

**TransCanada  
Guidelines for Land Development**

**APPENDIX A: STANDARD CONDITIONS**

TransCanada's standard conditions for development near the right-of-way in Ontario

(Please note that these standard conditions are presently used mainly in Ontario. We expect to conduct a review of land development and planning practices in other provinces where TransCanada has facilities and revise and incorporate standard conditions wherever possible.)

*Appropriate conditions based on the proposed development or land use change are incorporated into any approval or permission granted by TransCanada PipeLines Limited (TransCanada). These include but are not limited to, draft subdivision approvals, subdivision agreements, agreements on title, as well as any other planning application. The wording in the following conditions is such that it can be used in a wide variety of documents, as the conditions are intended to advise third parties of TransCanada's requirements for development in close proximity to our facilities. The use of prescriptive language (shall, must, etc.) does not mean that in every case TransCanada has a legally enforceable right to require the use of or adherence to the conditions. Legal rights in most instances are limited to and arise out of the right of way.*

- 1) The conditions, restrictions or covenants specified by TransCanada PipeLines Limited (TransCanada) shall be registered against title in relation to the "Lands" and the plan by way of application to register conditions, restrictions or covenants, as applicable, pursuant to the Land Titles Act, or any amendments thereto.
- 2) The following conditions and restrictions specified by TransCanada shall be included in the subdivision agreement between the Municipality and the Owner.
- 3) All permanent structures and excavations shall be located at least 7m from the limits of TransCanada's right-of-way. Accessory structures and lots with side-yards abutting the right-of-way shall have a minimum setback of at least 3m from the limit of the right-of-way.
- 4) If a pipe replacement is necessary because of the subdivision proposal, temporary work room shall be granted to TransCanada on the terms and conditions to be (or as) negotiated. This work room will be adjacent to the existing easement and may be 15m wide. No grading or landscaping of the work room should be undertaken until the replacement has been completed.
- 5) All crossings of TransCanada's right-of-way by roads, access ramps, trails or pathways, and above or below ground services and utilities must have TransCanada's prior authorization. The crossing applicant will be required to sign a crossing agreement which will be binding upon all subsequent owners of the crossing. Furthermore, in accordance with the National Energy Board Act, an applicant is required to obtain crossing approval from the CSE in Calgary before final registration of the subdivision and before the start of any work within the subdivision. The owner agrees to meet all clearances and design requirements outlined in the crossing agreement and the NEB Pipeline Crossing Regulations. Note: also include condition 15.
- 6) Wells or septic systems must not be located on TransCanada's right-of-way.
- 7) Any grading not otherwise permitted by the NEB Act or Crossing Regulations Part I, that will affect the right-of-way or drainage onto it, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading activities on the

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right-of-way will only be permitted when a TransCanada representative is present to inspect and supervise them.

- 8) The Owner shall contact TransCanada for written approval prior to commencement of construction works for any blasting undertaken within 300m of the right-of-way. Prior to any blasting being undertaken within 60m of the right-of-way, a report on the methods and charges to be used must be prepared, at the owner's expense, by a qualified blasting engineer and submitted for TransCanada's written approval. Blasting within 30m of a federally regulated pipeline is prohibited by the NEB (National Energy Board)
- 9) Permanent fencing shall be erected and maintained by the Owner on **(specify location)** side of TransCanada's right-of-way. The fence erected must meet TransCanada's and the Municipality's specifications concerning type, location, and height. The Owner shall notify TransCanada 3 business days prior to any excavation for fence posts located on or within 30m of the pipeline right-of-way.
- 10) TransCanada will install markers to identify the location of its facilities and right-of-way. TransCanada's Regional Office may approve alternate signage to identify the pipeline right-of-way. (Please refer to TOP No 003672389 Pipeline Locating and Marking Procedure)
- 11) TransCanada's right-of-way shall be seeded and dedicated to the Municipality as passive open space or parkland subject to TransCanada's easement rights. TransCanada's right-of-way shall be identified on all municipal plans and schedules as a pipeline/utility corridor
- 12) Section 112 of the National Energy Board Act requires that anyone excavating with power-operated equipment or explosives within 30m of the pipeline must obtain leave from the National Energy Board (NEB) before starting any work. To satisfy this NEB requirement, you may send your request for leave directly to TransCanada with supporting information explaining how the work will be carried out. Once you obtain written approval for your excavation request, you must notify TransCanada at 1-800-827-5094 three business days before the start of any excavation using power-operated equipment and seven business days before the use of explosives within 30m of the pipeline right-of-way limits.
- 13) No fill or building material may be stored on the pipeline easement before, during or after construction unless prior written approval is obtained from TransCanada
- 14) During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the owner(s) to prevent unauthorized access by heavy machinery. The fence erected must meet TransCanada's specifications concerning type, height and location. Please note that Section 112 of the NEB Act states that "...no person shall operate a vehicle or mobile equipment across a pipeline unless leave is first obtained from the company..." The Owner is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction
- 15) Notice must be given to TransCanada directly (1-800-827-5094) or through Ontario One Call (1-800-400-2255) a minimum of three business days before the start of any construction on or within 30m of the pipeline right-of-way and 7 business days minimum advance notice for any work involving explosives. (Please refer to TOP No 003671859 One Call Procedure)
- 16) Landscaping of TransCanada's right-of-way is to be approved in writing by TransCanada and done in accordance with TransCanada's Planting Guidelines.

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- 17) Vehicle barriers, of a design acceptable to TransCanada or as may be required by law, shall be installed across the width of the right-of-way, where public roads cross the right-of-way. The location of these barriers must be approved by TransCanada.
- 18) Any roads or streets designed to run parallel to our right-of-way, must not have any portion of the road allowance limits located within the pipeline right-of-way.
- 19) TransCanada will be performing an engineering assessment on this site to determine whether or not a pipe replacement will be necessary. TransCanada is regulated by the National Energy Board Act and CSA Code Z662. If this development increases the population density in the area, TransCanada may be required to replace its pipeline to comply with Code Z662. Therefore, a development or site plan must be submitted to TransCanada at the applicant's earliest convenience to enable TransCanada to determine whether a pipe replacement is required and to allow TransCanada enough time to make the necessary arrangements with the owner, the National Energy Board and any other interested parties.
- 20) TransCanada has existing cathodic protection test stations in the area. They are fully operational at this time and will be tested following construction. Any damages due to construction must be repaired at the owner's expense.
- 21) When an owner requests changes in the configuration of TransCanada's pipeline, he or she must enter into an agreement with TransCanada to pay for all costs associated with the required configuration changes to the pipelines. The specific terms and conditions of the agreement shall be negotiated prior to final execution. This agreement must be executed by both parties prior to approval of the final plan for registration.
- 22) The Owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing conditions.
- 23) The developer or owner must invite TransCanada to a pre-job meeting prior to any construction at this site. At this meeting, TransCanada must be given the opportunity to make a presentation to all job supervisors responsible for construction on this project. This presentation will be a maximum of 30 minutes in length.
- 24) TransCanada's prior approval must be obtained for the Site Plans for the permanent structures to be erected on lots \_\_\_\_\_ and/or Blocks \_\_\_\_\_, which are encumbered by, or are adjacent to TransCanada's right-of-way.
- 25) Three copies of any registered plans for this subdivision and a registered copy of the subdivision agreement must be sent to TransCanada.
- 26) The Owner shall include notice of the following in all offers of purchase and sale:
  - a) notice of the easement agreement registered against the property (or near the property) which may affect development activities on the property;
  - b) notice of the 30m safety zone (Section 112 of the National Energy Board Act) as regulated by the National Energy Board;
  - c) the number of high pressure natural gas pipelines within the easement and the location of the easement in relation to the development;
  - d) the setback for all permanent structures and excavations from the limits of the right-of-way;

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- e) notice that this site is located approximately \_\_\_\_m from a TransCanada compressor station.  
There may be continuous or intermittent industrial noise associated with this facility (use only if applicable); and,
  - f) the regional office contact number (1-800-827-5094)
- 27) All display plans in the lot/home sales office shall identify the TransCanada pipeline right-of-way corridor within the proposed linear park block(s).
- 28) The Owner shall pursue, in good faith, an amendment to the by-law for the subject property which includes the following clause: "All permanent structures and excavations must be located at least 7m from the limits of TransCanada's right-of-way".