



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

April 22, 2021

Via Email

The Honorable Sean D. Reyes  
Attorney General of Utah  
350 North State Street, Suite 230  
Salt Lake City, UT 84114-2320

Dear Attorney General Reyes:

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 Utah Attorney General's enforcement of the Utah 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 Utah 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 Utah Attorney General'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 Utah Attorney General and the Utah Department of Commerce could collaborate to further improve damage prevention and pipeline safety in the State. In CY 2019, Utah's gas distribution operators reported a total of 1,367 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, 128 (9.4%) of these damages were submitted as complaints to the Utah Attorney General, and 12 of those led to an enforcement action. Additionally, of the 1,367 damages reported, 288 (21%) were attributed to pipeline operators for not having complied with their responsibilities in accordance with Utah's one-call law. Only one enforcement action was pursued against a pipeline operator. PHMSA encourages the Utah Attorney General to work closely with the Utah Department of Commerce 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.

The Honorable Sean D. Reyes

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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, consisting of a large, sweeping arch over the letters 'M' and 'T', with a small flourish at the end.

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

cc: Al Zadeh, Manager, Pipeline Safety Section  
Utah Department of Commerce