



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. Roger Cox, Executive Secretary
Mississippi Underground Facilities Damage Prevention Board
PO Box 1174
Jackson, MS 39215-1174

Dear Mr. Cox:

On November 2, 2020, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Mississippi Underground Facilities Damage Prevention Board's ("Board") enforcement of the Mississippi 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 Mississippi 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 Board'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 Board and the Mississippi Public Service Commission (PSC) could collaborate to further improve damage prevention and pipeline safety in the State. In CY 2019, Mississippi's gas distribution operators reported a total of 1248 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, 53 (4 %) reports of violations or damages were submitted as complaints to the Board; however, no reports of damages led to a civil penalty. Thirty-six excavators received mandatory training. Additionally, of the 1248 damages reported, 276 (22%) were attributed to pipeline operators for not having complied with their responsibilities in accordance with Mississippi's one-call law. Only two of the enforcement actions taken were against pipeline operators. PHMSA encourages the Board to work closely with the Mississippi 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.

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: Rickey Cotton, Director, Pipeline Safety Division, Mississippi Public Service Commission