

**Pipeline and Hazardous Materials Safety Administration (PHMSA)
Excavation Damage Enforcement**

Committee Action: BRIEFING

Summary:

The excavation enforcement rule became effective on January 1, 2016. The purpose of the rule is to encourage States to enforce their own one-call laws. We are evaluating State one-call law enforcement programs for adequacy on an annual basis. We have completed our evaluations for 2016 and we have begun our evaluations for 2017. In States deemed to have inadequate one-call law enforcement programs, PHMSA has backstop federal enforcement authority with excavators who violate the provisions of 49 CFR 196 and damage pipelines subject to our regulations. Under the rule, excavators must: Call 811 before they dig; wait for operators to mark their pipelines; excavate with care; call 811 again if necessary; tell pipeline operators if there is damage to a pipeline, and; call 911 if there is a release of natural gas or hazardous liquids.

It is important to note that PHMSA is not taking over State damage prevention programs that are deemed inadequate. State one-call laws are still in effect. PHMSA's enforcement activities will be limited and strategic, targeted to egregious violations of our regulations, and will be focused on encouraging the States to implement adequate enforcement programs.

The PHMSA implementation team is supporting the States on making improvements to their one-call law enforcement programs through a variety of activities, including letters to stakeholders, meetings with stakeholders, and reviewing proposed legislation. Several States have taken great strides to improve their one-call law enforcement programs, including Texas, Montana, Louisiana, Mississippi, Idaho, Arkansas, California, and others. The improvements that States are making are expected to reduce excavation damage to pipelines through adequate one-call law enforcement.

For additional information, visit <http://phmsa.dot.gov/pipeline/safety-awareness-and-outreach/excavator-enforcement>. The page includes the rule language, FAQs, and background information. It also includes our final determinations of adequacy, with a link to the letters we sent to each State. You may also direct any questions to excavation.enforcement@dot.gov.

Current Status: The Final Rule has been in effect since January 1, 2016.

Next Steps: Continue annual evaluations; monitor excavation damages in States that do not adequately enforce their own one-call laws; continue supporting States with improving their one-call law enforcement programs.