

November 18, 2022

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Ministry of Public and Business Service Delivery
56 Wellesley St., West, 6th floor
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Submitted electronically

RE: 22-MGCS022 – Proposed legislative amendments to the *Ontario Underground Infrastructure Notification System Act, 2012* under the *More Homes Built Faster Act, 2022*

The Residential and Civil Construction Alliance of Ontario (RCCAO) is pleased to provide comments regarding the proposed legislative amendments under the *Ontario Underground Infrastructure Notification System Act, 2012* to provide the Minister of Public and Business Service Delivery the authority to appoint the Chair of Ontario's One Call's Board of Directors.

As a unique labour-management organization derived from the residential and civil construction sectors, RCCAO 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. A primary focus for RCCAO since our inception has been the importance of investing in core public works – from transit and water systems to roads and bridges – and doing so smartly and efficiently for taxpayers and daily users of infrastructure.

RCCAO members include the Greater Toronto Sewer and Watermain Contractors Association; Heavy Construction Association of Toronto; International Union of Operating Engineers, Local 793; Joint Residential Construction Association, LiUNA Local 183; Ontario Formwork Association; and Toronto and Area Road Builders Association.

RCCAO supports the proposed amendments to the *Ontario Underground Infrastructure Notification System Act* to allow the Minister of Public and Business Service Delivery to appoint an administrator of Ontario One Call in certain circumstances. We believe that this proposal aligns with the administrative authorities that the Ministry has oversight of.

These proposed amendments build on the positive work that the Government of Ontario has recently undertaken to improve the delivery of underground utility locate information, including the recent passage of the *Getting Ontario Connected Act, 2022*. The Act aims to improve the locate delivery system, enhance governance and oversight of Ontario One Call, and improve compliance tools.

RCCAO believes that the proposed amendments would help to improve accountability and oversight by providing more consistent operational requirements of administrative authorities. The Ontario One Call Board has responsibility for education and enforcement of the *Ontario Underground Infrastructure Notification System Act*. The majority of One Call board members represent utility members and many observers believe that the lack of enforcement measures for late locates is because directors representing utilities are unwilling to prosecute fellow utilities.

Prior to the passing of the *Getting Ontario Connected Act*, the *Ontario Underground Infrastructure Notification System Act* stipulated that a person or entity may be liable to fines for failure to deliver locates within the legislated timeframe, and Section 17.2 of Ontario Regulation 92/14 allows for an “accessor” to impose an administrative penalty against a member or excavator. However, not a single administrative penalty has been issued to a member of Ontario One Call. This may be because Ontario One Call’s authority to levy fines was not clearly defined and contributed to its reluctance to administer fines, which in turn has fostered an environment of impunity and clear contravention by members of Ontario One Call.

The lack of enforcement and accountability 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.

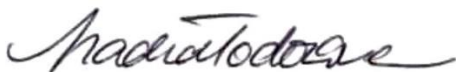
The delivery of late locates have a cascading effect on infrastructure and construction projects, resulting in work stoppages, significant delays in project completion and increased project costs. For example, each hour of idle time in the sewer and watermain sector costs \$1,000; in the roads sector, the price tag is \$10,000 a day.

Given the significant financial, workforce and social implications of late delivery locates, it is imperative 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.

The proposed amendments will help support greater accountability, increased oversight and provide assurances to the public that One Call is carrying out its statutory duties and allows the Minister to take appropriate action when that is not the case.

RCCAO 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.

Sincerely,



Nadia Todorova
Executive Director