



Canada Energy  
Regulator

Régie de l'énergie  
du Canada

# Construction Near Pipelines



## Permission to reproduce

Materials may be reproduced for personal, educational and/or non-profit activities, in part or in whole and by any means, without charge or further permission from Canada Energy Regulator, provided that due diligence is exercised in ensuring the accuracy of the information reproduced; that Canada Energy Regulator is identified as the source institution; and that the reproduction is not represented as an official version of the information reproduced, nor as having been made in affiliation with, or with the endorsement of Canada Energy Regulator.

If a party wishes to rely on material from this report in any regulatory proceeding before the CER, it may submit the material, just as it may submit any public document. Under these circumstances, the submitting party in effect adopts the material and that party could be required to answer questions pertaining to the material.

This report does not provide an indication about whether any application will be approved or not. The Commission will decide on specific applications based on the material in evidence before it at that time.

For permission to reproduce the information in this publication for commercial redistribution, please e-mail: [info@cer-rec.gc.ca](mailto:info@cer-rec.gc.ca)

© Her Majesty the Queen in Right of Canada as represented by the Canada Energy Regulator 2020

### Construction Near Pipelines

Cat. No. NE23-207/2020E (PDF)  
ISBN 978-0-660-34335-8

Cat. No. NE23-207/2020E (Paper)  
ISBN 978-0-660-34336-5

This report is published separately in both official languages.  
This publication is available upon request in multiple formats.

# Table of contents

<b>Who is this information for?</b> .....	5
<b>Where do the pipeline damage prevention regulations apply?</b> .....	6
The prescribed area.....	6
Working in the prescribed area.....	6
Know what's below.....	7
Right-of-way.....	7
<b>Activities and equipment</b> .....	8
Activities in the prescribed area.....	8
Equipment.....	9
<b>What is a ground disturbance?</b> .....	10
<b>Pipeline information that affects your work</b> .....	11
Depth of cover.....	11
Pipeline signs.....	11
Pipeline locates.....	12
Locate mark legend.....	13
Contacting the pipe.....	13
Backfilling.....	13
7 steps to working safely near pipelines.....	14
<b>Driving across a pipeline</b> .....	16
<b>Constructing a facility</b> .....	18
Overhead lines.....	19
Maintaining an existing facility.....	19
<b>How to make changes to plans after you get consent</b> .....	20
<b>Your duty to inform others</b> .....	20
<b>Agreeing to activities and costs</b> .....	21
Get help from the CER to reach agreements.....	21
<b>If you don't follow the regulations</b> .....	22
Administrative Monetary Penalties.....	22
<b>Regulations</b> .....	23

The Canada Energy Regulator (CER) works to keep energy moving safely across the country. We regulate pipelines that cross provincial, territorial or national boundaries or that are longer than 40 km, while enforcing some of the strictest safety standards in the world.

In this publication, we explain how to work in the **prescribed area**, the zone where safety precautions are required for work near CER-regulated pipelines (including the right-of-way), **crossing a pipeline** with vehicles or mobile equipment and **building facilities** on or near a pipeline.



## Who is this information for?



Damage prevention is a shared responsibility, and we all have a role to play. This information is for, but not limited to, the following groups doing any work near federally regulated pipelines:

### Contractors

- companies
- contractors, sub-contractors
- project owners
- developers
- farmers, producers, ranchers
- people living near a pipeline
- public

### Government Agencies

- municipalities
- counties
- Indigenous governing bodies
- ministries responsible for hiring contractors or have oversight of those who do
- any other local, provincial, or federal agencies

### Regulatory reference

This document refers to the following regulations:

- *Canadian Energy Regulator Act* (CER Act, section 335) (available on the Justice Laws, Government of Canada site: <https://laws-lois.justice.gc.ca/eng>)
- *Pipeline Damage Prevention Regulations—Authorizations* (DPR–A), starting on [page 23](#)
- *Pipeline Damage Prevention Regulations — Obligations of Pipeline Companies* (DPR–O) (available on the Justice Laws, Government of Canada site: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2016-133/index.html>)



# Where do the pipeline damage prevention regulations apply?

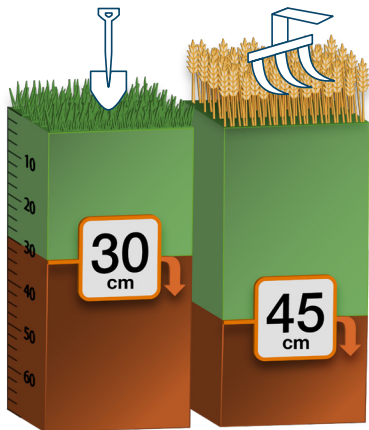
## The prescribed area – the zone where safety precautions are required for work near CER-regulated pipelines

The prescribed area, sometimes called the safety zone, is a strip of land measuring 30 m extending out perpendicularly in both directions from the centreline of the pipe. If there is more than one pipeline in the right-of-way (ROW), the prescribed area is measured from the outermost pipelines on each side.

For more details, see DPR–A section 2 on [page 23](#).

## Working in the prescribed area

In the prescribed area, you must take extra precautions and get written consent from the pipeline company (or receive an Order issued by the CER Commission) before you can do certain activities.



Activities and equipment in the prescribed area are regulated for safety and to prevent contact with and damage to the pipe. **You must have written consent from the pipeline company for:**

- any project that digs 30 cm or deeper within the prescribed area
- any cultivation that is 45 cm or deeper within the prescribed area

For examples, see [page 8](#).

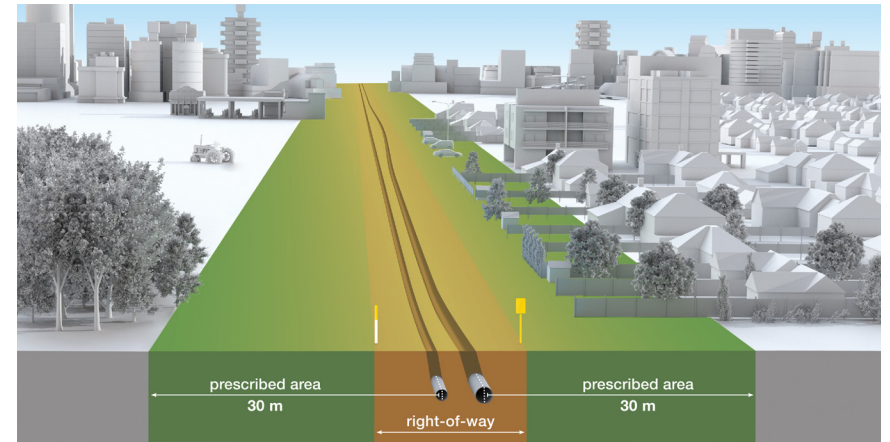
The pipeline company must make sure your activities won't damage the pipe before it gives consent. If the pipeline company gives consent, it must also give you written information to explain how to do your activities safely. You need this information not just for your safety but also for the safety of the public and the environment.

## Know what's below

In addition to federally regulated pipelines, there may be other provincially and locally regulated pipelines and cables in your area. These facilities may include oil and gas field gathering pipes, gas distribution systems, fibre optic cables, water and sewer lines, and electrical cables.

Before you start your activities, contact [www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com).

## Right-of-way



The right-of-way is the strip of land for which a company has obtained the right to construct and operate a pipeline. The width of the right-of-way varies according to size, routing, and number of pipelines. The area of the ROW is within the prescribed area, and is usually smaller than the prescribed area. You need to get the pipeline company's written consent before you dig or build anything, such as a fence, a deck, outbuilding or even a playhouse on a pipeline ROW.

The prescribed area is measured 30 m outwards from the centreline of the pipe and is present whether or not there is a right-of-way.

**Click  
Before  
You Dig.com**

# Activities and equipment

There are some activities and equipment types that the pipeline company needs to know about before you start your project to make sure that you, the public, and the pipe are protected.

## Activities in the prescribed area that require consent from the pipeline company:

- disturbing the ground 30 cm or deeper
- cultivation that is 45 cm or deeper

Examples of these activities can include, but are not limited to:

- digging, excavating
- trenching, ditching
- underground facility maintenance (water, sewage, electrical, gas, oil, etc.)
- development projects
- building fences, driving posts, augering
- digging / maintaining dykes, ditches, culverts
- building structures (retaining wall, shed, garage, fence, pool, etc.)
- building driveway, private road, lane, parking lot
- boring, drilling, pushing, horizontal directional drilling, tunneling
- land levelling, grading, road projects
- landscaping
- sodding, topsoil stripping
- installing / maintaining overhead power or telecommunication line
- installing utility poles, driving bars, rods, pins, anchors or pilings
- clearing land, felling trees, stump removal
- drainage projects, installing irrigation system
- ploughed-in cable
- planting or removing trees
- quarrying
- snow removal
- large mowers

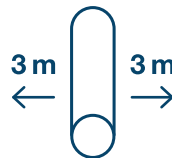
Contact [www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com) before you start your activities, and follow the 7 steps to working safely near pipelines on [page 14](#).

DPR-A sections 7 and 10 on [pages 24](#) and [25](#) relate to the activities above.

### Important note on mechanical excavation:

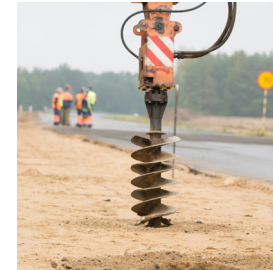
**You must NOT mechanically excavate within 3 m of the pipe, unless you follow the measures in the Damage Prevention Regulations.**

For more details, see section 10 on [page 26](#).



## Equipment

You need consent from the pipeline company to drive certain equipment on, along, or across the pipeline right-of-way. You also require consent if you plan to dig 30 cm or deeper in the right-of-way and/or prescribed area.



Equipment requiring consent includes, but is not limited to:

- excavator / backhoe / trackhoe
- auger
- bulldozer
- front end loader
- grader
- trencher / ditcher
- skid steer / bobcat
- crane
- dump / haul truck
- power shovel

For more details, see Driving across a pipeline on [page 16](#).

**Read about prohibited operation of vehicles and mobile equipment in the Canadian Energy Regulator Act (CER Act), section 335 (2).**



# What is a ground disturbance?



Broadly, a ground disturbance is any activity that moves or penetrates the ground. In the CER Act, ground disturbance is more specifically any activity within the prescribed area that involves any of the following:

- ⇒ the soil being disturbed or displaced to a depth of 30 cm (12 in) or deeper
- ⇒ agricultural cultivation to a depth of 45 cm (18 in) or deeper below the surface of the ground
- ⇒ activity resulting in a reduction of soil cover provided over the pipeline to a depth that is less than the cover provided when the pipeline was constructed\*

\*It may not be possible to determine the original depth of soil cover provided when the pipeline was constructed. For guidance purposes in these cases, if the activity results in the reduction of the current depth of earth cover over the pipeline, it is a ground disturbance.

For more details, see DPR-A section 10 starting on [page 26](#).

See more information about ground disturbances in the CER Act section 2.

# Pipeline safety information that affects your work

## Depth of cover

How deep is the pipe? Depth of cover is the depth of the soil measured from the top of the pipeline to the ground surface. The depth varies for each pipeline, depending on ground conditions and when the pipeline was first constructed. Depth of cover can change over time with compaction, activities, soil removal, ground settling, wind erosion and flooding, etc. Other pipes and cables may be installed at shallower depths than federally regulated pipelines. The CER Pipeline Damage Prevention Regulations restrict excavation such as digging or augering 30 cm or deeper in the prescribed area to protect you, the pipe, and the environment.

For more details, see DPR-A section 10 starting on [page 26](#).

## Pipeline signs

The pipe can be placed anywhere within the ROW and are often not in a straight line or always at the same depth. Pipeline signs (or markers) are placed at locations along the pipeline route and where roadways and waterways intersect with pipelines. The signs indicate that there are pipelines in the area but do not show the exact location of the pipeline. They may contain the name of the company, the product, the size of pipe, and pipeline emergency contact numbers, as well as the reminder to contact a One-Call Centre before conducting work or crossing the pipeline with a vehicle or mobile equipment.



**When you request consent from a pipeline company, it must, within 10 working days after receiving the request, inform the person that made the request whether the consent has been granted or refused and, in the case of a refusal, the reasons for the refusal.**

## Pipeline locates

You must have the pipeline located and marked by the company before you start your activities. To do this:

- 1 Contact the pipeline company to get consent.
- 2 Once consent is received, contact the One-Call Centre at least 3 working days before you start.

If your work involves a ground disturbance, you are responsible for making the locate request. You must have all buried pipelines and cables identified and have their location marked before you start.



**Don't just start digging or building. It takes time to locate pipes and cables and to get consent.**

The person doing the ground disturbance work is responsible for making the locate request. This request ensures that all buried facilities are identified and their location marked before you start.









The pipeline company's locator will come to the site with locate equipment. The locator will mark the pipe location on the ground with paint, temporary stakes or pin flags. You may be required to meet the locator at the site so that they can explain the meaning of the markings and to give you information or instructions that may be necessary to work near the pipeline safely.

Federally regulated pipeline companies locate and mark their pipes at no cost to you. It's free, and it's the law.

For more details, see DPR-A section 3 starting on [page 23](#).

## Locate mark legend

The colours used to temporarily mark the horizontal alignment of underground facilities should be consistent with the *American Public Works Association Uniform Colour Code*:

WHITE		proposed excavation
PINK		temporary survey markings
RED		electrical, lighting cables
YELLOW		gas, oil, steam
ORANGE		telephone, cable, TV, signals, alarms
BLUE		potable water
GREEN		sanitary and storm sewer, culverts
PURPLE		reclaimed water, irrigation, slurry

## Contact with the pipe



It is imperative to avoid contact with the pipe. Even a small nick in the pipe's coating can cause corrosion and become a hazard to the safety of the pipe, to you, to the public nearby, and to the environment if you cause a release. Corrosion may cause damage that can result in a release of product immediately or years later. Inform the pipeline company immediately if **any** equipment contacts the pipe or its coating.

For more details, see DPR-A section 10 starting on [page 26](#).

## Backfilling



You must give a pipeline company 24 hours' notice before excavating or running a project near a pipeline. The pipeline company may require that an authorized representative be on site or provide specific instructions about how to backfill over the pipe.



# 7 steps to working safely near pipelines

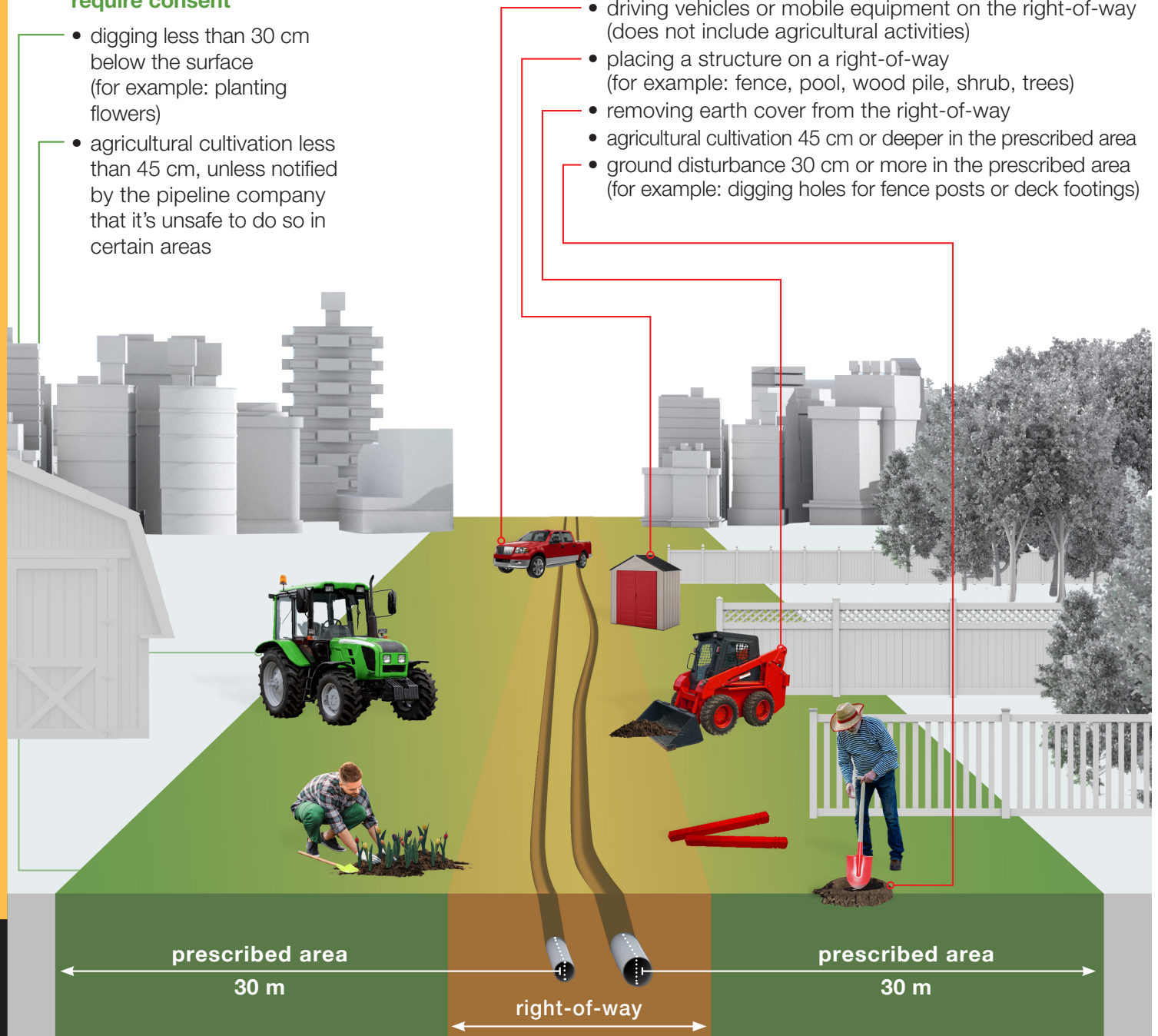
1. Check:
  - pipeline signs for phone numbers, and contact the pipeline company
  - land records for easements
  - CER Damage Prevention Regulations – Authorizations
2. For any ground disturbance in the prescribed area that will go 30 cm or deeper, get written consent from the pipeline company.
3. Contact the One-Call Centre ([www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com)) to start the locate process, and obtain the required safety information from the pipeline company following a locate request.
4. Be on site when the company technician arrives.
5. Wait until the pipeline company representative is on site before starting, as per their instructions.
6. Have the One-Call ticket and written consent from the pipeline company on site.
7. Inform the pipeline company immediately if any equipment contacts the pipe.

## Activities that do not require consent

- digging less than 30 cm below the surface (for example: planting flowers)
- agricultural cultivation less than 45 cm, unless notified by the pipeline company that it's unsafe to do so in certain areas

## Activities that require consent

- driving vehicles or mobile equipment on the right-of-way (does not include agricultural activities)
- placing a structure on a right-of-way (for example: fence, pool, wood pile, shrub, trees)
- removing earth cover from the right-of-way
- agricultural cultivation 45 cm or deeper in the prescribed area
- ground disturbance 30 cm or more in the prescribed area (for example: digging holes for fence posts or deck footings)



**KNOW WHAT'S  
BELOW.**

[ClickBeforeYouDig.com](http://ClickBeforeYouDig.com)





# Driving across a pipeline



Operating a vehicle or mobile equipment across a pipeline, including over the right-of-way, **is prohibited unless:**

- ⇒ there is consent from the pipeline company (or an Order from the Commission)
- ⇒ it is within the travelled portion of a highway or public road

Moving vehicles or mobile equipment over a pipeline can increase the stresses on the pipe and cause rutting, which could damage the pipe. Driving with narrow tires or old equipment, especially in damp conditions, may cause ruts. These can reduce cover over the pipe, and tires may damage pipe coating.

The factors that must be considered include: depth of cover above the pipe; soil type; ground conditions; pipe composition; creation of pressures on the pipe by static and dynamic loads, and operating stresses experienced by the pipe. This information can only come from the pipeline company.

The pipeline company may use the following factors to determine if the equipment can be used on the right-of-way:

- gross vehicle weight rating (GVW)
- vehicle class
- number of axles
- load
- tire pressure or ground pressure
- size

The pipeline company will advise on vehicle management and if or where vehicles and equipment can cross safely. The pipeline company does this to prevent damage to both the soil and the pipeline. Review where you can cross with vehicles with your staff and subcontractors regularly.

You must get written consent from the pipeline company to park vehicles on the ROW.

DPR-A section 12 on [page 27](#) refers to the activities above.

**Read about damage prevention in the CER Act, section 335 (2).**



**Ruts 30 cm or deeper in the prescribed area are a ground disturbance.**

**Contact the pipeline company if soil conditions pose a risk of ruts caused by vehicles or mobile equipment.**

# Constructing a facility

You must comply with the CER Act and DPR – Authorizations to construct or place a facility across, on, along, or under a pipeline.

Before you construct a facility, you must do the following:

- 1 Get the pipeline company's written consent
- 2 Make a locate request
- 3 Follow safety information from the pipeline company



Examples of facilities can include, but are not limited to:

- a structure (anything built or installed), for example: a fence, concrete conduit structure, retaining wall, outbuildings, house, shed, gazebo, wood pile, swimming pool
- vehicles parked on the ROW (cars, boats, trailers, RVs and buses)
- a highway, driveway, private road, lane, parking lot, walkway
- a railway
- a drainage or irrigation system, including dykes, ditches and culverts
- a berm
- a telecommunication line or power line
- a pipe, for example: a water main, sewer, gas line, oil line

Read DPR–A sections 7 and 10 on [pages 24](#) and [26](#) for more information.

**Read about prohibited construction and ground disturbances in the CER Act, section 335 (1).**

## Overhead lines

Before you construct an overhead line across a pipeline, you must first make a locate request. The next step is to get a copy of the pipeline company's safety practices and permitting procedures. These will provide you with the information needed to work safely near the pipeline. You will also need confirmation that all pipes in the construction area have been marked. You must not construct or place poles, pylons, towers, guys, anchors, or supporting structures across, on, along or under pipelines, which includes the ROW.

If the pipeline is patrolled by air, aerial warning devices on the overhead line must be installed and maintained to not pose a risk to aircraft patrolling pipelines.

## Maintaining an existing facility



Owners of facilities near a federally regulated pipeline must maintain their facilities in good condition. Maintenance work on these facilities that disturbs the ground **less than 30 cm** in the prescribed area is authorized.

Maintenance activities that may be authorized can include:

- adjusting valves, valve boxes, manholes
- sidewalk panel replacement, curb removal
- saw cut less than 30 cm deep
- road milling and patching less than 30 cm deep (large or small project)
- planting less than 30 cm deep, depending on the vegetation allowed
- signposts less than 30 cm deep

If you need to disturb the ground 30 cm or deeper near a federally regulated facility, you must contact the One-Call Centre to open a ticket for your work. They will send a notification to companies in the area that you have requested a ticket to work near their lines and CER regulated pipeline companies will come out and do a locate for free.

Follow the 7 Steps to working safely near pipelines on [page 14](#).

**Find full details in [Damage Prevention Guidance for Municipal Operations and Maintenance Activities on the CER website](#).**

Read more on DPR–A section 8 on [page 25](#).

# How to make changes to plans after you get consent

If the work area of your project gets bigger, or moves, that is called scope change. Scope changes can include changes to design, location, or type of facilities or structures to be built. To make sure that the changes don't impact safety and that your project follows the requirements in the regulations, you must contact the pipeline company before you start.

DPR-A sections 8, 10, and 11 on [pages 25, 26, and 27](#) refer to the activities above.



**Bid requests and contracts should include the fact that there's a federally regulated pipeline in the work area and all work must be done in accordance with the DPR – Authorizations.**

# Your duty to inform others

If you hire or contract someone to do work near a pipeline, you must inform everyone working on your behalf of these regulations before the project starts.

Project owners or landowners hiring contractors have to tell them that there is a pipeline on the land and the requirements under the DPR – Authorizations, including the requirement to contact the One-Call Centre ([www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com)).

The person doing the work on the construction or a ground disturbance activity is responsible for ensuring:

- the locate request has been made
- they have all of the information from the pipeline company to do the work safely

For more details, see DPR-A section 4 on [page 24](#).

# Agreeing to activities and costs



## Get help from the CER to reach agreements

If you and the pipeline company cannot reach an agreement, the CER can help. Options include:

- 1 Using Alternative Dispute Resolution to negotiate an agreement.
- 2 Filing a section 335 application to address:
  - ground disturbance and associated cost apportionment;
  - facility construction and associated cost apportionment;
  - vehicle or mobile equipment crossings near federally regulated pipelines.

**For more information and to get started, visit the CER website and look up:**

- **Guiding Principles for Cost Apportionment**
- **Section 335 Applications – Process Guidance for Applicants**





# If you don't follow the regulations

Damage Prevention Regulations exist for the safety of people, the environment, and property. Following the regulations allows your projects to proceed safely. CER regulated pipeline companies must report all violations of the DPRs and any damage to the pipe and its coating for the CER to track and potentially follow up.

The coating on a pipe is the first defense against corrosion. If you contact the pipe, the coating may be damaged and could eventually cause a rupture. Damage to the pipe or its coating, regardless of whether there was a release of product or not, **must** be reported to the pipeline company.

Violating regulations can lead to CER enforcement, fines, and penalties. If a person or company does not comply with regulations, the CER may use a variety of tools to ensure compliance and keep non-compliances from being repeated. A contravention of the *Canadian Energy Regulator Act* or Damage Prevention Regulations can be subject to a monetary penalty under the *Administrative Monetary Penalties Act*.

## Administrative Monetary Penalties

Maximum **daily** penalties:

For individuals:



\$25,000 per violation

For companies:



\$100,000 per violation

Each day a violation continues is considered a separate violation. This means that separate penalties could be issued per infraction, per day, with no maximum total fine.

**For more information, visit the CER site and look up administrative monetary penalties.**

**For information on what the pipeline companies must do, see *Damage Prevention Regulations – Obligations***

# Regulations

## Canadian Energy Regulator Pipeline Damage Prevention Regulations – Authorizations (DPR–A)

To see the DPR–A please visit Justice Laws, Government of Canada (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2016-124/index.html>) for the most current version.

To see the guidance notes for these regulations, visit the CER website and look up Guidance Notes – Regulations for Pipeline Damage Prevention.

### Definitions

**1** The following definitions apply in these Regulations.

**Act** means the Canadian Energy Regulator Act.

**Commission** means the Commission referred to in subsection 26(1) of the Act.

**facility** means any structure, highway, private road, railway, irrigation ditch, drain, drainage system, sewer, dike, telephone line, telegraph line, telecommunication line, line for the transmission of electricity or pipe for the transmission of hydrocarbons or any other substance.

**overhead line** means a facility that is an above-ground telephone, telegraph, telecommunication or electric power line or any combination of those lines.

**pipe** means a pipe that is part of a pipeline and that is used or is to be used for the transmission of hydrocarbons or any other commodity.

**working day** means any day that is not a Saturday or a Sunday or other holiday.

## General provisions

### Prescribed area

**2** For the purposes of subsection 335(1) of the Act, the prescribed area means a strip of land measured 30 m perpendicularly on each side from the centreline of a pipe.

### Locate request – person

**3 (1)** Subject to subsection (2), any person that intends to construct a facility across, on, along or under a pipeline or engage in an activity that would cause a ground disturbance within a prescribed area must make a locate request in the following manner at least three working days before the day on which the construction or activity is to start:

- (a) to a One-Call Centre if the intended construction or activity is within an area where a One-Call centre exists; or
- (b) to the pipeline company directly if the intended construction or activity is not within an area where a one-call centre exists.

### Locate request – pipeline company

**(2)** Any pipeline company that intends to construct a facility across, on, along or under its pipeline or engage in an activity that would cause a ground disturbance within a prescribed area must make a locate request to a one-call centre at least three working days before the day on which the construction or activity is to start if the intended construction or activity is within an area where a one-call centre exists.

### Emergency

**(3)** In the case of an unexpected situation that could endanger life or cause substantial property or environmental damage that requires immediate action, the three-day period set out in subsections (1) and (2) does not apply and the locate request must be made as soon as possible before the construction or activity starts.

### One-Call centre

- (4)** A One-Call centre is an organization that, for the purposes of protecting the underground infrastructures of its members from damage and ensuring public safety,
- (a)** receives locate requests from within a defined geographical area; and
  - (b)** notifies its members that may be affected by any proposed construction or any proposed activity that would cause a ground disturbance and that are the subject of a locate request of that construction or activity.

### Duty to inform

**4** Any person that intends to construct a facility across, on, along or under a pipeline, engage in an activity that would cause a ground disturbance within a prescribed area or operate a vehicle or mobile equipment across a pipeline must, before the construction, activity or operation is to start, inform all persons working on their behalf, including employees, contractors and subcontractors, of their obligations under these Regulations.

### Designation of temporary prohibition area

**5** If a pipeline company, after having received a locate request from a person that intends to engage in an activity that would cause a ground disturbance within a prescribed area, designates an area that is situated in the vicinity of a pipeline and that may extend beyond the prescribed area as a prohibition area, the ground disturbance is prohibited within the area during the period referred to in subsection 335(7) of the Act.

## Authorization Under the Act

### Pipeline company

**6** For the purposes of subsection 335(1) and paragraph 335(2)(a) of the Act and despite sections 7 and 9 to 13 of these Regulations, the construction of a facility — in an area other than an offshore area — across, on, along or under a pipeline, an activity — in an area other than an offshore area — that would cause a ground disturbance within a prescribed area and the operation of a vehicle or mobile equipment across a pipeline is authorized if the pipeline company that intends to carry out the construction, activity or operation

- (a)** is authorized to carry out the construction, activity or operation under the Act;
- (b)** makes a locate request in accordance with section 3; and
- (c)** if another pipeline company receives the locate request, the pipeline company that made the locate request obtains from the other pipeline company the information that is referred to in paragraphs 6(1)(a) and (c) of the *Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*.

## Facility

### Authorization – of construction

**7 (1)** For the purposes of subsection 335(1) of the Act, the construction of a facility — in an area other than an offshore area — across, on, along or under a pipeline, other than the construction of an overhead line, is authorized if the person that intends to construct the facility

- (a)** obtains the pipeline company's written consent;
- (b)** makes a locate request in accordance with section 3; and
- (c)** obtains from the pipeline company the information that is referred to in paragraphs 6(1)(a) and (c) of the *Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*.

### Suspension

**(2)** If the consent is suspended by the Commission, or by the pipeline company in accordance with subsection 10(1) of the *Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies* the authorization is suspended and the activity must cease for the duration of the suspension of the consent.

### Measures

**(3)** Any person that is undertaking the construction of a facility must comply with the following measures:

- (a)** ensure that the construction is carried out in accordance with the technical details that are set out in the person's request for consent and that have been accepted by the pipeline company, as well as with the conditions set out in the pipeline company's consent;
- (b)** ensure that the construction is completed within two years after the day on which the consent was obtained, unless the pipeline company and the person agree on another time period that is set out in the consent;
- (c)** comply with the instructions of the pipeline company's authorized field representative regarding the procedures that are to be followed while carrying out the construction in the vicinity of a pipe and that relate to the pipeline's safety and security;
- (d)** if interference with or alteration of a pipe becomes necessary, obtain the pipeline company's written consent to interfere with or alter the pipe;
- (e)** carry out any construction that involves the interference with or alteration of a pipe under the pipeline company's supervision; and
- (f)** immediately notify the pipeline company of any contact with a pipe or its coating during the construction.

### Obligations — existing facilities

**8** The owner of a facility that is constructed — in an area other than an offshore area — across, on, along or under a pipeline must

- (a)** maintain the facility in a state of good repair compatible with the pipeline's safety and security;
- (b)** immediately correct any deterioration in the facility on being so notified in writing by the pipeline company under subsection 9(1) of the *Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*;
- (c)** notify the pipeline company, in writing, of any proposed abandonment or removal of the facility; and
- (d)** remove or alter the facility or part of the facility that could adversely affect the pipeline's safe and efficient operation or that could jeopardize property and the environment and the safety and security of the public and of the pipeline company's employees.

### Authorization for construction of overhead line

**9 (1)** For the purposes of subsection 335(1) of the Act, the construction of an overhead line across a pipeline — in an area other than an offshore area — is authorized if the person that intends to construct the overhead line

- (a)** makes a locate request in accordance with section 3;
- (b)** confirms with the pipeline company that all of the pipeline company's pipes in the vicinity of the construction have been marked; and
- (c)** obtains from the pipeline company the information that is referred to in paragraphs 6(1)(a) and (c) of the *Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*.

## Activity that causes a ground disturbance

### Authorization – ground disturbance activity

**10 (1)** For the purposes of subsection 335(1) of the Act, any activity — in an area other than an offshore area — that would cause a ground disturbance within the prescribed area, other than an activity referred to in section 11, is authorized if the person that intends to engage in the activity

- (a) obtains the pipeline company's written consent;
- (b) makes a locate request in accordance with section 3; and
- (c) obtains from the pipeline company the information that is referred to in paragraphs 6(1)(a) and (c) of the *Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*.

### Suspension

**(2)** If the consent is suspended by the Commission, or by the pipeline company in accordance with subsection 10(1) of the *Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*, the authorization is suspended and the activity must cease for the duration of the suspension of the consent.

### Measures

**(3)** Any person that is engaged in an activity that causes a ground disturbance within the prescribed area must comply with the following measures:

- (a) ensure that the activity is carried out in accordance with the technical details that are set out in the person's request for consent and that have been accepted by the pipeline company, as well as with the conditions set out in the pipeline company's consent, including the conditions respecting directional drilling or the use of explosives;
- (b) ensure that the activity is completed within two years after the day on which the consent was obtained, unless the pipeline company and the person agree on another time period that is set out in the consent;
- (c) not undertake mechanical excavation that would cause a ground disturbance within the prescribed area within 3 m of a pipe, unless
  - (i) if the excavation runs parallel to the pipe, the pipe has been exposed by hand at sufficient intervals to confirm the pipe's location or the pipeline company has used a method that would permit it to confirm the pipe's exact location and has informed the person of that location,
  - (ii) if the excavation crosses the pipe, the pipe has been exposed by hand at the point of crossing or the pipeline company has used a method that would permit it to confirm the pipe's exact location, has informed the person of that location and has confirmed that the pipe is at least 60 cm deeper than the proposed excavation, and
  - (iii) if ground conditions render it impractical to locate the pipe using any of the methods set out in subparagraphs (i) and (ii), the pipeline company directly supervises any excavation;
- (d) comply with the instructions of the pipeline company's authorized field representative regarding the procedures that are to be followed during the activity and that relate to the pipeline's safety and security;
- (e) if interference with or alteration of a pipe becomes necessary, obtain the pipeline company's written consent to interfere with or alter the pipe;
- (f) carry out any activity that involves the interference with or alteration of a pipe under the pipeline company's supervision;

- (g) immediately notify the pipeline company of any contact with a pipe or its coating during the activity; and
- (h) unless otherwise agreed on by the pipeline company and the person that is engaged in the activity, notify the pipeline company at least 24 hours before backfilling over a pipe.

### Authorization – activity required for maintenance of facility

**11** For the purposes of subsection 335(1) of the Act, any maintenance of an existing facility — in an area other than an offshore area — that causes a ground disturbance within the prescribed area is authorized if the person engaged in the maintenance complies with paragraphs 10(1)(b) and (c) and the measures set out in paragraphs 10(3)(c) to (h).

## Operation of vehicles or mobile equipment across a pipeline

### Authorization – operation across a pipeline

**12** Subject to section 13 and for the purposes of paragraph 335(2)(a) of the Act, the operation of a vehicle or mobile equipment across a pipeline is authorized if the person that intends to operate the vehicle or mobile equipment across the pipeline obtains the pipeline company's written consent.

## Application for authorization

### File application with Regulator

**14 (1)** A person that intends to construct a facility across, on, along or under a pipeline, engage in an activity that would cause a ground disturbance within the prescribed area of a pipeline or operate a vehicle or mobile equipment across a pipeline may file an application for authorization with the Regulator if

- (a) the construction, activity or operation is not authorized under subsection 7(1), 9(1) or 10(1) or section 11 or 12; or
- (b) the person is unable to comply with the applicable measures set out in subsection 7(3), 9(2) or 10(3).

### Service

**(2)** If a person files an application under subsection (1), that person must serve a copy of the application on the pipeline company that operates the pipeline in question.





Canada Energy  
Regulator

Régie de l'énergie  
du Canada

## Find out more

For more information on damage prevention visit

[www.cer-rec.gc.ca/en/safety-environment/damage-prevention/index.html](http://www.cer-rec.gc.ca/en/safety-environment/damage-prevention/index.html)

Find out more about the Canada Energy Regulator  
by visiting us online at [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca).

Be sure to follow us on social media  
for the latest updates.



For copies of any CER publication  
or for more information, contact us:

ONLINE: [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca)  
EMAIL: [publications@cer-rec.gc.ca](mailto:publications@cer-rec.gc.ca)  
TOLL FREE: 1-800-899-1265

Write us or visit our library at:

### **Canada Energy Regulator**

Suite 210, 517 Tenth Avenue SW  
Calgary, Alberta T2R 0A8

© Her Majesty the Queen in Right of Canada as represented by  
the Canada Energy Regulator 2020

### **Construction Near Pipelines**

**Cat. No.** NE23-207/2020E (PDF)  
**ISBN** 978-0-660-34335-8

**Cat. No.** NE23-207/2020E (Paper)  
**ISBN** 978-0-660-34336-5