

REGULATIONS AMENDING THE NATIONAL ENERGY BOARD PIPELINE CROSSING  
REGULATIONS, PART I

## AMENDMENTS

**1. The long title of the *National Energy Board Pipeline Crossing Regulations, Part I*<sup>1</sup> is replaced by the following:**

NATIONAL ENERGY BOARD PIPELINE DAMAGE PREVENTION REGULATIONS,  
PART 1

**2. Section 1 of the Regulations and the heading before it are repealed.**

**3. (1) The definition “conduite” in section 2 of the French version of the Regulations is repealed.**

**(2) The definition “pipe” in section 2 of the English version of the Regulations is replaced by the following:**

“pipe” means a line that is used or is to be used for the transmission of hydrocarbons by a pipeline; (*canalisation*)

**(3) Section 2 of the Regulations is amended by adding the following in alphabetical order:**

“working day” means any day that is not a Saturday or a Sunday or any other holiday. (*jour ouvrable*)

**(4) Section 2 of the French version of the Regulations is amended by adding the following in alphabetical order:**

“canalisation” Canalisation qui sert ou est destinée à servir au transport des hydrocarbures par un pipeline. (*pipe*)

**4. Section 3 of the Regulations is replaced by the following:**

**3. (1) These Regulations do not apply to an excavation caused by**

(a) a pipeline company or its agents or mandataries; or

(b) activities that disturb less than 30 cm of ground below the initial grade and do not reduce the total cover over the pipe.

(2) Despite paragraph (1)(b), these Regulations apply to the construction or installation of a facility — or the crossing of a pipeline with a vehicle or mobile equipment that is used to perform an agricultural activity as defined in subsection 7.1(1) — that disturbs less than 30 cm of ground below the initial grade and does not reduce the total cover over the pipe.

**5. The Regulations are amended by adding the following after section 3:**

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<sup>1</sup> SOR/88-528

### LOCATE REQUESTS

**3.1** (1) Any person who intends to undertake the construction of a facility across, on, along or under a pipeline or an excavation using power-operated equipment or explosives within 30 m of a pipeline shall make a locate request at least three working days before the day on which the construction or excavation is to start

(a) through a one-call centre if the pipeline is within an area where the one-call centre receives locate requests; or

(b) to the pipeline company directly if a one-call centre does not exist in that area.

(2) A one-call centre is an organization that, within a defined geographical area, receives locate requests and notifies its potentially affected members of any proposed constructions or excavations for the purposes of protecting their facilities from damage and ensuring public safety.

### RESPONSIBILITIES OF THE PROJECT OWNER

**3.2** If any construction or excavation to which these Regulations apply is undertaken, the project owner shall

(a) prior to commencing the construction or excavation, make all persons working on their behalf, including employees, contractors and sub-contractors, aware of their responsibilities under these Regulations; and

(b) supervise and monitor those persons during the construction and excavation.

**6. (1) The portion of section 4 of the Regulations before paragraph (b) is replaced by the following:**

**4.** Leave of the Board is not required for any construction of a facility, other than the construction of an overhead line referred to in section 5, if

(a) the construction of the facility takes place in an area other than an offshore area;

**(2) Paragraphs 4(f) and (g) of the Regulations are replaced by the following:**

(f) unless otherwise agreed on by the pipeline company and the facility owner, and except in cases of emergency, the facility owner makes a locate request in accordance with section 3.1 prior to the commencement of construction;

(g) in the case of an emergency, the facility owner makes a locate request in accordance with section 3.1 as soon as is feasible prior to the commencement of construction;

**(3) The portion of paragraph 4(i) of the Regulations before subparagraph (i) is replaced by the following:**

(i) prior to the construction of the facility, the facility owner

**(4) The portion of paragraph 4(n) of the Regulations before subparagraph (i) is replaced by the following:**

(n) the facility owner maintains the facility in a state of good repair compatible with the safety of the pipeline and immediately corrects any deterioration in the facility on being informed in writing by the pipeline company pursuant to subsection 15(1) of the *National Energy Board Pipeline Damage Prevention Regulations, Part 2*, except where, unless otherwise ordered by the Board,

**(5) Paragraph 4(o) of the French version of the Regulations is replaced by the following:**

o) le propriétaire d'installation avise par écrit la compagnie pipelinière de tout projet d'abandon ou d'enlèvement d'une installation touchant une canalisation ou l'emprise du pipeline;

**7. The portion of section 5 of the Regulations before paragraph (c) is replaced by the following:**

5. Leave of the Board is not required for the construction of an overhead line across a pipeline if

(a) unless otherwise agreed on by the pipeline company and the facility owner, and except in cases of emergency, three working days' notice is given by the facility owner to the pipeline company prior to the commencement of construction;

(b) in the case of an emergency, the facility owner makes a locate request in accordance with section 3.1 as soon as is feasible prior to the commencement of construction;

**8. Paragraphs 6(f) and (g) of the Regulations are replaced by the following:**

(f) unless otherwise agreed on by the pipeline company and the excavator, and except in cases of emergency, the excavator makes a locate request in accordance with section 3.1;

(g) in the case of an emergency, the excavator makes a locate request in accordance with section 3.1 as soon as is feasible prior to the commencement of the excavation;

**9. The Regulations are amended by adding the following after section 7:**

**CONDITIONS AND CIRCUMSTANCES UNDER WHICH LEAVE OF THE PIPELINE COMPANY IS NOT REQUIRED FOR AGRICULTURAL ACTIVITIES**

**7.1** (1) In this section "agricultural activity" means the work of producing crops and raising livestock and includes tillage, plowing, disking, harrowing, pasturing, mushroom growing, nursery and sod operations and installation of conservation measures, but does not include construction of new buildings or impervious areas or placement of footings, foundations, pilings or fence posts.

(2) Except in the case of a pipeline situated at a location identified under section 10.1 of the *National Energy Board Pipeline Damage Prevention Regulations, Part 2*, leave of the pipeline company under subsection 112(2) of the Act is not necessary for the operation of a vehicle or mobile equipment across a pipeline if

(a) the vehicle or mobile equipment is used to perform an agricultural activity across the pipeline and does not disturb more than 30 cm of soil cover at the location where the intended crossing of a buried pipeline is to take place;

(b) when in operating mode, the vehicle or mobile equipment is not removing or adding soil cover at the location where the intended crossing of a buried pipeline is to take place;

(c) soil conditions are such that they ensure minimal rutting when vehicles or mobile equipment are driven over the pipeline at the location where the intended crossing of a buried pipeline is to take place; and

(d) loaded axle weight and tire pressures are within the manufacturer's approved limits and operating guidelines.

(3) If all of the conditions set out in subsection (2) are not met, the person who intends to cross the pipeline with a vehicle or mobile equipment that is used to perform an agricultural activity shall contact the pipeline company to obtain leave before operating a vehicle or mobile equipment across the pipeline.

#### APPLICATION FOR LEAVE OF THE BOARD

#### **10. Section 9 of the Regulations is replaced by the following:**

##### TEMPORARY PROHIBITION ON EXCAVATION

**9.** When a pipeline company receives a locate request, the pipeline company may designate an area situated in the vicinity of the proposed facility or excavation, which may extend beyond 30 m from the pipeline, as a restricted area in which excavation is not to be performed until the pipeline is located and marked by the pipeline company or the expiry of three working days after the date of the request, whichever occurs first, unless the pipeline company and the facility owner or excavator making the locate request have agreed on an extension of time for the pipeline company to locate and mark the pipeline.

**11. The Regulations are amended by replacing “*National Energy Board Pipeline Crossing Regulations, Part II*” with “*National Energy Board Pipeline Damage Prevention Regulations, Part 2*” in the following provisions:**

(a) paragraph 4(e); and

(b) paragraph 6(e).

**12. The French version of the Regulations is amended by replacing “pipe-line” with “pipeline” in the following provisions:**

(a) the definition “installation” in section 2;

(b) paragraph 4(p); and

(c) paragraph 5(d).

**13. The French version of the Regulations is amended by replacing “conduite” with “canalisation”, with any necessary modifications, in the following provisions:**

- (a) paragraph 4(h), subparagraphs (i)(i) and (ii) and paragraphs (j), (k) and (m); and**
- (b) paragraphs 6(h), (j), (l), (m), (o) and (p).**

**COMING INTO FORCE**

- 14. These Regulations come into force on the day on which they are registered.**