



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. Karl Anderson  
Supervising Attorney General  
Wyoming Attorney General Chairman  
2320 Capitol Avenue  
Cheyenne, WY 82001

Dear Mr. Anderson:

On October 26, 2020, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Wyoming Attorney General's enforcement of the Wyoming 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 Wyoming 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 Wyoming 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 Wyoming Attorney General and the Wyoming Public Service Commission (PSC) could collaborate to further improve damage prevention and pipeline safety in the State. In CY 2019, Wyoming's gas distribution operators reported a total of 211 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, 14 (6.6%) of these damages were submitted as complaints to the Wyoming Attorney General, none led to a civil penalty, and eight warning letters were issued along with one verbal warning. Additionally, of the 211 damages reported, 47 (22%) were attributed to pipeline operators for not having complied with their responsibilities in accordance with Wyoming's one-call law. None of the enforcement actions taken were against pipeline operators. PHMSA encourages the Wyoming Attorney General to work closely with the Wyoming 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.

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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,



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

cc: Mary A. Throne, Deputy Chair, Wyoming Public Service Commission  
Ms. Jan M. Warren, Executive Director, One Call of Wyoming