

National Energy
Board



Office national
de l'énergie



EXCAVATION and CONSTRUCTION Near Pipelines



National Energy
Board



Office national
de l'énergie

EXCAVATION and CONSTRUCTION

Near Pipelines

January 2000
www.neb.gc.ca

Warning Note

Each excavation or construction activity is unique and this Guide cannot deal with all cases. Its purpose is to help you determine whether you must obtain approval, where to obtain it and how to obtain it. This Guide should be regarded as a guide only and in any case of discrepancy between this guide and the *National Energy Board Act*, and the Regulations made thereunder the Act, and the Regulations shall take precedence.

This booklet also contains an office consolidation of the:

National Energy Board Pipeline Crossing Regulations, Part I SOR/88-528

National Energy Board Pipeline Crossing Regulations, Part II SOR/88-529

as amended by SOR/93-239, SOR/94-704, SOR/95-534 and SOR/97-128

Users of this office consolidation are reminded that it is prepared for convenience of reference only.

For more information, please contact the pipeline company or the National Energy Board staff listed in this booklet.

© Her Majesty the Queen in Right of Canada 1999 as represented by the National Energy Board

Cat. No. NE23-31/2000E
ISBN 0-662-28330-9

This guide is published separately in both official languages.

Copies are available on request from:

Publications Office
National Energy Board
444 - Seventh Avenue S.W.
Calgary, AB T2P 0X8
Telephone: (403) 299-3562
(403) 292-4800
1-800-899-1265
Telecopier: (403) 292-5503
Email: orders@neb.gc.ca

© Sa Majesté la Reine du Chef du Canada 1999 représenté par l'Office national de l'énergie

No de cat. NE23-31/2000F
ISBN 0-662-84153-0

Ce guide est publié séparément dans les deux langues officielles.

Exemplaires disponibles sur demande auprès du:

Bureau de publications
Office nationale de l'énergie
444, Septième Avenue S.-O.
Calgary (Alberta) T2P 0X8
Téléphone : (403) 299-3562
(403) 292-4800
1-800-899-1265
Télécopieur : (403) 292-5503
C. élec. : orders@neb.gc.ca

Printed in Canada

Imprimé au Canada



This publication is printed on paper containing 20% Total Recovered Fiber/All Post-Consumer Fiber

Table of Contents

Introduction – <i>The National Energy Board Pipeline Crossing Regulations</i>	1
Who is Affected by the Regulations?	1
What Do the Regulations Provide?	2
What Requires Permission from the Pipeline Company?	2
What Does Not Require Permission?	3
How Do You Obtain Permission From the Pipeline Company?	4
When Do You Require Approval From the National Energy Board?	4
What Are Your Field Responsibilities?	5
Remember, It Is Your Responsibility To:	6
Is There a Time Limit?	7
What Are Your Responsibilities After Construction?	7
Appendix 1 Contact lists for National Energy Board Pipeline Crossing Staff and pipeline companies under Board jurisdiction	9
Provincial One Call Centre Contact List	20
Appendix 2 How to Obtain Approval of the National Energy Board	20
Appendix 3 Section 112, <i>National Energy Board Act (formerly Section 77)</i>	21
Appendix 4 <i>National Energy Board Pipeline Crossing Regulations, Part I</i>	23
<i>National Energy Board Pipeline Crossing Regulations, Part II</i>	27
Appendix 5 Request to be Included on Mailing List for Updated Information	33

The National Energy Board Pipeline Crossing Regulations

Experience has shown that many accidents involving pipelines are caused by contractors or others working near the pipeline. Unsafe construction and excavation practices can damage a pipeline and the environment, sometimes resulting in injury or death to construction company workers and bystanders. Such damage can lead to expensive repairs as well as a loss of revenue and essential services.

The National Energy Board (the “Board”) is concerned about ensuring the safety of the pipelines under its jurisdiction and pursuant to section 112 of the *National Energy Board Act* (“NEB Act”) developed the ***National Energy Board Pipeline Crossing Regulations, Part I and Part II*** (the “Regulations”). Following these Regulations will reduce the likelihood of damage to pipeline company facilities and will expedite your project by allowing you to obtain permission to build or excavate near the pipeline right-of-way directly from the pipeline company.

A copy of section 112 of the NEB Act, the definition of “pipeline” found in section 2 of the NEB Act, and the Regulations have been included in the appendices of this guide for your information.

Who is Affected by the Regulations?

The Regulations apply to any contractor, facility owner, or individual who will be excavating using power-operated equipment or explosives within 30 metres (100 feet) of the limits of the right-of-way (and defined as the “30 metre safety zone” - see section 112 of the NEB Act) or who will be constructing a facility across, on, along, upon or under a right-of-way that is regulated by the National Energy Board. Exceptions to this are the pipeline company itself or its agents, and those who are disturbing the ground to a depth of less than 0.3 metres (1 foot), not reducing the total cover over the pipe and not constructing or installing a facility.

In general, a facility includes (but is not limited to):

- a structure (anything built or installed), for example: a fence, a concrete conduit structure, a swimming pool, a retaining wall;
- a highway, private road, lane, parking lot, walkway;
- a railway;
- a drainage or irrigation system, including dykes, ditches and culverts;
- a buried telecommunication line or power line; and
- a pipe, for example: a water main, a sewer, a gas line, an oil line.

The pipeline companies regulated by the Board are listed in the appendices of this booklet. In general, the Board regulates natural gas, oil, and commodity pipelines which extend beyond the limits of a province.

If you have any questions about these Regulations, or whether a particular pipeline is regulated by the Board, call the pipeline company. Telephone numbers and addresses for the Board and for the pipeline companies regulated by the Board have been included in the appendices of this guide.

What Do the Regulations Provide?

Part I of the Regulations provides the conditions under which excavation and construction activities near the right-of-way can be conducted safely. If you cannot obtain permission from the pipeline company, or you cannot meet all the requirements of the Regulations and/or the conditions of the pipeline company, you must apply to the Board for approval.

Part II of the Regulations establishes the responsibilities of the pipeline company to you and the Board.

Unauthorized construction or excavation across, on, along or under a right-of-way or excavation using power-operated equipment or explosives within the 30 metre (100 foot) safety zone is illegal.

What Requires Permission from the Pipeline Company?

Permission from the pipeline company is required for:

- Construction of a facility across, on, along, upon or under an existing right-of-way;
- Excavation using explosives or power-operated equipment over the right-of-way;
- Operation of a vehicle or mobile equipment across a right-of-way, outside the travelled portion of a highway or public road; or
- Excavation using explosives or power-operated equipment within the 30 metre (100 foot) safety zone (see section 112, *National Energy Board Act*, page 21).

What Does Not Require Permission?

Under the Regulations, you do not require written permission from the pipeline company or approval of the Board for installation of overhead lines or for excavation for the maintenance of an existing facility, **if you meet certain conditions.**

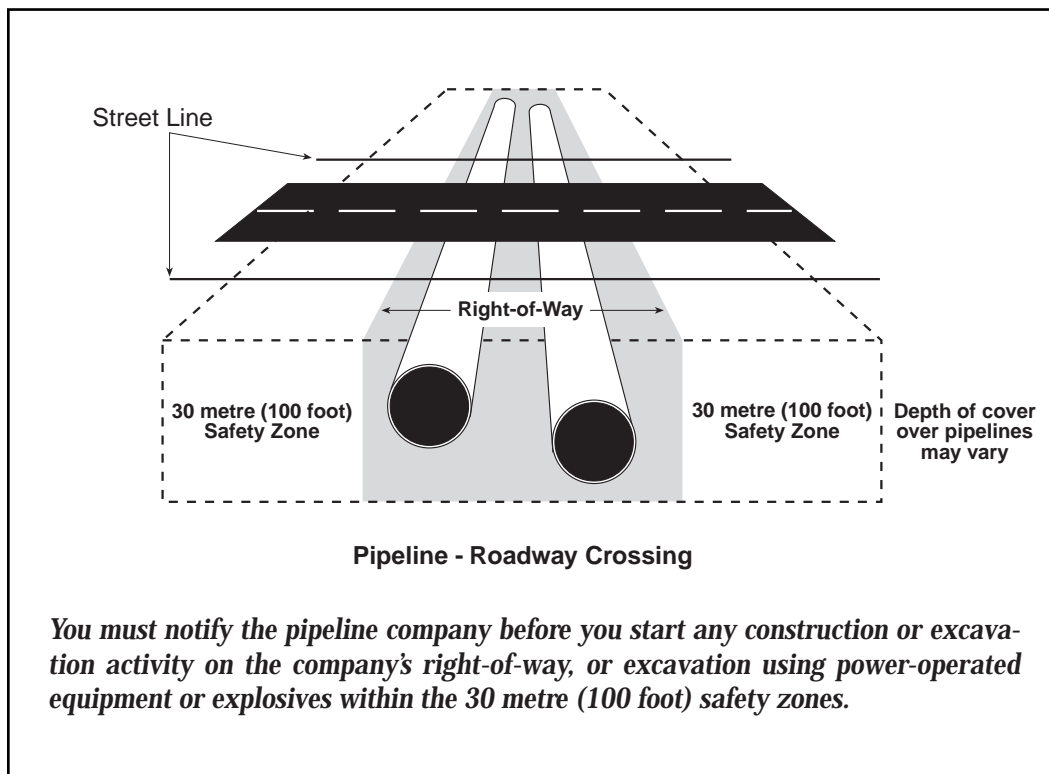
a) Overhead Lines

Overhead lines must meet the Canadian Standards Association standards for clearances for overhead systems. Installation of poles, guy wires or anything else within the pipeline company's right-of-way or its projected limits is prohibited unless permission is obtained from the pipeline company. (see the Pipeline Crossing Regulations, Part I, sec. 5 or page 25)

b) Maintenance to an Existing Facility

When conducting excavation required for the maintenance of an existing facility, conditions outlined later in this guide must be adhered to. (See the Pipeline Crossing Regulations, Part I, sec.7 or page 27)

If you have any doubts, please call the applicable pipeline company or the National Energy Board.



How Do You Obtain Permission from the Pipeline Company?

Prepare your request for permission following the pipeline company's guidelines. These guidelines set out the information you need to include so that the company can begin its review.

If you have any questions pertaining to your project, we suggest you contact the pipeline company **before** you submit your request for permission. This will allow the company to discuss your project with you and, if necessary, give you any suggestions they may have or assistance you require.

Within ten working days of receiving your request, the pipeline company must give you its permission or provide reasons for denying or delaying its permission. If permission is denied or delayed, you may apply to the Board for a review of your request.

If you decide to change the design, location, or type of facilities to be installed **after** the pipeline company gives its permission, you must have the changes agreed to by the pipeline company **before** you start your work.

When Do You Require Approval from the National Energy Board?

As stated earlier, you must obtain the Board's approval before starting any construction work on the right-of-way or excavation within the 30-metre (100 foot) safety zone, if you cannot obtain the pipeline company's permission or you cannot comply with all the conditions in the Regulations.

You will also have to ask the Board for its approval if:

- You believe a condition required by the pipeline company is inappropriate or excessive and you cannot accept it;
- The pipeline company has suspended and not reinstated its permission for your proposed activity; or
- The excavation or construction is in an offshore area (i.e. in an underwater area off the coast of Canada).

Information on how to obtain approval from the Board has been included in the appendices of this booklet.

What are Your Field Responsibilities?

Once the pipeline company has given its permission, there are four steps you must follow to comply with the Regulations.

1. Notify the Company

You must give the pipeline company three working-days notice before starting any work (except in the case of emergencies) and 24 hours notice before backfilling over the pipe. **Any contact with the pipe or its coating must be reported to the pipeline company immediately.** Even incidents which seem minor at the time – small dents and scratches on the pipe or any damage to the coating – could lead to serious problems such as corrosion which could eventually cause the pipe to rupture.

2. Observe the Temporary Restricted Area

From a safety point of view, this is one of the most important responsibilities.

The temporary restricted area is established by a pipeline company field representative. During the three day period that the restricted area is in existence, no mechanical excavation in the restricted area is permitted without the prior consent and supervision of an authorized company field representative. Also, before you start work be certain that you have confirmed with the representative that all the company's pipes in the construction area have been staked by the representative and that you understand the meaning of the various stakes. A misunderstanding could cause you to damage a pipe, endangering your own life and that of others. The temporary restricted area differs from and should not be confused with the permanent 30 metre (100 foot) safety zone located on either side of the right-of-way.

3. Follow the Rules for Excavation within three metres of the pipe

Excavation using power-operated equipment is not permitted within three metres (10 feet) of the pipe unless:

- (i) the pipe has been exposed by hand at the point of crossing or,
 - (a) where the excavation runs parallel to the pipe, the pipe has been exposed at sufficient intervals to confirm its location or,
 - (b) the pipeline company has informed the excavator that it has confirmed the location of the pipe by probing.
- (ii) where the excavation crosses a pipe, the pipeline company has informed the excavator that it has confirmed the location of the pipe by probing and the pipe is at least six tenths of a metre (2 feet) deeper than the proposed excavation.

- (iii) where ground conditions render exposure of the pipe by hand impractical, the pipeline company has agreed that the excavation may be performed safely to within one metre (3 feet) of the pipe under the direct supervision of the pipeline company.

When boring directionally or using explosives, you must meet the pipeline company's conditions regarding such activities.

At no time are you allowed to move or alter the pipe or its fittings, or in any other way interfere with the pipe without the written consent of the pipeline company, and then only if the work is done under its direct supervision.

4. Comply with the Conditions

The pipeline company may have made its permission conditional on your meeting certain requirements. If you accept the company's conditions, you must comply with them, as well as with the instructions of any authorized pipeline company field representative regarding procedures when working near the right-of-way.

Remember, It Is Your Responsibility To:

- **CALL BEFORE YOU DIG!** – Pipeline markers are placed at strategic locations along a right-of-way (railways, roads, water courses etc.), to indicate that a pipeline is nearby and includes such information as the pipeline company name and emergency contact number.
- Seek written permission from the pipeline company and allow ten working days for a response from the company.
- Notify the pipeline company three working days before beginning the excavation stage of your project.
- Notify the pipeline company one working day before backfilling over the pipe allowing it to be examined for damage which may have occurred during excavation.
- Comply with the conditions established in the written permission from the pipeline company.
- **Always follow the instructions of an authorized pipeline company field representative.**

Is There a Time Limit?

In general, the pipeline company's permission will lapse if all work is not completed within two years of the date that permission was given. However, this time limit may be changed if you and the pipeline company agree.

As well, the pipeline company or the National Energy Board may suspend the permission given by the pipeline company if unsafe construction practices are used.

What Are Your Responsibilities After Construction?

If you are the owner of the facility, you must maintain the installation in good condition so that it will not endanger the pipeline. This remains your responsibility until you can show that someone else has taken over the facility, or until it has been removed or abandoned and the site restored to the satisfaction of the pipeline company.

If you decide to remove or abandon the facility, you must notify the pipeline company in writing before doing so. You must also remove your installation if requested by the Board. If you are removing your facility, any excavation required would have to be approved as described earlier in this guide. If you are abandoning your facility, the pipeline company may require that you take precautions to ensure that deterioration of the facility does not pose a threat to the pipe.

Reminders

If you have any questions about this guide or the *National Energy Board Pipeline Crossing Regulations, Part I and Part II*, please do not hesitate to contact the National Energy Board at the number listed in Appendix 1.

You can find a copy of this document on the NEB website [loc57aD\(t\)-Tj0.5.3 -1.25](http://www.nrb.ca)

Appendix 1

Contact Lists

A) NEB pipeline crossing staff contact

B) Pipeline companies under Board jurisdiction

C) Provincial One-Call centres

National Energy Board

For Information Concerning Pipeline Crossings

Mailing Address

Secretary
National Energy Board
444 Seventh Avenue SW
Calgary, AB T2P 0X8

Facsimile: (403) 292-5503

A) Pipeline Crossing Staff Contact

Mike Sullivan (403) 299-2776 E-Mail inquires: msullivan@neb.gc.ca

B) Contact List for Pipeline Companies Under Board Jurisdiction

Pipeline Company	Mailing Address	Contact
AEC Suffield Gas Pipeline Inc.	3900, 421-7 th Avenue SW Calgary, AB T2P 4K9	Senior Landman Tel.: (403) 691-5971 FAX: (403) 266-9772
Alberta Natural Gas Company Ltd.	Alberta Natural Gas c/o TransCanada Transmission B.C. System Land Department, TransCanada Transmission TransCanada West Tower Box 2535, Station M Calgary, AB T2P 2N6	NEB Crossing Analyst Tel.: (403) 261-8256 FAX: (403) 290-5957
Alliance Pipeline Limited	400, 605-5 th Avenue SW Calgary, AB T2P 3H5	Land Administrator Tel.: (403) 517-6416 FAX: (403) 266-1604 E-mail: huggardd@alliance-pipeline.com or pearsonk@alliance-pipeline.com
Amoco Canada Petroleum Company Ltd.	c/o Kaiser Energy Ltd. 1000, 700-4 th Avenue SW Calgary, AB T2P 3J0	Engineering Tel.: (403) 262-2244 FAX: (403) 265-1792
Amoco Canada Resources Company	c/o Amoco Canada Petroleum Company Ltd. P.O. Box 200, Station M Calgary, AB T2P 2H8	Manager, Surface Rights Tel.: (403) 233-1677 FAX: (403) 231-2988
Aurora Pipe Line Company	c/o Amoco Canada Petroleum Company P.O. Box 1240 Pincher Creek, AB T0K 1W0	Area Foreman, Supply and Transportation Tel.: (403) 627-3324 FAX: (403) 627-3610
Barrington Petroleum Ltd.	c/o Barrington Petroleum Ltd. A Subsidiary of Sunoma Energy Corp. Suite 2200, 400-3 rd Avenue SW Calgary, AB T2P 4H2	Operations Engineer Tel.: (403) 264-7422 FAX: (403) 231-6367
C I C Industrial Interests Inc. and Husky Oil Operations Ltd. (Husky Border Pipeline, formerly Joint Ventures of the Bi-Provincial Upgrader)	c/o Husky Oil Operations Ltd. 707-8 th Avenue SW P.O. Box 6525, Station D Calgary, AB T2P 3G7	T.E. Kutryk, Pipeline Manager Midstream Business Husky BPU Operations Tel.: (403) 298-6735 FAX: (403) 298-6410

Pipeline Company	Mailing Address	Contact
Canadian Hunter Exploration Ltd.	2800, 605-5 th Avenue SW Calgary, AB T2P 3H5	Operations Projects/ Projects Coordinator Tel.: (403) 260-1102 FAX: (403) 260-1059
Canadian-Montana Pipe Line Company	40 East Broadway Butte, Montana, USA 59701-9394	Superintendent, Gas Operations Tel.: (406) 723-5421, Ext. 2224 FAX: (406) 497-2629
Canadian Natural Resources Limited	P.O. Box 20004 Calgary, AB T2P 4J2	Bill Clapperton, Vice President Production Operations Tel.: (403) 517-6784 FAX: (403) 517-7367
Canor Energy Ltd.	c/o AltaGas Services Inc. P.O. Box 20005 RPO Calgary Place Calgary, AB T2P 4S2	Lands Manager Tel.: (403) 691-7517 Fax: (403) 691-7576 E-mail: patty-foulkes@altagas.ca
Centra Transmission Holdings Inc.	P.O. Box 1180 Dresden, ON P1B 8K7	Gord Phipps, Pipeline Manager Transmission Tel.: (519) 683-4468 FAX: (519) 683-3429
Champion Pipe Line Corporation Limited	c/o Gaz Métropolitain, inc. 1717 rue du Havre Montréal, QC H2K 2X3	Supervisor, Rights-of-Way Tel.: (514) 598-3566 FAX: (514) 598-3864
Pioneer Natural Resources Canada Inc. (formerly Chauvco Petroleum (TRI) Ltd.)	2900, 255-5 th Avenue SW Calgary, AB T2P 3G6	Crossing Technician Tel: (403) 231-3202 FAX: (403) 269-9497
Chief Mountain Gas Co-op Ltd.	190-1 st Street, East P.O. Box 38 Cardston, AB T0K 0K0	Manager Tel.: (403) 653-3011 Fax: (403) 653-1395
Cochin Pipe Lines Ltd. (Eastern Canada)	c/o Amoco Canada Petroleum Company Box 216, 1182 Plank Road Sarnia, ON N7T 7H9	Area Scheduler, NGL Department Tel.: (519) 336-4270 FAX: (519) 336-6011 Alternates: Area Foreman or Senior Area Foreman, NGL Department
Cochin Pipe Lines Ltd. (Western Canada)	c/o Amoco Canada Petroleum Company P.O. Box 200, Station M Calgary, AB T2P 2H8	Manager, Surface Rights Tel.: (403) 233-1677 FAX: (403) 231-2988

Pipeline Company	Mailing Address	Contact
		Alternate: Plant Superintendent Tel.: (403) 992-2737
Consumers' Gas (Canada) Ltd. (West of Highway 50)	c/o Consumers Gas 950 Burnhamthorpe Road West Mississauga, ON L5C 3B4	Supervisor, Planning and Records Tel.: (905) 276-3527 FAX: (905) 276-1303
Consumers' Gas (Canada) Ltd. (East of Highway 50)	c/o Consumers Gas 500 Elgin Mills Road East Richmond Hill, ON L4C 5G1	General Supervisor, Technical Services Tel.: (905) 883-3314 FAX: (905) 883-3354
Cube Energy Corp.	c/o Barrington Petroleum Ltd. A Subsidiary of Sunoma Energy Corp. 2200, 400-3 rd Avenue SW P.O. Box 1958, Station M Calgary, AB T2P 4H2	Operations Engineer Tel.: (403) 750-4400 FAX: (403) 266-6754
Dome Kerrobert Pipeline Ltd. and PanCanadian Kerrobert Pipeline Ltd.	c/o Amoco Canada Petroleum Company P.O. Box 200, Station M Calgary, AB T2P 2H8	Manager, Surface Rights Tel.: (403) 233-1677 FAX: (403) 231-2988 Alternate: Plant Manager Tel.: (403) 838-3733
Dome NGL Pipeline Ltd.	c/o Amoco Canada Petroleum Company Box 216, 1182 Plank Road Sarnia, ON N7T 7H9	Area Scheduler, NGL Department Tel.: (519) 336-4270 FAX: (519) 336-6011 Alternates: Area Foreman or Senior Area Foreman, NGL Department
Dome NGL Pipeline Ltd. and Amoco Canada Petroleum Company Ltd.	c/o Amoco Canada Petroleum Company Box 216, 1182 Plank Road Sarnia, ON N7T 7H9	Area Scheduler, NGL Department Tel.: (519) 336-4270 FAX: (519) 336-6011 Alternates: Area Foreman or Senior Area Foreman, NGL Department
ELAN Energy Inc.	4100, 150-6 th Avenue SW Calgary, AB T2P 3Y7	Supervisor Surface Lands, Administrator Tel.: (403) 303-7529 FAX: (403) 303-7626

Pipeline Company	Mailing Address	Contact
Enbridge Pipelines Inc. (formerly Interprovincial Pipe Line Inc.)	P.O. Box 398 10201 Jasper Avenue Edmonton, AB T5J 2J9	Right of Way and Crossings, Operations Services Tel.: (780) 420-5381 or (780) 420-5123 FAX: (780) 420-8648 E-mail: warren.loper@cnpl.enbridge.com or mark.bradley@cnpl.enbridge.com
Enbridge Pipelines Inc. (NW) (formerly Interprovincial Pipe Line (NW) Ltd.)	P.O. Box 398 10201 Jasper Avenue Edmonton, AB T5J 2J9	Right of Way and Crossings, Operations Services Tel.: (780) 420-5381 or (780) 420-5123 FAX: (780) 420-8648 E-mail: warren.loper@cnpl.enbridge.com or mark.bradley@cnpl.enbridge.com
Enbridge Pipelines (Westspur) Inc.	402 Kensington Avenue P.O. Box 1400 Estevan, SK S4A 2K9	Coordinator, Lands Services Tel.: (306) 634-2681 FAX: (306) 636-7227
Express Pipeline Ltd.	Suite 2050 Bow Valley Square 205-5 th Avenue SW Calgary, AB T2P 2B7	Manager, Operations and Engineering Tel.: (403) 691-6014 FAX: (403) 691-6060 Alternate: Supervisor Land (AEC pipelines) Tel.: (780) 449-2234 FAX: (780) 449-2275
Federated Pipe Lines (Northern) Ltd.	1600, 324-8 th Avenue SW Calgary, AB T2P 2Z5	Pipeline Operations Tel.: (403) 232-7083 FAX: (403) 232-7075
Fletcher Challenge Energy Canada Inc.	2300, 300-5 th Avenue SW Calgary, AB T2P 3C4	David Calvert, Manager Surface, Land, Environment, Safety Tel.: (403) 531-8100 FAX: (403) 531-6448
Foothills Pipe Lines (Alta.) Ltd. Foothills Pipe Lines (Sask.) Ltd. Foothills Pipe Lines Ltd.	c/o Foothills Pipe Lines Ltd. 3100, 707-8 th Avenue SW Calgary, AB T2P 3W8	Operations Coordinator, Operations Tel.: (403) 294-4413 FAX: (403) 294-4173 E-mail: grant.currie@foothills.com
Foothills Pipe Lines (South B.C.) Ltd.	c/o Land Department TransCanada Transmission TransCanada West Tower Box 2535, Station M Calgary, AB T2P 2N6	Supervisor, Operations Tel.: (403) 261-8256 FAX: (403) 290-5957

Pipeline Company	Mailing Address	Contact
Forty Mile Gas Co-op	Forty Mile Gas Co-op P.O. Box 205 Dunmore, AB T0J 1A0	Gary Turner, Manager Tel.: (403) 526-7718 FAX: (403) 529-2489
Gazoduc TQM	1 Place Ville Marie Bureau 2220 Montréal, QC H3B 3M4	Coordinator, Engineering & Land Tel.: (514) 874-8874 FAX: (514) 874-8800 E-mail: lstdenis@gazoductqm.com
Genesis Pipeline Canada Ltd.	c/o Novacor Chemicals (Canada) Ltd. 201 North Front Street P.O. Box 3054 Sarnia, ON N7T 7V1	Pipeline Coordinator, Material Flows Tel.: (519) 464-5717 FAX: (519) 464-5703 E-mail: leej@novachem.com
Huntingdon International Pipeline Corporation	c/o BC Gas 1111 West Georgia St. Vancouver, BC V6E 4M4	Manager, Gas Supply Regulation and Research Tel.: (604) 443-6629 FAX: (604) 443-6696
Husky Oil Operations Ltd.	707-8 th Avenue SW Box 6525, Station D Calgary, AB T2P 3G7	Pipeline Manager, Midstream Business Tel.: (403) 298-6735 Fax: (403) 298-6410 E-mail: barrywworbets@husky-oil.com
Imperial Oil Resources Limited	P.O. Box 2000 Fort St. John, BC V1J 6K3	Senior Foreman, Boundary Lake Field Tel.: (250) 781-3315 FAX: (250) 788-3344 (Boundary Lake, B.C.)
ISH Energy Ltd.	2450, 400-3 rd Avenue SW Calgary, AB T2P 4H2	Operations Manager Tel.: (403) 262-2244 FAX: (403) 265-1792 E-mail: ish@cadvision.com
Interenergy Sheffield Processing Company	c/o Bearpaw Energy Inc. PO Box 87 Lignite, ND 58752	Jim Solberg, Safety Manager Tel.: (888) 754-6059 FAX: (701) 933-2800 24 HR Emergency No.: 1-800-778-7834
Many Islands Pipe Lines (Canada) Limited Mid-Continent Pipelines Limited	c/o TransGas Limited 1945 Hamilton Street Regina, SK S4P 2C7	Crossing Administration, Pipeline Engineering Tel.: (306) 777-9610 FAX: (306) 525-1088

Pipeline Company	Mailing Address	Contact
Maritimes and Northeast Pipeline (New Brunswick)	Fredricton Operations Centre 26 Alison Boulevard Fredricton, NB E3C 2N3	Field Lands and Environment, Agent Tel.: (506) 462-4800 FAX: (506) 462-4811
Maritimes and Northeast Pipeline (Nova Scotia)	Stellarton Operations Centre 4 Beaufort Street Stellarton, NS B0K 1S0	Field Lands and Environment, Agent Tel.: (506) 755-1945 FAX: (506) 755-3330
Minell Pipeline Ltd.	c/o Centra Gas Manitoba Inc. 1610 Rosser Avenue Brandon, MB R7A 5Z1	Rick Felstead, Divisional Manager Rural Operations Tel.: (204) 727-1486 FAX: (204) 725-0016
Montreal Pipe Line Limited	10803 Sherbrooke St. E. Montreal East, QC H1B 1B3	Director of Operations Tel.: (514) 645-2946 FAX: (514) 645-7663 E-mail: guy.robaille@pipeline-mtl.com
Morgan Hydrocarbons Inc. (formerly Stampeder Explorations Ltd.)	c/o Gulf Canada Resources Limited P.O. Box 130 401-9 th Avenue SW Calgary, AB T2P 2H7	Field Supervisor Tel.: (306) 825-8808 FAX: (306) 825-8882 Surface Lands Tel: (403) 205-7606
Morrison Petroleum Ltd.	Suite 3000 400-3 rd Avenue SW Calgary, AB T2P 4H2	Chief Engineer Tel.: (403) 750-3000 FAX: (403) 750-3200
Murphy Oil Company Ltd.	2100, 555-4 th Avenue SW P.O. Box 2721 Calgary, AB T2P 3Y3	Manager, Pipeline Operations Tel.: (403) 294-8087 FAX: (403) 294-8834 E-mail: michel-charland@murphyoilcorp.com
Niagara Gas Transmission Limited (Eastern Ontario)	c/o Consumers Gas 400 Coventry Road Ottawa, ON K1K 2C7	Neil Harte, Distribution Planning Manager Tel.: (905) 883-2601 FAX: (905) 883-3354
Niagara Gas Transmission Limited (Southwestern Ontario)	Enbridge Consumers Gas 3595 Tecumseh Road Mooretown, ON N0N 1M0	G. Robert Simpson, Manager Storage Operations & Construction Tel.: (519) 862-1473 FAX: (519) 862-1168 E-mail: bob.simpson@cg.enbridge.com

Pipeline Company	Mailing Address	Contact
Novacor Chemicals (Canada) Ltd.	P.O. Box 3060 Sarnia, ON N7T 7M1	Pipeline Coordinator, Material Flows Tel.: (519) 862-2911 Ext. 2625 FAX: (519) 481-2701
Novagas Clearinghouse Pipelines Ltd.	c/o NCL Novagas Canada Pipelines Ltd. 800, 707-8 th Avenue SW Calgary, AB T2P 3V3	V.P. Engineering and Operations Tel.: (403) 781-3350 FAX: (403) 781-3355
167496 Canada Ltd.	c/o Enermark Inc. Western Canada Place 1900, 700-9 th Avenue SW Calgary, AB T2P 3V4	Engineering Tel.: (403) 298-2200 FAX: (403) 298-2211
177293 Canada Ltd. (formerly Amerada Hess Canada Ltd.)	c/o Petro Canada Oil and Gas 150-6 th Avenue S.W. P.O. Box 2844 Calgary, AB T2P 3E3	Debbie McCartney, Surface Administrator Tel.: (403) 296-6398 FAX: (403) 296-3032 E-mail: dmcartn@petro-canada.ca
Peace River Transmission Company Limited	c/o PNG 1208-100 rd Avenue Dawson Creek, BC V1G 2C4	Pipeline Operations, Manager of Right-of-Way Tel.: (250) 782-1032 FAX: (250) 782-5411 Alternate: Pipeline Operations Tel: (604) 576-7004
Penn West Petroleum	Suite 800, 111-5 th Avenue SW Calgary, AB T2P 3T6	Production Superintendent Tel.: (780) 831-4122 or (780) 513-2801 FAX: (780) 531-2803 E-mail: pwgpkj@telusplanet.net
Petro-Canada Oil and Gas	P.O. Box 2844 Calgary, AB T2P 3E3	Tel.: (403) 296-6398 FAX: (403) 296-3032 E-mail: dmccartn@petro-canada.ca
Petroleum Transmission Company	Box 32036 Regina, SK S4N 7L2	PTC Crossings Coordinator Tel.: (306) 352-2844
Petrorrep Resources Ltd.	Suite 1000, 630-6 th Avenue SW Calgary, AB T2P 0S8	Crossings Coordinator Tel: (403) 750-5125 FAX: (403) 233-8344
Pioneer Natural Resources Canada	2900, 255-5 th Avenue SW Calgary, Alberta T20 3G6	Surface Land Department Tel.: (403) 231-3202 FAX: (403) 237-8934

Pipeline Company	Mailing Address	Contact
Poco Petroleum Ltd.	3500, 250-6 th Avenue SW Calgary, AB T2P 3H7	Manager, Surface Land Tel.: (403) 260-8000 FAX: (403) 263-4098
Portal Municipal Gas Company Canada, Inc.	Box 204 Portal, North Dakota 58772	Technician Tel.: (701) 926-3911 FAX: (701) 926-4731
Pouce Coupé Pipe Line Ltd.	c/o Pembina Pipeline Corporation P.O. Box 1948 707-8 th Avenue SW Calgary, AB T2P 1H5	Amanda Mori, Land Administrator Tel.: (403) 231-7500 FAX: (403) 237-0254 E-mail: amori@pembina.com
Remington Energy Ltd.	750, 550-6 th Avenue SW Calgary, AB T2P 0S2	Operations Supervisor Tel.: (403) 269-9309 FAX: (403) 269-5592
Renaissance Energy Ltd. (formerly Koch Explorations)	P.O. Box 1120 Station M Calgary, AB T2P 2K9	Manager, Surface Land Tel.: (403) 750-1472 FAX: (403) 750-1666
Rigel Oil and Gas Ltd.	c/o Talisman Energy Inc. 2400, 855-2 nd Street SW Calgary, AB T2P 4J9	Manager, Central Operations Tel.: (403) 237-1234 FAX: (403) 237-1484 Lands: (403) 237-1373 FAX: (403) 237-1049
SCL Quebec Pipeline Inc.	c/o Montreal Pipe Line Limited 10803 Sherbrooke St. E. Montreal East, QC H1B 1B3	Director of Operations Tel.: (514) 645-8797 FAX: (514) 645-7663
SCL Pipeline Inc.	Shell Canada Products Ltd. Sarnia Manufacturing Centre Box 2000 Corunna, Ontario N0N 1G0	J. W. Wilson, Operations Coordinator Tel.: (519) 481-1254 FAX: (519) 481-1396
661151 Alberta Ltd. (formerly Morrison Petroleum)	c/o Encal Energy Ltd. 1800, 421-7 th Avenue SW Calgary, AB T2P 4K9	Manager of Production Tel.: (403) 750-3395 FAX: (403) 262-4799
St. Clair Pipelines (1996) Ltd.	c/o P.O. Box 1180 Dresden, ON N0P 1M0	Gord Phipps, Transmission Pipeline Manager Tel.: (519) 683-4468 FAX: (519) 683-3429 Alternate: Gary Alexander, General Manager Storage/Trans Ops Tel.: (519) 683-4301

Pipeline Company	Mailing Address	Contact
Suncor Inc. Resources Group	P.O. Box 38 112-4 th Avenue SW Calgary, AB T2P 2V5	FAX: (519) 683-3429 Engineer Tel.: (403) 269-8150 Fax: (403) 269-6205
Sun Pipe Line Company	c/o Sun-Canadian Pipe Line Company Limited P.O. Box 470 Waterdown, ON L0R 2H0	Manager Engineering Tel.: (905) 689-6641 FAX: (905) 689-1233
Talisman Energy Inc.	2400, 855-2 nd Street SW Calgary, AB T2P 4J9	Operations Engineer Tel.: (403) 237-1234 FAX: (403) 237-1484 Lands: (403) 237-1373 FAX: (403) 237-1049
TransCanada Transmission	Land Department P.O. Box 2535 Station M 801-7 th Avenue SW Calgary, AB T2P 2N6	Technician, Right-of-Way Department Tel.: (403) 261-8256 FAX: (403) 290-5957 E-mail: elio-ramos@transcanada.com
Trans Mountain Pipe Line Company Ltd.	Suite 900 1333 West Broadway Vancouver, BC V6H 4C2	Supervisor, Crossings and Drafting Services Tel.: (604) 739-5270 FAX: (604) 739-5002
Trans-Northern Pipelines Inc.	45 Vogell Road Suite 310 Richmond Hill, ON L4B 3P6	Coordinator, Crossings and Facilities Tel.: (905) 770-3353, Ext. 211 FAX: (905) 770-8675
Union Gas Limited	P.O. Box 1180 Dresden, ON N0P 1N0	Gord Phipps, Transmission Pipeline Manager Tel: (519) 683-4468 FAX: (519) 683-3429
Vector Pipeline	10201 Jasper Avenue Edmonton, AB T5J 3N7 P.O. Box 398 Edmonton, AB T5J 2J9	Right of Way and Crossings Tel.: (780) 420-5381 FAX: (780) 420-8648
Wascana Energy Inc.	2500, 205-5 th Avenue SW Calgary, AB S4P 3C4	Senior Landman Tel.: (403) 260-3400 FAX: (403) 262-3921
Wascana Pipe Line Ltd.	c/o Murphy Oil Company Ltd. P.O. Box 2721 2100, 555-4 th Avenue SW Calgary, AB T2P 3Y3	Manager, Pipeline Operations Tel.: (403) 294-8087 FAX: (403) 294-8834

Pipeline Company	Mailing Address	Contact
Westcoast Energy Inc.	1333 West Georgia St. Vancouver, BC V6E 3K9	Team Leader, Lands Department Tel.: (604) 691-5792 FAX: (604) 691-5877 E-mail: gmetz@wei.org Alternate: Lands and Crossings Administrator Tel.: (604) 691-5640 FAX: (604) 691-5877 E-mail: ahough@wei.org

Commodity Pipelines

Abitibi - Consolidated (Stones Consolidated Corp.)	800 René Levesque Blvd West Montréal, QC H3B 1Y9	Tel.: (514) 875-2160
Eddy Specialty Papers (Division of Domtar)	P.O. Box 600, Station B Hull, QC J8X 3Y7	Technical Manager & Environment Supervisor Tel.: (613) 783-1317 or (613) 782-2574 Fax: (613) 782-2515 or (613) 782-2591 E-mail: twilson@ebeddy.com or cvilleneuve@ebeddy.com
Fraser Papers Inc.	27 Rice Street Edmunston, NB E3V 1S9	Manager of Pulp Production & Technical Services Tel.: (506) 737-2537 Fax: (506) 737-2137
Genesis Pipeline Canada Ltd.	c/o NOVA Chemicals Canada Ltd. 201 North Front Street P.O. Box 3054 Sarnia, ON N7T 7V1	Energy Futures Trading Specialist Tel.: (519) 464-5769 Fax: (519) 464-5704
Penn West Petroleum Ltd.	Suite 800, 111-5 th Avenue SW Calgary, AB T2P 3Y6	Surface Lands, Co-ordinator Tel.: (403) 777-2544 Fax: (403) 777-2609
Souris Valley Pipeline Company	Hwy 39, Box 70 Holbrite, SK S0C 1H0	James Cameron, SVP Representative Tel.: (306) 861-7798 FAX: (306) 458-2206 Cell: (306) 458-2283

C) Provincial One Call Centre Contact List

Presently in Canada, One Call centres exist in four provinces. Although not a requirement, some pipeline companies under Board jurisdiction are members. Being a member of a provincial one call system is an effective method of reducing unauthorized activity and adds depth to a company's public awareness and a damage prevention program.

Québec

Info-Excavation: 1-800-663-9228

Ontario

Ontario One Call System: 1-800-400-2255

Alberta

Alberta One Call Corporation: 1-800-242-3447

British Columbia

BC One Call 1-800-474-6886



Appendix 2

How to Obtain Approval of the National Energy Board

Earlier in this guide, we outlined certain circumstances under which you will need to obtain the Board's approval.

When you do need the Board's approval, send us a letter which includes the location and full details of the proposed activity. You should emphasize the reasons why you are applying for approval of the Board rather than the permission of the pipeline company.

Mail your application to:
Secretary
National Energy Board
444 Seventh Avenue SW
Calgary, AB T2P 0X8

A copy of your application must be forwarded to the pipeline company so that it can review the information and forward any comments it may have to the Board.

If you have any questions, do not hesitate to contact us.

A list of our telephone numbers is included in this booklet.

Appendix 3

Section 112 (formerly section 77) of the National Energy Board Act

Construction of facilities across pipelines

112. (1) Subject to subsection (5), no person shall, unless leave is first obtained from the Board, construct a facility across, on, along or under a pipeline or excavate using power-operated equipment or explosives within thirty metres of a pipeline.

Use of vehicles and mobile equipment

- (2) Subject to subsection (5), no person shall operate a vehicle or mobile equipment across a pipeline unless leave is first obtained from the company or the vehicle or mobile equipment is operated within the travelled portion of a highway or public road.

Terms and conditions

- (3) The Board may, on granting an application for leave under this section, impose such terms and conditions as it considers proper.

Directions

- (4) The Board may direct the owner of a facility constructed across, on, along or under a pipeline in contravention of this Act or the Board's orders or regulations to do such things as the Board considers necessary for the safety of the pipeline and may, where the Board considers that the facility may impair the safe operation of the pipeline, direct the owner to reconstruct, alter or remove the facility.

Exception

- (5) The Board may make orders or regulations governing
- (a) the design, construction, operation and abandonment of facilities constructed across, on, along or under pipelines;
 - (b) the measures to be taken by any person in relation to
 - (i) the construction of facilities across, on, along or under pipelines,
 - (ii) the construction of pipelines across, on, along or under facilities, other than railways, and
 - (iii) excavations within thirty metres of a pipeline; and
 - (c) the circumstances in which or conditions under which leave under this section is not necessary.
- (5.1) Without limiting the generality of paragraph (5)(c), orders or regulations made under that paragraph may provide for the prohibiting of excavations in an area situated in the vicinity of a pipeline, which area may extend beyond thirty metres of the pipeline, during the period that starts when a request is made to a pipeline company to locate its pipeline and ends

- (a) at the end of the third working day after the day on which the request is made; or
- (b) at any later time that is agreed to between the pipeline company and the person making the request.

Exemptions

- (6) The Board may, by order on any terms and conditions that the Board considers appropriate, exempt any person from the application of an order or regulation made under subsection (5).

Inspection Officers

- (7) The provisions of sections 49 to 51.3 relating to inspection officers apply for the purpose of ensuring compliance with orders and regulations made under subsection (5).

R.S., 1985, c. N-7, s. 112; 1990, c.7, s.28; 1994, c. 10, s. 26.

“pipeline” in section 2 of the NEB Act is defined as follows:

“pipeline” means a line that is used or to be used for the transmission of oil or gas, alone or with any other commodity, and that connects a province with any other province or provinces or extends beyond the limits of a province or the offshore area as defined in section 123, and includes all branches, extensions, tanks, reservoirs, storage facilities, pumps, racks, compressors, loading facilities, interstation systems of communications by telephone, telegraph or radio and real and personal property and works connected therewith.

Appendix 4

Registration

SOR/88-528 18 October, 1988

as amended by SOR/93-239 11 May, 1993; SOR/94-704 7 November, 1994 and SOR/97-128 26 February, 1997

Short Title

1. These Regulations may be cited as the National Energy Board Pipeline Crossing Regulations, Part I (as amended)

Interpretation

2. In these Regulations,

“Act” means the *National Energy Board Act*; (*Loi*)

“emergency” means an unexpected situation that could endanger life or cause substantial property or environmental damage and that requires immediate action; (*urgence*)

“excavator” means the person who performs an excavation and includes the corporation or other legal entity and every agent, affiliate and subcontractor of the corporation or other legal entity, that has direct control over the person performing the excavation; (*exécutant de travaux d’excavation*)

“facility” means

- (a) any structure that is constructed or placed on the right-of-way of a pipeline, and
- (b) any highway, private road, railway, irrigation ditch, drain, drainage system, sewer, dike, telegraph, telephone line or line for the transmission of hydrocarbons, power or any other substance that is or is to be carried across, along, upon or under any pipeline; (*installation*)

“facility owner” means a person, firm, public agency, corporation or any combination thereof that owns a facility or that undertakes or has control over one or more of the activities related to construction, installation, operation, maintenance or removal of a facility; (*propriétaire d’installation*)

“leave” means the leave of the Board referred to in subsections 112(1) or (2) of the Act; (*autorisation*)

“offshore area” means the submarine areas adjacent to the coast of Canada; (*endroit au large des côtes*)

“overhead line” means an above-ground telephone, telegraph, telecommunication or electric power line or any combination thereof; (*ligne aérienne*)

“permission” means the consent given by a pipeline company to a facility owner or excavator to construct or install a facility or to excavate; (*permission*)

“pipe” means the pipe and all related appurtenances that belong to a pipeline company and that are used in the transmission of hydrocarbons through a pipeline; (*conduite*)

“restricted area” means an area situated in the vicinity of any proposed construction, installation or excavation, independent of the pipeline right-of-way, that has been temporarily designated by the pipeline company pursuant to paragraph 9(1)(b) of the *National Energy Board Pipeline Crossing Regulations, Part II* as an area within which no

excavation may be performed until the pipeline company's pipes in that area have been located and properly staked. (*zone interdite*)

Application

3. These Regulations do not apply to an excavation caused by
- (a) a pipeline company or its agents; or
 - (b) activities, other than the construction or installation of a facility, that disturb less than three tenths of a metre of ground below the initial grade and do not reduce the total cover over the pipe.

Conditions and Circumstances Under Which Leave of the Board is not Required

4. Leave of the Board is not required for any construction or installation of a facility, other than the installation of an overhead line referred to in section 5, if
- (a) the construction or installation of the facility takes place in an area other than an offshore area;
 - (b) the facility owner obtains written permission from the pipeline company prior to the construction or installation of the facility and accepts any conditions set out in the permission;
 - (c) the facility owner ensures that the work is carried out in accordance with the technical details that are set out in its request for permission that have been accepted by the pipeline company;
 - (d) the facility owner ensures that the work is completed within two years after the date the permission referred to in paragraph (b) is granted or within a period otherwise agreed on by the pipeline company and the facility owner;
 - (e) where permission is suspended by the pipeline company or the Board in accordance with subsection 14(1) of the *National Energy Board Pipeline Crossing Regulations, Part II*, the facility owner ceases work;
 - (f) 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 commencement of construction or installation of the facility;
 - (g) in the case of an emergency, as much prior notice as is practicable is given by the facility owner to the pipeline company prior to commencement of construction or installation of the facility;
 - (h) the facility owner undertakes and complies with all practices stipulated by the pipeline company to the facility owner to lessen any detrimental effect that the facility may have on a pipe;
 - (i) prior to the construction or installation of the facility, the facility owner
 - (i) confirms with the pipeline company that all the pipeline company's pipes in the vicinity have been staked, and
 - (ii) ensures that the pipeline company has explained, to the satisfaction of the facility owner, the significance of the stakes that identify the location of the pipeline company's pipes;

- (j) the facility owner complies with the instructions of an authorized field representative of the pipeline company regarding the procedures to be followed while working in the vicinity of a pipe;
 - (k) where interference with or alteration of a pipe is necessary, the facility owner obtains prior written consent of the pipeline company;
 - (l) where the facility owner receives the consent referred to in paragraph (k), the work is carried out under the supervision of the pipeline company;
 - (m) the facility owner immediately notifies the pipeline company of any contact with a pipeline company's pipe or its coating;
 - (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 Crossing Regulations, Part II*, except where, unless otherwise ordered by the Board,
 - (i) the facility owner provides the pipeline company with a written undertaking executed by a third party whereby the third party agrees to assume the responsibility for maintaining the facility, or
 - (ii) the facility has been removed or abandoned and the site restored to the satisfaction of the pipeline company;
 - (o) the facility owner notifies the pipeline company, in writing, of the proposed abandonment or removal of any facility affecting a pipe or right-of-way of the pipeline; and
 - (p) the facility owner removes or alters any facility that could impede the safe and efficient operation of the pipeline, or that the Board considers should be removed or altered for the protection of property and the environment and the safety of the public and the pipeline company's employees.
5. Leave of the Board is not required for the installation 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 commencement of installation;
 - (b) in the case of an emergency, as much prior notice as is practicable is given by the facility owner to the pipeline company prior to commencement of installation;
 - (c) the overhead line is installed in accordance with the minimum ground-to-wire clearance established by the Canadian Standards Association Standard CAN/CSA-C22.3 No. 1-M87, *Overhead Systems*, the English version of which is dated April 1987 and the French version of which is dated December 1989;
 - (d) where the pipeline is patrolled by aircraft, aerial warning devices are installed and properly maintained by the facility owner at the request of the pipeline company; and
 - (e) no poles, pylons, towers, guys, anchors or supporting structures of any kind are constructed or placed on the right-of-way of the pipeline or within its projected limits.
6. Leave of the Board is not required for an excavation, other than an excavation referred to in section 7, if

- (a) the excavation takes place in an area other than an offshore area;
- (b) the excavator obtains written permission from the pipeline company prior to the excavation and accepts any conditions set out in the permission;
- (c) the excavator ensures that the work is carried out in accordance with the technical details that are set out in its request for permission that have been accepted by the pipeline company;
- (d) the excavator ensures that the work is completed within two years after the date the permission referred to in paragraph (b) is granted or within a period otherwise agreed on by the pipeline company and the excavator;
- (e) where permission is suspended by the pipeline company in accordance with subsection 14(1) of the *National Energy Board Pipeline Crossing Regulations, Part II*, the excavator ceases work;
- (f) unless otherwise agreed on by the pipeline company and the excavator and except in cases of emergency, three working days notice is given by the excavator to the pipeline company prior to commencement of the excavation;
- (g) in the case of an emergency, as much prior notice as is practicable is given by the excavator to the pipeline company prior to commencement of the excavation;
- (h) prior to commencement of the excavation, the excavator
 - (i) confirms with the pipeline company that all the pipeline company's pipes in the vicinity have been staked, and
 - (ii) ensures that the pipeline company explains, to the satisfaction of the excavator, the significance of the stakes that identify the location of the pipeline company's pipes;
- (i) the excavator does not excavate mechanically within a restricted area;
- (j) the excavator does not excavate mechanically within three metres of a pipe unless
 - (i) the pipe has been exposed by hand at the point of crossing or where the excavation runs parallel to the pipe, at sufficient intervals to confirm the location of the pipe,
 - (ii) where the excavation crosses a pipe, the pipeline company has informed the excavator that it has confirmed the location of the pipe by probing and the pipe is at least six tenths of a metre deeper than the proposed excavation,
 - (iii) where the excavation runs parallel to the pipe, the pipeline company has informed the excavator that it has confirmed the location of the pipe by probing, or
 - (iv) where ground conditions render exposure of the pipe by hand impractical, the pipeline company has agreed that the excavation may be performed safely to within one metre of the pipe and the pipeline company directly supervises the excavation;
- (k) when boring directionally or using explosives, unless otherwise authorized by the Board, the excavator complies with the conditions imposed by the pipeline company respecting directional boring or the use of explosives;
- (l) the excavator complies with the instructions of an authorized field representative of the pipeline company regarding the procedures to be followed while working in the vicinity of a pipe;
- (m) where interference with or alteration of a pipe is necessary, the excavator obtains prior written consent of the pipeline company;

- (n) where the excavator receives the consent referred to in paragraph (m), the work is carried out under the supervision of the pipeline company;
 - (o) the excavator immediately notifies the pipeline company of any contact with the pipeline company's pipe or its coating; and
 - (p) unless otherwise agreed on by the pipeline company and the excavator, the excavator notifies the pipeline company at least 24 hours prior to backfilling over the pipe.
7. Leave of the Board is not required for an excavation required for the maintenance of an existing facility if the circumstances and conditions set out in paragraphs 6(f) to (p) are met.
8. Where leave of the Board is required, the facility owner or excavator shall file an application for leave with the Board and serve a copy of the application for leave on the pipeline company.

Registration

SOR/88-529 18 October, 1988

as amended by SOR/93-239 11 May, 1993; and SOR/95-534 7 November, 1995

Short Title

1. These Regulations may be cited as the National Energy Board Pipeline Crossing Regulations, Part II (as amended)

Interpretation

2. In these Regulations,

“Act” means the *National Energy Board Act*; (*Loi*)

“excavator” means the person who performs an excavation and includes the corporation or other legal entity and every agent, affiliate and subcontractor of the corporation or other legal entity, that has direct control over the person performing the excavation; (*exécutant de travaux d'excavation*)

“facility” means

- (a) any structure that is constructed or placed on the right-of-way of a pipeline, and
- (b) any highway, private road, railway, irrigation ditch, drain, drainage system, sewer, dike, telegraph, telephone line or line for the transmission of hydrocarbons, power or any other substance that is or is to be carried across, along, upon or under any pipeline; (*installation*)

“facility owner” means a person, firm, public agency, corporation or any combination thereof that owns a facility or that undertakes or has control over one or more of the activities related to construction, installation, operation, maintenance or removal of a facility; (*propriétaire d'installation*)

“leave” means the leave of the Board referred to in subsections 112(1) and (2) of the Act; (*autorisation*)

“permission” means the consent given by a pipeline company to a facility owner or excavator to construct or install a facility or to excavate; (*permission*)

“pipe” means the pipe and all related appurtenances that belong to a pipeline company and that are used in the transmission of hydrocarbons through a pipeline; (*conduite*)
“restricted area” means an area designated pursuant to paragraph 9(1)(b). (*zone interdite*)

Application

3. These Regulations do not apply to an excavation caused by
 - (a) a pipeline company or its agents; or
 - (b) activities, other than the construction or installation of a facility, that disturb less than three tenths of a metre of ground below the initial grade and do not reduce the total cover over the pipe.

Pipeline Company Responsibilities

4. (1) Every pipeline company shall establish an ongoing public awareness program to inform the public of
 - (a) the presence of the pipeline; and
 - (b) the public’s responsibilities regarding any construction or installation of a facility and any excavation that might affect the pipeline.
- (2) Every pipeline company shall assess the effectiveness of its public awareness program on a regular basis and shall maintain a record of the assessment.
5. (1) Every pipeline company shall develop detailed guidelines setting out the technical and other information to be included in requests for permission referred to in paragraph 4(b) or 6(b) of the *National Energy Board Pipeline Crossing Regulations, Part I*, and shall make those guidelines public.
- (2) The guidelines referred to in subsection (1) shall be submitted to the Board for approval prior to release to the public.
6. (1) Where a pipeline company receives a request for permission, pursuant to paragraph 4(b) or 6(b) of the *National Energy Board Pipeline Crossing Regulations, Part I*, in accordance with the guidelines referred to in section 5, the pipeline company shall, within ten working days after receiving the request, inform the facility owner or excavator
 - (a) whether permission has been granted; and
 - (b) where permission has been refused, of the reasons for the refusal.
- (2) Where permission is granted pursuant to subsection (1), unless the pipeline company and the facility owner or excavator agree otherwise, the permission lapses if the construction or installation of the facility or the excavation is not completed within two years after the date the permission was granted.
7. Where a facility owner or excavator applies for leave of the Board, the pipeline company shall, within ten working days after receiving a request for information relevant to the

application, give the facility owner or excavator all the information, and provide all reasonable assistance, needed to prepare the application.

8. Where a pipeline company receives a copy of an application for leave that has been filed with the Board, the pipeline company shall, within 10 working days after receiving the copy of the application, send to the Board its comments, if any, regarding the safety of the proposed facility or excavation in respect of the pipeline.
9. (1) Subject to subsection (2), where a facility owner or excavator requests a pipeline company to locate its pipes, the pipeline company shall, within three working days after the request or such other period as is agreed on by the pipeline company and facility owner or excavator,
 - (a) inform the facility owner or excavator, in writing, of any special safety practices to be followed while working in the vicinity of a pipe;
 - (b) for the period commencing immediately prior to locating its pipes and terminating when all its pipes have been located and properly staked, designate as a restricted area an area situated in the vicinity of the proposed construction, installation or excavation, independent of the pipeline right-of-way, within which no excavation may be performed;
 - (c) mark the location of the pipeline company's pipes in the vicinity of the proposed facility or excavation at maximum intervals of ten metres along each pipe using stakes that are clearly visible and distinct from any other stakes or markings that may be in the vicinity of the proposed facility or excavation; and
 - (d) explain the significance of the stakes to the satisfaction of the facility owner and excavator.
- (2) Where ground conditions preclude the placing of the stakes referred to in subsection (1), paint or other suitable methods of marking may be substituted if the paint or marking is
 - (a) clearly visible;
 - (b) distinct from all other markings in the vicinity of the proposed facility or excavation; and
 - (c) compatible with any local standard colour codes used for marking buried pipe.
10. The pipeline company shall
 - (a) carry out such inspections as are necessary to ensure the continued safety of the pipeline during the period of excavation in the vicinity of a pipe and backfilling over a pipe;
 - (b) inspect all exposed pipe prior to backfilling to ensure that no damage to a pipe has occurred;
 - (c) in respect of the inspections referred to in paragraphs (a) and (b), maintain a record of all findings and observations; and
 - (d) include in the record referred to in paragraph (c) the following information:
 - (i) the name of the person conducting the inspection,
 - (ii) the date and time of the inspection, and
 - (iii) any field observations relating to

- (A) where a pipe was exposed during the construction or installation of a facility or during an excavation, the clearance between the pipe and the facility and the condition of the pipe at the time of backfilling over the pipe,
 - (B) whether the facility owner or excavator has met the circumstances and conditions set out in the *National Energy Board Pipeline Crossing Regulations, Part I*,
 - (C) the method of excavation, and
 - (D) any unusual events during the construction or installation of the facility or during the excavation that may have had an effect on the safety or integrity of the pipeline.
11. (1) The pipeline company shall maintain records of all construction or installation of facilities and of all excavations for the useful life of the pipeline.
- (2) The records referred to in subsection (1) shall include, for each facility or excavation, as the case may be,
- (a) the name and address of the facility owner and excavator;
 - (b) the nature and location of the facility or excavation;
 - (c) the dates of commencement and termination of the construction or installation of the facility or of the excavation;
 - (d) a description of the facility submitted, by the facility owner with the request for permission;
 - (e) a copy of the pipeline company's written permission to the facility owner or excavator or an indication that leave of the Board was granted;
 - (f) a copy of every inspection record maintained pursuant to paragraph 10(c);
 - (g) a statement whether the facility owner or excavator has met the circumstances and conditions set out in the *National Energy Board Pipeline Crossing Regulations, Part I*; and
 - (h) the details of the abandonment, removal or alteration of any facility.
12. (1) On the request of the Board, the pipeline company shall provide the Board with a list of every permission granted pursuant to the *National Energy Board Pipeline Crossing Regulations, Part I*.
- (2) The list referred to in subsection (1) shall include the information referred to in paragraphs 11(2)(a) to (c).
13. (1) The pipeline company shall immediately report to the Board
- (a) every contravention of the *National Energy Board Pipeline Crossing Regulations, Part I*;
 - (b) all damage to its pipe caused or observed during the construction or installation of a facility or during an excavation or during the operation, maintenance or removal of a facility; and
 - (c) any activity of the facility owner or excavator that the pipeline company considers to be potentially hazardous to a pipe.

- (2) The report referred to in subsection (1) shall include
 - (a) details of any contravention or of any damage, including, in the case of damage, the cause and nature thereof;
 - (b) any concerns the pipeline company may have regarding the safety of the pipeline as a result of the construction or installation or of the excavation; and
 - (c) any action the pipeline company intends to take or request.
- 14. (1) Where the pipeline company or the Board is satisfied that unsafe construction practices have been or are being used, the pipeline company or the Board may suspend, for such period as it considers necessary, the permission given by the pipeline company to construct or install a facility or to excavate.
 - (2) Where a pipeline company suspends its permission pursuant to subsection (1), the pipeline company shall immediately notify the Board of its decision giving its reasons therefor.
- 15. (1) The pipeline company shall make such inspections as are necessary to ensure that any deterioration of a facility that might adversely affect a pipe is detected, and shall inform the facility owner, in writing, of any deterioration that is detected.
 - (2) Where an inspection made pursuant to subsection (1) reveals deterioration of a facility sufficient to warrant removal of the facility, the pipeline company shall inform the Board.
- 16. Every person required by these Regulations to keep records shall make the records and all other materials necessary to verify the information therein available to officers of the Board and other persons authorized by the Board for that purpose, and shall give the Board and other authorized persons every assistance necessary to inspect the records.

Appendix 5

Request to Be Included on Mailing List for Updated Information

National Energy Board
Regulatory Support Office
444 Seventh Avenue S.W.
Calgary, AB T2P 0X8

Facsimile: (403) 292-5503

Please add the following to mailing list L19 to receive updated information.

Name: _____

Title: _____

Organization: _____

Mailing Address: _____

City: _____

Province/Territory: _____

Postal Code: _____ Telephone: _____