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Sent electronically

RE: Enhancements to Locating Ontario's Underground Infrastructure – Consultation Feedback

On behalf of our collective construction and engineering industry members, we are pleased to participate in this important government consultation. Further to the commentary that our organizations provided during the in-person consultations over the last few weeks, we would like to provide additional clarification to the Ministry and Government of Ontario on ways to reduce locate response times and overall volume requests in the system.

Late locate delivery has been the cause of significant delays on critical public infrastructure projects and housing developments, with the wait times growing progressively worse since the institution of the *Ontario Underground Infrastructure Notification System Act, 2012* (One Call Act). Industry welcomes the Government of Ontario's commitment to building and expediting critical infrastructure and ensuring the relevant regulations are improved and responsive to the needs on the ground.

Over the last 18 – 24 months, there have been positive steps to addressing the ever-worsening locate delivery timeframes in the province. The *Getting Ontario Connected Act* included crucial reforms to Ontario's utility locates system and was a step in the right direction to improving the timely delivery of locates. With these recently expanded regulatory and legislative rules surrounding utility locates, the focus should be on decreasing the overall locates volume. Thus, our recommendations focus on items that will reduce utility company operational costs and conceptually, with fewer locates to supply, improve delivery timelines.

Regarding charging for locate and relocate delivery, industry's position has not changed since [our last correspondence to the Premier and Minister Rasheed](#). Charging a fee for locates and relocates would have unintended consequences throughout the construction industry and beyond. This would represent a seismic shift to current, long-standing practices and would make Ontario an outlier to every other jurisdiction in North America.

Implementing a new fee for locate delivery would have immediate financial implications for critical infrastructure work on roads, bridges, highways, transit and housing projects in Ontario. The administrative burden and confusion created by such a fee, not managed by Ontario One Call, would grind critical construction and infrastructure work to a halt across the province.



Industry would also like to emphasize that Ontario One Call has a crucial role to play in ensuring that the locate delivery process in the province runs in a predictable way, as per government's legislation. Ontario One Call must improve accountability and oversight of the locate process in Ontario. Historically, there has been a lack of enforcement and accountability, which is reflected in the fact that [half of call tickets for September 2021](#) took longer than 15 days across the province, with only 14 percent being completed within the legislated five-day timeline. This means that over 80 percent of all locate requests were delivered late, a trend which has not only continued, but has gotten worse over the 2022 digging season.

Given the significant financial, workforce and social implications of late delivery locates, it is key that Ontario One Call develops and executes firm, consistent and predictable enforcement tools to ensure its members are compliant and delivering locates within the legislated timeline.

Industry is pleased with the continued focus by the Government of Ontario on improving the timely delivery of underground utility locates, a crucial part of building critical infrastructure in Ontario. We will remain involved in the ongoing efforts to improve the locates system and will continue to work collaboratively with industry and government to make that happen.

Respectfully,

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CONSIDERATIONS	RECOMMENDATIONS
<p>Sharing locates – locate sharing is now permitted, but very few contractors are agreeing to share their locates because it is unclear how liability would be applied if a sub-contractor damaged a utility under a prime contractor’s locate ticket.</p> <p>Locate sharing will reduce the overall volume of municipal locates called in, particularly on large-scale urban projects (i.e., Metrolinx). Fewer locates called in will improve overall service delivery timelines for locates.</p> <p>One Call is currently unable to satisfy their legislative obligation to allow contractors to share locates.</p>	<ul style="list-style-type: none"> Resources must be provided to allow One Call to fulfill its legislative obligation to allow excavators to notify the organization of their intent to share locates. There must be clarity on liability and Act violation, which should lay with the specific company utilizing the locates (i.e., sub-contractor utilizing a prime contractor’s locates) and not the prime contractor. The process of sharing locates should be straightforward and perfunctory: <ul style="list-style-type: none"> When an excavator requests a duplication of a locate ticket number on behalf of a sub-contractor /excavator, One Call should simply be issuing paperwork to proceed (assuming locates are still valid and scope of excavation has not changed). Each sub-contractor sharing a prime contractor locates should receive updated paperwork from One Call with their own company information included on the locate sheets. There must be a mechanism on the One Call 360 system to indicate when locates on a call-in area have already been provided. If not, this should be updated immediately.
<p>Dedicated Locator – dedicated locator will help utility companies address some of their operational cost concerns, though most municipalities and private owners do not understand the model fully and how it would be operationalized.</p>	<ul style="list-style-type: none"> The Government of Ontario and Ontario One Call must develop a comprehensive, easy-to-understand communications and outreach campaign to ensure that industry and municipalities can utilise the dedicated locator model to its full extent.



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<p>Creating a Certified Locator Training Course – a certified training program to allow new locate service providers (LSP) to enter the market and for construction companies to train their own workers to locate utilities safely and legally will help reduce wait times for locators.</p>	<ul style="list-style-type: none"> • Lead the creation of a certified training program to allow new LSPs to compete for locating contract work (i.e., dedicated locator) and for excavation companies to train existing employees to refresh/remark/relocate on their own projects safely and legally. • It is critical to note that this training program should not be included in the 144 existing skills trade classifications in the province of Ontario. • Rather, this should be a training program recognized by utility owners to allow new locate service providers (LSP) to enter the market and for construction companies to train their own workers to locate utilities safely and legally will help reduce wait times for locators.
<p>Locate Validity Period – dedicated locators are permitted to extend locate validity period beyond 60-days. There are many existing, low-risk opportunities where this should be permitted and even encouraged.</p>	<ul style="list-style-type: none"> • One Call should facilitate an environment and process where excavators can formally request the extension of validity period on deep excavations where all utilities have been fully exposed. • Recommend that private developers use dedicated locator on appropriate projects and recommend for the extension of validity periods where practicable.
<p>Administrative Monetary Penalties - One Call should put in place a staged plan for how it plans to enforce timelines.</p>	<ul style="list-style-type: none"> • Begin at 15+ day fines in 2024; back this off to a hard 15-days in 2025; and 10-days by 2026. Give an appropriate amount of time, with a legislative and regulative plan to force compliance.