



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

March 24, 2021

Via Email

Mr. Larry L. Janes  
Executive Director  
South Dakota One Call Notification Board  
South Dakota 811  
P.O. Box 187  
Rapid City, SD 57709

Dear Mr. Janes:

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 South Dakota One Call Notification Board's (the "Board") enforcement of the South Dakota 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 South Dakota 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 South Dakota Public Utilities Commission (PUC) could collaborate to further improve damage prevention and pipeline safety in the State. In CY 2019, South Dakota's gas distribution operators reported a total of 406 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, 71 (17%) of these damages were submitted as complaints to the Board, and 61 of those led to an enforcement action. Additionally, of the 406 damages reported, 48 were attributed to pipeline operators for not having complied with their responsibilities in accordance with South Dakota's one-call law. Only one enforcement action was pursued against a pipeline operator. PHMSA encourages the Board 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.

Larry L. Janes, Executive Director

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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 Steven Fischer, PHMSA Senior Program Manager, at (713) 548-4838 or by email at [Steven.Fischer@dot.gov](mailto:Steven.Fischer@dot.gov).

Sincerely,



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

cc: Mary Zanter, Pipeline Safety Program Manager  
South Dakota Public Utilities Commission