

Kathryn K. Floyd

T 202.344.4696  
F 202.344.8300  
kkfloyd@venable.com

January 26, 2021

Josh Wayland  
Office of Environmental Analysis  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20423Re: FD 36284 – Uinta Basin Railway – Response to Request for Extension of  
Comment Period on DEIS

Mr. Wayland,

On behalf of the Seven County Infrastructure Coalition, I am writing in response to recent requests submitted to the Surface Transportation Board asking for an additional extension of the public comment period on the draft environmental impact statement (DEIS) for the proposed Uinta Basin Railway. These requests contend that such extension is appropriate because the Notice of Exemption filed by the Colorado, Midland & Pacific Railway Company (“CMP”) on December 31, 2020 (FD 36471) “materially alters the necessary scope of the evaluation of the anticipated impacts of the [Uinta Basin Railway].”<sup>1</sup> As explained below, a further extension of the comment period is not warranted. OEA should close the comment period on January 28, 2021 and deny the requests for an additional extension.

First, the recent unrelated Notice of Exemption in FD 36471 does not “materially alter” the scope of potential impacts from the proposed Uinta Basin Railway. The Tennessee Pass Line referenced in the recent submissions to the Board is an existing rail line on which UP is authorized to operate rail traffic, and this issue concerning potential use of the Tennessee Pass Line is not new. Other submissions to the Board previously have raised concerns regarding potential traffic originating from the Uinta Basin Railway and traveling on the Tennessee Pass Line.<sup>2</sup> Because concerns about these potential impacts (which are unfounded for the reasons discussed below) are not new, as characterized in recent submissions, no additional time to comment on the DEIS is necessary.

In fact, OEA has considered potential downline impacts in the DEIS, using a downline study area likely to experience an increase in Uinta Basin Railway-related traffic. To conduct

---

<sup>1</sup> See, e.g., Motion for Extension of Time and Petition for Reconsideration, Eagle County, CO in FD 36284 (Jan. 25, 2021).

<sup>2</sup> See, e.g., Comment filed by Mayor P.T. Wood in FD 36284 (July 7, 2020); Comment filed by Julie Mach in FD 36284 (July 6, 2020); Comment filed by Alan Robinson in FD 36284 (July 16, 2020).

Mr. Josh Wayland  
Surface Transportation Board  
January 26, 2021  
Page 2

that analysis, “OEA used two PC Rail Miler routing functions to identify the shortest route and the ‘most practical’ route from the Basin to example refineries, where the most practical routing simulates the most likely movement of general merchandise train traffic with preference given to main lines over branch lines.”<sup>3</sup> Based on this modeling, “all rail traffic moving from Kyune to destinations in the east would travel over the existing rail line between Kyune and Denver, Colorado. From Denver, many different routings could be used for rail traffic to/from the identified refining regions.”<sup>4</sup> Notably, the model did not anticipate any traffic moving over the existing Tennessee Pass Line.

Finally, contrary to the assertions in recent submissions to the Board, the Notice of Exemption in FD 36471 is unrelated to the proposed Uinta Basin Railway. It is the Coalition’s understanding that if Rio Grande Pacific Corporation (the parent company of CMP) were to operate the Uinta Basin Railway, it does not intend to transport Uinta Basin oil over the Tennessee Pass Line. The Coalition understands that it would not be practical or economical to run trains carrying Uinta Basin Oil over the Tennessee Pass Line because that route is the highest-cost option for moving oil from the Uinta Basin to destination refineries anywhere east of Utah. Rather, as Rio Grande Pacific has stated to the Board, its primary interest in the Tennessee Pass Line is providing passenger rail service.<sup>5</sup>

In light of the foregoing, it is not necessary to extend the public comment period on the DEIS for the proposed Uinta Basin Railway. The Coalition therefore requests that OEA deny the recent extension requests.

Sincerely,



Kathryn K. Floyd

*Counsel for Seven County Infrastructure Coalition*

cc: Mike McKee  
Danielle Gosselin

---

<sup>3</sup> Uinta Basin Draft EIS, Appendix C - Downline Analysis Study Area and Train Characteristics at C-4.

<sup>4</sup> *Id.*

<sup>5</sup> Reply to Motion to Reject Notice of Exemption, Colorado, Midland & Pacific Railway Company in FD 36471 (Jan. 26, 2021).