



PRESS RELEASE

Federal Court Blocks Construction of Natural Gas Pipeline in Western Maryland *Attorney General Frosh Filed Motion to Dismiss; Court Agreed Construction Not Permitted*

BALTIMORE, MD (August 21, 2019) – The United States District Court for the District of Maryland today blocked construction of a pipeline under State-owned land in Western Maryland, agreeing with Maryland Attorney General Brian E. Frosh that the pipeline company was not permitted to move forward with construction.

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 sought a preliminary injunction that would grant Columbia Gas immediate access to the State-owned property. The Attorney General's motion to dismiss was filed on June 17.

“We are pleased that the court has agreed that a private pipeline company cannot force the State to accept a pipeline under the Western Maryland Rail Trail,” said Attorney General Brian Frosh. “We will continue to defend Maryland’s right to control its public lands against any other efforts by the natural gas industry to move forward with this project.”

Columbia Gas is owned by TransCanada Corp., and the pipeline would have transported fracked gas from Pennsylvania to a proposed insulation factory in West Virginia. Over 60 members of the General Assembly 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 argued in its motion that the Eleventh Amendment to the U.S. Constitution prevents a federal court from ordering the State to grant the easement. The federal court today agreed with the State’s argument.