

Ontario One Call

Interpretation Bulletin 1.0

To assist in understanding the *Ontario Underground Infrastructure Notification System Act, 2012 (the Act)*

In considering how to discharge its obligations under the Act, One Call is guided by several principles:

- Safety and efficiency are paramount.
- To meet the public interest in terms of membership, One Call continues to focus on owners/operators of underground infrastructure located in the public right of way, rather than wholly on private land.
- There should be a minimum of administration involved, and One Call should continue to operate the best industry practices that have served all parties well since the organization was founded in 1996.
- Development of the compliance model should embody the principles of balance, progression and appropriateness, and application should not be arbitrary.

For more information, or for questions or concerns, about One Call and this Interpretation Bulletin, please contact:

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MEMBERSHIP

1. Question: Who are the Members of One Call (the corporation continued under the Act)?

Answer: Every operator/owner of “underground infrastructure” (see description in Question 3) as specified in the Act including, municipalities, local distribution companies, regulated gas well operators and gas distributors/transmitters are members of One Call.
Also, every owner/operator of underground infrastructure “in the vicinity or crossing a public right of way” (see description in Questions 4 and 6) is a member of One Call. This could include local service boards, hospitals, school boards, or private industry.

As well, the specific list of members mandated by the Act is set out in

Schedule A to this Interpretation Bulletin.

2. Question: Are there other categories of Members?

Answer: Even though there are mandatory classes of Members of One Call as noted above, One Call welcomes Voluntary Members should a person wish to voluntarily become a member of One Call who is not otherwise mandated to be a Member. Voluntary Members will be treated as though they were deemed to be under section 5(1) 7 of the Act and will have the same rights and obligations as all other members.

3. Question: What is Underground Infrastructure for purposes of the Act?

Answer: "Underground Infrastructure" is not defined in the *Ontario Underground Infrastructure System Notification Act, 2012* (the "Act").

In order to assist in understanding how One Call interprets "Underground Infrastructure", this policy sets out certain concepts related to the meaning thereof as used by One Call.

A. Underground infrastructure means assets designed to provide a utility or service to persons and property which is intentionally placed beneath the ground and includes any of the following:

- (a) storm sewers
- (b) sewers
- (c) pipelines that carry gases and/or liquid fuels;
- (d) water pipelines;
- (e) electrical power lines;
- (f) communications lines;
- (g) gas or oil wells;
- (h) other specialty infrastructure as may be identified by One Call;

provided that the above are buried in the ground (or in very rare instances also temporarily come out the ground to run under a bridge or similar structure, and then re-enter the ground).

B. "Buried" means Underground Infrastructure that is intentionally covered by earth, gravel, concrete or other similar material so as to be beneath the earth's surface (i.e., not open to the air at one or both ends). Therefore, a tunnel is not considered Underground Infrastructure.

- C. Underground Infrastructure must intersect at least one public/private interface and the Member of One Call responsible for such Underground Infrastructure will be the organization that owns or operates the Underground Infrastructure on the public side of that interface. The owner/operator of the infrastructure on the private side of the interface is not required to join One Call.

Where Underground Infrastructure does not connect to a utility (e.g., gas, hydro, telephone, water, sewer, etc.) but is buried in the “public right of way” (see description in Question 6 below) that owner/operator may be required to join One Call.

The responsibility of a Member referred to above is limited to carrying out the obligations of members specified in the Act or by One Call.

4. Question: What is a public right of way for purposes of the Act?

Answer: A public right of way means a highway as those terms are used in the *Municipal Act, 2001*. Specifically, a “highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and includes a portion of a highway and includes provincial highways. A “highway” also includes all road allowances made by the Crown surveyors that are located in municipalities and all road allowances, highways, streets and lanes shown on a registered plan of subdivision, sidewalks and road shoulders.

5. Question: What is not a public right of way for purposes of the Act?

Answer: The following are examples of what is not a public right of way: footpaths, private parking lots in a shopping mall, interior roads in a private condo complex and farm tracks off a road.

6. Question: What is meant by Underground Infrastructure that “crosses a public right of way or is in the vicinity of a public right of way”?

Answer: Underground Infrastructure must intersect at least one public/private interface (i.e., between a highway and private property), as noted above. Underground infrastructure will be considered to cross or be in the vicinity of a public right of way if it enters or exits a public right of way regardless if it is straight or necessarily continues to a different area.

7. Question: What are the obligations of Members under the Act as members?

Answer: The Act requires Members to:

Provide information to One Call as is necessary for One Call to

- (a) operate a call system to receive excavator requests for the location of Underground Infrastructure in Ontario;

- (b) identify for excavators whether Underground Infrastructure is located in the vicinity of a proposed excavation or dig site;
- (c) notify a Member of proposed excavations or digs that may affect the Underground Infrastructure of that Member;
- (d) raise public awareness of One Call and the need for safe digging.

8. Question: When a person first becomes a Member of One Call, what information must it provide and when?

Answer: A new Member to One Call must provide to One Call such initial information as is necessary for One Call to fulfill its objects. A new Member must provide this information immediately upon becoming a Member. The areas of information required are:

- The location of the buried facilities (One Call will work with existing mapping)
- Any filtering options identified by the Member
- The contact information to which One Call will dispatch notifications.

9. Question: When a Member receives a notification from One Call, what must it do and by when?

Answer: On receiving a notification ticket from One Call about a proposed excavation or dig that may affect Underground Infrastructure owned by the Member, the member must either:

- Identify the location of any buried infrastructure within the area of the planned digging area that is at risk, or
- Provide a notice that the excavator may safely proceed without a locate being performed. This is known as a "Clear".

The Member must take all reasonable efforts to complete the necessary locate work within 5 Business Days of the day the Member receives the Notification from One Call. The Excavator and the Member may also agree to a mutually acceptable, alternative time frame; in which case the member shall notify One Call of the new time frame both parties have

agreed to.

LOCATES

10. Question: What is to happen respecting locates if more than one Member owns or operates a piece of Underground Infrastructure?

Answer: Where one or more Members or potential Members own or operate the same Underground Infrastructure, the owner of the Underground Infrastructure shall provide a letter to One Call as to which one (the owner or operator) will be responsible for locates. An example of this situation would be a municipally-owned water distribution system that is operated by a water system contractor.

11. Question: What is meant by “in the vicinity of underground infrastructure” for purposes of providing locates?

Answer: Underground Infrastructure will be deemed to be within the vicinity of an excavation if it is located within the number of metres specified by the Operator/Owner of the Underground Infrastructure to One Call as the member’s Safety Buffer Zone and will differ within and for the following types of Underground Infrastructure.

- (a) storm sewers
- (b) sewers
- (c) pipelines that carry gases and/or liquid fuels;
- (d) water pipelines;
- (e) electrical power lines;
- (f) communication lines;
- (g) gas or oil wells;
- (h) other infrastructure

12. Question: What is an “emergency locate”?

Answer The issue of what is an emergency locate is under review and further consideration. The current best practice, which has been accepted in other jurisdictions, is as follows:

An emergency excavator locate request is defined as a loss of essential service and/or significant threat of harm to the person or to property. An excavator work crew may be on site, or may have been dispatched to deal with the emergency. A locate is required within two (2) hours.

Implicit in the above definition is the acknowledgement that large distance to the work site and/or extreme weather events en route may make meeting the 2 hours limit impractical on occasion, in which case the excavator should be contacted immediately when the notification is received to communicate when the locating personnel will be on site.

SCHEDULE A

Section 5(1) of the Act provides that a person or entity described in one or more of the following seven paragraphs is a member of One Call if the person or entity owns or operates underground infrastructure:

1. Every municipality in Ontario. ***Municipality Act, 2001***
“municipality” means a geographic area whose inhabitants are incorporated.
2. Hydro One Inc., as defined in the *Electricity Act, 1998*. ***Electricity Act, 1998***
Hydro One
“Hydro One Inc.” means the corporation incorporated as Ontario Hydro Services Company Inc. under the Business Corporations Act on December 1, 1998; (“Hydro One Inc.”)
3. Ontario Power Generation Inc., as defined in the *Electricity Act, 1998*. *“Ontario Power Generation Inc.” means the corporation incorporated as Ontario Power Generation Inc. under the Business Corporations Act on December 1, 1998; (“Ontario Power Generation Inc.”)*
4. Every gas distributor and every gas transmitter, as those terms are defined in the *Ontario Energy Board Act, 1998*. ***Ontario Energy Board Act, 1998***
gas distributor and gas transmitter
“gas distributor” means a person who delivers gas to a consumer and “distribute” and “distribution” have corresponding meanings;
“gas transmitter” means a person who carries gas by hydrocarbon transmission line, and “transmit” and “transmission” have corresponding meanings;
5. Every operator of a distribution system, as defined in the *Electricity Act, 1998*. ***Electricity Act, 1998***
“distribution system” means a system for distributing electricity, and includes any structures, equipment or other things used for that purpose;
“operator of a distribution system” – not defined, other than for the Independent Electricity System Operator as set out in Part

6. Every person or entity regulated under the *Oil, Gas and Salt Resources Act*

II of the Act

Oil, Gas and Salt Resources Act

Person or entity regulated under this Act:

“operator” means, in respect of a work,

(a) a person who has the right as lessee, sub-lessee, assignee, owner or holder of a licence or permit to operate the work,

(b) a person who has the control or management of the operation of the work, or

(c) if there is no person described in clause (a) or (b), the owner of the land on which the work is situated; (“exploitant”).

S. 10 states that no person shall drill, operate, deepen, alter or enter a well, or engage in any other activity on or in a well, except in accordance with a licence.

“well” means a hole in the ground, whether completely drilled or in the process of being drilled, for the purpose of,

(a) the production of oil, gas or formation water, including the production of coal bed methane but excluding the production of fresh water,

(b) the injection, storage and withdrawal of oil, gas, other hydrocarbons or other approved substances in an underground geological formation,

(c) the disposal of oil field fluid in an underground geological formation,

(d) solution mining, or

(e) geological evaluation or testing rocks of Cambrian or more recent age; (“pits”)

“work” means a well or any pipeline or other structure or equipment that is used in association with a well.

7. Every person or entity that owns or

No statutory references used.

operates underground infrastructure that crosses a public right of way or is in the vicinity of a public right of way.