

Underground Infrastructure Safety Enhancement Act

Bill S-229

November 2016

Overview

Professional Surveyors Canada propose the following changes to Bill S-229 to better enhance the safety of the public and workers. It is imperative for the safety of the public and workers that common standards for buried utilities are used and well known. The positions below are considerate of that goal and allow for the reasonable use of the public of the extents and marking of their lands without undue hardship or risk of harm.

Table of Changes

- All additions and changes shown in green italics

Section 2 Definitions

Addition *Buried Depth means the vertical distance from the general surface of the ground to the top of any underground infrastructure.*

Addition *Survey means surveying by a licenced professional land surveyor to establish the horizontal and vertical position of an underground infrastructure as specified in CSA Standard S250.*

Section 4 Application

Addition *Operators installing underground infrastructure must install the infrastructure to a buried depth greater than the ground disturbance standard of 45 cm*

Addition *Operators installing underground infrastructure must survey and maintain records of the placement of a new underground infrastructure and this data shall be shared with the notification centre.*

Addition *Operators installing new underground infrastructure on private lands or where adjacent private lands may be affected by the maintenance of the new underground*

infrastructure shall cause an easement plan to be registered in the public registry of the jurisdiction of which the installation occurred.

Reasoning

Buried Depth

At a minimum the installation standard for new underground infrastructure should be more than the ground disturbance level. This is just common sense. Although we originally proposed using a 1 metre standard, if sufficient location and burial depth are known, then this can offset a lower standard for installation. It would be very hard to justify to the public why there is a ground disturbance depth standard in legislation, but not an installation depth standard. This looks bad, especially given the name of the act.

Survey

Without a guaranteed minimum depth of installation and no control on placement standards, then the only solution is to know where the underground installation is accurately to protect the public and workers. Thus the data is captured, and notification systems and property rights systems can be continually improved with almost no cost. Currently underground infrastructure companies are given legislative and liability protections without a corresponding legislative fiducial encumbrance. In reality this nets a benefits to one sector at the expense of another and does not benefit the public.

Private Lands

Currently pipelines and other underground infrastructure is being installed on private lands without notification. Similarly pipelines and other underground infrastructure is placed very near property lines where in order to service the infrastructure, private property must be damaged/disturbed to facilitate this service. At a minimum easement plans warning purchasers of these lands should exist so that all information about a property can be known. This avoids strikes, reduces potential harm and increases transparency with little to no cost.