

Ontario Underground Infrastructure Notification System Act, 2012

S.O. 2012, CHAPTER 4

Consolidation Period: From April 12, 2021 to the [e-Laws currency date](#).

Last amendment: 2021, c. 2, Sched. 1, s. 30.

Legislative History: 2021, c. 2, Sched. 1, s. 30.

Definitions

1 In this Act,

“Corporation” means the corporation continued under subsection 2 (1); (“Société”)

“excavator” means any individual, partnership, corporation, public agency or other person or entity that digs, bores, trenches, grades, excavates, moves or breaks earth, rock or the materials in the ground, and “excavation” has a corresponding meaning. (“entreprise d’excavation”, “projet d’excavation”, “travaux d’excavation”) 2012, c. 4, s. 1.

Ontario One Call continued

2 (1) Ontario One Call, continued under the *Corporations Act*, is continued as a corporation without share capital. 2012, c. 4, s. 2 (1).

Letters patent revoked

(2) The letters patent issued to continue the Corporation are revoked, but the revocation does not affect the rights or obligations of the Corporation or any by-law, resolution or appointment of the Corporation except to the extent that the by-law, resolution or appointment is inconsistent with this Act. 2012, c. 4, s. 2 (2).

Board of directors

(3) The affairs of the Corporation shall be governed and managed by its board of directors. 2012, c. 4, s. 2 (3).

Members of board

(4) On the day this Act comes into force, the members of the board of the Corporation shall be the members of the board who held office immediately before that day. 2012, c. 4, s. 2 (4).

Not a Crown agency

(5) The Corporation is not a Crown agency within the meaning of the *Crown Agency Act*. 2012, c. 4, s. 2 (5).

Powers

(6) The Corporation has the capacity and the rights, powers and privileges of a natural person, subject to the limitations set out in this Act. 2012, c. 4, s. 2 (6).

Objects

3 (1) The following are the objects of the Corporation:

1. To operate a call system to receive excavator requests for the location of underground infrastructure within Ontario.
2. To identify for excavators whether underground infrastructure is located in the vicinity of a proposed excavation or dig site.
3. To notify a member of the Corporation of proposed excavations or digs that may affect the underground infrastructure of the member.
4. To raise public awareness of the Corporation and the need for safe digging. 2012, c. 4, s. 3 (1).

Non-profit corporation

(2) The business and affairs of the Corporation shall be carried on without the purpose of gain and any profits shall be used by the Corporation for the purpose of carrying out its objects. 2012, c. 4, s. 3 (2).

No fee for request

4 (1) The Corporation shall not charge a fee to any person making a request for the location of underground infrastructure. 2012, c. 4, s. 4 (1).

Requirements and standards

(2) The Corporation shall ensure that the call system's operations satisfy any requirements and standards set out in the regulations made under this Act. 2012, c. 4, s. 4 (2).

Call centre in Northern Ontario

(3) The Corporation shall operate, as part of its call system, at least one call centre located in Northern Ontario. 2012, c. 4, s. 4 (3).

Definition

(4) In subsection (3),

“Northern Ontario” means the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming and The City of Greater Sudbury. 2012, c. 4, s. 4 (4).

Members

5 (1) A person or entity described in one or more of the following paragraphs is a member of the Corporation if the person or entity owns or operates underground infrastructure:

1. Every municipality in Ontario.
2. Hydro One Inc., as defined in the *Electricity Act, 1998*.
3. Ontario Power Generation Inc., as defined in the *Electricity Act, 1998*.
4. Every gas distributor and every gas transmitter, as those terms are defined in the *Ontario Energy Board Act, 1998*.
5. Every operator of a distribution system, as defined in the *Electricity Act, 1998*.
6. Every person or entity regulated under the *Oil, Gas and Salt Resources Act*.
7. Every person or entity that owns or operates underground infrastructure that crosses a public right of way or is in the vicinity of a public right of way. 2012, c. 4, s. 5 (1).

Members to provide information

(2) A member of the Corporation shall provide, at the time or times specified in the regulations, such information to the Corporation as is necessary for the Corporation to fulfil its objects. 2012, c. 4, s. 5 (2).

When current persons or entities to become members

(3) Subject to subsection (4), if, on the day this Act comes into force, a person or entity described in subsection (1) is not a member of the Corporation, the person or entity is deemed to become a member on the first anniversary of that day, unless admitted to membership before that day. 2012, c. 4, s. 5 (3).

When current municipalities to become members

(4) If, on the day this Act comes into force, a municipality described in paragraph 1 of subsection (1) is not a member of the Corporation, the municipality is deemed to become a member on the second anniversary of that day, unless admitted to membership before that day. 2012, c. 4, s. 5 (4).

When current members to provide initial information

(5) A person or entity who becomes a member of the Corporation under subsection (3) or (4) shall provide, immediately upon the person or entity becoming a member, such initial information to the Corporation as is necessary for the Corporation to fulfil its objects. 2012, c. 4, s. 5 (5).

Where infrastructure affected by dig

6 (1) If a member of the Corporation receives a notification from the Corporation about a proposed excavation or dig that may affect underground infrastructure owned by the member, the member shall,

- (a) mark on the ground the location of its underground infrastructure and provide a written document containing information respecting the location of the underground infrastructure; or
- (b) state in writing that none of its underground infrastructure will be affected by the excavation or dig. 2012, c. 4, s. 6 (1).

Member to respond within five days

(2) The member shall make all reasonable attempts to do the things required by subsection (1) within five business days of the day the member receives notification about the proposed excavation or dig, unless there is a reasonable expectation that the excavation or dig will not start within 30 business days of the day the member receives the notification. 2012, c. 4, s. 6 (2).

Time limits

(3) The time limit set out in subsection (2) shall not apply and a different time limit shall apply if,

- (a) the member and the excavator agree to a different time limit; or

- (b) the regulations set out a different time limit applicable to the circumstances. 2012, c. 4, s. 6 (3).

Exception

(4) Despite subsections (2) and (3), if the notification received under subsection (1) indicates that it is related to a broadband project designated under the *Building Broadband Faster Act, 2021*, the member shall do the things required by subsection (1) within 10 business days of the day the member receives notification about the proposed excavation or dig. 2021, c. 2, Sched. 1, s. 30.

Section Amendments with date in force (d/m/y)

2021, c. 2, Sched. 1, s. 30 - 12/04/2021

Excavator duties re locates

- 7** (1) For the purposes of this section, a member of the Corporation properly provides a locate if,
- (a) it makes a mark on the ground indicating the location of its underground infrastructure; and
 - (b) it provides a written document containing information respecting the location of its underground infrastructure. 2012, c. 4, s. 7 (1).

Same

- (2) No excavator shall commence an excavation or dig unless,
- (a) it has contacted the Corporation to request locates for all underground infrastructure that may be affected by the excavation or dig;
 - (b) each member that owns or operates underground infrastructure that may be affected by an excavation or dig has properly provided locates for its affected underground infrastructure or has stated in writing that none of its underground infrastructure will be affected by the excavation or dig; and
 - (c) if locates are properly provided, the excavator has ensured that the locate markings on the ground do not conflict with the written information provided respecting the underground infrastructure. 2012, c. 4, s. 7 (2).

Same

- (3) No excavator shall excavate or dig in a manner that the excavator knows or reasonably ought to know would damage or otherwise interfere with any underground infrastructure. 2012, c. 4, s. 7 (3).

Penalties

8 A person or entity who does not comply with section 5, 6 or 7 is guilty of an offence and on conviction is liable to the fine set out in the regulations made under this Act. 2012, c. 4, s. 8.

Regulations

- 9** The Lieutenant Governor in Council may make regulations,
- (a) respecting the governance of the Corporation and the administration of this Act and the regulations;
 - (b) establishing requirements and standards regarding the operations of the Corporation's call system;
 - (c) identifying persons or entities, in addition to those listed in subsection 5 (1), who are required to become members of the Corporation and specifying the date by which such persons or entities shall become members;
 - (d) specifying times when a member must provide information under subsection 5 (2);
 - (e) governing fees to be paid by members of the Corporation;
 - (f) respecting situations in which the time limit for locating and marking underground infrastructure is to be shorter or longer than the time limit described in subsection 6 (2), and specifying the shorter or longer time limits;
 - (g) respecting whether underground infrastructure crosses a public right of way or is in the vicinity of a public right of way, for the purposes of paragraph 7 of subsection 5 (1);
 - (h) respecting whether a proposed excavation or dig is in the vicinity of underground infrastructure owned by a member, for the purposes of subsection 6 (1);
 - (i) specifying the fines to be paid for offences under this Act. 2012, c. 4, s. 9.

10 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2012, c. 4, s. 10.

11 OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2012, c. 4, s. 11.