



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

1200 New Jersey Avenue, SE
Washington, DC 20590

October 24, 2023

Via E-mail

Cholla Khoury
Chief of Staff
New Mexico Public Regulation Commission
P.O. Box 1269
Santa Fe, NM 87504

Dear Ms. Khoury:

On September 29, 2023, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the New Mexico Public Regulation Commission's enforcement of the New Mexico State excavation damage prevention law. PHMSA conducted this evaluation pursuant to 49 United States Code § 60114 and 49 Code of Federal Regulations Part 198, Subpart D—State Damage Prevention Enforcement Programs. Based on this evaluation, PHMSA has determined that the enforcement of the New Mexico excavation damage prevention law is "adequate."

PHMSA appreciates your dedication to pipeline safety. As you are aware, excavation damage continues to be a leading cause of pipeline failures, some of which result 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 Mr. David Appelbaum, PHMSA State Evaluator, at (202) 617-6329 or by email at david.appelbaum@dot.gov.

Sincerely,

A handwritten signature in blue ink, reading "Zach Barrett", with a stylized flourish extending from the end.

Zach Barrett
Director, State Programs

cc: Mr. Jason Montoya, Chief of Staff, Pipeline Safety Bureau Chief, New Mexico Public Regulation Commission