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| **STATE EXCAVATION DAMAGE PREVENTION LAW ENFORCEMENT PROGRAM EVALUATION CHECKLIST**  **State:** Click here to enter text.  **Date:** Click here to enter text.  **Final score:** Click here to enter text. | |
| **General** | |
| **G.1.** | What is the code citation for the State excavation damage prevention law/requirements?  Click here to enter text.  Comments:  Click here to enter text. |
| **G.2.** | When was/were the State excavation damage prevention law/requirements most recently updated?  Click here to enter text.  Comments:  Click here to enter text. |
| **G.3.** | What recent changes have been made to the State excavation damage prevention law/requirements?  Click here to enter text.  Comments:  Click here to enter text. |
| **Guidance** | G.3.: PHMSA is seeking to understand changes in the law pertaining to enforcement procedures, reporting, transparency, exemptions, and other relevant topics. Questions G.1. through G.3. are for information only. |

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| **Criterion 1 – Does the State have the authority to enforce its State excavation damage prevention law using civil penalties and other appropriate sanctions for violations?** | | |
| **1.a.** | Does the State have the authority to enforce its State excavation damage prevention law using civil penalties and other appropriate sanctions for violations? **If the answer is “No”, enforcement of the State excavation damage prevention law is deemed inadequate.**  Yes No  Comments:  Click here to enter text. | Pass/Fail |
| **1.b.** | Cite the portion of the excavation damage prevention law/requirements that enables enforcement.  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **Guidance** | 1.a.: This question is pass/fail. If the answer to 1.a. is “No,” the State excavation damage prevention law enforcement program is inadequate. PHMSA does not consider criminal penalties to be “other appropriate sanctions”. | |

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| **Criterion 2 - Has the State designated a State agency or other body as the authority responsible for enforcement of the State excavation damage prevention law?**  Total Points: Click here to enter text. | | |
| **2.a.** | Does the State excavation damage prevention law designate an authority or authorities responsible for State-wide enforcement of the State excavation damage prevention requirements? **If the answer is “No”, enforcement of the State excavation damage prevention law is inadequate.**  Yes No  Comments:  Click here to enter text. | Pass/Fail |
| **2.b.** | Cite the portion of the law that designates enforcement authority to a State agency or other organization.  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **2.c.** | What organization is the designated authority? If more than one, list them.  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **2.d.** | How long has/have the designated organization(s) had enforcement authority?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **2.e.** | What are the enforcement roles and responsibilities of each organization?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **2.f.** | What positions/roles are responsible for enforcement activities within each enforcement organization?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **2.g.** | Does the enforcement process include a stakeholder advisory committee?  Yes No  Comments:  Click here to enter text. | Information Only |
| **2.h.** | What parties are subject to enforcement under the State excavation damage prevention requirements?  Click here to enter text.  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **Guidance** | 2.a.: This question is pass/fail. If the answer to this question is “No,” enforcement of the State excavation damage prevention law is inadequate. This question pertains to pipelines regulated under 49 CFR Parts 192 and 195. The State law may designate more than one organization as the excavation damage prevention law enforcement authority. PHMSA expects enforcement to be fairly applied to all geographic areas of the State.  2.e.: PHMSA is seeking an explanation of the process, not the names of the people personally responsible for various enforcement actions.  2.f.: PHMSA is seeking titles/roles, not names.  2.h.: PHMSA is seeking to understand which parties can be fined or sanctioned (e.g., locators, excavators, operators, the one-call, etc.). At a minimum, PHMSA expects that both pipeline operators and non-exempt excavators be subject to enforcement under the State excavation damage prevention law.  *Scoring guidance for question 2.h.:*  *2 = Satisfactory; Both pipeline operators and non-exempt excavators are subject to enforcement under the excavation damage prevention law.*  *0 = Unsatisfactory; Either pipeline operators or non-exempt excavators (or both) are not subject to enforcement under the excavation damage prevention law.*  *Question weight: 10* | |

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| **Criterion 3 – (a) Is the State assessing civil penalties and other appropriate sanctions for violations (b) at levels sufficient to deter noncompliance and (c) is the State making publicly available information that demonstrates the effectiveness of the State’s enforcement program?**  Total Points: Click here to enter text. | | |
| **3.a.1.** | In the previous calendar year, did the enforcement organization assess civil penalties and/or other sanctions for violations of the excavation damage prevention law? **If the answer is “No”, enforcement of the State excavation damage prevention law is inadequate.**  Yes No  Comments:  Click here to enter text. | Pass/Fail |
| **3.b.1.** | What levels of civil penalties (dollar amounts) are enabled by law?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **3.b.2.** | Total number of civil penalties assessed in previous calendar year:  Click here to enter text.  Dollar range of actual civil penalties assessed:  Click here to enter text.   |  |  |  |  | | --- | --- | --- | --- | | **Party** | **Number of**  **Penalties** | **Total Amount** | **Comments** | | Excavators | Click here to enter text. | Click here to enter text. | Click here to enter text. | | Operators | Click here to enter text. | Click here to enter text. | Click here to enter text. | | One-call | Click here to enter text. | Click here to enter text. | Click here to enter text. | | Locators | Click here to enter text. | Click here to enter text. | Click here to enter text. |   Comments:  Click here to enter text. | Information Only |
| **3.b.3.** | What other sanctions for violations of the law are available to the State?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **3.b.4.** | In the previous calendar year, did the State assess sanctions other than civil penalties?  Yes No   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **Type of Sanction** | **Excavators** | **Operators** | **Locators** | **One-Call** | | Warning letters | Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. | | Training | Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. | | Other | Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |   Comments:  Click here to enter text. | Information Only |
| **3.b.5.** | Are enforcement actions progressive (increasingly severe for repeat offences)?  Yes No  Comments:  Click here to enter text. | Information Only |
| **3.b.6.** | How does the enforcement organization assess the effectiveness of enforcement actions over time?  Click here to enter text.  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **3.b.7.** | What are the results of the enforcement program?  Click here to enter text.  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **3.c.1.** | Does the enforcement organization make information about enforcement actions and outcomes publicly available?  Yes No  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **3.c.2.** | What information does the enforcement organization make publicly available?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **3.c.3.** | How/where does the enforcement organization make information publicly available?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **Guidance** | General: PHMSA seeks records that demonstrate that the State is regularly and consistently using its enforcement authority and imposing appropriate sanctions for violations of the State excavation damage prevention law against pipeline operators and excavators. Sanctions may include civil penalties, mandatory training, warning letters, or other similar activities. States should also be able to demonstrate if the enforcement programs include escalating sanctions. If a State cannot demonstrate use of its enforcement authority, enforcement of the State excavation damage prevention law will be deemed inadequate.  PHMSA expects States to demonstrate the impact of the State’s enforcement program. PHMSA expects States to maintain records that demonstrate a relationship between the State’s enforcement activities and the rate of excavation damage incidents. PHMSA acknowledges that many factors can influence excavation damage rates. However, PHMSA believes that an effective enforcement program includes evaluation of the effects of enforcement activities. The result of PHMSA’s review of a State’s records in this regard will not, by itself, be grounds for deeming enforcement of the State’s excavation damage prevention law inadequate.  PHMSA expects State enforcement programs to generally make excavation damage prevention law enforcement information and statistics available to the public via a website. PHMSA does not expect States to violate any State laws, jeopardize any ongoing enforcement cases, or post information that would violate the privacy of individuals as defined by State or Federal law. The result of PHMSA’s review of the public availability of a State’s information and statistics will not, by itself, be grounds for deeming enforcement of the State’s excavation damage prevention law inadequate.  3.a.1.: This question is pass/fail. If the answer to this question is “No,” enforcement of the State excavation damage prevention law is inadequate.  3.b.2.: PHMSA is seeking records of every enforcement action in the previous calendar year.  3.b.3.: Examples of other sanctions include warning letters, mandatory training, documented verbal warnings, etc.  3.b.4.: PHMSA is seeking the number of sanctions applied to each party.  3.b.6.: PHMSA is seeking to understand if the enforcement organization evaluates damage rates and other relevant information, to include causes of damages, in relation to enforcement activities.  *Scoring guidance for question 3.b.6.:*  *2 = Satisfactory; The enforcement organization thoroughly evaluates damage rates and other relevant information in relation to enforcement activities.*  *1 = Needs Improvement; The enforcement organization evaluates some information in relation to enforcement activities, but the information cannot be used to conduct a complete/thorough evaluation.*  *0 = Unsatisfactory; The enforcement organization does not evaluate damage rates and other relevant information in relation to enforcement activities in any meaningful way.*  *Question weight: 10*  3.b.7.: PHMSA is seeking to understand what the enforcement organization has learned from evaluating damage rates and other relevant information and how the enforcement organization is using what it has learned. For example, an enforcement organization should be learning which parties or activities in the State are causing excavation damage and tailoring the enforcement program to address risk.  *Scoring guidance for question 3.b.7.:*  *2 = Satisfactory; Using supporting data, the State thoroughly understands the impact of enforcement on the State’s excavation damage prevention program. Using supporting data, the state can demonstrate which parties or activities in the State are causing excavation damage, and the actions taken in the state to reduce damages. The State actively uses the results of its enforcement program to continuously improve the program to address risk.*  *1 = Needs Improvement; The State has some supporting data that demonstrates the impact of enforcement on the State’s excavation damage prevention program, but the State’s understanding of the impact of enforcement is limited. The State may have anecdotal evidence of the impact of enforcement, but cannot support claims with data.*  *0 = Unsatisfactory; The State cannot make any meaningful claims about the impact of enforcement on the State’s excavation damage prevention program due to a lack of supporting data or other information.*  *Question weight: 10*  3.c.1.: General information about enforcement actions should be made available to the public proactively.  *Scoring guidance for question 3.c.1.:*  *2 = Satisfactory; General information about enforcement actions are made available to the public. Public information about enforcement actions is made available on an ongoing basis and is current.*  *1 = Needs Improvement; The State makes some information available to the public, e.g. enforcement hearing schedules or general information regarding the State’s excavation damage prevention enforcement program, but lacks visibility into the State’s enforcement actions and results of the program.*  *0 = Unsatisfactory; The State makes very limited or no information publicly available regarding the State’s excavation damage prevention program and state enforcement actions/results.*  *Question weight: 5*  3.c.2.: Information about the enforcement program, including number of actions, types of violations and sanctions should be publicly available on a web site. At a minimum, PHMSA expects enforcement authorities to publicly share the number and types of enforcement actions taken in a given year (e.g., civil penalties, warning letters, mandatory training sessions, and similar information).  3.c.3.: PHMSA expects this answer to include a website address. | |

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| **Criterion 4 - Does the enforcement authority have a reliable mechanism (e.g., mandatory reporting, complaint-driven reporting) for learning about excavation damage to underground facilities?**  Total Points: Click here to enter text. | | |
| **4.a.** | Does the enforcement organization have a reliable mechanism (e.g., mandatory reporting, complaint-driven reporting) for learning about excavation damage to pipelines?  Yes No  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **4.b.** | Cite the portion of the excavation damage prevention law/requirements that addresses how to report suspected violations.  Click here to enter text.  Comments:  Click here to enter text. | Information  Only |
| **4.c.** | How does the enforcement organization learn about excavation damages?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **4.d.** | How does the enforcement organization inform stakeholders about the process for reporting excavation damages?  Click here to enter text.  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **Guidance** | General: PHMSA will review how State enforcement programs learn about excavation damage to underground pipelines. In particular, PHMSA will be looking for reporting mechanisms that encourage parity in the application of enforcement resources. For example, when excavation damage occurs, does the reporting mechanism allow for identification of potential violations of law by both excavators and pipeline operators? If the State enforcement program learns of violations via road patrols that specifically target excavators without valid excavation tickets, how does the enforcement organization also learn about violations of other provisions of State excavation damage prevention requirements, such as operators’ failure to locate and mark pipelines? Also, PHMSA will review the enforcement organization’s methods for making stakeholders – especially excavators and pipeline operators – aware of the process and requirements for reporting excavation damage to pipelines to the enforcement organization. The result of PHMSA’s review of a State’s activities under criterion 4 will not, by itself, be grounds for deeming enforcement of the State’s excavation damage prevention law inadequate.  4.a. PHMSA expects that violations of the State excavation damage prevention requirements may be reported by any stakeholder involved in excavation damage to a pipeline.  *Scoring guidance for question 4.a.:*  *2 = Satisfactory; The State has a reliable mechanism for learning about excavation damage to pipelines. The mechanism is clearly defined in the written State excavation damage prevention requirements, and may include mandatory reporting or complaint-based reporting of excavation damages. All damage prevention stakeholders are empowered to report damages to the enforcement authority. The State’s process for damage reporting is readily available on a public web site.*  *1 = Needs Improvement; The State has some means of learning about excavation damages to underground facilities, but it is not reliable in all cases (e.g., the State actively learns about excavation damages through patrols, media, limited stakeholder reporting, etc., but some damage prevention stakeholders do not have a means of notifying the State when a damage occurs).*  *0 = Unsatisfactory; The State does not have a reliable means of learning about excavation damages to underground facilities. Stakeholders have no means of reporting excavation damages to the State and the State has no means of addressing stakeholder reports of excavation damage.*  *Question weight: 10*  4.c.: States may learn about excavation damages through mandatory reporting, stakeholder complaints, etc.  4.d.: PHMSA expects that a State agency, the enforcement organization, and/or other damage prevention stakeholders are proactively educating all stakeholders about the reporting process.  *Scoring guidance for question 4.d.:*  *2 = Satisfactory; The State can demonstrate that the enforcement organization and/or other damage prevention stakeholders proactively educate all damage prevention stakeholders about the process for reporting excavation damages. The educational program is documented and available to all stakeholders.*  *1 = Needs Improvement; The State, enforcement organization, and/or other damage prevention stakeholders make some effort to educate stakeholders about the process for reporting excavation damages, but the educational program is not proactive or documented, is used on a limited basis, and/or the outreach may not focus on all stakeholders responsible for ensuring damage prevention.*  *0 = Unsatisfactory; The State, enforcement organization, and/or other damage prevention stakeholders do not have a process for educating stakeholders about the process for reporting excavation damages.*  *Question weight: 3* | |

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| **Criterion 5 - Does the State employ excavation damage investigation practices that are adequate to determine the responsible party or parties when excavation damage to underground facilities occurs?**  Total Points: Click here to enter text. | | |
| **5.a.** | What is the enforcement organization’s damage investigation process?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **5.b.** | Does the enforcement organization have documented damage investigation procedures/forms/etc.?  Yes No  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **5.c.** | Does the enforcement organization investigate all pipeline excavation damages that it learns about (in the field or in the office) or use written procedures to determine when investigation is warranted?  Yes No  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **5.d.** | What information does the enforcement organization collect when investigating excavation damages, and from whom?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **5.e.** | Question removed. |  |
| **5.f.** | When made aware of excavation damage to a pipeline, does the enforcement organization take enforcement action against the violator of the State’s excavation damage prevention requirements in every case?  Yes No  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **5.g.** | How does the enforcement organization demonstrate fair and consistent enforcement against violations of the excavation damage prevention requirements by either a pipeline operator or excavator?  Click here to enter text.  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **Guidance** | General: PHMSA expects State enforcement programs to be balanced with regard to how they apply enforcement authority. PHMSA expects enforcement programs to be focused on the compliance responsibilities of both excavators and pipeline operators. PHMSA seeks a pattern of pipeline excavation damage enforcement that demonstrates that penalties are consistently applied to all violators of the State excavation damage prevention requirements and are not consistently applied to only one stakeholder group. PHMSA is interested in States’ excavation damage investigation practices, and especially if these practices include the opportunity for input from all parties and if there is due process in place for those accused of violating the law. The result of PHMSA’s review of a State’s program under criterion 5 will not, by itself, be grounds for deeming enforcement of the State’s excavation damage prevention law inadequate.  5.b.: PHMSA expects the enforcement organization to able to produce copies of its documented damage investigation procedures/forms/etc.  *Scoring guidance for question 5.b.:*  *2 = Satisfactory; The enforcement organization has thoroughly-documented damage investigation written procedures/forms/etc.*  *1 = Needs Improvement; The enforcement organization has some damage investigation written procedures/forms/etc., but the documentation does not completely describe the investigation process.*  *0 = Unsatisfactory; The enforcement organization has limited or no documented damage investigation procedures/forms/etc.*  *Question weight: 10*  5.c.: Investigations may or may not include site visits or field investigations; investigations may include in-office reviews of evidence submitted by parties involved in a damage. If the enforcement organization does not take enforcement action in every case of pipeline excavation damage, PHMSA expects states to have a policy for determining when enforcement action is taken.  *Scoring guidance for question 5.c.:*  *2 = Satisfactory; The enforcement organization investigates all pipeline excavation damages that it learns about, or the State’s written policies/procedures include criteria for when an investigation is not needed.*  *1 = Needs Improvement; The enforcement organization investigates some pipeline excavation damages that it learns about, but not all, and the enforcement organization’s investigation procedures do not provide sufficient guidance for determining if an investigation is needed.*  *0 = Unsatisfactory; The enforcement organization does not investigate pipeline excavation damages on a consistent basis. Investigations are not regular or common, and many pipeline excavation damages are not investigated. Enforcement procedures do not address when an investigation is needed.*  *Question weight: 10*  5.f.:  *Scoring guidance for question 5.f.:*  *2 = Satisfactory; The enforcement organization either takes enforcement action in every case of pipeline excavation damage, or has an equitable and consistent documented policy for determining when enforcement action is taken.*  *1 = Needs Improvement; The enforcement organization does not take enforcement action (or does not have an equitable and consistent documented policy for determining when enforcement action is taken) in every case of pipeline excavation damage. Enforcement action in cases of excavation damage to pipelines does occur, but is not always equitable or consistent.*  *0 = Unsatisfactory; The enforcement organization does not have a documented policy regarding the use of enforcement authority in cases of excavation damage to pipelines. Enforcement decisions are not equitable or consistent.*  *Question weight: 5*  5.g.: PHMSA is seeking an explanation of the enforcement organization’s policy regarding equitable and consistent application of enforcement to both operators and excavators.  *Scoring guidance for question 5.g.:*  *2 = Satisfactory; The enforcement organization’s approach to applying enforcement to both operators and excavators is fair, as demonstrated by enforcement records and written enforcement policies/procedures.*  *1 = Needs Improvement; The enforcement organization applies enforcement to both operators and excavators, but records indicate that enforcement authority is clearly used more often against one stakeholder group. For example, excavators may be targeted for enforcement more often than operators, but enforcement is applied to operators in some cases.*  *0 = Unsatisfactory; The enforcement organization applies enforcement to only one stakeholder group in most cases. For example, the enforcement program specifically and consistently targets excavators, but rarely targets operators for failing to fulfill their role in the damage prevention process.*  *Question weight: 10* | |

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| **Criterion 6 -** **At a minimum, do the State’s excavation damage prevention requirements include the following:**   * **Excavators may not engage in excavation activity without first using an available one-call notification system to establish the location of underground facilities in the excavation area.** * **Excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator.** * **An excavator who causes damage to a pipeline facility:**   + **Must report the damage to the operator of the facility at the earliest practical moment following discovery of the damage; and**   + **If the damage results in the escape of any natural and other gas or hazardous liquid from a PHMSA-regulated pipeline, must promptly report to other appropriate authorities by calling the 911 emergency telephone number or another emergency telephone number.**   Total Points: Click here to enter text. | | |
| **6.a.** | Does the State require excavators (who are not exempt from State requirements) to use an available one-call notification system to establish the location of underground facilities in the excavation area before engaging in excavation activity?  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **6.b.** | Does the State require that excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator?  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **6.c.** | Does the State require an excavator who damages a pipeline facility to report the damage to the operator of the facility at the earliest practical moment following discovery of the damage?  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **6.d.** | Does the State require an excavator who causes damage to a PHMSA-regulated pipeline that results in a release of natural or other gas or hazardous liquid to promptly report the release to emergency responders by calling the 911 emergency telephone number or another emergency telephone number?  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **Guidance** | General: PHMSA will review State requirements to ensure they address the basic Federal requirements in the PIPES Act for excavators such as using an available one-call system. The result of PHMSA’s review of a State’s requirements will not, by itself, render the State’s enforcement program inadequate.  6.a.:  *Scoring guidance for question 6.a.:*  *2 = Satisfactory; The State requires excavators (who are not exempt from State requirements) to use an available one-call notification system to establish the location of underground facilities in the excavation area before engaging in excavation activity.*  *1 = Needs Improvement; The State requires excavators (who are not exempt from State requirements) to use an available one-call notification system or to contact the operators of underground facilities directly to establish the location of underground facilities in the excavation area before engaging in excavation activity.*  *0 = Unsatisfactory; The State does not require excavators to use an available one-call notification system to establish the location of underground facilities in the excavation area before engaging in excavation activity.*  *Question weight: 10*  6.b.:  *Scoring guidance for question 6.b.:*  *2 = Satisfactory; The State explicitly requires that excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator.*  *1 = Needs Improvement; The State requires or recommends that excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator, but the State’s excavation damage prevention requirements are not explicit on this point. For example, the State damage prevention law/regulations may not have a defined tolerance zone in which hand tools or soft digging must be used, or the law/regulations may not require excavators to request re-locates when necessary.*  *0 = Unsatisfactory; The State does not require that excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator.*  *Question weight: 10*  6.c.: Reporting damages to a one-call center may suffice for contacting the operator directly. “Damage” is defined as any excavation activity that results in the need to repair or replace a pipeline due to a weakening, or the partial or complete destruction, of the pipeline, including, but not limited to, the pipe, appurtenances to the pipe, protective coatings, support, cathodic protection or the housing for the line device or facility.  *Scoring guidance for question 6.c.:*  *2 = Satisfactory; The State explicitly requires an excavator who damages a pipeline facility to report the damage to the operator of the facility at the earliest practical moment following discovery of the damage.*  *1 = Needs Improvement; The State requires an excavator who damages a pipeline facility to report the damage to the operator of the facility at the earliest practical moment following discovery of the damage, but the State’s excavation damage prevention requirements are not explicit on this point.*  *0 = Unsatisfactory; The State does not require an excavator who damages a pipeline facility to report the damage to the operator of the facility at the earliest practical moment following discovery of the damage.*  *Question weight: 10*  6.d.:  *Scoring guidance for question 6.d.:*  *2 = Satisfactory; The State explicitly requires an excavator who causes damage to a pipeline facility that results in the release of any PHMSA-regulated natural or other gas or hazardous liquid to promptly report the release to emergency responders by calling the 911 emergency telephone number or another emergency telephone number.*  *1 = Needs Improvement; The State requires or recommends that an excavator who causes damage to a pipeline facility that results in the release of any PHMSA-regulated natural or other gas or hazardous liquid to notify emergency responders, but does not explicitly require calling the 911 emergency telephone number or another emergency telephone number.*  *0 = Unsatisfactory; The State does not require or recommend that an excavator who causes damage to a pipeline facility that results in the release of any PHMSA-regulated natural or other gas or hazardous liquid to notify emergency responders, but does not explicitly require calling the 911 emergency telephone number or another emergency telephone number.*  *Question weight: 10* | |

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| **Criterion 7 - Does the State limit exemptions for excavators from its excavation damage prevention law? A State must provide to PHMSA a written justification for any exemptions for excavators from State excavation damage prevention requirements. PHMSA will make the written justifications available to the public.**  Total Points: Click here to enter text. | | |
| **7.a.** | What exemptions for excavators exist in the excavation damage prevention law?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **7.b.** | Does the enforcement organization maintain information that demonstrates the impact of exemptions?  Click here to enter text.  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **7.c.** | What information does the enforcement organization maintain?  Click here to enter text.  Comments:  Click here to enter text. | Information Only |
| **7.d.** | How does the enforcement organization use information about the impact of exemptions?  Click here to enter text.  Comments:  Click here to enter text. | Score (points x weight)  Click here to enter text. |
| **Guidance** | General: PHMSA expects States to document the exemptions provided in State excavation damage prevention laws for any/all excavators. “Excavation” refers to excavation activities as defined in 49 CFR § 192.614, and covers all excavation activity involving both mechanized and non-mechanized equipment, including hand tools. “Excavator” means any person or legal entity, public or private, proposing to or engaging in excavation. Documentation should include the exemptions for excavators in State law and any data or other evidence that demonstrates the impact of the exemptions on the rate of excavation damage to pipelines and other underground infrastructure. PHMSA believes that exemptions for entire classes of excavators (e.g., farmers) represent a greater threat to pipeline safety than exemptions for specific excavation activities (e.g., shallow tilling). The result of PHMSA’s review of a State’s program under criterion 7 will not, by itself, be grounds for deeming enforcement of the State’s excavation damage prevention law inadequate.  7.b.:  *Scoring guidance for question 7.b.:*  *2 = Satisfactory; The enforcement organization maintains robust complete information that clearly demonstrates the impact of exemptions. The information shows the number of damages caused by parties or activities that are exempt from State excavation damage prevention requirements.*  *1 = Needs Improvement; The enforcement authority maintains some information that demonstrates the impact of exemptions, but the information is not complete and can only be used in a limited capacity to demonstrate the number of damages caused by parties or activities that are exempt from State excavation damage prevention requirements.*  *0 = Unsatisfactory; The enforcement organization maintains limited or no information that demonstrates the impact of exemptions.*  *Question weight: 3*  7.d.:  *Scoring guidance for question 7.d.:*  *2 = Satisfactory; The enforcement organization uses information about the impact of exemptions to improve the excavation damage prevention program on a consistent basis.*  *1 = Needs Improvement; The enforcement organization collects some information about the impact of exemptions, but does not actively use the information to improve the excavation damage prevention program.*  *0 = Unsatisfactory; The enforcement organization does not collect or use information about the impact of exemptions to improve the excavation damage prevention program.*  *Question weight: 3* | |

**General Evaluation Comments:**

Click here to enter text.

**Note to evaluator(s): Please circulate a sign-in sheet.**