



Environmental Law Center
The legal resource for natural resources.

705 Olive Street, Suite 614

St. Louis, MO 63101-2208

Telephone (314) 231-4181

Facsimile (314) 231-4184

www.greatriverslaw.org

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**Department of Natural Resources Objects to Citizens Lawsuit –
Wants it dismissed on the basis that citizens have “no interest” in Katy Trail.**

The Missouri Department of Natural Resources (MDNR) on behalf of Director Doyle Childers in a Motion to Dismiss, filed by Scott Jansen of the law firm of Armstrong Teasdale, asks that a lawsuit filed three bicycle riders be tossed. The bicyclists are represented by Great Rivers Environmental Law Center and had filed a lawsuit to prevent removal of the Boonville Lift Bridge.

The Motion to Dismiss asserts that only the State of Missouri – Governor Matt Blunt and his appointee, MDNR Director Doyle Childers - may decide the fate of the Boonville Lift Bridge and that the bicyclists have “no such interest” in seeing that it remains in place.

Governor Matt Blunt, acting on a request from Union Pacific Railroad Company, had proposed to release the state’s Right of Way or Easement and allow Union Pacific to dismantle the bridge and move salvageable portions to the Osage River. The citizens’ lawsuit was filed because of a concern that this removal would jeopardize the entire Rails-To-Trails contract and hence the entire Katy Trail. The contract between the State of Missouri and the MKT Railroad Company – the predecessor to Union Pacific – specified that the bridge is to be left in place for “transportation purposes”.

“It is ironic that state leadership is acting in a manner that could well be harmful to citizens of this state – and then asking that we be dismissed from acting in our own interests,” stated Ken Midkiff, one of the plaintiffs in the lawsuit that has a goal of preventing removal of the Boonville Lift Bridge. “But, it must be that Governor Matt Blunt is more concerned about advancing his donors’ wishes than in acting in the best interests of the citizens of this state.”

“Whether the Governor likes it or not,” concluded Midkiff, “the Katy Trail is used each year by hundreds of thousands of Missourians, and anything which threatens that usage is of serious concern.”

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Contact: Ken Midkiff 573-881-0553
Kathleen Henry 314-231-4181