



February 12, 2024

Hon. Goldie Ghamari, Chair  
c/o Thushitha Kobikrishna  
Standing Committee on Justice Policy  
Whitney Block, Room 1405  
99 Wellesley Street W  
Toronto, ON M7A 1A2

*Submitted electronically*

**RE: Bill 153, Building Infrastructure Safely Act, 2024**

The Residential and Civil Construction Alliance of Ontario (RCCAO) appreciates the opportunity to provide comments to the Standing Committee regarding Bill 153, *Building Infrastructure Safely Act*.

RCCAO is an alliance of key labour and management stakeholders from the residential and civil construction sector. RCCAO's members build the critical infrastructure that all Ontarians rely on. Our goal is to work in cooperation with government to offer realistic solutions to challenges facing the construction industry and which also have wider societal benefits.

Our membership includes 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 welcomes the government's focus on building critical infrastructure across Ontario. The timely and predictable delivery of locates are essential to that, with late locates causing significant financial, workforce and social implications. Most of the work on site cannot proceed without locates and relocations, which has resulted in costly delays. For example, each hour of idle time in the sewer and watermain sector costs \$1,000; in the road sector, the price tag is \$10,000 a day.

RCCAO agrees with Bill 153's proposal to prohibit underground infrastructure owners and operators from charging a fee for locates. However, it is important to note that prohibiting underground infrastructure owners and operators from charging a fee for locates/relocations is keeping Ontario in line with every other jurisdiction in North America. The industry views this as a status quo approach that has been the norm since the Ontario Underground Infrastructure Notification System Act came into effect.

We find it difficult to offer fulsome commentary regarding the Bill's proposal to remove the excavator recourse provision of the One Call Act that entitles excavators to compensation and recourse through the Ontario Land Tribunal against underground infrastructure owners and operators for failing to provide a locate within the legislated time limit. It is challenging to comment given the lack of clarity we have on administrative penalties and their application.



This reflects a wider concern that industry has in terms of firm and consistent accountability measures that locate providers are held to for delivering locates within the legislated timeline. For industry, predictability of locate delivery is of paramount importance, particularly given the significant implications of late delivery locates.

It is incumbent upon Ontario One Call to ensure that it develops and executes those accountability measures, such as Administrative Monetary Penalties (AMPs), going forward. The spirit of AMPs was to “strengthen Ontario One Call’s enforcement and compliance framework by providing an additional tool for it to use to promote compliance with the One Call Act”. However, there is growing concern within the industry due to Ontario One Call’s consistent assertion over the past year that AMPs were never intended to be applied to their members for late locate delivery. Instead, the organization has emphasized its focus on educating members about their responsibilities.

Given this, as well as the fact that Ontario One Call has never issued a penalty for late locates in the province, **industry would like to see automatic AMPs for late locates in Ontario.** Understanding that there may be exigent circumstances, we propose that renegotiated delivery dates can take place, if both parties agree to it. This would build on a current practice within the Ontario One Call system that allows locate delivery dates to be renegotiated once a locate request has been submitted.

We urge the Government of Ontario to continue its focus on improving the underground utility locates process in the province by also focusing on reducing the overall volume of locates in the system. These elements include eliminating the need for relocates on non-linear excavation construction sites; expanding the locate validity period; utilizing and maximizing the dedicated locator model; simplifying the sharing of locates among multiple contractors for the same job; and creating a certified locator training course.

Timely and predictable delivery of locates are essential to critical infrastructure and housing projects across the province, and RCCAO will remain involved in improving this vital system for the benefit of all Ontarians.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nadia Todorova', with a long horizontal stroke extending to the right.

Nadia Todorova  
Executive Director