

Living Rivers & Colorado Riverkeeper Press Release
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Supreme Court Hears Arguments Over Utah Oil Train in Case Challenging Scope of Nation's Landmark Environmental Law

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Supreme Court Hears Arguments Over Utah Oil Train in Case Challenging Scope of Nation's Landmark Environmental Law

WASHINGTON— The U.S. Supreme Court will hear arguments today in *Seven County Infrastructure Coalition v. Eagle County*, a case challenging the scope of the National Environmental Policy Act, the nation's landmark environmental law.

[Click here to hear the audio recording](#)

Utah's Seven County Infrastructure Coalition and a Utah railway company are asking the Supreme Court to overturn a federal appeals court decision tossing out the approval of an 88-mile railway through the Uinta Basin in northeastern Utah. That decision said the U.S. Surface Transportation Board violated NEPA by failing to fully analyze the railway's potential harm to the climate, wildlife, the Colorado River and people, including environmental justice communities along the Gulf Coast.

Environmental groups, public-health advocates and communities along the proposed route say the lower court's decision should stand. The groups held a virtual press briefing last week to discuss the stakes of the case.

"This case is bigger than the Uinta Basin Railway," said Earthjustice vice president of programs Sam Sankar. "The fossil fuel industry and its allies are making radical arguments that would blind the public to obvious health consequences of government decisions. The court should stick with settled law instead. If it doesn't, communities will pay the price."

The railway's backers are asking the court to narrow what environmental impacts federal agencies must review and disclose to the public. That would mean federal agencies could ignore — and hide from the public — damage to clean air, water and wildlife habitats that destructive projects could cause.

“Analyzing the Uinta Basin Railway's impacts without considering the air pollution and habitat destruction from pumping billions of additional gallons of oil a year is like diving headfirst into a pool without knowing how deep it is,” said Wendy Park, a senior attorney at the Center for Biological Diversity. “This is a disgraceful attempt to get federal agencies to ignore the many harms the railway will cause to the air and public health of Uinta Basin and Gulf Coast communities. A robust review of all the train’s threats is what the law requires, and it's crucial for protecting people near and far from this railway.”

NEPA, passed by Congress and signed by President Richard Nixon in 1970, requires the government to engage with communities, analyze a project’s potential environmental harms, and disclose those potential harms to the public before approving that project.

“In 2013 the amount of volatile organic compounds pollution in the Uinta Basin was equal to what you would expect from 100 million cars, eight times more cars than are registered in the Los Angeles Basin. That is unquestionably a public health nightmare,” said Dr. Brian Moench, president of Utah Physicians for a Healthy Environment. “I have been to the basin myself to measure VOCs, in some places the fumes were physically overpowering. That the backers of this project would not only dismiss all that pollution, but propose that it’s okay for them to make it even five times worse, is a stunning disregard for the lives and wellbeing of the people in the basin.”

The proposed Uinta Basin Railway’s undisputed purpose is to transport waxy crude oil from the Uinta Basin through the Colorado Rockies to Gulf Coast refineries. If completed the railway would quintuple oil production in the Uinta Basin, up to an additional 14.7 million gallons per day, by linking the Utah oilfields to national rail networks.

The train would also threaten the health and safety of communities through Colorado and eventually in the Gulf of Mexico region, where the waxy crude oil would eventually arrive for refining. Derailments and other accidents along the route could contaminate the Colorado River, which provides drinking water to 40 million people across the West.

“Sending billions of gallons of oil in railcars along the Colorado River each year without understanding the damage from inevitable spills is a risk we can’t afford,” said John Weisheit, conservation director at Living Rivers. “Conducting a thorough environmental impact study is the bare minimum that must happen to protect wildlife and communities from this catastrophe in waiting.”

“In addition to destroying important wildlife habitat that supports iconic Western critters, including the greater sage-grouse, oil companies and their enablers are working overtime to slash bedrock American environmental laws and sacrifice our planet for their profits,” said Kate Merlin, staff attorney at WildEarth Guardians. “The future of the West's clean water, healthy communities and abundant wildlife is at stake.”

Earthjustice and the Center of Biological Diversity are representing Utah Physicians for a Healthy Environment, the Sierra Club, Living Rivers, and WildEarth Guardians. Eagle

County is representing itself. Attorney Willy Jay of Goodwin Procter LLP will argue the case for Eagle County.

ADDITIONAL INFORMATION

[Click here](#) to read this story by Antonia Juhasz for Rolling Stone on December 27, 2024.

[Click here](#) to read this story by Stephanie Mencimer for Mother Jones on December 18, 2024.

[Click here](#) to read this story by Brock Merchant for the Salt Lake Tribune on December 18, 2024 about the very poor air quality of the Uinta Basin.

[Click here](#) to read this story by Chase Woodruff for Colorado Newline on December 11, 2024.

[Click here](#) to read this story by Taylor Cramer for The Post Independent on December 11, 2024.

[Click here](#) to read this story by Wyatt Myskow for Inside Climate News on December 9, 2024.

[Click here](#) to read this story by Anastasia Huffman for the Salt Lake Tribune on December 11, 2024.

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Appeals Court Throws Out Permit for Utah's Uinta Basin Railway

WASHINGTON— A federal appeals court today [rejected](#) the U.S. Surface Transportation Board's permit for the proposed Uinta Basin Railway, designed to quadruple oil production in Utah's Uinta Basin and move crude through the Colorado Rockies to Gulf Coast refineries.

Today's ruling by the U.S. Court of Appeals for the D.C. Circuit said the board violated the National Environmental Policy Act by failing to fully analyze the railway's potential harm to the climate, wildlife, the Colorado River and people, including environmental justice communities along the Gulf Coast. The decision strips the railway of the permitting required for its construction.

“This is an enormous victory for our shared climate, the Colorado River and the communities that rely on it for clean water, abundant fish and recreation,” said Deeda Seed, a senior campaigner at the Center for Biological Diversity. “The Uinta Basin Railway is a dangerous, polluting boondoggle that threatens people, wildlife and our hope for a livable planet. The Biden administration needs to dismantle this climate bomb and throw it in the trashcan where it belongs.”

The proposed 88-mile-long railway would spur increased oil production — estimated at an additional 350,000 barrels a day — by linking Uinta Basin oil fields to national rail networks. Most of the crude would travel through the Colorado Rockies for more than 100 miles and then on to Gulf Coast refineries, increasing the risk of fires and oil spills along the vulnerable Colorado River corridor.

“This ruling is a win for communities across the West and is critical for ensuring a sustainable climate future,” said Carly Ferro, executive director of the Utah Sierra Club. “From its onset, this project’s process has been reckless and egregious. But today, the people and the planet prevailed. We will continue to advocate for accountable processes to ensure a healthy environment where communities can live safely, and this win will help make that possible.”

The appeals court found that the Surface Transportation Board failed to consider harm to the environment and downstream communities, the risk of wildfires and derailments along the drought-stricken route, and the project’s “uncertain financial viability.”

“The deficiencies here are significant,” the ruling said, including failure to “quantify reasonably foreseeable upstream and downstream impacts on vegetation and special-status species of increased drilling in the Uinta Basin and increased oil-train traffic along the Union Pacific Line, as well as the effects of oil refining on environmental justice communities the Gulf Coast.” The court also said that the agency failed to “take a hard look at wildfire risk as well as impacts on water resources downline; and explain the lack of available information on local accident risk.”

“The court’s rejection of this oil railway and its ensuing environmental damage is a victory for the climate, public health and wild landscapes,” said Samantha Ruscavage-Barz, legal director for WildEarth Guardians. “The public shouldn’t have to shoulder the costs of the railway’s environmental degradation while the fossil fuel industry reaps unprecedented profits from dirty energy.”

In addition to climate damage, the railway would harm public lands, rare plants and wildlife habitat. According to a now vacated federal [environmental analysis](#), the railway would dig up more than 400 Utah streams and strip bare 10,000 acres of wildlife habitat, including crucial areas that pronghorn and mule deer need to survive. In Emma Park, a remote sagebrush valley known to birdwatchers, bulldozers and train traffic could drive imperiled greater sage grouse out of their mating and nesting grounds.

“When Congress approved the Energy Policy Act of 2005, which became the incentive to exploit the unconventional fuels of the Colorado River Basin, our hope was that this

very bad energy policy might incite a popular movement to address and counter the impacts of global warming,” said John Weisheit, conservation director for Living Rivers in Moab, Utah. “Yes, we need to thank the judges for making the right decision today, but this brighter day belongs to the climate justice movement.”

“This decision is a win for public health and the environment,” said Jonny Vasic, executive director for Utah Physicians for a Healthy Environment. “The court ruled the Surface Transportation Board conducted an environmental review that failed to meet the requirements of the law. The people of Utah can breathe a sigh of relief. Hopefully this is the beginning of the end for the Uinta Basin Railway.”