



**Submission to the National
Energy Board-
Proposed Amendments to
*Pipeline Crossing Regulation
Part I and II***

The Alberta Association of Municipal
Districts and Counties

October 17, 2014

While the Alberta Association of Municipal Districts and Counties supports the majority of the National Energy Board's proposed amendments to the *Pipeline Crossing Regulations, Part I and II*, our role as advocates for Alberta's rural municipalities has caused us to take concern with a particular amendment.

The AAMDC is concerned that point 9 of the proposed amendments to part 1 of the regulations (amending the regulations by adding the following new section after section 7: "Conditions and Circumstances Under Which Leave of the Pipeline Company is not Required for Agricultural Activities") may cause significant inconvenience and potential economic harm to many in Alberta's agriculture industry. The AAMDC understands the importance of protecting pipeline infrastructure from equipment that may cause it damage, but the specific focus on agricultural equipment is unnecessary. Specifically, the AAMDC is concerned that the addition of this section and the associated criteria that agricultural equipment must meet or exceed to **not be required** to receive leave from the pipeline company is, in many cases, unreasonable.

The NEB's proposed conditions that agricultural equipment must meet or exceed to not be required to receive leave from the pipeline company can be summarized as follows:

- The vehicle or mobile equipment is used to perform an agricultural activity across the pipeline and does not disturb more than 30 cm of soil cover at the location where the intended crossing of a buried pipeline is to take place;
- When in operating mode, the vehicle or mobile equipment is not removing or adding soil cover at the location where the intended crossing of the buried pipeline is to take place;
- Soil conditions are such that they ensure minimal rutting when vehicle or mobile equipment are driven over the pipeline at the locations where the intended crossing of a buried pipeline is to take place; and
- Loaded axle weight and tire pressures are within the manufacturer's approved limits and operating guidelines.

While some of these conditions are quite reasonable for any heavy equipment, including that used in agriculture, others present a potentially onerous burden on farmers. In particular, the AAMDC has the following concerns:

- Rutting may occur seasonally, depending on soil conditions, weather conditions, and region. As such, some farm machinery may not require permission during certain times of the year and may require permission other times. This may create an onerous burden on farmers to request permission frequently for the same piece of equipment.
- In many cases, the off-highway farm use of vehicles results in them being loaded above the manufacturer's approved operating limits. If this is a relatively small vehicle, being overloaded will have no impact on the safety of the pipeline.
- The amended regulations make no mention of requiring future pipelines to be built at a greater depth through agricultural areas in order to minimize the inconvenience to the agriculture industry. The regulations assume that farmers will be tasked with the burden of adapting their practices to protect a pipeline, many of which are built through private property where agricultural activity pre-dated the presence of the pipeline.

- The regulations specify agricultural activity only. Other industrial traffic that may have similar impacts on the ground is not included in the revised recommendations. If other infrastructure is being developed in a ROW, industrial construction equipment could carry similar risks. There is no rationale given for focusing only on agricultural equipment.
- The regulations allow the pipeline company to take ten working days to evaluate and respond to a request for permission to access the ROW. This could cause farmers unreasonable delay in accessing crops with certain equipment.

The AAMDC appreciates the importance of pipeline safety, and recognizes that in many cases pipelines cross agricultural areas. However, the regulations must better reflect a shared responsibility between the agriculture and pipeline industry for maintaining the safety of pipelines, and must create regulations that assign this responsibility equally. Any amendments to the regulations must reflect the fact that rutting of roads is often unpredictable and seasonal in nature, that not all farm vehicles, even when loaded above the manufacturer's recommended specifications, will pose a risk to pipelines, and that a ten day waiting period for leave from a pipeline company may greatly inconvenience the agriculture industry.

Recognizing these facts and addressing the above concerns would greatly improve the practicality of these regulations from the perspective of rural Albertans, particularly those in the agriculture industry. The AAMDC appreciates the opportunity to provide feedback on these proposed amendments.