

The Energy Edge

Bringing you cutting-edge perspectives on the most compelling news, facts and figures impacting the U.S. energy industry.

Trump Administration Calls for Punishing Destructive Pipeline Protesters – Will States Follow?

The Trump Administration wants to crack down on pipeline protesters. A new proposal from The Department of Transportation (DoT) Pipeline and Hazardous Materials Safety Administration (PHMSA) is the latest attempt to help energy producers push projects along by preventing costly damage and other delays.

The proposal unveiled this week calls for [expanding an existing law](#) offering fines and jail time for individuals and organizations that disrupt oil and gas pipeline construction or operation – something those of us at Buchanan [have a lot of experience](#) managing across the industry. It was included with recommendations to Congress as lawmakers move forward with reauthorization of pipeline safety programs.

Under the current law, “knowingly and willfully damaging or destroying” interstate gas and hazardous materials pipelines and intrastate pipelines that are used in interstate commerce, “or attempting or conspiring to do such an act,” is punishable by criminal fines and up to 20 years in jail. But PHMSA says that’s not enough.

This week’s [proposal](#) would expand the scope of that law to two key areas:

- The definition of criminal activity would be changed to “damaging, destroying, vandalizing, tampering with, impeding the operation of, disrupting the operation of or inhibiting the operation of” pipelines.
- The infrastructure covered under the law would include existing pipelines and those “under construction.”

It doesn’t take much reading between the lines to figure out that the law is aimed squarely at protests where demonstrations garnered a lot of media attention.

State Debate Gets a National Stage

The feds aren’t the first to introduce this kind of legislation. The DoT’s proposal follows in the footsteps of energy-producing states like Texas and South Dakota that have added teeth to laws on pipeline protesters and the organizations that support them. Those have been aimed at destruction of pipelines and other potentially unsafe disruptions.

But there’s a first amendment issue at play here. That fact is not lost on legislators on either side of the aisle. The PHMSA has said the proposed law is not meant to curb lawful protests. Democrats, meanwhile, have vowed to kill the bill in committee. Similar state laws have also faced considerable pushback.

The Edge: Watch How this Conversation Unfolds

Realistically, this legislation as it stands has very little chance of seeing the light of day. But all eyes will be on how the debate plays out. Combined with his [executive orders](#) aimed at eliminating barriers to pipeline approval and construction, it's clear President Trump is pursuing a full-court press on oil and gas infrastructure development. That includes eliminating any obstacles to existing or future projects.

President Trump's bold pipeline actions and proposals could give other energy-producing states the political bandwidth needed to introduce similar legislation and make environmental groups think twice about disrupting existing and proposed pipeline operations.

For energy industry organizations, it's a hopeful sign that infrastructure projects will be supported by a bit more consistency and rule of law in the near future. Energy industry players should keep a close eye on how the debate plays out and how federal and state policymakers and influencers weigh in. This conversation isn't going away anytime soon.

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