

No. 90

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BILL 90

A Bill to amend The Pipe Line Act

HON. MR. MANNING

EDMONTON, ALBERTA
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1957

Explanatory Note

2. Section 2 defines terms to be used in the interpretation of the Act. The definition of Minister under this Act is changed from the Minister of Highways to the Minister of Mines and Minerals. Instead of a single definition of "pipe line", separate definitions are provided for "gas line" and "oil line", and "pipe line" is redefined to mean a gas line and an oil line or either of them.

BILL

No. 90 of 1957

An Act to amend The Pipe Line Act

(Assented to _____, 1957)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

PART I

1. *The Pipe Line Act, 1952*, being chapter 67 of the Statutes of Alberta, 1952, is hereby amended.

2. Section 2 is amended

(a) by adding immediately before clause (b) the following clause:

“(a) “flow line” means a pipe line serving to interconnect well heads, separators, treaters, field storage tanks or field storage batteries;”

(b) by adding immediately after clause (b) the following clause:

“(b1) “gas line” means a pipe line for the transportation of gas and includes all property of any kind required for the purpose of the gas line or in connection with or incidental to, the operation of the gas line, but does not include processing, refining, manufacturing or marketing pipe lines situated wholly within a plant property, or flow lines, or a distribution system for the distribution within a community of gas to ultimate consumers;”

(c) as to clause (c) by striking out the word “Highways” and by substituting the words “Mines and Minerals”,

(d) by adding immediately after clause (d) the following clause:

“(d1) “oil line”

“(i) means a pipe line for the transportation of oil or a pipe line for the transportation of water incidental to drilling for or production of oil or gas, or a pipe line for the transportation of any liquid products manufactured or obtained from oil or gas by any process or means whatsoever,

3. (a) New subsection (1a) added which will require publication of a notice of intention to make an application for a permit to construct a pipe line.

(b) Makes a change in terminology.

(c) Makes provision for proof of the publication of the notice under new subsection (1a).

(d) Requires copy of application to be filed with the Minister of Highways.

“(ii) includes all property of any kind required for the purpose of the pipe line or used in connection with or incidental to the pipe line, and, without restricting the generality of this subclause, includes tanks, tank batteries, surface reservoirs, pumps, racks, storage, loading and other terminal facilities and all real property necessary therefor or used in connection therewith, but

“(iii) does not include processing, refining, manufacturing or marketing pipe lines situated wholly within a plant property, or flow lines;”,

(e) clause (f) is struck out and the following is substituted:

“(f) “pipe line” means a gas line and an oil line or either of them;”.

3. Section 4 is amended

(a) by adding immediately after subsection (1) the following subsection:

“(1a) Unless otherwise ordered by the Minister, a notice of intention to make the application, in Form 1 in the Schedule, together with a plan on a readable scale or on the scale which the Minister may by regulations prescribe, showing the proposed route of the pipe line or a list of the legal subdivisions on the proposed route of the pipe line, shall be published each week for at least two consecutive weeks in a newspaper published in each locality through which the pipe line is to pass, or if there is no such newspaper in some newspaper circulating in such locality, and the last of such publications of the notice shall be at least one week before the date fixed for the application.”,

(b) as to subsection (2), clause (c) by striking out the words “gate valves, check valves” and by substituting the words “metering facilities”,

(c) by striking out subsection (3) and by substituting the following:

“(3) An applicant for a permit shall forward satisfactory proof of compliance with subsection (1a) and all such plans and information in addition to that provided for in subsection (2) as the Minister or The Petroleum and Natural Gas Conservation Board may require.”,

(d) by adding immediately at the end of subsection (4) the words “and the Minister of Highways”.

4. Section 5 presently reads:

"5. The Petroleum and Natural Gas Conservation Board shall notify the Minister whether it approves or disapproves of the pipe line and may recommend to the Minister such changes and alterations in the plan and its details as the Board deems expedient."

5. Section 6 presently reads:

"6. (1) Upon considering the application, the Minister shall have regard to all the circumstances which appear to him to be relevant and in particular, but not so as to limit the generality of the foregoing, shall have regard to

"(a) the recommendation of The Petroleum and Natural Gas Conservation Board;

"(b) the financial responsibility of the applicant;

"(c) the objection of an interested party;

"(d) any public interest that, in the opinion of the Minister, may be affected by the granting or refusal of the application;

"(e) the needs and general good of the residents of the Province as a whole.

"(2) The Minister may make such changes and alterations in the plan and in the details as he may deem expedient, and may in particular require that the pipe line shall be of any size or capacity.

"(3) The decision of the Minister as to whether a person is or is not a party interested within the meaning of clause (c) of subsection (1) is final."

6. Subsection (1) presently reads:

"7. (1) The Minister may grant a permit to construct a pipe line in accordance with the plan and details originally forwarded to him, or as changed or altered by him, as the case may be, and subject to such conditions as he may express in the permit, or he may refuse to grant the permit."

4. Section 5 is struck out and the following is substituted:

“5. In the case of a gas line, The Petroleum and Natural Gas Conservation Board shall notify the Minister whether it approves or disapproves thereof and may recommend to the Minister such changes and alterations in the plan and in the details as the Board deems expedient, and in the case of an oil line, the Board shall notify the Minister of any objections it may have thereto.”

5. Section 6 is struck out and the following is substituted:

“6. (1) When he is considering the application, the Minister may have regard to

“(a) in the case of a gas line

“(i) any approval or disapproval and any recommendations of The Petroleum and Natural Gas Conservation Board and any recommendations or objections of the Minister of Highways,

“(ii) the financial responsibility of the applicant,

“(iii) the objection of an interested party,

“(iv) any public interest that, in the opinion of the Minister, may be affected by the granting or refusal of the application, and

“(v) the needs and general good of the residents of the Province as a whole,

and

“(b) in the case of an oil line

“(i) any objections of The Petroleum and Natural Gas Conservation Board and any recommendations or objections of the Minister of Highways, and

“(ii) any objection of any person having any interest in the surface of the land along the route of the proposed oil line.

“(2) The Minister may make such changes and alterations in the plan and details of a gas line as he may deem expedient, and may in particular require that the gas line shall be of any size or capacity.

“(3) The Minister may make such changes and alterations in the route of an oil line as he may deem expedient.

“(4) The decision of the Minister as to whether a person is or is not, an interested party within the meaning of subclause (iii) of clause (a), or subclause (ii) of clause (b), of subsection (1) is final and not subject to review in any court of law.”

6. Section 7 is amended by striking out subsection (1) and by substituting the following:

“7. (1) The Minister may grant a permit to construct a gas line in accordance with the plan and details originally

7. Section 10 presently reads:

"10. Notwithstanding the other provisions of this Act, the Minister, at the request of The Petroleum and Natural Gas Conservation Board, shall grant a permit to construct a pipe line in any case where The Petroleum and Natural Gas Conservation Board has made an order for the construction of a pipe line under section 42 of The Oil and Gas Resources Conservation Act, 1950."

8. Self-explanatory.

9. This addition will exempt certain pipe lines from the provisions of the Act, except Part II relating to the taking and using of land, and permit others to be exempted.

forwarded to him, or as changed or altered by him, as the case may be, and subject to such terms and conditions as he may express in the permit or he may refuse to grant the permit.

“(1a) The Minister may grant a permit to construct the oil line applied for subject to such terms and conditions as he may express in the permit.”.

7. Section 10 is amended by striking out the words “construct a pipe line” and by substituting the words “construct a gas line”.

8. Section 23 is amended by adding immediately after subsection (2) the following subsection:

“(3) Notwithstanding anything contained in this Act, where a permittee, at the time he is ready to begin operating a pipe line constructed under the authority of a permit issued under Part I, has not been able to comply fully with the requirements of this Act, and the regulations, respecting the obtaining of a declaratory order, the Board of Public Utility Commissioners may, if the Board deems it advisable to do so, grant to the permittee an interim operating permit authorizing the permittee to operate the pipe line subject to his complying within a reasonable period with such of the requirements of this Act or the regulations as have not been complied with theretofore.”.

9. The following new Part is added immediately after section 23:

“PART IV

“EXEMPTIONS

“**23a.** (1) In this section,

“(a) “gathering line” means a pipe line that is within a field as defined in *The Oil and Gas Resources Conservation Act, 1950*, and that is used for the collection of oil, gas or water within the field;

“(b) “service line” means a pipe line that is within a field as defined by *The Oil and Gas Resources Conservation Act, 1950*, and that is used for the transportation of oil, gas or water to a well head, drilling rig, surface pit, or service tank within the field.

10. Self-explanatory.

11. Section 30 reads as follows:

"30. (1) No owner, lessee or occupier of mines and minerals lying under a pipe line or any of the works connected therewith or within forty yards therefrom or such greater distance that may be prescribed with respect to any mineral, shall work the mines or minerals until leave to do so has been obtained from the Minister, or in the case of oil or gas leave to do so has been obtained from The Petroleum and Natural Gas Conservation Board.

"(2) Notwithstanding the provisions of subsection (1), leave shall not be required in the case of a well taking oil or gas from lands lying under a pipe line or any of the works connected therewith, if the well is not drilled within three hundred and thirty feet of the pipe line.

"(3) Upon an application for leave to work mines and minerals the owner, lessee or occupier of the mines and minerals lying under a pipe line or any of the works connected therewith, shall submit a plan of the portion of the pipe line to be affected thereby, and of the mining works or plant proposed to be constructed or operated which may affect the pipe line, and shall give all reasonable and necessary information and details as to the extent and character of the mining works or plant.

"(4) The Minister, or The Petroleum and Natural Gas Conservation Board, as the case may be, may grant the application upon such terms and conditions for the protection and safety of the public as to the Minister or to the Board seems expedient, and may order that such other works be executed or measures taken, as under the circumstances appear to the Minister or to the Board best adapted to remove or diminish the danger arising or likely to arise from mining operations."

12. Subsection (1) of section 33 begins:

"33. (1) The Lieutenant Governor in Council may make regulations
"(a)"

“(2) Except as to Part II, section 33 and this section, the provisions of this Act do not apply to tanks, surface reservoirs, service lines, gathering lines and real property required therefor, and for the purposes of Part II the person intending to install any such facilities shall be deemed to be the holder of a permit.

“(3) Part II does not apply to tanks, surface reservoirs, service lines, gathering lines and real property where the right of entry, user or taking of the surface of land required therefor is obtained under *The Right of Entry Arbitration Act, 1952*.

“(4) The owner of any gathering line or service line shall forward to the Minister within sixty days of the date such line is placed in operation, a plan on a readable scale, or on the scale which the Minister may by regulations prescribe, showing the location of the line.

“(5) The Minister may by order exempt an oil line, a temporary gas line or a part of such a pipe line not exceeding in any one case ten miles in length from any or all of the provisions of this Act, other than Part II, and in the order may impose such terms and conditions as he deems advisable, but for the purposes of Part II the person on obtaining the order for any such pipe line shall be deemed to be the holder of a permit.”.

10. The heading “Part IV” before section 24 is struck out and the heading “Part V” substituted.

11. Section 30 is repealed.

12. Section 33, subsection (1) is amended

- (a) by relettering clauses (a) to (m) as clauses (b) to (n) respectively,
- (b) by adding immediately before the relettered clause (b) the following clause:

14. Relates the amendments to the 1955 Revision.

- “(a) providing for the regulation and control of the operations of any pipe line and anything incidental thereto including, but not so as to limit the generality of the foregoing, the prescribing of
 - “(i) the number, capacity and nature of storage tanks required for the operation of any pipe line,
 - “(ii) the methods of gauging the oil or gas in such storage tanks,
 - “(iii) the types and gravities of oil or gas which may be transported through any pipe line, and
 - “(iv) the methods of measuring the quantity of oil or gas transported.”.

13. The following Schedule is added immediately after section 37:

“SCHEDULE

“FORM 1

“(Section 4)

“PUBLIC NOTICE UNDER THE PIPE LINE ACT, 1952

“TAKE NOTICE that intends to make application on or after A.D. 19..... to the Minister of Mines and Minerals for a permit to construct a.....line along the route shown on the accompanying plan or crossing over the lands indicated on the accompanying list.

Any objection to the route of the pipe line must be filed in writing with the Minister of Mines and Minerals at Edmonton, Alberta, and with The Petroleum and Natural Gas Conservation Board at Calgary, Alberta, on or before the said date.

Dated at.....this.....day of..... A.D. 19.....

.....
Applicant”.

PART II

14. *The Pipe Line Act*, being chapter 234 of the Revised Statutes of Alberta, 1955, is hereby amended.

15. The Act is amended by striking out the words “Petroleum and Natural Gas Conservation Board” wherever they occur throughout the Act and by substituting the words “Oil and Gas Conservation Board”.

16. Section 2 is amended

- (a) by adding immediately before clause (a) the following clause:
 - “(a) “flow line” means a pipe line serving to interconnect well heads, separators, treaters, field storage tanks or field storage batteries;”,
- (b) by relettering the present clause (a) as clause (a1),
- (c) by adding immediately after the relettered clause (a1) the following clause:
 - “(a2) “gas line” means a pipe line for the transportation of gas and includes all property of any kind required for the purpose of the gas line or in connection with or incidental to, the operation of the gas line, but does not include processing, refining, manufacturing or marketing pipe lines situate wholly within a plant property, or flow lines, or a distribution system for the distribution within a community of gas to ultimate consumers;”,
- (d) as to clause (b), by striking out the word “Highways” and by substituting the words “Mines and Minerals”,
- (e) by adding immediately after clause (c) the following clause:
 - “(c1) “oil line
 - “(i) means a pipe line for the transportation of oil, or a pipe line for the transportation of water incidental to drilling for or production of oil or gas, or a pipe line for the transportation of any liquid products manufactured or obtained from oil or gas by any process or means whatsoever,
 - “(ii) includes all property of any kind required for the purpose of the pipe line or used in connection with or incidental to the pipe line, and, without restricting the generality of this subclause, includes tanks, tank batteries, surface reservoirs, pumps, racks, storage, loading and other terminal facilities and all real property necessary therefor or used in connection therewith, but
 - “(iii) does not include processing, refining, manufacturing or marketing pipe lines situated wholly within a plant property, or flow lines;”,
- (e) clause (d) is struck out and the following is substituted:
 - “(d) “pipe line” means a gas line and an oil line or either of them;”.

17. Section 4 is amended

- (a) by adding immediately after subsection (1) the following subsection:

“(1*a*) Unless otherwise ordered by the Minister, a notice of intention to make the application, in Form 1 in the Schedule, together with a plan on a readable scale or on the scale which the Minister may by regulations prescribe, showing the proposed route of the pipe line or a list of the legal subdivisions on the proposed route of the pipe line, shall be published each week for at least two consecutive weeks in a newspaper published in each locality through which the pipe line is to pass, or if there is no such newspaper in some newspaper circulating in such locality, and the last of such publications of the notice shall be at least one week before the date fixed for the application.”,

- (b) as to subsection (2), clause (b), subclause (iii), by striking out the words “gate valves, check valves” and by substituting the words “metering facilities”,
- (c) by striking out subsection (3) and by substituting the following:

“(3) An applicant for a permit shall forward satisfactory proof of compliance with subsection (1*a*) and all such plans and information in addition to that provided for in subsection (2) as the Minister or the Oil and Gas Conservation Board may require.”,

- (d) by adding immediately at the end of subsection (4) the words “and the Minister of Highways”.

18. Section 5 is struck out and the following is substituted:

“**5.** In the case of a gas line, the Oil and Gas Conservation Board shall notify the Minister whether it approves or disapproves thereof and may recommend to the Minister such changes and alterations in the plan and in the details as the Board deems expedient, and in the case of an oil line, the Board shall notify the Minister of any objections it may have thereto.”.

19. Section 6 is struck out and the following is substituted:

“**6.** (1) When he is considering the application, the Minister may have regard to

“(a) in the case of a gas line

“(i) any approval or disapproval and any recommendations of the Oil and Gas Conservation Board and any recommendations or objections of the Minister of Highways,

“(ii) the financial responsibility of the applicant,

- “(iii) the objection of an interested party,
- “(iv) any public interest that, in the opinion of the Minister, may be affected by the granting or refusal of the application, and
- “(v) the needs and general good of the residents of the Province as a whole,

and

“(b) in the case of an oil line

“(i) any objections of the Oil and Gas Conservation Board and any recommendations or objections of the Minister of Highways, and

“(ii) any objection of any person having any interest in the surface of the land along the route of the proposed oil line.

“(2) The Minister may make such changes and alterations in the plan and details of a gas line as he may deem expedient, and may in particular require that the gas line shall be of any size or capacity.

“(3) The Minister may make such changes and alterations in the route of an oil line as he may deem expedient.

“(4) The decision of the Minister as to whether a person is or is not an interested party within the meaning of subclause (iii) of clause (a), or subclause (ii) of clause (b) of subsection (1) is final and not subject to review in any court of law.”.

20. Section 7 is amended by striking out subsection (1) and by substituting the following:

“**7.** (1) The Minister may grant a permit to construct a gas line in accordance with the plan and details originally forwarded to him, or as changed or altered by him, as the case may be, and subject to such terms and conditions as he may express in the permit or he may refuse to grant the permit.

“(1a) The Minister may grant a permit to construct the oil line applied for subject to such terms and conditions as he may express in the permit.”.

21 Section 11 is struck out and the following is substituted:

“**11.** Notwithstanding any other provision of this Act, the Minister, at the request of the Oil and Gas Conservation Board, shall grant a permit to construct a gas line in a case where the Oil and Gas Conservation Board has made an order for the construction of a pipe line under section 46 of *The Oil and Gas Conservation Act*.”.

22. Section 23 is amended by adding immediately after subsection (2) the following subsection:

“(2a) Notwithstanding anything contained in this Act, where a permittee, at the time he is ready to begin operating a pipe line constructed under the authority of a permit issued under Part I, has not been able to comply fully with the requirements of this Act, and the regulations, respecting the obtaining of a declaratory order, the Board of Public Utility Commissioners may, if the Board deems it advisable to do so, grant to the permittee an interim operating permit authorizing the permittee to operate the pipe line subject to his complying within a reasonable period with such of the requirements of this Act or the regulations as have not been complied with theretofore.”.

23. The following new Part is added immediately after section 23:

“PART IV

“EXEMPTIONS

“**23a.** (1) In this section,

“(a) “gathering line” means a pipe line that is within a field as defined in *The Oil and Gas Conservation Act* and that is used for the collection of oil, gas or water within the field;

“(b) “service line” means a pipe line that is within a field as defined by *The Oil and Gas Conservation Act* and that is used for the transportation of oil, gas or water to a well head, drilling rig, surface pit, or service tank within the field.

“(2) Except as to Part II, section 33 and this section, the provisions of this Act do not apply to tanks, surface reservoirs, service lines, gathering lines and real property required therefor, and for the purposes of Part II the person intending to install any such facilities shall be deemed to be the holder of a permit.

“(3) Part II does not apply to tanks, surface reservoirs, service lines, gathering lines and real property where the right of entry, user or taking of the surface of land required therefor is obtained under *The Right of Entry Arbitration Act*.

“(4) The owner of any gathering line or service line shall forward to the Minister within sixty days of the date such line is placed in operation, a plan on a readable scale, or on the scale which the Minister may by regulations prescribe, showing the location of the line.

“(5) The Minister may by order exempt an oil line, a temporary gas line or a part of such a pipe line not exceeding in any one case ten miles in length from any or all of the provisions of this Act, other than Part II, and in the order may impose such terms and conditions as he

deems advisable, but for the purposes of Part II the person on obtaining the order for any such pipe line shall be deemed to be the holder of a permit.”.

24. The heading “Part IV” before section 24 is struck out and the heading “Part V” is substituted.

25. Section 30 is repealed.

26. Section 33, subsection (1) is amended

(a) by relettering clauses (a) to (m) as clauses (b) to (n) respectively,

(b) by adding immediately before the relettered clause (b) the following clause:

“(a) providing for the regulation and control of the operations of any pipe line and anything incidental thereto, including, but not so as to limit the generality of the foregoing, the prescribing of

“(i) the number, capacity and nature of storage tanks required for the operation of any pipe line,

“(ii) the methods of gauging the oil or gas in such storage tanks,

“(iii) the types and gravities of oil or gas which may be transported through any pipe line, and

“(iv) the methods of measuring the quantity of oil or gas transported,”.

27. The following Schedule is added immediately after section 36:

“SCHEDULE

“FORM 1

“(Section 4)

“PUBLIC NOTICE UNDER THE PIPE LINE ACT

“TAKE NOTICE that.....
intends to make application on or after.....
A.D. 19..... to the Minister of Mines and Minerals for a
permit to construct a.....line along the route shown
on the accompanying plan or crossing over the lands indicated on the accompanying list.

Any objection to the route of the pipe line must be filed in writing with the Minister of Mines and Minerals at Edmonton, Alberta, and with the Oil and Gas Conservation Board at Calgary, Alberta, on or before the said date.

DATED at.....this.....day of.....
A.D. 19.....

.....
Applicant”.

28. Part I and this section come into force on the day upon which this Act is assented to, and Part II, except this section comes into force and Part I is repealed on the day upon which the Revised Statutes of Alberta, 1955, come into force,

No. 90

THIRD SESSION
THIRTEENTH LEGISLATURE
5 ELIZABETH II
1957

BILL

An Act to amend The Pipe Line Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
