

# WHEN IS A TRUCKING FACILITY A “MINE”? FEDERAL APPEALS COURT UPHOLDS MSHA’S BROAD INTERPRETATION AND EMPLOYERS SHOULD TAKE NOTE

Insights  
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## When is a Trucking Facility a “Mine”? Federal Appeals Court Upholds MSHA’s Broad Interpretation and Employers Should Take Note

The D.C. Circuit Court of Appeals just upheld MSHA’s broad interpretation of what constitutes a “mine” – any facility “necessarily connected with the use and operation of extracting, milling, or processing coal and other minerals” – that offered lessons for facilities serving the mining industry across the country. The April 17 ruling in *Sec’y of Labor, Mine Safety and Health Administration v. K.C. Transport, Inc.* is the latest chapter in a saga dating back to 2019 involving whether MSHA has jurisdiction over a business that provides trucking and hauling to mining operations. What do you need to know about this decision and what steps should you take as a result?

### What Happened?

The decision is the result of a set of citations MSHA issued to an independent trucking company in West Virginia after inspecting the company’s facility about a mile from a mine site. The agency issued the citations when an MSHA inspector went to the trucking company’s facility to terminate citations previously issued to company trucks when they were present at a mine site. While at the company’s facility, MSHA issued additional citations for the violations it found.

### Related People



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## Service Focus

### Mine Safety & Health

### Workplace Safety

The case turned on whether the facility or the trucks constituted a “mine” under the Act such that MSHA had jurisdiction to issue the citations. Much of both MSHA’s and the company’s arguments focused on whether MSHA had jurisdiction over the trucks.

- MSHA contended that it had jurisdiction over the trucks wherever they may be because had been used in the mining process. This led some to believe that, if MSHA prevailed, trucks used in the mining process would constitute “rolling mines” and could be cited anywhere.
- The company countered that MSHA only had jurisdiction over the trucks when they are on mine property.

### What Did the Court Say?

The D.C. Circuit ultimately followed neither train of thought and found that MSHA has jurisdiction over the facility itself, declining to reach whether the trucks themselves independently were covered by the Act.

The court relied on the Mine Act’s definition of a “mine,” which includes facilities used in, or to be used in, or resulting from, the work of extracting minerals in nonliquid form. Adopting the ordinary meaning of “used in, or to be used in, or resulting from” mining activities, the court found that there is no locational limit to the definition.

Thus, a facility does not have to be adjacent to or located at an extraction site, a milling site, or a processing plant in order to be a mine when it is “necessarily connected with the use and operation of extracting, milling, or processing coal and other minerals.” The court recognized the text of the Act does not lend itself to easy prediction when it comes to jurisdiction, but declined to provide further clarity, despite acknowledging operator’s frustration.

In finding that the facility in this case is necessarily connected to mining and milling of coal, the court noted several particulars, including how close the facility is to a customer’s mine, that it had been constructed at that location with a mining company’s permission to support its mining operations, that the cited trucks present at the facility were used to support the nearby mining operation and that MSHA had previously inspected those trucks while they were on the mine site.

This case has been followed closely for a number of years and many feared it could lead to a dramatic expansion of MSHA jurisdiction over vehicles and equipment. While the court did uphold MSHA's jurisdiction, its decision was much more restrained, focusing solely on the nature of the facility, not the trucks themselves.

## What Should You Do?

- **Audit your operational footprint.** If any portion of your business provides services to mining operations (hauling, maintenance, repair, equipment storage), you should assess whether your facilities and equipment could be considered “necessarily connected” to mine operations under this court’s decision.
- **Document the nature and scope of your mining-related work.** The court found it significant that 60% of KC Transport’s facility services went to the coal operator, that the trucks exclusively operated on mine property, and that the facility was built with the mine operator’s permission on nearby land. The more your relationship with a mine operator looks like an integrated operation, the more likely MSHA could assert jurisdiction.
- **Review your maintenance and repair protocols.** The citations in this case arose from trucks that were raised and unblocked during maintenance, a violation of a specific MSHA safety regulation. Make sure your equipment maintenance procedures comply with federal safety standards.

## Conclusion

If you have any questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Mine Safety and Health team](#). We’ll continue to monitor this development and will provide timely updates as they occur. Make sure you are subscribed to [Fisher Phillips’ Insight System](#) to get the most up-to-date information directly to your inbox.