



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

1200 New Jersey Avenue, SE
Washington, DC 20590

August 26, 2024

Via Email

Mr. Doug P. Scott
Chairman
Illinois Commerce Commission
527 East Capital Avenue
Springfield, Illinois 62701

Mr. Thomas Carney
Commissioner
Chicago Department of Transportation
2 N. LaSalle St, Suite 1100, Chicago, Illinois 60602

Dear Chairman Scott and Commissioner Carney:

On August 23, 2024, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Illinois Commerce Commission and the City of Chicago's enforcement of the Illinois excavation damage prevention law. PHMSA conducted this evaluation under 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 Illinois excavation damage prevention law is “adequate.”

This year, PHMSA is requesting that every state review its laws, definitions of “excavation”, and relevant best practices to determine if onshore submerged facilities, dredging and other related maritime/underwater excavation activities are included. This request relates to National Transportation Safety Board recommendations after a 16-inch liquid propane pipeline was damaged by a dredging vessel on August 21, 2020.¹ Please ensure that your state has the necessary legal backing and procedures in place to preserve public safety during dredging operations and/or other related maritime/underwater excavation activities.

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

¹ See NTSB Report MAR21/05 dated December 7, 2021, *Hazardous Liquid Pipeline Strike and Subsequent Explosion and Fire aboard Dredging Vessel Waymon Boyd*

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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, appearing to read "Zach Barrett", with a long horizontal flourish extending to the right.

Zach Barrett
Director, State Programs

cc: Mr. Matt Smith, Assistant Director, Safety & Reliability Division, Illinois Commerce Commission
Mr. Matthew Peterson, Assistant Commissioner, Chicago Department of Transportation