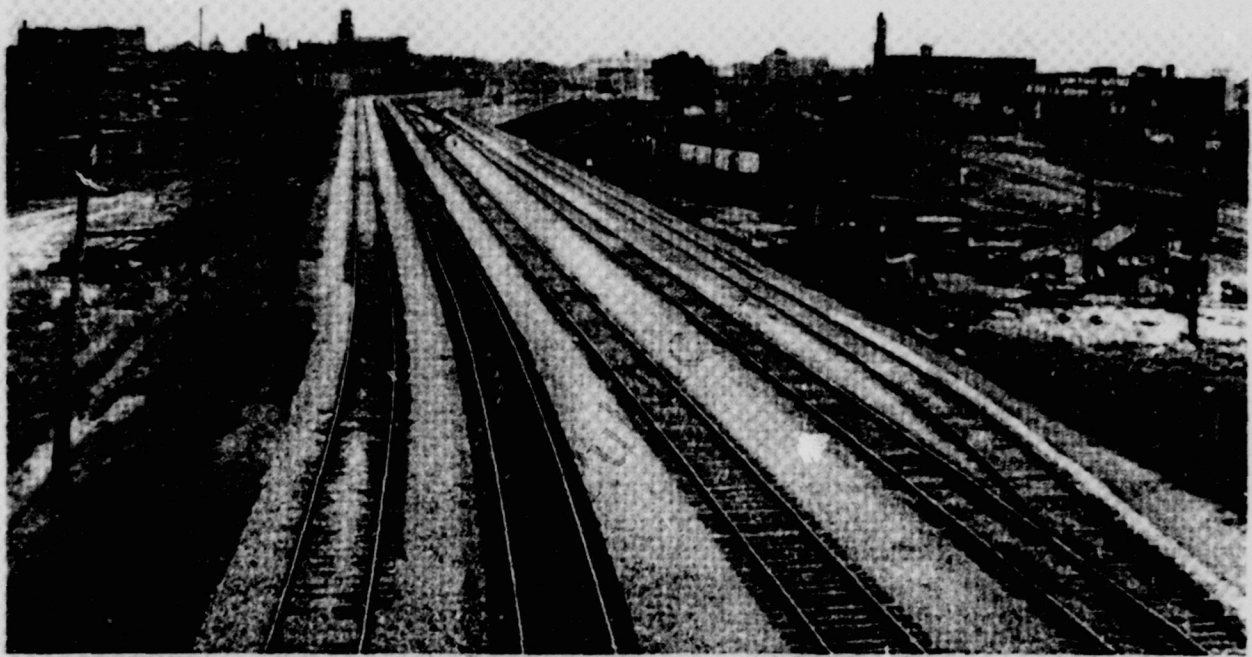


The drawing of the Douglas avenue track elevation is a perspective view from the engineer's plans, showing how the subway will appear when completed. There will be two street car tracks, two roadways for traffic on each side of the car tracks and two fifteen-foot sidewalks. The total width of the subway is 114 feet and it will accommodate as much traffic as State street in Chicago. The clearance above the roadway is twelve feet and above the car tracks it is thirteen and a half feet. The clearance at the door of the Central fire station is ten feet, three inches. The drawing shows the amount of the depression of the subway and its general appearance. The sidewalks will be at the same level as they are at present. The roadway is depressed eighteen inches. This elevation is about a foot and a half above the level of the intersection of Douglas and Topeka avenues; four feet above the corner of Douglas and Cleveland and about six and a half feet above the thirty-nine inch sewer at First and Main. The engineer's plans call for a paneled wall between Douglas avenue and the depot, and for a paneled railing above this wall and across the street. The effect of this, in connection with the electric light poles which are shown in this drawing, is very pleasing. Imagine yourself standing on East Douglas where the Rock Island trucks now cross the street and from a slightly elevated position looking west toward the corner of Main and Douglas, and you will get a good idea of how elevated tracks will look.



Construction of Elevated Tracks at Douglas Avenue Crossing, 1913
(Courtesy of Wichita-Sedgwick County Historical Museum)

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Wichita's Mainline Near the Kellogg Overpass, 1913
(Courtesy of Local History Section, Wichita Public Library)

depot in March, 1914, marked the official opening.¹⁴⁹ The Kellogg viaduct opened for traffic late in May, 1914, the final piece of the puzzle.¹⁵⁰

Total cost of the depot and elevation projects to the railroads was \$2.5 million. The investment to the city was only the street changes on Douglas, its \$70,000 share of the Kellogg viaduct and some swaps occasioned by the moves and realignments. Part of the cost of depressing the street on Douglas was picked up by the street railway company, which had to cross by the same means.¹⁵¹

The city was delighted. The railroads had mixed feelings. They certainly benefitted from the consolidation and elevation of lines through the center of the city. Trains could be run faster and more safely. Probably also the movement of yards and repair facilities out of the downtown to the north end was inevitable, and doubtless it was as well or better done in 1912 as later. It had been a good time to sell bonds (though the interest paid was high), and the railroads had sold a bunch of them for Wichita improvements.¹⁵²

Speaking at the banquet, several railroad officers said that the day of the large metropolitan depot was coming to an end if the railroads were to be expected to fund them totally. A railroad served many places and could not wholly please any one. E.D. Levy, general manager of the Frisco said: "The shower that benefits one man's corn ruins his neighbor's hay. So the shower that benefits Wichita is going to ruin our hay elsewhere. Other towns are howling for showers like this one, and anyone can readily see that it will add a prohibitive tax to the earning capacity of a railroad to maintain such a structure as this."¹⁵³

A second problem for the railroads was the cost of the elevated tracks. The railroad men said that if the railroads must eliminate all grade crossings "the jig is up." If costly terminals and consolidated belt lines were to be the fashion, cities ought to finance and own them. It would cost \$300 million to eliminate grade crossings on the Baltimore and Ohio and \$600 million on the Pennsylvania. "The whole thing is a big problem," admitted a local paper, "and it's getting bigger every year. Such thoughts make it plainer why

¹⁴⁹Wichita Beacon, March 6, 1914. See Miner, Daylight Station for details of the celebration

¹⁵⁰Wichita Eagle, May 20, 1914.

¹⁵¹Ibid., May 6, 1913.

¹⁵²Ibid., Aug. 21, 1914.

¹⁵³Ibid., March 7, 1914.

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Streetcar Tracks Running Underneath
Elevated Railroad Tracks, 1930
(Courtesy of Local History Section, Wichita Public Library)

Wichita should be intensely grateful that we are several years ahead of the problems which are vexing less fortunate cities."¹⁵⁴

For the moment that was certainly true. Wichita had come out of its first major struggle over grade crossings with an effective solution financially very favorable to it. However, the elevated tracks of 1914 were to be the last major change in the grade crossing situation in Wichita for a very long time.

¹⁵⁴Ibid., March 10, 1914.

IV. Railroads and the Bartholomew Plan of 1923

1. Rails and Autos in the Early 1920s in Wichita

In 1917, the same year the City Manager system was added to the City Commission in Wichita governance, the local Rotary Club appointed a city planning committee. The Board of Commerce in 1919 hired Harland Bartholomew, a nationally-known planning consultant from St. Louis, and raised his fee of \$10,000 through \$100 subscriptions. Bartholomew created Wichita's first written and comprehensive city plan, was instrumental also in creating a Wichita planning commission in 1921, instituted the public debate which led to the passage of a local zoning ordinance in 1922, and published a 174-page city plan in 1923. That plan revisited the railroad crossing and elevated tracks issue in a more thoroughgoing way than any prior study and made recommendations that would be a basis for discussion for years.

Since Kansas has had a long tradition of almost equally matched socialistic and capitalistic tendencies, the zoning and planning battle in Wichita was an intense philosophical confrontation. Some, including the management of the major newspaper, the Eagle, thought that no "fetters" should be placed on the economic growth of Wichita by any group of experts or elected politicians who thought they knew better than the market what constituted the good life for a community. "If a grocery store is good at Grove street and Douglas avenue, why is it likely to cause a riot or diphtheria a block further east?" What was wrong with unplanned confusion? Chicago had no zoning. "She probably delights in hustle and bustle, traffic, grocery stores, noise, confusion, employment, industry, business and such like worldly things." But it had to be remembered too that Chicago's elevated track plan had been the model for Wichita's action in 1909-12. Bartholomew argued the other side of the question in his own report when he said that the "great variety of city building forces at work" required "intelligent direction." The Wichita Beacon reporters wrote that "plans must be made for a unified city just like a skyscraper or a factory or bridge." Ultimately the majority of Wichitans seemed to agree.¹⁵⁵

The settlement of the zoning question, did not, naturally, calm the argument. It was said that Bartholomew had sold the City Commission "a zoning jacket that wouldn't fit for ten thousand dollars down and expenses in perpetuity."¹⁵⁶ When the first zoning case was heard under the new ordinance, one reporter commented that "it is difficult to understand

¹⁵⁵Miner, Magic City, 172-74.

¹⁵⁶Wichita Eagle, Nov. 28, 1923.

why an intelligent citizen will permit officials, glowing with their brief authority, to Caesar it over him in matters affecting his personal rights and property rights . . . Such absurd conduct is worthy of a village Board in Rumania or Turkey."¹⁵⁷ The zoner responded that the continuing struggle was brought about "by the cheap demagoguery of a Wichita newspaper" and by "cheap street-corner orators who indulge in billingsgate and meaningless tirades."¹⁵⁸ Money talks, the planning contingent said, "but how confounded little it talks about."¹⁵⁹

Certainly part of the justification for planning and for zoning was the rail crossing issue. Understandably, therefore, the continuing local discussion of the rail crossing problem became wound up in the zoning debate and the longer-range philosophical spat between Populist/socialist types and straight business/growth boosters. In the early 1920s the major concern about grade level street crossings of railroad tracks was safety: the accident rate was unacceptable. There was disagreement as to whether to hold the railroad or the drivers primarily responsible, but the emphasis was on reforming the drivers through education. There was no question, however, that removing the opportunity for accidents through grade separation, if it could be afforded, would guarantee a level of safety education could only promise.

To a lesser extent there arose a question of delay at grade crossings, both as an inconvenience, and, in the case of emergency vehicles, an actual danger itself. In the 1915 session of the Kansas Supreme Court a case was heard involving delay of a fire truck in Wichita for three or four minutes by a Missouri Pacific train blocking Central Avenue. The General Statutes of Kansas allowed cities of the first class with a commission form of government power to enact ordinances prohibiting trains from blocking certain streets at any time and blocking any street for more than five minutes at one time. Wichita had a five minute ordinance for all streets and a no-blocking ordinance for Central. The train had stopped under a railroad "safety first" rule to repair the brake rigging on the locomotive, which had fallen down and was dragging on the track where it might derail the train. The Supreme Court decided that the local lower court had erred in instructing the jury that the emergency did not matter and that a violation of city ordinances was a violation "without regard to whether the obstruction was reasonable or unreasonable, accidental or

¹⁵⁷Ibid., March 2, 1922.

¹⁵⁸Wichita Beacon, Feb. 6, 1922.

¹⁵⁹Wichita Eagle, Jan. 10, 1926.

intentional." The judgment was reversed and the railroad prevailed in this case, but the atmosphere of confrontation over delays was clear.¹⁶⁰

By the 1920s the age of the automobile in Wichita had arrived. In 1914 there were 47,319 registered motor vehicles in the State of Kansas. In 1920 there were 263,708 and in 1930 594,523. These figures far outstripped the population growth. In 1914 there was a car for every 6.7 Kansans; by 1952 one for every 2.2.¹⁶¹ There were 4070 auto tags issued in Sedgwick County, where Wichita was located, in 1914, over 10,000 in 1918, 15,613 in 1920, and 27,194 in 1925.¹⁶² Woody Hockaday, a Wichita auto service firm owner, became nationally famous during World War I for distributing the first marked auto road maps in the U.S. By 1918 Sedgwick County had \$12 million invested in autos, with \$1.5 million in tires and spent \$1.25 million on gas every year. There were 87 service dealers, one manufacturing facility (making the Jones 6 auto) and 93 filling stations.¹⁶³ In 1923 there were 347,000 cars and trucks in Kansas, or one for every five residents -- enough to carry all the people in the state at once and the highest motor vehicle ownership per capita in the nation. Sedgwick County had 25,000 motor vehicles that year, double the number in 1918. Over 16,000 of them were in Wichita, serving a population of about 88,000 and traveling on 135 miles of paved streets.¹⁶⁴ All three main highways through Sedgwick County were in 1923 traversed by more than 1,500 vehicles a day, and secondary roads by 150 to 500. The busiest streets in Wichita-- Central, North Lawrence Ave. (now Broadway) and the Cannonball Road (Kellogg) --had as many as 2,000 cars a day.¹⁶⁵ There were nearly 5,000 traffic arrests in Wichita in 1923, 402 for liquor violations.¹⁶⁶ Five cars a day were stolen in Wichita.¹⁶⁷ The local paper had an extensive automobile page; prominent Wichitans, like banker C.Q. Chandler, made news with their

¹⁶⁰"J. Walker, Appellee, v. The Missouri Pacific Railroad Company, Appellant," Reports of Cases Argued and Determined in the Supreme Court of the State of Kansas, vol. XCV, April 10, 1915-June 12, 1915, (Topeka, 1915), 702ff.

¹⁶¹Kansas State Highway Commission, Wichita Metropolitan Area Traffic Survey (1953), 27.

¹⁶²Longwood, Greene & Co., Inc., "Industrial Survey of Wichita, Kansas" Oct., 1927, typescript.

¹⁶³Wichita Eagle, Sept. 29, 1918.

¹⁶⁴Ibid., July 29, Nov. 15, 1923. Wichita at A Glance [n.d. but 1923] item sc 4574, special collections division, Ablah Library, Wichita State University.

¹⁶⁵Ibid., Jan. 8, 1923.

¹⁶⁶Ibid., Jan. 10, 1923.

¹⁶⁷Ibid., July 20, 1923.

adventurous and extensive auto journeys; and, tellingly, the Wichita Chamber of Commerce annual Booster trip, always a railroad circuit, switched in 1924 to automobiles.¹⁶⁸

Obvious transportation trends of the era were the replacement of streetcars with buses and jitneys, the replacement of railroads for certain less-than-carload and local freight with trucks, the movement from any kind of public transit to private autos, and an increase in accidents overall including, of course, at rail crossings.

Street auto traffic, its flow and its safety, became a major public concern in Wichita in the early 1920s. Licensing and speed limits helped, but early automobilists in the area still seemed a reckless lot.¹⁶⁹

There was much evidence of problems. It was widely said, for example, that Wichita was a "jay town." The Kansas City Star charged that Wichita was the only town in Kansas that did not enforce its traffic rules. "When the whistle blows for a traffic change the only drivers that pay any attention to it are strangers in town."¹⁷⁰ But a suggestion for driver's license examinations to test competence was hooted at. That was not to be a requirement in Kansas for many years.¹⁷¹ Only certain newspaper reporters and city planners seemed to think there needed to be any serious reorganization of Wichita's wide open auto traffic grid.¹⁷²

There was, however, one special concern that outdistanced the general nonchalance -- namely railroad grade crossing accidents, the kind of auto mishaps that were so often fatal. People became litigious about them, and railroads, city governors and newspapers showed considerable interest in some solution. The tendency was to use "moral suasion" and education rather than legislation or engineering changes in the rights of way, but there was much discussion.

The newspapers, concerned about the carnage, mounted educational campaigns. The Eagle sent a reporter in August, 1923 to ride the MP Eagle passenger train and to watch for motorists. The ride was on Sunday, since the Sunday drive was still a popular pastime and a high percentage of crossing accidents happened on that day. After a day of watching people trying to beat the train at crossings the reporter agreed with the railroad

¹⁶⁸Chandler put 20,000 miles a year on his car by 1926. Wichita Eagle, June 7, 1924; Jan. 9, 1926.

¹⁶⁹For early auto regulation in Wichita see Miner, Magic City, 110-11.

¹⁷⁰*Ibid.*, July 23, 1923.

¹⁷¹*Ibid.*, Oct. 20, 1923.

¹⁷²*Ibid.*, Oct. 24, 1923.

superintendent "that if Wichita should lose all other distinction, she still could boast the most reckless chauffeurs in the world."¹⁷³

It was not failing eyesight or physical incapacity, the paper reported, that threatened retirement for older railroad engineers. It was the nervous strain to which they were subjected by careless motorists. George Lahey of Wichita, a Santa Fe engineer for forty years, said that the "crossing fools" were the hardest thing for him about his job. One type sped to within a few feet of the track, effected a "Wabash stop," and then grinned triumphantly at the engineer as he passed. Another type went speeding along in a car on a road paralleling the track and then approached at an angle. These drivers could easily indicate by a wave of the hand that they saw the train and heard the whistle, but they never did. Children needed to be taught not to try to hop a ride on a slow-moving train on their way to school.¹⁷⁴ The Wichita Eagle, in connection with its Sunday safety campaign, noted that "every engineer, whether on freight or passenger train, knows the horror of the sight of an automobile approaching the crossing simultaneously with the train. Not a few have memories of fatal accidents, and these are memories that darken lives. . . . Do you cross the track just ahead of the locomotive, and then turn and laugh hysterically, waving a defiant hand at the pale driver of the locomotive? Some day you will lose, and the coroner won't be able to find your hand at all. Meanwhile you will have caused several engineers to swear away their souls."¹⁷⁵

The Sunday safety campaign was to try to slow the crossing accident rate which had killed nearly 6,000 people in the U.S. in the previous five years. "You know that trains run on railroad tracks, and that trains are very hard to stop, once they get under way" went the warning one Sunday. "You know that trains cannot stop at every crossing, while an automobile can." If an auto driver saw a train running at 60 mph a quarter mile away, it would reach the crossing in just 14 seconds. "You may make it across in fourteen seconds. But again you may not. In the latter case you can hardly have time to consign your soul properly before it has left your body with a jerk The driver of the automobile has a certain responsibility."¹⁷⁶

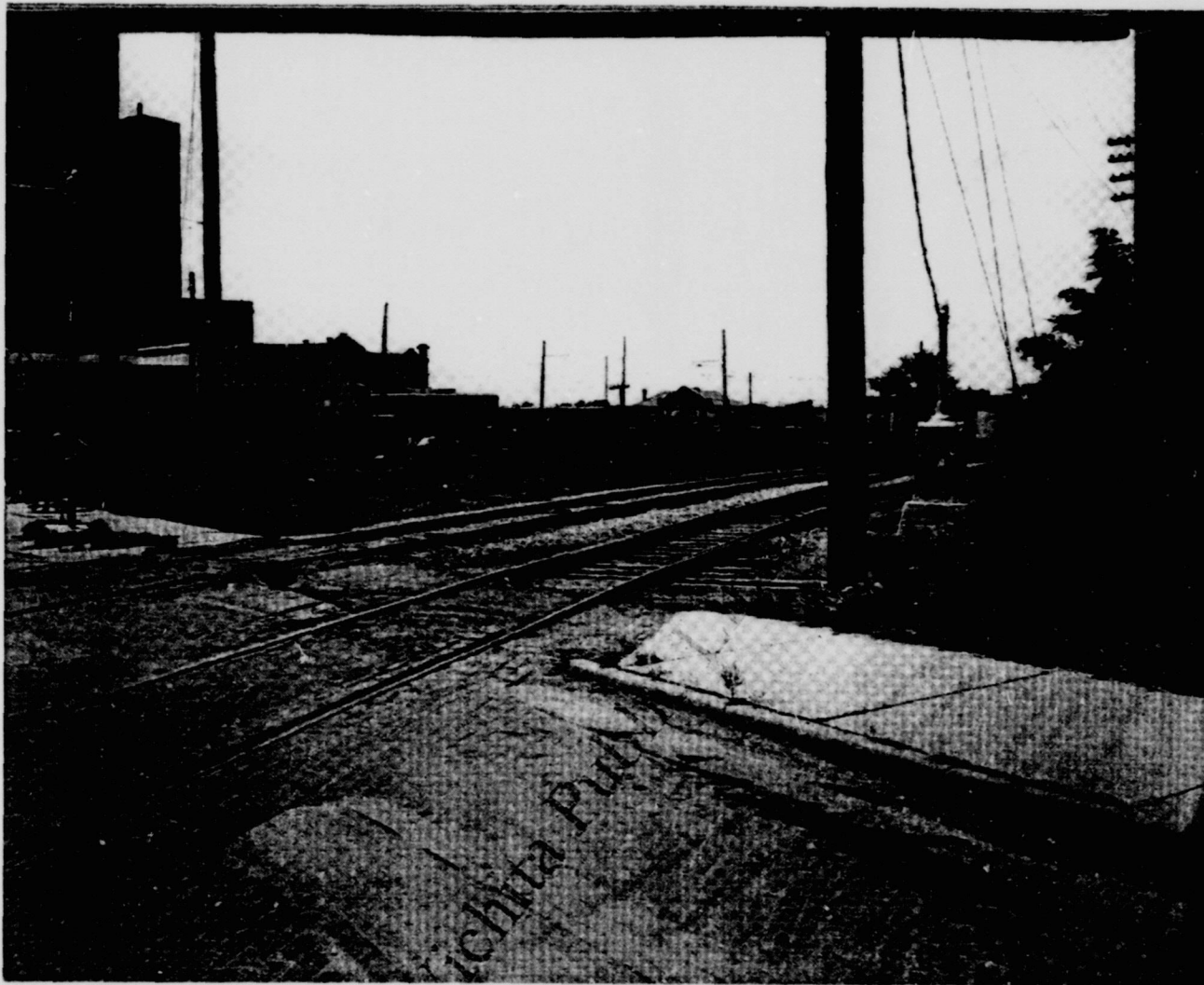
¹⁷³Ibid., Aug. 14, 1923.

¹⁷⁴Ibid., Aug. 15, 1923.

¹⁷⁵Ibid., editorial.

¹⁷⁶Ibid., Sept. 1, 1923.

ebs395.gif



The Missouri Pacific Crossing at First and Waco, c. 1925
(Courtesy of Local History Section, Wichita Public Library)

2. The Bartholomew Plan's rail/auto recommendations

Into this situation bravely strode Bartholomew, the St. Louis planner. In his report he noted that "In a short fifty odd years the land on which Wichita stands, once virgin prairie, has been overlaid with a populous, busy city. This city growth, which has spread like a formation of crystals, is a product of human forces. Wichita was founded by men and has been built by them. In every detail it bears the mark of human hands." The suggestion was that that creation could and should be modified by human hands as well in an age that should be more conscious of the social impact of things. "While this effort is collective in effect," Bartholomew wrote, "it is nevertheless individual in origin. Every street, every pavement, every carline, every railroad, every industry, store or home that is built comes into being not as a conscious contribution to the spreading city but as a means of satisfying the needs or desires of one person or a small group of persons. A great diversity of interests enter into the building of the city and a vast number of individuals participate, all increasing the complexity of city growth. Considering the great variety of city building forces at work, is it any wonder that duplication, haphazardness, waste and ugliness result?" Wichita had come through a half century "without careful and constructive guidance. It has simply grown and spread," but that process could not be depended upon solely in the future. The streets must be planned and controlled "like the framework of a great building should be designed to support the finished structure," and the relationship between railroads, automobiles and industry must not be accidental.¹⁷⁷

Wichita was a national distributing center and an originating point for many products. Therefore it depended on railroads. But, Bartholomew warned, the development of the city and the railroads had reached a point "when it is necessary to plan their future growth so that each may expand along natural lines with the least hindrance and the greatest benefit to each other." This would involve "certain changes" in railroad operating methods, revisions in the layout of freight and terminal facilities and "the elimination of grade crossings by track elevation." The object was to relieve congestion on city streets caused by the clashing needs of Wichita's many automobiles and its seven railroads.¹⁷⁸

¹⁷⁷Harland Bartholomew, A Comprehensive City Plan for Wichita, Kansas (Wichita, 1923), 13, 19, 23.

¹⁷⁸*Ibid.*, 41.

The 1923 plan commented on each of these railroads, their yards, their alignments and their crossings. It found facilities cramped and the track layout "intricate" and "resulting in more or less confusion."¹⁷⁹

The plan made extensive suggestions. It would be good if the freight traffic were removed from the passenger terminal yards as much as possible. It was suggested that all tracks along the Santa Fe corridor from 18th St. north to Douglas, including the elevated portion operated by the WUT railway, be used strictly for passenger service for all roads and ATSF through freight. A separate elevated line to be constructed following the Rock Island's route along Mead and Mosely and passing through the center of town would carry other freight traffic. The Frisco, Rock Island and MP could move freight over this line "crossing all intersecting streets overhead" and descending to the level again under the Kellogg viaduct. The current Frisco yards south of Douglas should be relocated with the others north of the city limits. At Kellogg the passenger and freight trains of the MP, Santa Fe Pratt branch, Midland Valley and Orient would unite. The passenger trains would move over another new double track elevated line along Bayley Street east-west, dropping to grade just west of the river. This would allow abandonment of the diagonal tracks which cut up West Wichita neighborhoods. The MP passenger and freight depot should be moved south of Douglas from its current location north of Douglas in the core of downtown. The Frisco should relocate its eastern line and bypass the city to the north.¹⁸⁰

Bartholomew was not finished. The relation of the railroads to industries was wrong. Industries had been located "in an indiscriminate way" leading to inefficient switching and unnecessary grade crossing blockage. "Industrial development has been haphazard and disorderly due to the lack of a systematic general plan. Each interest has settled where it could get space and has called for the necessary railroad facilities. The railroads in meeting these requests have found themselves handicapped by lack of space and conflicting trackage. The result is an inefficient, uneconomical industrial section."

The solution proposed was to move existing industries and force new industries into industrial districts, isolated from through auto traffic and supplied with sufficient fire and water service and storage tracks. Industries of a similar nature, whose transportation needs were close, should be grouped together, viz: coal yards, lumber yards, furniture factories, foundries, flour mills etc. Understandably, each railroad wanted to serve industrial districts independently to get as much of the traffic as possible for its own lines. But that would not do, as it caused "confusion" and "wasteful interference." It would be

¹⁷⁹Ibid., 48.

¹⁸⁰Ibid., 48-52.

best to have one jointly-owned rail company perform the entire switching service in industrial districts, as was now done by the WUT company on the elevated tracks and Union Depot. No garden could be too crowded. "Under such circumstances neither vegetables nor industries can flourish." Planning therefore was a thought to be a necessity.¹⁸¹

Grade crossings, though Bartholomew thought they were "very well protected" in Wichita, were a hazard and should be eliminated as much as possible by separation. Ideally there should be separations all the way from Kellogg to 21st, using a minimal elevation of the tracks and maximum depression of the streets.¹⁸²

Doing all this, damming the river, fixing up public buildings, and modifying the grid street pattern with a number of diagonal streets might, Bartholomew thought, make Wichita a pretty decent city. Lovely drawings in the plan showed how it would all look and work. But there was not a word about how much it would cost or who would pay for it. The political challenge of implementing such a plan with large economic interests already vested in the situation as it had historically developed was enormous. Implementing zoning had been a struggle. Implementing the Bartholomew plan would be a nightmare.

3. Reaction in Wichita to Rail Aspects of the Bartholomew Plan

The Wichita Eagle ran a multipart series late in 1923 analyzing and responding to the Bartholomew Plan. In general, as was perhaps natural with a paper that had opposed zoning and the hiring of the consultant in the first place, there was a lot of negative comment. However, the specific arguments were doubtless ones that were in the air in much of the community.

A major criticism was that the plan was not practical, and took no account of what it would take to accomplish. "The plans are so elaborate, and in many instances so utterly impractical that they smack a little too much of Dreamland. Anybody from another city can drive rapidly over Wichita's streets and criticize this and that and the other feature, and say that it ought to be changed. Often, however, the change suggested is as impossible of execution as would be the changing of the earth's poles. A *de luxe* city planner would insist that the North and South poles should be removed from their present inaccessible locations and place in some national park, where they could be admired by the people." It seemed that Wichita had no Major Street Plan. Heavens! "How in the world the children

¹⁸¹Ibid., 52-55.

¹⁸²Ibid., 57.

ever got to school without a Major Street Plan seems a mystery."¹⁸³ Radial streets produced accidents and wasted lands, and too much clever planning would put Wichita in the position of older eastern cities where meandering patterns of early streets meant that "no one without a guide or second sight could find his way from the post office to City Hall within sixteen years and four months."¹⁸⁴

On the rail section, the Eagle thought Bartholomew's idea that there should be a "subway" constructed under the elevated track embankment at Waterman Street to move trucks from the Waterman warehouses to the depot was a good one. However, it was not his, and had been floating around since the elevation was built. The problem was to determine who would pay for it and how. "There is some disposition in some quarters to make the settlement exceedingly fair to the roads, but a little less so to the city."¹⁸⁵ Similarly, making a diagonal street out the Frisco right of way to get people from the eastern suburbs directly downtown, which could be done by relocating the Frisco to cut straight north and stay out of the downtown altogether, would be nice. But there were no cost estimates in the plan.¹⁸⁶

As to the trunk lines, "the St. Louis surveyor essays to give the railroads detailed advice about the conduct of their Wichita business. . . . Certain trackage should be abandoned and much new trackage should be built. A new elevated line should be constructed." The Missouri Pacific "is gently requested to abandon nearly everything and completely change its ways." All this advice, the newspaper said with tongue deeply in cheek, "the railroads doubtless are taking very seriously." The newspaper people remarked that they had been trying for ten years to get a little shed built that was part of the original Union Depot plans and had been funded by agreement, but could not get it done. Who could believe, therefore, the new plan had a chance?¹⁸⁷

The Eagle took the Bartholomew report seriously: it ran 13 editorials on it. But it did not believe it practical. Its rival, the Beacon, which might have been expected to support the plan, did not react at all.

Politically, however, the Bartholomew plan was of some importance, providing, as it did, the basis for numerous discussions between the city and the railroad in the next

¹⁸³Wichita Eagle, Dec. 7, 1923.

¹⁸⁴Ibid., Dec. 8, 1923.

¹⁸⁵Ibid., Dec. 12, 1923.

¹⁸⁶Ibid., Dec. 13, 1923.

¹⁸⁷Ibid., Dec. 16, 1923.

decade before the Great Depression made such improvements for a time a moot point. The Waterman subway, a 20 year battle by itself, was the only piece actually implemented, and the industrial district ideas hardly were discussed. But the rail yard, grade separation, and diagonal street aspects of the Bartholomew plan did remain at least at the talking stage. However, as city officials put it in 1928, it did not look possible to carry out the Bartholomew plan for elevating five miles of track, rerouting the Frisco and establishing 20 protected crossings "without years of litigation."¹⁸⁸ The Bartholomew rail plan, as thorough in many ways as it was, seemed consigned to remain largely in the "received and filed" category of city studies.

¹⁸⁸Ibid., Nov. 22, 1928.

V. Wichita and the railroads in the 1920s and 1930s: the Issues.

1. The Industrial Survey of 1927

Another consulting firm, Longwood, Greene & Co., Inc. visited Wichita later in the 1920s and produced a document called "Industrial Survey of Wichita, Kansas." In it there was a careful survey of the rail situation, company by company. The ATSF had 32 passenger and 14 freight trains a day coming into Wichita, interacted with the streets at 21 grade crossings and had 36 miles of yards with a storage capacity of 4,000 cars. The Rock Island had 12 passenger trains, 20 freights, 39 grade crossings, 13.05 miles of yards and storage for 1,250 cars. The MP ran 12 passenger trains, 14 freights, had 149 grade crossings, 20.50 miles of yards and storage for 1,300 cars. The Frisco had 6 passenger trains, 5 freights, 14 grade crossings, 11.27 miles of yards and storage for 1,106 cars. The KCM&O had 2 passenger trains, 5 freights, 14 grade crossings, 11.27 miles of yards and 1,300 cars capacity. The Midland Valley ran two passenger trains, two freights, had 7 grade crossings, 1.1 miles of yards and storage for 139 cars. The AVI had 30 passenger trains, 4 freights, 20 grade crossings and 60.3 miles of yards, capacity unknown. The total grade crossings in the city, adding in some branch areas, was given as 294. There were 160 trains a day by this time passing over these crossings and competing with automobiles for space. Wichita had 105.58 miles of paved and 220 miles of unpaved streets, and in addition to the steam and electric interurban railways, the Wichita Railroad and Light Company operated a street car system with 38 miles of track and trains running at 15-minute intervals. Over 32,000 auto license tags were issued in Sedgwick Co. in 1927, up from 15,613 in 1920 and 4070 in 1914.¹⁸⁹

2. General Local Attitudes Toward Crossings

The standard Wichita view of the crossing problem in this period was expressed in an article published in April, 1925 interviewing a retired railroad employee. That man blamed drivers for crossing accidents. He quoted Auto Digest that "a man is something that can see a pretty ankle three blocks away but fails to observe on a broad expanse of prairie a locomotive the size of a school house and a fleet of 40 cars."¹⁹⁰ A crossing law in Oklahoma requiring motorists to stop before they crossed any railroad track, marked or

¹⁸⁹Longwood, Greene & Co., Inc. "Industrial Survey of Wichita, Kansas," Oct., 1927, 43, 106, 118.

¹⁹⁰Wichita Eagle, April 26, 1925.



Wichita's Northern Industrial Area and Rail Lines,
including the Santa Fe, Missouri Pacific,
Rock Island and Frisco, Late 1920's
(Courtesy of Wichita-Sedgwick County Historical Museum)

unmarked, was reported in Wichita with approval. "Engineers and trainmen are human," a rail employee was quoted as saying. "We have no desire to take life, whether it be that of a human being or a cow, and when accidents occur, it unnerves us."¹⁹¹ It was O.K., the newspaper said, to have whistling by trains for safety at all hours, and those who don't like whistles were just "doomed to have their slumbers disturbed to the limit." It was said that "every precaution" was being urged by rail officials "to keep from hitting automobiles at street crossings in the city, including authorizing engineers to apply brakes if they had a thought that a motorist might cross in front of them."¹⁹² Very moderate speed limits were observed by trains passing through the city, a rule that probably saved the life of Wallace Peters, 21, whose car was hit by the MP Sunflower passenger train at 13th and Market in October, 1925 after he ignored the moving crossing signal.¹⁹³

By contrast to this respectful attitude toward locomotive engineers as professionals, local auto drivers got bad press. "The savage who comes down like a cannon ball on a loading street car at an intersection properly ought to be a citizen of a section where people generally live in caves and eat stray members of neighboring tribes."¹⁹⁴

City manager Earl Elliott said that traffic was his hardest problem.¹⁹⁵ It was a constant. "Somewhere between town and city," a reporter wrote, "as the terms are commonly used in indicating size, there is a vague and not always easily definable line," which Wichita by 1925 had crossed:

Any one who has watched the principal thoroughfares of this city through the summer solstice can testify that Wichita is indisputably over the line and has become, not in hope or in boast or in prediction but in fact, a city. From the early morning hours until midnight, during the trying season, with its multiple enervations, day after day, the moving current of life on Wichita's main thoroughfares ran on without pause. There was a time when the normal summer exodus to the mountains, the sea and the northern woods visibly thinned Wichita's street traffic. There was a time when under the beat and blaze of a blistering sun the absence of those who stayed at home rather than brave it, perceptibly thinned, at certain hours, the threading throngs which are the ultimate

¹⁹¹Ibid., May 17, 1925.

¹⁹²Ibid., Oct. 14, 1925.

¹⁹³Ibid., Oct. 28, 1925.

¹⁹⁴Ibid., June 2, 1925.

¹⁹⁵Ibid., Dec. 28, 1925.

expression of thriving trade. This year the summer exodus was apparent to no one here. The stream of shoppers never ceased. The crowding nightlife of Wichita, in which this city is truly remarkable, has flourished this summer as never before. A town has its pauses, its periods of rest. A city has none before midnight or after seven o'clock in the morning. It is the way of cities and Wichita has it.¹⁹⁶

It was often emphasized that railroads were big business for Wichita and should not be unduly criticized. The Missouri Pacific railroad had 700 employees in Wichita and a payroll of \$111,000 a month.¹⁹⁷ The 1925 tax books showed that the Santa Fe company was the largest employer in Kansas and paid over half the property tax paid in the state that year-- over \$5.5 million.¹⁹⁸ In 1936 there were 1423 rail workers living in Wichita, supporting a population of 5,487. That year railroads in the county had a payroll of over \$3 million, a big help during the Depression, and paid county taxes of over \$209,000.¹⁹⁹ In 1958 the railroad company payroll in Wichita was \$9 million annually.²⁰⁰

Auto drivers were urged to keep that in mind. A 1926 press comment was typical: "Wichita motorists traveling thru the city or on roads nearby often have to wait a few moments at a grade crossing for a freight train to pass. Sometimes the motorist will complain about the freight train, but the fact is that the freight train is the index of a city's trade supremacy. If no freight trains left Wichita the town would be a dead one." Of the city's 56 freight train each way daily in 1926, 39 were Redball freights, through trains going by at top speed and causing little inconvenience, while only 17 were local freights, and those were of special benefit to the city.

Crossing accidents continued as did reports of them. And no wonder, considering the street traffic situation. "There isn't enough of the immemorial rights of the pedestrian left under the prevailing system to wad a shotgun," the local press reported in 1924. "The streets here, as everywhere, have become chariot courses, and the man afoot is becoming on a main street as much an intruder as he would be on a race track."²⁰¹ Wichita appointed a public safety council in March, 1925, and a field representative for the national safety

¹⁹⁶Ibid., Sept. 13, 1925.

¹⁹⁷Ibid., April 26, 1925.

¹⁹⁸Ibid., Sept. 11, 1925.

¹⁹⁹Ibid., July 12, 1936.

²⁰⁰Ibid., July 27, 1958.

²⁰¹Ibid., Dec. 10, 1924.

council appeared before the Chamber of Commerce and called for "radical changes" in local traffic regulations.²⁰²

In April electric traffic signals were installed downtown and their electric bells tested from a city hall control panel by playing the Star Spangled Banner.²⁰³ But it was reported that Wichita drivers paid little attention to the "electric traffic policemen." Pedestrians, one report said, "gazed at the red, amber and green lights through admiration and curiosity, but plunged across the street following their inspection in utter disregard of 'stop' or 'go' signs."²⁰⁴

3. The "Dead Man's Crossing" plan of 1925.

Particularly noted in the 1920s was one especially hazardous crossing, the so-called "Dead Man's Crossing" on N. Lawrence Avenue and the Santa Fe tracks. The Santa Fe, which in April, 1925 announced a \$175,000 double tracking program in north Wichita to move grain faster, told the local press that it had no plans to improve the N. Lawrence crossing. There had been numerous meetings on the issue between the county and the railroad, but no agreement could be reached. "The enormous cost of building a viaduct over the tracks at the point will cause both the county and the railroad to think a long time before starting work, local railroaders say." The track there was above the level of the road and a viaduct would have had to be higher than the Kellogg street viaduct. A tunnel beneath would be almost as costly and would require constant pumping during wet weather.²⁰⁵

Later in April, however, more meetings were held and County Engineer Mike Roseberry and H.W. Wagner, chief engineer for the ATSF, seemed to find some common ground. The press reported that a viaduct would begin to be built in the summer, 1,800 ft. long and costing \$130,000.²⁰⁶

By August the price of the "Dead Man's" viaduct had reached \$150,000, and it was reported that the county and the railroad had agreed to share the cost equally.²⁰⁷ In

²⁰²Ibid., March 10, 1925.

²⁰³Ibid., April 1, 1925.

²⁰⁴Ibid., April 9, 1925.

²⁰⁵Ibid., April 11, 1925.

²⁰⁶Ibid., April 21, 1925.

²⁰⁷Ibid., Aug., 3, 1925.

November, a contract for construction was signed. Railroad officials insisted the viaduct be large enough for seven tracks to be laid under it.²⁰⁸

As definite as all this may have seemed, the "Dead Man's" viaduct was never built.

4. The Frisco Diagonal

Likewise in the "talk" category, but less serious talk than was the case with the viaduct on N. Lawrence, was the diagonal road from downtown to the Fairmount District. This was debated, but never came down to an ordinance or to negotiation of an exact cost-sharing plan with the railroads.

In May, 1925 residents in the northeast part of Wichita petitioned for the removal of the Frisco tracks there as had been recommended by Bartholomew. But doing so was a great problem. There would be a long legal battle, and it would cost the railroad more to remove its property than the land was then worth. The city could declare the railroad a nuisance, and Frisco representatives conceded that a diagonal boulevard along the right of way would not cost much once the track were removed. It was an historical anomaly. When the Frisco was built the track was through the country. "The city has grown around the tracks until the road runs through the residential section of that part of town."²⁰⁹

Bartholomew himself returned to town for a few days to discuss the prospect. Spreading a map of the city before him, he explained how "splendid" the northeast diagonal could be. He used the occasion to hold forth also on his park and civic center project.²¹⁰

His proposal scared some people, but encouraged others. The thought was that it would "cost a huge sum," but Alton H. Smith, the new president of the Wichita Real Estate Board, said in December, 1925 that if the diagonal were not built a future generation would regret it. It would be 100 ft. wide and run from 2nd Street to 13th Street, increasing the value of lots all along the way. Smith called attention to the early twentieth-century Chicago Burnham city plan, the rejection of which, he said, had since cost Chicago an estimated \$250 million in condemning property along the lines suggested in the plan. However, a group of Fairmount neighborhood property owners submitted a counter-petition to the original initiative, stating that they were against the diagonal. The project did

²⁰⁸Ibid., Nov. 3, 1925.

²⁰⁹Ibid., May 22, 1925.

²¹⁰Ibid., May 26, 1925.

not get past the very general discussion stage, and the Frisco alignment remained and remains in the 1990s where it was.²¹¹

5. The Waterman "Subway" and the Elevation Extension Question

More serious was the so-called Waterman "subway" project. When the elevation project of 1912-14 was built, Waterman Street, running east-west just south of the new Union Depot, had been cut off by the embankment, so as to dead end into it. On both sides of the embankment along Waterman was a considerable warehousing district served by trucks, and it seemed logical to cut a path under the elevation to give those trucks access directly to and from the station from the back. This would keep that traffic off Douglas, the busy main street of the city, which was the first available route to the north. Straightforward as it might have sounded, it was about twenty years and much acrimonious talk in and out of court getting accomplished. In the process the elevation extensions suggested by Bartholomew entered the discussions, serving more as a threat to the railroads to get concessions on the Waterman subway than an immediate practical possibility.

There was local agitation to punch one of the streets south of Douglas (William or Waterman) through the elevation almost immediately after it was built. Ordinances were passed in 1914 and 1915 to that effect.²¹² World War I intervened, during which time the subway project was declared non-essential. In 1918 the Mayor suggested that Waterman Street would be a better candidate than William.²¹³ The city manager proposed it again the next year.²¹⁴ In December, 1920, the city commission authorized the city manager to plan such a project based on specifications submitted by the ATSF railway.²¹⁵ At that time, it was estimated that it would cost the city about \$75,000 and the railroads \$36,000. The cost split was based on provisions in the 1911 ordinance providing for the elevation in the first place. That allowed a subway beneath the elevation if the city required it and if the city paid the cost of excavation, paving, sidewalks, curb, guttering, piers, abutments

²¹¹Ibid., Dec. 16, 1925.

²¹²"City of Wichita v. Wichita Union Terminal Rly. Co.," January Term, 1929, Reports of Cases Argued and Determined in the Supreme Court of the State of Kansas, (Topeka, 1929) CXXVII : 856.

²¹³Wichita Eagle, June 16, 1918.

²¹⁴Ibid., April 12, 1919.

²¹⁵Ibid., Dec. 22, 1920.

maintenance and incidental damage. The remaining expense, including that for the girders, was to be paid by the railroads.²¹⁶ However, as was to be very often the case, something about the seeming agreement fell apart, and the project languished for a time.

A new ruckus was created by businesspeople on both sides of the elevated tracks, who submitted a petition to the Wichita City Commission in January, 1923. The Douglas underpass was proving inadequate to handle traffic from business houses during rush hours, said banker L.S. Naftzger, "and when pleasure cars mingle with the heavy trucks in an effort to squeeze under the viaduct there are accidents." City engineer P.L. Brockway thought the problem could be solved with a cut in the embankment south of Douglas costing \$250,000 and requiring a year to construct, "the railway companies and the city bearing the cost." That cost sharing seemed just to C.L. Davidson, chair of the Fourth National Bank, who thought that both railroad and city would benefit and should share costs.²¹⁷

The project again proceeded for a time. The Bartholomew plan of that year reinforced the idea. A drawing was published in the Eagle in February and a presentation scheduled before the city commission.²¹⁸ The commission by September was suggesting creating a special benefit district in the warehouse area from which the necessary money would be raised less 10% assessed against the city at large. The WUT railway's cost share under the new plan would be only the maintenance of tracks.²¹⁹ However, under its franchise agreement with the city, engineers for the terminal railway were to prepare the plans for the subway. There was a several month delay, and late in 1923 no plans were forthcoming. The city engineer was dispatched to check, and city hall was said to be "not pleased."²²⁰

In June, 1925, the project was still hanging fire. As with the northeast diagonal, once movement looked serious a split developed among property owners and businesses. United Sash and Door was particularly upset by the prospect, claiming it would cause \$200,000 in damages to its business. The cost estimate for the construction was now \$100,000 to \$200,000.²²¹ It was re-emphasized that the subway was much needed.

²¹⁶Ibid., Dec. 19, 1920.

²¹⁷Ibid., Jan. 31, 1923.

²¹⁸Ibid., Feb. 11, 1923.

²¹⁹Ibid., Sept. 11, 1923.

²²⁰Ibid., Nov. 23, 1925.

²²¹Ibid., June 2, 1925.

Trucks, vans and wagons were clogging Douglas and could not be sent south over the Kellogg viaduct as the grades were too steep for many trucks, including the ones from the fire department. The Wichita Board of Education had agreed, if the Waterman subway were built, to extend Waterman on its eastern end through the property of the Wichita High School (now Wichita High School East) at Grove Ave. so that it would provide an east-west straight through route from Water street downtown to Circle Drive on College Hill. Under the 1911 agreement, the press emphasized "the cost is far less to the railroad companies than to the city."²²²

In the summer of 1925 it was reported that the subway had taken "definite form." Cost was now again estimated at \$250,000.²²³

In 1926, there was another escalation of seriousness. Though there was still an argument over whether the subway ought to be on William or Waterman streets, most agreed the congestion on Douglas was becoming intolerable. Opponents, however, noted that it seemed "silly to try to open up a street across all that network of switching tracks" that was the south downtown yards. City manager Earl Elliott emphasized, however, that Wichita was growing rapidly, especially east of the elevated tracks (population was 95,000, compared with 53,000 in 1911 when the elevation agreements had been made), and that there were no grade crossings for almost a mile south of Douglas.²²⁴

The city passed an ordinance in 1926 declaring it to be necessary for the convenience, safety and protection of the public that a subway and tunnel be constructed and a pedestrian and vehicular traffic way be opened through the elevated tracks at Waterman at the total expense of the Wichita Union Terminal Railway Company. The basis was a 1923 Kansas statute giving the governing bodies of first and second-class cities "power to require any railroad company or companies owning or operating any railroad of street-railway track or tracks upon or across any public street or streets of the city to erect, construct, reconstruct, complete and keep in repair any viaduct or viaducts upon or over or tunnels under such street or streets and over or under any such track or tracks . . . as may be deemed and declared by the governing body to be necessary for the convenience, safety

²²²Ibid., June 3, 1925.

²²³Ibid., Aug. 4, 1925.

²²⁴Ibid., July 9, 1926.

or protection of the public."²²⁵ The newspaper headline announcing the city ordinance suggested that it was "expected to cause much argument," and it did.²²⁶

Understandably, the WUT, which was funded by the major rail corporations serving the city, balked-- especially since the terms of the deal had changed since the 1923 discussions, and the posture of the city had moved from negotiation to threat. If the railroad had resisted a subway funded almost entirely from a benefit tax district, why should it now cooperate with an ordinance requiring it to foot the total bill?²²⁷ The railroad argued also that a Waterman subway would create a "dangerous thoroughfare" due to yard switching in the area. In a conference with city officials early in 1927, they pointed out that 26 switching yard tracks would have to be traversed by such a road and that railway activities would block it a good deal of the time. The companies, too, were annoyed at the city's intimation that they were not doing much to help Wichita with its auto traffic problem. They emphasized that the elevations and the Union Depot had cost over \$2 million, and that the rail corporations were paying over \$100,000 a year interest still on that debt.²²⁸ A special legal problem from the railroad attorney's perspective was that the state statute on which the 1926 city ordinance was based postdated the contractual agreement signed at the time of the elevation, which provided that the city would pay 2/3 of the cost for any subway.

Also, the threat was greater than just the subway, as the city threw in the other Bartholomew Plan issues -- the relocation of the Frisco to create a Fairmount diagonal street and the elevation of five more miles of track to eliminate 20 grade crossings. Apparently it was thought that since the Waterman subway was such a problem, perhaps a whole series of concessions from the railroads could be gained at once in one big battle.²²⁹ Late in 1927 the city actually began condemnation proceedings on property that would have to be taken to create subways beneath elevated tracks at 3rd street, Central, Murdock, 13th and 21st. J.C. Casell, president of Wichita's Transfer and Storage Association, petitioned the city in 1928 for such grade separations, and the city estimated that each subway crossing would cost about \$100,000. This was unrealistically low, as Waterman would

²²⁵12-1633, Revised Statutes of Kansas (Annotated) 1923 (Topeka, 1923).

²²⁶Wichita Eagle, July 13, 1926.

²²⁷"City of Wichita v. Wichita Union Terminal Rly. Co.," January Term, 1929, Reports of Cases Argued and Determined in the Supreme Court of the State of Kansas, (Topeka, 1929) CXXVII : 856.

²²⁸Wichita Eagle, Feb. 2, 1927.

²²⁹Ibid., Nov. 22, 1928.

cost over \$150,000 with the rail elevation already in place, but perhaps it referred only to minimal street improvements, assuming that the railroads would pay for the elevation itself. Such projects (the city was talking about elevations or viaducts all the way beyond 21st street) could run into the millions in cost overall. The \$1.5 million in 1912 dollars spent on the initial elevation covered only three streets and about a mile of distance. The proposed project involved three to five miles of additional elevations to be paid for at inflated 1920s boom prices and interest rates. The current city stance that the railroads should pay most or all of it made these actions a major concern to the railroads.

While the city expected "weary years of litigation with the railroads" over the elevation extension, officials quoted the Bartholomew plan and said it was needed more than ever. Grade separations were essential, the city manager said, on some 20 crossings. "Motorists and truck drivers travel miles and waste hours daily because of their scarcity."²³⁰ It was a standoff.

The city sued the WUT over the subway issue. It consciously regarded that case as a test for the whole elevation extension debate.²³¹ Wichita lost the case in the District Court and appealed to the Supreme Court of Kansas, where the Waterman subway matter was heard in 1929.

The court found that there was no evidence presented that Waterman Street had ever extended across the right of way of the WUT -- the reason being, of course, that the WUT did not exist before the track elevation and Waterman dead-ended at the track elevation. That was the basis upon which the lower court had decided that the city could not compel the railroad to open up a street through its right of way "at great expense to itself and without compensation." The state statute only applied when a railroad was upon or across a public street. Some old residents were brought forward to say that there had been traffic on Waterman across the rail tracks from 1884 down to 1896 or 1897, but the city failed on that basis to get a new trial. "The city," the Supreme Court ruled, "should know where its own streets are located." The second argument of the rail attorneys, that the 1911 contract, rather than the new ordinance, should apply and what the court called "many other objections, some of which seem to be well founded," were not ruled upon since the point about there not being an existing street crossing was "so elemental and so controlling that it was not necessary to discuss others."²³²

²³⁰Ibid., Nov. 11, 1927.

²³¹Ibid.

²³²"City of Wichita v. Union Terminal Rly. Co.," 857-58.

The court decision killed the idea that city could compel the railroads to build the elevations and maybe the diagonal at largely railroad company expense, and it put the Waterman subway back in the city's lap financially. There were further negotiations with the railroads, finally resulting in a compromise late in 1929 providing that the city would put off any discussion of extending the elevations for five years if the railroads would pay half the cost of the Waterman subway, now estimated at \$150,000.²³³

That deal stuck. At a November, 1929, election, a subway bond issue for \$75,000 passed the city electorate by a vote of 2,817 to 860.²³⁴ In July, 1930, construction actually started with an ATSF steam pile driver beginning the setting of 336 piles.²³⁵

It was not perfect. There were still considerable rail yards east of the subway, in the south downtown switching center, and there were Frisco and Rock Island freight houses north of the new tunnel. The switching technique was to back trains almost to Douglas and switch cars off the south end. These trains would have to be split after the subway opened or it would be constantly blocked by rail cars. It was hoped the Frisco would move its freight house south of the subway and part of its yards to the northern section of the city where others had been relocated during the 1912 elevation project. Meanwhile, however, it was admitted that the Waterman route would not likely be popular for auto drivers, though it was expected to take many heavy trucks off Douglas.²³⁶

That last benefit was considerable. There were well over 40,000 motor vehicles in Wichita and Sedgwick County in 1931 and the traffic under the Douglas elevation was running 15,000 to 17,000 per day. It was thought the Waterman subway would relieve 20% of that traffic, which would increase safety and diminish delays.²³⁷

Of course by the time the five year moratorium on the elevation included in the 1929 bargain had passed, the country was in the midst of the Great Depression and neither city nor corporation could pay any share of the cost of such a project. Then came World War II and the Korean conflict. As a result, the Waterman Subway fight of the 1920s was the last serious attention paid to the big-picture rail crossing problem in Wichita until the 1960s. In 1958 the discussion of rail elevations was at almost exactly the same point as it

²³³Wichita Beacon, Nov. 3, 1929. Wichita Eagle, June 14, 1931.

²³⁴Wichita Beacon, Nov. 6, 1929.

²³⁵Wichita Eagle, July 18, 1930.

²³⁶Ibid., June 13, 1931.

²³⁷Wichita Eagle, July 6, 1930, July 8, 1931. Kansas State Highway Commission, Wichita Metropolitan Area Traffic Survey, 27.

had been in 1928. City Manager Frank Backstrom, shocked to learn that there were still 186 grade crossings inside the city limits (down by 100 since the 1920s) and eager to boost the city's growth by speeding east-west traffic, revisited the elevation question. He suggested the railroads pay for it, thus ending discussion again for several years.²³⁸

It was clear in the subway case that there was no fixed policy: everything depended on negotiation. It was also clear that considerable Populism remained in Wichita, and that it was easy for a usually cozy and mutually-complimentary relationship between city government, citizens and railroads to become polarized and rhetorically explosive. Grade crossings and the daily annoyance they caused an increasing number of motorists in an expanding city were an excellent way to get the media and local government's dander up.

6. Grade Separations: The National Issue, 1931.

In 1931 the Engineering News-Record ran an insightful article by E.E. R. Tratman entitled "Grade Separation in Large Cities." Such projects in recent years had become increasingly important, but were "usually complicated and costly, since they involved not only the city and the railroads, but also many private property owners, public utilities and manufacturing industries." Grade separation projects were usually advocated on the basis of safety for street traffic, but the real basis seemed to be the convenience of traffic by eliminating interference at the crossings. A study of an important crossing in a city of 20,000 people showed that the gates were closed 70 times, with an aggregate closure of three hours, during a ten-hour period. The number of people thus halted each day was about 35% of the population, and these people complained to the city. Not only was regular street traffic impaired, but fire department service might be hampered and accidents occurred which were "not only costly but will result in public ill-feeling that cannot wisely be ignored."

The real difficulty was not so much sensing the problem, but determining who was responsible for it and who should pay. "Under such radically changed conditions," the author thought, "the railroad cannot claim a right to maintain its surface line permanently. On the other hand the railroad is not responsible for the city's development and increase of traffic, so that the municipality has not the right to load the entire cost of grade separation upon the railways, although this has been attempted in some cases." The suggestion was "co-operation, compromise, and due regard for the rights of each side." As Wichita history showed, however, that was easier said than done.

²³⁸Ibid., Jan. 31, 1958.

Tratman thought that the municipality received the greatest benefit from grade separations. Traffic flowed better, accidents decreased, and for the most part property values went up. Some local disadvantages, like severe grades or street closures, were minor compared to the benefit.

The railroads, on the other hand, got some advantages from grade separation also, "although at a very high cost." They got greater freedom of train movements; elimination of expenditure for crossing repair, watching and protection; improved operating conditions; and relative freedom from constant local political attack. But track connections to industries from the grade separations could be a problem. Cities frequently granted special privileges to industries for tracks across the streets, which they regarded as permanent rights, entitling them to damages in case of change.

Actual apportionment of cost of grade separation as of 1931, Tratman said, "varies widely according to state laws, state commission rules and local ordinances," but usually the "railway pays a large portion of the cost and the city a small or even nominal share." Ohio law assigned 65% and 45% to the railway and city. In Wisconsin at one time it was 70% to the steam railway, 25% to the city and 5% to the street railway. In Syracuse, the Public Service Commission assigned 50% to the railway, 49% to the state and 1% to the county. Property damages, as a rule, were assumed by the city.

Often, however, there was no fixed policy -- just, as in Kansas, ad hoc negotiations. In St. Louis progress was delayed for several years because the city would assume no part of the expense of a grade separation project and the railroads "reasonably declined" to pay both construction costs and property damages." As a result a state law was passed transferring from the city to a state commission the power to order grade separations. That commission assigned 67% of the cost to the railroad and 33% to the city. In Chicago, however, as Wichita well knew, practically the entire construction cost of the grade separations was paid by the railroads -- something which Tratman felt was "manifestly unfair."

Tratman concluded that "grade separation is a large and complicated problem," especially serious to the railroads. Railroads might have along their lines a number of such projects and "the aggregate cost . . . is enormous and probably out of proportion to the benefits secured." Cities got much of the benefit, so Tratman thought they should be willing to pay a share of the expenses, "while the attitude of the authorities should be cooperative instead of arbitrary." There definitely should be sharing of cost, recognizing that "the work constitutes a public benefit and not simply a railroad improvement."²³⁹

²³⁹E.E.R. Tratman, "Grade Separation in Large Cities," Engineering News-Record (Feb. 26, 1931), 360ff.

Shortly after the publication of the Tratman article, the Supreme Court of the United States took up the issue of "who pays" on grade separations in the case of Nashville, Chattanooga & St. Louis Railway vs Herbert S. Walters, et. al. The opinion of the court, issued in the spring of 1935, was that state statutes and city ordinances requiring railroads to pay some percentage of the cost of grade separations, while valid at the time they were passed, were no longer fair given the changed relationship between railways and streets and highways. The grade separations had, the court thought, by 1935 become a benefit mostly to auto traffic. Roads and highways had become competitors to railroads, not feeders of them. Also, railroad companies were already paying more than their share of the taxes that supported streets and roads relative to percentages paid by the trucks and buses that mostly benefitted.²⁴⁰

Following the 1935 decision, negotiation between railroads and cities about cost sharing was still possible, but statutes, like the 1923 Kansas one, or ordinances such as Wichita had passed on the subway issue, requiring a certain cost split by law, ran up against the Walters decision.

²⁴⁰NCSL v. Walters, 294 US 405 (1935).

VI. World War II and Its Aftermath: Traffic

I. Wartime Auto Traffic and the Traffic Commission

Wichita's population grew very little during the 1930s, from 111,110 in 1930 to 114,634 in 1940. World War II and Wichita's selection as a defense production center changed that. In 1942 the population was 133,011 (metropolitan area 164,994); in 1943 184,515 (metro area 218,619); in 1944 176,316 (metro area 226,724) and in 1945, with the war winding down, still 155,968 (metro area 203,398). It was widely believed that most of the wartime extra population would disappear, but this did not turn out to be the case. The replacement of B-29 production at Boeing with B-52 production, the onset of the Korean war, the placement of McConnell Air Force Base in Wichita, and local initiatives to solve the water supply problem for an extended population meant that, after a short dip, growth continued at a good clip in the 1950s. From a low of 153,411 in 1946, the city proper went to 168,278 in 1950, 238,302 in 1953 and 254,698 in 1960 (by which time the metro area was well over 300,000). This was unusual growth. In the 20 years from 1940 to 1960 Wichita added over 140,000 people (being conservative and not counting many areas dependent on Wichita's industry that had not yet been annexed to the city proper) and more than doubled its population. By comparison, the population from 1960 to 1990 increased by only 50,000 people or only about 20%.²⁴¹

During the war, Wichita experienced enormously rapid population growth, with most of the new people having to get to aircraft plants in certain regions of town and to and from several brand-new federal housing projects with the population of medium-sized towns. Wichita produced over 22,000 airplanes during the war, and back order contract figures were the size of the entire local economy during the 1930s. Despite tire and gasoline rationing, carpooling and unprecedented emphasis on public transportation, the impact on traffic movement on streets was enormous. Following all that, the 1950s were the golden age of the automobile as a consumer necessity. No wonder, therefore, that before the city could turn its attention specifically back to the railroad grade crossing problem in the 1960s, the patterns and volume of automobile traffic in town had changed significantly.

Wichita knew before Pearl Harbor that the national defense build up and the call for enormous numbers of aircraft would require studies of Wichita roads and traffic and

²⁴¹For population sources see footnote 45. For an overview of the war and the 1950s in Wichita see Miner, *Magic City*, 183-98.

resulting changes. Boeing, Beech, and Cessna were running full-speed, expanding and hiring. A Wichita writer described the situation in the spring of 1942 for the New York Herald Tribune:

Wichita is now flying away planes from her six landing fields in breath-stopping figures that are constantly increasing. But then there is the nightmare. When a community expands so suddenly, living conditions are upset. There are too many people in stores, on buses, at the bank, gas, water and electricity pay windows. It takes forever to get nothing done. There are too many traffic tangles and accidents, too few lodgings for airplane workers, too few seats in school rooms. . . . It is a headache to try to telephone. . . . Motor drone is an all-day and most of the night noise. No one pays any attention to it anymore, as planes bear away for Brazil or Canada, or our own military bases. Traffic signal change has been increased to thirty-two seconds to get the sidewalk crowds across safely, and around every filling station is a ring of trailers in which new arrivals await a demountable house, fabricated to the stage where you can put tired little children to bed. . . . How many inhabitants has Wichita today? No one knows. Old-timers look on dazed at buses unloading commuters from towns seventy miles away.²⁴²

Traffic counts, more detailed than ever before, became a necessity. The busiest intersection in Kansas in February, 1941 was Central and Broadway in Wichita, where north-south Highway 81 passed through town and met with Highway 54 east-west. That intersection, dominated by St. Mary's Cathedral, an apartment building, a market and a service station, had a traffic volume of 55,000 cars a day. It represented to Wichita "what Time's Square is to New York City, what Twelfth and Grand is to Kansas City, Mo., what the 'Loop' district is to Chicago, and what Grand and Broadway is to Oklahoma City." Douglas and Broadway ran a close second in traffic density and Main and Douglas third. Douglas itself continued to carry heavy east-west traffic -- at least 14,000 cars in the 12 hour period from 7 a.m. to 7 p.m.²⁴³ And that last number was a minimal estimate. Wichita was truly running 24-hours a day, with all the plants on three-shift schedules. A grocery store was as likely to be full at midnight as at 5 p.m.

More than the downtown was affected. Beech Aircraft Company at Central and Webb Road put heavy traffic onto Central as well as on the then relatively unimproved

²⁴²Kunigunde Duncan in New York Herald Tribune, May 31, 1942, quoted in Craig Miner, ed. The Wichita Reader: A Collection of Writing About a Prairie City (Wichita, 1992), 93-95.

²⁴³Wichita Eagle, Feb. 2, 1941.

Kellogg well into the county. It was proposed to make Kellogg a four-lane road. The Chamber of Commerce Good Roads Committee reported that "neither the existing Kellogg road nor the narrow rough pavement on East Central, present route of U.S. 54, can be repaired to make it adequate in view of the heavy demands resulting from defense spending." Highway K-15 and Pawnee and Harry Streets were pressured by Boeing-Wichita and Cessna commuters.²⁴⁴ Police spoke of the "thundering procession of cars on George Washington boulevard" leading to the Municipal Airport and the south aircraft plants.²⁴⁵ Traffic was up on some streets by 20% in 1941 compared to 1940.²⁴⁶

Sedgwick County issued 40,257 tags for automobiles in 1940, 7,171 for trucks, 591 for trailers and 127 for motorcycles and had 127 auto dealers. And that was before the war boom.²⁴⁷ In 1944 auto registrations were 56,355 and trucks 8,641.²⁴⁸ In 1948 there were 60,668 autos and 12,480 trucks.²⁴⁹ Traffic arrests in 1941 were four times what they were in 1940, and accidents were way up.²⁵⁰ Parking was a nightmare. Police tried to get people to follow the rule of 45 degree parking at the curb rather than 90 degree. They had to close off parking on many streets altogether in order to open new lanes of traffic, and eliminate double parking for loading and unloading vehicles and left hand turns when emerging from driveways. Bus loading zones were shortened in 1941 and one-way streets were created. "It is only possible to get so many cars in a single line in any block," said the chief of police, "and when the demand of traffic gets beyond this number then another line of traffic must be formed. We cannot do this unless we receive the cooperation of all motorists." ²⁵¹

It was a problem, but Wichitans were excited about the growth that caused it and therefore patient. "That day the first barnstormer buzzed his crazy crate before them a little after the turn of the present century," went one editorial, "most Wichitans sensed that they were witnessing the deliverance by destiny of their land-based community." Flight offered

²⁴⁴Ibid., Feb. 18, April 11, 1941.

²⁴⁵Ibid., April 19, 1941.

²⁴⁶Ibid., April 13, 1941.

²⁴⁷Ibid., Feb. 28, 1941.

²⁴⁸Wichita Magazine, 23 (Jan. 17, 1946): 3.

²⁴⁹Ibid., 26 (Jan. 20, 1949): 16.

²⁵⁰Wichita Eagle, April 3, 1941.

²⁵¹Ibid., April 13, 1941.

Wichita the economic equipment it needed. "Deep in the interior Wichitans recognized that here was an instrument which would bring things physically near as the telescope had done visually. Leagues from any coast-line they recognized then as they have realized since that Wichita could become a port on the globe-encompassing ocean of the air." It would make an industrial dream come true and "could lift Wichita to that estate where on the shore of the new sea which the old sky had grown to be, this prairie city would launch winged fleets for all time to come."²⁵² If the workers could just get across the railroad tracks and through the congestion to their machines in the morning.

It was an exciting challenge for the intellectuals and the planners. In May, 1941, a team from the state highway commission visited Wichita with the thought of rerouting state highways around the city to relieve traffic congestion.²⁵³ Shuttle buses to outlying towns were suggested.²⁵⁴ Paving and widening programs galore were presented, most prominently for Kellogg and Central.²⁵⁵ Many of these initiatives coalesced institutionally with the creation in the summer of 1941 of a 21-member traffic commission, a Wichita first. City Commissioner O.F. Sullivan said that the "alarming traffic congestion on the streets" could affect the economy unless emergency measures were taken. The first action of the Traffic Commission was to dispatch City Manager Russell McClure and Chief of Police Thomas Jaycox to meet with Dr. Maxwell Halsey, the director of the Institute of Traffic Engineering at Yale. Halsey was employed to do a study of Wichita traffic flow and make recommendations.²⁵⁶

Halsey started with a traffic survey.²⁵⁷ "I do not intend to give Wichita an immediate solution to its traffic problem," he said. "I will submit a plan which, if followed out, eventually will give the city a new deal in both its traffic and its parking problems."²⁵⁸

The results of the survey, released as Hitler's Wehrmacht pushed deep into the Soviet Union, showed traffic counts of more than 13,000 cars in the 12-hour daytime period near the aircraft plants on Central west of Beechcraft, on K-15 north of

²⁵²Ibid., April 20, 1941.

²⁵³Ibid., May 16, 1941.

²⁵⁴Ibid., June 11, 1941.

²⁵⁵Ibid., June 20, 1941.

²⁵⁶Ibid., Aug. 5, 1941.

²⁵⁷Ibid., Aug. 15, 1941.

²⁵⁸Ibid., Aug. 22, 1941.

Stearman/Boeing, and on east Franklin (Pawnee) near Cessna. The heaviest single area was near Beech on Central with over 6,000 cars in a 12-hour period. This was still well short of downtown figures, but given that there was little residential development in these areas other than federal housing, it was significant.²⁵⁹

Halsey made numerous recommendations. Wichita should establish a primary street system and mark thoroughfares. Through streets should be protected by stop signs as should all streets carrying more than 1,000 vehicles an hour. Priorities should be set in engineering and enforcement. "When this system has been fully developed it should be possible for any motorist leaving his or her home and intending to shop in the downtown district to travel only three or four blocks on residential streets which cannot afford maximum protection before reaching the through system which has a much higher degree of safety and facility." A traffic engineer should be employed, reporting to the city manager. There were 383 miles of streets in Wichita, 248 miles paved, and 2,500 intersections. It was impossible to improve all those intersections, so best to concentrate the flow so that 10% of improved streets would carry 80% of the traffic.²⁶⁰

The traffic commission cooperated. The traffic engineer was employed. The commission tried to hire Halsey himself for this position at \$3,000 a year, but he refused.²⁶¹ A new traffic code, with police concentrating on serious law violations and giving only warning tickets for others, was instituted.²⁶² The traffic engineer, J. Richard Jackson, found that traffic around the high schools was heavy. At the intersection of Douglas and Grove (East High), it had increased 89% in the past five years. It was 12,500 on Douglas every twelve hours, even so far east, and 2,500 for the same period on Grove. He recommended pressure-actuated traffic lights, the prohibition of U-turns and strict parking limits. In the area of North High along West 13th, there were 13,000 vehicles in a 12-hour period.²⁶³ These would be considered busy streets in the 1990s. Average speed in the 2300 block on East Kellogg was only 15.6 m.p.h. On the day of the Pearl Harbor attack, Dec. 7, 1941, angle parking was banned altogether in Wichita.²⁶⁴ Parking meters

²⁵⁹Ibid., Aug. 23, 1941.

²⁶⁰Ibid., Aug. 26, 27, 1941.

²⁶¹Ibid., Sept. 3, 1941. City of Wichita, Traffic Commission Minutes, Aug. 26, 1941, City Archives.

²⁶²Ibid., Sept. 4, 1941.

²⁶³Ibid., Oct. 14, 1941.

²⁶⁴Ibid., Dec. 7, 1941.

went in on a test basis in 1942.²⁶⁵ It was thought it might be a good idea also to ban horse-drawn vehicles from the city streets.²⁶⁶

One aid was the extension of the bus public transit system, never much used by Wichitans previously. In 1940 the city had 86 buses and they traveled 2,829,580 miles a year carrying 11,483,686 passengers. In 1944 it had 126 buses, traveling 3,997,491 miles and carrying nearly 30,000,000 passengers.²⁶⁷ By 1941 the city bus fleet was 110 vehicles carrying 27 passengers each. Wichita felt lucky to get the buses given the materials scarcity.²⁶⁸ Some 45,000 people a day were riding by December, 1941.²⁶⁹ In addition, special bus companies were organized with federal funds. Defense Transportation, Inc. and Emergency Transportation Inc. were both in place by 1942 and ran primarily from the central city to the aircraft plants. These special buses were painted grey with a green belt to distinguish them from regular city buses and charged a 10 cent fare.²⁷⁰ They carried 36 passengers, had automatic transmissions, and ran only during the rush hours.²⁷¹ Late in 1942 the "skip stop" plan was instituted, reducing bus stops in Wichita from 1370 to 806 to save gas and wear.²⁷²

Accidents and traffic problems increased through the war. In 1946 Wichita brought Robert Raleigh, assistant director of Chicago's Northwestern University Traffic Institute, to study the accident situation in town. There had been a 79% increase in accidents over 1945 as people started driving everywhere again, and it cost the city over \$1 million. Raleigh concluded the reasons were elimination of rationing and the 35 mph speed limit, younger drivers with little training on the road, returning veterans used to high speed, undermanned law enforcement, languishing public education, and a "general uplift in public attitude" which made risk seem more acceptable. During the war Wichita had handled a population of 280,000 in the metro area with only 130 uniformed police officers.

²⁶⁵Wichita Eagle, May 21, 1942.

²⁶⁶City of Wichita, Traffic Commission Minutes, Sept. 16, 1941, City Archives.

²⁶⁷Wichita Eagle, Feb. 10, 1945.

²⁶⁸Wichita Beacon, July 31, 1941.

²⁶⁹*Ibid.*, Dec. 14, 1941.

²⁷⁰*Ibid.*, July 7, 1942.

²⁷¹*Ibid.*, Sept. 26, 1942.

²⁷²*Ibid.*, Nov. 3, 1942.

At the same time Boeing employed 250 guards to supervise its 18,000 employees.²⁷³ Something needed to be done.

2. Traffic in the 1950s

In the 1950s, the federal highway program began constructing the limited access interstate program cross-country. This aided in easing congestion in the cities through which they passed by eliminating crossings of streets and railways. The accident numbers actually declined, though in 1955 there were 114,000 automobiles registered in Sedgwick County, while traffic tickets given by a strengthened police force went up.²⁷⁴

Still, traffic problems remained. The relief that buses provided during the war diminished drastically in the 1950s. When Wichitans had a choice, they chose the private automobile, for all the traffic problems it caused, over public transit with its inflexibility. "People do not have to use the buses," concluded a 1957 study, "in the sense that they must have water, electricity, and gas service." For commuting to work, 77.2% of Wichitans used their own car, and 82.2% traveled by car in some way. Fewer than 10% used the bus. Wichita had one of the highest percentages of automobile ownership in the nation, with multiple car ownership common in all income brackets. Almost everyone could drive and more than half the women in town had their own cars available for use during the daytime. Three out of 8 people did not even know the current bus fare. The consultants noted that "the typical car owner may complain bitterly about traffic congestion, lack of adequate parking facilities, cost of operation; but this does not deter him from using his automobile more and more." People put great value on their time and thought the car was quicker. Many of the new developments were not yet on bus routes. Cost was not a factor. Most of those interviewed admitted that it would be cheaper to ride the bus, but they did not care.²⁷⁵

A serious traffic study was done in 1953 for the city of Wichita by the Kansas State Highway Commission. There were then 79,534 dwelling units in Wichita and 75,888 cars. It was determined that within the study area motor vehicles traveled 2,906,000 miles per day, more than 24 miles per vehicle, and the average occupancy of cars was 1.7

²⁷³Ibid., Oct. 8, 1946.

²⁷⁴Ibid., Jan. 1, 1955.

²⁷⁵Verne A. Bunn, "A Study of Transportation in the City of Wichita for the Wichita Bus Company," typescript, June 17, 1957, 1-30.

people. There was one passenger car in Wichita for every 2.72 people over 5 years old and these cars and trucks made 478,264 trips a day.²⁷⁶

Traffic congestion, the report said, "is rapidly becoming unbearable," and the need for limited access expressways to replace Highways 81 and 54 crisscrossing the city was extreme. There were by then 60,000 vehicles a day on Highway 81, crossing the city from north to south, and not grade separated in any way from the city streets. The delays, with traffic lights controlling only a small proportion of the intersections, dwarfed rail grade crossing delays by comparison. Highway 54, now routed along Kellogg, carried 35,000 cars a day, 4,500 in its peak hour. Although expressways had sometimes been defined as the "quickest route between two bottlenecks," the study concluded that Wichita would have to have limited access expressways, particularly on Highway 81, which was in the early 1950s effectively splitting the city in two.²⁷⁷

The river had relatively few bridges and was an additional barrier to east-west traffic, as was the later "Big Ditch" flood control project on the near West side. In order to avoid total gridlock, Wichitans would have to plan their trips and accommodate themselves to a priority plan much like that in force in World War II where 80% of the traffic was directed to 10% of the streets and then every attempt made to see that those streets were efficient and safe movers of traffic. Naturally, too, the elimination of railroad grade crossings on those kinds of arterials became a first priority.

3. Accidents and Overpasses: Rail Crossing Issues in the 1940s and 1950s

Rail traffic, like auto traffic, increased dramatically during the war. In 1944, for example, railroads hauled 11 billion lbs. of freight and 870,000 passengers in and out of Wichita on 21,900 freight and 9,490 passenger trains. While the number of trains locally was down to some 84 trains a day from the peak of 160 a day in the late 1920s, they were longer and heavier.²⁷⁸

Thanks to the survival of some Wichita Union Terminal Railway operating records for the 1950s, it is possible to glimpse a bit more detail on local rail traffic densities and train lengths during that era. The WUT, representing the Santa Fe, Rock Island and Frisco, handled an average of 129,000 to 145,000 cars a month through the center of town

²⁷⁶Kansas State Highway Commission, Wichita Metropolitan Area Traffic Survey [1953], 9-12, 44.

²⁷⁷*Ibid.*, 33-35.

²⁷⁸Wichita Eagle, Dec. 2, 1945.

between 1953 and 1956. Passenger trains averaged about 11 cars and freight trains averaged about 70 cars, with a monthly high of 81 cars.²⁷⁹ By comparison, I.C.C. statistics indicate that in the midwestern area in 1928 trains had seldom averaged over 60 cars in length, and they were smaller capacity cars.²⁸⁰ In 1911 the average length was only around 35 cars.²⁸¹ There had been a motive power, rolling stock, roadbed, and operating technology revolution in railroading.

Still, there was no question that these trains delayed all that auto traffic and that it was a problem. The press seemed to describe rail-related accidents in ever more graphic detail. For example, in December, 1940, there was a harrowing account of a 15-year-old Civilian Conservation Corps worker losing both legs after trying to hop on a freight in Wichita on the way to visit his family in Kansas City. He died a few days later.²⁸² In February, 1941, a car-train accident killed two when the northbound Santa Fe train No. 28 hit a car at the crossing on E. Harry. There were extenuating circumstances: the car was being chased by police at the time. But it was the same intersection where four people were killed on Christmas Eve 1939 when their car burned after being hit by a train.²⁸³ In April of the same year an 86-year-old man was killed when the southbound Santa Fe Scout hit his car at Washington and Zimmerly. The man drove past the warning signals onto the tracks and did not see the train until it was a few feet from his car. He then threw up his hands in fright. The engineer had to walk back after stopping the train and pick him up.²⁸⁴ In May Ivan Kyle, 30, of Cheney was badly injured when, traveling at a high rate of speed, he hit a train at the fifth car back. The train crew had stopped to throw a gate according to the rules and had just started again when the car roared into it.²⁸⁵ In September, three employees of Stearman Aircraft were injured at the intersection of the Santa Fe tracks and Murdock St. Northbound #2 had just passed and they pulled their car across four tracks just as Southbound #1 entered the intersection at 30 mph.²⁸⁶ In 1955 the

²⁷⁹Wichita Union Terminal Railway, Operating Statements, 1953-60, Local History Division, Wichita Public Library.

²⁸⁰Interstate Commerce Commission, Statistics of Railways in the U.S., 1928, 142.

²⁸¹Ibid., 1911, 218.

²⁸²Wichita Eagle, Dec. 30, 31, 1940.

²⁸³Ibid., Feb. 9, 1941.

²⁸⁴Ibid., April 2, 1941.

²⁸⁵Ibid., May 20, 1941.

²⁸⁶Ibid., Sept. 5, 1941.

Wichita Eagle ran a series on the worst Kansas auto accidents, several of them grade crossing incidents. Running a series on disasters made such things seem almost an everyday occurrence.²⁸⁷

The railroads made efforts to upgrade crossing safety. The Santa Fe, for example, put automatic signals on many of its crossings in Wichita in 1946.²⁸⁸ And, to be sure, many of the accidents were the fault of the weather or the drivers more than the railroads and took place at well-protected crossings and with adequate warnings. Still, the cumulative shock of these reports was considerable. Perhaps statistically grade crossing accidents were minimal -- just as statistically in the 1990s deaths in airline crashes are minimal. But the drastic nature of such accidents as did occur gave them outsized importance in the public psyche.

The most serious discussion of grade separations during the war years was of a possible overpass of the rail yards at either 25th or 21st and Broadway. There was a public meeting on the plan early in 1941, but it was felt the yards were so wide that a street viaduct was an overly ambitious project. "The men felt the overpass idea is too remote for serious consideration," it was reported. "The state and county have funds for such purposes, but do not wish to bear the whole expense." The federal government was allotting funds to states for grade crossing elimination based on each state's rail mileage, but those at the meeting were unsure how to tap those funds.²⁸⁹ The viaduct project at that moment seemed as practical as a subway project that was laughingly proposed to move workers to the aircraft plants, with subway trains making a complete circuit every 30 minutes.²⁹⁰ But it was not to be the last discussion of bridging the north yards, which had been created to relieve yard congestion downtown, but as the city expanded were themselves becoming a traffic hazard.

²⁸⁷Ibid., Jan. 16, 1955.

²⁸⁸Ibid., April 9, 1946.

²⁸⁹Ibid., Jan. 30, 1941.

²⁹⁰Ibid., May 16, 1941.

VII. Wichita City Plans and the Railroads, 1946-1964

1. Introduction

The traffic problem remained prominent in Wichita. It was something planning had to adjust to. No longer would Harland Barthomew's idea suffice that auto traffic would not be a problem because people would rationally take the streetcar.²⁹¹ The streetcars disappeared in the mid-1930s. Wichita had been one of the first cities in the U.S. to adopt the electric street car and one of the first to discard it.²⁹²

The automobile population kept growing. At Central and Broadway the traffic count in 1932 was 6,500 in a 12 hr. daytime period; in 1936, it was 7,500 to 12,000.²⁹³ In 1946 Douglas carried 18,000 cars in a 12 hour period; First and Second Streets (by now one way access to and from town) had 5,000-7,500 each in the same period; Central carried 14,000-15,000 cars during daylight hours, Broadway 10,000 and 13th about 5,000. George Washington, which was the access road to the airport, was another heavily traveled street with about 10,000 cars in 12 hours. Harland Bartholomew predicted in 1946 that there would be 65,000 autos in Sedgwick County by 1970.²⁹⁴ That figure was exceeded before 1953. In 1960, when Wichita proper had a population of a little over 250,000, 100,000 cars and trucks were driving an estimated 1 billion vehicle miles a year.²⁹⁵

Many were frustrated by that situation, however much they accepted it as a practical truth. Before Wichita reached "automobile saturation," said a representative of J.C. Nichols's Kansas City investment company visiting Wichita in 1926, there needed to be an attitude change so that "community interests will overshadow individual wants."²⁹⁶ The problem was partly to determine who represented community wants and how those were to be imposed on private interests without killing the golden goose.

²⁹¹"Preliminary Report on the Transit Facilities of Wichita, Kansas," 1921, file C-70, Planning Office Archives, Wichita, Kansas.

²⁹²Harland Bartholomew, Comprehensive Plan: City of Wichita, Kansas, 1946 (Wichita, 1946), 12.

²⁹³Wichita Eagle, July 16, 1936.

²⁹⁴Bartholomew, Comprehensive Plan, 1946, 61.

²⁹⁵Wichita Eagle, March 10, 1960.

²⁹⁶Wichita Eagle, March 6, 1926.

Auto traffic growth meant that the question of track elevations and grade separations returned often to the attention of planners. But the city engineering department's 1921 insight about the track elevation question proved prophetic. It would be hard to change the grade crossing situation, particularly at railroad expense, the engineers said, "because the railroads ordinarily will not make changes of existing conditions until their own overloaded traffic compels them to make some change. For this reason, we believe that it will be a long, long, time before the railroads can be forced to elevate the tracks."²⁹⁷ City planners and city plans in the next decade very regularly wrestled with the railroad crossing problem in town.

1. The Plan of 1946

Bartholomew was hired to return to Wichita in 1946 to create another comprehensive city plan.

The first trend he noticed was that more and more people were living outside the city limits, but driving on Wichita streets and using Wichita services. There were over 14,000 people in this situation in 1940 and about 20,000 in 1946. Standard population figures for the city proper became less and less adequate in planning infrastructure.²⁹⁸

Wichita by the end of the war was a major city, and it was a city which had burgeoned industrially and in population at a time of war emergency when there was no leisure or funding to create an industrial layout according to any planner's specifications. Industries had to be located in any sort of building that could be found, and railroads had to serve them in whatever way they could without much regard to the effect on auto traffic flow. Industries naturally located along rail lines, which discouraged residential development in those regions, and the railroads "were also an obstacle in developing an adequate major street system because of the many grade crossings." In fact, Bartholomew noted, "the rivers and the railroads have presented the major obstacles to the general street pattern."²⁹⁹ A 1953 traffic study commented further that aircraft parts manufacturers and contractors during the war established plants "in any available building no matter where located in the city. Consequently the city streets and highways became conveyor belts for the assembly lines of the industry." After the war the plants were converted to civilian

²⁹⁷CM Jackman, P.J. Brockway to City Planning Commission, Nov. 2, 1921, *ibid*.

²⁹⁸Harland Bartholomew, Comprehensive Plan: City of Wichita, Kansas, 1946 (Wichita, 1946), 27.

²⁹⁹*Ibid.*, 33, 61.

uses, but their locations and the nature of the rail and truck access to them remained as it was established in quick time during the war.³⁰⁰

2. Planning in the 1950s and 1960s

One of the major planning decisions concerning traffic in the 1950s, and one which Wichitans remembered for a long time, was the decision not to extend the 1914 Kellogg viaduct on west to cross over the downtown streets as well as the rail yards. There was a debate in the city commission, but the conservatives, representing the downtown business people who wanted the traffic on Highway 54 to have to stop at each intersection with a downtown street, rather than to move on across the congested downtown, won the day. That debate illustrated that efficient traffic flow was far from the only consideration.³⁰¹ That viaduct was extended west only in the late 1990s and at an expense so enormous that it was cited as a reason why Wichita could not afford to share in the cost of constructing further railroad elevations.³⁰²

Much attention was paid to auto traffic in the 1950s studies, but relatively little to railroads. One of the most sophisticated reports, that by E.T. Halaas of the University of Denver in 1957 entitled Patterns for Progress: An Economic Base Study of the Wichita, Kansas Metropolitan Area, noted that "no two cities are alike in economic circumstance and social background. Each possesses mixed traits of strengths and weaknesses some of which are externally evident, while others can be recognized only after close study. All cities are alike, however, in that their central purpose is to provide their inhabitants with as high a living standard as their capacities will permit."

Halaas noticed that few cities had had faster growth in the wartime and immediately following than Wichita, and nearly unprecedented too "has been its complete change in industrial character since 1940." Before that time Wichita was a trading center oriented to the agricultural community. After that date it was a highly industrialized city focused on aircraft production; an extreme illustration of the "boom town." As such it had to watch lest the bubble burst.³⁰³

³⁰⁰Kansas State Highway Commission, Wichita Metropolitan Area Traffic Survey, 1953, 27.

³⁰¹For samples of this debate see Wichita Eagle, April 9-26, March 7, 1952.

³⁰²Wichita Eagle, Jan. 29, 1997.

³⁰³E.T. Halaas, Patterns for Progress: An Economic Base Study of the Wichita, Kansas Metropolitan Area [1957], i.

The "One Wichita" plan of 1960 had as its central idea to change annexation policy so as to absorb more of the outlying unincorporated areas into Wichita. This would add 55,000 people and 55 square miles to the current city of 52 square miles and 245,000 people. The expanded tax base would help pay for more public facilities. Already in the 1950s the Equus Beds and Cheney Reservoir water systems, as well as expansions to the sewage system and improvement of the highways and streets, had been constructed at great expense to serve this large population, and the report thought it was time all citizens share equally in paying for it.³⁰⁴

In 1961 came the planning department's "Center City Study" -- the beginning of a long planning focus on the downtown and its revitalization. Part of the implementation took place in the 1960s during the heyday of federal funding for cities through the Urban Renewal Program. This resulted in the Century II Civic Center, the Public Library, the Tripodal public sculpture and the Garvey Office Buildings, among other downtown improvements. A second major focus on downtown came during the 1980s and 1990s with the institutional center being the Wichita-Sedgwick County Partnership for Growth [WI/SE] committee funded by the Chamber of Commerce, the City, the County and the School Board. Downtown revitalization generated its own auto traffic, and access into and out of the downtown, however, was affected by grade crossings. There was no question that downtown planning, circumferential highway planning, and rail crossing planning were, or should be, interrelated.

The Center City report looked at traffic circulation, not only into, but around the downtown area, and the use of the river as a recreational and business attraction. The volume of traffic in 1960 for the downtown was about 100,000 vehicles and 85,000 people between 7 a.m. and 10 p.m. There was no free parking and the grid street system did not make movement across the area very efficient.

"Operations of rail lines in Center City," the report said, "is not without problems affecting the general public and the railroads and their customers. The most apparent problem is represented by the traffic conflicts at the numerous rail and street intersections. These conflicts seriously limit efficient transportation movement, threaten safety and cause costly delays to motorists, the railroads and the industrial-warehouse areas." So serious was the railroad issue that the city hired the consulting firm of Sverdrup and Parcel, which was assigned, as part of a broader city planning study to be published in 1964, to study rail transportation in Wichita and suggest solutions to difficulties.

³⁰⁴Wichita Planning Commission, "One Wichita. Growth Program for the 1960s," October, 1960, 1, 3.

The preliminary idea of the Center City report was that there needed to be an "inner loop" highway to feed cars in and out of the downtown to supplement the "outer loop" already in its formative stages with the upgrading of Highway 81 to Interstate 35, the building of the Kansas Turnpike around the south edge of Wichita and planning for a series of northern circumferential highways. The picture that emerged was of a diagonal highway (essentially the old Frisco diagonal idea) to connect the two expressway loops. Grades should be separated at major streets, signals improved and switching activity and congested points eliminated.³⁰⁵

3. The 1963-64 Transportation Plan

The Sverdrup & Parcel study, released in June, 1963, contained by far the most extensive series of recommendations concerning local railroads and grade crossings since the 1923 Bartholomew Plan. By that time it was assumed that Interstate-235 would be extended east over Broadway and the Santa Fe tracks to an intersection with I-35W and K-254, thus greatly aiding flow over the northern rail yards with high speed, limited access interstate highways. The Inner Loop was still a possibility. That highway would go northeast from Kellogg and Seneca, crossing the Santa Fe and Rock Island tracks north of Murdock, and then continue parallel to Murdock north of the downtown to a connection with I-35W in the vicinity of the Chisholm Creek Canal at Hydraulic Street. In the future, it was assumed that a Northeast Circumferential (constructed thirty years later as the Robert Brown Highway) would further relieve congestion on major east-west streets by routing traffic from the eastern suburbs north over grade-separated, high-speed freeways.³⁰⁶

The railroad aspect of the traffic problem was, the consultants admitted, difficult. Railroads entered Wichita over twelve different lines from all four quadrants. "This makes it difficult to visualize the complex problem and the proposed solution in its entirety." The report took one railroad situation at a time and made recommendations.³⁰⁷

First, the Frisco should be relocated and its old right of way made available for a northeast diagonal highway. This was the same suggestion Bartholomew had made in 1923. This time there were cost estimates. The relocated line, skirting the city to the north

³⁰⁵Wichita-Sedgwick County Metropolitan Area Planning Dept. "Center City Study," Dec. 1, 1961, 1, 3, 6, 12, 16, 18.

³⁰⁶Sverdrup & Parcel, Consulting Engineers, "Railroad Transportation Study, Wichita, Kansas. Prepared for Wichita-Sedgwick County Metropolitan Area Planning Commission." typescript, June, 1963, iv-viii, introduction.

³⁰⁷Ibid.

from Greenwich Road on the east in a northwest and westerly direction to the south end of the Frisco's 29th street yards, would cost \$1,610,000. That would created the diagonal to connect the inner and outer loop traffic ways, and it would eliminate most of the Frisco grade crossings in the city.³⁰⁸

Second, the report recommended that the current elevated track system be extended -- again almost as Bartholomew had suggested years earlier. The extension, which formerly it was thought wise to push past 21st street, was in this plan to start from the 2nd Street overpass, proceed past Central to 9th, and then descend to street grade at 13th. At 13th and 17th, the streets would be carried over the railroad by viaducts rather than the railroad over the street. North of 16th Street the Rock Island and Frisco operations would be via new main lines connecting with the existing lines at 20th St. North and Washington St. New industrial lead tracks would be built. The proposed Inner Loop would cross the tracks between 8th and Murdock. This would "permit the elimination of all street grade crossings of main line tracks and some industrial tracks between 2nd St. and 20th North. The estimated cost of the railroad changes for that phase, not including the highway construction that was an integral part of the solution, was estimated at \$14,357,000.³⁰⁹

A third suggestion involved an extension of the rail elevations to the south of the downtown along the WUT and Santa Fe rights of way so as to permit highway "subway" underpasses at Lincoln, Zimmerly, Harry, Mt. Vernon and Pawnee Street, where south aircraft plant traffic congregated. The cost would be \$4,525,000.³¹⁰

That was not all. The Rock Island should be relocated between Industrial Avenue and MacArthur Road on the south side to avoid street grade crossings. Cost: \$4,447,000. The track in the vicinity of the MP depot downtown should be removed and "relocated from the business area to an area more appropriate for such services." Some streets should be closed to eliminate grade crossings and "a continuing program should be carried on, based upon studies of vehicular and train traffic, public convenience and necessity and other crossing characteristics including the crossing accident record, to progressively improve existing conditions."³¹¹

There was no question that the consultants felt all grade crossings needed improvement, whether separation was feasible or not. But they noted that "the absence of

³⁰⁸Ibid.

³⁰⁹Ibid., viii.

³¹⁰Ibid.

³¹¹Ibid.,viii-ix.

applicable satisfactory standards for determining the type of protection required at highway-related grade crossings makes it impracticable to specify the most feasible treatment for specific crossings." That would have to be done on a case-by-case basis.³¹²

In 1963 Kansas was ranked sixth in the nation in rail mileage with 8,215 miles. There were 45 miles of main line track and 136 miles of total track in the City of Wichita. Sixty trains passed through the city each day, on average almost equally divided between passenger and freight, as contrasted with the much more frequent passenger service of earlier eras. There were 26 passenger trains, 31 freights and 3 mixed. The Santa Fe ran 16 passenger, 10 freights and 2 mixed trains daily; the Rock Island 8 passenger and 10 freight; the Missouri Pacific 2 passenger, 6 freight; the Frisco 4 freight; and the Midland Valley one freight. The incoming and the outgoing version of essentially the same through train might be designated separately, so the effective volume across the whole city might be exaggerated by these figures.³¹³ Still, the patterns of rail service that had built up historically, with the relatively new auto traffic volumes superimposed, was causing problems.

Industrial location was one of these historical problems-- something that had first been noted in the 1923 plan and reinforced by planners looking at the city's growth in the 1940s. The Sverdrup report called it "unfortunate" that Wichita's industries were dispersed throughout the metropolitan area, pretty much wherever opportunities were at the time of their origin. Often these industries were "incompatible with the surrounding area" and should be relocated to planned industrial districts. The rail tracks serving these industries should be permanently removed and more "suitable" types of development subsisted in the areas they vacated. The planners thought the North End Industrial Area, which would be bypassed by the circumferential system, yet still be accessible, was the best candidate for the new industrial districts. "The efficacy of a cooperative plan for the gradual removal of industries from scattered areas to planned industrial districts will be dependent upon the degree of united effort exercised by railroad, civic, and industrial representatives."³¹⁴

No price tag was attached to this wholesale geographic reorientation of business, but it would doubtless have dwarfed the cost of the rail elevation plans proper. Urban planners in the twentieth century have consistently been frustrated by the way cities have developed in response to economic realities in their specific time-bound situations. In

³¹²Ibid., ix.

³¹³Ibid., 1-7.

³¹⁴Ibid., 7.

effect the modern city becomes a little like the mound where ancient Troy was found, seven layers deep and evidencing different civilizations, now all defunct. It would be fine to start all over. The problem always is the enormous investment of businesses and the transportation that serves them in the existing plant. Since much of this was paid long ago, it gives great cost leverage to present operations. Just as the railroads not only would have to pay for a share of elevations, but would be responsible for local property taxes on the value of the entire improvement, so such relocations by industry would result in one-time rebuilding costs and continued extra taxation expenses with questionable benefits to them directly and in the short term.

Grade crossings were a second class of problem arising from historical decisions in a present with different needs. "Railroads crossing streets and roads at grade," said the consultants, "contribute materially to the delay of vehicular traffic and also create hazards which often cause accidents, some of which are fatal." The main problem was the number of trains, something which could be aided most simply by increasing the length and capacity as well as the speed of these trains. Still the volume was substantial. In a typical month during this period 372 passenger trains with 3,576 cars and 492 freight trains with 29,982 cars operated every month through the Wichita Union Terminal Railway. About 8,500 cars a month were interchanged between railroads, with much movement across grade crossings. And in addition to scheduled trains and interchanges, there was considerable switching at the widely spread industries to deliver and receive loaded and empty cars. This created delays.³¹⁵

Certainly all this was true, and certainly the solutions were obvious, assuming that some group could be found willing and able to foot the bill. But while businesses, including railroads, were civic-minded, it was difficult to translate very long-term general potential benefits to the city as a whole and its motorists into an assessment of current costs that the parties could either afford or agree was fair. It had been a problem with the \$2.5 million 1914 elevation and Union Depot project. It had been a problem with the \$150,000 Waterman subway. And it was a problem with the \$24,939,000 package of direct costs which the Sverdrup plan with all its proposals eventually added up to.

The 1963 report at least was much more detailed than the Bartholomew proposal in describing the proposed improvements, the number of crossings they would eliminate, and the price attached. And there had been considerable discussion of alternatives. For example, elevation of the tracks all the way past 21st St. had been discussed, as well as eliminating grade crossings totally by viaducts carrying the streets over the tracks, or by

³¹⁵Ibid., 8.

some combination of the two. The third idea seemed best.³¹⁶ The report noted too that it was wise to focus on the worst problems first and not to solve insignificant ones. Some minor streets did not have high enough traffic counts to justify costs for separating them or protecting them and should probably be closed.³¹⁷

The statistical documentation of the Sverdrup report was unprecedented. There were 32 pages of crossing statistics documenting the traffic counts at 583 railroad crossings, as well as tables detailing the number of crossings that would be eliminated by each of the alternative plans. In the case of each crossing, the plan made a recommendation for how it would be best treated. For example the Frisco crossings at Woodlawn (3,600 autos a day), Oliver (6,600) and Hillside (14,500) would be eliminated by the removal of the Frisco tracks under the northeast diagonal/Frisco reroute plan. On the Santa Fe, the 13th Street crossing (10,500) and the Central crossing (14,500) would be eliminated by elevation extension while Douglas (16,500) was already under the elevated tracks. Pawnee (14,300) would be included in a proposed south elevation.³¹⁸

The 1963 study was incorporated into a more extensive 1964 report by the Wichita-Sedgwick County Metropolitan Area Planning Department in three volumes entitled "Transportation Study for the Wichita-Sedgwick County Metropolitan Area." Volume 1 was a land use analysis, volume 2 was a traffic survey and volume 3 was filled with tables and descriptions of methods.

Updated traffic numbers showed no decline. Auto traffic was analyzed by quadrants and by streets this time by an Average Daily Traffic (ADT) method that yielded a peak of 22,400 cars a day for Douglas, 30,000 for Kellogg and 20,000 for Broadway. While this was not much greater density on individual streets than in 1946, or for that matter in 1927, it was heavy volume in some places. Wichita remained an automobile city and one that did not ride public transit. An origin-destination survey showed an occupancy per car of 1.64 persons and 672,806 trips a day, over 550,000 by private car. Wichitans owned 118,280 cars.³¹⁹

Traffic accidents were analyzed by intersection, as were train-auto accidents. As a percentage of the total city accidents, the car-train mishaps were few. There were 24 car/train accidents in 1954, for example, of 5,714 total accidents in the city. There were 30

³¹⁶Ibid., 14.

³¹⁷Ibid., 40.

³¹⁸See Table III, "Existing Railroads, Highway-Railroad Crossing Characteristics."

³¹⁹Ibid., Origin Destination Survey, III: 8, 15, 26.

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in 1960 out of 7,701 total accidents. Fatalities showed the greater danger of a rail/car accident, but rail/car fatalities were few enough to make one question the statistical significance. There were 9 injury rail/car accidents in 1957, for example, and 1 fatal accident. In the city generally there were 1767 injury accidents and 17 fatal ones. In 1958 there were 13 fatal auto accidents in the city, but none at rail crossings. In 1959 there were 10 fatal accidents, none at rail crossings. In 1960 there were 11 fatal accidents in the city, one at a rail crossing. That year rail crossing injury accidents were six out of 1,585 for the city as a whole. The most dangerous intersection over a number of years was the intersection of the Santa Fe and Rock Island railroads with 13th St. North, which had 2 fatal, 9 injury and 14 non-injury accidents in the ten years preceding the study.³²⁰

The railroad changes suggested by the Sverdrup study were re-emphasized along with a strong appeal for a North Wichita Outer Loop to connect the major industrial traffic generators in North Wichita with the existing and proposed federally-aided interstate routes, namely I-35 and I-235. This would provide easy movement for cross town traffic, provided people were willing to go far enough out of their way to get on one of these routes, and would open a way "for both service and through traffic which will not have to cross (at grade) the many railroad tracks in the North Wichita Industrial Area." It was predicted such a route would handle 7,000-12,000 cars a day by 1985. The need for an Inner Loop and a northeast diagonal were re-emphasized. It was estimated the diagonal would cost \$1,420,000, exclusive of the relocation costs for the Frisco railroad, and that the Inner Loop, including cost of right of way, would cost over \$16 million.³²¹

Railroads were a key element of the plan. "The movement of rail traffic has an important impact upon the total transportation network of Sedgwick County. This is especially noticeable when rail and vehicular movement conflicts occur. Frequently slow moving trains crossing busy thoroughfares at grade causes considerable vehicular delay and thus affects the volume of traffic which these streets must carry. Thus, future railroad and highway traffic planning must be coordinated to realize safe and efficient movement of these modes of transportation."³²²

That was well and good. But the fundamental political and economic problems which had stymied any movement on grade crossing elimination for so many years in the past remained in 1964. On February 6 and March 5, 1964 public hearings, attended by

³²⁰Wichita-Sedgwick Co. Metropolitan Area Planning Dept. "Transportation Study for the Wichita-Sedgwick County Metropolitan Area," 3 vols., Oct. 1964, I: 30-31, 33.

³²¹Ibid., 36.

³²²Ibid., 51.

representatives of the railroad companies, were held in Wichita to discuss the new planning suggestions. The railroad people stated in no uncertain terms that the proposals were economically unsound. "The representatives stated," the planning document reported, "that the railroad proposals would represent excessive initial costs and increased future operating costs for the railroads. They also indicated that the proposed sharing of trackage was unacceptable because of the conflict involved in passenger, freight and switching movements. It appeared from the statements that the railroads would cooperate and consider the plan proposals, if the proposals would not result in additional operating costs."³²³

The local press at the time gave the meeting a more negative spin still. The railroads, the Eagle reported, "flatly rejected" at the February meeting the 1964 suggestions to relocate track and revise railroad operations. A.E. Anderson, a superintendent of the Rock Island from El Reno, Oklahoma, representing the lines serving Wichita, called the proposal "unacceptable." Merritt Winsby, the chair of the planning committee, was taken aback and called for a continuation of the meeting on March 5, when he hoped the planning consultants could be present. "He pointed out that the present railroad plan is an ideal of a goal to be reached over a 24-year period."

The railroad statement left some room for further negotiations. The railroads, it said, would consider some plan, but not this one. "If the planning commission or its consultants present a plan which is acceptable to the railroads and will not result in additional operating costs to them, the railroads will give it consideration." W.B. Throckmorton, a Rock Island engineer, said that he personally approved of grade separations but contended that these were not the railroads' problem and that the railroads should not be expected to pay for them -- "it is a highway problem."³²⁴

The March meeting had an 18-page agenda and lasted two days.³²⁵ But the result was no different. The local press apparently found any prospect of agreement so hopeless it did not even bother to report on the second meeting, but turned its attention to a land fill debate at the Metropolitan Area Planning Commission.³²⁶

The elevation and relocation project for grade crossings was, indeed, at \$24 million, of forbidding cost. But so was the proposed limited access expressway, at an

³²³Ibid., 50.

³²⁴Wichita Eagle, Feb. 7, 1964.

³²⁵Ibid., March 5, 1964.

³²⁶Ibid., March 6, 1964.

estimated \$79.3 million. And so was the steady traffic growth, spread, sped and eased somewhat though it was by the loops of the interstate system of the 1950s and 1960s. It was a fact that Wichita, though it had a high number of auto registrations per family, also had a low population density relative to many cities, and consequently relatively "infrequent minor traffic congestion."³²⁷ But the perception of the public was different. In 1964 there were 162,316 vehicles registered in Sedgwick County, traveling over 2.5 million miles a day. This was estimated to increase to 4.3 million miles in 1975 and 5.7 million miles in 1985.³²⁸

One big difference, of course, between highway planning and grade separation planning was that federal aid available for highway construction was not available for grade separations with railways in places not involving federal highways. A country and a city which had gotten accustomed to flyovers and flyunders on limited access expressways at every turn might find it hard to imagine that going over or under a set of railroad tracks was such a difficult matter. But the economics and politics of that were in a totally different world. It was indeed true that the nation that put a man on the moon in the decade of the 1960s still had as great difficulty implementing efficient traffic movement plans in its cities as it had in 1910. The multiplicity of interests involved, their conflicts, and the nature of their vested interest was such as to keep it a thorny issue.

³²⁷"Transportation Study for the Wichita-Sedgwick County Metropolitan Area," 1964, I: 46.

³²⁸Wichita Eagle, March 28, 1964.

VIII. The 1976-77 Viaduct Project and the Rough Crossings Issue, 1970-1990

1. The Death of the Inner Loop and the Mid-1970s Transportation Situation.

There was some further attention to the rail crossing issue later in the 1960s. For example a 1965 study of siting for police and fire facilities noted that rail crossings along with natural barriers could affect response time and needed to be planned around, both in facilities siting and operations procedures. Grade crossings could cause delay, but the existence of many more restricted access highways by the mid-1960s made these delays much easier to avoid.³²⁹ Mostly, the transportation focus was on the expressway system and Urban Renewal downtown. Both these promised great modernization at largely federal expense with easing of the grade crossing problem thrown in for free.

The Interstates did not solve the crossing problem totally. It remained on the agenda. In a list of goals for Wichita and Sedgwick County formulated in 1976, the third was "encourage the elimination of rail/vehicular conflict on those streets with an average daily vehicular traffic count greater than 15,000 and where train traffic blocks the intersection more than 10% of the time between the hours of 6 a.m. and 10 p.m."³³⁰ That statement provided a specific definition for what kinds of crossings needed attention according to the city.

What turned attention particularly back to rail crossings in the middle 1970s was the death of the Inner Loop, which had been a key part of the Wichita auto circulation and, at the same time, grade separation plan for many years. The building of limited-access highways for which large federal funding was available in the days of LBJ's "Great Society" was one way of solving much of the rail grade separation problem without confronting it, the railroads or the city taxpayers directly. Certainly, it partly worked on much of the outer loop, and by the 1990s essentially that entire system would be completed. But it did not work with the Inner Loop and the diagonal, which were seen as essential in connecting the circulation to the suburbs with the downtown revitalization being driven by the Urban Renewal program.

³²⁹Wichita-Sedgwick County Metropolitan Area Planning Dept., "Fire and Police Facilities Plan," typescript, Aug., 1965, 52.

³³⁰Wichita-Sedgwick County Metropolitan Area Planning Dept., "Formulation of Goals and Objectives for Wichita-Sedgwick County," Aug., 1976, 41.

By the 1970s there were a greater multiplicity of constituencies in Wichita than ever before, including a Historic Landmark Preservation Committee, which was concerned with the destruction of historic properties near downtown by the Inner Loop. Traffic movement was important, but it was not everything, and each proposal created a political debate.

As an Oblinger-Smith report of 1972 put it, there were offsets and balances to which planning and development must accommodate themselves. "In the early days of planning," the report said, "very little attention was given to any aspect of the environment other than the physical aspect. It was not considered particularly important to understand the economic activity and it was considered less important to understand the societal make up of the area for which the planning was being undertaken."³³¹ That was no longer true.

In August, 1976, after a long local public debate, the City Commission officially put the 2.7 Inner Loop project, then estimated to cost \$50 million, to rest. The reasons were huge expense, insufficient perceived need and "overwhelming citizen opposition." It was regularly mentioned, however, that "the problem of getting conveniently across the city is still around." Bill Stockwell, the major traffic planner in Wichita, argued that since traffic would not be concentrated on the Inner Loop and diagonal arterials, the other streets, to which it would be diverted would have to be improved. And something would have to be done to address the barriers, including the railroad tracks and the flood control canal, to east-west travel in town.³³²

2. The Central and 13th Street Viaduct Projects

One suggestion arising almost immediately was to do something to separate Central and 13th streets from the railroads. The project was authorized in 1975 and studies funded by Community Development Act money. In 1976, the architectural and engineering firm of Van Doren-Hazard-Stallings was employed to make plans and estimates. Their report was to consider the feasibility and costs of several types of grade separations, including underpasses and overpasses. "Every driver who has ever waited for five to ten minutes -- or more -- for a freight train or trains to pass," the press commented, "or has driven all the way downtown to utilize the 1st or 2nd Street or Douglas Avenue underpass -- will welcome the news that something, however preliminary, is finally being done!"³³³

³³¹Oblinger-Smith Corporation, "Changing the Urban Environment," typescript, March, 1972, 24, 33.

³³²Wichita Eagle, Aug. 19, 1976.

³³³Wichita Beacon, Aug. 23, 1976.

Late in August, 1976, the results of the study became available. Viaducts were the cheapest solution, but they would cost \$13 million, possibly as much as \$15 million with right of way acquisition. The Inner Loop had a price tag of \$50 million to be sure and would have required removal of 200 homes. But the federal and state governments were to pick up 70% of the cost there, so that the actual price to Wichita taxpayers was not much more than the two viaducts being proposed now. It was back to the old pattern of getting considerable leverage on grade separations by combining them with highway projects, while finding other taxing unit to help when dealing with ordinary streets crossing railroad tracks. Elevating the tracks would cost \$37 million, and underpasses were found to be impractical.

City planners believed that "railroad activity is the major reason for low speeds and high interference along 13th and Central." ³³⁴ Newspaper editorial writers agreed that too many of the sixty trains a day through Wichita crossed these streets. Whether it was a viaduct or the revival of the Inner Loop, there was a good deal of thought that something needed to be done. "The thousand of drivers who bump regularly over the three railroad lines plus terminal tracks that bisect the city's northsouth midriff hope something will be done." On 13th street it was possible to be stopped four times on the same trip.

However the problem with the viaducts was not only cost, but, as had been noticed when a viaduct on Douglas was considered in 1909, the approaches had to be very long and these approaches were not along rail tracks, but along streets filled with existing businesses. These viaducts would extend more than seven blocks from west of Emporia to east of Ohio street, and certainly those residences and businesses in their shadow would be severely and negatively affected. It was enough of a problem that there was discussion of diverting the railroads around the city altogether. That sounded "fine," wrote a Beacon reporter, but it would cost several million probably and "there'd still have to be some way of delivering rail service to the many industries that now border the railroad belt." ³³⁵

The debate followed an old pattern. Studies were made, expensive and not altogether perfect solutions were proposed, there were arguments about who should pay, and then people started talking about simpler ways of improving the situation. In October, 1976, city grievance officer Fred Lind suggested ticketing the railroads for blocking their crossings during rush hours. That plan would cost nothing and would help a number of railroad crossings, not just the two affected by the viaduct suggestion.

³³⁴Ibid., Aug. 31, 1976.

³³⁵Ibid., Sept. 6, 1976.

The railroads did not like that. J.D. Graham, a yardmaster for the Santa Fe, said such a rule would mean "we'd just have to hold the trains here and all the consignees are crying now about not getting their shipments when they want them. If they keep up, there won't be no railroads before long and we'll let the trucks have it all."

There were some legal problems as well. There was a city ordinance barring trains from blocking intersections for more than five minutes when the train was stopped, but this did not apply to slow moving trains. Even the ordinance in force was, according to the city attorney, probably unenforceable if the engineer were following orders from a superior when blocking the intersection.³³⁶

The press was not sure, but did not dismiss the suggestion lightly. Wrote a reporter: "On first hearing Fred Linde's idea for keeping railroad crossings clear at city thoroughfares during rush hours sounds as if the Wichita grievance officer is trying to win a cross-country race in a roundhouse." But on second thought, maybe it would work, at least until some better solution came along. It had "gained the attention of an industry that often plays by its own rules, performing a valuable service to the nation but routinely ignoring the problems of the points served and transversed."³³⁷

The city proceeded for a time with the viaduct idea. It signed a \$53,000 contract with Van Doren-Hazard-Stallings to draw plans for the two bridges. At the same time there was thought of widening Douglas, First and Second to carry three lanes of traffic under the existing rail underpasses as well as improving their drainage.³³⁸

Local reaction was that it was about time. The only alternative to cutting south to 1st or 2nd street when caught by a train at Central or 13th was "to try to beat the train to another grade crossing -- and that gets a bit dangerous." Probably 21st street should have been involved in the study, some said, as "most cross-town drivers have long ago given up that route because of the railroads, stockyards area congestion and bad streets." But if it were improved it would be a good route to Wichita State University and would improve the African-American business district there.³³⁹

The railroads, threatened with a big project, tried to be cooperative about the simpler solutions. In November, the MP and the Santa Fe met with the grievance advisory board about changing schedules to avoid rush hour delays. They explained that there were

³³⁶Wichita Eagle, Oct. 13, 1976.

³³⁷Wichita Beacon, Oct. 15, 1976.

³³⁸Wichita Eagle, Oct. 20, 1976.

³³⁹Wichita Eagle-Beacon, Oct. 23, 1976.

certain work rules, such as regulations governing the number of hours train crews could work and the times at which cars could be switched, that would make perfect compliance difficult. And the city had to recognize that local shippers would be inconvenienced, and might be as unhappy as motorists were happy with the changes. But probably they could ease the problem somewhat, at least in the mornings.³⁴⁰

The viaducts at Central and 13th went into the city's Capital Improvements Program for 1977-82 in December, 1976. The CIP had set the 13th St. construction to begin in 1980 and the Central project in 1982. "It would have been nice," a newspaper reacted, "if the overpasses had been built decades ago, but the phrase 'better late than never' is still applicable." The question remained whether these viaducts would ever be built. There had been several viaduct proposals before, and contracts had even been negotiated for their construction, only to have them somehow disappear with no concrete poured.³⁴¹

It was the time of the energy crisis and Wichita was proposing a coal gassification plant that would require moving huge quantities of coal over railroads from Wyoming. This would create longer coal trains running through Wichita and more and longer delays at crossings.³⁴² Late in January, 1977 the construction schedule for the viaducts was moved up to begin in 1979 and the order reversed, focusing on Central first.³⁴³

But before the end of the month doubts surfaced. The Beacon wrote an editorial reporting the suggestion that the viaducts on Central and 13th be set aside and that a new arterial overpass along the Murdock-9th street corridor be considered instead. The idea was to build a four-lane expressway from Emporia to Hillside. Perhaps it would cost less (though the early estimates were \$15 million). Perhaps it would cause less traffic disruption. But one of the goals of upgrading Central and widening the subway on Douglas was to permit the return of 1st and 2nd streets from "semi-arterials" to residential street status. Certainly the one-way 1st and 2nd streets presented a problem, especially east of Hydraulic where they were not only heavily residential, but included some very expensive homes right on the roadway, including Wichita's only Frank Lloyd Wright design. Any suggestion of widening these streets met with howls of protest and would, at very least, represent an enormous right of way acquisition cost. But Central could not compete as long as there were rail crossings. Could a 9th-Murdock "inner city boulevard" handle enough

³⁴⁰Wichita Beacon, Nov. 10, Dec. 21, 1976.

³⁴¹Ibid., Dec. 20, 1976.

³⁴²Wichita Eagle-Beacon, Jan. 2, 1977.

³⁴³Wichita Eagle, Jan. 12, 1977.

traffic to make a difference? Would it be a legitimate alternative for those using 13th to get to, say, Riverside or Wichita State University? It was felt to be important "that controversy over alternative options not distract us from the main goal. There must be developed some additional means of getting traffic safely and expeditiously across Wichita's railroad trackage belt." For that purpose the viaducts on Central and 13th looked pretty good.³⁴⁴

But support was not universal. Mr. Linde, the grievance officer, said for example that "the thing that bothers me about all these engineering solutions is that it's making the victim of the thing pay for the solution."³⁴⁵ Another voice was the Historic Landmark Preservation Committee. A major early Wichita home would be threatened by the 13th street overpass, and several other structures of lesser, but significant, importance would be lost in the two projects.³⁴⁶ No doubt too the overwhelming size of the coal gassification project, which ultimately failed to be approved, was giving city leaders financial indigestion.

In June came the near inevitable cold feet about the costs and discussion of how the railroads might be required to pay for the viaducts instead of the city. The old state law (KSA 12-1633) that the city had attempted to use in the Waterman subway case was trotted out again to suggest that maybe the railroads should pay for the viaducts. City officials argued that it was a moot point, as the railroads could not afford to pay and the city was already budgeting to get the problem solved. The city attorney said that the railroads had not even been approached this time. "The railroads don't have any money. It would be like trying to squeeze blood from a turnip." Whatever the law, as a practical matter asking the railroads would not work, said City Manager Gene Denton "if we want to build the overpasses and have them done anytime soon . . . I don't believe in the city doing something for the railroads that they could reasonably do themselves, but, on the other hand, it is we who want a quicker way downtown." The railroads had no incentive to build overpasses as they would not benefit from them.³⁴⁷

Suddenly, in August, 1977, the city did a complete reverse and shelved plans for the viaducts altogether. The commission voted 4-0 to abandon the overpass plans and, as a consolation to Wichita motorists, to spend \$85,000 putting rubber mats on the grade

³⁴⁴"Deserves Thought", Wichita Beacon, Jan. 24, 1977. Wichita Eagle, Feb. 23, 1977.

³⁴⁵Wichita Eagle, Feb. 23, 1977.

³⁴⁶Wichita Eagle, April 31, 1977.

³⁴⁷Ibid., June 11, 1977.

crossings to smooth motorists' passage. "The more we looked at it the more problems we saw," said commissioner Connie Peters. "I guess it snowballed."

Certainly a major reason was the increasingly organized opposition of business people. The Central Area Development Group, representing businesses along Central from Emporia to Cleveland, where the viaduct approaches would be, urged the commission to dump the plans, as they would put many out of business.³⁴⁸ Again, the interests could not be balanced in order to advance what most saw as a desirable goal both overall and in the long run.

3. The Rough Crossings Focus, 1970-1990

Smaller steps followed.

Next to delays at crossings, roughness of crossings was the major Wichita complaint about auto-railroad interaction in the 1970s. In the absence of major grade separation, it was always among the ways to improve things. Accompanying it were proposals to improve signaling and to speed up trains running through the city.

In 1949 there had been a discussion at the city commission of the legality of a proposed ordinance to compel railroads to install safety signals at certain points in the city which were considered especially dangerous.³⁴⁹ In 1954 increased train speeds were permitted in the city on the condition that new traffic control gates be installed.³⁵⁰

In the 1970s, the signal issue remained, and the speed issue remained -- some by then arguing for slower speeds to increase safety as well as some for faster speeds to diminish delay.³⁵¹ In July, 1971, the Wichita City Commission passed an ordinance requiring repairs and signals on 183 local rail crossings. There had been 154 car-train accidents between 1965 and 1969, eight fatal, and with a property loss of \$450,000. A priority list was set, and a fine of \$25 a day was provided for the railroads' falling behind. Repair of roughness was part of this. Commented one official: "The railroads have been cooperating pretty well once we've got them moving."³⁵²

³⁴⁸Wichita Beacon, Aug. 3, 1977.

³⁴⁹Wichita Eagle, Oct. 12, 1949.

³⁵⁰Ibid., Dec. 15, 1954.

³⁵¹Ibid., June 10, 1971.

³⁵²Wichita Eagle-Beacon, July 24, 1971.

There were other ideas short of total grade separation floating about. There was local talk in 1977 of banning trains in excess of 20 or 30 cars in length and setting a minimum speed in the 30-40 mph range. Railroads said they could not afford to run such short trains. They needed a minimum of 70-80 cars: a Rock Island spokesman said his line considered a 90-car train "short." And, frankly, given the poor condition of the tracks, they could probably not easily exceed the 30 mph maximum speed now set in the city for trains.³⁵³

As signals became better, there was more attention to roughness. Rail maintenance in general was considered poor in the late 1970s, with more and more frequent derailments.³⁵⁴ But that was primarily the railroads' problem. Crossings were different. Yet by early 1977 only half of the rough crossings ordered by the Kansas Corporation Commission to be repaired by the end of 1976 had been repaired.³⁵⁵

In December, 1978, the city began to use tax money to pay part of the cost of warning signals.³⁵⁶ In 1981 the city began paying the extra cost for rubber material rather than wood at crossings. The new rubber crossing material was supposed to last 30 years and was much easier on cars than wood. But the city found that it could not force the rail companies to use that more expensive material, only to maintain the grade crossings at some reasonable standard. The rubber cost \$225 a ft. compared with \$35 a ft. for wood.³⁵⁷

The repairs could not go fast enough for some. In 1984 Mayor Bob Knight went on a tour of the crossings with a former employee of Unruh Alignment and commented that hitting some crossings was like "hitting a brick wall at 200 miles per hour." Rerouting trips to avoid these rough crossings was, Knight thought, an inexcusable inconvenience for thousands of Wichitans.³⁵⁸

Progress on rough crossings was slow, and it was not the "big picture" solution that had so often been dangled before local people. A letter to the editor in 1984 called one crossing "a disgrace to the city of Wichita."³⁵⁹ Another noted that "the stress on vehicles is

³⁵³Wichita Eagle, July 20, 1977.

³⁵⁴Ibid., Jan. 22, 27, 1977.

³⁵⁵Ibid., Jan. 10, 1977.

³⁵⁶Ibid., Dec. 6, 1978.

³⁵⁷Ibid., Oct. 20, 1981.

³⁵⁸Ibid., Aug. 4, 1984.

³⁵⁹Ibid., Dec. 21, 1984.

bad enough, not to mention the nerves It's truly like living in the Dark Ages to encounter that area of town."³⁶⁰

People still regularly went around gates trying to beat trains, and engineers were just as stressed about it as they had been in the 1920s. "A train hitting a car," said one, "is similar to a car hitting an aluminum can." Train speed was up some, reducing delays, but with the exception of some sections of the Santa Fe, where freights could run 45 mph through the city, most trains in Wichita in 1987 could still not go faster than 35 mph.³⁶¹ With people trying to beat them, many thought it was probably just as well.

The stop-gap solutions were not pleasing. For example in 1986 there were a series of proposals for closings of little-used streets to avoid grade crossings. Midtown residents opposed that. "This proposed plan," they said, "to close about eight crossings starting with Eighth and 10th is clearly a trade-off for the railroad and a rip-off for the community." It was, they said, unnecessary and unnecessary. It was not done.

In the middle of the decade of the 1980s, it was said that there were 456 rail crossings in Wichita at 265 street locations, not much different than in the 1920s. Some of these street locations were within 600 ft. of each other. But the closing of a few had been rejected. The smoothing of the crossings was not enough. The adjustment of rail schedules had not proved sufficient. Elevation plans had failed, and viaduct plans had failed. "People want the access," a reporter said, "but they don't want the whistles and bells that come with a railroad crossing."³⁶³

And, it might have been added, they did not want to pay for a solution, and never had.

³⁶⁰Ibid., Dec. 27, 1984.

³⁶¹Ibid., April 3, 1986.

³⁶²Ibid., Sept. 25, 1985.

³⁶³Ibid., Sept. 18, 1986.

IX. The Traffic Question, 1985-1997

As has been mentioned, there was a period of focus on rebuilding the downtown during the Urban Renewal Era of the 1960s. Many industrial locations, like the old KG&E electric plant on Waco or Southwest Grease Cos. site on the river downtown, were removed and the old Forum Auditorium was replaced with the Century II complex and a new public library. Partly for this initiative Wichita received an All-America City award from Look Magazine in 1962.

By the 1980s that downtown was again looking shabby and there were many abandoned buildings in the core area. There were many reasons, but a key one, as had long been known, was a less-than-perfect method of getting automobiles into the downtown and parking them once they were there.

There was agreement, however, that traffic flow was important. A letter to the editor in July, 1985, in fact argued that traffic was the key to the whole thing. The downtown redevelopment process, this writer thought, ignored that fact that Wichita "lacks the transportation system necessary to support a major downtown retail system." Since the abandonment of the Inner Loop, Wichita had no downtown interstate highway or its equivalent. "Those customers willing to drive downtown must use parking provided by individual stores because the city has been systematically eliminating lower cost parking for twenty years." The city, he thought, would have to solve the traffic problems first. "No new building, no matter how large, can make downtown easier to get to."³⁶⁴

That continued to be a theme. All the studies in the world, citizens wrote, would not help unless Wichita leaders were willing to approach the downtown as a business problem. "The city needs to replace its wishful-thinking approach with one emphasizing examination of economic cause and effect relationships." If it wanted retail downtown, it had to provide for the traffic, and that probably meant a freeway connection the suburbs -- an upgrade of Kellogg might be the most feasible way combined with better access from Kellogg north to downtown -- and low cost customer parking near stores during the day and free parking during prime evening and weekend shopping hours.³⁶⁵

The elevation question was certainly in the background of the downtown plan, but was not directly a part of it. In 1988, however, in connection with a rail service and facilities plan prepared by Parsons, Brinckerhoff, Quade & Douglas, Inc., there was discussion of removal of certain Union Pacific trackage downtown, as well as a rail bridge

³⁶⁴Wichita Eagle-Beacon, July 29, 1985.

³⁶⁵Ibid., Nov. 13, 1987.

located in a prominent position on the Arkansas River at Douglas, where the new downtown was to center. It was estimated that train traffic cost motorists \$1.7 million a year in wasted time and gas. There was also concern about the transport of about 5,000 carloads a year of hazardous materials through the downtown. However the cost of a four mile railroad bypass would be \$11 million.³⁶⁶

The consultant's report noted that "railroads have been an integral part of the metro area environment" for over a century, but thought that "certain elements of the rail network . . . are viewed by many to hamper urban development and restrict the development of other transportation modes." The new downtown planning made it important to balance "the City's goals for rail consolidation with the economic needs of the affected railroad companies." The suggestion was that there be expanded contacts between the city and the railroads to "investigate in further detail alternative rail corridors for the long-term possibility of rerouting Union Pacific traffic out of downtown Wichita" and to "minimize congestion and disruption caused by the movement of peak hour trains and railroads' switching operations."³⁶⁷

The West Bank development plan, as well as plans to change the alignment of McLean Blvd. and use its former riverbank right of way for cultural and business purposes, were limited by the UP rail crossing and some of the rail lines and spurs. The 1988 report also addressed traffic congestion and safety at grade crossings generally, emphasizing the complex crossing problem in north Wichita. There were two major north-south rail crossings on Central, three on 13th and four on both 17th and 21st, as the rail lines diverged into the north yard area. Utopia, as envisioned in this report and in various land-use reports for the 21st century, was to have on the one hand a railroad system in the city which "will allow coordinated traffic flow, effective and efficient use of facilities, and provide for development supportive of the growth of rail in all forms essential to modern industry, commerce and the rapid and safe movement of people and cargo," while at the same time encouraging "the elimination of rail-vehicle conflict on arterial streets or others that are frequently blocked."³⁶⁸

There were 11 scheduled trains a day in Wichita in 1988, a far cry from the 160 a day documented by the 1927 Wichita Industrial Survey, and down significantly from the 1960s, when passenger trains had been still a significant part of the traffic. There had been

³⁶⁶Ibid., Dec. 17, 1988.

³⁶⁷Parsons, Brinkerhoff, Quade & Douglas, Inc., Rail Service and Facilities Plan, Phase I, Final Report, Nov., 1988 (Wichita, 1988), i, v, vi.

³⁶⁸Ibid., 1-3, 10-11.

some success with diverting the remaining trains from the rush hour: there were no scheduled trains at those times, though extras might appear. The highest rail traffic density through Wichita in the mid-1980s was 6.50 million gross tons per segment mile. Kansas City by comparison had densities as high as 107 million gross tons per segment mile. The report observed, therefore, that "from a statewide perspective, rail freight densities through Wichita are comparatively light." And there was no question that the interstate highways of the 1960s and 1970s had relieved much auto traffic pressure on the crossings compared with earlier years. The moribund condition of the downtown also meant less auto traffic to and from that region.³⁶⁹

Yet it was hoped that changes could be made. The bypass was expensive, but perhaps the UP could route its trains around downtown through a trackage arrangement with the Santa Fe. Perhaps the ban on rush hour trains could be strengthened with an ordinance. Perhaps grade separations could be built at major switching locations. The Year 2000 Transportation Plan proposed one at 21st St. But the yards were wide to the north and this would be expensive and, as with earlier viaduct plans, would interfere with access to local businesses by both cars and trains. Still it would be nice to do something about the crossings.³⁷⁰ Rail issues were not the center of attention in the highly-publicized downtown planning of the 1980s and the 1990s, but they were there in the background.

A final planning initiative which considered crossings was the so-called "Year 2000" plan first issued in 1985, and updated in 1994 as the "2020 plan." The salient feature regarding rails was the revival of the 13th and Central viaduct proposals, and the addition of consideration of a viaduct north of 21st street crossing the north yard area.

The 1985 version stated that "the analysis of the minimal investment plan indicate that severe congestion problems would exist in the future if only low capital-cost solutions were undertaken." There was, the report said, "a continuing east-west accessibility problem." North-south traffic could move smoothly on two major freeways, but there were no such east-west freeways. Meanwhile, heavy residential development had taken place on the far east and west sides of town, as had the construction of "major trip attractions." Access to these was hindered by physical barriers, including rail crossings. Five alternative transportation upgrade plans were offered, with prices ranging from \$329 million to the "cost no object" plan of \$485 million. There were plans in that document for

³⁶⁹Ibid., 19-21.

³⁷⁰Ibid., 48-62.

two possible elevated structures in the northern area near 21st street. It was said that these would be "very costly."³⁷¹

In the 1994 version, the Central and 13th street viaducts were revived, with a price of \$12 million \$13.6 million respectively. The local source of funding for these was to be sales tax revenue and property taxes. Those viaducts, the report noted would implement a version of a rail crossing plan that had been discussed for thirty years.³⁷² In truth, there was a longer history to it than that. And, as of 1997, there has been no action on these viaducts, though the whole crossing issue has recently again been discussed in local press, planning office and council chamber as Wichita intervened in the Union Pacific/Southern Pacific merger.

The rail crossing issue in Wichita has had a long history of proposals and negotiations. Meanwhile changes in rail traffic, in auto traffic and in the street and freeway system have regularly changed the nature and size of the the problem. The "art of the possible" in local industrial history on the auto/rail issue has been a challenging skill on all sides of the question, and there is every indication that it will continue to be. Perhaps, however, deeper specific historical perspective than has been heretofore available will provide a tool that may help avoid the revisiting of well-pawed ground, and may aid in the resolution of a century-long issue.

³⁷¹Wichita-Sedgwick County Metropolitan Planning Dept., "Year 2000 Transportation Plan for Wichita-Sedgwick County: A Summary, Street and Highway Element," Dec., 1984, pp. 3-4, 16.

³⁷²Wichita-Sedgwick County Metropolitan Planning Dept., "2020 Transportation Plan for the Wichita-Sedgwick County Metropolitan Area," Dec., 1994, pp. 7-8, 22, 31.

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October 10, 1997

Elaine K. Kaiser
Office of the Secretary
Case Control Unit
Surface Transportation Board
1925 K. Street, NW, Room 700
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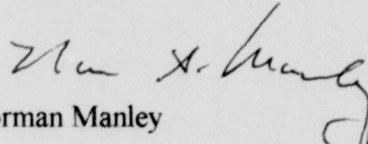
Re: UP/SP Merger Finance Docket No. 32760: Preliminary Mitigation Plans: Reno and Wichita

Dear Ms. Kaiser

Enclosed please find twenty-five (25) copies of the City of Andover's comments on the above mentioned case. Also enclosed are our filing on a disk formatted for Word Perfect 7.0. Please process these documents accordingly for incorporation into the record for the proceedings.

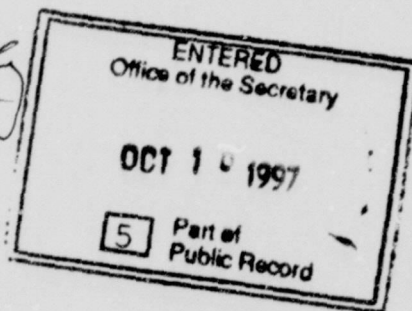
Thank you for your attention to these matters. If there is anything else you require, please do not hesitate to contact me or Jeff Bridges at (316) 733-1303, ext. 22.

For the City of Andover,


Norman Manley

enc.

NGM/jkb



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October 10, 1997

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K. Street, NW
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Re: Finance Docket No. 32760
Union Pacific Railroad Corporation, Union Pacific
Railroad Company, and Missouri Pacific
Railroad Company - Control and Merger -
Southern Pacific Rail Corporation, Southern
Pacific Transportation, St. Louis Southwestern
Railroad Company, SPCL Corp. And the Denver
and Rio Grand Western Railroad Company
(Oversight)



Dear Secretary Williams:

The City of Wichita, Kansas, in response to the above mentioned proceedings, has undertaken a bypass study to establish the feasibility of re-routing some of the additional train traffic resulting from the merger of the Union Pacific and Souther Pacific Railroads. This bypass study has been undertaken in conjunction with the study of mitigation measures to alleviate environmental impacts resulting from the increased rail traffic through the City of Wichita. One of their proposed routes would be east of the City of Wichita, effecting the City of Andover, Kansas, and its environs. The purpose of these comments is to consider the effect of an alternative north-south railroad crossing on the Andover, Kansas, area. The alternative route referenced is designated by Howard, Needles,

Tamman, and Bergendorf (HNTB) Consulting Engineers as "Modified E-6". It is a joint route of the Union Pacific (UP) and the Burlington Northern Santa Fe (BNSF) from Peabody, Kansas, to the Mulvane, Kansas, area where the rail line divide. This east side alternative is one of the two final alignments selected from nine that were studied.

Background Data:

- A. There will be two parallel tracks with sidings every five miles. The right-of-way will be at least 100 to 150 feet.
- B. For the entire length, there are 20 separations of highways, railroads and water bodies proposed and approximately 60 crossings of roadways.
- C. The route does not pass through any cities, but comes close to Benton, Kansas. In the Andover, Kansas, planning area, it extends seven and three-quarter miles from Dry Creek north of SW 60th. Street to one-half mile south of SW 130th. Street. The full length in the Andover Area is located at approximately the half-section line between Meadowlark Road and Indianola Road.
- D. Major separations in the Andover Area would be crossing the Kansas Turnpike and U.S. 54 with a water crossing of Four Mile Creek. This would leave seven at grade mile line road crossings. A separation at U.S. 54 would probably involve raising or lowering the highway which would reduce its value to serve adjacent commercial uses and lessen its aesthetic appearance. Highway overpasses must clear the railroad tracks by 24 feet and approaches could take up to one-fourth mile in each direction.
- E. An existing land use survey of June 30, 1996 was conducted by Jones, Rice, Foster, P.A. and the City of Andover Zoning Administrator for the Comprehensive Development Plan for the

Andover Area: 1995-2010. According to the survey, the alternative alignment crosses undeveloped agricultural land with periodic impacts upon a very limited number of scattered residences. No platted land at least of any size would be divided by this route. However, several existing homesteads would be impacted by the proposed routing.

- F. It is thought that the design speed will be 60 miles per hour with 18 to 20 trains per day. These through trains may consist of mile long 100-110 car "unit" trains carrying coal, 80 "grain" trains, 50 car sealed container trains and manifest trains with a variety of cargo. They would take about two to three minutes to cross at grade crossings at 50 miles per hour. In addition to the usual rumbling train noises, engineers are required to signal, day or night, with a loud whistle prior to approaching each at grade crossing. Hopefully, each mile line crossing would have protected gates and/or signal with red lights and bells. All this additional noise and added air pollution will effect the quality of life in the rural setting now and later when urbanization takes place.
- G The Wyoming supply of coal is the major source in the U.S. for high BTU heating value with low sulphur nonpolluting qualities. The coal is very efficiently strip mined at a competitive price which is projected to last 400 years at present strippable rates. Reserves are so huge that they extend into Montana and North Dakota.
- H. According to K.S.A. 14-434, cities of the second class are not permitted to enforce limitations on the speed of engines and cars and any such ordinance or regulations adopted for such purpose is declared null and void. Complaints on speed may be make by a city to the State Corporation Commission who can seek an order to regulate speed. Cities may prevent the blockage of arterial streets up to five minutes and enforce other safety measures except speed.

Observations:

- A. Emergency vehicles, school buses and regular traffic will encounter some delays.
- B. Of all north-south routes which could be proposed in the Andover Area, this corridor would have the least impact on existing land use. To the west of Meadowlark Road, there are platted subdivisions with numerous dwellings, the Kansas Turnpike Interchange and the City of Andover Sewage Treatment Facility. To the east of Indianola Road, there is the Augusta Airport and a large developed subdivision north of U.S. 54. As far as is known by the City of Andover Staff, there are no major announced plans now underway for development in this corridor except at the northeast corner of U.S. 54 and Meadowlark Road which is a commercial project called Andover 54 Center extending about one-half mile parallel to U.S. 54.
- D. Gravity feed sewer service to connect with the east side interceptor would not extend past the proposed rail line and mainly be confined west of Meadowlark Road. Any long-range urban expansion after the planning period of 1995-2010 on either side of the rail corridor would obviously make it more difficult to provide for water and sewer service. The chances of being able to cross the rail line within the sections for a collector street are probably nil with the type of rail traffic and speed proposed.
- E. The rail line would disrupt the concept for corridor development currently being discussed now along U.S. 54 between the County line and the Augusta Airport. It also would effect potential development of an industrial park to the west of the airport being discussed by Butler County. In any case, it is unlikely that spur connections will be possible for local development given the speed and number of through trains.

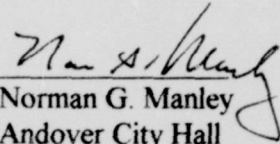
F. Andover, Kansas', long range urban development is effected now by certain developmental barriers. The Dry Creek flood plain to the north is an inhibiting factor to growth. By the water agreement with the City of Wichita, Kansas, the City of Andover, Kansas, cannot annex into Sedgewick County on the West. The location of the sewer treatment plant and Four Mile Creek to the south make it more difficult to provide sewer service in that direction. Whereas growth has not been limited in the past towards the east. The proposed rail line will be a major barrier to long-range urban development because of its north-south orientation.

Conclusion:

Even though this proposed alternate rail route has probably been selected to be the less disruptive location in the Andover, Kansas, Planning Area, it nevertheless would have a very significant impact and limiting effect upon long-range urban development for the City of Andover, Kansas. Furthermore, it provides no physical or economic benefits to the area while actually lowering the quality of life with its noise, air pollution, traffic safety concerns, disruptions of orderly land development, and aesthetic considerations. Moreover, the proposed by-pass has a preliminary construction cost of approximately \$215,000,000 with no indication of funding source, project feasibility, or commitments from, or requirements for, the railroads to utilize it. To date, the City of Wichita, Kansas, has not solicited comments on the proposed by-pass route or invited neighboring effected communities and citizens to participate in the study. Due to these factors the City of Andover finds that the by-pass known as "Modified E-6" would have a very significant negative impact on the City of Andover, Kansas, and the adjacent community.

Thank you for your attention to these comments.

Yours very truly,


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NGM/jkb

cc. All parties of record

Certificate of Service

I, Norman Manley, hereby certify that on October 10, 1997, a copy of the foregoing City of Andover, Kansas', comments on the UP/SP Merger-Wichita Mitigation Study-Preliminary Mitigation Plan, Wichita Kansas-September 1997 was served by first-class, U.S. mail, postage prepaid on all parties of record for the Surface Transportation Board Finance Docket No. 327601:

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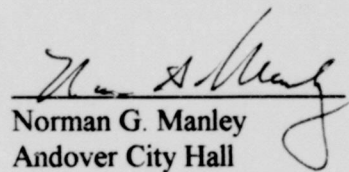
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SURFACE TRANSPORTATION BOARD

[Finance Docket No. 32760]

Union Pacific Railroad Company--Control and Merger--Southern Pacific
Transportation Company: Reno Mitigation Study, Preliminary Mitigation Plan

AGENCY: Surface Transportation Board

ACTION: Issuance of Preliminary Mitigation Plan (PMP), Request for Public
Comment, and Notice of Public Meetings

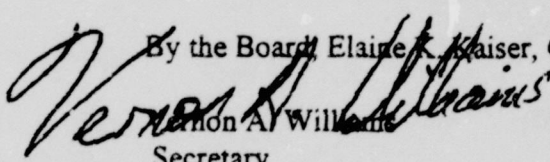
SUMMARY: The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) will issue the Preliminary Mitigation Plan (PMP) for the Reno, NV Mitigation Study on September 15, 1997, for public review and comment. On August 12, 1996, in Decision No. 44, the Board approved the Union Pacific/Southern Pacific merger. As part of its approval, the Board directed SEA to conduct a mitigation study to develop additional tailored environmental mitigation measures (beyond those already imposed in Decision No. 44) to address unique local conditions in Reno and Washoe County regarding the potential environmental impacts of increased rail traffic. The preliminary results of this study and SEA's preliminary recommendations for additional environmental mitigation measures are reflected in the PMP. SEA encourages public comment on the PMP during the 30-day review period, which will end on October 15, 1997. SEA will distribute copies of the PMP to interested parties. In addition, copies of the PMP will be available at the Reno and Sparks branches of the Washoe County Public Library, or by request by calling (202) 565-1539.

SEA will hold two public information meetings on October 9, 1997, to provide the public with further opportunity to comment on the PMP and receive additional information. SEA will consider all public comments and issue a Final Mitigation Plan (FMP) for public review and comment. Based on the PMP, FMP, and public comments, SEA will then make its final recommendations to the Board. The public information meetings will be held on October 9, 1997, at Reno City Hall, 490 South Center Street, Reno, NV. The afternoon meeting will include an informal open house from 1:30 p.m. - 2:30 p.m., followed by a presentation and formal public meeting beginning at 2:30 p.m. The evening meeting will include an informal open house from 6:00 p.m. - 7:00 p.m., and a formal public meeting beginning at 7:00 p.m.

Public comments should be submitted in writing (one original plus 10 copies), no later than October 15, 1997, to: Office of the Secretary, Case Control Unit, Finance Docket No. 32760, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. Mark the lower left hand corner of the envelope: Attention: Elaine K. Kaiser Chief, Section of Environmental Analysis, Environmental Filing - Reno.

• FOR FURTHER INFORMATION CONTACT: Harold McNulty, Section of
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By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.


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SURFACE TRANSPORTATION BOARD

[Finance Docket No. 32760]

Union Pacific Railroad Company--Control and Merger--Southern Pacific
Transportation Company: Wichita Mitigation Study, Preliminary Mitigation Plan

AGENCY: Surface Transportation Board

ACTION: Issuance of Preliminary Mitigation Plan (PMP), Request for Public Comment, and
Notice of Public Meeting

SUMMARY: The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) will issue the Preliminary Mitigation Plan (PMP) for the Wichita, KS Mitigation Study on September 15, 1997, for public review and comment. On August 12, 1996, in Decision No. 44, the Board approved the Union Pacific/Southern Pacific merger. As part of its approval, the Board directed SEA to conduct a mitigation study to develop additional tailored environmental mitigation measures (beyond those already imposed in Decision No. 44) to address unique local conditions in Wichita and Sedgwick County regarding the potential environmental impacts of increased rail traffic. The preliminary results of this study and SEA's preliminary recommendations for additional environmental mitigation measures are reflected in the PMP. SEA encourages public comments on the PMP during the 30-day review period, which will end on October 15, 1997. SEA will distribute copies of the PMP to interested parties. In addition, copies of the report will be available at the Wichita and Sedgwick County Library and Wichita State University Library, or by request by calling (202) 565-1530.

SEA will hold a public information meeting on September 30, 1997, to provide the public with an opportunity to comment on the PMP and receive additional information. SEA will consider all public comments and issue a Final Mitigation Plan (FMP) for public review and comment. Based on the PMP, FMP, and public comments SEA will then make its final recommendations to the Board. The meeting will be held in the Mary Jane Teall Theater at the Century II Convention Center in Wichita. The meeting will include an informal open house from 6:00 p.m. to 7:00 p.m., and a formal public meeting beginning at 7:00 p.m.

Public comments should be submitted in writing (one original plus 10 copies), no later than October 15, 1997, to: Office of the Secretary, Case Control Unit, Finance Docket No. 32760, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. Mark the lower left hand corner of the envelope: Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing - Wichita.

FOR FURTHER INFORMATION CONTACT: Michael Dalton, Section of Environmental Analysis, Room 500, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, (202) 565-1530, TDD for the hearing impaired: (202) 565-1695.

By the Board, Elaine K. Kruger, Chief, Section of Environmental Analysis

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