

The Landowner Fairness Act

As the role of U.S. natural gas in our economy has expanded in the last two decades, industry use of eminent domain for pipeline development has increased. Given the numerous instances where private property has been confiscated using eminent domain for the construction of natural gas pipelines, the Federal Energy Regulatory Commission (FERC) has proven to be a weak guardian of landowners' rights. These projects often claim to be in the public interest, but too often the benefits and profits accrue only to the private companies that build them, or the project does not proceed.

The *Landowner Fairness Act* ensures that our basic right to private property is maintained, that there is transparency, due process, and a common sense standard. A procedure that deprives a family of its property without a clear process to advocate against or even appeal that decision is not transparent and just plain wrong. By preserving common sense due process, clarifying the responsibilities of both gas developers and FERC, and advancing a common idea of what exactly constitutes public interest in the first place, we can balance our country's energy needs with our basic rights.

The Landowner Fairness Act:

- Does away with the legal presumption that gas exports are by definition in the public interest by establishing a clear public interest balancing test to guide FERC.
- Codifies straightforward responsibilities of gas developers and FERC by standardizing communication to landowners and setting time limits on FERC actions.
- Sets a strict standard for companies to receive all regulatory permissions before exercising eminent domain, ensuring condemnation is the very last step in acquiring land.
- Ensures large developers are held accountable by keeping projects in line with how project plans are sold to communities, preventing a bait-and-switch.
- Provides for certificates to be rescinded and gives FERC the authority to withdraw a certificate if a developer fails in its responsibilities.
- Guarantees landowners the right to a robust appraisal process if property is to be condemned, ensuring just compensation.
- Stipulates a clear path for landowners to petition for rehearing while staying eminent domain until a final ruling, preventing property being held in limbo.
- Finally, if the project does not proceed, returns property to the rightful landowner — until now, eminent domain has been a one-way street.