



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

1200 New Jersey Avenue, SE
Washington, DC 20590

February 9, 2026

Via E-mail

Mr. Steven Boorman
Chairman
Idaho Damage Prevention Board
11341 W. Chinden Blvd.
Boise, ID 83714

Re: Notice of Inadequacy

Dear Chairman Boorman:

On November 21, 2025, representatives of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) evaluated the Idaho excavation damage prevention enforcement program pursuant to 49 United States Code § 60114(f) and 49 Code of Federal Regulations (CFR) Part 198, Subpart D—State Damage Prevention Enforcement Programs. Based on this evaluation, PHMSA has determined the Idaho excavation damage prevention enforcement program is inadequate.

PHMSA evaluates the effectiveness of a State's excavation damage prevention enforcement program based on the criteria detailed in 49 CFR § 198.55 and scores the State's compliance based on those criteria. PHMSA has determined the Idaho damage prevention enforcement program does not meet the requirements of 49 CFR § 198.55(a)(3).

Section 198.55(a)(3) asks, in part, if the State is using its enforcement authority consistently to impose appropriate sanctions against pipeline operators and excavators for violations of its State excavation damage prevention laws at levels sufficient to deter noncompliance. Idaho indicated to PHMSA staff that no enforcement actions were taken during the review period due to personnel changes.

Pursuant to section 198.53, if Idaho fails to reestablish an adequate excavation damage prevention enforcement program in accordance with section 198.55 within five years of this finding of inadequacy, the State may be subject to a four percent reduction in PHMSA's State Base Grant funding. This grant currently provides funding for up to 80 percent of the qualified costs of the pipeline safety program incurred by the Idaho Public Utilities Commission. In addition, excavators who fail to comply with excavation safety requirements and damage a pipeline in States with inadequate excavation damage prevention enforcement programs may face Federal enforcement action.

Under 49 CFR § 198.59, Idaho may submit to PHMSA a written response within 30 days of receipt of this notice that challenges the determination of inadequacy and provides additional information relevant to the determination. PHMSA will review any additional information provided and issue a final determination. The response must be sent to:

Mr. Rex Evans
Acting Director, State Programs Division
Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
3700 S. MacArthur Blvd.
Oklahoma City, OK 73179

If Idaho does not submit such a response, this notice will serve as PHMSA's final determination and finding of inadequacy under 49 CFR § 198.61. PHMSA's evaluation of Idaho's damage prevention enforcement program will continue to occur annually; however, if Idaho establishes an adequate enforcement program prior to the annual evaluation, Idaho may request that PHMSA review and reconsider this designation. PHMSA stands ready to continue working with your State on improving enforcement of your excavation damage prevention law.

As you are aware, excavation damage is 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 Senior Transportation Specialist, at 202-617-6329 or by e-mail at David.Appelbaum@dot.gov.

Sincerely,

Rex Evans
Acting Director, State Programs

cc: The Honorable Bradley Little, Governor, State of Idaho
Mr. Edward Lodge, President, Idaho Public Utilities Commission