



SAFER PIPELINES ACT OF 2016

(Safe and Accountable Federal Energy Review for Pipelines Act of 2016)

The Federal Energy Regulatory Commission (FERC) currently approves virtually every natural gas pipeline application it receives, and approves these projects at a staggering pace. Over the past 10 years, FERC has approved more than 250 natural gas pipelines in 42 states, while only denying three applications; 90% of approved applications are approved within one year. Unfortunately, due to an inadequate review process, FERC has no clear framework to initiate a more comprehensive analysis that considers duplicative, competing, or contiguous natural gas pipelines; no-build options; or potential renewable or energy efficiency alternatives.

Current laws governing FERC review have proven to be difficult to apply in practice. Under the Natural Gas Act, FERC is required to review natural gas pipeline applications to determine whether proposed construction is required by "*present or future public convenience and necessity*." FERC's review process is also supposed to consider alternatives to minimize overbuilding, excessive environmental disruption, and unnecessary use of eminent domain. However, rather than taking all of these considerations into proper account, FERC instead predominately relies on *precedent agreements*—contracts that energy companies present to FERC purporting future subscribers—to validate the need for a new energy project. FERC's responsibility as a federal regulator is to independently assess every natural gas pipeline project—not simply to take energy companies at their word that a project is justifiable. This inadequate process threatens the safety of American communities and sensitive environments alike.

To address these issues, the **SAFER Pipelines Act of 2016** would improve the FERC review process for natural gas pipeline projects by implementing the following reforms:

- **Hearing & Cumulative Review of Pipeline Expansion:** The SAFER Pipelines Act amends the Natural Gas Act to require FERC to conduct an evidentiary hearing and/or a cumulative review of major energy infrastructure projects planned throughout the region, their stated purposes, and necessity relative to potential impacts on state and regional energy goals prior to approving a certificate for any proposed pipeline expansion project.
- **Consider various important factors, such as the existence of other regional pipelines or underutilized pipeline capacity:** The SAFER Pipelines Act requires FERC to undertake additional analysis to determine potential cumulative impacts from other pipelines within the same State as well as those within 100 miles of a proposed project. This review would include project applications pre-filed, filed, or approved by FERC within a five year window.
- **Subsequent Monitoring:** The SAFER Pipelines Act requires FERC to monitor all approved and constructed projects for five years to confirm that the environmental impacts have in fact been mitigated per the terms of the certificate of approval.

Americans expect our federal regulators to carefully review and deliberate over pipeline projects to fully weigh public safety, environmental impact, property rights, and ratepayer burdens prior to approval. FERC cannot simply serve as rubber stamp for energy projects that may threaten to damage millions of acres of private farms, our most vulnerable preserved forests, and other environmentally sensitive areas. Our communities deserve the peace of mind to know that when energy companies propose to seize property or undertake energy construction projects, the public good is the number one priority. The SAFER Pipelines Act seeks to give Americans that peace of mind.

For more information please contact Michael Reed (reed@mail.house.gov) or Wilsar Johnson (wilsar.johnson@mail.house.gov) or call (202) 225-5801.