MISSOURI COURT OF APPEALS
WESTERN DISTRICT

GRAIN BELT EXPRESS, L.L.C., RESPONDENT,
v.
CHARITON COUNTY, MISSOURI, APPELLANT.

DOCKET NUMBER WD86613

DATE: OCTOBER 15, 2024

Appeal From:

Chariton County Circuit Court
The Honorable Daren L. Adkins, Judge

Appellate Judges:

Division Three Judges: Thomas N. Chapman, Presiding Judge, Lisa White Hardwick, Judge, and Alok Ahuja, Judge

Attorneys:

Brent E. Haden, Kayden K. Guymon, Columbia, for Appellant,

Seth C. Wright, Jennifer J. Eng, Kansas City, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

GRAIN BELT EXPRESS, L.L.C., RESPONDENT,
v.
CHARITON COUNTY, MISSOURI, APPELLANT.

WD86613 Chariton County

Before Division Three Judges: Thomas N. Chapman, Presiding Judge, Lisa White Hardwick, Judge, and Alok Ahuja, Judge

Chariton County appeals from the circuit court's judgment declaring that Section 49.650.4, RSMo 2016, prohibits it from doing anything that would "govern" Grain Belt Express, LLC ("Grain Belt"), including taking any county action that would regulate the construction of overhead transmission lines on public roads. Chariton County contends the court erroneously interpreted Section 49.650.4 and its relationship to Section 229.100, RSMo 2016, which requires corporations to obtain the assent of a county commission before erecting poles for the suspension of electric light or power wires on public roads.

REVERSED, IN PART, AND AFFIRMED, IN PART, AS MODIFIED.

Division Three holds:

1. The circuit court erred in declaring that, pursuant to Section 49.650, Grain Belt is not required to obtain Chariton County's assent under Section 229.100 to the manner in which the overhead transmission lines are constructed to ensure the safety and use of the county's public roads. Section 49.650.4 limits only the authority granted in Section 49.650, prohibiting counties from taking actions "pursuant to this section" governing electric utilities. Section 49.650.4 says nothing about limiting the authority granted to counties in other statutes, including Section 229.100.

2. The circuit court did not err in declaring that Chariton County is prohibited under Section 49.650.4 from taking any action, including withholding its Section 229.100 assent, to prevent Grain Belt from constructing the overhead transmission lines on the country's public roads per the route approved by the Missouri Public Service Commission.

Opinion by: Lisa White Hardwick, Judge October 15, 2024

This summary is UNOFFICIAL and should not be quoted or cited.