Home > Cross-border pipeline closer to being built after decision by Nebraska Supreme Court

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Opposition to a proposed pipeline that would bring more oil from Canada to refineries around the United States has come from many directions since being introduced more than a decade ago. Landowners and Native American tribes along the route have fought the Keystone XL proposal [2]. Environmental groups have said it would trample on sensitive land, endanger water resources and enlarge the nation's carbon footprint.

For many years, the state of Nebraska has been at the center of this political and legal fight. But it may now be over in the Cornhusker State, as the result of a ruling this summer [3] by the Nebraska Supreme Court affirming a 2017 Public Service Commission decision [4] to OK a pipeline route.

“The people who lost [the case] have not given up, but the governor and other elected officials have said that the pipeline meets all of the state’s requirements,” says state Sen. Myron Dorn, whose district is close to Steele City, the Nebraska town that is the junction for the Keystone pipelines.

The commission’s approved route differed from the one preferred by TC Energy, the pipeline’s owner (formerly known as TransCanada), so that the oil would not pass through environmentally sensitive land. In their lawsuit, pipeline opponents argued, in part, that the commission had no authority to approve a route not proposed by the applicant (TC Energy). But the state’s highest court said the route was proposed as an alternative in TC Energy’s application.

While there is still active opposition to the pipeline in Nebraska, Dorn says the general feeling in the state is “we have gone through enough with the regulatory process, let’s just get it done.” He has also heard concerns from constituents that if the pipeline isn’t built, oil could be transported by train, a less safe option.

TC Energy has faced many obstacles in its effort to get Keystone XL built. It filed an application in 2008 with the U.S. Department of State to build the cross-border pipeline. That application was rejected by the Obama administration, but has since been approved by the Trump administration, which also has expedited the environmental-review process.

Keystone XL would have pipes larger in diameter than those in the existing pipeline system. As a result, more oil could come into the United States from the oil sands of Alberta. U.S.-produced oil, from Montana and North Dakota, also could be added along the route, TC Energy says. The energy infrastructure company still must overcome other legal hurdles, including a federal lawsuit filed in July by environmental groups in Montana challenging the Army Corps of Engineers’ approval of the pipeline.

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