



Submission: Ontario Underground Infrastructure Notification System Act, 2012

December 16, 2013

Background:

The Ontario Society of Professional Engineers (OSPE) is the voice of the engineering profession in Ontario. We advance the professional and economic interests of our members, many of whom work in infrastructure and civil engineering. We are pleased to respond to this policy proposal notice, which seeks public comments on the *Ontario Underground Infrastructure Notification System Act, 2012* (“the Act”)

In response to the call for comments on the *Act*, OSPE collected feedback from members with expertise in infrastructure and civil engineering. This information is summarized below.

Response:

The regulatory regime, apart from this proposed regulation, is quite robust with respect to excavator compliance. With respect to the members of ON1Call it may not be clear whether disciplinary action will primarily be the responsibility of ON1Call or the Ministry of Consumer Services.

The onus must not be solely on the excavator to confirm whether information is accurate or not.

Equal responsibility, enforced by the Ministry, must be placed upon municipalities and utilities to provide accurate locates. Further, they must have a responsibility, also enforced by mandated protocols, to provide locates within a reasonable time, and to accept responsibility for their errors. Currently, response can lack in timeliness. Construction personnel must be able to have a counterbalance in the legislation to ensure timely and accurate locating by municipalities and utilities.

What is missing in this legislation and its proposed regulation is a wider view of the problem. Many municipalities find it difficult to obtain reliable information regarding their buried infrastructure. Inaccurate information can result in significant costs when underground infrastructure is unexpectedly damaged.

The government of Ontario could take a useful initiative, making our capital investments and our economy significantly more efficient, by providing support to municipalities with means to execute comprehensive locates in their jurisdictions. This is a major problem, not just in

Ontario, but world-wide. Other countries are beginning to take steps to bring this problem under control. The UK, for example, is sponsoring research by universities on the matter. Development of reliable, digital based as-built records are one aspect of the solution. Development of sensing tools to locate underground works is another.

We suggest that Ontario create a committee drawn from the interested parties with the objectives of:

1. Developing procedures to create reliable digital maps of underground works. (A long-term – 10 or 20 year? – project).
2. Developing tools for the sensing and locating of underground works.

Consideration can be given to structuring this committee as a joint venture between the Government of Ontario and members of ON1Call, with participation by members of the engineering profession and contractors.

Thank you for the opportunity to make this submission. Please feel free to contact us for clarification or additional feedback if necessary.

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