

# Review of Locate Solutions Working Group Final Recommendations

January 2022



# LSWG Objectives

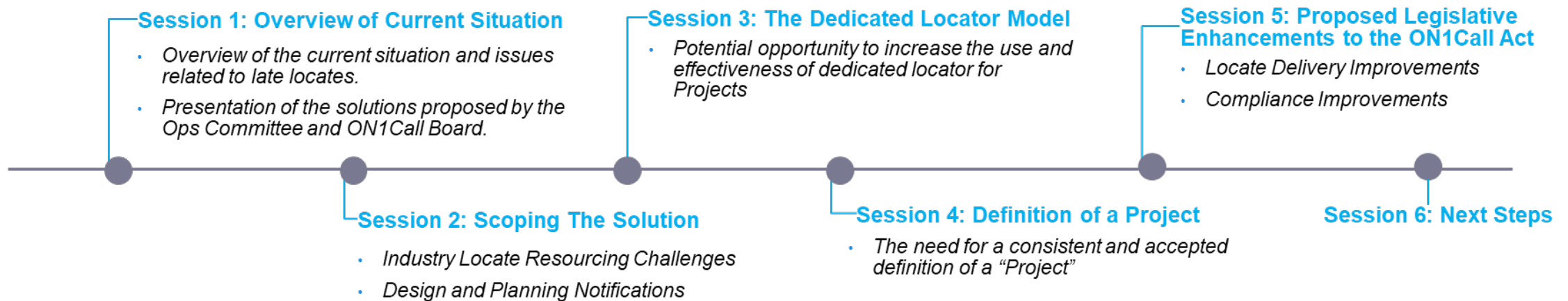
- ▶ The Locate Solutions Working Group (LSWG) are tasked with providing input on endorsed sustainable solutions to improve locate system processes and delivery to meet industry needs for 2022 and beyond
- ▶ The responsibilities of the Working Group include:
  - Confirming current-state issues to be solved
  - Critically assessing preliminary solutions that will deliver timely locates to major projects, excavators and homeowners
  - Recommending improvements and new alternatives to preliminary solutions
  - Consideration of how shifting incentives and payments impacts members
  - Identifying targeted legislative, by-law and policy changes to improve end-to-end utility locate processes
- ▶ Working Group sessions are intended to facilitate alignment between the stakeholder groups. It is understood that stakeholder groups have different needs, however, a collective effort is required to address challenges faced by the industry<sup>2</sup>

# LSWG Participants

One Call Centre	Ben Hamilton (OOC)		Dereck Oikawa (Aecon)		Tony DiPede (North Rock Group)	
Government	Hussein Lalani (MGCS)	Samantha Pinto (MGCS)	Sharmila Uruthiranandasivam (MGCS)		Gord Reynolds (IO)	
Local Service Providers	Jason Meyer (Gtel)		Scott Stewart & Josie Trapini (Promark)		Kevin Vine (MultiView)	
Excavators	Kathryn Sutherland (NCHCA)	Patrick McManus (OSWCA)	Paul DeBerardis (RESCON)		Nadia Todorova (RCCAO)	Peter Smith (RCCAO)
One Call Members	Bav Mistry (Hydro One)	Mike McGivery (Enbridge Gas)	Eric Boere (Region of Halton)	Nectar Tampacopoulus (Region of Peel)	Dave Martins (Toronto Hydro)	Mel Geronimo (Toronto Water)
	Gary Irwin (City of London)	Gord McGuire (City of Hamilton)	Mike Field (City of Hamilton)	Sherie Eastbury (City of Hamilton)	Jamie MacLeod (Hydro Ottawa)	Daniel Cole (Town of Collingwood)
Stakeholder	Doug Lapp (ORCGA)		Technical		Jamie Bradburn (T2 Utility Engineers)	

# LSWG Sessions

- Six sessions were held over November-December 2021



# LSWG Recommendations

- ▶ There are 27 recommendations which emerged from the sessions and consolidated into 13 main topics
- ▶ Some of these will become part of the current legislative changes expected for April 2022 by MGCS and some will be incorporated in future legislative changes within a one to two year horizon
- ▶ A number of recommendations from MGCS focus on compliance
- ▶ Others will be worked on by the ON1Call Operations Committee and ON1Call. Some have short-term horizons, others are longer-term initiatives

Priority #	Proposed Solution	Short or Long Term Implementation	Key Actions For Implementation	Responsible Party for Implementation	Additional Comments
1	<b>Define Dedicated Locator Projects</b>	<b>Short term and Long term</b>	<p><b>Short term:</b></p> <ul style="list-style-type: none"> <li>- MCGS to Legislate that the Project Definition will be developed by the Operations Committee and reviewed on a defined cycle basis for continuous improvement.</li> <li>- Define Projects by "Type of Work" to be developed by Operations Committee.</li> <li>- Mandate Dedicated Locator Projects participate in 360 feedback Tool</li> </ul> <p><b>Long term:</b></p> <ul style="list-style-type: none"> <li>- Review utilizing clear definition of project by work type, by size and geographic standards, etc..</li> </ul>	<p><b>Short term:</b></p> <ul style="list-style-type: none"> <li>- Ontario One Call (Execution of Ticket Processing)</li> <li>- Operations Committee (Define which "Work Types" would qualify for Project definition)</li> </ul> <p><b>Long term:</b></p> <ul style="list-style-type: none"> <li>- Ontario One Call (Technology Enhancements)</li> <li>- Operations Committee (Define Project Qualifiers)</li> </ul>	<ul style="list-style-type: none"> <li>- It was remarked that this solution may have a opportunity to be stipulated in the member design and construction contracts as a requirement.</li> </ul>
2	<p><b>New Schedule (Law) to recognize Excavators within the Act</b></p> <p>Ensure equitable accountability between the 2 key stakeholders being Members and Excavators. In order for industry to succeed, ON1CALL needs the ability to have accountability of both stakeholders requirements for effective locate completion.</p> <p>Outlines minimum set of criteria for an actionable locate request; to include items such as:</p> <ul style="list-style-type: none"> <li>- Precise boundaries of the excavation limits.</li> <li>- A pre-excavating meeting at the jobsite prior to locate.</li> <li>- Excavators to be mandated to provide locate documentation to member on site upon request by member.</li> </ul>	<b>Short term</b>	<ul style="list-style-type: none"> <li>- Utilize new legislation to include excavator responsibilities when submitting locate tickets for completion to increase efficiency for provision of locate and eliminate abuse (i.e. over ordering, pre-engineering tickets, locates for project bidding purposes, locate requests to demonstrate project cycle commencement with no desire to excavate)</li> <li>- Leverage opportunities for ON1CALL web portal enhancements (Short &amp; Long Term for continuous improvement).</li> <li>- Include legislation wording that allows the ON1CALL Ops Committee flexibility to make continuous improvement changes.</li> <li>- Include Schedule for Excavators accountabilities (i.e. must report all damages to Members).</li> </ul>	<ul style="list-style-type: none"> <li>- MGCS (Legislation)</li> <li>- Operations Committee (Define criteria)</li> <li>- ON1Call (Internal Systems Updates)</li> </ul>	<p>-Implementing this solution will assist with filtering locates to ensure only actionable locates are received by Members/Locators. This will eliminate the delay/downtown associated with locates that cannot be interpreted due to unknown/misleading information (i.e. vague marking instructions, multiple locations/where to start?, over ordering of locate area vs excavation area).</p> <p>This typically results in locators attempting to contact the excavators without resolve.</p> <p>Ensuring excavators provide locates to members on site upon request will enhance the Province's safety &amp; damage prevention efforts</p>

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3	<b>Mandatory Virtual Pre-Site Meet between Project Proponent/Excavator(s) and Members/LSP</b>	<b>Short Term</b>	<ul style="list-style-type: none"> <li>- If Dedicated Locator is not legislated for all members to participate for certain projects than mandatory on site and/or virtual site meets will critical for the successful completion of long duration projects.</li> <li>- Scope should be clear and concise as to what projects require site meets (i.e. multiple locations, multiple streets, different points of reference vs small area projects such as condos, industrial, etc..</li> <li>-Solution cannot delay projects and may be a tool for ON1Call to encourage/force partnership between member and excavator.</li> </ul>	<ul style="list-style-type: none"> <li>- MGCS (Legislation)</li> <li>- Operations Committee (Define Criteria)</li> <li>- ON1Call (Escalation Tool)</li> </ul>	<ul style="list-style-type: none"> <li>- It was noted that the focus of this solution is on access of records.</li> <li>- It was also suggested that the Dedicated Locator solution would naturally allow for pre-site meetings to occur as required.</li> </ul>
4	<b>Enhance Ontario One Call's Compliance Framework</b> <ul style="list-style-type: none"> <li>- Review current Ontario One Call compliance framework and examine other progressive deterrents for non-compliant Members (i.e. ON1Call to issue fines to Members for non-compliance?)</li> </ul>	<b>Short term and Long term</b>	<ul style="list-style-type: none"> <li>- ON1Call to publish a guideline, that provides guidance for members on the compliance framework.</li> <li>- Compliance Framework considers how to address systemic lateness, and excavator accountability. This solution may not be reasonable if safety issue(s) delays locate, ON1Call would require staff trained and qualified investigators, and potential hearing/appeal process.</li> <li>- Consider public publication of convictions for non-compliance and member's locate performance data on its website. (May require a review period from member to allow for any disputes of data to protect brand reputation due to inaccuracies of data.)</li> <li>- Improve Excavator Recourse: Provide proponents (e.g., project owner) with the ability to seek damages through the Ontario Land Tribunal and include pay for delay/redesign measures for inaccurate and late locates.</li> </ul>	<ul style="list-style-type: none"> <li>- MGCS (Legislation)</li> <li>- ON1CALL (Execution)</li> <li>- Operations Committee (Stakeholder Input)</li> </ul>	Building Broadband Faster Act, 2021 may be a reference point.

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5	Increase advance remark request from excavators to 15 business days from 5 business days	Short Term		<ul style="list-style-type: none"> <li>- ON1Call (Execution)</li> <li>- Operations Committee (Process)</li> </ul>	This solution will allow Members/Locators to better plan for upcoming remarks instead of adjusting schedules with only 5 business day notice.
6	Define standard locates , priority locates, and emergency locates based on One Call's By Law.	Short term	<ul style="list-style-type: none"> <li>- Complete a broader review with existing regulations such as Health &amp; Safety Green Book (MOL)</li> <li>- Definitions should ensure clarity and consistent understanding across the impacted stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>- MGCS (Legislation)</li> <li>- ON1Call (Processes)</li> <li>- Operations Committee (Best Practices)</li> </ul>	
7	Sharing of Locates between excavators (i.e. General and Subs)	Short term	- Allowing and encouraging excavators to share locates will be very valuable with increasing unwarranted locate requests (i.e. multiple excavators ordering the same located area multiple times at the same location such as sub divisions).	<ul style="list-style-type: none"> <li>- ON1Call (Execution)</li> <li>- Operations Committee (Process)</li> </ul>	
8	Complete review of the opportunity to eliminate Relocates for Specific Excavation Projects	Short term	- Require Members to be ok with liability associated with clearing specific locates based on depth, duration, etc..	Operations Committee (Complete Review with Industry)	<ul style="list-style-type: none"> <li>- Eliminate the need for unnecessary relocates (i.e. long term digging to build condominium foundations do not require relocates.)</li> <li>- Would require liability review from Members if Clearing specific locates aligns with the risk.</li> </ul>
9	ON1CALL to issue Monetary penalties against non-compliant members.	Short term / Long Term	<ul style="list-style-type: none"> <li>- Required changes to the act may make this a longer term solution.</li> <li>- In order for the Members to be successful, many of these solutions require effective implementation prior to using monetary penalties to encourage member performance.</li> </ul>	<ul style="list-style-type: none"> <li>- Ontario One Call (Execution)</li> <li>- Operations Committee (Define Non-Compliant)</li> </ul>	<ul style="list-style-type: none"> <li>- It was suggested that specific infractions be defined in order to avoid future litigations.</li> <li>- It was also suggested that a body, that is able to enforce penalties, be defined.</li> </ul>



Priority #	Proposed Solution	Short or Long Term Implementation	Key Actions For Implementation	Responsible Party for Implementation	Additional Comments
10	<b>Implement a Project Locate Agreement (PLA) for Project Locates</b>	<b>Long Term</b>	<ul style="list-style-type: none"> <li>- PLA would include at a minimum mutually agreed upon timelines, drawings, other pertinent info.</li> <li>- Leverage item #1 - Operations Flexibility through MCGS Legislation through continuous improvement is required.</li> </ul>	<ul style="list-style-type: none"> <li>- Operations Committee</li> <li>- ON1CALL (Implement PLA when required)</li> </ul>	<ul style="list-style-type: none"> <li>- Participants indicated that items within the PLA could be identified through guidelines established by Ops Committee.</li> </ul>
11	<b>Project locates must be completed by a certified locator (Come into force at a later date)</b>	<b>Long Term</b>	<ul style="list-style-type: none"> <li>- Mandating Dedicated Locator will need Legislation and mandate all Members to utilize a single or very limited amount of locators to be successful.</li> <li>- Members will need to get contracts in place, train locators, IT access and credentials, etc. prior to locators being approved to locate on behalf of a Member.</li> <li>- It was further suggested that perhaps the agreement could be signed with ON1Call and it would get pushed</li> </ul>	<ul style="list-style-type: none"> <li>- MGCS (Legislation)</li> <li>- Operations Committee (Members best practices)</li> </ul>	<ul style="list-style-type: none"> <li>- Participants asked whether the act needs to force municipalities to provide records to enable dedicated locator certification.</li> <li>- Additional consideration should be given to "who" needs to certify dedicated locator.</li> </ul>
12	<b>Add code of conduct applicable to all parties.</b>	<b>Long term</b>	<ul style="list-style-type: none"> <li>- Develop a code of conduct to be implemented and executed (i.e. Clear progressive discipline for non-abiding individuals.)</li> </ul>	<ul style="list-style-type: none"> <li>- Ontario One Call (Implementation)</li> <li>- Operations Committee (Guidelines &amp; Process)</li> </ul>	
13	<b>Digitally Map all Underground Utilities</b>	<b>Long term</b>	<p>Mandating Mapping of all underground utilities will allow excavators to design away from a members assets and provide future efficiencies as technology develops (i.e. GPS all plant then excavator can locate plant, reduce inaccurate locates, provide excavator with depth, etc.)</p>	<ul style="list-style-type: none"> <li>- MGCS (Legislation)</li> <li>- ON1CALL (Execution)</li> <li>- Operations Committee (Process)</li> </ul>	

# Recommendations for Legislative Track

#	Recommendation
6	Project Locates must be completed by certified locator
7	Mandate Dedicated Locator to participate in 360 Feedback
8	ON1Call to issue monetary penalties against non-compliant members
9	Define projects eligible for Dedicated Locator
10	Define <i>Standard Locates/Priority Locates/Emergency Locates</i>
11	Eliminate Re-Locates for Specific Projects (e.g., Condominium Foundations)
13	Recognize Excavators in the Act
14	Excavators must report damages to members
18	ON1Call compliance staff to issue fines directly to members
19	ON1Call to develop Compliance & Enforcement Policies
20	ON1Call to publicize convictions on website
21	ON1Call to publish each member's locate performance on website

# Recommendations for Legislative Track (con't)

#	Recommendation
22	Project proponents may seek damages from members through OLT
23	Financial penalties for non-use of 360 Feedback for Dedicated Locator
24	Three business days for members to provide positive notification
26	Obligations for members to share information with Dedicated Locators
27	Digital mapping standards, including abandon infrastructure

# Recommendations for Ops Committee/Ontario One Call

#	Recommendation
1	Establish minimum set of criteria for an actionable locate request
2	ON1Call to only notify members of requests meeting those criteria
3	Excavators to provide locate documentation to member on site
4	Mandatory virtual site meet for Designated Locator projects
5	PLA to include timelines, drawings and other pertinent information
12	Allow excavators to request remarks more than 5 days in advance
15	Add schedule to outline requirements and obligations of excavators
16	Create Code of Conduct applicable to all parties
17	Focus compliance on non-PLAC certified tickets and other poor tickets
25	Promote sharing of locates among excavators

# Considerations/Risks

- ▶ MCGS participated in the working group and appeared keen and committed to modify legislation for upcoming excavation season and as well as beyond this year
- ▶ MCGS needs to understand Excavators, Members, LSP's and ON1Call will require adequate time and processes to implement internal changes to meet new legislation requirements, and before compliance enforcement is initiated.
  - ▶ Contracts with mandated LSP's under Dedicated Locator solution for projects
  - ▶ Training of LSP's on new Member's plant
  - ▶ IT access and infrastructure to retrieve Member's records
- ▶ Internal staffing to ensure Quality Management processes are in place for Members using LSP's for the first time
- ▶ Successful implementation of recommendations will require significant change management across many stakeholders across the industry
- ▶ Adoption of changes will take significant effort through communication, new internal processes, training and education of member and excavators before benefits are fully realized