



National Energy Board  
444 Seventh Avenue S.W.  
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Claudine Dutil-Berry,  
Secretary of the Board

April 6, 2009

Re: Proposed Damage Prevention Regulation – Draft Guidance Notes

CAPULC the Canadian Association of Pipeline and Utility Locating Contractors on behalf of our membership is pleased to have this opportunity to provide comment regarding the “*Proposed Damage Prevention Regulations and Draft Guidance Notes, February 2009*”

Recognizing that damage prevention is at best a complicated subject with numerous avenues to consider we applaud the efforts of those involved thus far. The implications of these regulations has far reaching effects across Canada with potential to impact the locate industry. With that in mind we offer the following observations in the hope that it will lead to improvement in the damage prevention process.

**Proposed Regulatory Text Section 3 — Members of one-call centre**

If a pipeline company has a pipeline within a geographical area where a one-call centre exists, the pipeline company shall be a member of that centre.

*We applaud this recommendation. There is agreement throughout CAPULC membership that any buried facility owner shall be a member of a one-call organization.*

## **Proposed Regulatory Text Section 5 – Standards for locates**

The pipeline company shall develop, implement and maintain standards for locates of pipelines including

- a) The required qualifications and competencies for locators;
- b) The type and quantity of surface marking to be used
- c) The procedures for establishing the depth of cover over the pipe; and
- d) The identification to be given to locator's

*As the association accepting responsibility for establishing standards, recognized practices, determining training requirements and working towards the establishment of competency criteria for the locate industry our membership has voiced concern over this statement. Although not opposed to individual pipeline companies developing their own internal locate practices; CAPULC would like to encourage the pipeline companies work with the association for the further enhancement of standardized Locating Industry Recognized Practices (LIRP's) applicable to their pipelines.*

*To have individual pipeline companies defining locator qualifications and competencies may only serve to widen the gap on the efforts for standardization. What may be acceptable practice within one company may not be recognized by another. To suggest each individual pipeline owner create and develop their own standards for qualifications and competency could be very difficult if at all manageable. Perhaps consideration may be given to directing individual pipeline owners to CAPULC which has established the qualifications and competencies for locators through the Canadian Locator Technician Standards.*

## **Proposed Regulatory Text Section 8 — Locate request for ground disturbance**

### **From Guidance Notes:**

#### **Time Period**

Unless otherwise specified, locate reports are considered valid for a period of thirty days after a locate has been completed or until such time as the markings no longer provide clear direction on facility location (whichever occurs sooner)

*It appears the lack of consensus across Canada; regarding the lifespan of locates, causes confusion among those involved in ground disturbance activities. This results in missed communications, work being performed which is not in compliance with regulatory requirements etc. Consideration should be given to review of this practice and further the alignment of the time period for the life of a locate across Canada. The document: "Damage Prevention Process in Alberta- Roles, Responsibilities and Expectations of the Stakeholders in the Prevention of Damage to Buried Facilities" is one which offers excellent guidance.*

The following are general comments received for consideration.

- *Language interpretation is at times difficult (not clear)*
- *Regulations restricting vehicle movement may have implications which produce undesirable results*
- *In general the whole damage prevention process can be quite daunting without clear direction. The expectation is for regulations to add clarity and guidance.*
- *Consideration should be given to aligning the regulations with those available in some of the provinces; consistency across the country would be beneficial for those working intra provincially.*

In closing we would like to offer our appreciation for participation in this process. Please contact CAPULC should you require any information or to discuss further any comments.

Thank you,

Dwayne Mayr,  
Co Chair: CAPULC