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Operators of Alberta Products Pipe Line Ltd.

Email: damagepreventionregs@neb-one.gc.ca

November 13, 2015

Ms. Sheri Young
Secretary of the Board
National Energy Board
517 Tenth Avenue SW
Calgary, AB T2R 0A8

Dear Ms. Young,

**Re: Comments on Update to the National Energy Board's Damage Prevention
Regulatory Framework
NEB File Ad-GA-ActsLeg-Fed-NEBA-RRG-DPR 0201**

Trans-Northern Pipelines Inc. appreciates the opportunity to provide comment on the further amendments to the proposed Pipeline Damage Prevention regulations. We strongly support a mandatory and consistent approach to damage prevention across the country, to ensure the public is protected from the effects of third party damages and that the integrity of our infrastructure is protected.

Trans-Northern operates 800 kilometres of pipeline in eastern Canada from Montreal, Quebec to Nanticoke, Ontario and 320 kilometres in Alberta from Edmonton to Calgary, transporting refined petroleum products.

Comments

1. Modernizing the regulatory language:
Trans-Northern supports the modernization of regulatory language to ensure that there is clarity for the users and no ambiguity on the expectations.
2. Amending the regulations to reflect the legislative changes made to the National Energy Board Act by the Pipeline Safety Act:
 - a. Trans-Northern supports the replacement of the term "excavation" with the term "ground disturbance". However Trans-Northern recommends that the legislated definition be consistent with the language in CSA Standard Z247-15
 - b. Trans-Northern does NOT support to use of the word "prescribed area". Trans-Northern supports change only if there is a compelling reason that the change will improve damage prevention initiatives. We believe that maintaining the current wording in the proposed

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regulation and adding the recognized term of “Safety Zone” would further strengthen the regulation. Industry and the NEB have promoted this terminology over the years and the addition of a new term (prescribed area) could add confusion with affected landowners and the industry.

Another potential benefit to adding the term “Safety Zone” is in regard to Landowners concerns over encroachment on their land rights, the terms “restricted area” or “prescribed area” could provide unintended ambiguity for landowners when the intent of the 30 m zone is for protection (safety). Any wording to be changed or added should clarify that the “Safety Zone” does not preclude landowners from exercising their rights and does not sterilize their land however it is place to add a measure of safety to both the public and the pipeline.

An additional point for consideration, Trans-Northern operates federally and provincially regulated pipelines and supports consistency among all regulators and industry when it comes to safety. Not all regulators define the “Safety Zone” around the pipeline in the same manner; we believe that if at all possible the NEB and all provincial regulators agree on a common definition for the “Safety Zone”. If a change is to be made it should be made around a consistent measurement that would apply equally to all pipelines – Using the distance from the actual pipeline infrastructure as a minimum to define the safety zone is one option.

- c. Trans-Northern supports any changes that strengthen the current regulation in this area taking into account comments made on the definition of the “Safety Zone”.
 - d. See c.
3. Amending the regulations to reflect the results from the last public consultation period conducted in September 2014.
- a. Trans-Northern supports a management system approach to damage prevention program that should be inclusive of a public awareness program within a company’s management system.
 - b. Trans-Northern strongly agrees with identifying and enforcing the requirement for mandatory locate requests for any ground disturbance across Canada.
 - c. Trans-Northern has been a member of one-call since their inception and strongly supports the requirement to ensure mandatory membership.
 - d. Trans-Northern supports the inclusion of the “low risk crossings by agricultural vehicles” within the regulation. However it will be important to ensure that the definitions and the modernization of the regulatory language do not add confusion to the existing exemption order (MO-21-2010).



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Trans-Northern is encouraged to see the movement on this extremely important legislated update. We fully support the efforts and would like to recommend that stakeholders have the opportunity to provide substantive comments on the actual proposed regulations when they are available, prior to the posting in Gazette I, to ensure that all affected stakeholders are properly consulted. All persons have a responsibility to ensure the safety of the pipelines, as such all persons should have the opportunity to ensure that these regulations are meaningful and promote a positive approach to damage prevention to enhance the safety of people and the environment.

Thank you again for providing the opportunity for comment.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Gail Sharko'.

Gail Sharko
Manager, Regulatory and External Affairs