

August 14, 2020

VIA ELECTRONIC FILING
ORIGINAL BY COURIER

Canada Energy Regulator
Suite 210, 517 – 10th Avenue SW
Calgary, AB T2R 0A8

Attention: Mr. Jean-Denis Charlebois, Secretary of the Commission

Dear Mr. Charlebois:

**Re: Trans Mountain Pipeline ULC (“Trans Mountain”)
Trans Mountain Expansion Project (“Project”) and Westridge Delivery Line Relocation
OF-Fac-Oil-T260-2013-03 63 and OF-Fac-Oil-T260-2013-03 61
City of Burnaby (“Utility Owner”)
Utility Crossings shown in Crossing Drawing No. M002-XH12651 (“Crossing”)
Request for Leave to Amend Section 217 Application for Crossing Order (“Application”)**

Trans Mountain filed the Application requesting an order authorizing subsurface construction relative to the Crossing with the Canada Energy Regulator (“**Regulator**”) on July 21, 2020, and uploaded a copy of the same to the Regulator’s e-filing system on July 22, 2020 ([C07466](#)). The Application was properly served on the Utility Owner effective July 22, 2020 ([C07552](#)). The Application was filed and served concurrently with other applications filed pursuant to sections 217 and 324 of the *Canadian Energy Regulator Act* for crossing and right of entry orders (collectively, the “**Applications**”)¹ required for the construction of the Burnaby Mountain Tunnel portion of the Project.

By letter dated August 7, 2020 ([C07732](#)), Trans Mountain advised the Regulator that an agreement had been reached with the Utility Owner to amend the Application by consent and requested that the Commission of the Regulator (“**Commission**”) stay its review of the Application pending receipt of the amended Application documents.

Trans Mountain hereby requests leave of the Commission pursuant to subsection 10(1)(b) of *the National Energy Board Rules of Practice and Procedure*, 1995, SOR/95-208 to make amendments to the following Application documents with consent of the Utility Owner:

- (a) the recitals and paragraphs 1, 8 and 10(a) of the Application for Crossing Order dated July 21, 2020, as shown in the blackline comparison and clean copy of the amended Application attached hereto as **Schedules C** and **D**, respectively; and
- (b) section 3 and Appendix “B” of the Schedule attached as Exhibit “C” to the Application for Crossing Order dated July 21, 2020, as shown in the blackline comparison and clean copy of the amended Schedule attached hereto as **Schedules E** and **F**, respectively

(together with the Amended Application, the “**Amendments**”).

¹ A complete list of the section 324 Applications for right of entry relative to the Burnaby Mountain Tunnel, and the corresponding CER filing numbers, is attached as **Schedule A** to this letter. Additionally, a complete list of the section 217 Applications for crossing orders relative to the Burnaby Mountain Tunnel, and the corresponding CER filing numbers, is attached as **Schedule B** to this letter.

Trans Mountain and the Utility Owner have agreed to the Amendments in order to sufficiently address the unique nature of the Burnaby Mountain Tunnel and Trans Mountain's commitment to avoid ground disturbance on or tree removal from the surface of the Burnaby Mountain Conservation Area and subject lands.

A detailed summary of the Amendments, including a pinpoint reference to the original language in the Application document, a comparison of the amended or additional language,² as well as a statement explaining the nature of the amendment has been provided in the following chart:

Amended Document	PDF Reference	Original Language	Amended or Additional Language	Nature of Amendment
Application	PDF 9, recital	" AND IN THE MATTER OF an Application by Trans Mountain Pipeline ULC (" Trans Mountain ") pursuant to subsection 217(2) of the Act for an Order granting Trans Mountain an immediate right to construct the Project and the WDL on, over, along or under the utility described herein"	" AND IN THE MATTER OF an Application by Trans Mountain Pipeline ULC (" Trans Mountain ") pursuant to subsection 217(2) of the Act for an Order granting Trans Mountain an immediate right to construct the Project and the WDL on, over, along or under the utility described herein"	To reflect that crossing on or over the subject utility is not required due to the Burnaby Mountain Tunnel depth.
Application	PDF 10, paragraph 1	"Trans Mountain hereby applies to the Canada Energy Regulator (" Regulator " or " CER "), pursuant to subsection 217(2) of the Act and in accordance with the Information Letter issued by the Regulator on December 5, 2019 (" Information Letter "), for an order (" Crossing Order ") granting Trans Mountain an immediate right to construct the Project and the WDL on, over, along or under the utilities of the Utility Owner as shown in the drawings attached as Exhibit "D" (" Utility ") on those portions of the lands shown in the Schedule attached as Exhibit "C" to this Application (" Lands ")."	"Trans Mountain hereby applies to the Canada Energy Regulator (" Regulator " or " CER "), pursuant to subsection 217(2) of the Act and in accordance with the Information Letter issued by the Regulator on December 5, 2019 (" Information Letter "), for an order (" Crossing Order ") granting Trans Mountain an immediate right to construct the Project and the WDL on, over, along or under the utilities of the Utility Owner as shown in the drawings attached as Exhibit "D" (" Utility ") on those portions of the lands shown in the Schedule attached as Exhibit "C" to this Application (" Lands ")."	Same as above.
Application	PDF 10, paragraph 8	"Trans Mountain requires the immediate right to construct the Project and the WDL on, over, along or under the Utility in order to commence construction of the Project and relocation of the WDL. Construction is anticipated to commence on the Lands on or about August 14, 2020."	"Trans Mountain requires the immediate right to construct the Project and the WDL on, over, along or under the Utility in order to commence subsurface construction of the Project and relocation of the WDL. Construction is anticipated to commence on the Lands on or about August 14, 2020."	Same as above.

² Words that have been deleted from the Application document are marked as strikethrough, with new or additional language marked in bold (excluding defined terms already marked in bold in the original Application document).

Amended Document	PDF Reference	Original Language	Amended or Additional Language	Nature of Amendment
Application	PDF 11, paragraph 10(a)	“grant Trans Mountain an order authorizing the immediate construction of the Project and the relocation of the WDL on, over, along or under the Utility of the Utility Owner pursuant to subsection 217(2) of the Act; and”	“grant Trans Mountain an order authorizing the immediate subsurface construction of the Project and the relocation of the WDL on, over, along or under the Utility of the Utility Owner pursuant to subsection 217(2) of the Act; and”	To better reflect the subsurface construction of the Burnaby Mountain Tunnel at significant depth below the subject utility.
Exhibit “C”-Schedule	PDF 37, Section 3	N/A	“For greater certainty, in exercising the rights under Section 3, Trans Mountain shall not be permitted to cause any ground disturbance on or remove any trees from the surface of the Lands without consent of the Utility Owner unless otherwise required by the Canada Energy Regulator, its successors, or applicable law.”	To confirm Trans Mountain’s commitment to avoid ground disturbance on or tree removal from the surface of the Burnaby Mountain Conservation Area and subject lands.
Exhibit “C”-Schedule	PDF 37, Section 3	N/A	“Without limiting any other obligation of Trans Mountain under this Order, Trans Mountain, in exercising its rights under this Order, shall comply with the terms and conditions of any regulatory approval, order or certificate issued or imposed by the Canada Energy Regulator or its predecessor, the National Energy Board, as well as any legislation or regulation applicable to Trans Mountain.”	To confirm Trans Mountain’s commitment to comply with the terms and conditions of any other applicable approval, order, certificate or law.
Exhibit “C”-Schedule	PDF 42, Appendix “B” Defined Terms	“Pipeline” means pipelines for which Trans Mountain has approval under the CER Act for the transportation, storage and handling of oil, other liquid or gaseous hydrocarbons, and any products or by-products thereof together with all installations, equipment, fittings and facilities (including tunnel facilities) included in, associated with, appurtenant, affixed or incidental thereto, including all such pipes, drips, valves, fittings, connections, meters and cathodic protection equipment, and all fibre optic, telecommunication, electrical and rail facilities used for or in the operation and maintenance of the pipelines, whether below or above ground.	“Pipeline” means pipelines for which Trans Mountain has approval under the CER Act for the transportation, storage and handling of oil, other liquid or gaseous hydrocarbons, and any products or by-products thereof together with all tunnel infrastructure , installations, equipment, fittings and facilities (including tunnel facilities) included in, associated with, appurtenant, affixed or incidental thereto, including all such pipes, drips, valves, fittings, connections, meters and cathodic protection equipment, and all fibre optic, telecommunication, electrical and rail facilities used for or in the operation and maintenance of the pipelines, whether below or above ground.	To align wording with that of the definition of “pipeline” used in the right of entry application documents.

Trans Mountain respectfully requests leave of the Commission to make the above-referenced Amendments to the Application and for the Commission to immediately resume processing of the Applications.

As stated in the Application and in the notice of the Application provided to the Utility Owner,³ Trans Mountain requires timely authorization of the Crossing for construction of the Burnaby Mountain Tunnel portion of the Project, and to meet its customer commitments. Trans Mountain further notes that the Utility Owner has not objected to the Application and has agreed to the submission of this request to amend the Application by consent. Trans Mountain therefore respectfully requests that, to the extent possible, the Commission expedite its review of the Application and the subject amendments.

In parallel with this request, Trans Mountain will proceed to email a copy of the amended schedule in MS Word format to TMX.ProcessHelp@cer-rec.gc.ca including a cover letter with the REGDOCS document number of the original Application filing in accordance with the Information Letter of the Commission dated December 5, 2019.

Should the Commission require any additional information, please do not hesitate to contact the undersigned.

Regards,



Alain Parisé, Director, Land

cc. May Leung, City of Burnaby
Deepak Dattani, City of Burnaby
Imola Fernando, City of Burnaby
Greg McDade, Ratcliff & Company LLP
Karl Stephan, Ratcliff & Company LLP
Simon Turner, Ratcliff & Company LLP

³ Timely authorization of the Crossing was addressed in the Notice of the Application dated July 7, 2020, attached as Exhibit "A" to the Application.

Schedule A

List of Burnaby Mountain Tunnel Tracts – CER Act s. 324 Right of Entry

Tract Number	Short Legal Description	Application CER Filing No.
PC 7887	LOT 145 EXCEPT: FIRSTLY: PART DEDICATED ROAD ON PLAN LMP18081 SECONDLY; PART DEDICATED ROAD ON PLAN LMP18082 THIRDLY; PART DEDICATED ROAD ON PLAN LMP18083 FOURTHLY; PART SUBDIVIDED BY PLAN LMP30518 DISTRICT LOTS 31, 101, 102, 144, 147, 209, 210, 211, 212, 213 AND 214 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 27774	C07416
PC 7888	LOT 1 DISTRICT LOT 138 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP24406	C07417
PC 7890.01	LOT 26 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07418
PC 7890.02	LOT 25 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07419
PC 7890.09	SOUTH HALF LOT 2 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07420
PC 7890.11	NORTH HALF LOT 2 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07421
PC 7890.12	SOUTH HALF LOT 3 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07422
PC 7890.13	NORTH HALF LOT 3 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07424
PC 7890.14	LOT 4 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07425
PC 7890.15	LOT 5 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07426
PC 7890.16	LOT 6 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07427
PC 7890.17	LOT 7 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07429
PC 7890.18	LOT 8 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07431
PC 7891	LOT 1 DISTRICT LOT 207 AND 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP24405	C07432
PC 7891.04	NORTH HALF LOT 5 BLOCK 22 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07434
PC 7891.28	LOT 4 BLOCK 22 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07435

Tract Number	Short Legal Description	Application CER Filing No.
PC 7891.031	LOT 3 BLOCK 22 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07436
PC 7891.032	SOUTH HALF LOT 5 BLOCK 22 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07423
PC 7891.35	LOT 19 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07428
PC 7891.36	SOUTH HALF LOT 18 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07433
PC 7891.37	NORTH HALF LOT 18 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07437
PC 7891.38	LOT 17 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07440
PC 7891.39	LOT 16 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07444
PC 7891.41	LOT 15 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07449
PC 7891.411	SOUTH HALF LOT 14 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07438
PC 7891.412	NORTH HALF LOT 14 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07439
PC 7891.413	SOUTH HALF LOT 13 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07441
PC 7891.51	NORTH HALF LOT 11 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07450
PC 7891.52	SOUTH HALF LOT 12 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07447
PC 7891.53	NORTH HALF LOT 12 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501	C07448
PC 7980	PORTIONS OF BLOCK 2 EXCEPT, FIRSTLY: PARCEL "J" (EXPLANATORY PLAN 11574) SECONDLY: PART IN PLAN 11548 THIRDLY: PARCEL "G" (REFERENCE PLAN 12015) FOURTHLY: PART IN PLAN 13382 FIFTHLY: PARCEL "J" (REFERENCE PLAN 14305) SIXTHLY: PART IN PLAN 28637 SEVENTHLY: PART IN PLAN 38021 EIGHTHLY: PART IN PLAN LMP18313 NINTHLY: PART (2.673 ACRES) SRW PLAN 15900 DISTRICT LOT 216 NEW WESTMINSTER DISTRICT PLAN 3083	C07442
PC 8193	LOT 1 DISTRICT LOTS 215 AND 216 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP45892	C07443

Tract Number	Short Legal Description	Application CER Filing No.
PC 8195	PARCEL "J" (EXPLANATORY PLAN 11574) BLOCK 2 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN 11055 SECONDLY: PART ON STATUTORY RIGHT OF WAY PLAN 15900 THIRDLY: PART IN PLAN LMP18313 DISTRICT LOT 216 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 3083	C07445
PC 8196	PARCEL "B" (PLAN WITH BYLAW FILED 12386) LOT 1 DISTRICT LOT 215 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 3575	C07446

Schedule B

List of Burnaby Mountain Tunnel Utility Crossings – CER Act s. 217 Right to Cross Utilities

The municipal roads and underground utilities located along the Burnaby Mountain Tunnel section of the Project (including the Westridge Delivery Line) that Trans Mountain has applied to cross are listed below by reference to the plan and profile drawing in which they appear. Alternating shaded and unshaded sets of rows reflect groupings of crossings shown in the same drawing. Each drawing (of which there are 7) is the subject of a single crossing application pursuant to s. 217 of the Act.

Drawing No(s).	Crossing ID	Description	Location (Crossing Area Centreline)	Application CER Filing No.
M002- XH12650/01	T12319.0	Burnaby Mountain Parkway	Between: Rem Lot 145 Plan 27774 [PID: 003-211-649 / Tract: 7887] & Lot 1 Plan LMP24406 [PID: 023-189-045 / Tract: 7888]	C07464
M002- XH12650/01 & M002- XH12650/02	U5554.0	Water Main	Between: Rem Lot 145 Plan 27774 [PID: 003-211-649 / Tract: 7887] & Lot 1 Plan LMP24406 [PID: 023-189-045 / Tract: 7888]	C07464
M002- XH12651/01	T4854.0	Burnaby Undeveloped Road Allowance (Curtis Street)	Between: Lot 1 Plan LMP24406 [PID: 023-189-045 / Tract: 7888] & Lot 26 Plan 2501 [PID: 012-753-611 / Tract: 7890.01]	C07466
M002- XH12651/01	T4855.0	Burnaby Road Right of Way (Unopened Lane 2)	Between: Lot 26 Plan 2501 [PID: 012-753-611 / Tract: 7890.01] & Lot 2 Plan 2501 [PID: 012-800-643 / Tract 7890.11]	C07466
M002- XH12653/01	T4856.0	Burnaby Undeveloped Road Allowance (Hoover Avenue)	Between: Lot 4 Plan 2501 [PID: 012-796-875 / Tract: 7891.28] & Lot 18 Plan 2501 [PID: 012-782-777 / Tract: 7891.36]	C07467
M002- XH12655/01	T12332.0	Centennial Way	Between: Lot 7 Plan 2501 [PID: 012-787-680 / Tract: 7890.17] & Lot 1 Plan LMP24405 [PID: 023-188-804 / Tract: 7891]	C07469
M002- XH12655/01 & M002- XH12655/02	U5555.0	Water Main	Between: Lot 6 Plan 2501 [PID: 012-767-026 / Tract: 7890.16] & Lot 1 Plan LMP24405 [PID: 023-188-804 / Tract: 7891]	C07469
M002- XH12660/01	T12324.0	Hastings Street	Between: Lot 1 Plan LMP24405 [PID: 023-188-804 / Tract: 7891] &	C07471

			Lot 4 Plan 2501 [PID: 012-796-875 / Tract: 7891.28]	
M002- XH12665/01	T4857.0	Burnaby Road Right of Way (Unopened Lane)	Between: Lot 14 Plan 2501 [PID: 012-796-859 / Tract: 7891.412] & Lot 12 Plan 2501 [PID: 012-782-483 / Tract: 7891.52]	C07473
M002- XH12665/01	T12337.0	Pandora Street	Between: Lot 12 Plan 2501 [PID: 012-796-727 / Tract: 7891.53] & Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193]	C07473
M002- XH12665/01 & M002- XH12665/02	U12333.0	Sanitary Pipe	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]	C07473
M002- XH12670/01 & M002- XH12670/02	U12311.0	Water Main	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]	C07476
M002- XH12670/01 & M002- XH12670/02	U5556.0	Water Main	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]	C07476
M002- XH12670/01	T12310.1	Barnet Road	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]	C07476
M002- XH12670/01 & M002- XH12670/02	U12308.1	Storm Water Main	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]	C07476
M002- XH12670/01 & M002- XH12670/02	U12338.1	Storm Water Main	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]	C07476
M002- XH12670/01	T12307.1	Inlet Drive	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193]	C07476

			& Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]	
M002- XH12670/01	T5078.0	Burnaby Undeveloped Road Allowance (Phillips Avenue)	Between: Parcel B: Plan with Bylaw Filed 12386) [PID: 017-847-745 / Tract: 8196] & Parcel J: Explanatory Plan 11574 [PID: 010-844-848 / Tract: 8195]	C07476

Schedule C

**Blackline Comparison of Original and Amended Application for Crossing Order dated July 21,
2020**

CANADA ENERGY REGULATOR

IN THE MATTER OF the *Canadian Energy Regulator Act*, SC 2019, c 28, s 10 (Canada), ("**Act**") and the regulations made thereunder;

AND IN THE MATTER OF Certificate OC-065, as amended, authorizing the construction and operation of the Trans Mountain Expansion Project ("**Project**");

AND IN THE MATTER OF Decision MH-048-2018 authorizing the relocation of the Westridge Delivery Line ("**WDL**");

AND IN THE MATTER OF an Application by Trans Mountain Pipeline ULC ("**Trans Mountain**") pursuant to subsection 217(2) of the Act for an Order granting Trans Mountain an immediate right to construct the Project and the WDL ~~on, over,~~ along or under the utility described herein.

TRANS MOUNTAIN PIPELINE ULC

APPLICATION FOR CROSSING ORDER

July 21, 2020

To: Secretary of the Commission
Canada Energy Regulator
Suite 210, 517 - 10th Avenue SW
Calgary, Alberta T2R 0A8

And to: City of Burnaby
4949 Canada Way
Burnaby, British Columbia
V5G 1M2
Attention: May Leung, City Solicitor
Deepak Dattani, Director, Corporate Services
Imola Fernando, Project Manager

("Utility Owner")

Crossing Application Pursuant to Subsection 217(2) of the Act

1. Trans Mountain hereby applies to the Canada Energy Regulator ("**Regulator**" or "**CER**"), pursuant to subsection 217(2) of the Act and in accordance with the Information Letter issued by the Regulator on December 5, 2019 ("**Information Letter**"), for an order ("**Crossing Order**") granting Trans Mountain an immediate right to construct the Project and the WDL ~~on, over,~~ along or under the utilities of the Utility Owner as shown in the drawings attached as Exhibit "D" ("**Utility**") on those portions of the lands shown in the Schedule attached as Exhibit "C" to this Application ("**Lands**").
2. On June 21, 2019, the National Energy Board issued Certificate OC-065 authorizing Trans Mountain to construct and operate the Project.
3. On May 15, 2020, the Commission of the Regulator ("**Commission**") issued Letter Decision MH-048-2018 authorizing Trans Mountain to construct and operate the WDL within the Burnaby Mountain Tunnel.
4. On July 7, 2020, Trans Mountain notified the Utility Owner of Trans Mountain's intent to file this Application and provided the Utility Owner with a copy of the Information Letter ("**Notice**") and the drawings attached as Exhibit "D". Trans Mountain hereby confirms that the Notice was served on the Utility Owner no less than 14 days prior to the date of this Application.
5. Trans Mountain requires the Crossing Order for the purposes of and pursuant to the rights, obligations, restrictions and terms and conditions described in Exhibit "C". The form of Exhibit "C" is proposed to be made a part of the Crossing Order sought by this Application.
6. Trans Mountain notes that *General Order No. 1 Respecting Crossing of Utilities By Pipelines* was issued by the National Energy Board on July 28, 1988 ("**General Order**"). A copy of the General Order is attached as Exhibit "E" to this Application. Trans Mountain submits that the conditions outlined in the General Order are substantially similar and complementary to the terms and conditions included in Exhibit "C", subject to the minor exceptions identified in Section 4(c) thereof.
7. As summarized in Exhibit "G" to this Application, Trans Mountain has attempted in good faith to negotiate an agreement with the Utility Owner for the necessary rights to cross the Utility and has been unsuccessful to date. The issues that Trans Mountain believes remain outstanding which form the basis for the inability to reach a voluntary agreement with the Utility Owner are also described in Exhibit "G".
8. Trans Mountain requires the immediate right to construct the Project and the WDL ~~on, over,~~ along or under the Utility in order to commence subsurface construction of the Project and relocation of the WDL. Construction is anticipated to commence on the Lands on or about August 14, 2020.
9. In support of this Application, and in accordance with the requirements of the Act, the General Order and the Information Letter, the following Exhibits are attached to and form part of this Application:

Exhibit "A" Copy of the Notice served in accordance with the Information Letter;

Exhibit "B" Proof of service of the Notice set out in Exhibit "A" in accordance with section 8 of the Rules;

Application for Crossing Order
Crossing Drawing No. M002-XH12651
Utility Owner: City of Burnaby

Exhibit "C" Schedule describing the location of the Utility on the Lands, the rights and interests applied for in respect of the Utility, and the rights, obligations, restrictions, terms and conditions proposed to be made part of the Crossing Order;

Exhibit "D" Drawing of the Utility in respect of which the Crossing Order is sought, as prescribed by the General Order;

Exhibit "E" Copy of the General Order;

Exhibit "F" Summary of the crossing negotiation process, outstanding issues and reasons a voluntary agreement could not be reached; and

Exhibit "G" Copy of the completed Section 217 Filing Inventory.

Relief Sought

10. Trans Mountain requests that the Commission:

- a. grant Trans Mountain an order authorizing the immediate subsurface construction of the Project and the relocation of the WDL ~~on, over,~~ along or under the Utility of the Utility Owner pursuant to subsection 217(2) of the Act; and
- b. grant such further and other relief as Trans Mountain may request and the Commission may consider appropriate.

Dated at Calgary, Alberta, this 21st day of July, 2020.

Trans Mountain Pipeline ULC

By its counsel
Blake, Cassels & Graydon, LLP

Per:



Lars Olthafer

Please direct all communications regarding this Application to:

Alain Parisé
Director, Land
Trans Mountain Pipeline ULC
Suite 2700, 300 – 5th Avenue S.W.
Calgary, AB T2P 5J2 Tel: 403-
514-6700 Email:
TMEP_Land@transmountain.com

and to: Lars Olthafer Blake, Cassels &
Graydon, LLP 855 – 2nd Street SW
Suite 3500, Bankers Hall East Tower
Calgary, AB T2P 4J8 Tel: (403) 260-
9633 Fax: (403) 260-9700 Email:
lars.olthafer@blakes.com

Schedule D

Clean Copy of Amended Application for Crossing Order dated July 21, 2020

CANADA ENERGY REGULATOR

IN THE MATTER OF the *Canadian Energy Regulator Act*, SC 2019, c 28, s 10 (Canada), ("**Act**") and the regulations made thereunder;

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Suite 210, 517 - 10th Avenue SW
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And to: City of Burnaby
4949 Canada Way
Burnaby, British Columbia
V5G 1M2
Attention: May Leung, City Solicitor
Deepak Dattani, Director, Corporate Services
Imola Fernando, Project Manager

("Utility Owner")

Crossing Application Pursuant to Subsection 217(2) of the Act

1. Trans Mountain hereby applies to the Canada Energy Regulator ("**Regulator**" or "**CER**"), pursuant to subsection 217(2) of the Act and in accordance with the Information Letter issued by the Regulator on December 5, 2019 ("**Information Letter**"), for an order ("**Crossing Order**") granting Trans Mountain an immediate right to construct the Project and the WDL along or under the utilities of the Utility Owner as shown in the drawings attached as Exhibit "D" ("**Utility**") on those portions of the lands shown in the Schedule attached as Exhibit "C" to this Application ("**Lands**").
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Application for Crossing Order
Crossing Drawing No. M002-XH12651
Utility Owner: City of Burnaby

- Exhibit "C"** Schedule describing the location of the Utility on the Lands, the rights and interests applied for in respect of the Utility, and the rights, obligations, restrictions, terms and conditions proposed to be made part of the Crossing Order;
- Exhibit "D"** Drawing of the Utility in respect of which the Crossing Order is sought, as prescribed by the General Order;
- Exhibit "E"** Copy of the General Order;
- Exhibit "F"** Summary of the crossing negotiation process, outstanding issues and reasons a voluntary agreement could not be reached; and
- Exhibit "G"** Copy of the completed Section 217 Filing Inventory.

Relief Sought

10. Trans Mountain requests that the Commission:
- a. grant Trans Mountain an order authorizing the immediate subsurface construction of the Project and the relocation of the WDL along or under the Utility of the Utility Owner pursuant to subsection 217(2) of the Act; and
 - b. grant such further and other relief as Trans Mountain may request and the Commission may consider appropriate.

Dated at Calgary, Alberta, this 21st day of July, 2020.

Trans Mountain Pipeline ULC

By its counsel
Blake, Cassels & Graydon, LLP

Per: _____



Lars Olthafer

Please direct all communications regarding this Application to:

Alain Parisé
Director, Land
Trans Mountain Pipeline ULC
Suite 2700, 300 – 5th Avenue S.W.
Calgary, AB T2P 5J2
Tel: 403-514-6700
Email: TMEP_Land@transmountain.com

and to: Lars Olthafer
Blake, Cassels & Graydon, LLP
855 – 2nd Street SW
Suite 3500, Bankers Hall East Tower
Calgary, AB T2P 4J8
Tel: (403) 260-9633
Fax: (403) 260-9700
Email: lars.olthafer@blakes.com

Schedule E

**Blackline Comparison of Original and Amended Schedule attached as Exhibit "C" to the
Application for Crossing Order dated July 21, 2020**

EXHIBIT "C"

Schedule of Proposed Terms and Conditions

1. LOCATION OF UTILITY IN RESPECT OF WHICH ORDER IS SOUGHT

LEGAL DESCRIPTION

Between: Lot 1 Plan LMP24406
[PID: 023-189-045 / Tract: 7888]
&
Lot 2 Plan 2501
[PID: 012-800-643 / Tract: 7890.11]

(**"Lands"**)

- (a) That portion of the Lands where the Pipeline crosses the Utility shown as Pipeline Crossing Area on the drawing attached as Appendix "A" and forming part of this Schedule

(**"Crossing Area"**).

2. DEFINED TERMS

The words and phrases defined in Appendix "B" hereto shall have the respective meanings set out in Appendix "B" when used in this Schedule.

3. RIGHTS AND INTERESTS APPLIED FOR IN RESPECT OF THE CROSSING AREA

Trans Mountain requires the right and interest along and under the Crossing Area to:

- (i) survey and carry out tests and examinations for, lay down, construct, operate, maintain, inspect, patrol, alter, remove, replace, reconstruct and repair the Pipeline within the Crossing Area; and
- (ii) generally to do all things necessary for or incidental to the exercise of the foregoing rights and interests;

(referred to herein as the **"Crossing Rights"**)

for Trans Mountain, its successors and assigns, and its and their respective employees, agents, contractors, and subcontractors, on foot and/or with vehicles, supplies, machinery and equipment at any and all times, by day and by night, for so long as Trans Mountain may desire to exercise them.

For greater certainty, in exercising the rights under Section 3, Trans Mountain shall not be permitted to cause any ground disturbance on or remove any trees from the surface of the Lands without consent of the Utility Owner unless otherwise required by the Canada Energy Regulator, its successors, or applicable law.

Without limiting any other obligation of Trans Mountain under this Order, Trans Mountain, in exercising its rights under this Order, shall comply with the terms and conditions of any regulatory approval, order or certificate issued or imposed by the Canada Energy Regulator or its predecessor, the National Energy Board, as well as any legislation or regulation applicable to Trans Mountain.

4. RIGHTS, OBLIGATIONS, RESTRICTIONS, TERMS AND CONDITIONS

- (a) **Use of the Crossing Area:** Trans Mountain's use of the Crossing Area pursuant to the Crossing Rights shall be restricted to use in connection with the Pipeline. The Pipeline shall be installed in the Crossing Area in the locations depicted in the drawings attached as Appendix "A" and forming part of this Schedule.
- (b) **Engineering and Construction Practices:** Trans Mountain shall carry out all work in the Crossing Area in a proper and diligent manner and in accordance with good engineering and construction practices.
- (c) **General Order No. 1 Conditions Incorporated by Reference:** The requirements and general conditions for drawings and crossings set out in sections 5, 8 and 9 of General Order No. 1 are incorporated by reference as terms and conditions applicable to the Crossing Area and Trans Mountain's exercise of the Crossing Rights, subject to the following limited exceptions, as approved by the Commission:
 - (i) the General Order No. 1, subsection 5(b)(i) requirement to show the angle of each crossing and the distance from the crossing to the nearest lot or section line measured along the centre line of the Pipeline on the 1:10000 scale location plan. Such angle and distance measurements are instead shown on the detailed plan referenced in General Order No. 1, subsection 5(b)(ii) having a scale of 1:1000 or less in Appendix "A";
 - (ii) the General Order No. 1, subsection 5(b)(iii) requirement to provide detailed and dimensioned drawings of the longitudinal profile along the centre line of the highway or utility. A detailed and dimensioned drawing of the longitudinal profile along the centre line of the Pipeline is provided along with a detailed plan in accordance with section 5(b)(ii) in Appendix "A";
 - (iii) the General Order No. 1, subsection 5(b)(iii) requirement to provide a detailed and dimensioned drawing of the longitudinal profile along the centre line of the pipeline at 1:200 vertical and 1:100 horizontal scales. The subject longitudinal profile is instead drawn at a 1:200 scale in Appendix "A";
 - (iv) the General Order No. 1, subsection 8(1)(a) general condition that the pipeline conform with the respective specifications and requirements of the current Canadian Standards Association ("CSA") standard Z183 and CSA standard Z184. The pipeline shall instead conform to the current applicable CSA standard Z662;
 - (v) the General Order No. 1, subsection 8(2) general condition that the Pipeline cross all highways at an angle as close as practicable to ninety (90) degrees but not less than forty-five (45) degrees unless otherwise permitted by the Commission. As shown on the detailed plan in Appendix "A", the Pipeline crosses the undeveloped road allowance at an angle of less than forty-five (45) degrees; and
 - (vi) the General Order No. 1, subsection 9(2), (4), (5), (6), and (7) general conditions premised on the Pipeline being encased in a metal casing pipe extending the full width of the highway right-of-way. Such casing is not required under the current version of CSA standard Z662.
- (d) **Indemnify Utility Owner:** Trans Mountain shall indemnify the Utility Owner in accordance with and subject to section 10 of General Order No. 1.
- (e) **Damage Prevention:** The Damage Prevention Regime established under the CER Act shall apply in the event the Utility Owner seeks to undertake any ground disturbance in the vicinity of the Pipeline, including within the prescribed area as defined by the Damage Prevention Regime. However, subject to the Damage Prevention Regime, and provided that there is no interference with the Crossing Rights, the Utility Owner shall have the right to use and enjoy the Crossing Area.

- (f) **Quiet Enjoyment:** Trans Mountain, in performing and observing the covenants and conditions on its part to be observed and performed, shall and may peaceably hold and enjoy the Crossing Rights hereby granted without hindrance, molestation or interruption on the part of the Utility Owner or of any person, firm or corporation claiming by, through, under or in trust for the Utility Owner.
- (g) **Successors and Assigns:** The Crossing Rights and all rights, obligations, restrictions, terms and conditions set forth in this Schedule shall extend to, be binding upon, and enure to the benefit of the heirs, executors, administrators, successors-in-title, successors and assigns of the Utility Owner and Trans Mountain, respectively.
- (h) **Interpretation:** Wherever the singular or masculine or neuter gender is used in this Schedule, it shall be construed as if the plural or other appropriate gender, as the case may be, had been used where the context so requires. If the Utility Owner is comprised of more than one person, the obligations and liabilities of the persons included in the Utility Owner hereunder shall be joint and several.
- (i) **Notices:** Any notice or other communication or delivery required or permitted to be given by one party to the other shall be in writing and may be given by either:
 - (i) delivery by hand, in which case it shall be deemed to have been received on delivery; or
 - (ii) sent by prepaid registered post mailed at a post office in Canada, in which case it shall be deemed to have been received on the third (3rd) business day following the day of mailing;

provided that any notice delivered by hand that is delivered after 4:00 p.m. local time at the address of the addressee on a business day shall be deemed to be received on the following business day.

The address of Trans Mountain for such purpose shall be:

Trans Mountain Pipeline ULC
Suite 2700, Stock Exchange Tower
300 – 5th Avenue S.W.,
Calgary, Alberta, T2P 5J2
Attention: Land Department

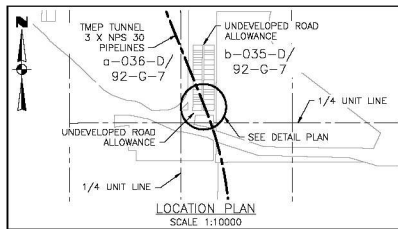
The address of the Utility Owner for such purpose shall be:

City of Burnaby
4949 Canada Way
Burnaby, British Columbia
V5G 1M2
Attention: Director, Corporate Services

A party may from time to time notify the other party of a change of address to another address inside Canada.

Notwithstanding anything contained herein to the contrary, if a strike, lockout or other labour disruption involving postal employees is in effect or generally known to be impending, every notice or other communication or delivery given under this provision must be given by personal delivery.

APPENDIX "A"
CROSSING DRAWINGS



CITY OF BURNABY LOT 3 PLAN 2501 & LOT 1 PLAN LMP24406

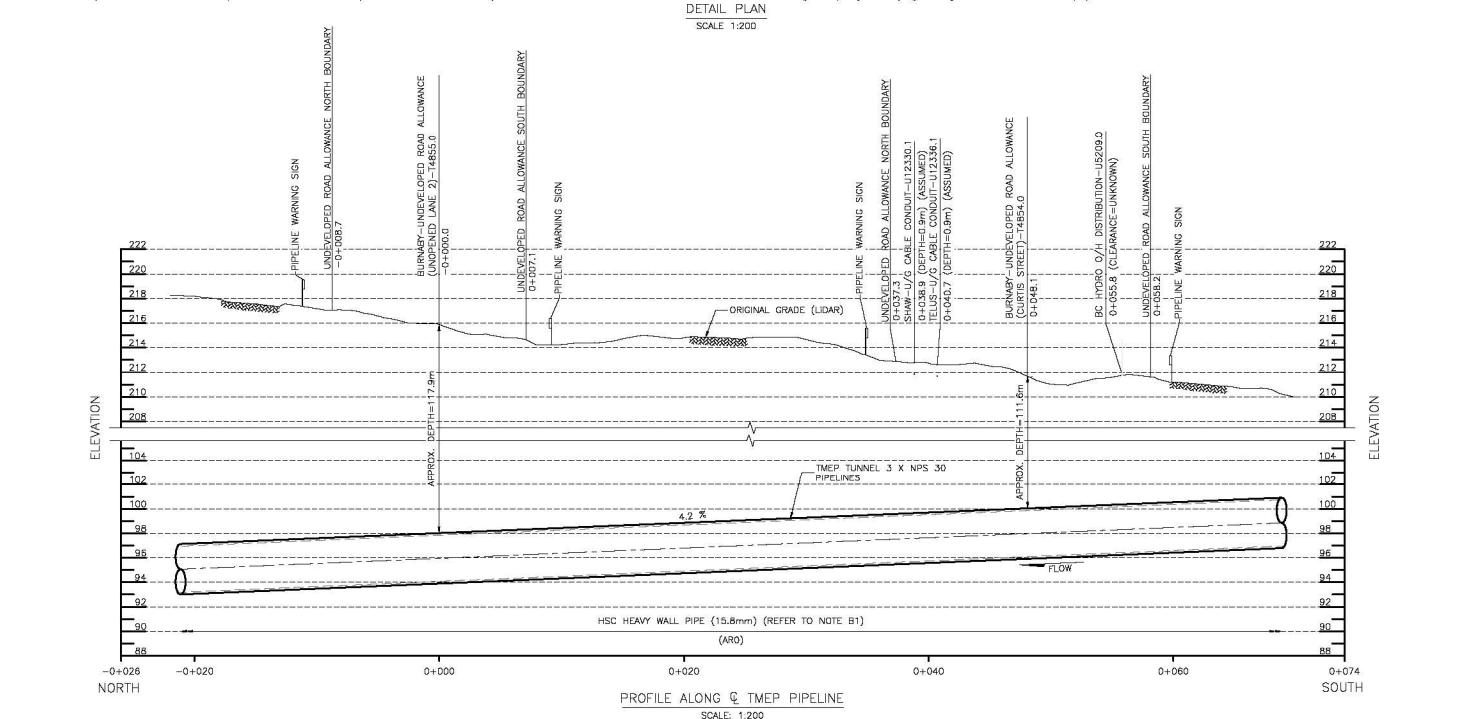
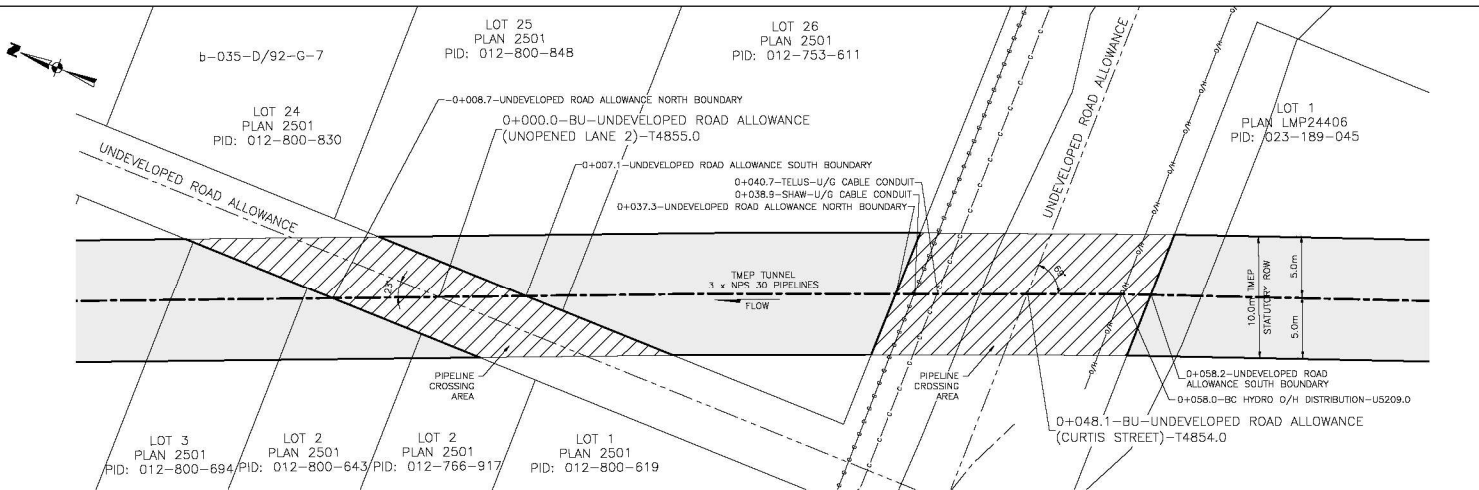
LEGEND	EDGE OF PAVEMENT	---
TMEP 762mm PIPELINE	BURIED GAS PIPELINE	- - - -
EXISTING TMEP 610mm PIPELINE	FOREIGN PIPELINE	- - - -
PIPELINE CROSSING AREA	WATER	~~~~~
TMEP STATUTORY ROW	SANITARY	- - - -
TEMPORARY WORKSPACE	STORM	- - - -
PROPERTY LINE	O/H POWER LINE	- - - -
ROAD CENTRELINE	O/H COMMUNICATION	- - - -
	U/G POWER LINE	- - - -
	U/G COMMUNICATION	- - - -

- GENERAL NOTES**
- ALL DIMENSIONS AND ELEVATIONS ARE IN METRES UNLESS OTHERWISE SHOWN. ALL CHANGES ARE HORIZONTAL. ALL ELEVATIONS ARE GEODETIC.
 - COORDINATE SYSTEM IS NAD83 UTM ZONE 10.
 - DRAWING SCALES ARE ONLY CORRECT WHEN PLOTTED AT FULL SIZE (A1).
 - LOCATIONS OF BURIED FACILITIES HAVE BEEN ESTIMATED FROM DATA RECEIVED FROM A VARIETY OF SOURCES. UNIVERSALPIGAS INTERNATIONAL ASSUMES NO LIABILITY FOR ERRORS IN BURIED FACILITY LOCATION DATA PROVIDED BY OTHERS. SEE NOTE B2.
 - OVERHEAD POLES AS SHOWN ON THE PROFILE ARE INDICATIVE AND DO NOT REFLECT THE ACTUAL HEIGHTS.
 - ALL WORK IN CLOSE PROXIMITY TO POWER LINES MAY BE SUBJECT TO ELECTROSTATIC AND ELECTROMAGNETIC INDUCED VOLTAGES. CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING AND IMPLEMENTING MITIGATION PROCEDURES. CONTRACTOR SHALL IMPLEMENT THESE PRECAUTIONS AS WELL AS THOSE SPECIFIED BY TRANS MOUNTAIN FIELD REPRESENTATIVE.
 - THE CONTRACTOR SHALL ENSURE THAT COPIES OF THE CROSSING AGREEMENTS ARE KEPT ON SITE FOR THE FULL DURATION OF THE CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL ADHERE TO ALL REQUIREMENTS OF THE CROSSING AGREEMENTS.
 - PRID AND LXD UTILITY DETAILS ARE FOR MUNICIPALLY OWNED INFRASTRUCTURE ONLY.
 - WHERE UTILITY DETAILS ARE NOT AVAILABLE TO ENGINEERING, FIELD TO VERIFY.
 - WHEN APPLICABLE, REFER TO THE TABLE ON SHEET 2 FOR ADDITIONAL MUNICIPALLY OWNED DETAILS.
 - TMEP CENTRELINE IS BASED ON SSED 005.3 DATED NOVEMBER 14, 2017.

- CONSTRUCTION NOTES**
- THE CROSSING SHALL BE CONSTRUCTED USING AN APPROVED TUNNEL PIPELINE INSTALLATION METHOD. REFER TO COVER SHEET (M002-X01100001) FOR BURNABY MOUNTAIN TUNNEL PIPELINE CONSTRUCTION SPECIFICATION PACKAGE.
 - THE CONTRACTOR SHALL VERIFY ALL TOPOGRAPHICAL, SURVEY INFORMATION AND CONFIRM THE DEPTH AND LOCATION OF THE BURIED FACILITIES IN THE FIELD PRIOR TO CONSTRUCTION.
 - EXCAVATION SHALL FOLLOW WORKSAFEBC STANDARDS AND PIPELINE BACKFILL TO BE COMPLETED AS PER TMEP-M0310 PIPELINE CONSTRUCTION SPECIFICATION.
 - CONSTRUCTION SHALL BE IN ACCORDANCE WITH CSA 2662 (CURRENT VERSION), CONTRACT DOCUMENTS, AND THE AUTHORITIES HAVING JURISDICTION.
 - OVERHEAD POWER LINE VOLTAGE TO BE CONFIRMED BY CONTRACTOR.
 - THE TMEP PIPELINE SHALL BE INSTALLED AS CLOSE AS PRACTICAL TO THE PROPOSED PIPELINE CENTRELINE AS SHOWN IN THE DRAWING. CONSTRUCTION PARAMETERS ALLOW BASED ON FIELD LOCATES OF THE EXISTING FACILITIES.
 - PIPELINE TRENCH EXCAVATION LOCATIONS AND DIMENSIONS ARE TO BE DETERMINED BY PIPELINE CONTRACTOR BASED ON FIELD CONDITIONS AT TIME OF CONSTRUCTION.
 - WARNING TAPE SHOULD BE INSTALLED 0.6 m ABOVE THE PIPE FOR OPEN DITCH TRENCHING IN URBAN AREAS.

- SITE SPECIFIC NOTES**
- THE MINIMUM CLEARANCE FROM TMEP LINE TO THIRD PARTY PIPELINE SHALL BE AS PER TYPICAL DRAWING M002-PT620001 AND FOR BURIED CABLES SHALL BE AS PER TYPICAL DRAWING M002-PT630001, UNLESS OTHERWISE SPECIFIED BY CROSSING AGREEMENTS.
 - MINIMUM DEPTH OF COVER SHALL BE 1.5 m BELOW ROAD SURFACES AND 1.2 m BELOW DITCHES.
 - GROUND PROFILE IS GENERATED FROM PROJECT LIDAR DATA.
 - THE CROSSING INFORMATION IS BASED ON UPI 01-13283-SG-M002-PL-RPT-0131-R8 DATED JUNE 02, 2020.

PIPE SPECIFICATIONS			
PRODUCT	LOW VAPOUR PRESSURE (LVP) LIQUID HYDROCARBONS		
DESIGN PRESSURE	4,950 kPa		
MAX. OPERATING PRESSURE	4,950 kPa		
MIN. TEST PRESSURE	6,200 kPa		
MIN. OPERATING TEMPERATURE	5 °C		
MAX. OPERATING TEMPERATURE	38 °C		
PIPELINE DATA	CARRIER PIPES		CASING PIPE
	LINE PIPE	HEAVY WALL PIPE	
	OUTSIDE DIA. OF PIPE (mm)	— 762 (NPS 30)	N/A
	PIPE WALL THICKNESS (mm)	— HSC 15.8	N/A
	MIN. YIELD STRENGTH (MPa)	— 483	N/A
PIPE MATERIAL	STEEL, CSA 2245.1 (GRADE 483, CAT II)		N/A
COATING	FUSION BOND EPOXY (FBE) ABRASION RESISTANT OVERCOAT (ARO)		N/A
CATHODIC PROTECTION	IMPRESSIONED CURRENT		



UNIVERSALPIGAS INTERNATIONAL
A subsidiary of Trans Mountain

18731-305-SSM-12651

June 30, 2020

CLIENT ACCEPTANCE		REVISION	
1	20/06/29	ISSUED FOR CONSTRUCTION, AFE 01-13283	ACC
2	20/06/29	ISSUED FOR CONSTRUCTION, AFE 01-13283	ACC
3	18/04/12	ISSUED FOR CONSTRUCTION, AFE 01-13283	ACC

TRANS MOUNTAIN

TRANS MOUNTAIN EXPANSION PROJECT
CITY OF BURNABY
UNDEVELOPED ROAD ALLOWANCE
PLAN AND PROFILE
b-035-D/92-G-7

PROJECT CODING: M002 — XH12651
FACILITY ID: M002 — XH12651
DOCUMENT NO: 01
SHEET NO: 1

APPENDIX “B”

DEFINED TERMS

“**CER Act**” means the *Canadian Energy Regulator Act* (Canada), and regulations thereunder, all as amended or replaced from time to time.

“**Damage Prevention Regime**” means sections 271 to 276, 335 and all other provisions of the CER Act and the regulations thereunder relating to ground disturbances or the prevention of damage to pipelines, including the *National Energy Board Pipeline Damage Prevention Regulations – Authorizations* (Canada), and the *National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies* (Canada), as amended or replaced from time to time.

“**General Order No. 1**” means *General Order No. 1 Respecting Crossing of Utilities by Pipelines*, issued by the National Energy Board on 28 July 1988.

“**including**” means including without limitation.

“**Order**” means the applied-for order of the Commission of the Canada Energy Regulator granting Trans Mountain an immediate right to construct the Pipeline on, over, along or under the Utility of the Utility Owner as shown in the drawings set out in Appendix “A” of this Schedule.

“**Utility Owner**” means the owner of the Utility in respect of which the Order is sought.

“**Pipeline**” means pipelines for which Trans Mountain has approval under the CER Act for the transportation, storage and handling of oil, other liquid or gaseous hydrocarbons, and any products or by-products thereof together with all [tunnel infrastructure](#), installations, equipment, fittings and facilities ~~(including tunnel facilities)~~ included in, associated with, appurtenant, affixed or incidental thereto, including all such pipes, drips, valves, fittings, connections, meters and cathodic protection equipment, and all fibre optic, telecommunication, electrical and rail facilities used for or in the operation and maintenance of the pipelines, whether below or above ground.

“**Trans Mountain**” means Trans Mountain Pipeline ULC.

“**Utility**” means the utility or utilities (as defined in the CER Act) of the Utility Owner shown in the drawings set out in Appendix “A” of this Schedule.

“**within**” means under and along.

Schedule F

**Clean Copy of Amended Schedule attached as Exhibit "C" to the Application for Crossing Order
dated July 21, 2020**

EXHIBIT "C"

Schedule of Proposed Terms and Conditions

1. LOCATION OF UTILITY IN RESPECT OF WHICH ORDER IS SOUGHT

LEGAL DESCRIPTION

Between: Lot 1 Plan LMP24406
[PID: 023-189-045 / Tract: 7888]
&
Lot 2 Plan 2501
[PID: 012-800-643 / Tract: 7890.11]

(**"Lands"**)

- (a) That portion of the Lands where the Pipeline crosses the Utility shown as Pipeline Crossing Area on the drawing attached as Appendix "A" and forming part of this Schedule

(**"Crossing Area"**).

2. DEFINED TERMS

The words and phrases defined in Appendix "B" hereto shall have the respective meanings set out in Appendix "B" when used in this Schedule.

3. RIGHTS AND INTERESTS APPLIED FOR IN RESPECT OF THE CROSSING AREA

Trans Mountain requires the right and interest along and under the Crossing Area to:

- (i) survey and carry out tests and examinations for, lay down, construct, operate, maintain, inspect, patrol, alter, remove, replace, reconstruct and repair the Pipeline within the Crossing Area; and
- (ii) generally to do all things necessary for or incidental to the exercise of the foregoing rights and interests;

(referred to herein as the **"Crossing Rights"**)

for Trans Mountain, its successors and assigns, and its and their respective employees, agents, contractors, and subcontractors, on foot and/or with vehicles, supplies, machinery and equipment at any and all times, by day and by night, for so long as Trans Mountain may desire to exercise them.

For greater certainty, in exercising the rights under Section 3, Trans Mountain shall not be permitted to cause any ground disturbance on or remove any trees from the surface of the Lands without consent of the Utility Owner unless otherwise required by the Canada Energy Regulator, its successors, or applicable law.

Without limiting any other obligation of Trans Mountain under this Order, Trans Mountain, in exercising its rights under this Order, shall comply with the terms and conditions of any regulatory approval, order or certificate issued or imposed by the Canada Energy Regulator or its predecessor, the National Energy Board, as well as any legislation or regulation applicable to Trans Mountain.

4. RIGHTS, OBLIGATIONS, RESTRICTIONS, TERMS AND CONDITIONS

- (a) **Use of the Crossing Area:** Trans Mountain's use of the Crossing Area pursuant to the Crossing Rights shall be restricted to use in connection with the Pipeline. The Pipeline shall be installed in the Crossing Area in the locations depicted in the drawings attached as Appendix "A" and forming part of this Schedule.
- (b) **Engineering and Construction Practices:** Trans Mountain shall carry out all work in the Crossing Area in a proper and diligent manner and in accordance with good engineering and construction practices.
- (c) **General Order No. 1 Conditions Incorporated by Reference:** The requirements and general conditions for drawings and crossings set out in sections 5, 8 and 9 of General Order No. 1 are incorporated by reference as terms and conditions applicable to the Crossing Area and Trans Mountain's exercise of the Crossing Rights, subject to the following limited exceptions, as approved by the Commission:
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However, subject to the Damage Prevention Regime, and provided that there is no interference with the Crossing Rights, the Utility Owner shall have the right to use and enjoy the Crossing Area.

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- (g) **Successors and Assigns:** The Crossing Rights and all rights, obligations, restrictions, terms and conditions set forth in this Schedule shall extend to, be binding upon, and enure to the benefit of the heirs, executors, administrators, successors-in-title, successors and assigns of the Utility Owner and Trans Mountain, respectively.
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The address of Trans Mountain for such purpose shall be:

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300 – 5th Avenue S.W.,
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Attention: Land Department

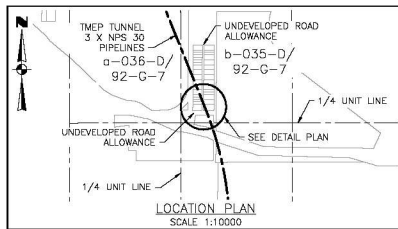
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APPENDIX "A"
CROSSING DRAWINGS



CITY OF BURNABY LOT 3 PLAN 2501 & LOT 1 PLAN LMP24406

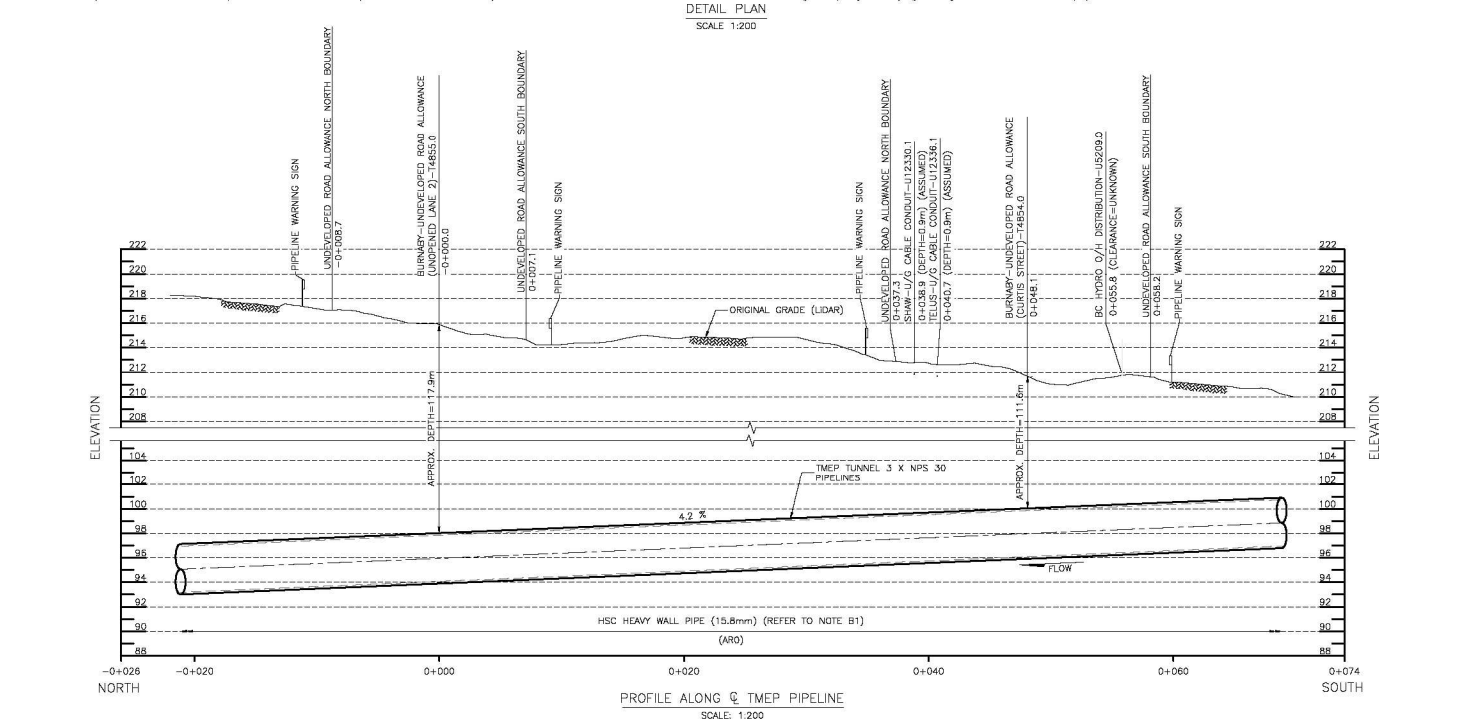
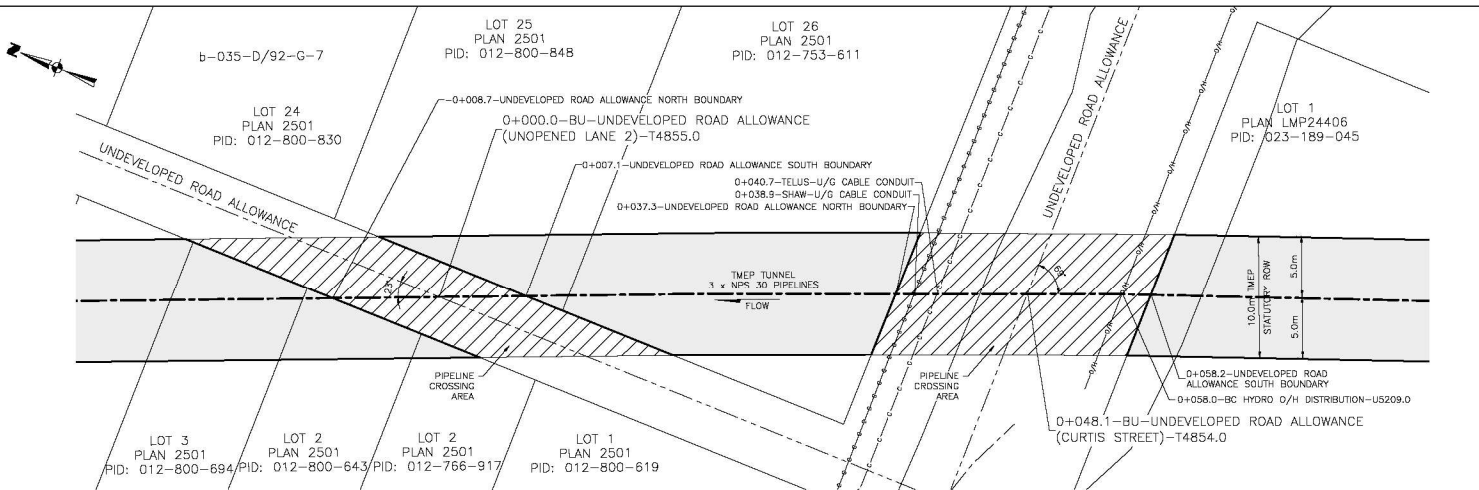
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EXISTING TMEP 610mm PIPELINE	FOREIGN PIPELINE
PIPELINE CROSSING AREA	WATER
TMEP STATUTORY ROW	SANITARY
TEMPORARY WORKSPACE	STORM
PROPERTY LINE	O/H POWER LINE
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- GENERAL NOTES**
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 - WHEN APPLICABLE, REFER TO THE TABLE ON SHEET 2 FOR ADDITIONAL MUNICIPALLY OWNED DETAILS.
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 - THE CONTRACTOR SHALL VERIFY ALL TOPOGRAPHICAL, SURVEY INFORMATION AND CONFIRM THE DEPTH AND LOCATION OF THE BURIED FACILITIES IN THE FIELD PRIOR TO CONSTRUCTION.
 - EXCAVATION SHALL FOLLOW WORKSAFEBC STANDARDS AND PIPELINE BACKFILL TO BE COMPLETED AS PER TMEP-M0310 PIPELINE CONSTRUCTION SPECIFICATION.
 - CONSTRUCTION SHALL BE IN ACCORDANCE WITH CSA 2662 (CURRENT VERSION), CONTRACT DOCUMENTS, AND THE AUTHORITIES HAVING JURISDICTION.
 - OVERHEAD POWER LINE VOLTAGE TO BE CONFIRMED BY CONTRACTOR.
 - THE TMEP PIPELINE SHALL BE INSTALLED AS CLOSE AS PRACTICAL TO THE PROPOSED PIPELINE CENTRELINE AS SHOWN IN THE DRAWING. CONSTRUCTION PARAMETERS ALLOW BASED ON FIELD LOCATES OF THE EXISTING FACILITIES.
 - PIPELINE TRENCH EXCAVATION LOCATIONS AND DIMENSIONS ARE TO BE DETERMINED BY PIPELINE CONTRACTOR BASED ON FIELD CONDITIONS AT TIME OF CONSTRUCTION.
 - WARNING TAPE SHOULD BE INSTALLED 0.6 m ABOVE THE PIPE FOR OPEN DITCH TRENCHING IN URBAN AREAS.

- SITE SPECIFIC NOTES**
- THE MINIMUM CLEARANCE FROM TMEP LINE TO THIRD PARTY PIPELINE SHALL BE AS PER TYPICAL DRAWING M002-PT620001 AND FOR BURIED CABLES SHALL BE AS PER TYPICAL DRAWING M002-PT630001, UNLESS OTHERWISE SPECIFIED BY CROSSING AGREEMENTS.
 - MINIMUM DEPTH OF COVER SHALL BE 1.5 m BELOW ROAD SURFACES AND 1.2 m BELOW DITCHES.
 - GROUND PROFILE IS GENERATED FROM PROJECT LIDAR DATA.
 - THE CROSSING INFORMATION IS BASED ON UPI 01-13283-S0-M002-PL-RPT-0131-R8 DATED JUNE 02, 2020.

PIPE SPECIFICATIONS			
PRODUCT	LOW VAPOUR PRESSURE (LVP) LIQUID HYDROCARBONS		
DESIGN PRESSURE	4,350 kPa		
MAX. OPERATING PRESSURE	4,350 kPa		
MIN. TEST PRESSURE	4,200 kPa		
MIN. OPERATING TEMPERATURE	5 °C		
MAX. OPERATING TEMPERATURE	38 °C		
PIPELINE DATA	CARRIER PIPES		CASING PIPE
	LINE PIPE	HEAVY WALL PIPE	
OUTSIDE DIA. OF PIPE (mm)	—	762 (NPS 30)	N/A
PIPE WALL THICKNESS (mm)	—	HSC 15.8	N/A
MIN. YIELD STRENGTH (MPa)	—	483	N/A
PIPE MATERIAL	STEEL, CSA 2245.1 (GRADE 483, CAT II)		N/A
COATING	FUSION BOND EPOXY (FBE) ABRASION RESISTANT OVERCOAT (ARO)		N/A
CATHODIC PROTECTION	IMPRESSIONED CURRENT		



2m 0 1:200 10m

June 30, 2020

UNIVERSALPIGASUS INTERNATIONAL

18731-305-SSM-12651

CLIENT ACCEPTANCE

1 20/06/29 ISSUED FOR CONSTRUCTION, AFE 01-13283

NO.	DATE	REVISION	DRN	CHK	ENG	APPR
3	20/06/29	ISSUED FOR CONSTRUCTION, AFE 01-13283	AL	RGR	HC	RS
2	20/06/29	ISSUED FOR CONSTRUCTION, AFE 01-13283	AL	RGR	HC	RS
1	18/04/12	ISSUED FOR CONSTRUCTION, AFE 01-13283	SKW	RGR	HC	RS

PROJECT CODING

AFE

PROJECT CODING

AFE

PROJECT CODING

AFE

APPENDIX “B”

DEFINED TERMS

“**CER Act**” means the *Canadian Energy Regulator Act* (Canada), and regulations thereunder, all as amended or replaced from time to time.

“**Damage Prevention Regime**” means sections 271 to 276, 335 and all other provisions of the CER Act and the regulations thereunder relating to ground disturbances or the prevention of damage to pipelines, including the *National Energy Board Pipeline Damage Prevention Regulations – Authorizations* (Canada), and the *National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies* (Canada), as amended or replaced from time to time.

“**General Order No. 1**” means *General Order No. 1 Respecting Crossing of Utilities by Pipelines*, issued by the National Energy Board on 28 July 1988.

“**including**” means including without limitation.

“**Order**” means the applied-for order of the Commission of the Canada Energy Regulator granting Trans Mountain an immediate right to construct the Pipeline on, over, along or under the Utility of the Utility Owner as shown in the drawings set out in Appendix “A” of this Schedule.

“**Utility Owner**” means the owner of the Utility in respect of which the Order is sought.

“**Pipeline**” means pipelines for which Trans Mountain has approval under the CER Act for the transportation, storage and handling of oil, other liquid or gaseous hydrocarbons, and any products or by-products thereof together with all tunnel infrastructure, installations, equipment, fittings and facilities included in, associated with, appurtenant, affixed or incidental thereto, including all such pipes, drips, valves, fittings, connections, meters and cathodic protection equipment, and all fibre optic, telecommunication, electrical and rail facilities used for or in the operation and maintenance of the pipelines, whether below or above ground.

“**Trans Mountain**” means Trans Mountain Pipeline ULC.

“**Utility**” means the utility or utilities (as defined in the CER Act) of the Utility Owner shown in the drawings set out in Appendix “A” of this Schedule.

“**within**” means under and along.