



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

SEP 01 2016

OVERNIGHT EXPRESS MAIL

Ms. Judith W. Jagdmann
Chairman
Virginia State Corporation Commission
1300 East Main Street
Richmond, VA 23219

Dear Chairman Jagdmann:

On January 4, 2016, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an adequacy evaluation of Virginia's enforcement of its excavation damage prevention law, Title 56 Public Service Companies, Chapter 10.3, Underground Utility Damage Prevention Act. This letter serves as your official notice of our findings and determination. PHMSA has determined that the enforcement of Virginia's excavation damage prevention law is **ADEQUATE**. No further action is required at this time. PHMSA will schedule a follow-up evaluation next year to determine if Virginia is continuing to adequately enforce the one-call law.

PHMSA conducted the evaluation pursuant to 49 USC § 60114 and 49 CFR Part 198, Subpart D – State Damage Prevention Enforcement Programs. Our representatives met with Mr. Massoud Tahamtani and Mr. Carl Dale with the Division of Utility and Railroad Safety, Virginia State Corporation Commission. During the evaluation, PHMSA representatives asked a series of standard questions regarding actions that Virginia executed in calendar year 2015 to enforce the Virginia excavation damage prevention law.

In accordance with 49 CFR 198.55, States must be able to demonstrate that they adequately meet the seven federal criteria that PHMSA uses to assess the effectiveness of the State's damage prevention enforcement programs. These criteria evaluate if the State has the authority to enforce its excavation damage prevention law; that the State utilizes its authority to issue civil penalties and other appropriate sanctions for violations of the law; and, that the State is able to provide documented procedures, processes, and data that demonstrates an effective overall damage prevention enforcement program. The evaluation criteria are included in the attachment.

Excavation damage continues to be a leading cause of hazardous liquid and natural gas pipeline incidents resulting in fatalities, serious injury, and environmental damage. Damaging a pipeline during an excavation poses a serious safety risk to excavators, the public living and working in proximity to the excavation site, and the environment.

PHMSA strongly believes that effective damage prevention programs, including enforcement, are best addressed at the State level. Nationwide statistics show that effective enforcement of State excavation damage prevention laws reduces excavation damage and pipeline incidents, and results in increased safety. We applaud the state of Virginia on developing and sustaining an effective damage prevention enforcement program, and will continue to support your efforts. If you have any questions or need additional information, please contact our Damage Prevention Team by email at excavation.enforcement@dot.gov or by phone at (804) 556-4678.

Sincerely,



Alan K. Mayberry
Acting Associate Administrator for Pipeline Safety

Enclosure

cc: The Honorable Terry McAuliffe, Office of the Governor, State of Virginia
Mr. Massoud Tahamtani, Director, Division of Utility and Railroad Safety, Virginia State Corporation Commission
Mr. Rick Pervarski, Virginia Utility Protection Service, Inc.