



File ADV-PE-LandMC 05
20 September 2010

To: Pipeline Crossings Working Group Members

**Land Matters Consultation Initiative Action 1.2
Development of Crossings Guidance**

Dear Members:

Further to the Pipeline Crossings Working Group (PCWG) meeting on 26-27 August 2010, the Board has been advised that the PCWG's current draft of the crossings guidance material sets out exemptions from the leave requirement of Section 112(2) of the *National Energy Board Act* (NEB Act) for agricultural vehicles or mobile equipment in relation to certain low-risk conditions.

Section 112(2) of the NEB Act, however, indicates that no person shall operate a vehicle or mobile equipment across a pipeline unless leave is first obtained from the pipeline company. In other words, land users must obtain leave from pipeline companies, even in low-risk conditions, prior to crossing a NEB-regulated pipeline with a vehicle or mobile equipment. For this reason, the Board considers it appropriate to provide its views to the PCWG on exempting land users from the leave requirement.

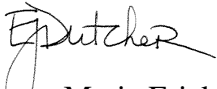
The Board has determined that, at the time that the PCWG's crossings guidance is submitted for approval, it will consider issuing an order pursuant to Section 112(5)(c) that sets out exemptions from the Section 112(2) leave requirement for agricultural vehicles or mobile equipment in relation to certain low-risk conditions where depth of cover, ground conditions, and pressure exerted by the vehicle or mobile equipment enable the safe crossing of pipelines.

The Board reminds pipeline companies that they remain responsible for the safe and secure operation of their pipelines in light of all regulatory requirements, including any Section 112(5)(c) exemption order. Should such an order be issued, pipeline companies must still require land users to seek leave pursuant to Section 112(2) for crossings by agricultural vehicles and mobile equipment, even in perceived low-risk circumstances, if safety and pipeline integrity are at risk.

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The Board appreciates the efforts of the PCWG to develop the draft crossings guidance. The Board encourages the PCWG to continue to work together to complete the draft crossings guidance for final publication prior to 31 December 2010.

Yours truly,


for Anne-Marie Erickson
Secretary of the Board