

Supreme Court Summaries

Opinions filed January 25, 2008

No. 102462 Eagle Marine Industries, Inc. v. Union Pacific Railroad Company

Appellate citation: 363 Ill. App. 3d 1166.

JUSTICE BURKE delivered the judgment of the court, with opinion.

Chief Justice Thomas and Justices Freeman, Fitzgerald, Kilbride, Garman, and Karmeier concurred in the judgment and opinion.

This St. Clair County litigation concerns a railroad grade crossing on Monsanto Avenue west of Route 3 in Sauget. Relying on a section of the Illinois Vehicle Code known as the blocked-crossing provision, the plaintiff business enterprises, in 2003, sought to enjoin defendant railroad from blocking the crossing for more than 10 minutes. The circuit court initially entered a preliminary injunction and, after an evidentiary hearing, entered a permanent injunction. The appellate court affirmed.

This appeal is governed by a recent Illinois Supreme Court decision in another case. In *Village of Mundelein v. Wisconsin Central R.R.*, No. 103543, filed this same day, a village ordinance had adopted by reference the same Vehicle Code language. In that case, the village had fined a railroad for blocking a crossing. The supreme court held there that the ordinance violated the commerce clause, was preempted by federal railroad law, and was unenforceable. That same reasoning applies here. Therefore, the circuit court should not have issued any injunction. The cause was remanded with directions to dissolve it.