



File Ad-GA-ActsLeg-Fed-NEBA-RRG-DPR 02 01
17 June 2016

To: Commenters on proposed regulations in *Canada Gazette*, Part I

Regulations for pipeline damage prevention

Thank you for your comments submitted through the *Canada Gazette*, Part I comment process (19 March to 18 April 2016) regarding the National Energy Board's (NEB or Board) regulations for pipeline damage prevention.

Comments were received from municipalities and municipal associations, Indigenous organizations, damage prevention associations, agricultural and landowner associations, professional associations, pipeline companies and industry associations, and several individuals.

We appreciate your comments, and we took them into account in the development of the updated damage prevention regulations and related guidance. Your comments will also be considered as we work to continually improve our damage prevention framework.

The *Pipeline Safety Act* amends the damage prevention provisions in the *National Energy Board Act* (NEB Act); these amendments come into force on 19 June 2016. As a result, the NEB's regulations for pipeline damage prevention must be updated by then.

The following regulations, attached to this letter, are in force on 19 June 2016:

1. *National Energy Board Pipeline Damage Prevention Regulations – Authorizations*, SOR/2016-124
 - a. Replace the *National Energy Board Pipeline Crossing Regulations, Part I*, SOR/88-528
2. *National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*, SOR/2016-133
 - a. Replace the *National Energy Board Pipeline Crossing Regulations, Part II*, SOR/88-529

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3. *Regulations Amending the National Energy Board Onshore Pipeline Regulations*, SOR/2016-134
4. *Regulations Amending Administrative Monetary Penalties Regulations (National Energy Board)*, SOR/2016-135

Preventing damage to pipelines is a shared responsibility. The purpose of the regulations is to ensure safety for all involved. Pipeline companies are required to ensure that people know how to safely conduct activities near pipelines, and people planning activities near pipelines are required to call or click before they dig. This first contact initiates key communication processes that will identify the location of pipelines and provide information on how to work safely around them. The NEB provides regulatory oversight of both, and must create the conditions necessary to hold people accountable for carrying out these responsibilities.

The regulations and related guidance provide details as to the obligations of those planning construction, ground disturbance activities or crossings in the area of an NEB-regulated pipeline as well as the obligations of pipeline companies. The basic safety steps in the damage prevention framework continue to be: planning the construction or ground disturbance activity and including time for approvals; making a locate request and contacting the pipeline company; being on site when the pipeline is located and understanding the locate marks; following the pipeline company's safety measures and the instructions of the on-site pipeline company representative.

If planning to cross a pipeline with a vehicle or other mobile equipment, the general requirement remains that pipeline company consent be obtained. With respect to crossings with agricultural vehicles or mobile equipment, the NEB's *Exemption Order Respecting Crossings by Agricultural Vehicles or Mobile Equipment* (Order MO-21-2010) is revoked on 19 June 2016, at the coming into force of the regulations, as the intent of this order has been incorporated into the regulations.

As was the case in the previous regulations, anyone planning an activity near a pipeline or a vehicle or mobile equipment crossing can apply to the Board if they cannot meet the measures set out in the regulations or obtain the pipeline company's consent.

The regulations and guidance for pipeline damage prevention can be accessed on the NEB's website (www.neb-one.gc.ca). On the NEB's home page, please go to: About Us / Acts and Regulations / Regulations, Guidance Notes and Related Documents under the *National Energy Board Act / National Energy Board Pipeline Damage Prevention Regulations – Authorizations and National Energy Board Pipeline Damage Prevention Regulations – Obligations for Pipeline Companies*.

The NEB is committed to continual improvement. Should you have questions or would like to provide feedback on the NEB's regulations or guidance for pipeline damage prevention, please write or contact the NEB at any time.

For damage prevention matters, please contact Shannon Neufeld, Technical Leader, Damage Prevention at 403-299-2778, toll free: 1-800-899-1265, or via email: shannon.neufeld@neb-one.gc.ca). You can also submit questions by email to DPinfo@neb-one.gc.ca.

Please let us know if you would like to follow up on your comment letter, or to discuss any other matters related to pipeline damage prevention, and we will work to set up a time to meet.

Yours truly,

Original signed by

Sheri Young
Secretary of the Board

Attachments