

LEGISLATIVE INTERPRETATIONS

Topic: Location of underground utilities	Issued by: Director, Compliance and Regulatory Review
Statute: General Regulation 91-191	Date Issued: February 1, 2016
Section: 180(1)	Date Revised:

180(1) Before beginning an excavation or trench, an employer shall ensure that the location of any underground utility line or piping is determined.

Question:

I am a contractor who is required to frequently perform work near underground utilities. Section 180(1) requires locates for excavations and trenches. However, we perform other work near underground utilities (such as driving spikes) that could result in contact with the utility line or piping.

Would locates be required for the underground utility lines or piping before work is performed?

Answer:

The short answer to your question is yes. First, you are correct that some work other than excavation and trenching will expose employees and equipment to underground utility lines or piping. As a result, steps such as obtaining locates are required to minimize the risk. In New Brunswick, the [Pipeline Act, 2005](#) defines “ground disturbance” as:

- any work, operation or activity that results in a disturbance of the earth, including excavating, digging, trenching, ploughing, drilling, tunnelling, augering, backfilling, blasting, topsoil stripping, land leveling, peat removing, quarrying, clearing and grading.

Some utility owners use this definition to communicate the need for locates in these circumstances.

Although Section 180(1) would not apply to all the other types of ground disturbances included in the definition, the expectation of underground utility owners and WorkSafeNB is that to ensure the protection of employees and the equipment of the utility, locations must be

determined before the ground disturbance. The requirement under the *OHS Act* for employers and contractors to obtain locates in other circumstances is found in Sections 9(1)(a) and 10(b) of the *OHS Act*.

9(1) Every employer shall

(a) take every reasonable precaution to ensure the health and safety of his employees;

10 Every contractor and sub-contractor shall

(b) for every project site for which he is responsible take every reasonable precaution to ensure the health and safety of any person having access to such project site.

Fulfilling this obligation is not unreasonable, since locates are easily arranged by contacting utility owners through the contact information provided below.

Locate Contact Numbers:

Telephone	Bell/Aliant	1 844 224-8344
Cable	Rogers	1 800 738-7893
Power	NB Power	1 800 663-6272
Pipeline	Maritimes & Northeast Pipeline	1 888 444-6677
	Enbridge Gas New Brunswick	1 800 994-2762
	Corridor Resources Inc.	1 800 880-5705

Local municipalities provide location services for their water, waste water, and sewage utilities. Your local municipality should also be contacted.