



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

1200 New Jersey Avenue, SE
Washington, DC 20590

March 16, 2021

Via Email

Mr. Bob Gardner
Chairman
Alabama Underground Damage Prevention Authority
Spire
2101 6th Ave N
Birmingham, AL 35203

Dear Chairman Gardner:

On December 16, 2020, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Alabama Underground Damage Prevention Authority's ("Authority") enforcement of the Alabama excavation damage prevention law. PHMSA conducted this evaluation pursuant to 49 United States Code § 60114 and 49 Code of Federal Regulations (CFR) Part 198, Subpart D—State Damage Prevention Enforcement Programs. Based on this evaluation, PHMSA has determined that the enforcement of the Alabama excavation damage prevention law is "inadequate."

We understand that regulatory efforts were finalized in November 2020 to improve Alabama's enforcement program. We are encouraged by these efforts and believe that, when implemented, the changes could result in a determination of adequacy. Please be advised that if Alabama fails to establish an adequate excavation damage prevention enforcement program by December 28, 2021, the state may be subject to a four percent reduction in PHMSA's State Base Grant funding. This grant currently provides funding for up to 80 percent of the qualified costs of the pipeline safety program incurred by the Alabama PSC. Also, excavators in Alabama who fail to comply with excavation safety requirements and damage a pipeline may face federal enforcement actions.

Alabama may, under 49 CFR § 198.59, submit to PHMSA a written response within 30 days from receipt of this notice challenging the determination of inadequacy by providing additional information relevant to the determination. Upon receipt of such a response, PHMSA will review all additional information provided and will issue a final determination. Please send a PDF of your response to Zach Barrett, Director of State Programs Division at zach.barrett@dot.gov. If you would like to also send a hard copy it can be mailed to:

Mr. Bob Gardner

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Zach Barrett
Director, State Programs Division
Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
3700 S. MacArthur Blvd
Suite B, PHP-50
Oklahoma City, OK 73179-7612

If Alabama does not submit such a response, this notice will serve as PHMSA's final determination under 49 CFR § 198.61. PHMSA's evaluation of Alabama's enforcement of its damage prevention law will occur annually; however, if Alabama acts to establish an adequate enforcement program prior to the annual evaluation, Alabama may request that PHMSA review and reconsider this designation. PHMSA stands ready to continue working with your state on improving enforcement of your excavation damage prevention law.

As you are aware, excavation damage continues to be a leading cause of pipeline failures, some of which have resulted in fatalities, serious injuries, and environmental damage. Nationwide statistics show that effective enforcement of state damage prevention laws reduces excavation damage and pipeline incidents, resulting in enhanced public safety.

Should you or your staff have any questions regarding this letter, please contact Annmarie Robertson, PHMSA Senior Program Manager, at (317) 964-1670 or by email at annmarie.robertson@dot.gov.

Sincerely,



Massoud Tahamtani
Deputy Associate Administrator, Policy and Programs
Office of Pipeline Safety

cc: Wallace Jones, Director, Gas Pipeline Safety Division, Alabama Public Service
Commission
Annette Bowman, Executive Director, Alabama 811