



Questions and Answers New Legislation Webinar – Bill 93 March 11th, 2022

Webinar and Feedback Related Questions

Q: Is this webinar being recorded so that it can be viewed later? Are we able to get a copy of these presentation slides?

A: A recording of the Webinar and the slides from the presentation are posted at this link: <https://www.ontarioonecall.ca/legislation-changes-2022-bill-93/>

Q: What is the deadline to submit comments on the proposed changes and who do we submit the comments to?

A: The last day to submit feedback to the government is April 7th, but it is recommended to get your feedback in as soon as possible. Send feedback to: <https://www.ontariocanada.com/registry/view.do?postingId=41187&language=en>

Dedicated Locator Related Questions

Q: Do dedicated locators represent the Utility companies? Who will be held accountable for any mistakes that a locator had caused

A: With a dedicated locator, the member provides the records and certifies the dedicated locator. The dedicated locator marks the utilities and services based on the records and standards from the member. If there's an error with the records the member may be accountable. If there is an error in the markings or interpretation of those records, the dedicated locator may be accountable. It may be a combination of the two. This being the case, both parties carry insurance.

Q: Who needs to use a dedicated locator?

A: A designated broadband project or an excavation or dig specifically prescribed by the Minister of Government and Consumer Services by regulation must use dedicated locator. Additionally, a project owner may decide to use dedicated locator voluntarily.

**CLICK
BEFORE
YOU DIG**
FOR ANY SIZE
PROJECT

104 Cooper Drive Δ Suite 1, Guelph, Ontario N1C 0A4
t. 844-257-9490
f. 519-837-5410

Available 24/7

OntarioOneCall.ca



Q: Who pays for a dedicated locator?

A: Costs for a dedicated locator are paid by the project owner.

Q: Is there a formal process for a member and project owner to agree upon a dedicated locator?

A: A Dedicated Locator working group is being established to help develop best practices.

Q: Will Dedicated Locators be available province-wide?

A: Yes, dedicated locators will need to be provided province-wide

Q: Does the new 60-day validity period apply to Dedicated Locators as well? Is this calendar or business days?

A: The Bill, if passed, would require all validity periods to be a minimum of 60 calendar days.

Q: Does a dedicated locator mean a private locator? Can anyone be a dedicated locator?

A: No, private locates and dedicated locators are different. To find out more on private locates please visit: <https://www.ontarioonecall.ca/private-locates/>

A dedicated locator working group is currently working on criteria and standards that dedicated locators would have to meet.

Q: Do utilities (members) need to approve dedicated locators?

A: The dedicated locator must be approved by all affected members.

Q: Can Members refuse to use dedicated locators under Bill 93?

A: No.

**CLICK
BEFORE
YOU DIG**
FOR ANY SIZE
PROJECT

104 Cooper Drive Δ Suite 1, Guelph, Ontario N1C 0A4
t. 844-257-9490
f. 519-837-5410

Available 24/7

OntarioOneCall.ca



Q: For Dedicated Locators, do the locates need to be completed in 10 business days? Does the clock start after receiving all records or records delays are part of it?

A: For a dedicated locator, locates are required within 10 business days of the official locate request. Practically speaking, DL arrangements will be made several months in advance to ensure that all contractual and mapping matters are in place before requests are submitted. The Dedicated Locator Working Committee is working on these procedures.

Q: Is there a set cost for dedicated locators?

A: There is no set cost. That is a matter between the Project Owner and the dedicated locator.

Q: Does the excavator or dedicated locator inform the member about an upcoming project that requires a dedicated locator?

A: The Project Owner notifies Ontario One Call, who will, in turn, notify the Members

Q: When using dedicated locators do you still need to request a locate through Ontario One Call?

A: Yes, a locate request must be submitted through Ontario One Call

Q: What happens if the member group cannot agree on a dedicated locator to be used for a project?

A: Members who do not agree on a dedicated locator could be subject to compliance activity.

Q: Certification of D.L. - Is there already a list and how are they certified?

A: The Dedicated Locator Working Committee is working on these procedures.

Q: Will the dedicated locator use colour codes for each utility or is it going to be a locate/survey for design and planning?

A: All standard best practices and rules will still be in place including the colour coding of markings.

**CLICK
BEFORE
YOU DIG**
FOR ANY SIZE
PROJECT

104 Cooper Drive Δ Suite 1, Guelph, Ontario N1C 0A4
t. 844-257-9490
f. 519-837-5410

Available 24/7

OntarioOneCall.ca



Q: When will this program have an official start date?

A: Upon royal assent being granted to the bill. Depending on the timing and decisions of the Ontario Legislature, this might be as early as this spring

Q: How will this affect general locates being completed on time if a Dedicated Locator is not hired?

A: For work outside of dedicated locator, all the current requirements on timely delivery remain unchanged.

Q: Will the dedicated locator mark all utilities for a project?

A: Yes

Q: Who chooses the dedicated locator? Does the Member or the Project Owner have any say in this selection?

A: As per the Bill, the affected members and the project owner shall agree in writing on a locator who will respond to all locates for the project.

Q: How will paperwork be handled? Will sketches, etc still be required, or solely paint/flags?

A: The current requirements will not change in these regards.

Q: Who is on the Dedicated Locator Working Group?

A: The committee is still being formed, but it will have representatives from all of the appropriate sectors with a similar cross-section seen on other committees - Government, Members, LSPs, Excavators, and Ontario One Call.

Q: Are the utilities bound to release their prints to certified dedicated locators?

A: Yes.





Compliance & Operations Related Questions

Q: Can a Member or LSP refuse a locate for any reason?

A: No, all Members must complete locates for all locate requests.

Q: What if we (the Member) have a broken tracer wire, or can't locate our plant within 5 business days?

A: This Bill removes “reasonable attempts” and includes “Absolute Liability”, therefore a Member must complete a standard locate within 5 business days to stay compliant. Please note, a Member always has the option of renegotiating the locate delivery date with the excavator, as long as the renegotiated date is mutually agreed to in writing.

Q: Do all Utilities (Members) have to have a 60-day Validity? Is that a minimum? When are we required to implement?

A: The Minimum validity period for a locate is 60 days (calendar days), but Members are allowed to set a longer validity. The minimum 60-day validity would start once this bill is passed into law.

Q: Are we now allowed to share locates between contractors? Where do we find this in the bill?

A: Correct, if passed, sharing locates will be allowed under the law. Sharing of locates can be found in Section 11 (a) & (b)

Q: What is Ticket Dumping? Could you identify the section?

A: ‘Ticket Dumping,’ also referred to as ‘locate dumping,’ is not defined in the law, but it’s a term commonly used by stakeholders to refer to mass amounts of locate requests being put into the system that may not require an immediate locate response (within 30 days). The new legislation, if passed, will allow compliance to enforce against Excavators. Section 12 (1) - *An excavator shall not submit a standard locate request more than 30 days before an excavation or dig is expected to commence.* This should help curb “Ticket Dumping”

**CLICK
BEFORE
YOU DIG**
**FOR ANY SIZE
PROJECT**

104 Cooper Drive Δ Suite 1, Guelph, Ontario N1C 0A4
t. 844-257-9490
f. 519-837-5410

Available 24/7

OntarioOneCall.ca



We currently offer an educational certificate program that is recommended for every professional that submits locates called the Professional Locate Administrator Course (PLAC) – For more information on PLAC visit: <https://www.ontarioonecall.ca/plac/>

Q: What if there is no response coming from excavators to emails for renegotiation?

A: If an excavator is not responding, or agreeing in writing to a renegotiation date, Members are required to complete the locate in the required timeframe as set out in the law.

Q: Emergency Locates - Does the Act enforce a 2-hour requirement to complete an emergency locate or 2 hours to respond to an emergency request?

A: Emergency locates must be completed within 2 hours after the Member receives notification

Q: Do renegotiation dates need to be entered into 360 Feedback before 5 business days to be compliant?

A: You can renegotiate at any time. But if it's past the 5 business day requirement for standard locates (10 business days for Dedicated), it is considered late.

Q: Does this law impact private infrastructure?

A: This legislation does not regulate infrastructure outside of the public right of way.

Q: Where do the funds from penalties go?

A: Penalties will be paid to Ontario One Call. The usage of these funds will be established by Board policy in consultation with the Ministry of Government and Consumer Services, but the position of the Ontario One Call Board is that such funds will be used for educational purposes and not for general operations.

Q: What if a locate request is very large, or it's really busy and we have too many locate requests to handle, are we still required to complete the locate within 5 business days?

A: Yes. Members are required to complete all locate requests within the legal timeframe. Members will have 'absolute liability,' meaning volume fluctuations and large excavation areas cannot be used as an excuse to not complete a locate within the legal timeframe.

**CLICK
BEFORE
YOU DIG**
**FOR ANY SIZE
PROJECT**

104 Cooper Drive Δ Suite 1, Guelph, Ontario N1C 0A4
t. 844-257-9490
f. 519-837-5410

Available 24/7

OntarioOneCall.ca



Q: There was mention of different timeframes for different types of requests. What are they?

A: There are three locate delivery timeframes:

- Emergency Requests – within 2 hours
- Standard Requests – within 5 business days
- Dedicated Locate Requests – within 10 business days

Q: Can a request be submitted 30 days before an excavation where the intent of the locate request is to gather information on utility locations to plan future excavation work?

A: No. Only locates for intended digs may be requested. Excavators can use a design and planning request, where a physical locate is not required but Members can share information about their infrastructure. Please see our design and planning training video here: <https://youtu.be/UC3miWAZyk0>

Check out the How-to-Video section of our website for more training videos.

Q: Could a member limit how many locates they can accept to limit their compliance liability?

A: No, a Member cannot refuse a locate request. If an affected Member is notified they must provide a locate response.

Q: Is the One Call Compliance just for broadband Projects or for all locates?

A: Compliance covers everything in the Act, including all, locates – Emergency, Standard, and Dedicated

Q: Locating companies are revising dates as “renegotiated” without approval from excavators, what is this bill doing to eliminate that?

A: If a Member, or their designate, is renegotiating without the contractor’s approval then it is an offense. The Bill, if passed, adds an additional step: There has to be a written agreement between both parties.

**CLICK
BEFORE
YOU DIG**
FOR ANY SIZE
PROJECT

104 Cooper Drive Δ Suite 1, Guelph, Ontario N1C 0A4
t. 844-257-9490
f. 519-837-5410

Available 24/7

OntarioOneCall.ca



Q: How does an excavator seek compensation - we are losing \$10k in revenue per day on average?

A: Bill 93 allows excavators to seek compensation for economic and financial loss. The excavator is to try to work out compensation with the offending Member. If this doesn't work, the excavator can go to the Ontario Land Tribunal (OLT). This process is separate from, and outside of, Ontario One Call's compliance activities.

Q: What does Section 15, "The Corporation is required to make certain information about members' locate performance available to the public" mean?

A: Ontario One Call will be required to provide Member locate performance details on our website. At a minimum, the number of locate requests received by the member and when these locate requests were completed. Details of how this information is published will be worked out between Ontario One Call and the Ministry of Government and Consumer Services.

**CLICK
BEFORE
YOU DIG**
**FOR ANY SIZE
PROJECT**

104 Cooper Drive Δ Suite 1, Guelph, Ontario N1C 0A4
t. 844-257-9490
f. 519-837-5410

Available 24/7

OntarioOneCall.ca