



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

September 30, 2024

Via Email

Ms. Sheri Haugen-Hoffart  
Commissioner  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505

Dear Commissioner Haugen-Hoffart:

On September 24, 2024, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the North Dakota Public Service Commission's enforcement of the North Dakota 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 North Dakota's 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 the National Transportation Safety Board's recommendations after a 16-inch liquid propane pipeline was damaged by a dredging vessel on August 21, 2020.<sup>1</sup> 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 state damage prevention laws reduces excavation damage and pipeline incidents, resulting in enhanced public safety.

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<sup>1</sup> 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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Should you or your staff have any questions regarding this letter, please contact Mr. David Appelbaum, PHMSA Senior Transportation Specialist, at (202) 617-6329 or by email at David.Appelbaum@dot.gov.

Sincerely,

A handwritten signature in blue ink, reading "Zach Barrett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Zach Barrett  
Director, State Programs

Cc: Mr. Konrad Crockford, Director, Compliance Division, North Dakota Public Service Commission  
Mr. Caleb Simburger, Gas Pipeline Safety Program Manager, North Dakota Public Service Commission