



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

1200 New Jersey Avenue, SE
Washington, DC 20590

June 29, 2020

Via Email

Mr. Richard Ieyoub
Commissioner
Louisiana Department of Natural Resources
617 North 3rd Street
Baton Rouge, LA 70802

Dear Commissioner Ieyoub:

On May 19, 2020, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Louisiana Department of Natural Resources' (LDNR) enforcement of the Louisiana excavation damage prevention law. PHMSA conducted this evaluation pursuant to 49 United States Code § 60114 and 49 Code of Federal Regulations (CFR) Part 198, Subpart D -- State Damage Prevention Enforcement Programs. Based on this evaluation, PHMSA has determined that the LDNR's enforcement of Louisiana's excavation damage prevention law is "adequate."

PHMSA evaluates a state's excavation damage prevention enforcement program based on the criteria detailed in 49 CFR Part 198.55 and scores the state's compliance with those criteria. Although LDNR's enforcement program was considered "adequate" for CY 2019, the program scored 206 out of a possible 258 points on the evaluation. One of the several areas that LDNR did not achieve the maximum score is the state's current excavation damage investigation practices. Specifically, in CY 2019, Louisiana's gas distribution operators reported a total of 1,967 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, only 141 (7 percent) of these damages were investigated by LDNR and only six (0.3 percent) of those damages led to civil penalties. Additionally, LDNR did not pursue any enforcement actions for the 546 (28 percent) excavation damages that were attributed to the pipeline operators not having complied with their responsibilities in accordance with the Louisiana Underground Utilities and Facilities Damage Prevention Law § 1749.14(C).

As I am sure you are aware, excavation damage continues to be one of the leading causes of pipeline failures, a number of which result in fatalities, serious injuries, and environmental

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damage. Nationwide statistics show that effective enforcement of state damage prevention laws reduces excavation damage and pipeline incidents, resulting in enhanced public safety. We encourage the LDNR to review its pipeline damage prevention program regularly and take actions to continuously improve the program.

In closing, PHMSA appreciates your dedication to pipeline safety. Should you have any questions regarding this letter, please contact Mr. Zack Barrett, our Director of States Programs, at (405) 834-8344 or by email at Zach.Barrett@dot.gov.

Sincerely,



Massoud Tahamtani
Deputy Associate Administrator, Policy and Programs
Office of Pipeline Safety

cc: Steven Giambrone, Director, Pipeline Division,
Louisiana Department of Natural Resources