



White Paper

Mandatory One Call Service for Saskatchewan

August 2014

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Introduction

The Saskatchewan Common Ground Alliance (SCGA) is a member driven, non-profit organization dedicated to ensuring worker and public safety, environmental protection and the integrity of services by promoting effective damage prevention practices in connection with underground infrastructure activities.

The SCGA has been in existence since 2007 and joins Common Ground Alliances in every province of Canada and throughout the United States that are focused on representing the issues of its members and other key stakeholders throughout Saskatchewan.

Executive Summary

Ground disturbance activity continues to grow at an ever increasing pace in Saskatchewan as the province rapidly expands to meet the fast growing population and economy. Whether an individual is building a fence or deck, a municipality is coordinating a development in a new subdivision or a large roadway or construction project is taking place, the ground is disturbed thousands of times a day.

This activity, coupled with a complex and vast network of underground infrastructure including electrical or communication cables and natural gas, oil or water gathering, distribution and transmission pipelines throughout the entire Province of Saskatchewan results in a risk that must be mitigated in every possible way.

Daily, incidents occur where unexpected contact is made with any one of these multiple underground infrastructures resulting in an unsafe situation that could result in serious consequences. The majority end up as incidents with damage to the infrastructure and construction equipment and likely a loss of service to those customers connected to that infrastructure. However, the potential exists for much larger impact resulting in worker and public safety being threatened every time an individual or large excavator disturbs the ground. In addition, the environment is impacted when infrastructure that carries dangerous products are ruptured.

Throughout North America, and around the world, one of the simplest and most effective means to reduce or eliminate damage to underground facilities and risk to worker safety is the use of a single point of contact or establishment of a One Call Service for those individuals and contractors to contact before they start any type of project. The comprehensive Locate Request Process provided by a One Call Service is just one element in the critical Damage (and Loss) Prevention Process that the SCGA promotes, however it is the primary step in the entire process.

The Damage Prevention Principles that are promoted by the SCGA align with the Saskatchewan Health and Safety Leadership Charter and will contribute significantly to Mission Zero within the Province.



The following document provides support for, and recommends that Saskatchewan follow the leadership of other jurisdictions and that the government legislates that a Mandatory One Call Service be established for the Province of Saskatchewan.

What is Mandatory One Call?

Jurisdictions that have a Mandatory One Call service require every person or entity that owns or operates underground infrastructure that is within, crosses or is in the vicinity of a public right of way be a member of the One Call Corporation or service represented in that area.

It includes utilities, transmission and telecommunication companies, municipalities, provincial, territorial and federal agencies and private or public institutions that operate their own infrastructure. It does not include private landowners who may operate and maintain buried infrastructure within their property boundary unless the buried infrastructure crosses a public right of way and only at that right of way.

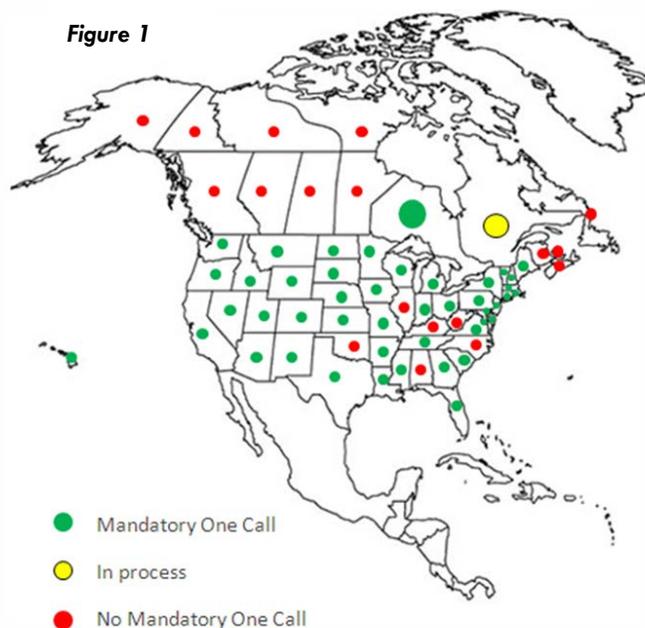
With this in place, no excavations shall take place without that individual or company contacting the One Call Corporation to request locates for all underground infrastructure that may be affected by the planned excavation or dig.

One Call members, within a fixed number of business days of the receipt of notification of a proposed dig or excavation, shall mark on the ground the location of its underground infrastructure at the proposed work location(s).

North America is largely served by One Call Services throughout most of the United States. Ontario has legislation and Quebec, Alberta and British Columbia are currently investigating the opportunity to implement similar legislation. See Figure 1 – North American Jurisdictions with Mandatory One Call.

North American Jurisdictions with One Call

Figure 1



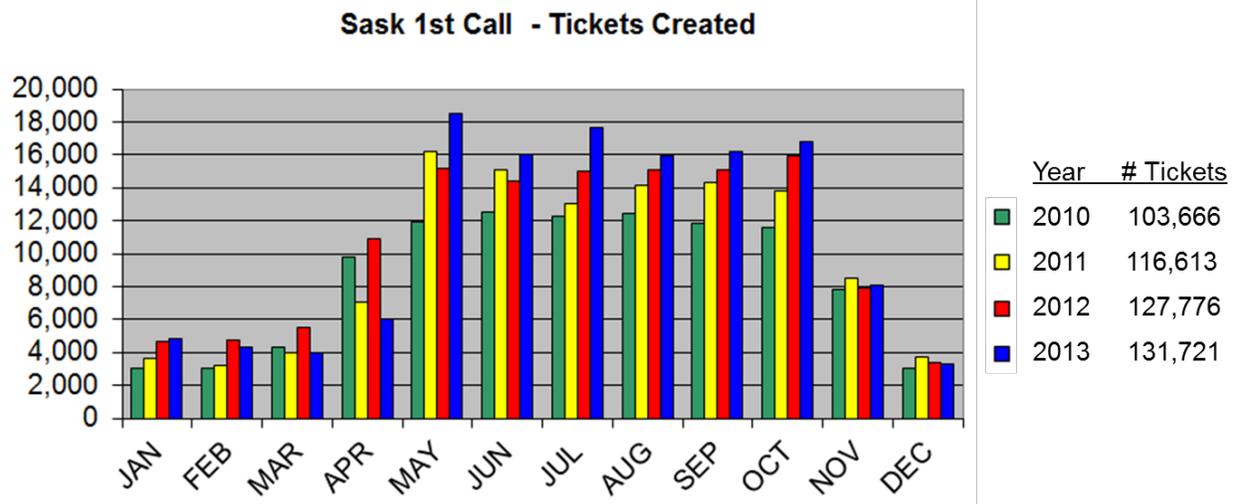
Current Status in Saskatchewan

Sask1st Call

Sask1st Call is a non-profit organization that provides a service for anyone planning to dig or excavate in Saskatchewan. It represents 59 members who own thousands of kilometers of underground infrastructure and provide mapping information about their infrastructure to Sask1st Call. When Sask1st Call is contacted about ground disturbance activity taking place at a location in Saskatchewan, Sask1st Call will screen the activity as compared to these maps and provide notifications (tickets) to its members to complete line locates of their infrastructure that may be located in the identified work area.



The organization was started over 10 years ago, in 2003, and now handles over 131,000 tickets for line locates in a year.



Membership in Sask1stCall is voluntary and has been growing, but there are a significant number of owners of infrastructure that are not yet represented.

Saskatchewan Underground Infrastructure

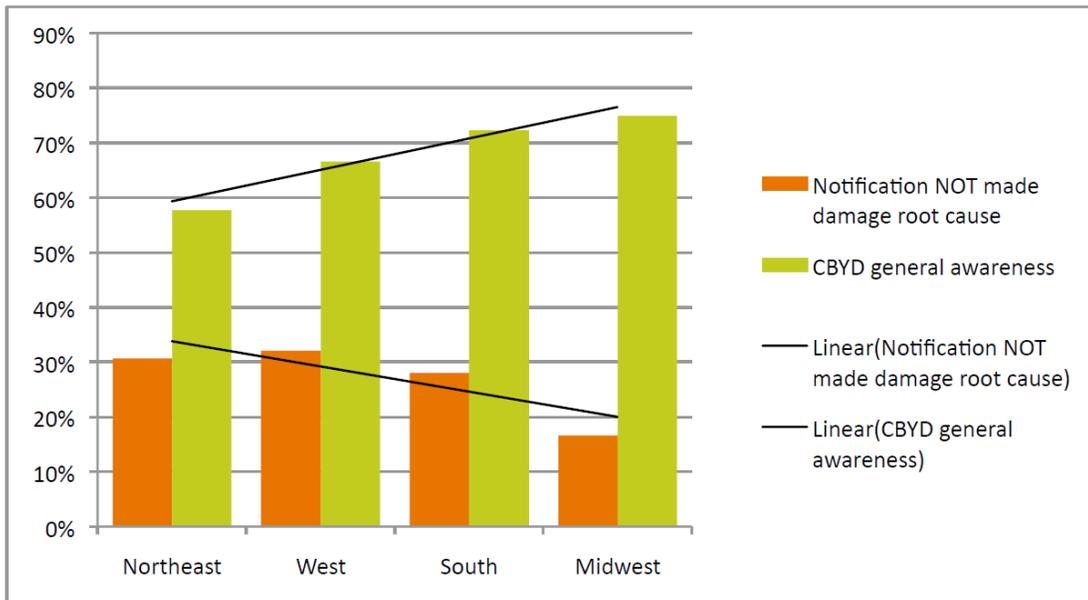
Although Saskatchewan is a relatively sparsely populated province, the amount and variety of infrastructure buried underground is large and extensive. As an energy producing area, there are tens of thousands of kilometers of flow, gathering, distribution and transmission pipelines across the province delivering oil, natural gas and petroleum liquids. In addition, it has become very common for electrical and communication cables to be buried underground. As well, the province is served by a vast network of water and sewer infrastructure serving the citizens and industries of the province. In total, there are tens of thousands of kilometers of critical infrastructure that services the daily needs of homes, businesses, institutions and industrials in Saskatchewan.

Accidental contact with any of one of these various forms of infrastructures can produce dangerous situations in some cases. An interruption of utility service can negatively impact the public if that service is curtailed in any manner. For example, a natural gas pipeline contact and rupture can create an explosive environment in certain circumstances, risk the life of workers and the public, and place the home or business owner in an uncomfortable or even dangerous situation. Oil gathering lines in southeast Saskatchewan handle a combination of light oils and sour gases which if ruptured could create a lethal environment for the public. Finally, communication cables, including fiber optic cables are the lifelines of the province. They transmit millions of pieces of critical information and data and interruptions of this service to homes, businesses, and emergency centers can be costly and could cause catastrophic circumstances.

Public Awareness and Education

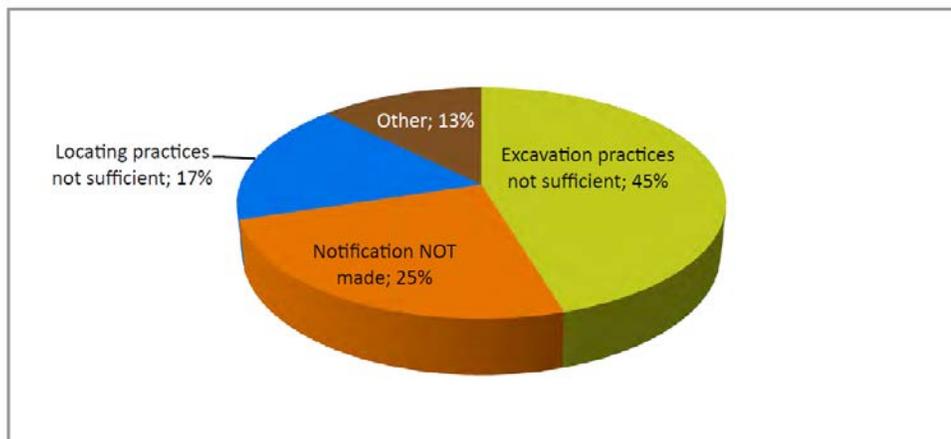
Education of the public and making them aware what to do when planning to disturb the ground is very important. The United States Common Ground Alliance, in their most recent 2012 Dirt Report, confirmed that as general awareness of Call Before You Dig increased, the number of incidents with underground facilities decreased.

Exhibit 4: Comparison of "Call Before You Dig"(CBYD) general awareness and percentage of events attributed to the Notification NOT made damage root cause by U.S. census region (2012)



In Saskatchewan, there are a number of avenues that public awareness is addressed. Individual utilities and infrastructure owners as well as Sask1st Call continually utilize various forms of media to raise awareness and stress the Call Before You Dig message. The Government of Saskatchewan endorses April as Safe Digging Month every year and Contractors across the province are invited to breakfast events in the spring to remind them of the dangers of ground disturbance and what they should do as part of the safe digging process.

Exhibit 3: Distribution of known events by root cause group²



Changing Saskatchewan Economy

Saskatchewan is becoming a very busy place and it is expected that this growth will continue over the foreseeable future. In whatever measure is used – be it capital investment, housing starts, salary base and employment hours or large multi-million dollar projects – Saskatchewan has a very active economy. This level of activity directly relates to the number of times in a day that the ground is disturbed and this increases the probability that an incident with buried infrastructure will occur. In a report completed for the Quebec Common Ground Alliance, there is one incident for every million dollars of capital being spent.

The SCGA is working at gathering data on the number of incidents that occur in the province in every year. Information from SaskEnergy, SaskPower and SaskTel indicates that there are over a 1,000 incidents per year with their facilities alone. With the lack of reporting it is difficult to accurately determine Saskatchewan's total number of incidents; but it could be in the 2,000 – 2,500 range. However, based on an average cost of \$5,000 to \$10,000/incident, it is estimated that Saskatchewan's costs would be \$10 to \$20 million per year. Further data gathering and analysis will be introduced for Saskatchewan, but the conclusion that this is a large loss of productivity and real dollars is evident.

Benefits of a Mandatory One Call Service

The implementation of a Mandatory One Call Service provides significant benefits to all of the stakeholders that own infrastructure, dig in the ground or receive service from this vast amount of underground infrastructure.

Benefits include:

1) Clear, Consistent and Accountable Ground Disturbance Processes

A One Call Service provides clear and consistent processes for all parties. Currently the process in Saskatchewan starts with a call to Sask1st Call. However, it cannot provide assurance to those callers that make requests that notifications will be made to all owners of infrastructure in the proposed dig area. Membership is voluntary and as such a significant amount of infrastructure in Saskatchewan is not represented. The digging party must find out who else owns infrastructure in the planned area by phoning other companies that may be suspected of owning infrastructure or searching land title records. Even with this additional effort, a large risk is taken when digging commences and the ground is disturbed. Safety is then compromised for all in the vicinity. A One Call Service supports accountability for all actions and associated costs.

2) Unified and Effective Approach that is easy to Navigate

One Call Services provide user friendly approaches for a range of parties, from the individual making a single request for weekend work to large excavators managing numerous large and complex projects. A number of processes from a phone call to web based applications are effective and can support the complete and accurate information requirements that are required.

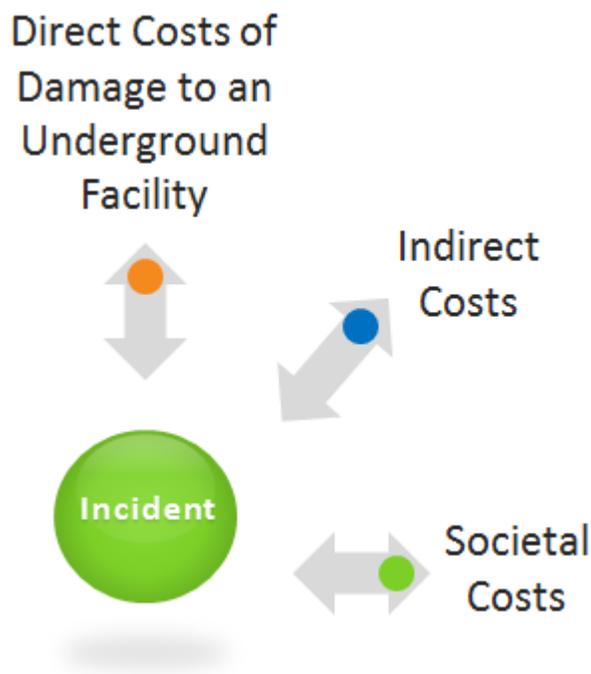
3) Enhanced Awareness by all Stakeholders

Sask1st Call has become a well known entity throughout the Province. Media campaigns including the recognition of April as Safe Digging Month in Saskatchewan are initiated by Sask1st Call. With the growing number of new citizens and companies from outside Saskatchewan it is important that this awareness be maintained and that it is provided by a recognizable international brand.

4) Cost Benefit of Millions of Dollars for Saskatchewan

It is estimated that incidents with underground infrastructure in Saskatchewan costs the citizens of the province at least \$10 million per year.

- **Direct Costs**
 - a) Repair or replacement costs
 - b) Losses of customer service, product and revenue
 - c) Equipment damage and repair
 - d) Worker downtime and project delays
 - e) Insurance liability costs and property damage costs
- **Indirect Costs**
 - a) Corporate and industry reputation costs
 - b) Customer costs due to loss of service/productivity
 - c) Investigation reporting both internal and external
 - d) Environmental mitigation costs
- **Societal Costs**
 - a) Emergency response costs and effects on their service (Police, Fire and EMS)
 - b) Evacuation costs
 - c) Traffic congestion costs
 - d) Health costs related to injuries and fatalities



The estimate is based on what the SCGA has learned from other Common Ground Alliances in North America. Both the Ontario Common Ground Alliance (ORCGA) and the Quebec Common Ground Alliance (APISQ) have completed efforts to quantify the cost in their provinces. They range from \$25 to \$93 million per year and are impacted significantly by the indirect cost components. The Quebec report estimated indirect costs of about \$75 million in 2012. Extrapolation of this information, leads the SCGA to estimate that at least \$10 million per year is the cost of these avoidable and unnecessary incidents in Saskatchewan. This is lost productivity for the Province!

The Common Ground Alliance (CGA) in the United States has the most complete data and information as a result of a comprehensive reporting system. Average cost per incident compares with that in Canada. Costs are then driven by activity levels and the amount of infrastructure. The report identifies causes of incidents and analyzes trends in data provided by its members over the last few years. It has seen significant reduction in incidents in jurisdictions that utilize a One Call Service. The 2012 CGA Dirt Report can be found on their website (www.commongroundalliance.com) or the SCGA website (www.scga.ca).

5) Reduced Safety and Environmental Risks

The most significant benefit of a One Call Service is the reduced safety risk for those working around the underground infrastructure. Saskatchewan has been very fortunate that incidents have resulted in very few injuries but the consequences on a contact with this underground infrastructure can be very significant and catastrophic.

6) Results in Accurate Data / Mapping of all Underground Infrastructure

Finally, all jurisdictions have reported that although challenging due to the amount and age of mapping data, the implementation of One Call Services where all owners are mandated to provide their mapping data has resulted in improved and more accurate data.

Challenges of a Mandatory One Call Service

Mapping Data of Older Underground Facilities

Experiences within Saskatchewan and throughout North America have confirmed a large part of older infrastructure is not supported with accurate mapping data. Past practices did not warrant as-built drawings and as such some infrastructure owners will be challenged to provide accurate maps of existing facilities. In addition to this One Call Service, updated and accurate mapping can provide many benefits to infrastructure owners as they manage their assets for effective growth and sustainability into the future. This need to confirm and update maps may result in a significant one time capital investment for infrastructure owners in Saskatchewan. A transitional process to confirm and map this infrastructure is the pragmatic approach to this challenge.

Cost of Participation in the One Call Service

Although there is a cost to participate in such a One Call Service, the benefits that the public and stakeholders will see, far overrides the individual costs. Membership costs are usually quite small and cost to receive notifications of intended work are minimal but are dependent upon the amount of infrastructure that an owner may have and the actual construction activity in that area. The annual cost of being part of the Sask1st Call organization can range between hundreds and tens of thousands of dollars per year. The cost of a ticket for Sask1st Call's service to its members is about \$4.00. Sask1st Call is a not-for-profit organization and recovers its costs for service from its members.

Finally the owner incurs cost to locate their facilities in the area that intended work is planned. The costs related to this activity should occur regardless of a Mandatory One Call Service as the owner strives to protect their infrastructure, provide quality service and eliminate safety risks to workers and the public.

Consultation Process

The SCGA has undertaken a comprehensive consultation process to discuss the proposal with many organizations and individuals throughout Saskatchewan. Members of the SCGA support the proposed intents and benefits that implementation of legislation for a Mandatory One Call Service for Saskatchewan would provide.

In addition, it appears that all organizations that excavate support the effectiveness of having a single point of contact that is provided by a One Call Service. Most owners of infrastructure support the awareness that a One Call Service can generate and recognize the benefits.

Organizations that have not been able to fully support the initiative include those that may struggle to provide mapping of their infrastructure and those that do not see a cost benefit of providing a locate of their underground infrastructure as related to the risks of an incident.

See Page 14 for the full list of stakeholders that the SCGA has consulted with.

Ministry of Economy – Petroleum and Natural Gas Division

This Ministry fully supports the Mandatory One Call initiative of the SCGA and notes that it would integrate with a plan to register all oil and gas flow lines in the Province over the next few years. The registry would provide a vital opportunity of the owners of those facilities to provide that mapping to Sask1st Call. The risk associated with digging in rural Saskatchewan will significantly be reduced with this direction and support.

Municipalities within Saskatchewan – SARM and SUMA

Both rural and urban municipalities have a very large stake in the proposed One Call initiative. They own a significant part of the water and sewer infrastructure that could be damaged through unsafe excavations. In addition, they are also part of the digging community and understand the associated risks.

Their support for this initiative is offset by the upfront costs that they would incur with the updates of maps that would likely be required. This effort could be significant to urban municipalities as they try to manage costs. Safety, damaged infrastructure cost avoidance and effectiveness are all benefits that would be jeopardized if the municipalities did not participate.

Other Service Providers

Owners of other underground services, and in particular cable communication companies, have indicated that the costs associated with being part of a One Call Service cannot be justified and that it is less costly to repair the infrastructure when it is damaged. This response was similar in Ontario when Mandatory One Call legislation was introduced in that province.

Proposal

The SCGA proposes that the Saskatchewan Government initiate actions that would require a Mandatory One Call service for Saskatchewan. It would be desirable to prioritize this effort and realize the benefits as early as possible.

Stakeholder Committee

It is suggested that a broad stakeholder committee be established to work with government to identify and work through the details related to the proposed legislation.

Proposal Cost and Timing

The cost to implement a Mandatory One Call Service is not insignificant but the framework and knowledge exists in Saskatchewan to fully adapt the proposal. It is expected that the legislative process could take up to three years. A parallel process with key stakeholders could transition infrastructure owners to have their mapping data to be part of the system within a reasonable timeframe.

- a) Owners will have capital costs related to gathering and completing mapping data as part of this process. In addition, they will be charged for the notifications that they receive when digging activity occurs in the vicinity of their underground infrastructure. Finally, there will be a cost for them to mark or locate these facilities so that the excavation can take place safely.
- b) Sask1st Call will have additional costs to resource the service that they would be charged with to provide. As a non-profit organization costs would be recovered through the ticket or notification process. Increases in use would likely result in the “ticket” cost remaining relatively constant.
- c) Saskatchewan Government would have cost related to creation of the legislation and regulation and some on-going legislation enforcement and performance monitoring costs.
- d) Excavators would reduce their direct costs as they would have a single point of contact.

Options

Options exist that could transition and stage participants into a full implementation of a Mandatory One Call Service over a number of years. Although this would not be preferable, it is realistic given the need to update mapping systems and introduce all of the stakeholders to the new more efficient processes.

Consequences of Deferment

Saskatchewan is just one incident away from a major catastrophe or fatality. With the significant activity occurring in the province, safety of workers and the public is paramount. The implementation of an effective system where One Call is made for any excavation would significantly reduce the number of incidents leading to a reduction in the estimated \$10 million per year of direct and indirect costs of these avoidable incidents.

Many organizations throughout Canada are recognizing the important value that an effective Mandatory One Call Service can provide and recommending that it be enacted. They include the Canadian Standing Senate Committee on Energy, the Environment and Natural Resources as referenced in, *Moving Energy Safely, a Study of the Safe Transport of Hydrocarbons by Pipelines, Tankers and Railcars in Canada* (August 2013), the National Energy Board (NEB), the Alberta Energy Regulator and the Canadian Standards Association (CSA) with their best practices standard for damage prevention that is currently being developed.

Saskatchewan must demonstrate its commitment to safety by initiating steps to introduce this effective legislation.

Attachments

SCGA Membership

1. 3M Canada Company	Manufacturer
2. 20/20 Geomatics Ltd	Surveying
3. Absolute Locating	Line locator
4. Acme Environmental Services Inc.	Utility Excavator / Locator
5. Alberta Hot Line	Line Locator / Training
6. Alliance Pipeline	Transmission Pipeline
7. Armour Safety Inc.	Safety Organization
8. Arnett & Burgess Oilfield Construction Ltd.	Gas / Oil Distribution
9. ASL Paving Ltd.	Road Builder
10. Astec Safety Inc.	Safety Organization
11. ATI Telecom International Co.	Telecommunications
12. Badger Daylighting	Hydrovac Excavators
13. Brandt Tractor Limited	Equipment Manufacturer
14. Caltech Surveys Ltd.	Surveying
15. Canadian Association of Pipeline Utility Locating Contractors	Safety Organization
16. Central Line Contractors Association	Electricity
17. City of Regina	Municipality
18. City of Swift Current	Electricity
19. Colt Electric Ltd.	Line Locator
20. Compass Geomatics	Surveying
21. DAXX Safety Management (Associates Inc)	Safety Organization
22. Emergency Management and Fire Safety Branch, Ministry of Corrections, Public Safety and Policing	Regulator
23. Enbridge Pipelines Inc.	Transmission Pipeline
24. Enform Saskatchewan	Safety Organization
25. Find It Locators Ltd.	Line Locator
26. Future Fence Ltd	Landscaping / Fencing
27. Heavy Construction Association of Sask.	Road Building
28. Heavy Construction Safety Association of Sask.	Safety Organization
29. Hundseth Powerline Construction	Electricity / Construction
30. Kinder Morgan Cochin	Transmission Pipeline

31. K-Line Maintenance & Construction	Electricity / Construction
32. Linestar Utility Supply	Equipment Supplier
33. Magna Electric Corporation	Electricity / Construction
34. Maxim Energy Corporation	Construction / Operation Services
35. McRae's Environmental Services	Utility Excavator / Locator
36. Meridian Surveys Ltd	Locator / Surveying
37. Ministry of Labour Relations & Workplace Safety (OH&S)	Safety Regulator
38. National Energy Board	Regulator
39. Plains Midstream Canada	Gas / Oil Distribution
40. Regina & Region Home Builders' Association	Home Builder
41. SAIT Polytechnic	Education / Training
42. Sask 1st Call	One Call
43. Saskatchewan Association of Rural Municipalities	Municipal & Public Works
44. Saskatchewan Construction Safety Association	Safety Organization
45. SaskEnergy	Utility - Natural Gas
46. SaskPower	Utility - Electricity
47. SaskTel	Telecommunications
48. Spectra Energy	Transmission Pipeline
49. Synergy Land Services Ltd.	Land Services
50. TransCanada Pipelines	Transmission Pipeline
51. TransGas	Transmission Pipeline
52. TSM Contractors Ltd.	Line Locator
53. URS Corporation	Gas / Oil Distribution
54. Vertex Professional Services Ltd	Environmental Services
55. Wappel Construction Co. Ltd.	Utility Excavator
56. Workers Compensation Board	Safety Regulator

Sask 1st Call Membership (as of June 1, 2014)

1. Alliance Pipeline Limited
2. Allstream
3. AltaGas Limited
4. ARC Resources Limited
5. ATCO Energy Solutions Limited
6. ATCO Gas & Pipelines Limited
7. AXIA Connect Limited
8. Beaumont Energy Inc.
9. Bell Canada
10. City of Medicine Hat
11. City of Saskatoon - PARKS BRANCH
12. City of Swift Current (Power and Water facilities)
13. ConocoPhillips Canada Resources Corp.
14. Conserve Oil Corp.
15. Crescent Point Energy Corp.
16. Direct Energy Marketing Limited
17. Enbridge Pipelines Inc. - Central Region - Western Region
18. Enbridge Pipelines (Saskatchewan) Inc.
19. Enerplus Resources Fund
20. EOG Resources Canada Inc.
21. Foothills Pipe Lines (Sask) Limited (TransCanada Pipelines)
22. Hilda Water Pipeline Co-op Limited
23. Inter Pipeline Limited
24. Kinder Morgan Cochin ULC
25. Lightstream Resources Limited
26. Longview Oil Corp.
27. Many Islands Pipe Lines (Canada) Limited (Operated by TransGas Limited)
28. Melfort Rural Pipeline Association
29. Monarch Communications
30. Moose Jaw Refinery
31. Mosaic Canada ULC
32. Murphy Oil Company Limited
33. Nexen ULC
34. Northern Blizzard Resources Inc.

35. NOVA Chemicals
36. ONEOK Rockies Processing Company (Canada) Limited
37. Pengrowth Corporation
38. Penn West Petroleum Limited
39. Pine Cliff Energy Limited
40. Plains Midstream Canada ULC
41. Rogers Communications
42. SaskEnergy Incorporated
43. SaskPower
44. SaskTel
45. Secure Energy Services
46. Sonde Resources Corp.
47. Souris Valley Pipeline Limited
48. Spectra Energy Empress Management Inc.
49. Spur Resources Limited
50. Suncor Energy Products Partnership
51. Talisman Energy Inc.
52. TELUS Communications Company Inc.
53. TORC Oil & Gas
54. TransGas Limited
55. TransCanada Pipelines Limited
56. University of Regina
57. Weyburn Utility Board
58. Whitecap Resources Inc.
59. Wood River Utility Board

SCGA Stakeholder Consultations

Saskatchewan Association of Rural Municipalities
Saskatchewan Urban Municipalities Association

Saskatchewan Construction Association
Saskatchewan Heavy Construction Association

Regina and Region Home Builders' Association
Saskatoon and Region Home Builders' Association

Saskatchewan Land Surveyors Association
Saskatchewan Nursery Landscape Association (Canadian Association)
Association of Professional Engineers of Saskatchewan
Consulting Engineers of Saskatchewan
Saskatchewan Environmental Industry & Managers Association
Saskatchewan Mining Association
Insurance Brokers Association of Saskatchewan

Saskatchewan Construction Safety Association
Heavy Construction Safety Association of Saskatchewan
Saskatchewan Safety Council
Worksafe Saskatchewan

Ontario Bill 8



1ST SESSION, 40TH LEGISLATURE, ONTARIO
61 ELIZABETH II, 2012

1^{re} SESSION, 40^e LÉGISLATURE, ONTARIO
61 ELIZABETH II, 2012

Bill 8

*(Chapter 4
Statutes of Ontario, 2012)*

**An Act respecting
an underground infrastructure
notification system for Ontario**

Co-sponsors:
Mr. Bailey
Mr. P. Miller

1st Reading	November 24, 2011
2nd Reading	December 1, 2011
3rd Reading	June 14, 2012
Royal Assent	June 19, 2012

Projet de loi 8

*(Chapitre 4
Lois de l'Ontario de 2012)*

**Loi sur un système d'information
sur les infrastructures souterraines
en Ontario**

Coparrains :
M. Bailey
M. P. Miller

1 ^{re} lecture	24 novembre 2011
2 ^e lecture	1 ^{er} décembre 2011
3 ^e lecture	14 juin 2012
Sanction royale	19 juin 2012



EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 8 and does not form part of the law. Bill 8 has been enacted as Chapter 4 of the Statutes of Ontario, 2012.

The Bill enacts a new Act, the *Ontario Underground Infrastructure Notification System Act, 2012*.

Ontario One Call is a corporation currently operating in Ontario. Ontario One Call provides information to excavators about the location of underground infrastructure. The Act continues the Corporation and requires that the persons or entities specified in the Act become members of the Corporation and provide information to it. When a member of the Corporation receives information about a proposed excavation or dig, the member is required to mark the location of its underground infrastructure that may be affected by the excavation or dig, or indicate that its underground infrastructure will not be affected by the excavation or dig. The Act also requires excavators to obtain information respecting underground infrastructure before beginning an excavation or dig. The Act creates offences for failure to comply with the Act or regulations made under it.

NOTE EXPLICATIVE

La note explicative, rédigée à titre de service aux lecteurs du projet de loi 8, ne fait pas partie de la loi. Le projet de loi 8 a été édicté et constitue maintenant le chapitre 4 des Lois de l'Ontario de 2012.

Le projet de loi édicte une nouvelle loi intitulée *Loi de 2012 sur un système d'information sur les infrastructures souterraines en Ontario*.

La société Ontario One Call, qui exerce actuellement ses activités en Ontario, donne des renseignements aux entreprises d'excavation au sujet de l'emplacement des infrastructures souterraines. La Loi proroge la Société et exige que les personnes ou les entités qui y sont précisées deviennent membres de la Société et lui communiquent des renseignements. Lorsqu'il reçoit des renseignements concernant un projet d'excavation ou de creusage, le membre de la Société est tenu de marquer l'emplacement de ses infrastructures souterraines qui peuvent être perturbées par les travaux ou de signaler que celles-ci ne seront pas perturbées par les travaux. La Loi exige également que les entreprises d'excavation obtiennent des renseignements sur les infrastructures souterraines avant de commencer l'excavation ou le creusage. La Loi érige en infraction la non-conformité à la Loi ou aux règlements pris en vertu de celle-ci.

**An Act respecting
an underground infrastructure
notification system for Ontario**

**Loi sur un système d'information
sur les infrastructures souterraines
en Ontario**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“Corporation” means the corporation continued under subsection 2 (1); (“Société”)

“excavator” means any individual, partnership, corporation, public agency or other person or entity that digs, bores, trenches, grades, excavates, moves or breaks earth, rock or the materials in the ground, and “excavation” has a corresponding meaning. (“entreprise d’excavation”, “projet d’excavation”, “travaux d’excavation”)

Ontario One Call continued

2. (1) Ontario One Call, continued under the *Corporations Act*, is continued as a corporation without share capital.

Letters patent revoked

(2) The letters patent issued to continue the Corporation are revoked, but the revocation does not affect the rights or obligations of the Corporation or any by-law, resolution or appointment of the Corporation except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Board of directors

(3) The affairs of the Corporation shall be governed and managed by its board of directors.

Members of board

(4) On the day this Act comes into force, the members of the board of the Corporation shall be the members of the board who held office immediately before that day.

Not a Crown agency

(5) The Corporation is not a Crown agency within the meaning of the *Crown Agency Act*.

Powers

(6) The Corporation has the capacity and the rights, powers and privileges of a natural person, subject to the limitations set out in this Act.

Sa Majesté, sur l’avis et avec le consentement de l’Assemblée législative de la province de l’Ontario, édicte :

Définitions

1. Les définitions qui suivent s’appliquent à la présente loi.

«entreprise d’excavation» Particulier, société de personnes, société, organisme public ou autre personne ou entité qui effectue, dans de la terre, de la roche ou tout autre matériau qui se trouve dans le sol, des travaux de creusement, de forage, de tranchée, de nivellement, d’excavation, de terrassement ou de cassage. Les termes «projet d’excavation» et «travaux d’excavation» ont un sens correspondant; («excavator», «excavation»)

«Société» S’entend de la société prorogée par le paragraphe 2 (1). («Corporation»)

Prorogation d’Ontario One Call

2. (1) Ontario One Call, prorogée sous le régime de la *Loi sur les personnes morales*, est prorogée en tant que personne morale sans capital-actions.

Révocation des lettres patentes

(2) Les lettres patentes prorogeant la Société sont révoquées, mais cette révocation n’a aucune incidence sur les droits ou les obligations de la Société ni sur ses règlements administratifs, ses résolutions ou ses nominations, sauf en cas d’incompatibilité entre un règlement administratif, une résolution ou une nomination et la présente loi.

Conseil d’administration

(3) Les affaires de la Société sont régies et gérées par son conseil d’administration.

Membres du conseil d’administration

(4) Le jour de l’entrée en vigueur de la présente loi, les membres du conseil d’administration de la Société sont ceux qui étaient en fonction la veille de ce jour.

Non un organisme de la Couronne

(5) La Société n’est pas un organisme de la Couronne au sens de la *Loi sur les organismes de la Couronne*.

Pouvoirs

(6) Sous réserve des restrictions énoncées dans la présente loi, la Société a la capacité ainsi que les droits, les pouvoirs et les privilèges d’une personne physique.

Objects

3. (1) The following are the objects of the Corporation:

1. To operate a call system to receive excavator requests for the location of underground infrastructure within Ontario.
2. To identify for excavators whether underground infrastructure is located in the vicinity of a proposed excavation or dig site.
3. To notify a member of the Corporation of proposed excavations or digs that may affect the underground infrastructure of the member.
4. To raise public awareness of the Corporation and the need for safe digging.

Non-profit corporation

(2) The business and affairs of the Corporation shall be carried on without the purpose of gain and any profits shall be used by the Corporation for the purpose of carrying out its objects.

No fee for request

4. (1) The Corporation shall not charge a fee to any person making a request for the location of underground infrastructure.

Requirements and standards

(2) The Corporation shall ensure that the call system's operations satisfy any requirements and standards set out in the regulations made under this Act.

Call centre in Northern Ontario

(3) The Corporation shall operate, as part of its call system, at least one call centre located in Northern Ontario.

Definition

(4) In subsection (3),

“Northern Ontario” means the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming and The City of Greater Sudbury.

Members

5. (1) A person or entity described in one or more of the following paragraphs is a member of the Corporation if the person or entity owns or operates underground infrastructure:

1. Every municipality in Ontario.
2. Hydro One Inc., as defined in the *Electricity Act, 1998*.
3. Ontario Power Generation Inc., as defined in the *Electricity Act, 1998*.
4. Every gas distributor and every gas transmitter, as those terms are defined in the *Ontario Energy Board Act, 1998*.

Mission

3. (1) La Société a pour mission ce qui suit :

1. Exploiter des centres d'appels pour recevoir les demandes de renseignements de la part des entreprises d'excavation sur l'emplacement des infrastructures souterraines en Ontario.
2. Déterminer, pour le compte des entreprises d'excavation, si des infrastructures souterraines sont situées à proximité de l'emplacement d'un projet d'excavation ou de creusement.
3. Aviser les membres de la Société des projets d'excavation ou de creusement qui peuvent perturber leurs infrastructures souterraines.
4. Sensibiliser le public à la Société et à la nécessité d'assurer la sécurité des travaux de creusement.

Organisation sans but lucratif

(2) La Société exerce ses activités et mène ses affaires sans but lucratif et affecte tout gain éventuel à la réalisation de sa mission.

Demande de renseignements gratuite

4. (1) La Société ne doit pas exiger de droits de quiconque fait une demande de renseignements sur l'emplacement d'infrastructures souterraines.

Exigences et normes

(2) La Société fait en sorte que les activités de ses centres d'appels respectent les exigences et les normes énoncées dans les règlements pris en vertu de la présente loi.

Centre d'appels dans le Nord de l'Ontario

(3) La Société exploite au moins un de ses centres d'appels dans le Nord de l'Ontario.

Définition

(4) La définition qui suit s'applique au paragraphe (3).

«Nord de l'Ontario» Les districts territoriaux d'Algoma, de Cochrane, de Kenora, de Manitoulin, de Nipissing, de Parry Sound, de Rainy River, de Sudbury, de Thunder Bay et de Timiskaming et la ville du Grand Sudbury.

Membres

5. (1) Sont membres de la Société les personnes ou entités visées à l'une ou plusieurs des dispositions suivantes qui sont propriétaires ou exploitantes d'infrastructures souterraines :

1. Toutes les municipalités de l'Ontario.
2. Hydro One Inc., au sens de la *Loi de 1998 sur l'électricité*.
3. Ontario Power Generation Inc., au sens de la *Loi de 1998 sur l'électricité*.
4. Tous les distributeurs de gaz et tous les transporteurs de gaz, au sens que la *Loi de 1998 sur la Commission de l'énergie de l'Ontario* donne à ces termes.

5. Every operator of a distribution system, as defined in the *Electricity Act, 1998*.
6. Every person or entity regulated under the *Oil, Gas and Salt Resources Act*.
7. Every person or entity that owns or operates underground infrastructure that crosses a public right of way or is in the vicinity of a public right of way.

Members to provide information

(2) A member of the Corporation shall provide, at the time or times specified in the regulations, such information to the Corporation as is necessary for the Corporation to fulfil its objects.

When current persons or entities to become members

(3) Subject to subsection (4), if, on the day this Act comes into force, a person or entity described in subsection (1) is not a member of the Corporation, the person or entity is deemed to become a member on the first anniversary of that day, unless admitted to membership before that day.

When current municipalities to become members

(4) If, on the day this Act comes into force, a municipality described in paragraph 1 of subsection (1) is not a member of the Corporation, the municipality is deemed to become a member on the second anniversary of that day, unless admitted to membership before that day.

When current members to provide initial information

(5) A person or entity who becomes a member of the Corporation under subsection (3) or (4) shall provide, immediately upon the person or entity becoming a member, such initial information to the Corporation as is necessary for the Corporation to fulfil its objects.

Where infrastructure affected by dig

6. (1) If a member of the Corporation receives a notification from the Corporation about a proposed excavation or dig that may affect underground infrastructure owned by the member, the member shall,

- (a) mark on the ground the location of its underground infrastructure and provide a written document containing information respecting the location of the underground infrastructure; or
- (b) state in writing that none of its underground infrastructure will be affected by the excavation or dig.

Member to respond within five days

(2) The member shall make all reasonable attempts to do the things required by subsection (1) within five business days of the day the member receives notification about the proposed excavation or dig, unless there is a reasonable expectation that the excavation or dig will not start within 30 business days of the day the member receives the notification.

5. Tous les exploitants d'un réseau de distribution, au sens de la *Loi de 1998 sur l'électricité*.
6. Toutes les personnes ou entités réglementées par la *Loi sur les ressources en pétrole, en gaz et en sel*.
7. Toutes les personnes ou entités qui sont propriétaires ou exploitantes des infrastructures souterraines qui traversent un emplacement grevé d'un droit de passage public ou qui sont situées à proximité d'un tel emplacement.

Communication de renseignements par les membres

(2) Tout membre de la Société communique à cette dernière, dans les délais précisés dans les règlements, les renseignements nécessaires pour lui permettre de réaliser sa mission.

Admission de personnes ou d'entités à titre de membres

(3) Sous réserve du paragraphe (4), toute personne ou entité visée au paragraphe (1) qui n'est pas membre de la Société le jour de l'entrée en vigueur de la présente loi est réputée en devenir membre au premier anniversaire de ce jour, sauf si elle est admise à en devenir membre avant ce jour.

Admission de municipalités à titre de membres

(4) Toute municipalité visée à la disposition 1 du paragraphe (1) qui n'est pas membre de la Société le jour de l'entrée en vigueur de la présente loi est réputée en devenir membre au deuxième anniversaire de ce jour, sauf si elle est admise à en devenir membre avant ce jour.

Communication de renseignements initiaux par les nouveaux membres

(5) Toute personne ou entité qui devient membre de la Société en application du paragraphe (3) ou (4) communique immédiatement à cette dernière les renseignements initiaux nécessaires pour lui permettre de réaliser sa mission.

Infrastructures perturbées par des travaux de creusage

6. (1) Le membre de la Société qui reçoit un avis de celle-ci au sujet d'un projet d'excavation ou de creusage qui peut perturber des infrastructures souterraines dont il est propriétaire prend l'une ou l'autre des mesures suivantes :

- a) il marque sur le sol l'emplacement de ses infrastructures souterraines et fournit un document écrit faisant état de l'emplacement;
- b) il indique par écrit qu'aucune de ses infrastructures souterraines ne sera perturbée par le projet.

Réponse du membre dans un délai de cinq jours

(2) Le membre fait tous les efforts raisonnables pour se conformer au paragraphe (1) dans les cinq jours ouvrables suivant le jour où il reçoit l'avis du projet d'excavation ou de creusage, à moins qu'il soit raisonnable de s'attendre à ce que les travaux d'excavation ou de creusage ne commencent pas dans les 30 jours ouvrables suivant ce jour.

Time limits

(3) The time limit set out in subsection (1) shall not apply and a different time limit shall apply if,

- (a) the member and the excavator agree to a different time limit; or
- (b) the regulations set out a different time limit applicable to the circumstances.

Excavator duties re locates

7. (1) For the purposes of this section, a member of the Corporation properly provides a locate if,

- (a) it makes a mark on the ground indicating the location of its underground infrastructure; and
- (b) it provides a written document containing information respecting the location of its underground infrastructure.

Same

(2) No excavator shall commence an excavation or dig unless,

- (a) it has contacted the Corporation to request locates for all underground infrastructure that may be affected by the excavation or dig;
- (b) each member that owns or operates underground infrastructure that may be affected by an excavation or dig has properly provided locates for its affected underground infrastructure or has stated in writing that none of its underground infrastructure will be affected by the excavation or dig; and
- (c) if locates are properly provided, the excavator has ensured that the locate markings on the ground do not conflict with the written information provided respecting the underground infrastructure.

Same

(3) No excavator shall excavate or dig in a manner that the excavator knows or reasonably ought to know would damage or otherwise interfere with any underground infrastructure.

Penalties

8. A person or entity who does not comply with section 5, 6 or 7 is guilty of an offence and on conviction is liable to the fine set out in the regulations made under this Act.

Regulations

9. The Lieutenant Governor in Council may make regulations,

- (a) respecting the governance of the Corporation and the administration of this Act and the regulations;
- (b) establishing requirements and standards regarding the operations of the Corporation's call system;

Délais

(3) Le délai énoncé au paragraphe (1) est remplacé par un autre délai si, selon le cas :

- a) le membre et l'entreprise d'excavation s'entendent sur un délai différent;
- b) les règlements énoncent un délai différent qui s'applique dans les circonstances.

Obligations de l'entreprise d'excavation : localisations

7. (1) Pour l'application du présent article, le membre de la Société qui satisfait aux exigences suivantes fournit une localisation de façon adéquate :

- a) il marque sur le sol l'emplacement de ses infrastructures souterraines;
- b) il fournit un document écrit faisant état de l'emplacement de ses infrastructures souterraines.

Idem

(2) Aucune entreprise d'excavation ne doit entreprendre des travaux d'excavation ou de creusage à moins de satisfaire aux exigences suivantes :

- a) elle a communiqué avec la Société pour demander la localisation de toutes les infrastructures souterraines qui peuvent être perturbées par les travaux;
- b) chaque membre qui est propriétaire ou exploitant d'infrastructures souterraines qui peuvent être perturbées par les travaux en a fourni la localisation de façon adéquate ou a indiqué par écrit qu'aucune de ses infrastructures souterraines ne sera perturbée par ces travaux;
- c) lorsque la localisation a été fournie de façon adéquate, l'entreprise d'excavation s'est assurée que les marques de localisation sur le sol correspondent aux renseignements écrits fournis à l'égard des infrastructures souterraines.

Idem

(3) Aucune entreprise d'excavation ne doit effectuer des travaux d'excavation ou de creusage d'une manière dont l'entreprise sait ou devrait raisonnablement savoir qu'elle aurait pour effet de porter atteinte à des infrastructures souterraines notamment en les endommageant.

Pénalités

8. Toute personne ou entité qui ne se conforme pas à l'article 5, 6 ou 7 est coupable d'une infraction et passible, sur déclaration de culpabilité, de l'amende prévue par les règlements pris en vertu de la présente loi.

Règlements

9. Le lieutenant-gouverneur en conseil peut, par règlement :

- a) traiter de la régie de la Société et de l'application de la présente loi et des règlements;
- b) fixer des exigences et des normes concernant les activités des centres d'appels de la Société;

- (c) identifying persons or entities, in addition to those listed in subsection 5 (1), who are required to become members of the Corporation and specifying the date by which such persons or entities shall become members;
 - (d) specifying times when a member must provide information under subsection 5 (2);
 - (e) governing fees to be paid by members of the Corporation;
 - (f) respecting situations in which the time limit for locating and marking underground infrastructure is to be shorter or longer than the time limit described in subsection 6 (1), and specifying the shorter or longer time limits;
 - (g) respecting whether underground infrastructure crosses a public right of way or is in the vicinity of a public right of way, for the purposes of paragraph 7 of subsection 5 (1);
 - (h) respecting whether a proposed excavation or dig is in the vicinity of underground infrastructure owned by a member, for the purposes of subsection 6 (1);
 - (i) specifying the fines to be paid for offences under this Act.
- c) indiquer les personnes ou les entités, outre celles énumérées au paragraphe 5 (1), qui sont tenues de devenir membres de la Société et préciser dans quel délai elles doivent le devenir;
 - d) préciser les délais dans lesquels les membres doivent fournir des renseignements en application du paragraphe 5 (2);
 - e) régir les droits que doivent acquitter les membres de la Société;
 - f) traiter des situations dans lesquelles le délai imparti pour repérer et marquer l'emplacement des infrastructures souterraines est différent de celui prévu au paragraphe 6 (1) et préciser quel est alors le délai;
 - g) déterminer si des infrastructures souterraines traversent un emplacement grevé d'un droit de passage public ou sont situées à proximité d'un tel emplacement, pour l'application de la disposition 7 du paragraphe 5 (1);
 - h) déterminer si un projet d'excavation ou de creusement est situé à proximité des infrastructures souterraines dont un membre est propriétaire, pour l'application du paragraphe 6 (1);
 - i) préciser les amendes imposées en cas d'infraction à la présente loi.

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the *Ontario Underground Infrastructure Notification System Act, 2012*.

Entrée en vigueur

10. La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Titre abrégé

11. Le titre abrégé de la présente loi est *Loi de 2012 sur un système d'information sur les infrastructures souterraines en Ontario*.