



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

SEP 01 2016

1200 New Jersey Ave., S.E.  
Washington, DC 20590

**OVERNIGHT EXPRESS MAIL**

Mr. Paul A. Thomsen  
Chairman  
Nevada Public Utilities Commission  
1150 East William Street, Suite 250  
Carson City, NV 89701-3109

Dear Chairman Thomsen:

On January 13, 2016, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an adequacy evaluation of Nevada's enforcement of its excavation damage prevention law, Nevada Revised Statute Chapter 455. This letter serves as your official notice of our findings and determination. PHMSA has determined that the enforcement of Nevada's excavation damage prevention law is **ADEQUATE**. No further action is required at this time. PHMSA will schedule a follow-up evaluation next year to determine if Nevada is continuing to adequately enforce the one-call law.

PHMSA conducted the evaluation pursuant to 49 USC § 60114 and 49 CFR Part 198, Subpart D – State Damage Prevention Enforcement Programs. Our representatives met with Mr. Ken Jones and Mr. Paul Maguire with the Nevada Public Utilities Commission. During the evaluation, PHMSA representatives asked a series of standard questions regarding actions that Nevada executed in calendar year 2015 to enforce the Nevada excavation damage prevention law.

In accordance with 49 CFR 198.55, States must be able to demonstrate that they adequately meet the seven federal criteria that PHMSA uses to assess the effectiveness of the State's damage prevention enforcement programs. These criteria evaluate if the State has the authority to enforce its excavation damage prevention law; that the State utilizes its authority to issue civil penalties and other appropriate sanctions for violations of the law; and, that the State is able to provide documented procedures, processes, and data that demonstrates an effective overall damage prevention enforcement program. The evaluation criteria are found in the attachment.

Excavation damage continues to be a leading cause of hazardous liquid and natural gas pipeline incidents resulting in fatalities, serious injury, and environmental damage. Damaging a pipeline during an excavation poses a serious safety risk to excavators, the public living and working in proximity to the excavation site, and the environment.

PHMSA strongly believes that effective damage prevention programs, including enforcement, are best addressed at the State level. Nationwide statistics show that effective enforcement of State excavation damage prevention laws reduces excavation damage and pipeline incidents, and results in increased safety. We applaud the state of Nevada on developing and sustaining an effective damage prevention enforcement program, and will continue to support your efforts. If you have any questions or need additional information, please contact our Damage Prevention Team by email at [excavation.enforcement@dot.gov](mailto:excavation.enforcement@dot.gov) or by phone at (804) 556-4678.

Sincerely,



Alan K. Mayberry  
Acting Associate Administrator for Pipeline Safety

Enclosure

cc: The Honorable Brian Sandoval, Office of the Governor, State of Nevada  
Mr. Paul Maguire, Manager, Engineering, Nevada Public Utilities Commission