



<b>Fuels Safety Program</b>	Ref. No.: FS-223-17
<b>ADVISORY</b>	Date: July 19, 2017

**Subject:** Guidelines for Compliance with Requirement to Obtain Locates (O.Reg. 210/01, s.9)

**Distribution:** Posted on TSSA website and sent to TSSA Fuels Advisory Councils, TSSA Fuels RRGs, TSSA Engineers and Inspectors, OPCA, CPA, MGCS, MPHCA, OFM, One Call, CIPMA, COHA, HRAI

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## Background

This advisory provides guidelines for compliance with the TSSA requirement to obtain locates before excavation or digging.

Locates provide the location of buried underground infrastructure such as oil and gas pipelines, electrical lines, communication lines and water and sewage lines. Locates for all underground infrastructure are obtained by calling Ontario One Call free of charge.<sup>1</sup> Ontario One Call will route locate requests from excavators to any affected underground infrastructure owners. Members of Ontario One Call are required to respond to locate requests within five business days by either providing a diagram (map) showing the location of underground infrastructure and putting markings on the ground or in specific circumstances by providing an “all-clear” to confirm that the infrastructure will not be impacted by the proposed excavation.

## Legal Requirement to Obtain Locates

The legal requirement to obtain locates is found in the Oil and Gas Pipeline Systems regulation (O. Reg 210/01), which provides:

### Ascertaining pipeline locations

9. (1) No person shall dig, bore, trench, grade, excavate or break ground with mechanical equipment or explosives without first ascertaining from the licence holder the location of any pipeline that may be interfered with.

This obligation applies not only to contractors, but to *any* person who digs or breaks ground, including members of the public. It applies equally on public and private property.

The TSSA requirement to obtain locates applies to any digging, boring, trenching, grading, excavating or breaking ground that is done with **mechanical equipment** or **explosives**. TSSA considers “mechanical equipment” to include **all machines and tools** used to break ground or drive an object into the ground.<sup>2</sup>

Machines include (but are not limited to) excavators, backhoes, earthmovers, power augers, pile drivers and borehole drilling machines.

Tools can include but are not limited to hand-operated excavating and boring equipment such as shovels, manual augers and post hole diggers and manual driving implements such as sledge-hammers, mallets and hammers.

<sup>1</sup> Established by the *Ontario Underground Infrastructure Notification System Act, 2012*, S.O. 2012, c. 4

<sup>2</sup> The 2008 “Guideline for Excavation in the Vicinity of Utility Lines” jointly published by TSSA and Electrical Safety Authority (ESA) describes “mechanical excavation” slightly differently than the O. Reg. 210/01 and this advisory. This guideline was intended to provide best practices for industry to comply with both organization’s requirements and does not carry the force of law.

## Examples of Activities

TSSA will not enforce requirements for locates in the following examples:

### Driven by Human Force Only

Where an object is driven into the ground using unaided human force only (i.e. by hand or foot) since no mechanical equipment is involved. This permits people to insert things like wire signs, securing pegs and thin stakes by hand without first obtaining a locate.

### Thin Objects Driven by Hand Tools Up to 1 Foot in Depth

Similarly, TSSA does not enforce the requirement to obtain locates for objects that present a similar risk profile as hand-driven objects. Therefore, no locate is required for objects that can normally be driven into the ground by a small hand tool (such as a hammer or mallet), up to a depth of one foot. This includes the following objects (driven by a small hand tool, up to a depth of one foot):

- wooden stakes smaller than 2" x 2" or wooden dowel less than 2" in diameter
- linear metal stock (bar, round, tube, angle, channel, tee, I-beam etc.), or rebar, less than 1" in all transverse dimensions
- linear soil dividers

This permits a wide variety of objects to be driven into the ground without first obtaining locates, including many lawn signs, gardening dividers, support stakes and lawn ornaments. The above examples do not include any activity that is part of a construction project (including preliminary staking and surveying).

### Minor Digging up to 1 Foot in Depth

In addition, TSSA does not require locates for any digging or ground breaking done by small hand tools (such as spades, shovels and trowels) for the purposes of gardening or landscaping that is limited to one foot below ground surface.

This permits most gardening and small shrub planting without the need for first obtaining a locate. A locate would still be required for digging in order to plant most larger shrubs or trees.

## Limits of Activities

The above activities still pose a risk of damaging oil and gas pipelines. Underground infrastructure can be as shallow as a few inches underground and a thin wire or stake can easily puncture a gas line.

Even where a locate is not required, you will be held responsible if you strike a pipeline. Anyone who damages a gas line can be charged with an offence and will likely be levied inspection fees by TSSA when we respond to the strike – even if a locate was not required, the person took other precautions or the infrastructure was in an unexpected place. Obtaining locates can prevent such unexpected strikes, as well as the associated costs and potential legal liability.

Finally, the above examples apply to requirements to obtain locates under TSSA legislation only. ESA legislation has its own requirements for locates and Ontario One Call legislation has very expansive requirements to obtain locates before digging in these situations. Therefore, TSSA strongly recommends obtaining locates prior to engaging in any digging or ground breaking activity.