

Pipeline Act

[RSBC 1996] CHAPTER 364

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Definitions

1 (1) In this Act:

"commission" means the commission established under section 2 of the Oil and Gas Commission Act;

"company" means a person or corporation having authority under this Act or a special Act, having power to construct or operate pipelines to transport oil, gas or solids;

"company pipeline" or "line" means a pipeline to transport oil, gas, solids or water that a company under this Act is authorized to construct or operate, and includes all branches, extensions, tanks, reservoirs, pumps, racks and loading facilities; interstation systems of communication by telephone, telegraph or radio; property and works connected with it;

"Crown land" includes land held by the government, and land held by a person under a form of terminable grant from the government, or which has been disposed of by the government under an Act and, without restricting this definition, includes public beaches, beds of lakes, rivers or streams, paths, passages, liberties, privileges, easements and all trees and timbers on them;

"flow line" means a pipeline serving to interconnect wellheads with separators, treaters, dehydrators, field storage tanks or field storage batteries;

"gas" means a gaseous hydrocarbon;

"land" means land the acquiring, taking or using of which is authorized by this Act, includes the ground or soil, except mines and minerals, precious or base, and extends to and includes

(a) mines and minerals to the extent necessary for the support of the surface, and

(b) the foreshore and land covered with water;

"oil" means a liquid hydrocarbon;

"pipeline" means a continuous conduit between 2 geographical locations through which oil, gas or solids is transported under pressure, and includes

(a) a company pipeline,

(b) all gathering and flow lines used in oil and gas fields to transmit oil and gas,

(c) all water injection pipelines or other pipelines used to transmit water at working pressures in excess of 3 500 kPa in oil and gas fields, and

(d) all transmission lines used to transmit gas at working pressures in excess of 700 kPa, gauge, from a company pipeline to the distribution system of a public utility or a gas utility,

but does not include piping used in a gas distribution main as defined in regulations made under the Safety Standards Act;

"solids" means a commodity other than oil or gas, and includes water if used as a medium of transporting solids;

"toll" or "rate" includes a toll, rate, charge or licence charged or made for the shipment, transportation, care, handling or delivery of oil or gas or solids or for storage or demurrage or the like.

(2) Unless otherwise provided or the context otherwise requires, words and phrases in this Act have the same meaning as in the Railway Act.

Commission may extend Act to company

2 (1) For the purposes of this section, "company" means a person, firm or corporation that owns, constructs or operates a pipeline in British Columbia and to which, except for this section, this Act would not apply.

(2) The commission may issue a certificate declaring that provisions of this Act designated in the certificate apply to a company.

(3) On the taking effect of and to the extent set out in the certificate, this Act applies to the company named in the certificate and to its pipeline.

(4) A company must not operate a pipeline in British Columbia without the consent in writing of the commission and subject to the conditions the commission imposes.

Part 1 — Administration of Act

Appointment of inspector

3 The commission may order and direct a person to inspect a company pipeline or part of it if constructed or in the course of construction, or to make an inquiry or report on an application pending or on a matter or thing over which the commission has jurisdiction under this or a special Act.

Powers of inspector

4 A person appointed by the commission to inspect or to make an inquiry or report may do one or more of the following:

- (a) enter on and inspect any building, work or property of a company;
- (b) require production of all books, records, vouchers, accounts, plans, specifications, drawings and papers of a company, and inspect and examine them;
- (c) require the attendance of all persons the person thinks fit to summon;
- (d) examine and require answers or reports to the inquiries the person thinks fit to make.

Powers to enforce orders to attend and produce evidence

5 A person appointed by the commission to inspect or to make an inquiry or report has the same power to summon witnesses and enforce their attendance, and to compel them to give evidence and to produce books, papers or things as a court in civil cases.

Powers of commission

6 The commission may review, rescind, change, alter or vary a decision made by the commission, or may rehear an application before deciding it.

Part 2 — General Powers

General powers of company

7 Every company, for the purposes of its undertaking and subject only to obtaining permission or approval from the commission if prescribed by this Act, may do one or more of the following:

- (a) enter on Crown land without a previous licence for it, or on land of any person, lying in the indicated route of its line, and make surveys, examinations or other necessary arrangements on that

land for fixing the site of the line, and set out and ascertain the parts of the land necessary and proper for the line;

(b) purchase, take and hold of and from any person any land or other property necessary to construct, maintain and operate its line, and dispose of any of its property that has become unnecessary for the purpose of the line;

(c) construct, lay, carry or place its line across, on or under the land of any person on the located line of the company pipeline;

(d) join its line with the pipeline of another person at any point on its route;

(e) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharves, docks and other structures, and construct, purchase and acquire machinery and other apparatus necessary to construct, maintain and operate its line;

(f) construct, maintain and operate branch lines, and for that purpose exercise all the necessary powers, privileges and authority in as full and ample a manner as for a company pipeline;

(g) alter, repair or discontinue any works mentioned in this section and substitute others for them;

(h) transport oil or gas or solids by the company pipeline, and regulate the time and manner in which oil or gas or solids must be transported and the tolls to be charged for it;

(i) do all other acts necessary to construct, maintain and operate its line.

Damage and compensation

8 In exercising the powers granted by this Act

(a) a company must do as little damage as possible, and

(b) must make full compensation in the manner provided in this Act to all persons interested for all damage sustained by them by reason of the exercise of those powers.

Limitations

9 (1) A company must not abandon the operation of a company pipeline without the commission's leave.

(2) If ordered by the commission, a company abandoning the operation of a pipeline must remove every structure or other thing the commission believes is likely to menace public safety, create a fire hazard or obstruct a stream.

Part 3 — Location of Line

Commission's approval required

10 Except as this Act otherwise provides, a company must not begin to construct a section or part of a company pipeline until

(a) the commission has issued a certificate granting the company leave to construct the line, and

(b) the plan, profile and book of reference of the section or part of the proposed line have been approved by the commission.

Application to construct line

11 (1) On an application for a certificate granting leave to construct a line, the company must file with the commission a map showing the general location of the proposed line, the terminuses and all cities, towns, villages, railways and navigable waters through, under or across which the line is to pass.

(2) Despite section 10, a company, after filing with the commission a preliminary plan, at a scale of 1:500 000 or larger, of the proposed route of the pipeline, may enter on land lying in the proposed route of the pipeline and make surveys, examinations or other necessary arrangements on the land for fixing the site of the pipeline, right of way and works, and may set out and ascertain the parts of the land that are necessary and proper for the pipeline, as follows:

(a) on Crown and lawfully occupied land, except land occupied by a building, in orchard or for the time being under cultivation;

(b) on lawfully occupied land in orchard or actually under cultivation, if the company obtains written permission from the occupant or has deposited with the commission the sum the commission considers adequate to compensate the lawful occupant of the land for damage caused by the entry.

(3) The company must file a copy of the application and of the map with the minister responsible for the administration of the Land Act and the minister responsible for the administration of the Local Government Act.

(4) On considering the application, the commission must have regard to all considerations the commission believes relevant, and in particular the following:

(a) the recommendation of the minister responsible for the administration of the Land Act;

(b) the recommendation of the minister responsible for the administration of the Local Government Act;

(c) the financial responsibility of the applicant;

(d) the objection of an interested party;

(e) any public interest the commission believes may be affected by the granting or refusal of the application;

(f) the needs and general good of the residents of British Columbia as a whole.

(5) The commission's decision as to whether a person is a party interested within the meaning of this section is final.

(6) The commission may do one or more of the following:

(a) make changes and alterations in the plan and in the details that the commission considers expedient;

(b) impose terms that the commission considers proper;

(c) limit the time in which the company must construct and complete the line.

Plans, profile and book of reference

12 (1) If the commission grants a certificate to a company giving leave to construct a pipeline, the company must prepare and submit to the commission a plan, profile and book of reference in duplicate, showing in detail all of the following:

(a) the points in British Columbia between which and the route along which the pipeline is to be constructed, and any highway structure, bridge or work to be shown that is within 300 m of the proposed right of way of the pipeline;

(b) the intended size and capacity of the pipeline;

(c) the location and capacity of all proposed company stations, gate valves, check valves, tanks, surface reservoirs, pumps, racks, storage, loading and other terminal facilities, and connections of all kinds, on the line;

(d) in the book of reference, a description of the portion of land proposed to be taken in each parcel of land to be traversed, giving particulars of the parcels, the area, length and width of the portion of each parcel to be taken, and the names of the owners and occupiers so far as they can be determined.

(2) The plans and profiles must be on a scale of 1:10 000 or another suitable scale the commission directs.

(3) The applicant must also forward all other plans and information related to the pipeline and its construction that the commission may require for the proper understanding of the plan, or for any other purpose.

Commission may direct relocation

13 (1) At any time after granting the certificate, the commission may, on the terms considered proper, direct the company to divert or relocate the pipeline, if the commission believes the diversion or relocation is necessary to facilitate the construction, reconstruction or relocation of a highway or other work affecting the public interest.

(2) The commission may direct the company to change or alter the plan of the pipeline to conform to its diversion or relocation, and may amend, rescind or add to the terms expressed in the certificate, as the commission considers necessary.

Application to divert or relocate

14 At any time after granting the certificate, the commission, on

(a) application by the company,

(b) the recommendation of the minister responsible for the administration of the Land Act, or

(c) the recommendation of the minister responsible for the administration of the Local Government Act,

may direct the diversion or relocation of the pipeline, and may amend, rescind or add to the terms expressed in the certificate, as the commission may believe necessary, and may alter the plan of the pipeline to conform to its diversion or relocation.

Approval of alterations

15 (1) If a company requires a diversion, change or alteration to be made in its line or a portion of it, as already constructed or as merely located and approved, a plan, profile and book of reference of the portion proposed to be changed, showing the deviation, change or alteration proposed, must be submitted for the commission's approval.

(2) If the plan, profile and book of reference of the portion of the line proposed to be changed have been approved by the commission and copies have been deposited as provided in this Act with respect to the original plan, profile and book of reference, the company may make the deviation, change or

alteration, and all provisions of this Act apply to the portion of the line at any time changed or proposed to be changed, as they apply to the original line.

(3) The commission may exempt a company from submitting the plan, profile and book of reference, as provided in this section, if the deviation, change or alteration is made or to be made

(a) to lessen a curve,

(b) reduce a gradient,

(c) otherwise benefit a company pipeline, or

(d) for any other purpose of public advantage the commission believes expedient,

if the deviation, change or alteration does not exceed 90 m from the centre line of the company pipeline located or constructed in accordance with the plans, profiles and book of reference approved by the commission under this Act.

Part 4 — Taking and Using of Land

Appropriation of land

16 (1) On obtaining a certificate, the company may take and appropriate for the purposes of its undertaking as much of the land or interests in it of any person as may be necessary for the building, construction, laying or operation of the pipeline.

(2) The manner in which and terms on which the company may exercise the right to take and appropriate land or interest in it must be

(a) in accordance with the terms of any agreement affected between the company and the owner of the land, other than Crown land, or an interest in it, or

(b) in the absence of agreement, as set out in this Part.

(3) Part 7 of the Railway Act applies to pipelines and necessary works and undertakings connected with them.

(4) Part 3 of the Petroleum and Natural Gas Act, in so far as it is not inconsistent with this Act, applies to flow lines and necessary works and undertakings connected with them.

Errors in book of reference

17 (1) The pipeline may be laid, carried or placed under or on the land of any person on the located line, even though through error or any other cause the name of that person has not been entered in the book of reference, or some person is erroneously mentioned as the owner of or entitled to convey or is interested in the land.

(2) If an omission, misstatement or error is made in a plan, profile or book of reference so deposited, the company may apply to the minister for a certificate to correct it.

(3) The commission may require notice to be given to interested parties.

(4) If the commission believes that some omission, misstatement or error arose from the mistake, the commission may grant a certificate setting out the nature of the omission, misstatement or error, and the correction allowed.

(5) On granting that certificate,

(a) the plan, profile or book of reference must be taken to be corrected in accordance with it, and

(b) subject to this Act, the company may then construct the pipeline in accordance with the correction.

Use of streets and highways

18 (1) Subject to the provisions of the certificate and the commission's order, the company may break up, dig and trench and use as much of a street, square, highway, lane or public place as is necessary to lay the pipeline and works connected with it.

(2) The company must take care to preserve a free and uninterrupted passage to and over a street, square, highway, lane or public place while its works are in progress.

Land and passages may be used

19 Subject to the provisions of the certificate and the commission's order, a company may break up and uplift all land as well as all passages common to neighboring proprietors or tenants, and may dig and cut trenches in them to lay down pipelines or take up or repair them, doing as little damage as possible.

Right of way not to exceed 18 m

20 (1) Subject to subsection (2), the land that may be appropriated for the right of way of a pipeline must not exceed 18 m in breadth.

(2) If, to efficiently construct, maintain or operate its pipeline, or to construct or take works or measures approved or ordered by the commission, a company at any time requires more ample space than it possesses or is limited to under subsection (1), it may apply to the commission for authority to take, without the owner's consent, the additional land required for that purpose.

Permission required if closer than 1.8 m to other services

21 (1) A company must not lay down or erect a pipeline within 1.8 m of the mains, pipes, drains, sewers, wires or conductors previously laid down or erected for the supply or disposal of gas, water, electricity or telephone services through a street, square or public place of a municipality without the prior consent of the municipality to which the mains, pipes, wires or conductors belong, or without the payment to the corporation or municipality of agreed compensation.

(2) If the consent required by subsection (1) cannot be obtained, or the compensation cannot be agreed on between the parties, the question must be referred to the minister, whose decision is final and binding on all the parties concerned.

(3) Despite subsection (1), if it is impracticable to cut trenches for the pipeline at a distance of 1.8 m or more, then they must be cut as nearly 1.8 m from the mains, pipes, wires or conductors previously laid down or erected as the circumstances of the case will admit.

Part 5 — General

Alterations and extensions

22 (1) A person must not alter, add to or extend a pipeline or a line connected with it except in accordance with the regulations of the commission.

(2) A person must not commence an addition or extension to or of a pipeline or a line connected with it that exceeds 40 km in length without the authorization of the commission.

Public health and safety to be safeguarded

23 A company must locate and construct its pipeline and all works connected with it so as not to endanger the public health or safety.

Plan of survey

24 (1) Within 3 years after completion of the pipeline, the company must do the following:

(a) complete the surveying and posting of the right of way according to applicable rules made under section 75 of the Land Surveyors Act;

(b) submit to the Surveyor General for approval the plans of the survey through Crown land as required under the rules referred to in paragraph (a).

(2) After approval by the Surveyor General, the plans of the survey required under subsection (1) (b) are the official plans of survey of the right of way through that Crown land.

Surveyor General's approval for registration

25 (1) If the applicant or company requires registration of an easement for a portion of the right of way crossing Crown land before construction of the pipeline, the applicant or company must do all of the following:

(a) obtain the approval of the Surveyor General as to the method of surveying and posting;

(b) submit to the Surveyor General an interim plan of the right of way satisfactory to the Surveyor General;

(c) describe the land in the easement by reference to the plan submitted under paragraph (b) and not by metes and bounds.

(2) Until the final survey and plans, as required in section 24, are received and accepted, an interim plan as referred to in subsection (1), when approved by the Surveyor General, may be deposited in the land title office under the Land Title Act.

(3) Interim plans must bear a written undertaking by the company to complete the survey and to deposit an amended final plan as required in section 24.

Marking pipelines

26 (1) A company must mark with conspicuous standard signs on the limits of a public highway, surveyed road, road allowance or railway outside the boundaries of a city, town or village the place at which a pipeline enters and leaves or crosses under the public highway, surveyed road, road allowance or railway.

(2) The signs must be maintained by the company.

Mines protected

27 A company must not locate or construct its pipeline or a part of it, without the commission's authority, so as to obstruct or interfere with or injuriously affect the working of or access or entrance to a mine then opened, or for the opening of which preparations, at the time of the location of its pipeline, are being lawfully and openly made.

Leave required to work mines on right of way

28 (1) An owner, lessee or occupier of mines and minerals lying under a pipeline or works connected with it or within 36 m from it or a greater distance that may be prescribed with respect to a mineral, must not work the mines or minerals until leave has been obtained from the commission on recommendation of the minister responsible for the administration of the Mines Act, or in the case of oil or gas, leave to do so has been obtained from the commission on recommendation of the minister responsible for the administration of the Land Act.

(2) Despite subsection (1), leave is not required for a well taking oil or gas from land lying under a pipeline or works connected with it if the well is not drilled within 90 m of the pipeline.

(3) On an application for leave to work mines and minerals, the owner, lessee or occupier of the mines and minerals lying under a pipeline or works connected with it must

(a) submit a plan of the portion of the pipeline to be affected, and of the mining works or plant proposed to be constructed or operated which may affect the pipeline, and

(b) give all reasonable and necessary information and details as to the extent and character of the mining works or plant.

(4) The commission may

(a) grant the application on the terms for the protection and safety of the public the commission believes expedient, and

(b) order that other works be executed or measures taken that the commission believes best adapted to remove or diminish the danger arising or likely to arise from mining operations.

End of right of way defined

29 The right of way of a pipeline must end at a line drawn parallel to the mean centre line of any unsurveyed public road at a minimum distance from it of 10 m.

Crossing communications

30 (1) If leave is first obtained from the commission, a pipeline may be carried across a highway, railway, irrigation ditch, underground telegraph, telephone or electric power line or pipeline, and for that purpose may be constructed on, along or under it.

(2) On the application for leave, the applicant must submit to the commission the plans, profiles and other information the commission requires.

(3) The commission may grant the application in whole or in part, and on the terms considered appropriate.

Crossing pipeline

31 (1) A highway, private road, railway, irrigation ditch, drain, telegraph, telephone or electric power line or a pipeline may, by leave of the commission, be carried across a pipeline, and for that purpose may be constructed on, along or under or across the pipeline.

(2) On application for leave, the commission may grant the application in whole or in part, or on the terms considered appropriate.

Disposal or amalgamation of pipeline

32 Without the leave of the commission first having been obtained, a company must not do any of the following:

(a) sell, assign, transfer, convey or lease its pipeline or an interest in it, in whole or in part;

(b) enter into an agreement or contract for the

(i) amalgamation of its pipeline with that of another company, or

(ii) operation of its pipeline by another company;

(c) mortgage or otherwise create a charge on a pipeline or an interest in it.

Commission may rescind certificate

33 (1) The commission may rescind a certificate authorizing construction of a pipeline for failure of the company to comply with a provision of this Act.

(2) On rescission of a certificate by the commission, oil, gas, solids or water must not be carried by the pipeline until further order of the commission.

Penalties

34 Every person commits an offence against this Act and is liable on conviction to a fine not exceeding \$1 000 and, if the offence is of a continuing nature, to a fine not exceeding \$500 for each day the offence is continued, who

(a) contravenes a provision of this Act or regulations;

(b) neglects or refuses, without lawful excuse, to comply with an order made under section 39.

Power of minister to make regulations

35 (1) The minister may by certificate signed by the minister and sealed with the minister's seal of office make regulations referred to in section 41 of the Interpretation Act.

(2) Without limiting subsection (1), the minister may make regulations as follows:

(a) prescribing forms to be used by companies in making returns under and in complying with this Act;

(b) prescribing fees to be paid in respect of matters transacted by companies with the minister's ministry or the ministry of the minister responsible for the administration of the Transportation Act and matters in respect of which no express or only partial or imperfect provision has been made;

(c) prescribing fees to be paid by a company within the meaning of section 1 or 2, which operates a pipeline to which a provision of this Act applies, sufficient to cover the cost of all inspections of those pipelines made by an inspecting engineer for the purpose of carrying out a provision of this Act in respect of those pipelines;

(d) prescribing an annual fee to be paid by a company described in paragraph (c) in respect of the operations of its pipeline referred to in that paragraph.

Part 6 — Operation of Line

Leave of commission to open line

36 A company pipeline or a section of it must not be opened to transport oil, gas, solids or water until leave has been obtained from the commission.

Safety regulation

37 (1) To promote safety of operation of a company pipeline, the minister may

(a) order the company to repair, reconstruct or alter part of the line, and

(b) direct that, until the work has been done, that part of the line must not be used.

(2) The minister may make regulations for the protection of property and the safety of the public and of the company's employees in the operation of a company pipeline.

Spillage

38 (1) For the purpose of this section and section 39, "spillage" means oil or solids escaping, leaking or spilling from a pipeline or any source apparently associated with a pipeline.

(2) Every company must do all of the following:

(a) root out and destroy each year, before they have matured to seed, thistles and noxious weeds growing on its land adjacent to its pipelines;

(b) make every reasonable effort to prevent spillage;

(c) if spillage occurs, promptly

(i) remedy the cause or source of the spillage,

(ii) contain and eliminate the spillage, and

(iii) restore and reclaim any land or watercourse affected by the spillage;

(d) promptly report to the commission the location and severity of any

(i) spillage,

(ii) break, leak or malfunction causing or contributing to spillage,

(iii) break, leak or malfunction likely to cause or contribute to spillage, and

(iv) action taken or proposed to be taken under paragraph (b) or (c).

(3) Every person who is aware that spillage is occurring or likely to occur must

(a) make every reasonable effort to prevent or assist in preventing the spillage, and

(b) if the spillage, break, leak or malfunction has not been reported to the commission, immediately report it.

Measures to contain and eliminate spillage

39 (1) For the purpose of this section, "measures to contain and eliminate spillage" include all of the following:

(a) preventing spillage;

(b) repairing or remedying the cause or source of spillage;

(c) containing and eliminating spillage;

(d) restoring and reclaiming any land or watercourse affected by spillage.

(2) If spillage occurs or is in the commission's opinion likely to occur, and appropriate measures to contain and eliminate it satisfactory to the commission are not being carried out, the commission may do one or more of the following:

(a) order the company or any person who the commission believes is responsible for the spillage or the source or cause of likely spillage to do the things the commission considers necessary to implement and carry out measures to contain and eliminate spillage;

(b) enter on any land or watercourse and do the things the commission considers necessary to implement and carry out measures to contain and eliminate spillage;

(c) order

(i) any company,

(ii) any person between the ages of 16 and 60 years who is not physically unfit or exempt by regulation, and

(iii) the use of any equipment,

to assist in the implementation or carrying out of measures to contain and eliminate spillage;

(d) order that spillage be disposed of or sold in the manner the commission directs, and that proceeds of the sale be applied toward the cost of implementing or carrying out measures to contain and eliminate spillage.

(3) The commission may order any company or group of companies to prepare and implement, in a form and manner satisfactory to the commission, a program of measures to contain and eliminate spillage.

(4) If costs or expenses are incurred by the commission in implementing or carrying out measures to contain and eliminate spillage, the commission may do one or more of the following:

(a) order any person to pay or contribute to the costs and expenses;

(b) order that any person indemnify the government or any other person for costs or expenses paid by them;

(c) for the purpose of paragraph (a) or (b), direct the manner of payment or indemnification.

Part 7 — Oil Lines

Application to oil lines

40 This Part applies to company pipelines for the transportation of oil and to companies operating them.

Traffic, tolls, tariffs

41 The minister may make regulations with respect to all matters relating to traffic, tolls or tariffs.

Duty of common carrier

42 Subject to exceptions or conditions the British Columbia Utilities Commission approves, a common carrier must, according to its powers, without delay and with due care and diligence, receive, transport and deliver all oil offered for transportation by means of its company pipeline.

B.C. Utilities Commission power

43 The British Columbia Utilities Commission may require a common carrier to provide adequate and suitable facilities for receiving, transporting and delivering all oil offered for transportation by means of its company pipeline, and adequate and suitable facilities for storage of oil at the junction of its line with other pipelines.

Tolls must be approved

44 A common carrier must not charge a toll unless it is specified in a tariff that has been filed with the British Columbia Utilities Commission and is in effect.

Equal tolls to be charged

45 All tolls must be just and reasonable, and must always, under substantially similar circumstances and conditions with respect to all traffic of the same description carried over the same route, be charged equally to all persons at the same rate.

Disallowance and substitution

46 The British Columbia Utilities Commission may

(a) disallow a tariff or a portion of the tariff that it considers to be contrary to this Act or to a regulation and may

(b) require a company, within a specified time, to substitute for a disallowed tariff or a portion of it a tariff satisfactory to the British Columbia Utilities Commission, or

(c) specify other tolls in place of the tolls disallowed.

B.C. Utilities Commission may suspend

47 The British Columbia Utilities Commission may suspend a tariff or a portion of it before or after it goes into effect.

No discrimination in rates, service or facilities

48 A common carrier must not unjustly discriminate in rates, service or facilities against any person or locality.

Burden of proof

49 If it is shown that a common carrier discriminates in rates, service or facilities against a person or locality, the burden of proving the discrimination is not unjust lies on the common carrier.

Offence and penalty

50 A common carrier or an officer, employee or agent of it who

(a) offers, grants, gives, solicits, accepts or receives a rebate, concession or discrimination, or

(b) knowingly is party or privy to a false billing, false classification, false report or other device,

by which a person obtains transportation of oil by a common carrier at a rate less than that named in the tariffs then in force, commits an offence and is liable on conviction to a fine not exceeding \$10 000.

Terms of carriage

51 (1) Except as provided in this section, a contract, condition or notice made or given by a common carrier impairing, restricting or limiting its liability in respect of the transportation of oil does not relieve the common carrier from its liability, unless the class of contract, condition or notice has been first authorized or approved by regulation of the minister.

(2) The minister may, by regulation, determine the extent to which the liability of a common carrier may be impaired, restricted or limited.

(3) The minister may prescribe the terms under which oil may be carried by a common carrier.

B.C. Utilities Commission investigations

52 (1) The British Columbia Utilities Commission may investigate a matter arising under this Part.

(2) Despite anything to the contrary in the Utilities Commission Act

(a) the British Columbia Utilities Commission is authorized to exercise its powers under section 43 of the Utilities Commission Act, and

(b) where "public utility", "utility's" and "utility" are used in section 43 of the Utilities Commission Act, for the purposes of this Act, they mean "oil pipeline common carrier", "carrier's" and "carrier" respectively.

Part 8 — Gas Lines

Application to gas lines

53 This Part applies to company pipelines for the transportation of gas and to companies operating them.

Power of minister to order extension of services

54 (1) If action is necessary or desirable in the public interest, the minister may direct a company

(a) to extend or improve its transportation facilities to provide facilities for the junction of its company pipeline with a pipeline of, and sell gas to, a person or municipality engaged or legally authorized to engage in the local distribution of gas to the public, and

(b) for the purposes in paragraph (a) to construct branch lines to communities immediately adjacent to its company pipeline, if the minister finds that no undue burden will be placed on the company thereby.

(2) The minister may not compel a company to sell gas to additional customers if to do so would impair its ability to render adequate service to its existing customers.

Part 9 — Accounts

Returns

55 (1) Every person constructing or operating a pipeline to transport oil, gas or solids must prepare and furnish to the minister returns of its capital, traffic, revenues, expenses and all other information required by the minister.

(2) The returns required by subsection (1) must be signed and attested by the person or persons and must be made for the periods the minister directs.

Power of minister to make regulations

56 The minister may, by certificate signed by the minister and sealed with the minister's seal of office, make regulations with respect to one or more of the following:

- (a) the manner in which the accounts of a company must be kept;
- (b) the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation that must be charged with respect to each of the classes of property;
- (c) a uniform system of accounts applicable to a class of company;
- (d) exempting a person or equipment, or class of person or equipment, from complying with an order made under section 39 (2) (c).

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