

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

AMENDMENTS

1. The long title of the *National Energy Board Pipeline Crossing Regulations, Part II*¹ is replaced by the following:

NATIONAL ENERGY BOARD PIPELINE DAMAGE PREVENTION REGULATIONS,
PART 2

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 Section 1 of the Regulations and the heading before it are repealed.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 (1) The definition “conduite” in section 2 of the French version of the Regulations is repealed.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 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) of the *National Energy Board Pipeline Damage Prevention Regulations, Part 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:

ONE-CALL CENTRE

3.1 (1) If a pipeline company operates a pipeline within a geographical area where a one-call centre exists, the pipeline company shall be a member of that centre.

¹ SOR/88-529

(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.

6. Sections 4 and 5 of the Regulations are replaced by the following:

4. The damage prevention program that a pipeline company is required to develop, implement and maintain under section 47.2 of the *National Energy Board Onshore Pipeline Regulations* shall include

- (a) an ongoing public awareness program to inform the public
 - (i) of the presence of a pipeline,
 - (ii) on how to work safely near a pipeline,
 - (iii) on how to report a pipeline emergency,
 - (iv) on how to report any contact with a pipe or its coating, whether or not the contact causes damage to the pipe,
 - (v) on how to report any damage to a pipe,
 - (vi) of the services of a one-call centre if one exists within the relevant geographical area, and
 - (vii) of the information required when requests are made by third parties for written permission to construct a facility across, on, along or under a pipeline or excavate within 30 m of a pipeline;
- (b) ongoing monitoring of any changes in the use of the land on which a pipeline is located and the lands adjacent to the right-of-way of the pipeline;
- (c) ongoing monitoring of any change in the land owner of the lands on which a pipeline is located;
- (d) a process to ensure a timely response to locate requests;
- (e) standards for locating a pipeline; and
- (f) a process for managing leave from the pipeline company for the operation of vehicles and mobile equipment across the pipeline for the purpose of subsection 112(2) of the Act.

5. For the purposes of subsection 112(5) of the Act, every pipeline company shall develop and maintain detailed guidelines setting out the technical and other information to be included in requests for permission that are made by any person carrying out the construction of a facility or an excavation, and shall make those guidelines public.

7. The Regulations are amended by adding the following after section 10:

10.1 Despite the fact that the conditions set out in subsection 7.1(2) of the *National Energy Board Pipeline Damage Prevention Regulations, Part 1* are met, if the operation of vehicles or mobile equipment across a pipeline at specific locations could jeopardize the safe and secure

operation of the pipeline, the pipeline company shall identify those locations and advise the following persons in writing of those locations and of the fact that leave of the pipeline company is necessary for the operation of vehicles or mobile equipment across the pipeline at those locations:

- (a) landowners of the specific locations where crossings in low-risk conditions could jeopardize the safe and secure operation of the pipeline; and
- (b) persons engaged in agriculture who raise livestock or grow crops and rent or lease the farmed land or work as a service provider or employee at the specific locations where crossings could jeopardize the safe and secure operation of the pipeline.

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

- (a) subsection 6(1);
- (b) clause 10(d)(iii)(B);
- (c) paragraph 11(2)(g);
- (d) subsection 12(1); and
- (e) paragraph 13(1)(a).

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

- (a) the portion of subsection 9(1) before paragraph (c) and paragraph (2)(c);
- (b) paragraphs 10(a) and (b) and clause (d)(iii)(A);
- (c) paragraphs 13(1)(b) and (c); and
- (e) subsection 15(1).

10. 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) section 8;
- c) paragraph 10(a) and clause 10(d)(iii)(D);
- d) subsection 11(1); and
- e) paragraph 13(2)b).

COMING INTO FORCE

11. These Regulations come into force on the day on which they are registered.