

# LATE UTILITY LOCATES:

## ONTARIO CONSTRUCTION INDUSTRY'S PRIORITY SOLUTIONS

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### 1. BACKGROUND

Ontario has a mandatory One Call system through the *Ontario Underground Infrastructure Notification System Act, 2012* (the "One Call Act") to allow homeowners, construction contractors and other excavators to make one locate request to a call centre instead of separate calls to each utility. Most other jurisdictions have a deadline of three days for utilities to respond. Ontario has a five-business-day deadline. Despite this compromise, construction contractors are frustrated by the lack of timely locate responses in Ontario. In many cases, locates are provided weeks after the deadline.

### 2. CURRENT SITUATION

In the spring of 2020, construction activity had been deemed to be essential and most construction activity has resumed across Ontario. Contractors are working on current and new projects, as well as the backlog caused by the COVID-19 shutdown. This heightened activity has resulted in an increase in demand for utility locates, although this varies by market region within Ontario.

Both the provincial and federal governments recognize that continuing to deliver infrastructure projects is important to an economic recovery. By way of background, stimulus infrastructure funding was provided in the 2009-2011 period, but sometimes worthwhile projects were not put forward by municipalities because of the narrow time

period. Unlike a decade ago, municipalities have engaged in more rigorous asset management planning and thus priorities are better known. Even though more stimulus investment is anticipated, a lack of timely locate responses could delay the delivery of municipal and other infrastructure projects. Recent reports indicate that contractors still face long delays in waiting for utilities to provide timely and reliable locates.

### 3. PRIORITY REMEDIES TO IMPROVE LOCATE RESPONSES

Based on recent developments, RCCAO and other stakeholders recommend prioritizing the following six actions:

#### 3.1 Restructure the Board of Directors of Ontario One Call

The Ontario One Call Board has responsibility for education and enforcement of the *One Call Act*. Nine of the twelve board members represent utility members. Many observers believe that the lack of charges or convictions for late locates is that directors representing utilities are unwilling to prosecute fellow utilities. The One Call Board, and in particular its Compliance Committee, should step away from self governance and closer to serving the public interest by ensuring that more than 50% of the Board is comprised of non-utility representatives such as excavators, municipalities, and provincial government.





### **3.2 Follow Through on Opportunities to Safely Share Locates Among Multiple Contractors for the Same Site**

Frequently, multiple contractors bidding on a common construction project, or already working on a common construction project each request their own locates. Greater sharing of a single locate will likely reduce the workload of One Call members and the locating industry, and thereby reduce locate response backlogs. Stakeholders and Ontario One Call must work together to maximize the sharing of locate responses among contractors and subcontractors working on the same construction site, which in turn will reduce the locate response burden on utilities.

### **3.3 Require All One Call Members to Extend the Validity Period of Locates to at Least 60 Days**

The responsibility and authority to set the validity period for a locate rests with each Ontario One Call Member. Longer locate ticket validity periods will reduce the number of locate requests and likely the number and/or severity of late locates. All utilities, not just gas distributors, should be encouraged to maximize the validity period of their locate tickets without impairing the health and safety of workers and the public.

### **3.4 Restructure how Locates are Delivered**

Locate service providers should be prequalified to locate all utilities in order to prevent companies from contracting their locates to a single company. The existing model creates artificial market scarcity by limiting a particular utility locate (e.g. gas) to a single company over a wide geographic area. If the company loses personnel or becomes inundated with locate requests, they have demonstrated an inability to keep up with demand.

A restructured One Call Board should establish a uniform rate schedule for providing locates, where the variance in rates is based on level of risk/difficulty and perhaps geographic region. This structure could then be coupled with the Locate Alliance Consortium model for the delivery of locates, which would help to meet demand.

### **3.5 Modify the Reporting and Record Keeping for Locate Responses**

One Call and the utilities should be required to differentiate between two categories of locate responses for the reporting process: a) single address locates (e.g. individual home owner projects) and b) linear or multi-address project locates, such as the replacement of water distribution mains on a specific street section. By modifying

the record-keeping process, One Call could then more easily identify problem areas related to the late delivery of locates and focus enforcement efforts.

### **3.6 Eliminate the Need for Relocates on Non-linear Excavation Construction Sites Below a Certain Depth**

Presently, companies on long-term, vertical excavation projects (i.e. foundation excavation projects) are required to call and receive relocates every 30-60 days (as required by utility) in order to continue excavation. However, below a certain depth these relocates are unnecessary. Once a stationary excavation has dug below the depth of the lowest buried utility, there should be no further requirement for relocates. This reduction in demand will lessen the burden on locate services and free up additional system capacity.

## **4. CONCLUSIONS**

RCCAO, its member organizations and their respective unions and contractors are exercising their best efforts to deliver timely and cost-effective construction services. Ontario needs significant improvement in the delivery of utility locate responses. Implementation of the six measures outlined above will have a substantial and positive impact.

