

## Attorney General Sues to Halt Removal of MKT Bridge at Boonville

A bitter controversy has arisen this spring about whether the Missouri Department of Natural Resources should allow the Union Pacific Railroad to remove the former MKT Railroad bridge at Boonville in order to use the steel to build a new railroad bridge across the Osage River. This complex dispute has led to the resignation of a longtime high ranking DNR official and it has resulted in a lawsuit by the Missouri attorney general against DNR Director Doyle Childers. At bottom is a question about the integrity of Missouri's enormously popular Katy Trail State Park.

### Save September 23-25 For MPA Park Fest

Mark your calendars for the MPA Annual Meeting in Columbia September 23-25, 2005, with a special park fest Saturday, September 24, at Rock Bridge State Park. See article on back page.

In 1986 the Missouri, Kansas & Texas Railroad (also known as the MKT or Katy) stopped using its rail line between Sedalia in Pettis County and Machens east of St. Charles. If the right of way had been officially abandoned, much of it would have reverted to the adjoining property owners. The Missouri

Department of Natural Resources began negotiations to preserve the railroad right of way under the National Trails System Act by entering into a railbanking agreement with the railroad. The result was Katy Trail State Park.

What is railbanking?

*(See "Bridge" on Page 4)*



*Jim Denny photo*

## MPA President's Message

**Summer Means Outdoors -- Outdoors In Our Missouri State Parks***by Ron Coleman*

The familiar sign reads “*You are always welcome in Missouri State Parks.*” It is another “sign” that summer has arrived in Missouri—a time when we become active outside and our mind and body turn to enjoying the outdoor wonders found in our beautiful Missouri state parks.

Summer, naturally is the busiest season of the year for our state park system. Thousands of visitors, Missouri residents and non-residents alike, will take advantage of our 49 state parks, 34 historic sites, and numerous concession operations, lake

fronts, streams and backcountry wilderness. In all over 200,000 acres of summertime outdoor recreation await you, your family and friends. Likely, over 17 million people will visit our state parks this year, most of them during the peak summer months.

Regardless of what form of outdoor recreation you may be seeking this summer, we hope that you and those joining you will have a safe, rewarding and wholesome experience when visiting our diverse facilities or taking part in one of our many organized naturalist activities, recreation events or programs.

Remember, the “welcome” on each of our Missouri state park signs comes with an obligation. Those obligations include following the posted park rules, practicing good outdoor etiquette and exercising safety when in the park, on trail or in the water.

Adhering to these simple guidelines will ensure not only that our parks continue to sustain the heavy use summer after summer, but that you and other visitors will be able to return in good health for another visit to one of our many state parks or historic sites in the future.

Have a great summer.

**MPA Presents Employee Of The Year Awards**

MPA Vice President Carol Grove presented four state park employees with Employee of the Year Awards at a statewide park division training conference and banquet March 22. The awardees, who are selected by an MPA committee from among nominees for various awards during the preceding year, receive a plaque, an engraved clock, and a cash award.

**Mike Dickey** of Arrow Rock State Historic Site was honored in the facility head category. In addition to overseeing day-to-day operations of this large historic site with associated campground, recreation area and visitor center,

Mike has just completed a history of Arrow Rock, done on his own time. The 300-page book, *Arrow Rock: Crossroads of the Missouri Frontier*, can be ordered from Friends of Arrow Rock for \$24. Mike also helped establish a relationship with the Osage Nation through which he arranged for a display on the Osage at the visitor center in Arrow Rock.

**Debbie Martz** of the Northern Missouri Historic District Office in Brookfield is the field employee of the year. As senior office support assistant, she is responsible for handling all

the paperwork and scheduling related to filling vacancies in her district. During the past year, when the other two district offices each lost their equivalent staff person, Debbie quickly stepped to the plate, traveling to each office to train the new staff, willingly sharing her knowledge and helping them set up procedures for handling the complex responsibilities.

In the maintenance and construction category, the honoree is **Tom LeRoy** of Watkins Mill, who oversees the maintenance program at the historic site, including construction of fences,

*(See "Awards" on Page 6)*

## UPOP Connects Kids To Nature

This summer hundreds of urban youths in Kansas City, St. Louis and Joplin will find their connection with nature through MPA's Urban Populations Outreach Project by visiting one of the beautiful Missouri state parks or historic sites found in their region of the state.

Kansas City area children will learn more about the cultural and natural heritage captured and interpreted in state parks like Watkins Mill or Knob Knoster. In Southwest Missouri around Joplin and nearby communities UPOP kids will be exposed to the flora and fauna associated with the 4000-acre Prairie State Park. St. Louis City youths will enjoy learning about the value of clean water with visits to Cuivre River and Meramec State Park.

Without the help of the Missouri Parks Association, such enriching experiences would never be possible for most of these youngsters. MPA each year picks up the cost of supplies, supervision and transportation to help supplement staff naturalist services provided as a normal function of the Division of State Parks.

Funding to support such vital programming is only made possible through our members and special donations from individuals, businesses and foundations. Your continued financial support will

*(See "UPOP" on Page 7)*



*Many UPOP kids experienced wild streams for the first time.*

### Meet Shalonn Curls

Kansas City UPOP is Shalonn Curls. As director of MPA's Urban Populations Outreach Project in Kansas City since 2001, Shalonn developed many of the programs and contacts in the Kansas City area and helped to establish similar efforts elsewhere in the state. The imagination, concern and commitment she has brought to this endeavor have enabled several thousand inner city youngsters to enjoy the many wonders of nature and forms of recreation provided by our Missouri state park system.



*Shalonn Curls*

After graduating from the University of Missouri-Columbia Shalonn entered the business world as an executive with the family businesses of Curls, Curls & Associates and Alliance Property Group, engaging in real estate appraisal and development. In addition, this year she was elected Jackson County Committeewoman from her district while also pursuing her studies toward a Master of Public Administration. The mother of two elementary age children, Shalonn is carrying on the family tradition of civic involvement. MPA deeply appreciates her leadership.

("Bridge" from Page 1)

According to the Rails to Trails Conservancy, railbanking (as defined by the National Trails System Act <<http://www.nps.gov/nts/legislation.html>>) is a voluntary agreement between a railroad company and a trail agency to use an out of service rail corridor as a trail until some railroad might need the corridor again for rail service. Because a railbanked corridor is not considered abandoned, it can be sold, leased or donated to a trail manager without reverting to adjacent landowners. The railbanking provisions of the National Trails System Act as adopted by Congress in 1983 have

preserved 4,431 miles of rail corridors in 33 states that would otherwise have been abandoned. Opponents of railbanking have unsuccessfully challenged the constitutionality of the railbanking provisions of the National Trails System Act in the United States Supreme Court, including a case involving the Katy Trail, at 225 miles the longest rail-trail in the nation (see: <<http://www.railtrails.org/>

whatwedo/policy/railbanking.asp>).

In the 1987 contract between the MKT Railroad and the state, the MKT was paid \$200,000 for the right of way from Sedalia to Machens. This did not include outright ownership of the

railroad right of way so it could be used for a railroad again if the need were to arise sometime in the future. While users of the hiking and biking trail currently cross the Missouri River on a special pedestrian walkway on the new highway bridge at Boonville, the state still retained



*Attorney General Jay Nixon announces Boonville Bridge suit.*

railroad bridge at Boonville but it did include the right to use the bridge for a trail at any time of the state's choosing conditioned upon the state giving the railroad certain liability waivers. Thus, the state has a conditional use right or property right to the bridge (similar to the mineral rights in a tract of land). In order to invoke the protection of railbanking, the state agreed to maintain the integrity of the

the legal right to use the old railroad bridge if it assumes liability.

In April 2005, DNR Director Childers, with the backing of Governor Matt Blunt, announced that DNR intended to transfer the state's right to the bridge to the current owner, the Union Pacific Railroad (which bought the entire MKT in 1988), thereby allowing the railroad to

remove the bridge in order to use it on the Osage. According to Attorney General Jay Nixon, Childers and Blunt are essentially proposing to give away the state's property right for nothing in return, an action that is illegal and unconstitutional. "This is a giveaway by the state to a private business that stands to receive at least \$10 million in benefit from the proposal," Nixon was quoted as saying at a news conference in Columbia when he announced his May 26 suit against DNR in the Cooper County Court. "This is an unusual step for me to sue a state agency, but I have a constitutional duty to protect the assets of the state and the interests of the citizens of Missouri."

Behind this drama lies an issue of great concern to trail supporters, the issue that led to the resignation of 28 year DNR veteran Ron Kucera on May 6 after Childers indicated his intention to surrender the state's interest: removal of the bridge may sever a portion of the railbanked corridor from the interstate rail system. If the state relinquishes its interest in the bridge and the Union Pacific removes it, the state may have failed in its obligation to maintain the right-of-way intact for future rail use and the Rails to Trails Act may no longer protect the Katy Trail State Park from the claims of

adjoining landowners, who could block public access to portions of the trail.

Obviously this matter would have to be litigated if adjoining landowners challenge the legality of the trail, as they likely would, and there seems to be a difference of opinion about the issues involved. Governor Blunt and DNR Director Childers, presumably on advice of attorneys in the governor's office, believe that the corridor remains intact, regardless of the bridge's removal, and that DNR has not jeopardized the integrity of the right-of-way; any railroad wanting to use the corridor in the future would have to repair or possibly replace the bridge, so its removal at this time does not change the status of the corridor. Ron Kucera, who as DNR deputy director was involved in the original negotiation for the railbanked corridor, officials of the national Rails to Trails Conservancy, and the attorney general apparently think the integrity of the trail would be threatened. And ironically, it is the attorney general who would have to defend the trail if it were challenged by landowners.

Also involved are calculations of cost, including liability. At one time, Union Pacific was willing to *give* the bridge to the state or the city of Boonville, if either had been willing to assume liability and responsibility for maintenance. Last December before he resigned, then DNR Director Stephen Mahfood announced the state's intention to exercise its right to use the bridge for the trail, and the park division began seeking cost estimates. The estimates varied widely from \$2 million and up, owing to the condition of the bridge, requirements of the Americans with Disabilities Act, and the necessity of the central lift span to remain in a raised position, thus requiring ramps or elevators so people could cross. In addition, with dramatic increases in the world price of steel, the Union Pacific contracted with a Missouri firm to dismantle the bridge for use over the Osage River, and it apparently claimed to require \$20 million in compensation from the state if it were not allowed to proceed. Others think there is no legal basis for such a claim.

There has been a great deal of press coverage of the issue, but most of the news has been about whether the bridge should be used for the trail and, if so, what it might cost the state, or whether the bridge should be preserved as an historic artifact (its 400-foot central lift span was the longest in the country when the bridge was opened in 1932) or

*("Bridge" from Page 5)*

an economic development asset for the city of Boonville. There have also been articles about campaign contributions by Union Pacific and officials of the firm that is dismantling the bridge. But most press coverage of the controversy has missed the big issue: does the removal of the bridge create a severance that could mean the loss of the protection of the Rails to Trails Act and thus threaten the entire Katy Trail State Park?

In the meantime, there is renewed activity among bridge supporters in Boonville, who point out that the city receives some \$4 million annually from the new casino near the bridge, some of which could presumably be used to renovate the structure. Bridge enthusiasts including Columbia Mayor Darwin Hindman, who headed the statewide campaign for the Katy Trail, are seeking independent estimates of feasibility and costs for a multi-phase project that might begin

with protection of the bridge and access partway out from the north end, all the way to passage across the central lift span. DNR Director Childers has said he has no objection if other parties can raise the money.

If the attorney general's suit against DNR buys time for Boonville to come up with a plan acceptable to the Union Pacific and DNR, there might yet be hope for the bridge and the railbanked trail of which it is an integral part.

*Citizens of all ages rallied to save the Boonville Bridge.*



*("Awards" from Page 2)*

reshingling roofs, and caring for the site's heirloom garden. He has researched the proper methods of making repairs to the historic structures and is actively involved in the living history farm program, often during the summer months wearing period costume while working on a project at the house or mill in order to interpret his activities for the public. He has attended a number of conferences that focus on the field of living history on his own time, and he goes out of his way to assist visitors and other park employees.

**Vickie Akin**, an account clerk in the financial and information resource management program, is the central office awardee. Responsible for processing many of the division invoices for payment, she undertook a special project during the past year that involved the consolidation of all the phone bills received from the office of administration (OA), a labor-intensive effort that involved working with individual telephone companies around the state as well as with OA and park division staff. Her efforts resulted in the elimination of many unnecessary charges, significant cost savings, and a more efficient payment process for the division's phone bills.

## Legislature Puts Parks and Soils Tax Renewal on Ballot

The Missouri General Assembly on April 27 passed a joint resolution that will return the 1/10<sup>th</sup>-cent Parks and Soils Sales Tax to the ballot in 2006 for a vote by Missouri citizens without the necessity of an arduous initiative petition campaign (see *Heritage*, February 2005). The tax has a ten-year sunset provision that requires it be placed before the voters for renewal every ten years; if the renewal is approved in 2006, it will automatically come up for voter approval every ten years thereafter.

The measure, Senate Joint Resolution No. 1, was introduced and spearheaded in the Senate by Senator David Klindt (R-Bethany) and shepherded through the House by Representative Kathy Chinn (R-Clarence). MPA is especially grateful to them and to its own legislative liaison, Phil Wright, who handled many of the details throughout a multi-year process.

Passage of SJR 1 was top priority not only for MPA and for DNR and its Division of State Parks but also for many other conservation organizations and individuals who spoke at numerous hearings and wrote and spoke with legislative representatives. MPA and its directors and

members were involved throughout the process, hosting a breakfast for legislators in February and distributing copies of the state park book *Exploring Missouri's Legacy* to all legislators through the generosity of an anonymous donor.

The action now moves to the realm of the citizenry, who need to be educated about parks and soils and reminded of the importance of the tax before they face the issue on the ballot in 2006. MPA will be working with other organizations in the Citizens

Committee for Soil, Water, and State Parks to develop an educational effort and it will be hosting a day of special events for a broad array of park groups at Rock Bridge Memorial State Park in Columbia September 24.

Look for more detailed information in an upcoming *Heritage* about how MPA members and other groups can help win support for passage of the parks and soil renewal in 2006. We hope you will plan to join in this effort

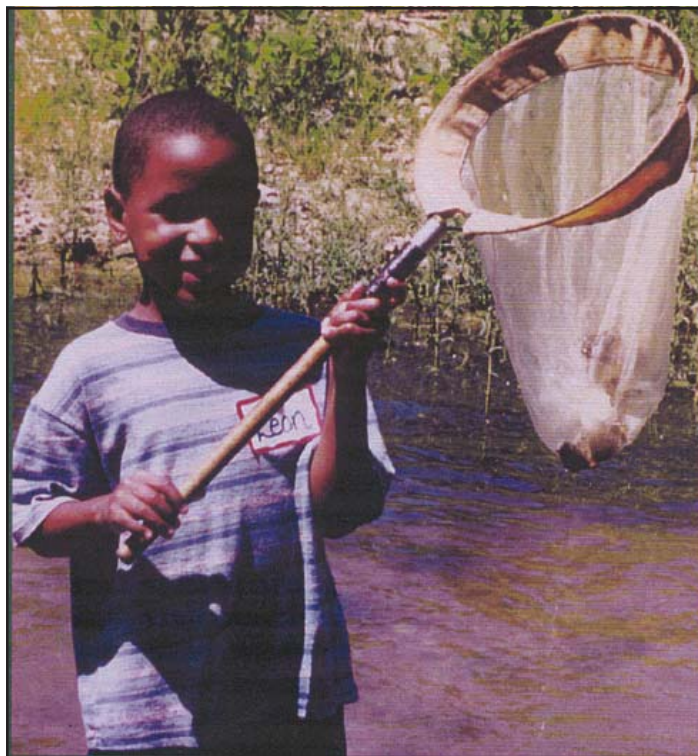
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*("UPOP" from Page 3)*

enable MPA to connect our urban youth to the bountiful natural benefits found in our Missouri state parks.

If you or your company or organization are interested in making a tax

*UPOP excitement is catching your first "critter".*



deductible contribution to help sustain UPOP and make a difference in the life of a child, make your check payable to Missouri Parks Association (for UPOP) and mail to Missouri Parks Association, c/o The Callaway Bank, P.O. Box 10, Fulton, MO 65251.

You can also call our president Ron Coleman at 636-733-0088 to find out more about how you can help.

## MPA Annual Meeting and Park Fest Columbia and Rock Bridge Memorial State Park September 23-25, 2005

MPA's 24<sup>th</sup> annual meeting in Columbia this fall will feature a special park fest in Columbia and at Rock Bridge Memorial State Park on Saturday, September 24. The goal of the event is to bring together the many diverse groups that visit and use Missouri's state parks and celebrate our common interest in our parks as a valuable resource. We hope to generate awareness and galvanize support for the upcoming Parks and Soils Sales Tax renewal measure on which Missourians will vote in August or November 2006.

The park fest will feature a special program from 8:30-12 noon in the Natural Resources Building on the MU Campus headlining the many park friends groups and user groups, a noon lunch and evening barbecue with entertainment at Rock Bridge State Park, and your choice of a

full afternoon of special activities at the park, on the Katy Trail, and at Finger Lakes, including special wild cave tours, biking, hiking, horse riding, naturalist-led walks, and behind-the-scenes tours, all led by park division staff and volunteers. This will be a wonderful opportunity to meet and network with people from a wide array of park-related organizations.

Watch for special registration information in the mail in the latter part of July, or check the MPA website (<http://parks.missouri.org>). **It will be necessary to register by September 2 for the meals and special events on Saturday.** MPA members are also welcome at the MPA members meeting and board of directors meeting on Sunday morning, place to be announced.

A block of rooms has been reserved at the new Stoney Creek Inn, 2601 South Providence Road, near Rock Bridge Memorial State Park. Phone 1-800-659-2220 for reservations and be sure to let the staff know that you are with MPA to receive special rates. Single and double rooms will be available for the special rate of \$60.00 (including continental breakfast) through September 2, so make your reservations soon. If you have questions about the MPA annual meeting you may contact MPA board member Carol Grove at 573-445-4504. **Save the date. We hope to see you there!**



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