

Abandonment of a Pipeline within a Highway Corridor

The Municipalities request that pipeline companies be required to physically remove the company's pipeline at the pipeline companies' expense when it is located within a highway corridor. There is limited space available within a municipal highway and allowing pipeline companies to abandon their pipeline in place is allowing the pipeline company to use the highway corridor as a 'landfill.'

Furthermore, the municipalities request the regulations be amended to allow municipalities to apply to the regulatory to trigger the pipeline company to abandon the pipeline. The current regulations do not incentivize the pipeline company from abandoning their pipelines which are no longer used and as a result the municipalities would like to have the ability to trigger abandonments of pipelines that are located within a highway corridor.

Pipeline Company Consent (Damage Prevention Regulations S.3(2))

There must be limitations imposed on the terms and conditions that can be imposed in a consent from the pipeline company. The pipeline companies practice has been to include conditions imposing indemnities, releases and other provisions related to liability all in favor of the pipeline company which have the effect of nullifying existing protections under the CER regulations as well as eliminating common law and other statutory defenses available to municipalities. Unless a prohibition is stated that prohibits such terms and conditions from being added, this pipeline company's practice will continue.

Highway versus Statutory Right of Way

The regulations should recognize the difference between highways and a statutory right of way (SROW).

The legal distinction between a registered highway and a SROW is significant for municipalities, especially concerning the rights and responsibilities associated with oil and gas pipelines. A registered highway is a public roadway that is officially designated for public use, granting municipalities the authority to manage and maintain it. This designation typically includes rights for public access and the installation of utilities, but it also imposes obligations on municipalities to ensure safety and accessibility.

In contrast, a statutory right of way is a specific legal agreement that allows an entity, such as an oil and gas company, to use a portion of land for a defined purpose, such as installing and operating pipelines. This right is typically granted by the landowner or through legislation and registered against the property title.

This creates a complex interplay between municipal authority and the rights of pipeline operators, often leading to concerns about infrastructure integrity, environmental impacts, and community safety. Understanding these differences is crucial for municipalities as they navigate their regulatory roles and advocate for the interests of their communities.

Previous 2016 City of Surrey and Township of Langley Submissions

To the extent issues raised in the attached 2016 City of Surrey and Township of Langley submissions have not been addressed, we repeat them here and as that they be addressed.

Considering the above, we trust that you will take necessary action and revise the draft regulations to address the concerns raised in this letter.

Yours truly,

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City of Surrey – Engineering Department

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Township of Langley – Engineering Division

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