



PRESS RELEASE

Attorney General Frosh Seeks Dismissal of Lawsuit to Compel Maryland to Allow Fracking Pipeline *AG Argues That Federal Authorization of Pipeline Construction Is Unconstitutional*

BALTIMORE, MD (June 18, 2019) – Maryland Attorney General Brian E. Frosh has moved to dismiss a federal lawsuit brought by Columbia Gas Transmission, LLC against the State of Maryland, in which Columbia Gas seeks to condemn state property to run a natural gas pipeline through Western Maryland. The Attorney General’s [motion to dismiss](#) was filed on June 17.

Columbia Gas filed their lawsuit on May 17, after the Maryland Board of Public Works voted unanimously against granting an easement for a segment of the pipeline that would be drilled under the Western Maryland Rail Trail. The lawsuit seeks a preliminary injunction that would grant Columbia Gas immediate access to property. Columbia Gas is owned by TransCanada Corp., and the pipeline would transport fracked gas from Pennsylvania to a proposed insulation factory in West Virginia. Over 60 members of the General Assembly have signed a letter opposing the grant of an easement.

Columbia Gas had obtained from the Federal Energy Regulatory Commission a certificate of public convenience and necessity (CPCN), which nominally gives it the power to condemn property. Although the CPCN authorized the construction of the pipeline, the State argues in its motion that the Eleventh Amendment to the U.S. Constitution prevents a federal court from ordering the State to grant the easement.

“We are vigorously defending Maryland’s right to refuse a pipeline company’s efforts to drill under State land,” said Attorney General Brian Frosh. “The U.S. Constitution does not allow a court to compel the State to grant an easement in a case like this one.”