



canadian energy pipeline association
association canadienne de pipelines d'énergie

Friday, September 22, 2017

Mr. Richard Paton, Chair
Railway Safety Act Review 2017-2018
255 Albert Street
Ottawa, Ontario
K1P 6A9
Canada

Dear Mr. Paton;

Re: CGA and CEPA Submission to the Railway Safety Act Review

The safety of the public, industry workers and the integrity of our pipeline systems are our top priority. The Canadian Gas Association (CGA) and the Canadian Energy Pipeline Association (CEPA) also recognize the importance of ensuring the effectiveness of the federal rail safety legislative and regulatory framework in order to maintain the highest level of safety for all Canadians. We appreciate the opportunity to provide recommendations to the Railway Safety Review Panel.

CGA is the voice of Canada's natural gas delivery industry including distribution and transmission companies. CEPA represents Canada's transmission pipeline companies who operate approximately 119,000 kilometres of pipeline in Canada and 16,000 kilometres in the United States.

Both CGA and CEPA are members of the Canadian Common Ground Alliance (CCGA), an organization dedicated to providing Canada's unified damage prevention voice and attracting members from all Canadian national organizations and associations who share common damage prevention and public safety solutions. The CCGA has identified best practices related to preventing damage to underground facilities. These best practices, found [here](#), contain validated recommendations that can be applied to the safe and reliable operations related to excavation and construction, including that in the rail industry.

Recommendations to Ensure Rail Line and Pipeline Infrastructure Safety and Integrity

Where pipeline infrastructure is crossed by rail lines, industry best practices and procedures must be included in any related agreements. These modern best practices and procedures are in place to protect the safety and security of workers and the general public. We also use these best practices as a first line of defense for the protection of Canada's critical energy infrastructure.

We recommend that federally regulated railways adhere to these best practices for the protection and safety of the public, workers, and equipment when performing railway maintenance or construction near or over natural gas pipelines.



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We believe that amendments made to the *Railway Safety Act* should reflect best practices and standards that will ensure the safety of workers, the public and infrastructure. Our recommendations include:

- **Mandatory Locates for Public and Worker Safety:** line locates must be requested and obtained before any ground disturbance is allowed on any rail line right of way. A "ground disturbance" is any disturbance of the earth of more than 0.3 meters in depth, or that alters the depth of cover over a pipeline facility. A railway would be required to request and obtain line locates, performed by the facility owner or operator, prior to future excavation within the crossing area, and to expose pipeline facilities by hand-digging or facility owner approved and supervised hydrovac procedures. No excavation with mechanical equipment is permitted within 1.5 metres of a pipeline or cable. For the purpose of clarity around pipeline intersection points, a "crossing area" should be considered the intersecting area of the Utilities' right of way, or within five metres of the Utilities' pipeline where no right of way exists, and a railway's right of way;
- **Utility Consent to Ensure Public Safety, Plant Integrity and Resilience:** permission should be obtained before railway facility modifications are made within the pipeline right-of-way. This is so that the pipeline company can assess the impact of any new railway works on pipeline facilities;
- **Proper Excavation:** once locates have been requested and provided (including via electronic/written communication), and the necessary communications and consent from the utility have been provided, only then should excavation begin. Excavation should be conducted with reasonable care to avoid damage to the underground infrastructure, while also preserving related markings until no longer required. If excavators notice or cause damage to underground infrastructure, owners should be notified immediately.

CGA's and CEPA's member companies are committed to working with federal and provincial governments and regulatory authorities as well as the railway industry to ensure best practices are followed in order to maintain safety for all involved.

The pipeline industry fully understands the need for rail line work being undertaken, but we believe mutually satisfactory crossing agreements need to be established on a national basis with the full engagement of all affected parties.

Physical infrastructure is increasingly coming under review in the public discourse. As infrastructure builders and operators, we need to make sure we are as open and engaged as possible with one another so that we are meeting the ever-increasing expectations around public and worker safety.



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We would like to thank you for this opportunity to submit our comments and ask that the points above be considered during the Railway Safety Act Review. We would welcome an opportunity to discuss this further.

Yours truly,

Yours truly,

A handwritten signature in black ink, appearing to read 'Tim Egan', with a horizontal line underneath.

Timothy M. Egan
President and Chief Executive Officer,
Canadian Gas Association

A handwritten signature in black ink, appearing to read 'Chris Bloomer', with a large loop at the end.

Chris Bloomer
President and Chief Executive Officer,
Canadian Energy Pipeline Association

cc
Jim Tweedie, CGA
David McConkey, CGA
Patrick Smyth, CEPA
Jim Yaremko, CEPA