



**Senate Standing Committee on Energy, the Environment and Natural Resources
Bill S-229**

Tuesday, February 14th, 2017

Senators of the Standing Committee on Energy, the Environment and Natural Resources, on behalf of the Canadian Common Ground Alliance, I wish to express my appreciation for the opportunity to address the Committee today.

My name is Michael Sullivan, and I am the Executive Director of the Canadian Common Ground Alliance and President of Alberta One-Call Corporation.

The Canadian Common Ground Alliance – the CCGA - works to reduce damage to buried infrastructure on a national scope to ensure public, worker and community safety, environmental protection and the integrity of services by promoting effective damage prevention practices across Canada.

Once again, I come before you today to offer further support for bill S-229, the Underground Infrastructure Safety Enhancement Act, and to respond to any questions you might have about the bill.

The CCGA's goal is simple – prevent damage to underground infrastructure. And when a collective goal is a single outcome, a common starting point is critical. For example, how effective would a Stop Sign be if it was a different colour and shape in every city, province, state or country around the world? It probably wouldn't be very effective at all – and the risks would be unimaginable.



Damage prevention legislation is like that. It needs to be consistently applied across jurisdictions to be effective – and bill S-229 delivers by providing a consistent and symmetrical regulatory starting point and process for excavations occurring near and across various underground infrastructure governed by multiple federal agencies – something that has been long-desired by damage prevention stakeholders across Canada.

The Underground Infrastructure Safety Enhancement Act is based on three fundamental principles: federally regulated underground infrastructure must register with a notification centre (One-call centre); locate requests must be made to a notification centre prior to ground disturbance; and, response from the underground infrastructure owner in relation to those locate requests is required. It sounds simple enough – and in many respects, it is – but there is a lot more to the damage prevention process than these three fundamental points – and that is the added benefit of bill S-229.

Beyond addressing the specifics of damage prevention governance for federally regulated underground infrastructure, bill S-229 simply makes sense and meets the expectations of Canadians by unifying the damage prevention process and providing enhanced and consistent excavation safety protocols across Canada, as well as a pathway to significantly reduce the financial burden associated with damaged underground infrastructure, greater certainty of service from those utilities for Canadians; and ultimately, the ability to further prevent serious injury or even death caused by uncontrolled excavations.

The bill further complements recently promulgated federal regulations requiring registration of underground infrastructure with a notification centre; delving deeper into the damage prevention process and introducing mandatory notification centre and response requirements. These elements add an additional layer of certainty to the safety process that when followed, will reduce damages and potentially, save lives.



The Act also provides that federal departments governing underground infrastructure will cultivate a damage prevention mandate to further govern and promote the integrity of Canada's buried network that is so critical to our everyday lives. There are also provisions for penalties and enforcement; however, education and awareness aimed at preventing a recurrence, and not monetary penalties, is the primary goal.

In our quest for clarity, however, the CCGA does have one amendment it wishes to suggest. Therefore, included with my testimony, I wish to draw your attention to section 12(1) of bill S-229 and request the following minor amendment the CCGA believes will help clarify the three response options available following receipt of notification of a ground disturbance in the vicinity of a respective member's underground infrastructure.

Response — location of registered underground infrastructure

12 (1) Subject to the regulations, the operator of registered underground infrastructure that receives a notification referred to in section 10 must, within the period of time specified in subsection (2),

- a) by using the prescribed colour codes, mark on the ground the location of the underground infrastructure and provide a written description of that location to the person planning to undertake a ground disturbance; **or**
- b) provide to that person, in writing, **any other an** accurate and clear description of the location of the underground infrastructure that could be damaged by the ground disturbance; or
- c) provide to that person a written confirmation that the ground disturbance is not likely to cause damage to the underground infrastructure.

The CCGA is of the view that introducing the word “or” after 12(1) a), and removing the words “any other” in 12 (1) b), offers additional clarity to those governed by the legislation.

Senators, in closing, nation-wide damage prevention legislation protecting all underground infrastructure in Canada does not exist but over the past four years, this Standing Committee



has opened the door for the CCGA to realize this critical and pivotal goal. By influencing the development of balanced legislation across all jurisdictions requiring buried infrastructure owners to register with a notification centre and excavators to request a locate from the notification centre prior to any excavation, this Standing Committee will bring positive change to the damage prevention process in Canada. Bill S-229 is the type of smart policy that all decision makers can get behind. It will save taxpayers hundreds of millions of dollars in repairs and societal costs, enhance public, worker and community safety and ultimately, you will save lives - all with inconsequential costs to government.

On behalf of the Canadian Common Ground Alliance, its Board of Directors, the Common Ground Alliance Regional Partners, the thousands of damage prevention stakeholders across Canada, and the millions of Canadians who rely on the integrity of this great nation's buried infrastructure, thank you again for the opportunity to appear before the Committee and I urge you to help me bring bill S-229 to the finish line.

Thank you.