



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

March 26, 2021

Via Email

Mr. Eric Schmitt  
Attorney General of Missouri  
Supreme Court Building  
207 W. High St.  
Jefferson City, MO 65102

Dear Attorney General Schmitt:

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 Missouri Attorney General's enforcement of the Missouri 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 Missouri 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 Missouri Attorney General's enforcement program was deemed "adequate", for calendar year (CY) 2019, 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 Missouri Attorney General and the Missouri Public Service Commission (PSC) could collaborate to further improve damage prevention and pipeline safety in the State. In CY 2019, Missouri's gas distribution operators reported a total of 2,471 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, only five (less than one percent) of these damages were submitted as complaints to the Missouri Attorney General and all five led to an enforcement action. Additionally, of the 2,471 damages reported, 945 (38%) were attributed to pipeline operators for not having complied with their responsibilities in accordance with Missouri's one-call law. None of the enforcement actions taken were against pipeline operators. PHMSA encourages the Missouri Attorney General to work closely with the Missouri PSC to 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.

Mr. Eric Schmitt

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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](mailto:annmarie.robertson@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: Kathleen McNelis, P.E., Pipeline Safety Program Manager