



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

April 21, 2021

Via Email

Mr. Jerry Piper  
Chairman  
Idaho Damage Prevention Board  
1090 East Watertower Street  
Suite 150  
Meridian, Idaho 83642

Dear Chairman Piper:

On October 1, 2020, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Idaho Division of Building Safety, Damage Prevention Board's (DPB) enforcement of the Idaho State excavation damage prevention law. PHMSA conducted this evaluation pursuant to 49 United States Code (USC) § 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 Idaho excavation damage prevention law is “adequate.”

PHMSA evaluates a state's excavation damage prevention enforcement program based on the criteria detailed in 49 CFR 198.55 and scores the state's compliance with those criteria. Although the DPB's enforcement program was deemed “adequate”, this is not a finding by PHMSA that the state program has no room to further improve the program's effectiveness. Accordingly, PHMSA would like to bring to your attention an area where the DPB and the Idaho Public Utilities Commission (PUC) could collaborate to further improve damage prevention and pipeline safety in the State. In CY 2019, Idaho's gas distribution operators reported a total of 821 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, 339 (41%) of these damages were submitted as complaints to the DPB, and 84 (25%) of those led to a civil penalty. Additionally, of the 821 damages reported, 86 (10%) were attributed to pipeline operators for not having complied with their responsibilities in accordance with Idaho's one-call law. Only one enforcement action was pursued against a pipeline operator. PHMSA encourages the DPB to work closely with the PUC and evaluate how it may improve the State's one-call enforcement program and provide an update to PHMSA 60 days from receipt of this letter.

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.

Chairman Jerry Piper

Page 2

Should you or your staff have any questions regarding this letter, please contact Steven Fischer, PHMSA Senior Program Manager, at (713) 548-4838 or by email at [Steven.Fischer@dot.gov](mailto:Steven.Fischer@dot.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Massoud Tahamtani', with a long, sweeping underline that extends to the right.

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

cc: Darrin Ulmer, Pipeline Safety Program Manager  
Idaho Public Utilities Commission