

Submission To The
**STANDING COMMITTEE ON
GENERAL GOVERNMENT**
regarding
Bill 8, the Ontario One Call Act, 2011

Dear Committee Members:

Overview

The Residential and Civil Construction Alliance of Ontario (RCCAO) is pleased to take this opportunity to support Bill 8, the *Ontario One Call Act, 2011*.

Safety at construction workplaces, including where construction takes place in a public right of way is a key concern to RCCAO members. The majority of buried electrical, gas and other utility lines are under public road allowances or within other public rights of way.

Every year dozens of families receive the tragic news that a family member or friend was injured or killed while working at a construction site in the Province. Too often those injuries or deaths are the result of unintended contact or damage to a buried gas or electrical power line. The speedy passage and proclamation in force of Bill 8, the *Ontario One Call Act, 2011* will significantly reduce the likelihood of injuries at Ontario construction sites from these types of situations.

About RCCAO

The RCCAO consults with governments, the private sector and the construction industry to devise solutions to issues related to public infrastructure and advocate for adequate investment in public transit, roads and highway, water and sewer systems and other public infrastructure essential to economic growth and quality of life. We provide research and reports, and make recommendations on how to deliver infrastructure for the province. It goes without saying, that we want this work carried out safely.

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RCCAO is comprised of the following contractor associations and construction unions:

- Joint Residential Construction Association
- Heavy Construction Association of Toronto
- Greater Toronto Sewer and Watermain Contractors Association
- LIUNA Local 183
- Residential Carpentry Contractors Association
- Carpenters' Union
- Toronto and Area Road Builders Association
- International Union of Operating Engineers, Local 793
- International Union of Painters & Allied Trades, District Council 46

RCCAO has also been a member of the Ontario Regional Common Ground Alliance since 2010.

Why RCCAO is concerned about Utility Locates in Ontario

Construction contractors are required by various laws, including the *Occupational Health and Safety Act*, to obtain the exact location of all underground utilities and services before commencing excavation. Even though the services are in a publicly owned right of way, there is no corresponding law on the owners of utilities and underground services to respond to locate requests. The problem is complicated by the fact that it is sometimes difficult or impossible for a contractor to determine which utilities might exist in a pre-determined excavation zone so that the owner of such service can be requested to mark the location of their facility. Even though a contractor may have requested locates from most of the commonly known utilities, there may be other utilities that are either unknown or have been recently installed or activated.

Bill 8 will address that safety concern by requiring owners of all buried utilities to become a member of the Ontario One Call system so that when a locate request call is made, the caller can be assured that all relevant utilities have been notified. Bill 8 will also place a positive response duty

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on all utilities for locate requests, an obligation that only currently exists for gas, electrical and a limited number of other common utilities.

Contractors who call the Ontario One Call service may often have to make many additional calls to request locates from all owners of underground facilities near a proposed excavation site. If one of those calls is missed, the result could impair the health and safety of countless individuals. A contacted electrical line could deliver fatal electric energy to nearby workers. A contacted gas line could trigger a deadly explosion not unlike the tragedy that killed 7 individuals at a small plaza near the intersection of Bloor Street and Kipling Avenue in Toronto in 2003. A severed phone line could interrupt fire alarms, intrusion detection and response systems and health life lines for hundreds or even thousands of individuals. A damaged water main could deprive the occupants of nearby office and residential units of their primary fire defence, namely automated fire sprinklers and fire hydrants.

Thus, there are safety implications to both the general public and to the construction workforce.

Costs of Unmarked Utilities and Delayed Calls

There are significant and growing costs associated with unmarked utilities, and these costs are not limited to repairing the utility. For example:

- (1) damage to a nearby underground gas line can idle construction crews and other businesses in the area. These time and wage losses typically cannot be recovered;
- (2) damage to phone or internet cables can shut down certain businesses;
- (3) damage to oil, gas or water lines can result in the loss of thousands of dollars of product and have environmental impacts;
- (4) construction work to repair the damages could disrupt traffic and result in increased congestion; and

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(5) in addition to the lost productivity, strikes can delay project completion. In fact, there could be financial penalties for missing completion targets as set out in a contract.

The One Call concept will minimize the possibility of striking unmarked utilities and the corresponding costs that would be incurred.

There are also significant costs associated with the uncertainty of knowing who to call, and even when the correct number is available, certain utilities may have limited hours during which live operators are available to accept and process locate requests. Ontario One Call has live operators available on a 24 hour/day basis, 365 days/year.

If the call for requesting a locate is delayed due to insufficient information about who to call or because live operators are not readily available, there is a greater chance that construction crews could become idle because contracted work cannot proceed without utility locate responses. Depending on the circumstances, costs could be passed on to the construction contractor client such as municipal or other government agencies.

Responding to Municipal Concerns

RCCAO understands that while a small number of Ontario municipalities have chosen to become a member of Ontario One Call, many municipalities are reluctant to do so unless there is a formal legal requirement. There are two principal arguments being advanced by municipalities to oppose Bill 8:

1. Ontario One Call duplicates services already provided by municipalities – this is only partially true, Ontario One Call accepts calls from anyone who proposes to excavate and they pass the relevant information about the proposed excavation including date, location, nature of work and identity of person requesting the

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locate onto the utility owner, which in the case of water, sewer, transit (controls, power and communications) and certain other services could be the municipality. It is still up to the respective utility, including municipalities, to respond to that locate request and provide a drawing and markings at the site. Ontario One Call only provides basic services for the collection of the call. Many utilities, including Bell Canada, Union Gas and Enbridge Gas have determined that it is more efficient to have the locate request calls processed by a central agency, such as Ontario One Call, instead of a call collection centre separately run by each utility.

2. Impact on other providers and possible loss of jobs and local business – as stated above, Ontario One Call will not be providing the locate responses, it will simply collect request information and pass it on to the respective utilities. Individual municipalities and utilities will still need staff or third party resources to provide locate information to the construction contractor or homeowner that is requesting the locate. Furthermore, any incremental costs as a result of the provision of One Call will be more than offset by reduced accidents and superior damage prevention within that municipality.

Other concerns such as fee structure or transitional provisions for small municipalities can be dealt with through the Regulations.

The U.S. Experience

Mandatory One Call has been in place across the U.S. for over a decade, and for some states, more than 30 years. Over the past four decades there have been countless opponents across the U.S. to mandatory utility locate systems.

Notwithstanding the arguments made by various sectors or industries, each and every U.S. State legislature sooner or later came to the same

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conclusion that a voluntary utility locate request centre would not be effective and that a mandatory One Call program would prove to be an essential component of a safe and efficient locate system. Public awareness is now high in the U.S and damage prevention has improved significantly.

Conclusion

The mandatory participation of all utilities and municipalities in Ontario in a utility locate request and response system will ultimately result in greater safety for the construction industry and in particular our skilled construction workforce. Ontario One Call will result in a more uniform system rather than a fragmented one where gaps could lead to tragic consequences.

RCCAO encourages the Ontario Legislature to proceed with this important safety legislation and to consult on the development of regulations in a timely fashion.

Thank you for listening to this presentation.

Andy Manahan
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April 23, 2012