



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

1200 New Jersey Avenue, SE
Washington, DC 20590

October 1, 2024

Via Email

Honorable Jehmal T. Hudson
Chair
Virginia State Corporation Commission
P.O. Box 1197
1300 East Main Street
Richmond, VA 23218-1197

Dear Chair Hudson:

On May 17, 2024, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Virginia State Corporation Commission's enforcement of the Commonwealth of Virginia 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 Virginia'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, 2020.¹ PHMSA examined Virginia's Underground Utility Damage Prevention Act (specifically § 56-265.15) and noted the Act listed "dredging" as an excavation operation, subject to the provisions of the Act.

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.

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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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. Scott Marshall, Deputy Director, Division of Utility and Railroad Safety, Virginia State Corporation Commission