



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

1200 New Jersey Avenue, SE
Washington, DC 20590

February 23, 2021

Via Email

Mr. James A. Barron
Executive Director
Maryland Underground Facilities Damage Prevention Authority
7223 Parkway Drive, Suite 100
Hanover, MD 21076

Dear Mr. Barron:

On October 1, 2020, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Maryland Underground Facilities Damage Prevention Authority's (MDDPA) enforcement of the Maryland State 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 Maryland 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. Although MDDPA's enforcement program was deemed “adequate” for calendar year (CY) 2019, and the state's pipeline damages/1000 notices of excavation is indeed very respectable, PHMSA would like to bring to your attention an area where MDDPA and Maryland Public Service Commission (PUC) could collaborate to further improve damage prevention and pipeline safety in the state. In CY 2019, Maryland's gas distribution operators reported a total of 857 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, only 33 (3.8%) of these damages were submitted as complaints to the MDDPA, with 30 of those leading to an enforcement action. Additionally, of the 857 damages reported, 296 (34.5%) were attributed to pipeline operators for not having complied with their responsibilities in accordance with Maryland's one-call law. None of the enforcement actions taken in CY 2019 were against pipeline operators. PHMSA encourages the MDDPA to work closely with the Maryland PUC and evaluate how it may further improve the state's one-call enforcement program and provide an update to PHMSA within 60 days from receipt of this letter.

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.

James A. Barron, Executive Director
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Should you or your staff have any questions regarding this letter, please contact Steven Fischer, PHMSA Senior Program Manager, at (713) 548-4838 or by email at Steven.Fischer@dot.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Tahamtani', with a long, sweeping horizontal line extending to the right.

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

cc: John Clementson, Assistant Chief Engineer
Maryland Public Service Commission