

B.C. Reg. 147/2012

Deposited June 25, 2012

O.C. 424/2012

Oil and Gas Activities Act

PIPELINE CROSSINGS REGULATION

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Definitions

- 1 In this regulation:

"Act" means the *Oil and Gas Activities Act*;

"enabled action" means the construction or activity that may be carried out by an enabled person;

"enabled person" means a person who, under section 76 (1) (c), (d) or (e) of the Act, may do anything referred to in subsection (1) (a) or (b) of that section;

"ground activity" means any work, operation or activity that results in a disturbance of the earth, including a mining activity as defined in section 1 of the *Mines Act*, but not including

(a) cultivation to a depth of less than 45 cm below the surface of the ground, or

(b) a disturbance, other than cultivation referred to in paragraph (a), of the earth to a depth of less than 30 cm;

"specified enabled person" means an enabled person that is the government, a municipality or the British Columbia Railway Company.

Pipeline crossing distances

- 2 (1) A ground activity is a prescribed activity for the purposes of section 76 (1) (b) of the Act.
- (2) The prescribed distance for the purposes of section 76 (1) of the Act is 30 m.
- (3) For the purpose of section 76 (1) (e) of the Act, the following requirements are prescribed respecting a person carrying out a ground activity at least 10 m away from the pipeline nearest to the site of the ground activity:
 - (a) subject to subsection (4), the person, before disturbing the earth for the purposes of the ground activity, must

- (i) advise BC One Call of the proposed site of the activity, and
 - (ii) if BC One Call advises that there are one or more pipelines within 30 m of the proposed site of the activity, confirm with each pipeline permit holder that the pipeline is at least 10 m away from the proposed site of the activity;
- (b) if physical contact is made with a pipeline as a result of the carrying out of the ground activity, the person must notify
 - (i) the commission, and
 - (ii) the pipeline permit holder of the contacted pipeline.
- (4) A person is not required to comply with subsection (3) (a) respecting a ground activity if the person has, for another purpose, previously determined, in part on the advice of BC One Call, that the nearest pipeline to the proposed site of the ground activity is more than 30 m away from the site.

Cost allocation for pipeline crossings

- 3** (1) Subject to subsections (3) to (5), an enabled person is responsible for all costs incurred by the enabled person in carrying out an enabled action.
- (2) Subject to subsections (3) to (6), an enabled person is responsible for any costs incurred by a pipeline permit holder as a result of the enabled person's carrying out of an enabled action, including, without limitation, costs
- (a) to realign, raise or lower the pipeline,
 - (b) to excavate material from around the pipeline, and
 - (c) to add casing or other appurtenances that an official considers necessary for the protection of the pipeline.
- (3) Subject to an order issued under section 76 (6) of the Act and to subsections (4) to (6) of this section, a specified enabled person is not responsible for any costs incurred by a pipeline permit holder as a result of the carrying out of an enabled action.
- (4) The costs referred to in subsection (3) must be shared equally between the specified enabled person and the pipeline permit holder if
- (a) the specified enabled person is a municipality, and
 - (b) the enabled action is the construction of a new highway within the boundaries of that municipality on either an existing right of way or a newly dedicated right of way.
- (5) The costs incurred by a pipeline permit holder as the result of the carrying out of an enabled action must be shared equally between the enabled person and the pipeline permit holder if the enabled action is the construction of a new road for a subdivision within a municipality.
- (6) The cost allocation rules set out in subsections (2) to (5) may be varied by agreement between the parties.

[Provisions relevant to the enactment of this regulation: *Oil and Gas Activities Act*, S.B.C. 2008, c. 36, section 99]

