



Bans on Fossil Fuel Infrastructure

April 4, 2019

Kristy Hartman, Energy Program Director, Kristy.Hartman@ncsl.org &
Dan Shea, Energy Policy Specialist, Daniel.Shea@ncsl.org

States have taken a variety of approaches regarding fossil fuel development and limits on new infrastructure. Most common, states have considered banning certain aspects of fossil fuel development, whether through moratoriums on hydraulic fracturing or on the development of specific types of infrastructure, like pipelines or export terminals. Here are recent state and local examples exploring varying aspects to fossil fuel infrastructure:

Outright Bans:

New Jersey

Groups have [called on Governor Phil Murphy to impose a moratorium](#) on new fossil fuel infrastructure this year, though the governor has been non-committal.

New York

The state has seen legislation introduced ([A.B. 5399](#)) that would place a moratorium on new fossil fuel infrastructure development. The bill is currently pending action.

Vermont

The state legislature currently has three bills. Two are companion bills (H.B. 51, S.B. 66) would prohibit the construction of new fossil fuel infrastructure. The third (H.B. 175) would prohibit the use of eminent domain in constructing fossil fuel-related infrastructure.

Virginia

A bill ([H.B. 1635](#)) that would have increased the state's clean energy targets and placed a moratorium on any state approval for new fossil fuel developments was voted down in the House of Delegates 86-12.

Portland, OR

Portland City Council passed [an ordinance](#) that banned the construction of new fossil fuel infrastructure, including storage and distribution terminals. State Supreme Court upheld the ban.

King County, WA

The county council [approved a six-month moratorium](#) on building or expanding major fossil fuel infrastructure, prohibiting the permitting of such facilities while the county executive's office produces a survey of existing infrastructure and recommends regulatory changes.

Moratorium on new pipelines:

New York

The state doesn't have an official moratorium placed on new pipelines, but it has acted to that effect as state agencies have blocked new construction. As a result, some gas utilities have placed [self-imposed moratoriums](#) on building out their systems, citing a lack of capacity to serve customers.

Pennsylvania

The state legislature has a bill ([S.B. 443](#)) introduced that would place a moratorium on permitting new hazardous liquid pipelines. The bill is pending.

Moratorium on aspects of hydraulic fracturing:

Arizona, Connecticut, Florida, Illinois, Massachusetts, New Jersey, New Mexico, New York and Oregon have all seen bills this session that would place moratoriums on aspects of hydraulic fracturing, from the transportation of natural gas produced through hydraulic fracturing to high-volume production and storage of produced waters.

Other prohibitions related to fossil fuels:

California A.B. 342: would prohibit any state agency from authorizing or leasing any public lands to be used for the production of fossil fuels.

Connecticut H.B. 6242/H.B. 6840: would prohibit the application of a surcharge on customer's bills for the expansion of pipeline capacity.

Maine H.B. 710: would prohibit the exploration and development of offshore oil and gas production.

New Jersey A.C.R. 41: opposes the use of seismic testing in exploring for offshore oil and gas reserves.

New Jersey A.B. 2912: would prohibit the issuance of permits required for offshore drilling.

South Carolina H.B. 3087/S.B. 296: would prohibit the use of seismic testing in exploring for offshore oil and gas reserves.

All of the above measures are currently pending.

Moratoriums on specific facilities:

- Maryland considered H.B. 1123 in 2009, which would have prohibited state regulators from approving a liquefied natural gas export facility that was located in a certain area. The measure failed.
- Massachusetts has considered several bills that would have established strict permitting requirements for LNG terminals. These measures failed.
- New Jersey is currently considering a bill ([A.R. 102](#)) that would place a moratorium on a specific pipeline project. The bill is pending.
- Oregon considered H.B. 2015 in 2009 that would have established strict permitting requirements for LNG terminals. The measure failed.