

ONTARIO ONE CALL OPERATIONS COMMITTEE MEETING MINUTES



Meeting Date: Thursday January 04, 2022
Location: Teleconference
Time: 10:00 a.m. – 12:00 p.m.
In Attendance: Bav Mistry (Chair), Nectar Tampacopoulos (Vice Chair), Eric Boere, Reza Habibollahi, Terry Hall, Andrew Kottelenberg, Michael McGivery, Jason Meyer and Malcolm Robertson

Also in Attendance: Brandon Denton, Ben Hamilton and Cory Officer (Note Taker)

Absent: Nick DeStefano, Chris Faith, Katie Gotsman (Secretary) & Josie Trapani

1. Meeting Opening

- 1.1 Call to Order – 10:01am
- 1.2 Confirmation of Quorum - Confirmed
- 1.3 Safety Moment
- 1.4 Review of Previous Minutes (*Attach 1 – 3 pages*)
- 1.5 Motion to Approve Previous Minutes as Written

Motioned by: Nectar Tampacopoulos
Seconded by: Eric Boere
In Favour: All
Opposed: None

2. Chair Items

3. Matters for Discussion

3.1 Operations Committee Member Terms

Bav Mistry's third and final term as an Electrical Representative on the Committee is coming to an end November 2022. A Call for Nomination will be sent out to the membership September 2022.

Michael McGivery's third and final term as a Gas Representative on the Committee is coming to an end November 2022. A Call for Nomination will be sent out to the membership September 2022.

Committee Member Term Update - 2022

Committee Member	Sector	Term Ending	End Date
Eric Boere	Municipal	Second Term	June 2022
Terry Hall	Gas/Oil	First Term	September 2022
Reza Habibollahi	Telecom	First Term	November 2022

TASK – Eric Boere, Terry Hall and Reza Habibollahi to determine if they would like to continue with an additional term on the Operations Committee, find a replacement from their organization or surrender their seat.

Bav Mistry to step down as the Chair of the Operations Committee in the near future. Typically the Vice Chair would assume the position and eventually a new Vice Chair would be selected.

TASK – Nectar Tampacopoulos to determine if he would like to assume the Chair position following Bav's departure.

3.2 Recommendations from Locate Solutions Working Group

A small working group has been established by the Board of Directors to discuss the recommendations from the Locate Solutions Working Group. It's important to get the Operations Committee's opinions and feedback regarding these recommendations in order to bring them forward at their meeting next Monday. The small working group will put forward the recommendations to the Board of Directors on January 14, 2022.

The Locate Solutions Working Group held six sessions, the following was discussed at each:

- Introduction/Industry Reset
- Locator Resourcing/Shortage
- Dedicated Locator Model
- Project Definition/Criteria
- Presentation from the Ministry of Government & Consumer Services/Legislation Changes
- Finalizing the Recommendation

In parallel with the recommendations from the Locate Solutions Working Group, the Ministry of Government & Consumer Services was also looking at legislation changes partly driven by the broadband initiative and the locate performance in 2021. The short term changes would be made effective April 2022 and there would be long term changes that would come into effect 1-2 years from now as they require more time to implement. The Ministry is acting on behalf of many different stakeholders and their recommendations are as follows:

Ministry of Government & Consumer Services Recommendations

- 1) **Dedicated Locator Model:** Mandate the use of a dedicated locator model where a single locator is pre-identified by the infrastructure owners to better provide the proponent (e.g. project owner)/excavators with control over the timing of locates.
- 2) **Define projects eligible for a dedicated locator**
- 3) **Define standard locates, priority locates, and emergency locates** based on Ontario One Call's by-law
- 4) **Eliminate Relocates for Specific Excavation Projects:** Eliminate the need for relocates if an excavation surpasses a specific depth and there's no buried underground infrastructure.
- 5) **Locate Validity:** Extend locate validity periods for all tickets to a minimum of 90 days intended to reduce frequency of relocates and improving the remarking process to be more efficient.
- 6) **Remarks:** Allow excavators to request remarks well in advance of the expiry of locates.
- 7) **Sharing Locates:** Allow contractors working on the same dig site and parameters to share locates to eliminate duplicate locate requests and waiting periods.
- 8) **Enhance Ontario One Call's Compliance Framework:** Allow Ontario One Call staff (Investigators) to issue fines directly to members for violations under the Act, such as late locates. This change will ensure members are being penalized immediately compared to the existing process where a member would first attend a Compliance Committee hearing prior to being issued a fine.
- 9) **Publication of Convictions:** Require Ontario One Call to publish fines issued by the organization on its website.
- 10) **Publication of Data:** Require Ontario One Call to publish each member's locate performance data on its website.
- 11) **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.
- 12) **360 Feedback Tool:** Mandate members and dedicated locators to participate in the 360 Feedback Tool. Using its current authority under the Act, Ontario One Call will issue monetary penalties against non-compliant members.

Locate Solutions Working Group Recommendations

- 1) **New Schedule for Excavators that outlines minimum set of criteria for an actionable locate request**

This would require the Operations Committee to define the minimum criteria for the new schedule.

- 2) **Ontario One Call to only notify members of actionable requests that meet a minimum set of criteria.**
- 3) **Excavators to provide locate documentation to members on site**
- 4) **Mandatory Virtual Pre-Site Meet between Project Proponent/Excavator(s) and Members/LSP**
- 5) **Project Locate Agreement (PLA) at a minimum would include mutually agreed upon timelines, drawings, and other pertinent information.**

This would require Operations Committee to identify what should be included in a PLA.

- 6) **Project Locates must be completed by a certified locator (come into force at a later date)**

There was discussion around the certification of a locator and what would have to take place to advance the profession. This isn't something that could happen in the short term but could be a significant change in the long term. This shouldn't be as difficult to implement if it's a certification, a trade would be more difficult.

- 7) **Mandate the dedicated locator to participate in Ontario One Call's 360 Feedback Tool.**
- 8) **Using its current authority under the Act, Ontario One Call will issue monetary penalties against non-compliant members.**
- 9) **Define Projects Eligible for a Dedicated Locator.**

10) Define standard Locates, priority locates and emergency locates based on Ontario One Call's by-law.

The definitions that are currently in the by-law will be included in the new legislation. The priority locates are to give locators relief from 2 hour emergencies. Ontario One Call used to receive 50,000 emergencies a year which has been cut by 30,000 mainly due to priority locates.

11) Eliminate Relocates for Specific Excavation Project: Eliminate the need for relocates if an excavation surpasses a specific depth and there's no buried underground infrastructure.

12) Remarks: Allow excavators to request remarks well in advance of the expiry of locates.

13) Recognize excavators in the Act to enable Ontario One Call governance from locate request submission to locate request execution.

Excavators would be brought under Compliance, this would create some more balance. Currently, Ontario One Call Compliance Department has authority over members but not excavators and this would change that.

14) Excavators to report damages to members.

15) Add schedule that provides requirements and obligations of an excavator.

16) Add code of conduct applicable to all parties.

17) From Workshop, support responsible requests by only investigating/penalizing: PLAC certified ticket entry or adequately detailed ticket submission.

18) Enhance Ontario One Call's Compliance Framework: Allow Ontario One Call staff (Investigators) to issue fines directly to members for violations under the Act, such as late locates. This change will ensure members are being penalized immediately compared to the existing process where a member would first attend a Compliance Committee hearing prior to being issued a fine.

Staff would investigate, make a determination and issue a penalty. If the party disagrees they can request a management review and if they are not happy with that, they can go to arbitration.

Performance Based Billing will stay in place and be rolled out in 2023.

19) Fines will be issued in accordance with a Compliance and Enforcement Policy to be developed and implemented by Ontario One Call

20) Publication of Convictions: Require Ontario One Call to publish fines issued by the organization on its website.

Both #20 & #21 will most definitely be in the Act and part of the MOU (Memorandum of Understanding) with the Ministry of Government & Consumer Service.

21) Publication of Data: Require Ontario One Call to publish each member's locate performance data on its website.

22) 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.

23) 360 Feedback Tool: Mandate members and dedicated locators to participate in the 360 Feedback Tool. Using its current authority under the Act, Ontario One Call will issue monetary penalties against non-compliant members.

24) The members or the members designate will notify the Corporation on the completion of each locate. The members shall provide feedback of completed locates to the Corporation's 360 Feedback within three (3) business days of the locates completion in the field.

25) There is a need to add "sharing locates" to the sub trades.

26) There is an obligation to share locate information on demand and define which owners and projects.

27) There is a need to digitally map all underground utilities, including abandoned utilities.

A good deal of lead time will be needed to provide the members with time to prepare for this change. Any plans to abandon infrastructure in the future should be tracked and reported to Ontario One Call by the members.

4. Routine Items

4.1 Executive Summary (Attach 2 – 13 pages)

Moved to next meeting.

4.2 Review of Action Register (Attach 3 – 1 spreadsheet)

Moved to next meeting.

5. Round Table

6. Meeting Finalization

6.1 Confirmation of Next Meeting Date/Location – February 03, 2022

6.2 Meeting Close

Motion to Adjourn – 12:14pm

Motioned by: Andrew Kottelenberg

Seconded by: Reza Habibollahi

In Favour: All

Opposed: None