

1 st DRAFT LANGUAGE	COMMENTS RECEIVED	USP FEEDBACK
Damage Prevention Legislation for Alberta		
<p>SUMMARY This enactment creates a provincial energy and utility infrastructure notification system that requires, among other things,</p> <p>a) operators of underground and aboveground infrastructure that is provincially regulated, located on provincial land or within a public right of way, to register that infrastructure with Alberta One-Call Corporation, now operating under its legal tradename, Utility Safety Partners, and provide information on it;</p> <p>b) persons planning to undertake a ground disturbance or work in the vicinity of an overhead powerline to make a locate request to Utility Safety Partners; and</p> <p>c) operators of registered underground and aboveground infrastructure or their agents to respond to the notification of proposed activity as follows:</p> <p>For underground infrastructure</p> <ol style="list-style-type: none"> i. mark the location of the underground infrastructure on the ground within 5 working days; ii. provide in writing an accurate and clear description of the location of the underground infrastructure within 3 working days; or, iii. indicate that the ground disturbance is not likely to cause damage to the underground infrastructure within 3 working days. <p>For above ground infrastructure</p> <ol style="list-style-type: none"> i. provide in writing an alert to the requester of the presence of aboveground infrastructure in the work area; ii. provide in writing the safe work precautions to follow when working in proximity to the aboveground infrastructure; and iii. provide contact information to the requester should additional information or action from the aboveground utility owner or operator be required. 	<p>The proposed legislation will require utilities to mark their underground infrastructure within 5 days. While this is our goal, and is what we state in our contract with our contracted locators, we know that we have not been successful in hitting this requirement during peak construction season. It also poses an issue with our process to locate 72/240 kv lines. We do not get notified to come mark our 72/240 lines until our contracted locator(s), goes out to site. If they take 5 days, our locates will be 6 or 7 days. I think this needs to stay as the target but we need to have wiggle room so that we are not getting penalized for this during peak construction times. We need the ability to re-schedule locates outside of the 5 day window during peak times without a penalty.</p> <ol style="list-style-type: none"> 1. This will bring all utility owners into USP, making it a truly one call process. Currently there are utility owners who are not registered making it difficult for excavators to ensure all facilities are marked. This would make it easier and safer for excavators using the system, improving safety, efficiency and the legislation will also reduce damages. 2. We support the 5 working day target but feel that without defined limits on the number of locate requests that can be placed combined with the large size of some locate requests, that there needs to either be an exception for either large projects or large amounts of locates placed at once. Suggest allowing for mutually agreeable completion times and dates to address these specific types of locates or another alternative. 3. This is a positive new addition that will enhance public safety while protecting vital overhead infrastructure. <p>This will allow overhead facility owners to alert excavators to their facility, the dangers and the required safety procedures that need to be followed in order to safely work around the facilities.</p> <p>It will also identify who the facility owner is, and include emergency contact information.</p> <p>iii. indicate that the ground disturbance <i>shall not</i> cause damage to the underground infrastructure within 3 working days. (edit)</p> <p>b) persons planning to undertake a ground disturbance or (is this AND instead of OR?) work in the vicinity of an overhead powerline to make a locate request to Utility Safety Partners;</p>	<p>Legislative language must be knowledgeable and reflective of the restrictions and challenges facing the damage prevention process; ie: resources, climate / seasonal influence of demand, number of locates requested at one time, etc. Legislation should serve to improve results through stretch objectives (in this case, reduce damage and improve the overall damage prevention process), that pass the test of reasonableness.</p> <ol style="list-style-type: none"> 1. Acknowledged 2. Legislative language must be knowledgeable of the restrictions and challenges facing the damage prevention process; ie: resources, climate / seasonal influence of demand, number of locates requested at one time, etc. 3. Acknowledged. <p>iii. Agreed. Indicate that the ground disturbance <i>shall not</i> cause damage to the underground infrastructure within 3 working days.</p> <p>The proposed language (“or”) is accurate as work in the vicinity of an overhead powerline might be limited to surface works.</p>

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	<p>For Underground Infrastructure</p> <ul style="list-style-type: none"> i. mark the location of the underground infrastructure on the ground within 5 working days; Comment: This was never agreed to by the ARHCA. 3 days was the original agreement after the BRAG consultation (2017?) ii. mark the location of the underground infrastructure on the ground within 5 working days; iii. provide in writing an accurate and clear description of the location of the underground infrastructure within 3 working days; or, <p>Comment 1: Should this not include the word "and" after bullet i? It should be mark the location within 5 days AND provide written and accurate description. Marking the utility is a current legislated owner requirement as per Alberta OHS and pipeline Act. The lack of clarity of this appears to leave the option of only providing a drawing/description and not physically marking.</p> <p>For aboveground infrastructure</p> <ul style="list-style-type: none"> i. provide in writing the safe work precautions to follow when working in proximity to the aboveground infrastructure; <p>Comment 2: Is there a better definition available of what safe work "precautions" entail? Are these prescriptive work procedures and does the utility owner incur any liability by providing?</p>	<p>The Canada Energy Regulator and Alberta Energy Regulator govern transmission pipelines in Alberta and both regulators mandate response to locate requests within 3 and 2 days respectively. No other buried utilities are required by law to respond to locate requests in the same manner. USP proposes following the language provided in section 10.1.1.2 of CSA Z247 which states:</p> <p>The owner shall provide positive response back to the excavator within</p> <ul style="list-style-type: none"> a) five business days; or b) a period as defined by the requirements of the authority having jurisdiction. <p>Similar to the rationale that determined the CSA and similar / same S229 response period, CER and AER response periods are within the 5 day limit and do not conflict with federal or provincial jurisdictional language. Imposing a 5-day response period is considered more reasonable than three days – particularly in major urban centres where locate backlogs have plagued the industry.</p> <p>Response to Comment 1: No, the 1st draft of the proposed legislation used Bill S229 as a seed document which proposed either of those three options as a legitimate response to a locate request.</p> <p>Response to Comment 2: <i>Revise draft 2 language to “provide in writing the safe work <u>measures</u> to follow when working in proximity to the aboveground infrastructure.”</i></p>
	<p>Why is above ground added, is it not obvious?</p>	<p>Prior to unification between Alberta One-Call Corporation, the Alberta Common Ground Alliance and the Joint Utility Safety Team (JUST), contacts with overhead powerlines were reported to JUST and captured on a Contact Map on its website. In Edmonton alone, there were more than 90 contacts with overhead powerlines in 2021 – almost 2 per week. The USP Board of Directors supports the inclusion of a process to promote the presence of overhead powerlines through direct notifications to any person working near them.</p>
	<p>Telecoms can be anywhere from 5-days to 6 weeks in responding now. What will be done to enforce the 5-working days?</p>	<p>Unlike transmission pipelines governed by the CER or AER, most buried utilities registered with USP do so voluntarily and abide by the USP User Agreement, which states they will locate their buried assets within 5 business days. The draft legislation includes enforcement measures providing the regulatory leverage to ensure compliance with all elements of the proposed legislation – including locating.</p>
<p>DEFINITIONS – The following definitions apply in this Act</p>		
<p><i>Alberta One-Call Corporation / Utility Safety Partners</i> means the non-profit Notification Centre for Alberta that since October 1st 1984 has provided a communication service between the digging community and the owners of buried facilities to arrange for the</p>	<p>Agree.</p>	

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marking of the location of buried facilities prior to a ground disturbance.		
Board of Directors the governing body of a company that meets regularly to determine the organization's guiding principles, select top management positions, and oversee policies for the business.	Agree.	
<p>Damage Prevention Advisory Council means a blend of damage prevention stakeholders and subject matter experts authorized to resolve non-compliances and non-conformances, which are not suitable to be addressed by civil penalties or Orders of the Court, by mediation.</p>	<p>The advisory council should be made up from representatives of industry stakeholders that fully understand the challenges, demands and process of locate requests, locating and the damage prevention process.</p> <p>Council should be focused on solving non-compliance and non-conformances issues while providing solutions and recommendations to improve the damage prevention process.</p>	Agreement with both comments.
	<p>Comment: What is the definition of a subject matter expert and who determines the SME to sit on the DMAC?</p>	A subject matter expert is an individual with a deep understanding of a particular job, process, department, function, technology, machine, material or type of equipment. At this time, who determines the SMEs who sit on the DPAC has not been considered.
	<p>Why set up another council, when a company is not acting responsibly it can be handed over to OH&S or AER? They already have systems in place. No need for more bureaucracy!</p>	The AER only governs intra-provincial transmission pipelines so their authority is limited; however, OH&S engagement is an option worth considering. Considering the effectiveness of the DMACs established in Virginia and Washington State; however, USP is of the view this is a preferable option.
	<p>1. Who will decide who is on this "council"?</p> <p>2. The Gas Coops must have 1- designated seat.</p>	<p>1. At this time, determining the SMEs on the DPAC has not been considered.</p> <p>2. Acknowledged.</p>
Emergency means any situation where there is an immediate threat to human health or the safety of persons, property or underground or aboveground infrastructure or to prevent damage to the environment.	Agree.	
Entity means a body corporate, a partnership, a trust, a joint venture or an unincorporated association or organization.	Agree	
<p>Ground disturbance means any work, operation or activity that results in a disturbance of the earth, including excavating, digging, trenching, plowing, drilling, tunneling, augering, backfilling, blasting, pulverizing, post pounding, scarifying, topsoil stripping, land levelling, peat harvesting, quarrying, deforestation and earthworks. It does not include a disturbance of the earth caused by any of the following:</p> <p>a) cultivation to a depth of less than 45 cm below the surface of the ground;</p> <p>b) routine, minor road maintenance; or</p> <p>c) any other activity to a depth of less than 30 cm that does not result in a reduction of the cover over any underground infrastructure to a depth that is less than the cover provided when the underground infrastructure was constructed</p>	<p>Suggest changing bullet "C" to reflect the OHS definition.</p> <p>(c) hand-digging to a depth of no more than 300 millimeters below the ground surface, so long as it does not permanently remove cover over a buried utility.</p> <p>The way this currently reads, it could be interpreted that mechanical excavation is allowed over a facility if it is 30cm or less. this contradicts OHS and most utility owners requirements.</p>	<p>Agreed. The 2nd draft will incorporate this change.</p> <p>(c) hand-digging to a depth of no more than 300 millimeters below the ground surface, so long as it does not permanently remove cover over a buried utility.</p>
	<p>c) any other activity to a depth of less than 30 cm that does not result in a reduction of the cover over any underground infrastructure to a depth that is less than the cover provided when the underground infrastructure was constructed (OH&S specifies hand digging, not other activity; if this becomes regulation, which exception applies? this one or OH&S Part 32?)</p>	See revision above.
Locate request means a request referred to in 5.		

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<p>Members A person or entity is a member of the Corporation if the person or entity owns or operates underground infrastructure or aboveground powerlines:</p> <ol style="list-style-type: none"> 1) Every municipality in Alberta; 2) Every gas distributor and every gas transmitter; 3) Every operator of a distribution system; 4) Every person or entity that owns or operates underground infrastructure within a public right of way or that crosses a public right of way; 5) Every person or entity that owns or operates aboveground energy or utility infrastructure within a public right of way or that crosses a public right of way; and 6) Every electricity distributor and every electricity transmitter <p>in the province of Alberta.</p>	<p>This will bring all utility owners into USP, making it a truly one call process. Currently there are utility owners who are not registered making it difficult for excavators to ensure all facilities are marked. This would make it easier and safer for excavators using the system, improving safety, efficiency and the legislation will also reduce damages.</p>	<p>Agreed.</p>
<p>Members of the Board 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.</p>	<p>Agree.</p>	
<p>Non-profit Corporation The business and affairs of the Corporation shall be carried on without the purpose of financial gain and any profits shall be used by the Corporation for the purpose of carrying out its objects.</p>	<p>Why would this be included in the Act?</p>	<p>This provision is included to ensure Utility Safety Partners’ operations and strategic governance remain as-is following promulgation.</p>
<p>Notification Centre means the non-profit corporation called Alberta One-Call Corporation, operating under its legal tradename, Utility Safety Partners, that transmits a notification to registered members with underground infrastructure and aboveground infrastructure in the vicinity of proposed ground disturbance(s) or aboveground activity(ies) following receipt of a locate request.</p>	<p>Agree.</p>	
<p>Objects The following are the objects of the Corporation:</p> <ol style="list-style-type: none"> a) To operate a system and service capable of receiving requests for the location of registered underground and aboveground infrastructure within Alberta 24hrs/day, 7 days/wk. b) To identify whether underground and aboveground infrastructure are located in the vicinity of a proposed ground disturbance or aboveground activity. c) To notify registered members of the Corporation of proposed ground disturbances or aboveground activities that may affect registered underground infrastructure or aboveground energy and utility assets. d) To promote public awareness of the Corporation and the need for safe work (example: ClickBeforeYouDig, Where’s the LINE?). 	<p>Agree.</p>	
<p>Operator means a person or a group of persons that operates underground or aboveground infrastructure.</p>	<p>Why is this specified in the requested legislation? This is a USP determination of their operational structure.</p>	<p>This provision is included to ensure Utility Safety Partners’ operations and strategic governance remain as-is following promulgation.</p>
<p>Overhead powerline, Overhead Energy and Utility Asset; or Aboveground Infrastructure means real and personal property,</p>	<p>Agree.</p>	

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immovable and movable, and works connected to them, carrying electrical power or telecommunications services supported by pylons or poles.	What is the definition of a "pylon" support and where would it be applied?	<p>A pylon is a structure (usually a tower or transmission tower) used for carrying and supporting aboveground power lines.</p> <p>Including “pylons or supports” in the proposed legislation helps maintain the integrity of these structures. Should the integrity of these supports be compromised due to unauthorized or uncontrolled ground disturbance, the integrity of overhead utilities could also be compromised.</p>
Person means an individual or an entity.	Agree.	
<p>Pipeline means a line that is used or to be used for the transmission of oil, gas or any other commodity in the province of Alberta, and includes all branches, extensions, tanks, reservoirs, storage facilities, pumps, racks, compressors, loading facilities, interstation systems of communication by telephone, telegraph or radio and real and personal property, or immovable and movable, and works connected to them, but does not include a sewer or water pipeline that is used or proposed to be used solely for municipal purposes.</p>	<p>Suggest defining the three types of pipelines within the province. The transmission systems that are regulated by the CER, AER and the distribution pipeline systems.</p> <p>Depending on their classification, there are significant differences regarding notification zones, utility requirements and excavation requirements. There is already considerable confusion regarding the definition/classification of pipelines.</p>	<p>Agreed. Revised as follows:</p> <p>Pipeline means a line or transportation system that is used or to be used for the transmission or distribution of oil, gas or any other commodity in the province of Alberta, and includes all branches, extensions, tanks, reservoirs, storage facilities, pumps, racks, compressors, loading facilities, interstation systems of communication by telephone, telegraph or radio and real and personal property, or immovable and movable, and works connected to them, but does not include a sewer or water pipeline that is used or proposed to be used solely for municipal purposes.</p> <p>Regarding notification zones, USP notes that should this legislation be promulgated, it would effectively eliminate notification zones imposed by the CER and AER by mandating a locate request prior to every ground disturbance.</p>
	<p>Why is there a separate definition of pipeline rather than having it included within the definition of Underground Infrastructure?</p> <p>Need more clarity on why sewer and water pipelines for municipal purposes are exempted from this definition.</p>	<p>In the context that “pipeline” and “pipelines” appear in the draft legislation, a stand-alone definition was necessary.</p> <p>Sewer and water utilities / pipelines do not transport hydrocarbons or commodities and are not subject to receivership or at risk of defunct status.</p>
<p>Positive response means notification to an excavator either by a completed locate or written / electronic notice indicating there is no underground or aboveground infrastructure affected by the ground disturbance.</p>	<p>This is a positive inclusion and will lead to information that will confirm when locates are completed, improving the customer's experience and reducing the number of calls regarding locate status.</p>	Agreed.
	<p>This is unclear in its intent. This is only requiring a positive response if there is no underground or aboveground infrastructure but not a positive response if there IS underground or aboveground infrastructure?</p>	<p>When buried utilities ARE present within the area of proposed excavation, owners of those utilities and the excavator are notified.</p>
	<p>Within the 5-working days??</p>	Yes.
<p>Powers The Corporation has the capacity and the rights, powers and privileges of a natural person, subject to the limitations set out in this Act.</p>	<p>Agree.</p> <p>Powers are outlined by the legislation not as a separate definition. Is this necessary?</p>	<p>It is USP’s intent to continue operating as a not-for-profit entity post legislation; ie: business as usual. In that regard, USP considers this clause relevant.</p>
Province means Alberta		
Provincial lands means land of the Crown in right of Alberta.		
<p>Underground infrastructure means cables, ducts, equipment, pipes, pipelines, power lines, energy and utility lines and networks and vaults that are buried in the ground and that are located on provincial lands or regulated by any of the following:</p>	<p>The definition of “underground infrastructure” seems to exclude any utilities who are not under Provincial or Federal jurisdiction. This would even include Drainage and Water. This seems to somewhat defeat the purpose of this legislation in trying to get all utilities in public road right of ways or on Provincial land to register with Utility Safety Partners.</p>	<p>The list has been expanded in the 2nd draft.</p> <p>Additional:</p> <ul style="list-style-type: none"> • Geological Survey of Canada • Transport Canada

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<ul style="list-style-type: none"> Alberta Energy Regulator Alberta Utilities Commission Canada Energy Regulator Canadian Radio-Television and Telecommunications Commission Alberta Electric System Operator Irrigation Council Ministry of Transportation 	<p>Agree.</p> <p>Missing "Rural Utilities"</p>	<ul style="list-style-type: none"> Fisheries and Oceans Canada (Coast Guard) (re: navigable waterways) Fisheries Act Species at Risk Act Environment and Climate Change Canada Alberta Environment and Parks Special Areas Board The Rural Utilities Act
<p>Working day means a day other than a Saturday, Sunday or a statutory holiday in the province of Alberta.</p>	<p>Agree.</p>	
<p>Working hours means 8am to 4:30pm Monday to Friday.</p>	<p>Agree.</p>	
APPLICATION		
<p>Exclusion — This Act does not apply to underground or aboveground infrastructure that are privately owned and do not operate on a commercial basis.</p>	<p>Would suggest rewording to say that is privately owned within private property and does not operate on a commercial basis.</p> <p>The intent should be to have all infrastructure within public property registered with USP regardless of ownership.</p> <p>Why does this not apply to privately owned infrastructure? It was the belief that the original intent of this legislation was to encompass ground disturbance activities around all underground and aboveground infrastructure.</p>	<p>Agreed. Reworded to: This Act does not apply to underground or aboveground infrastructure that is privately owned within private property and does not operate on a commercial basis.</p> <p>Doing so would require registering the location of any underground infrastructure on private property with Utility Safety Partners; example: privately installed and operated irrigation lines. While landowners / property owners are welcome to do so, this legislation will not mandate it.</p>
REGISTRATION WITH NOTIFICATION CENTRE		
<p>1. Registration The operator of any underground or aboveground infrastructure must register it with, and pay the service fees fixed by, Utility Safety Partners.</p>	<p>Agree.</p> <p>The "risk matrix" currently has Gas Co-ops lines included with "high pressure transmission" under gas lines.</p> <p>The risk and severity of gas co-op distribution lines is far less than HP transmission and therefore and separate category for ALL gas distribution should be included.</p>	<p>As the Co-ops are aware, USP issued a letter to the Federation of Alberta Gas Co-ops March 25, 2022 addressing this matter in which a go-forward plan / solution was articulated and accepted.</p>
<p>2. Communication of information The operator of any underground or aboveground infrastructure must provide the following information to Utility Safety Partners and at minimum, update it annually:</p> <ul style="list-style-type: none"> a) the geographical location of the underground or aboveground infrastructure such as the digital geospatial data / shape files or legal description of the location; and b) any other information that Utility Safety Partners considers necessary to exercise its functions or that legislation requires. 	<p>Agree.</p> <p>b) any other information that Utility Safety Partners considers necessary to exercise its functions or that legislation requires.</p> <p>Comment: It should be specifically outlined within the legislation what is required and agreed to by utility owners. If there is a lack of information or a discrepancy with the information provided then the contractor contacts the utility owner directly for resolution.</p>	<p>Once promulgated, legislation and regulation can limit or freeze operations that would otherwise benefit from parallel advancements in technology, process or practice. Including the proposed language in b) allows legislation to keep pace with those advancements.</p>
<p>3. Modifications The operator must also inform Utility Safety Partners, in writing, of any modification to the information provided to the centre under 2 (above).</p> <p>In the case of insolvency or bankruptcy resulting in abandonment of underground infrastructure or defunct pipeline status, the notification centre will maintain the registered data and label the defunct pipeline as "defunct". Any person who has been notified</p>	<p>Agree.</p> <p>The responsibility of securing location and marking services is only a contractor requirement for privately owned utilities located on private property. Defunct pipelines do not meet the definition of a private utility and therefore there is owner responsibility in place still.</p>	<p>While the Receiver maintaining the operations of a defunct pipeline might continue locating and marking as required, it's not always the case (even though it is a regulatory requirement). When the Receiver isn't doing so, provisions need to be in place to protect the ongoing integrity of the buried asset(s). If the Receiver has been discharged, and the lines not properly abandoned or sold, the asset(s) are turned over to the Orphan Wells</p>

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<p>of a defunct pipeline in the vicinity of their proposed ground disturbance will secure locating and marking services to identify its location prior to disturbing the ground.</p>		<p>Association at which time they will be labeled as ‘defunct’ without a responsible party responding to locate requests.</p>
LOCATE REQUEST AND IDENTIFICATION OF UNDERGROUND INFRASTRUCTURE		
<p>4. Locate request Before a person undertakes a ground disturbance or aboveground activity within 15 metres of aboveground infrastructure, that person must submit a locate request to the notification centre.</p>	<p>We are struggling with the requirement for ground disturbers or anyone doing “work” within 15m of above ground infrastructure to be required to put in a ticket. While we do appreciate another avenue to reinforce the limits of approach and this may offer us an opportunity to close a gap we have with infill development encroaching on our lines, we are not sure this is the right way to do this. I think we would need a way to limit this requirement to work that actually poses a risk to our infrastructure. A homeowner who is doing “work” in their backyard (such as building a small portable shed) should not have to put in a ticket just because their lane has aerial lines if there is no risk. I worry this will add stress to a locate system that is already overburdened and add costs to our utility without providing significant value. We are not against leveraging the existing locate process to warn excavators about adjacent OH utilities and safety requirements but definitely feel this process needs more thought on how to address adjacent work that actually poses a risk.</p> <p>Consider rewording this, it could lead to people thinking they only need to call if they are fifteen meters from a utility. Most transmission pipeline owners have a 30 meter requirement currently. Bullet points may help break it out and distinguish between underground and overhead notifications.</p> <p>What are the activities above ground that will require a locate request? These must be specifically defined. Many Commercial Operations have activities above ground. Many large vehicles can come within the limits of approach. Graders, Garbage Trucks, Mobile Cranes, etc. are locates required for this work? Limits of approach are 7 meters with the exception of the specific</p>	<p>Agreed: Proposed new language for draft 2:</p> <p>Before a person undertakes any ground disturbance, or aboveground activity that has the potential to encroach overhead utilities; ie: within 7 metres, that person must submit a locate request to the notification centre.</p> <p>Agreed.</p> <p>Before a person undertakes any ground disturbance, or aboveground activity within 7 metres of aboveground infrastructure, that person must submit a locate request to the notification centre.</p> <p>Examples of aboveground activities that have the potential to contact an overhead powerline are:</p> <ul style="list-style-type: none"> • Tree pruning or tree removal • Using a ladder • Delivering materials with a crane or cherry-picker • Working on scaffolding • Working on a roof • Moving high loads (included but not limited to) <ul style="list-style-type: none"> ○ Mobile homes ○ Farming equipment ○ Pipeline equipment • Moving wide loads <p>See above; however, USP notes exhaustive lists are typically not included in legislation. Rather, it is more likely to be included in regulations made pursuant to the legislation or captured in related guidance notes.</p>

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	activity allowed within 3 meters.(based on voltage) Is this 15 meters limit new? See OH&S Part 17. 15 meters will increase the volume of notifications significantly. 226 The safe limit of approach distances listed in Schedule 4 do not apply to a load, equipment or building that is transported under energized overhead power lines if the total height, including equipment transporting it, is less than 4.15 metres.	In addition to the above, USP is developing an auto-notification process that informs any person of the precautions to follow when working in the vicinity of overhead powerlines as well as the limits of approach.
<p>5. Communication – other information Before undertaking the ground disturbance, the person must also provide the notification centre with the following information:</p> <ul style="list-style-type: none"> a) the type of ground disturbance they are planning to undertake; b) the exact location of the anticipated ground disturbance; and c) any other information that the notification centre considers necessary to exercise its functions. 	<p>Agree.</p> <p>Comment: It should be specifically outlined within the legislation what is required and agreed to by utility owners. If there is a lack of information or a discrepancy with the information provided then the contractor contacts the utility owner directly for resolution.</p>	<p>Given the various types of utilities that register the location of their assets with USP, and the crossings / proximity governance associated with many of them (ex: transmission pipelines), USP disagrees that it should outline what would be an exhaustive list of what is required and agreed to by utility owners. Rather, this legislation’s focus is to secure registration of all utilities to ensure initiation of the damage prevention process, which depending on additional governance, might be different from one utility to another.</p>
<p>6. Provision of information – period of time and manner The information referred to in section 5 must be provided to the notification centre at least three working days’ notice in advance of the day on which the ground disturbance is to start — or as soon as possible before the ground disturbance is to start in the case of an emergency described in section 9 — and in the manner specified by the notification centre.</p>	<p>In the summary section we reference having locates completed within 5 days, I would suggest changing the three days working notice to five to align with the expectations.</p> <p>There is already a lot of confusion from the excavation industry and homeowners regarding this, having different minimum notification period versus expected completion times will only further add to this.</p> <p>Changing this will not prevent utilities who need to complete their locates in a shorter time period from doing so, but it will align the expectations and messaging given to customers.</p>	<p>Agreed.</p> <p>The information referred to in section 5 must be provided to the notification centre at least five working days’ notice in advance of the day on which the ground disturbance is to start — or as soon as possible before the ground disturbance is to start in the case of an emergency described in section 9 — and in the manner specified by the notification centre.</p>
<p>7. Notification to operators of registered underground infrastructure – ground disturbance Immediately after receiving a locate request, the notification centre must provide notification of the ground disturbance, in writing, to all operators of registered underground infrastructure that could be damaged by that ground disturbance.</p>	<p>Agree.</p>	
<p>8. Notification to person undertaking a ground disturbance Immediately after receiving a locate request, the notification centre must also indicate, in writing, to the person that made the locate request:</p> <ul style="list-style-type: none"> (a) whether or not any registered underground and aboveground infrastructure is located in the area in which the ground disturbance is anticipated to take place; and (b) the name of the operator of any registered underground or aboveground infrastructure in that area. 	<p>Agree.</p>	
<p>9. Emergency locate An operator of registered underground or aboveground infrastructure may be required to respond without delay to a notification referred to in section 6 — including outside normal</p>	<p>Change “may be required to respond” to “will respond without delay”.</p>	<p>Revised: An operator of registered underground or aboveground infrastructure will respond without delay to a notification referred to in section 6 — including outside normal business hours — if the notification centre considers that a</p>

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<p>business hours — if the notification centre considers that a person must undertake a ground disturbance or conduct an aboveground activity in order to respond to an emergency.</p>	<p>How does USP plan to enforce this statement?</p>	<p>person must undertake a ground disturbance or conduct an aboveground activity in order to respond to an emergency.</p> <p>USP does not anticipate being the enforcement authority. Provisions within legislation or accompanying regulations will determine how enforcement will be managed and by whom.</p>
<p>10. Positive Response All underground and aboveground infrastructure locate requests shall result in a positive response from the owner or authorized representative of the owner to the person who submitted the locate request and the notification centre.</p>	<p>This is a positive inclusion and will lead to information that will confirm when locates are completed, improve the customer's experience and reduce the number of calls regarding locate status.</p> <p>Are all companies going to be held accountable to the same requirement of responding/locating their lines equally, not like it has been in the past?</p>	<p>Yes. This is one of the benefits of legislation whereas currently, USP has very little leverage vis à vis those members that do not abide by the terms of signed member agreements, which includes locating and marking.</p>
<p>11. Response — location of registered underground infrastructure The operator of registered underground infrastructure that receives a notification referred to in section 7 must, within the period of time specified in section 14, do any of the following:</p> <ul style="list-style-type: none"> 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; b) provide to that person, in writing, an accurate and clear description of the location of the underground infrastructure that could be damaged by the ground disturbance; c) provide to that person a written confirmation that the ground disturbance is not likely to cause damage to the underground infrastructure; or d) request additional information about the proposed ground disturbance to determine the impact on existing underground infrastructure. 	<p>We should consider putting some prescriptive language around what constitutes an "accurate and clear description of that location" if physical locates are not going to also be completed by the facility owner.</p> <p>Suggest considering adopting similar language from OHS code regarding as-builts being used in place of physical locates.</p> <p>"The as-built record drawings referred to in subsection (4) must be certified by the owner of the buried or concrete-embedded facility as the most current drawings of record that indicate the constructed location of the buried or concrete-embedded facility"</p> <p>Comment:</p> <p>b) is not acceptable if it is an option to only provide a drawing or accurate description and not mark the location of the utilities. Lack of physical markings creates an unnecessary risk to the safety of workers conducting ground disturbance and do not enhance damage prevention.</p> <p>d) has the potential to lead to delays. There is a lack of clarification as to what additional information would be required that is not already captured in the locate request. Also, what would "flag" the system after a locate request had been placed that additional information is required?</p>	<p>Exhaustive lists are not included in legislation. Best to include in regulation, standards, best practices or guidance notes.</p> <p>See USP feedback below (response to comment b)).</p> <p>See USP feedback below (response to comment b)).</p> <p>Response to comment b) – USP proposes the following revision to draft 2:</p> <p><i>Provide to that person, in writing, an accurate and clear description of the location of the underground infrastructure that could be damaged by the ground disturbance for the purpose of locating.</i></p> <p>With regard to Comment d), USP's feedback relative to a similar comment in response to Section 5. Communication – other information also applies here:</p> <p><i>Given the various types of utilities that register the location of their assets with USP, and the crossings / proximity governance associated with many of them (transmission pipelines), USP disagrees that it should outline the exhaustive list of what is required and agreed to by utility owners. Rather, this legislation's focus is to secure registration of all utilities to ensure initiation of the damage prevention process, which depending on additional governance, might be different from one utility to another.</i></p> <p>Re: "Flag the system" – the utility owner notified of activities in the vicinity of their assets will determine whether or not additional information is required.</p>

1 st DRAFT LANGUAGE	COMMENTS RECEIVED	USP FEEDBACK
	Section 14 is referencing Fees. Should this not be section 13?	<p>Oops. Thanks!</p> <p>Revised to:</p> <p>11. Response — location of registered underground infrastructure The operator of registered underground infrastructure that receives a notification referred to in section 7 must, within the period of time specified in section 13, do any of the following:</p>
<p>12. Response – Aboveground infrastructure Following receipt of a locate request that intersects with the registered location of aboveground infrastructure, the notification centre shall:</p> <p>a) provide in writing an alert to the requester of the presence of aboveground infrastructure in the work area; b) provide in writing the safe work precautions to follow when working in proximity to the above ground infrastructure; and c) provide contact information to the requester should additional information or action from the above ground utility owner or operator be required.</p>	<p>Agree.</p> <p>for c) Is there a requirement for the Owner to provide information or a process for when the assets become in conflict with the activity? Move, alter, or modify the height, alignment, or position of the aboveground asset temporarily or permanently? is this the contact information? As well, in some cases, provide "blanket" wraps to mitigate the limits of approach to voltages of the OH line?</p> <p>There is high potential for conflicting messages from various overhead utility owners in terms of safe work precautions, specific site requirements and unforeseeable overburden on contractors to comply with varying work methods at the discretion of an owner rather than a set standard.</p> <p>This has many negative implications and potential non-compliance with agricultural operations and homeowner activities.</p> <p>Provide in writing the safe work precautions to follow, this is easily interpreted as providing procedures and as such places liability on the overhead utility owner.</p>	<p>Not at this time and it is unlikely that legislative or regulatory language would go to this level of detail.</p> <p>USP is developing an auto-notification process and form that any person working in the vicinity of overhead utilities will receive when they submit a locate request. The auto-notification provides general safety awareness information as well as individual contact (phone numbers) for those overhead utilities that are in proximity to the person's activities.</p>
<p>13. Period of time The operator of registered underground and aboveground infrastructure must provide the response referred to in section 10 within three working days prior to the proposed excavation start date unless the operator of the registered underground or aboveground infrastructure and the person planning to undertake the ground disturbance agree in writing to an alternate period of time.</p>	<p>In the summary section we reference having locates completed within 5 days, I would suggest changing the three days working notice to five to align with the expectations.</p> <p>There is already a lot of confusion from the excavation industry and homeowners regarding this, having different minimum notification period versus expected completion times will only further add to this.</p> <p>Changing this will not prevent utilities who need to complete their locates in a shorter time period from doing so, but it will align the expectations and messaging given to customers.</p> <p>Current Standard in City of Calgary is within 5 full business days of the Locate Ticket Request Date, or Prior to the Work To Begin Date, which ever is later.</p> <p>How is this going to be enforced with the operators? If the operator does not provide the positive response within 3 days of the proposed excavation what legal or monetary consequence is there if the contractor is delayed?</p>	<p>Agreed. Revision below.</p> <p>Acknowledged.</p> <p>Provisions within the legislation or accompanying regulations will determine how enforcement will be managed and by whom.</p>

1 st DRAFT LANGUAGE	COMMENTS RECEIVED	USP FEEDBACK
	<p>Is this achievable? If a contractor puts in a locate request 5 days prior to the proposed excavation date then the positive response would need to be received within 24-48hrs of the locate request. A positive response as defined if utilities are present would require the locate completed. This is a welcome commitment but based on past performance and delivery of locates it is not achievable.</p>	<p>Agreed. Revised language: The operator of registered underground and aboveground infrastructure must provide the response referred to in section 10 within the minimum notice period unless the operator of the registered underground or aboveground infrastructure and the person planning to undertake the ground disturbance agree in writing to an alternate period of time.</p>
<p>14. Fees</p> <p>a) No Fees The operator of registered underground or aboveground infrastructure must not charge the person planning to undertake a ground disturbance a fee for responding to the notification in a manner described in any of sections 9, 10, 11 and 12.</p> <p>b) Fees — outside normal business hours If, at the request of the person planning to undertake the ground disturbance or aboveground activity, and with the exception of response in accordance with section 9, the operator of registered underground or aboveground infrastructure responds to the notification outside normal business hours the operator may charge that person a fee corresponding to the reasonable cost of responding to the notification.</p> <p>c) Fees — ground disturbance not undertaken The operator of registered underground or aboveground infrastructure may charge the person planning to undertake a ground disturbance a fee fixed by regulation if the operator was required to respond to multiple notifications related to the same ground disturbance.</p>	<ul style="list-style-type: none"> • The proposed legislation has a clause that prevents utilities from charging locate fees. While we do not charge for locates through the standard process, we are in the process of allowing specific contractors to hire their own locators and as such will pay a fee for locates. We just need to ensure this is allowed under this clause. • The proposed legislation has a clause that allows utilities to be charged for inaccurate locates. While most of our electrical assets can be traced in the field to ensure accurate locates, water and drainage do not have the same ability. I think there has to be wording around negligence or a lack of due diligence resulting in inaccurate locates resulting in penalties. We are all relying on old GIS records in many cases. I also worry this will further increase our locate rates and result in utilities creating large chevrons to limit their risk resulting in extensive and unnecessary hand digging and hydrovaccing. <p>a) Agree.</p> <p>b) Consider adding the following to address some items brought up by facility owners and the excavation community:</p> <ol style="list-style-type: none"> 1. Allow fees for expedited locate requests that are needed or desired prior to the normal 5 day completion timeline. 2. Allow fees to be applied to people identified as misusing the one call system with multiple relocates. 3. Allow a fee for misuse of emergency locate requests. This is currently a large problem felt by most utility owners and there is little recourse. We pay higher fees for emergency locate requests but also significantly impact efficiency and completion times. <p>a) Agreed</p> <p>b) Aboveground operators would not be attending a site to "locate" visible overhead lines so this would not apply to them. Is the aboveground reference in terms of operators having staff on standby, overseeing or inspecting the work area while construction activities are taking place? There is no reasonable way that a contractor can estimate what individual operators of overhead or even underground utilities would be charging for these requirements which dependent on the size and scope of the</p>	<ul style="list-style-type: none"> • Agreed. • The proposed legislation does not have a clause allowing utilities to be charged for inaccurate locates. • Addressing inaccurate locates is not recommended for inclusion in the proposed legislation. <p>Re: b):</p> <ol style="list-style-type: none"> 1. USP is working on expanding the locate and marking options available to the digging community to expedite the process and reduce delays. 2. The proposed legislation addresses this. 3. Agreed <ol style="list-style-type: none"> a. The operator of registered underground or aboveground infrastructure may charge the person submitting an emergency locate request a fee fixed by regulation when there is no danger to life, property or the environment. <p>Response to:</p> <p>b) That is correct – operators of aboveground infrastructure would not be attending to site to identify visible overhead utilities; however, depending on the nature of the work, overhead asset representatives might be required to attend to the site to address proposed activities within the limits of approach and they do not charge to do so.</p>

1 st DRAFT LANGUAGE	COMMENTS RECEIVED	USP FEEDBACK
	<p>project could be substantial unforeseen costs with potential for substantial financial loss.</p> <p>c) This has been contested since the start when it was in S229. There are multiple variables that would impact the start date of a ground disturbance such as weather, supply chains, global pandemics, design changes, discovery of contaminated or historically significant artifacts, etc. The ARHCA has been opposed to this from the beginning and presented all these scenarios on multiple occasions in the past.</p> <p>Who is going to determine the "fixed fee"? An independent group or a biased utility owner consortium?</p> <p>What is the definition of multiple notifications?</p>	<p>c) Agreed and understood. This provision is intended to address, reduce, and hopefully eliminate unnecessary multiple locate requests for the same project submitted to mistakenly improve the odds of securing a timely locate. Unfortunately, these nuisance locate requests only further backlog the system.</p> <p>By virtue of the draft legislation, USP is proposing the fixed fee will be determined by regulation. However, given USP's objective for a transparent legislative development process, it would be beneficial for an independent group to contribute information to the AB Govt to help determine the fixed fee and for that group to be comprised of utility and digging community members.</p> <p>Similar to the comment directly above, USP anticipates determining what constitutes "multiple notifications" through an open dialogue with utility owners and members of the digging community.</p>
<p>15. Separate responses An operator of registered underground or aboveground infrastructure must provide a separate response for each notification they receive.</p>	<p>Agree.</p> <p>Disagree! Sometimes a request is made for several locations all in proximity and 1 simple email stating the locate numbers affected with appropriate maps should suffice instead of all the extra work to submit each individual email.</p>	<p>For tracking purposes, individual correspondence is required for every excavation. This provision is non-negotiable.</p>
<p>16. Duration The response is valid for thirty (30) days unless otherwise indicated by the operator of the underground or aboveground infrastructure.</p>	<p>Agree.</p>	
<p>17. Response not valid A response is not valid if it does not comply with section 11 or 12.</p>	<p>Agree.</p> <p>What about 9 & 10?</p>	<p>Yes.</p>
<p>18. Restrictions Subject to the regulations, a person planning to undertake a ground disturbance or activity within 15/X metres of aboveground infrastructure must not undertake it before:</p> <p>a) the person has received a notification from a notification centre under section 11 and 12; and</p> <p>b) the operators of registered underground or aboveground infrastructure mentioned in that notification have provided the person with a response in accordance with section 11 or 12, as the case may be.</p>	<p>Consider rewording this, it could lead to people thinking they only need to call if they are fifteen meters from a utility. Most transmission pipeline owners have a 30 meter requirement currently. Bullet points may help break it out and distinguish between underground and overhead notifications.</p> <p>Limits of approach are 7 meters with the exception of the specific activity allowed within 3 meters.(based on voltage) Is this 15 meters limit new? See OH&SPart 17. 15 meters will increase the volume of notifications significantly.</p> <p>Current OHS Code (schedule 4) and EUC requirements are to maintain a 7m clearance from overhead utilities if voltages are unknown. This is a direct conflict of existing legislation that is accepted by industry and a standard known and adapted by contractors. 15/X metres does not exist in any legislation.</p>	<p>Agreed. Revised: <i>A person planning to undertake any ground disturbance, or aboveground activity that has the potential to encroach overhead utilities within 7 metres, must not undertake it before:</i></p> <p>USP introduced the 15 metre distance to extend and improve awareness of safe work practices near overhead utilities. The proposed legislation has been reduced to 7m to be consistent with the limits of approach providing overhead powerline owners are amenable to doing so.</p> <p>See comment directly above.</p>

1 st DRAFT LANGUAGE	COMMENTS RECEIVED	USP FEEDBACK
	<p>This also is a direct conflict with the "wheres the line" promotion of "stay 7m safe".</p> <p>There is a lack of clarity in a) and b) in terms of a response time the notification must be given. The references to 11 and 12 do not reflect a timeframe.</p>	<p>Re: Lack of clarity:</p> <ul style="list-style-type: none"> • Notifications to the ground disturber and the utility owners with buried assets intersecting the proposed area of the ground disturbance are immediate. • The response times relative to Section 11 is noted in the Summary and in Section 13 (5 days - revised above). • Notification timeline for aboveground assets is an immediate automated process from USP to the person placing the request.
<p>19. Damage Prevention Advisory Council The Minister may assign to the Damage Prevention Advisory Council the functions — other than those assigned by this Act to Notification Centres — that the Minister considers necessary for carrying out the enforcement of and the penalties associated with this Act.</p>	<p>The advisory council should be made up from representatives of industry stakeholders that fully understand the challenges, demands and process of locate requests, locating and the damage prevention process.</p> <p>Council should be focused on solving non-compliance and non-conformances issues while providing solutions and recommendations to improve the damage prevention process.</p> <p>Would need a better understanding regarding any penalties, intention of penalties and how they would be administered.</p> <p>The Minister "may" assign to the Damage Prevention Advisory Council the functions. Legislation should not contain the word "may".</p> <p>If this function performs at it is intended then ALL ground disturbers, including homeowners, farmers, etc. would potentially be subject to enforcement of the penalties by the council. What fair and equal measure would be in place to ensure consistency of the council and fair and equal representation of all stakeholders?</p> <p>Why not use the AER and OH&S for enforcement rather than set up another layer of enforcement!</p> <p>Who do the penalties get payed to? I believe enforcement and penalties should be left to OH&S, absolutely not payed to Utility Safety Partners.</p>	<p>Agreed.</p> <p>In legislation, the word "may" is an expression of possibility, a permissive choice to act or to not act, and ordinarily implies some degree of discretion. In that regard, the word "may" appears in Section 16 (Damage Prevention Organization) of Bill S229, which was prepared with ongoing assistance of Parliamentary Counsel. Bill S229 is a seed document of this proposed legislation for Alberta.</p> <p>USP recommends the DPAC consists of stakeholders who understand the damage prevention process and related challenges and demands.</p> <p>Enforcement and penalties could be administered by an existing regulatory body. That is a choice the AB Govt will have to make.</p> <p>Typically, monetary penalties are paid to the Government of Alberta; however, USP notes the success DPACs have had success administering 'creative' penalties. For example, a repeat offender was ordered to pay a fine of \$811.00 (811 is the national 3 digit number to reach One-Call centres across the United States).</p>
<p>20. Obligation to Report Damages Any party associated with a ground disturbance that damages underground or aboveground infrastructure must report the damage to: a) the owner; and b) the Damage Information Reporting Tool database.</p>	<p>Would make the utility owner responsible for reporting damages into dirt and not the excavator. Too many people reporting the same incident or not understanding the DIRT tool can lead to data integrity issues.</p> <p>What is damage? This needs a definition.</p>	<p>The DIRT tool recognizes dual entries for the same damage (location data) limiting the likelihood of multiple reports of the same incident.</p> <p>Proposed Damage Definition: Physical harm caused to something in such a way as to impair its value, usefulness or normal function.</p>

1 st DRAFT LANGUAGE	COMMENTS RECEIVED	USP FEEDBACK
	<p>As well, reporting damages only if associated with disturbing the ground?</p> <p>What quality control measures will be in place to ensure that single damages are not reported multiple times? By the first sentence, "any party" would require multiple stakeholder reporting (locators, notification center and contractor) to the owner.</p> <p>Agree that the damage must be reported to the owner but not DIRT until there has been absolute clarification on the QC of DIRT to ensure the data is true.</p>	<p>Damage reporting will include buried and overhead energy and utility assets.</p> <p>The DIRT tool recognizes dual entries for the same damage (location data) limiting the likelihood of multiple reporting of the same incident.</p> <p>The DIRT tool is not designed to lay blame. Rather, it is intended to identify root cause and assist in the development of Best Practices to prevent a recurrence.</p>
<p>21. Enforcement Agency <i>See Guidance Notes – Enforcement Agency</i></p>	<p>While we are happy to see this legislation will allow for penalties to be levied against ground disturbers who have not put in a ticket, most of our damages are from excavators who have put in tickets but did not follow ground disturbance practices. Ideally, we would like to see penalties be expanded to cover repeat offenders as well even if they do put in a ticket.</p> <p>Who is the enforcement agency? This is not defined. If it is the owners, this will require additional resources and increase costs.</p> <p>As well note, during volumetric periods, owners can and will be late. Current budgets does not include penalties for late locates.</p> <p>Lack of clarity as to who the enforcement agency is, who makes the decisions (is it representative of all stakeholders?) on monetary penalties and determination of guilt or innocence. Incredibly vague descriptions of who makes the decisions.</p> <p>This entire section needs further discussion and resolution. Opposed as it currently is written.</p>	<p>Acknowledged.</p> <p>At this time, the enforcement agency is unknown. It could be an existing regulatory body, such as the AER or OH&S, or enforcement could be administered from a yet unknown department within government.</p> <p>USP agrees. Enforcement must consider all influencing factors and circumstances.</p> <p>The language at this time is intentionally vague as neither USP nor the Government of Alberta are aware who the enforcement agency will be. It isn't uncommon for legislative language to be at this level. Detailed language and governance typically appears in regulation.</p>
<p>22. Orders of court <i>See Guidance Notes – Orders of the Court</i></p>	<p>Are any of the surpluses reportable to the Owners? Will the amounts offset the annual fees charged to owners? Part of the fees currently paid include USP promotion of safe digging practices.</p> <p>Opposed to any monetary penalties going to the notification center as any creative sentencing funds should be going to industry and industry allowed to determine the best method of promoting industry safety. Having safety in the notification center business name does not entitle them to make industry safety decisions or make them industry safety experts.</p> <p>The ability to remove a company's right to work by not allowing them to place locate requests and/or shut down work sites requires further discussion.</p> <p>Disagree with 2b) 'directing the offender to pay The Notification Centre an amount of money that the court considers appropriate for the purpose of promoting the prevention of damage to underground infrastructure;' We feel that there should not be financial compensation to The Notification Centre (TNC), but rather just have OH&S/AER deliver consequences as they see fit. In mandating compensation to TNC it is perceived as a self-serving revenue stream.</p>	<p>At this time, it is unknown to whom monetary penalties will be paid. However, USP supports monetary penalties directed to assist and enhance education and awareness. In this regard, USP notes section 9 of the CCGA's Damage Prevention Legislation Elements Required for Canada.</p> <p>Acknowledged.</p> <p>Acknowledged.</p>
<p>AGREEMENTS WITH OTHER PROVINCES</p>		

1 st DRAFT LANGUAGE	COMMENTS RECEIVED	USP FEEDBACK
<p>1. The Notification Centre may provide services to other provinces in accordance with the Board of Directors.</p>	<p>Agree.</p> <p>As USP is named specifically in the proposed "regulation" how will this effect BC and Sask? The response for locate requests are not the same as in Alberta.</p> <p>How is this in any way relevant to Alberta legislation? What a non-profit does to operate it business in other provinces in irrelevant</p>	<p>The proposed legislation is limited to Alberta.</p> <p>It is USP's intention to continue operating and providing services to other geographic locations following promulgation of this proposed legislation. Not securing this provision within legislation presents a risk to those provinces' operations.</p>
ADDITIONAL FEEDBACK		
<p>Do you have additional comments about the draft?</p>	<p>Is the intent of this "legislation" to update the OH&S Act? Many overlaps within.</p> <p>There is no obligation of the requester to make efforts to preserve marks, lathes, etc. or have documents with accurate measurements to recreate or find the alignment of the locate marks.</p> <p>Not sure about the Overhead notification requirements. The service is for Owners to Locate buried assets which cannot be seen. Overhead Assets are right there, and can be visually found.</p> <p>This proposed legislation has lost its original intent, which was to create a true "One-Call" system within the province of Alberta that covers all buried facilities. This proposed legislation still does not meet this intent.</p> <p>Alberta One Call needs to address the call-in aspect of their service because internet is not a reliable source for many Albertans. The first option on the phone when calling in is for emergencies. Should there not be an option that if you do not have internet capabilities press#, which then is answered within minutes, not hours as some of our customers have experienced?</p> <p>Not having access to reliable internet is a very real concern in rural Alberta and needs to be taken seriously. If this is truly about keeping everyone safe, do not frustrate the caller into taking a chance on digging without a locate.</p> <p>1. Recommend having a section that holds owners/operators accountable if they do not respond within the required time as noted in section 13; some sort of monetary penalty perhaps.</p> <p>2. Recommend defining the individual submitting a locate request (i.e. caller or excavator)</p> <p>3. Recommend having a section that holds callers/excavators accountable for not responding to the owner/operator's attempts to make verbal/written contact to gather more information before applying one of the positive responses noted in Sections 11 and 12.</p>	<p>No.</p> <p>Acknowledged. This provision would be addressed in regulation.</p> <p>While your comment of 'visibility' of overhead lines is accurate, the former Where's the LINE campaign was designed to specifically reduce / eliminate contacts with overhead powerlines, prevent injuries and death. Unfortunately, all of those continue to occur despite the best efforts of industry and USP. In response, the USP Board of Directors agreed to include overhead energy and utility assets in legislation by a vote of 15-1.</p> <p>The proposed legislation includes mandatory registration of all buried and above ground energy and utility assets within public rights of way.</p> <p>USP offers an online / web and call-in locate request process with the vast majority of all locate requests originating online.</p> <p>The number of locate requests continues to increase and the percentage of online locate requests is approximately 98% for members and contractors across the province. Those who must request a locate by phone can do so during regular business hours. USP monitors and reports its average speed of answer to the Board of Directors monthly; increasing and reducing the number of Agents with the ebb and flow of the digging season.</p> <p>USP's average speed of answer over the entirety of 2021 was 1 minute, 21 seconds. The longest period of time a person waited on hold in 2021, including queue callback, was 55 mins and 1 second Monday, April 26, 2021.</p> <p>1. Acknowledged – language was developed to address this recommendation.</p> <p>2. Not necessary.</p> <p>3. Acknowledged – language was developed to address this recommendation (see response to 1)</p> <p>4. USP is of the view this is best addressed in Best Practices rather than legislation.</p> <p>5. USP is of the view this is beyond the purview of this legislation</p>

1 st DRAFT LANGUAGE	COMMENTS RECEIVED	USP FEEDBACK
	<ol style="list-style-type: none"> 4. Recommend having a section that would define appropriate steps to take if ground disturbance continues past the 30 days noted in section 16. Example would be to submit a relocate. 5. Recommend having a section that defines what a caller/excavator is permitted to do when all documented attempts to obtain a positive response from the owner/operator have been exhausted and planned ground disturbance is set to occur. 	