

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 36284

ENTERED
Office of Proceedings
January 26, 2021
Part of
Public Record

**SEVEN COUNTY INFRASTRUCTURE COALITION—
CONSTRUCTION AND OPERATION—IN UTAH, CARBON,
DUCHESNE, AND UINTAH COUNTIES, UT.**

PETITION FOR RECONSIDERATION

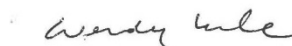
Center for Biological Diversity (“the Center”) respectfully requests that the Board reconsider its January 5, 2021 Decision (“Decision”) preliminarily deciding the transportation merits of the Seven County Infrastructure Coalition’s (SCIC) Petition for Exemption under 49 U.S.C. § 10901 for construction of a new 88-mile long oil railway in Eastern Utah. The Center adopts the same arguments as Chairman Oberman’s dissent to the Decision.

In addition, new circumstances support the reconsideration of the Decision. Board precedent requires a formal application in “controversial cases,” especially where numerous interests are affected and there is “significant opposition” to the project. *Ozark Mountain Railroad*, 1994 ICC LEXIS 271, ICC Finance Docket No. 32204, *13, *14. Within the past month, the SCIC’s proposed oil railway has drawn considerable interest and opposition from communities and organizations in Colorado, due to the potential for crude oil trains from the Uinta Basin to traverse Colorado’s Tennessee Pass and Browns Canyon National Monument, along one of the wildest stretches of the Arkansas River if the proposed oil railway were approved. As explained in Eagle County’s January 25, 2021 Petition for Reconsideration of the Decision, Colorado, Midland & Pacific Railway Company recently proposed reactivating the Tennessee Pass Line in a December 31 filing with the Board. The reactivated line would connect to the proposed oil railway via a Union Pacific line between Kyune, Utah and Dotsero, Colorado.

The Colorado, Midland & Pacific Railway Company is a wholly owned subsidiary of Rio Grande Pacific, the planned operator of the oil railway. Accordingly, the Center and many individuals and organizations are concerned that construction of the oil railway and reactivation of the Tennessee Pass Line could lead to crude trains traveling the Tennessee Pass Line and disrupting sensitive recreational areas and tourism along the Arkansas River.¹ Given the magnitude of this project and the numerous interests at stake, the Board should require further inquiry into the transportation merits of the proposed oil railway.

For the foregoing reasons, the Center respectfully requests that the Board reconsider its Decision.

Respectfully submitted,



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¹ See, e.g., Flanagan, Tara, Uinta Basin Railway: Chaffee County adds its name to object to draft EIS and possible connections to Tennessee Pass Line, <https://arkvalleyvoice.com/uinta-basin-railway-chaffee-county-adds-its-name-to-object-to-draft-eis-and-possible-connections-to-tennessee-pass-line/>; Oil Trains Through Our Valley Could Spell Disaster, Chaffee County Times (Jan. 6, 2021), https://www.chaffeecountytimes.com/opinion/oil-trains-through-our-valley-could-spell-disaster/article_b4e7fe12-5079-11eb-9d16-f3c1e148514c.html; Flanagan, Tara, Locals file objections to Tennessee Pass rail restoration with Surface Transportation Board (Jan 19, 2021) <https://arkvalleyvoice.com/locals-file-objections-to-tennessee-pass-rail-restoration-with-surface-transportation-board/>.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January 2021, I caused a copy of the foregoing
Reply to Petition for Exemption to be served on all parties of record by email.

/s/ Wendy Park