



August 4, 2017

File No. 5330-28-018

National Energy Board  
Suite 210 517 Tenth Avenue SW  
Calgary, Alberta, T2R 0A8

Attention: Sheri Young, Secretary of the Board

AND:

Trans Mountain Expansion Project  
C/O Progress Land Service Ltd.  
12831 163 Street NW  
Edmonton, Alberta T5V 1M5

Attention: Elliott Friedrich

Dear Sir and Madame:

**Re: Township of Langley's Statement of Opposition to Proposed Detailed Route – Trans Mountain Expansion Project**

This letter constitutes the Township of Langley's (the "Township") statement of opposition pursuant to sections 34(3) of the *National Energy Board Act* (the "NEB Act") with respect to Trans Mountain's proposed detailed route for the Trans Mountain Expansion Project (the "Project").

This statement of opposition is in addition to and does not detract from or amend the statement of opposition filed by the Township on May 9, 2017.

The statement of opposition relates to 98A Avenue (listed as 98B Avenue in Trans Mountain's notice), 197 Street, 99A Avenue, 201 Street, 208 Street, 216 Street, 96 Avenue, 88 Avenue, 217A Street, 224 Street, Glover Road, 229B Street (undeveloped road), 231 Street, 232 Street, 80 Avenue (undeveloped road), 240 Street, Telegraph Trail, 76 Avenue (undeveloped road), 256 Street (undeveloped road), 258 Street, 260 Street (undeveloped road), 264 Street, 72 Avenue (undeveloped road), 267 Street, 272 Street and 276 Street (collectively, the "Municipal Highways").

With the exception of 276 Street, the Township received a notice pursuant to section 34(1)(a) in respect to the Municipal Highways of the NEB Act on July 6, 2017. It is likely that Trans Mountain missed a notice in respect of 276 Street by mistake.

As further detailed below, the Township opposes the proposed detailed route as well as the method and timing of construction of the Project and requests that a detailed route hearing be held in accordance with section 35 of the NEB Act.

## **TOWNSHIP'S INTEREST IN THE LANDS**

The Township owns the Municipal Highway pursuant to section 35 of the *Community Charter*, S.B.C. 2003, c. 26. The Municipal Highways contain, or will likely in the future contain, critical public infrastructure (including sewer, water and drainage facilities).

## **BASIS OF OPPOSITION**

The Township is opposed to the routing of the Project through and along the Municipal Highways. The Township wishes to make submissions and to provide evidence to the NEB that:

- placing a pipeline in or along the Municipal Highways:
  - increases the cost of constructing, maintaining, repairing, expanding and upgrading the Municipal Highways and the critical public infrastructure located (currently or in the future) within and along the Municipal Highways;
  - limits the Township's ability to ensure that the Municipal Highways remain a safe and efficient means for travel of residents and the general public; and
  - compromises the Township's ability and the ability of third parties to provide municipal and utility services; and
- the methods of construction, operating and abandonment of the pipeline, and restoration within and along the Municipal Highways, are still largely unknown and the approval of the detailed route in these areas is premature.

The Township wishes to make submissions and to provide evidence to the NEB about the most appropriate methods and timing of construction in relation to the Municipal Highways, including without limitation that:

- all Municipal Highways should be crossed by means of trenchless construction method. The Township opposes the use of open cut construction method in respect to any portion of the Municipal Highways. The Project crosses busy residential, commercial and industrial areas and open cut construction will be extremely disruptive;
- the Municipal Highways should be crossed at an angle as close as practical to ninety degrees, but not less than forty-five degrees. The pipeline should not be placed in the Municipal Highways parallel to municipal infrastructure;
- without limitation, the Township requests that Trans Mountain commit to:
  - consult with the Township in advance on the method of construction, operation and abandonment of the pipeline, and the location of any workspace, through, in or along the Municipal Highways;
  - consult with the Township, and construct the Project to accommodate, existing and future municipal infrastructure within and along the Municipal Highways;

- consult with the Township, and accommodate the Township's concerns, in respect to any access roads and workspace located adjacent to or on the Municipal Highways;
- comply with, and instruct its contractors to comply with, all applicable Township bylaws and policies in respect to the use of the Municipal Highways (including highway and traffic bylaw, noise control bylaw and soil deposit bylaw);
- obtain, and instruct its contractors to obtain, all permits required by the Township in connection with work on the Municipal Highways;
- ensure that pipeline thickness, location, depth and structure in or near the Municipal Highways can withstand intense surface uses such as roads, highways, and parking or loading areas, and reflect the placement of current and future municipal infrastructure;
- reimburse the Township for all costs associated with the presence of the pipeline in, through or along the Municipal Highways;
- indemnify the Township against all liability arising from the construction and operation of the pipeline within the Municipal Highways; and
- respect the Township's right to construct municipal infrastructure in and along the Municipal Highways, within the pipeline safety zone, as long as the safety of the pipeline is not compromised.

#### **DATES OF SERVICE AND NOTIFICATION**

With the exception of 276 Street, the Township received a notice pursuant to section 34(1)(a) in respect to the Municipal Highways of the NEB Act on July 6, 2017. It is likely that Trans Mountain missed a notice in respect of 276 Street by mistake.

#### **REQUEST FOR ORAL HEARING**

The Township requests that the NEB schedule an oral hearing with respect to this statement of opposition to take place in the Township. The Township requests leave to file written information requests to Trans Mountain, to file written evidence and to provide oral evidence in support of this statement of opposition.

Yours truly,



Aaron Ruhl  
MANAGER, ENGINEERING AND CONSTRUCTION SERVICES