



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

**1200 New Jersey Avenue, SE
Washington, DC 20590**

March 24, 2021

Via Email

Mr. Tom Taylor
Executive Director
West Virginia 811
206 Berkeley Street
Charleston, WV 25302

Dear Mr. Taylor:

On October 26, 2020, a representative of the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the West Virginia Damage Prevention Board (“Board”)’s enforcement of the West Virginia excavation damage prevention law. PHMSA conducted this evaluation pursuant to 49 United States Code (USC) § 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 enforcement of the West Virginia excavation damage prevention law is “adequate.”

PHMSA evaluates a state’s excavation damage prevention enforcement program based on the criteria detailed in 49 CFR 198.55 and scores the state’s compliance with those criteria. In making this determination, PHMSA recognizes that no enforcement occurred in 2019 because the newly-formed enforcement program was not in effect in 2019, but several enforcement actions were taken in 2020 (three civil penalties and two warning letters). PHMSA also notes that of the 278 damages reported by gas distribution operators for CY 2019 in the PHMSA annual reports, 70 (25%) were attributed to operators for not having complied with their responsibilities in accordance with West Virginia’s one-call law. PHMSA encourages the Board to work closely with the West Virginia Public Service Commission to continuously improve the State’s one-call enforcement program.

As you are aware, excavation damage continues to be a leading cause of pipeline failures, some of which have resulted 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 Annmarie Robertson, PHMSA Senior Program Manager, at (317) 964-1670 or by email at annmarie.robertson@dot.gov.

Sincerely,

A handwritten signature in blue ink, consisting of a large, sweeping arch over the letters 'M' and 'T', with a horizontal line underneath.

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

cc: Mary Friend, Director, Pipeline Safety, West Virginia Public Service Commission
Carrie Clendening, West Virginia 811