

More enforcement needed for One Call: Report

by Lindsey Cole Apr 2, 2015

Since mid-2014 more than 1,000 complaints have been filed with Ontario One Call about late or misleading locates, yet no convictions or charges have been laid for violating the act, states a report by Frank Zechner that makes several recommendations on how to improve the system.



"These locate request delays can lead to downtime costs of \$10,000 or more per day per crew," Zechner says.

"Delays in locate requests can hold up the re-opening of roads, as well as the delivery of infrastructure, such as water or sewer service. These are real roadblocks to people's everyday lives. That's why we're calling for more enforcement and other improvements."

Commissioned by the **Residential and Civil Construction Alliance of Ontario (RCCAO)**, the report doesn't dispute the basic requirements of the One Call Act. Rather, it focuses on response times that can be delayed weeks or months, instead of the mandatory five business days, and how more enforcement can improve the situation.

"I wanted to basically see how the monitoring and enforcement could be enhanced. There was the perception amongst contractors that if there is any enforcement whatsoever, it's rather lax," Zechner explains.

"There are some utilities that have chronic problems in responding to locates in a timely manner and that really impacts a lot of infrastructure projects."

According to the report, Ontario established a mandatory one call system in 2012.

It allows homeowners, construction contractors, developers, builders and excavators to make one locate request to a call centre instead of the previous practice of separate calls to each of the utilities.

"Despite the fact that this new system was supposed to be easier and facilitate timely responses within five days, that wasn't happening in the vast majority of cases. We were hearing the nightmare scenarios of 30, 60 or more days," states Andy Manahan, the RCCAO's executive director.

"Frank's paper really cut to the chase and really provided solutions that seemed to have worked in other jurisdictions."

The report explains that each of the 50 states in the U.S. has a One Call system, and some lessons can be learned from their practices.

Among Zechner's recommendations was the suggestion all investigation and enforcement should be given to an independent body so as to eliminate the potential for bias. Currently, enforcement action must be approved by a specific compliance committee, the report states, and a large majority of the votes are held by member utilities.

"You have to have not only the objectiveness and be free from bias, but you have to be seen as being free from the potential of bias," Zechner says.

"Utilities are now going to enforce fines and penalties and investigations against their own kind. That may well happen...but there's a perception, are they really going to investigate and go after these people?"

Escalated sanctions for repeat violators was also among the recommendations, as it would "provide further incentives to locate providers to deliver timely and accurate information. Significantly higher penalties (fines) should be put in place for chronic or repeat offenders."

Publicizing convictions Zechner says is also a way to deter companies from delaying locates.

"I think that a lot of companies, businesses...have a marketing campaign and they want to raise a public image to the public at large about their services. If there's an item on the website saying that they are chronically behind on this, and violating that, and subject to fines, it might change their priorities," he adds.

"It can be quite embarrassing."

Zechner did point out though that since One Call is relatively new, sometimes finding enough resources to respond to locate requests can be a challenge and that too should be improved.

"A lot more of these locate requests are coming through and are going through to people who aren't used to receiving them," he says.

"They may not be staffed up to help with it. If 30 per cent of locates come within one two week period, you're not going to be able to handle it."

Manahan states it's a matter of public perception, penalties and safety when locates are delayed.

"If they (workers) do begin, either it's potentially a major safety issue...or they will get fined if they get caught starting work before the locates are delivered," he explains.

"It's (the report) just a little bit of a wake up call. It's basically just saying, as contractors, and also representing construction workers who are left idle in many cases, we're watching what's going on. This isn't really meant to embarrass per say, it's meant to say we want to improve the system and there's certain things that can be done."

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