

Metrolinx & Infrastructure Ontario Utility Relocation Guideline

Aug 08, 2021

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1. Purpose/Introduction

The Province of Ontario is committed to delivering new transit infrastructure faster in order to support building strong, healthy and connected communities – this commitment is grounded in collaboration and stronger, more streamlined partnerships.

The Metrolinx and Infrastructure Ontario Utility Relocation Guideline (i.e., the guideline) has been developed to provide clarity on the facilitation and coordination of utility relocation works pertaining to all projects undertaken by Metrolinx.

The guideline provides, at a high level, the new utility relocation process developed by the Metrolinx, Infrastructure Ontario and the Ministry of Transportation, including key steps of engagement, and respective templates that will be utilized by Metrolinx, Utility Companies and respective third parties for coordinating relocation works.

Overall, the guideline is intended to provide a balanced and consistent process for coordinating utility relocation works while ensuring that all parties mutually operate under predictable conditions, with timely and pertinent information sharing, and in the spirit of partnership and collaboration.

Building Transit Faster Act, 2020:

On July 8, 2020, Bill 171, *Building Transit Faster Act, 2020* (BTFA) received Royal Assent. The Act creates a suite of new legislative measures that will streamline project delivery and support successful completion of the government’s four priority subway projects:

- Ontario Line
- Yonge North Subway Extension
- Scarborough Subway Extension
- Eglinton Crosstown West Extension

Part IV of the Act (“Utility Company Cooperation”), sets out authorities that enable stronger coordination of utility relocation works – this includes authority for Metrolinx to require utilities to relocate infrastructure within a specified timeframe, including a process for escalation and enforcement to safeguard against costly project delays. By targeting steps in the planning and construction process that have previously delayed major projects, the BTFA provides the Province with the tools required to deliver priority transit projects faster.

Guideline Application:

The guideline and utility relocation process contained herein, has been developed to provide guidance for all Metrolinx projects, which include the priority transit projects for which the BTFA authorities apply. As such, references to the BTFA can be found throughout this document, where necessary. For the coordination of utility works that are not part of the priority transit projects, however, references to the BTFA may not be applicable. Where appropriate, construction legislation (i.e. Construction Act) may be considered as an alternative to address potential disputes throughout the course of the utility relocation

process. The guideline is intended to provide “guidance” in alignment with applicable legislation, however, should they be in conflict, legislation should be considered the final authority.

2. **Intended Audience**

These guidelines have been developed for the following key parties:

- Ontario Ministry of Transportation
- Metrolinx
- Infrastructure Ontario
- Utility Company or Companies (as defined in the Act)
- Contractors, Consortiums and/or Project Company's (bidding on and/or delivering P3 Projects)
- Consultants (commissioned by the parties noted above)
- Other third parties or entities (as applicable)

3. Guiding Principles for Engagement

General:

- The parties involved in the coordination of utility relocation works required for the delivery of Metrolinx projects shall, at all times, engage in good faith, without prejudice, in a manner consistent with the spirit of partnership and collaboration.
- The legislative authorities outlined in the BTFA, are primarily envisioned in their application as backstops/safeguards, in the event that cooperation or negotiation between parties does not result in an adherence to project schedules. The legislative authorities only apply to following projects: the Ontario Line; the Scarborough Subway Extension; the Yonge North Subway Extension; and the Eglinton Crosstown West Extension.
- The parties shall commit to early and continual engagement and communication (from the Project Planning phase, through to Project Implementation phase).
- Metrolinx will ensure that municipal partners are engaged early on all utility relocation works including Subsurface Utility Engineering (SUE) investigations to ensure appropriate coordination before plans are finalized and preparatory and Utility Works Agreements are executed. In addition, municipal partners will be engaged in the development of the Composite Utility Coordination Plan
- The parties will share - in a timely and transparent manner - all relevant data, information and documentation required for the coordination of utility relocation works, within reasonable timeframes.
- The parties will endeavor to leverage industry best practices and standards for utility relocations such as the Transportation Association of Canada (TAC) Guidelines for Utility Coordination.
- The Utility Relocation Guideline may be amended by Metrolinx in collaboration with the Province and Infrastructure Ontario, as required.

Coordination of Utility Relocation Works:

- Metrolinx (on behalf of the Province) will pay all actual costs (i.e., 100%) related to like-for-like utility relocation works (in accordance with current codes and standards) and will reimburse the Utility Company for all actual costs for work completed.
 - If a Utility Company pursues an upgrade to its existing utility infrastructure as part of a transit project relocation works (i.e., a betterment), the Utility Company will pay the costs associated with that upgrade.
 - Work carried out by a sub-contractor on behalf of the Utility Company will also be eligible.
 - Metrolinx reserves the right to review invoices to audit costs as required.

- Actual costs and schedule requirements for relocation works will be negotiated in good faith between Metrolinx and Utility Company, and will be set out in agreement (i.e., preparatory activities agreement).
 - Metrolinx will provide the Utility Company with reasonable timelines for completing relocations works.
- Metrolinx will issue appropriate notice to Utility Company with regards to the utility work that is expected to be complete according to the initial plan and will potentially result in schedule delays and additional risk. A notice letter (template attached) would be shared with utility companies notifying them when they enter the 30-day period leading up to the date in which work must be complete.
- Scope changes that occur during the Planning, RFP Development or Implementation phases will be addressed and negotiated in good faith in order to identify solutions
- Metrolinx and the Utility Company will work collaboratively to secure property rights required for relocation works, including entry rights, rights-of-way and/or easements.
- In instances where existing utility infrastructure falls within a project corridor but does not require relocation, Metrolinx will make best and reasonable efforts to protect the integrity of existing utility infrastructure and will compensate a Utility Company in the event that existing infrastructure is damaged during construction activities.
- Metrolinx will assume ownership of data and information obtained through the utility relocation coordination process.
- The dispute resolution procedure contained herein will be utilized to manage disputes between Metrolinx and a Utility Company or Project Co. and a Utility Company. Should the process fail to resolve a dispute:
 - Metrolinx can exercise its right to seek compensation from the Utility Company under the legislative authority outlined in the BTFA; or
 - For other contractual related disputes including but not limited to the projects outlined in the BTFA, Metrolinx or the Utility Company may seek a resolution under the Construction Act (See the Dispute Resolution section for further details).

4. Utility Relocation Coordination Process

In the appendix a series of detailed process flow diagrams outline the process for engagement, from the project planning phase, through to procurement and implementation.

Modelled after the utility coordination process utilized for provincial highway projects¹, this process will include the issuance of a series of formal “notices” or “notifications” by Metrolinx to a Utility Company. Please see the appendices for more information.

It is important to note that this process is intended to provide guidance and direction based on both best practices and the experiences identified by both provincial and Utility Company staff. This process is not intended to apply to all project specific scenarios and the steps may need to be adjusted as appropriate.

Composite Utility Coordination Plan

To further facilitate the utility coordination process and in order to capture feedback from various stakeholders early in the project, Metrolinx shall be responsible for identifying the actual locations and condition of all existing Utility Infrastructure to complete the Utility Work, identifying all Utility Infrastructure relocation requirements, developing and carrying out a utility coordination plan (the “Composite Utility Coordination Plan”), and performing all required work to protect, support, safeguard, remove and temporarily or permanently relocate Utility Infrastructure as required for the Project.

During the planning RFP development phase, a Composite Utility Coordination Working Group will be established, in collaboration with Utility Companies and municipal partners. The Working Group will bring together stakeholders from Metrolinx and Utility Companies, as well as Municipalities, permitting authorities and any other decision-making bodies involved in the Utility Relocation process.

Through the Working Group, Metrolinx shall obtain requisite consents from and with all Utility Companies and permitting authorities other decision-making bodies with respect to the design, construction, installation, servicing, operation, repair, preservation, relocation, and commissioning of Utility Infrastructure within Project limits.

The Composite Utility Coordination Plan shall include:

- a. identification of existing Utilities;
- b. recommendations on both preparatory activities and utility works;
- c. assumptions and considerations;
- d. Responsibility Matrix defining the division of work into works self-performed by Utility Companies (Category 1), works performed by Approved Subconsultants to be hired by Metrolinx contractors, and works performed directly by Metrolinx contractors

¹ The utility coordination process utilized for provincial highway projects is backstopped in the Public Service Works on Highways Act, 1990

- e. documentation of, communication and coordination with Utility Companies including articulation of an understanding of Utility Companies' operational constraints;
- f. documentation of communication and coordination with Municipalities, permitting authorities and any other decision-making bodies;
- g. documentation of communication and coordination with other Stakeholders including businesses and property owners;
- h. approach to managing service interruption to Utilities customers including property owners;
- i. early identification and approach to mitigation of impacts to critical Utility Work;
- j. identification of, and applications for, Permits, Licences, and Approvals required for utility relocation works;
- k. evidence of coordination with all other Utility Infrastructure relocations in the same area; and
- l. approach to supplying Utility services to the Project.

Metrolinx will prepare and submit a Composite Utility Coordination Plan to each Utility Company and Municipalities and other decision-making bodies as required to support RFP development and applications for any required permits.

In addition to utility relocation and design coordination, the Composite Utility Coordination Working Group is used as a forum to discuss infrastructure requirements for future Transit Oriented Communities, Right of Way access prioritization, utility outages, construction servicing requirements, obtaining feedback on relocation designs and any other coordination requirements as presented by the above noted stakeholders. The responsibility matrix identifies all feedback captured by the working group and further assigns action items to impacted stakeholders to ensure every identified issue is addressed accordingly throughout the project. Lastly, Metrolinx will ensure that any materials changes to the Composite Utility Coordination Plan which could occur following commercial close with a successful Project Co., will be appropriately communicated and coordinated with impacted municipalities and utility companies, as required.

Municipal Engagement During Plan Development

SUE investigations will be coordinated with other municipally controlled works within ROW through municipal participation in the Composite Utility Coordination Working Group.

Municipalities will participate in the development of the composite plans for each project to support capital coordination and to ensure all conditions are met as required to acquire necessary permits/approvals. This includes definition of Project boundaries and identification of restricted or exclusionary zones related to third party infrastructure.

In addition, other relevant decision-making bodies such as municipal transit agencies will be invited to assist in the definition of Project boundaries as well.

The Composite Utility Coordination Working Group will provide representation and data for municipally led coordination efforts for municipal Capital Plans (Public Utilities Coordinating

Committee, Infrastructure Coordination Unit and equivalents).

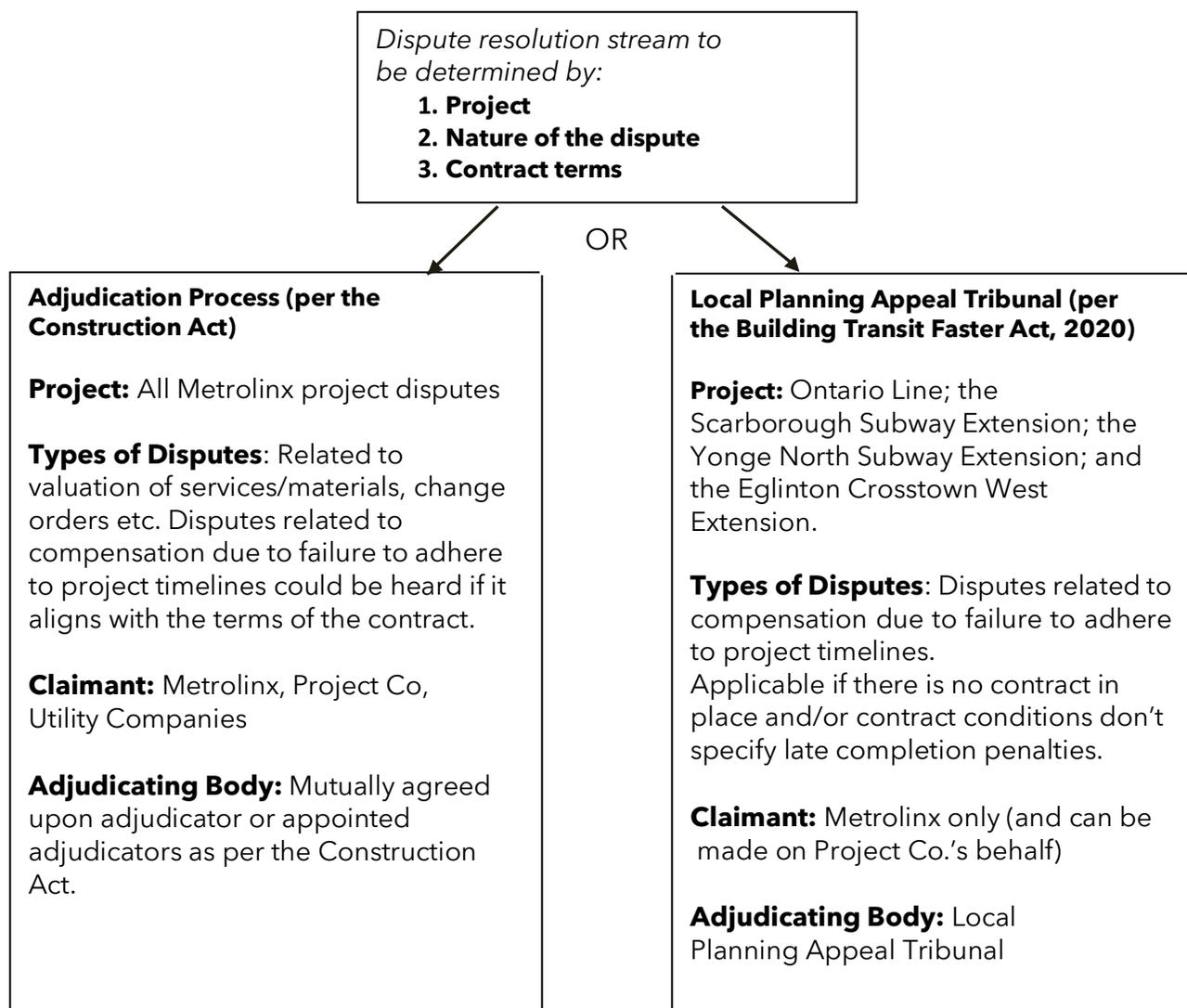
In the procurement phase, there will be municipal planning and technical engagement for items related to municipal infrastructure, municipal consent and permitting – this will include for example, municipal participation in commercially confidential meetings with prospective Project Co's.

5. Dispute Resolution Procedure

Parties are expected to work in good faith and make best efforts to resolve disputes through collaboration and amicable negotiation. Escalation by the Province or Metrolinx will only be exercised when other dispute resolution attempts have not resulted or are unlikely to result in the timely completion of relocation works to the detriment of a project schedule. Prior to escalating, Metrolinx will consider all contributing circumstances including those factors which may fall outside the Utilities Company’s control.

Should amicable negotiations fail, disputes could be escalated to one of two dispute resolution streams dependent on the Metrolinx project, including the nature of the dispute and contract terms (as outlined in the diagram below):

Dispute Resolution Streams:



Construction Act Disputes

Recent amendments to the Construction Act establish an adjudication regime designed to resolve disputes on construction projects as they arise, during the course of a project. The adjudication process is intended to be completed within 45 days (from start to finish).

Pursuant to section 13.5 (1) of the Act, the adjudication provision allows parties to refer a contractual dispute to an adjudicator (mutually agreed upon or appointed) that relates to, for example:

- Valuation of services or materials provided under a contract or subcontract;
- Payment under the contract or subcontract, including proposed change orders (approved or unapproved);
- Non-payment of holdback; and
- Any other matter the parties to adjudication agree to.

The adjudication process can be used to manage contractual disputes that arise during a utility relocation project. This includes contractual disputes between:

- Metrolinx and a Utility Company (either party may be the claimant)
- Project Co. and a Utility Company (either party may be the claimant)

It is important to note that the parties of adjudication will each be responsible for an equal share of the adjudicator's fees.

Building Transit Faster Act, 2020 Disputes

As noted in Part 3 of this guideline, the BTFA sets out a dispute resolution process whereby Metrolinx may seek compensation for a loss or expense incurred as a result of unmet timelines/delay by a Utility Company with respect to the following projects: Ontario Line; the Scarborough Subway Extension; the Yonge North Subway Extension; and the Eglinton Crosstown West Extension. The compensation amount may be agreed upon between Metrolinx and a Utility Company, however; if no agreement is reached, a claim for compensation will be determined by the Ontario Local Planning Appeal Tribunal (LPAT).

Claims for compensation to LPAT can only be sought, on application, by Metrolinx and there is no specified time limit for when LPAT will determine whether compensation should be awarded; however, it is expected to be completed in a timely manner.

This mechanism allows Metrolinx to seek compensation from a Utility Company in the event that Metrolinx suffers a loss or expense as a result of work not being completed on schedule. The compensation amount may be agreed upon between Metrolinx and a Utility Company, however; if no agreement is reached, a claim for compensation will be determined by LPAT. It is important to note that Metrolinx can also apply for a claim for

compensation to LPAT on Project Co.'s behalf, in the event that the adjudication process provided in the Construction Act cannot be utilized to adjudicate a dispute between Project Co. and a Utility Company related to schedule delays, due to contractual terms.

6. Appendix

Key Terms:

Actual/Eligible Costs: As defined in the Act, includes for example costs of work carried out by a Utility Company to comply with a notice provided by Metrolinx to take up, remove or change the location of utility infrastructure:

- the actual wages paid to all workers up to and including the supervisors for their time actually spent on the work and in travelling to and from the work, and the cost of food, lodging and transportation for such workers where necessary for the proper carrying out of the work;
- the cost to the Utility Company of contributions related to such wages in respect of workplace safety and insurance premiums, vacation pay, employment insurance, pension or insurance benefits and other similar benefits;
- the cost of using and transporting equipment and explosives used in the work;
- the cost of planning, designing and engineering;
- the cost of materials;
- the cost of acquiring necessary permits, approvals and property rights; and
- related administrative costs such as for project management.

Ineligible Costs: Metrolinx will not reimburse a Utility Company for relocation work involving the following:

- Work completed prior to authorization by Metrolinx;
- Betterments or improvements to utility facilities;
- Expenditures improperly documented;
- Work undefined in the approved relocation plans and estimate;
- Work not required by the designated transit project;
- Utility work or changes to an approved design for the benefit or convenience of the Utility Company or its contractor; and
- New facilities not previously approved by Metrolinx.

Building Transit Faster Act, 2020: proposed provincial legislation that includes a series of authorities and provisions to address several challenges and barriers typically experienced while planning, procuring and implementing major public transit infrastructure projects. These provisions include the enablement of corridor permit developments, the ability to enter land, land assembly, municipal service and right-of-way access, and utility company coordination.

Composite Utility Coordination Plan: workplan created by Metrolinx based on inputs

received from utility and municipal stakeholders through composite utility working groups. The document includes identification of existing utilities, operational constraints, service interruption, impacts to critical Utility Work, permits, assumptions, recommendations, licences, approvals, responsibility matrix and documentation of all communication between stakeholders.

Corridor Development Permit: permit that Metrolinx issues that grants the developer permission to proceed with their development and must be issued prior to the Municipal permit.

Dispute Resolution Process: The protocol that establishes a process for dealing with disputes between the Parties as outlined in the Dispute Resolution and Enforcement Process section.

Utility Works: Utility relocation works that are under an agreement between Project Company and Utility Company.

Preparatory Activities: Utility relocation works that are under an agreement between Metrolinx and Utility Company.

Project Company or Project Co.: a company, entity or consortium that enters into the Project Agreement with Metrolinx and/or Infrastructure Ontario for the delivery of a priority transit project.

Priority Transit Projects: Ontario Line, Scarborough Subway Extension, Yonge North Subway Extension, Eglinton Crosstown West Extension.

Preliminary Design: Initial Design of preferred engineering solution for Project, as created by Project Co and reviewed/approved by all Authorities Having Jurisdiction.

P3 or Public-Private Partnership: The Province uses a made-in-Ontario approach to deliver large, complex public infrastructure projects. Public-private partnerships (P3) leverage the expertise and competitiveness of the private sector to successfully expand, modernize and replace Ontario's aging infrastructure. This P3 approach includes a variety of models to ensure projects are procured and delivered effectively. Under P3s, provincial ministries and/or project owners establish the scope and purpose of a project, while design and construction work are carried out - and often financed - by the private sector. Typically, only after a project is completed will the province complete payment to the private-sector company. In some cases, the private sector will also be responsible for the maintenance of what was developed. For some very complex projects, there are situations where even after extensive planning and due diligence, there remain significant risks that are difficult to quantify or manage in advance of a project beginning. In cases like this, the partnership may require the public and private partners to share such risks. Overall, Ontario's P3 approach allows projects to be delivered more efficiently and more cost effectively than traditional procurement. P3 also protects taxpayers from cost overruns by transferring project risks to

the party with the expertise, experience and ability to handle that risk best.

Reference Concept Design (RCD): Conceptual design created by Metrolinx and their Technical Advisor as part of the bid package (Request for Proposals) to determine specific project requirements. The RCD identifies necessary property acquisition, informs Project Specific Output Specification drafting, and provides proof-of-concept solution to bidders (“Proponents”) and Stakeholders.

Subsurface Utility Engineering (SUE): a branch of engineering practice involving classifying and reducing the uncertainty of the presence and location of underground utility infrastructure by delivering data about that infrastructure. For example, reports and utility mapping at appropriate Utility Quality Levels, and using this data for purposes including utility coordination, utility relocation design and coordination, utility condition assessment, communication of utility data to concerned parties, utility relocation cost estimates, implementation of utility accommodation policies, and utility design.

Utility Baseline Document (UBD): Mechanism for risk sharing between Metrolinx and a Project Co. Document sets out scope, duration and upside cost for Utility Work that cannot be performed by Project Co. Regime is documented within Project Agreement for work that is of a significant value or impacts schedule. Contents of UBD are developed through collaboration between Utility Company and Metrolinx during development of Project Specific Output Specification (PSOS) and RCD.

Utility Company: A municipal corporation or commissions or company or individual operating or using communications services, water services or sewage services, or transmitting, distributing or supplying any substance or form of energy for light, heat or power (as defined in the Act).

Utility Infrastructure: poles, wires, cables including fibre-optic cables, conduits, towers, transformers, pipes, pipelines or any other works, structures or appliances placed over, on or under land or water by a Utility Company (as defined in the Act).

Acronyms/Business Terms:

Acronym	Description
BTFA	Building Transit Faster Act
Cat. 1	Category 1 (Self-performed work as per the UBD)
CCM	Commercially Confidential Meetings
CUCP	Composite Utility Coordination Plan
EA	Environmental Assessment
FC	Financial Close
GTHA	Greater Toronto and Hamilton Area
IFC	Issued for Construction
IO	Infrastructure Ontario
LPAT	Local Planning Appeal Tribunal
MCR	Municipal Consent Requirements
Mx	Metrolinx
NDA	Non-Disclosure Agreement
O&M	Operation and Maintenance
OE	Owners Engineer
P3	Public Private Partnership
PA	Project Agreement
P. Co.	Project Company
PSOS	Project Specific Output Specifications
PSWHA	Public Service Works on Highways Act
PUCC	Public Utilities Coordinating Committee
RCD	Reference Concept Design
RFI	Request for Information
RFP	Request for Proposal
RFQ	Request for Qualifications
RoW	Right of Way
SUE	Subsurface Utility Engineering
TA	Technical Advisor
TAC	Transportation Association of Canada
TPAP	Transit Project Assessment Process
UBD	Utility Baseline Document
UC	Utility Company
UCL	Utility Coordination Lead (Mx)
UPA	Utility Preparatory Activities
URA	Utility Restriction Area
UW	Utility Works

Standardized Pre-Construction Estimate Forms

Waste Water Utility Form

Pre-Construction Estimate Form For Waster Water Utilities

Unit of Measure	I/R Total	Part #	Install \ Retire Qty	Labor Unit Cost	Material Unit Cost	Labor Cost	Material Cost	Salvage Value
General								
Mobilization (insert line items here)								
Overhead								
Preparation								
Rentals								
Traffic Control								
Earth Work								
Concrete & Asphalt Removal (insert line item here)								
Curb, Gutter, etc.								
Excavation and Backfill for Structures								
Trench Excavation Protection								
Pipes								
Open-Trench Gravity Sanitary Sewer Pipe (insert line items here)								
Open-Trench Pressure Sanitary Sewer Pipe								
Trenchless Pipes and Box Culverts								
Open-Trench Pipe Encasement								
Appurtenances								
Sanitary Sewer Appurtenances								
Manholes and Inlets								
Other								
Total Summary								
Indirect Costs (%)								General
Total Install Cost				Total Install Man Hours				Lines

Total Retire Cost	Total Retire Labor Hours	Appurtenances
Total Salvage Value		
Infrastructure Ontario & Metrolinx - Partnering to Modernize Ontario's Public Assets - Confidential when completed - 03/04/2020 V1.0		TOTAL PROJECT COST

Water Utility Form
Pre-Construction Estimate Form For Water Utilities

Unit of Measure	I/R	Part #	Install \ Retire Qty	Labor Unit Cost	Material Unit Cost	Labor Cost	Material Cost	Salvage Value	Total
General									
Mobilization									
(insert line items here)	each								
Overhead									
	each								
Preparation									
	each								
Rentals									
	each								
Traffic Control									
Earth Work									
Concrete & Asphalt Removal									
(insert line items here)	s.f.								
Curb, Gutter, etc.									
	l.f.								
Excavation and Backfill for Structures									
Pipes									
Open-Trench Water Pipe									
(insert line items here)	l.f.								
Trenchless Pipes and Box Culverts									
	l.f.								
Open-Trench Pipe Encasement									
	l.f.								
Adjusting & Relocating Water Pipes									
Appurtenances									
Adjusting or Relocating Pipe Appurtenances									
(insert line items here)	each								
Manholes and Inlets									
	each								
Water Appurtenances									
	each								
Other									
Total									
Summary									
Indirect Costs (%)							General		
Total Install Cost							Total Install Man Hours		
Total Retire Cost							Total Retire Labor Hours		
Total Salvage Value							Appurtenances		

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03/04/2020 V1.0

TOTAL PROJECT COST

Gas Utility Form

Pre-Construction Estimate Form For Gas Utilities

Unit of	I/P Total Cost	Part # Measure	Install \	Labor Unit Retire Qty	Material Unit	Labor Cost	Material Cost	Salvage Value	
General									
Mobilization									
(insert line items here)									
Overhead									
Preparation									
Rentals									
Traffic Control									
Earth Work									
Concrete & Asphalt Removal									
(insert line item here)									
Curb, Gutter, etc.									
Excavation and Backfill for Structures									
Trench Excavation Protection									
Pipes									
Trenchless Pipes and Box Culverts									
Open-Trench Pipe Encasement									
Adjusting & Relocating Gas Pipes									
Appurtenances									
Adjusting or Relocating Pipe Appurtenances									
(Insert line items here)									
Manholes and Inlets									
Other									
Total									

Summary			
Indirect Costs (%)			General
Total Install Cost		Total Install Man Hours	Lines
Total Retire Cost		Total Retire Labor Hours	Appurtenances
Total Salvage Value			

**Communication Utility Form
Pre-Construction Estimate Form for Communication Utilities**

Unit of Measure	I/R	Part #	Install \ Retire Qty	Labor Unit Cost	Material Unit Cost	Labor Cost	Material Cost	Salvage Value	Total
General									
Mobilization									
Overhead	each								
Preparation	each								
Rentals	each								
Traffic Control									
Lines									
Above Ground Conduit Structures									
(Insert line item here)	each								
Communication Cables	each								
Open-Trench Conduit Structures	each								
Open-Trench Pipe and Conduit Structure Encasement	each								
Pole Load Coils/Repeaters	each								
Trenchless Pipe, Conduit Structures, and Box Culverts									
Appurtenances									
Adjusting Manholes and Inlets									
(insert line items here)	each								
Bolts and Fasteners	each								
Cable Vaults	each								
Communication Buildings and Cabinets	each								
Fuses and Accessories	each								
Ground Boxes/Rods	each								
Guy Wires/Anchors	l.m								
Manholes and Inlets	each								
Poles	each								
Other									
Total									

Summary			
Indirect Costs (%)			General
Total Install Cost		Total Install Man Hours	Lines
Total Retire Cost		Total Retire Labor Hours	Appurtenances
Total Salvage Value			

TOTAL PROJECT COST

Power Utility Form
Pre-construction Estimate Form for Power Utilities

Unit of Measure	I/R Total	Part #	Install \ Retire Qty	Labor Unit Cost	Material Unit Cost	Labor Cost	Material Cost	Salvage Value
General								
Mobilization	each							
Overhead	each							
Preparation	each							
Rentals	each							
Traffic Control								
Lines								
Above Ground Conduit Structures								
(Insert line item here)	l.m							
Open-Trench Conduit Structures	l.m							
Open-Trench Pipe and Conduit Structures Encasement	each							
Pole Transformers	each							
Trenchless Pipe, Conduit Structures, and Box Culverts								
Appurtenances								
Adjusting Manholes and Inlets								
(insert line items here)	each							
Bolts and Fasteners	each							
Cable Vaults	each							
Fuses and Accessories	each							
Ground Boxes/Rods	each							
Guy Wires/Anchors	l.m							
Manholes and Inlets	each							
Poles	each							
Other								
Total								

Summary			
Indirect Costs (%)			General
Total Install Cost		Total Install Man Hours	Lines
Total Retire Cost		Total Retire Labor Hours	Appurtenances
Total Salvage Value			

TOTAL PROJECT COST

Utility Relocation Letter Templates

LETTER 1
Project Initiation and Consultant Notification

[Insert Date e.g. July 23, 2021]

Issued by email to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name: [Insert Project Name - e.g. Ontario Line] (the "**Project**")

Project Contract(s): [Insert Contract Name(s) - e.g. South Civil]

Project Location(s): [Insert Project Location(s) and/or attach a map]

Metrolinx has retained [*insert Consultant*] (the "**Consultant**") in respect of the Project and has assigned the Consultant the task of identifying utility relocations involved with this Project. The Project is a priority transit project under the *Building Transit Faster Act, 2020* (Ontario).

We kindly request your co-operation in providing the Consultant with information in respect of potential utility relocations. Please provide a designated point of contact at your company who will coordinate with the Consultant.

If you have any questions, please do not hesitate to call the undersigned.

Yours truly,

METROLINX

By:

[Insert sender's name]

[Insert sender's title/designation]

[Insert sender's department]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]

[Name], [Title], [Department of Internal party 2 copied to this letter]

[Name], [Title], Office of Utility Coordination (OUC)

[Insert Name of recipient at external company copied to this letter, Name of external company]

LETTER 2
Reference Concept Design Initiation

[Insert Date e.g. July 23, 2021]

Issued by email to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name: [Insert Project Name - e.g. Ontario Line] (the “**Project**”)

Project Contract(s): [Insert Contract Name(s) - e.g. South Civil]

Project Location(s): [Insert Project Location(s) and/or attach a map]

Metrolinx is initiating the Reference Concept Design (“**RCD**”) development for the above Project, contract(s), and location(s). The Project is a priority transit project under the *Building Transit Faster Act, 2020* (Ontario).

We have gathered high-level utility information that has informed our utility strategy during the planning stage. We now require updated and additional utility information so that utility impacts may be considered for the Project.

We request your participation in the RCD development process which will include: (a) provisions of marked-up base plans; (b) known capital works; (c) participation in meetings; and (d) such other activities as may be reasonably required. Our Consultant will contact you in respect of the above.

If you have any questions, please do not hesitate to call the undersigned.

Yours truly,

METROLINX

By:

[Insert sender’s name]

[Insert sender’s title/designation]

[Insert sender’s department]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]

[Name], [Title], [Department of Internal party 2 copied to this letter]

[Name], [Title], Office of Utility Coordination (OUC)

[Insert Name of recipient at external company copied to this letter, Name of external company]

Enc.:

[Enclosure 1 / Doc Name], [Enclosure 1 Description]

[Enclosure 2 / Doc Name], [Enclosure 2 Description]

[Enclosure 3 /Doc Name], [Enclosure 3 Description]

LETTER 5A**Concept Designs, Utility Preparatory Activities and Composite Utility Coordination Plans**

[Insert Date e.g. July 23, 2021]

Issued by email to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name: [Insert Project Name - e.g. Ontario Line] (the "**Project**")
Project Contract(s): [Insert Contract Name(s) - e.g. South Civil]
Project Location(s): [Insert Project Location(s) and/or attach a map]
Work Authorization(s) or Work Schedule Number(s): [Insert either the Work Authorization(s) or the Work Schedule Number(s) (optional if required for feasibility assessment)]

We have attached *[or, if not attached: will be sending]* the plans of the above-described Project, contract(s) and Project location(s), with existing utilities, anticipated conflicts and proposed treatment options based on our initial Reference Concept Design.

Please provide your comments on the proposed treatment options on the plans by [insert date]. If this timeline is not attainable, please advise of a more appropriate timeline.

The Project is a priority transit project under the *Building Transit Faster Act, 2020* (Ontario).

Yours truly,

METROLINX

By:

[Insert sender's name]

[Insert sender's title/designation]

[Insert sender's department]

Enc.:

Utility Conflict Matrix, [Enclosure 1 Description]

Reference Concept Design, [Enclosure 2 Description]

Composite Utility Coordination Plan, [Enclosure 3 Description]

Proposed Relocation Option, [Enclosure 4 Description]
[Work Schedule] or [Work Authorization], [Enclosure 5 Description]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]

[Name], [Title], [Department of Internal party 2 copied to this letter]

[Name], [Title], Office of Utility Coordination (OUC)

[Insert Name of recipient at external company copied to this letter, Name of external company]

LETTER 5B
Utility Work, Self-Performing Activities, and Cost and Duration Estimate(s)

[Insert Date e.g. July 23, 2021]

Issued by e-mail to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name: [Insert Project Name - e.g. Ontario Line] (the “**Project**”)

Project Contract(s): [Insert Contract Name(s) - e.g. South Civil]

Project Location(s): [Insert Project Location(s) and/or attach a map]

We have attached [or, if not attached: will be sending] the plans and schedule of Utility Work based on our Reference Concept Design that may be performed by Project Co., and which is anticipated to involve self-performing activities by your company, for the above-described Project, contract(s), and Project location(s).

Please identify the self-performing activities to be performed by your company and provide cost and duration estimates by [insert date]. If this timeline is not attainable, please advise on a more appropriate timeline.

The Project is a priority transit project under the *Building Transit Faster Act, 2020* (Ontario).

Yours truly,

METROLINX

By:

[Insert sender’s name]

[Insert sender’s title/designation]

[Insert sender’s department]

Enc.:

Utility Baseline Document, [Enclosure 1 Description]

Reference Conference Design, [Enclosure 2 Description]

Composite Utility Coordination Plan, [Enclosure 3 Description]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]

[Name], [Title], [Department of Internal party 2 copied to this letter]

[Name], [Title], Office of Utility Coordination (OUC)

[Insert Name of recipient at external company copied to this letter, Name of external company]

LETTER 7A
Relocation Notice Under BTFA

Notice to Take Up, Remove or Change the Location of Assets under the *Building Transit Faster Act, 2020* (Ontario), as it may be amended from time to time (the “**Act**”)

[Insert Date • e.g. July 23, 2021]

Issued by e-mail to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name:	[Insert Project Name - e.g. Ontario Line] (the “ Project ”)
Project Contract(s):	[Insert Contract Name(s) - e.g. South Civil]
Project Location(s):	[Insert Project Location(s) and/or attach a map]
Work Authorization(s) or Work Schedule Number(s):	[Insert either the Work Authorization(s) or the Work Schedule Number(s)]
Relocation Work Type:	[Insert either ‘Preparatory Activities’ or ‘Utility Work’]

Pursuant to Section 46 of the Act, Metrolinx notifies you that Metrolinx requires you to take up, remove or change the location of your assets in accordance with the [Work Authorization/Work Schedule] referred to above on or before [insert date •]. The Project is a priority transit project under the Act and such taking up, removing or change is necessary for the Project.

Failure to take up, remove, or change the location of your utility assets by the above date may result in Metrolinx seeking compensation for loss or expense under Section 69 of the Act.

The Project is a priority transit project under the Act.

Thank you for your co-operation and support of this Project.

Yours truly,

METROLINX

By:

[Insert sender's name]
[Insert sender's title/designation]
[Insert sender's department]

Enc.:

[Work Schedule] or [Work Authorization], [Enclosure 1 Description]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]
[Name], [Title], [Department of Internal party 2 copied to this letter]
[Name], [Title], Office of Utility Coordination (OUC)
[Insert Name of recipient at external company copied to this letter, Name of external company]

LETTER 7A
Relocation Notice Under BTFA
Update No. [XX] to Letter Issued on [Insert Date •]

Notice to Take Up, Remove or Change the Location of Assets under the *Building Transit Faster Act, 2020* (Ontario), as it may be amended from time to time (the “**Act**”)

[Insert Date • e.g. July 23, 2021]

Issued by e-mail to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name:	[Insert Project Name - e.g. Ontario Line] (the “ Project ”)
Project Contract(s):	[Insert Contract Name(s) - e.g. South Civil]
Project Location(s):	[Insert Project Location(s) and/or attach a map]
Work Authorization(s) or Work Schedule Number(s):	[Insert either the Work Authorization(s) or the Work Schedule Number(s)]
Relocation Work Type:	[Insert either ‘Preparatory Activities’ or ‘Utility Work’]

Metrolinx delivered to you a Relocation Notice under the Act on [insert date •] (the “**Prior Relocation Notice**”). Metrolinx wishes to revise the Prior Relocation Notice with respect to [the required completion date referred to in it]. The Relocation Notice constituted by this letter supersedes the Prior Relocation Notice. [*Specify what’s being revised, such as the required completion date or the Work Authorization referred to.*]

Pursuant to Section 46 of the Act, Metrolinx notifies you that Metrolinx requires you to take up, remove or change the location of your assets in accordance with the [Work Authorization/Work Schedule] referred to above on or before [insert date •]. The Project is a priority transit project under the Act and such taking up, removing or change is necessary for the Project.

Failure to take up, remove, or change the location of your utility assets by the above date may result in Metrolinx seeking compensation for loss or expense under Section 69 of the Act.

The Project is a priority transit project under the Act.

Thank you for your co-operation and support of this Project.

Yours truly,

METROLINX

By:

[Insert sender's name]

[Insert sender's title/designation]

[Insert sender's department]

Enc.:

[Work Schedule] or [Work Authorization], [Enclosure 1 Description]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]

[Name], [Title], [Department of Internal party 2 copied to this letter]

[Name], [Title], Office of Utility Coordination (OUC)

[Insert Name of recipient at external company copied to this letter, Name of external company]

LETTER 7B
30-Day Notice

[Insert Date e.g. July 23, 2021]

Issued by e-mail to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name:	[Insert Project Name - e.g. Ontario Line] (the " Project ")
Project Contract(s):	[Insert Contract Name(s) - e.g. South Civil]
Project Location(s):	[Insert Project Location(s) and/or attach a map]
Work Authorization(s) or Work Schedule Number(s):	[Insert either the Work Authorization(s) or the Work Schedule Number(s)]

Please note that you have now entered the 30-calendar day period prior to the date by which you must complete all work in accordance with the Relocation Notice dated *[insert date of Letter 7 previously sent]* under the *Building Transit Faster Act, 2020* (Ontario) (the "**Act**"). If there are any outstanding or anticipated delays, please inform us immediately.

Metrolinx reserves its rights under the [Insert Name and Date of and Parties to the agreement with utility company - e.g. Preparatory Activities Agreement made as of March 23, 2021 between Metrolinx, Toronto Hydro-Electric System Limited and Toronto Hydro Energy Services Inc. (the "**Agreement**") and at law and equity. Nothing in this letter or its attachments detracts from or waives any rights at law or equity, including under the Agreement.

The Project is a priority transit project under the Act.

Yours truly,

METROLINX

By:

[Insert sender's name]

[Insert sender's title/designation]

[Insert sender's department]

Enc.:

[Letter 7A, Relocation Notice under BTFA]
[Work Schedule] or [Work Authorization], [Enclosure 2 Description]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]

[Name], [Title], [Department of Internal party 2 copied to this letter]

[Name], [Title], Office of Utility Coordination (OUC)

[Insert Name of recipient at external company copied to this letter, Name of external company]

[Insert Name of recipient at external company copied to this letter, Name of external company]

LETTER 8
Notice of Loss or Expense

[Insert Date e.g. July 23, 2021]

Issued by e-mail to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name: [Insert Project Name - e.g. Ontario Line] (the “**Project**”)

Project Contract(s): [Insert Contract Name(s) - e.g. South Civil]

Project Location(s): [Insert Project Location(s) and/or attach a map]

Metrolinx notifies you that Metrolinx has incurred a loss or expense because you have failed to comply with the Relocation Notice (the “**Notice**”) (copy attached) under the *Building Transit Faster Act, 2020* (Ontario) (the “**Act**”) that Metrolinx delivered to you requiring you to take up, remove or change the location of your assets by the deadline specified in the Notice. In particular, *[Set out generally how the work is not completed and what Metrolinx or Project Co is required to do to complete the work. Set out in separate letter the details of losses incurred].*

Metrolinx will continue to incur a loss or expense as long as you continue to fail to comply with the Notice. You are liable under Section 69 of the *Building Transit Faster Act, 2020* (Ontario) (the “**Act**”) to compensate Metrolinx for any such loss or expense.

Metrolinx reserves its rights under the [Insert Name and Date of and Parties to the agreement with utility company - e.g. Preparatory Activities Agreement made as of March 23, 2021 between Metrolinx, Toronto Hydro-Electric System Limited and Toronto Hydro Energy Services Inc. (the “**Agreement**”)] and at law and equity. Nothing in this letter or its attachments detracts from or waives any rights at law or equity, including under the Agreement.

The Project is a priority transit project under the Act.

Yours truly,

METROLINX

By:

[Insert sender’s name]

[Insert sender's title/designation]

[Insert sender's department]

Enc.:

[Letter 7A, Relocation Notice under BTFA]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]

[Name], [Title], [Department of Internal party 2 copied to this letter]

[Name], [Title], Office of Utility Coordination (OUC)

[Insert Name of recipient at external company copied to this letter, Name of external company]

[Insert Name of recipient at external company copied to this letter, Name of external company]

LETTER 9
Notice of Intent to Claim

[Insert Date e.g. July 23, 2021]

Issued by e-mail to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name: [Insert Project Name - e.g. Ontario Line] (the "**Project**")

Project Contract(s): [Insert Contract Name(s) - e.g. South Civil]

Project Location(s): [Insert Project Location(s) and/or attach a map]

Metrolinx notifies you that it has received a claim from its contractor [Note: adjust as applicable in the circumstances] arising from your failing to take up, remove or change the location of your assets or works by the required date pursuant to Metrolinx's Relocation Notice to you (the "**Notice**") under the *Building Transit Faster Act, 2020* (Ontario) (the "**Act**").

You are liable under Section 69 of the Act to compensate Metrolinx for any loss or expense incurred by Metrolinx because you failed to comply with the Notice. Metrolinx intends to claim such loss or expense from you including, without limitation, any loss or expense relating to the contractor's claim described above [Note: or adjust to be consistent with claim described above].

Metrolinx reserves its rights under the [Insert Name and Date of and Parties to the agreement with utility company - e.g. Preparatory Activities Agreement made as of March 23, 2021 between Metrolinx, Toronto Hydro-Electric System Limited and Toronto Hydro Energy Services Inc. (the "**Agreement**")]] and at law and equity. Nothing in this letter or its attachments detracts from or waives any rights at law or equity, including under the Agreement.

The Project is a priority transit project under the Act.

Yours truly,

METROLINX

By:

[Insert sender's name]

[Insert sender's title/designation]

[Insert sender's department]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]

[Name], [Title], [Department of Internal party 2 copied to this letter]

[Name], [Title], Office of Utility Coordination (OUC)

[Insert Name of recipient at external company copied to this letter, Name of external company]

[Insert Name of recipient at external company copied to this letter, Name of external company]

LETTER 10A
Final Payment with Deduction

[Insert Date e.g. July 23, 2021]

Issued by e-mail to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name: [Insert Project Name - e.g. Ontario Line] (the "**Project**")

Project Contract(s): [Insert Contract Name(s) - e.g. South Civil]

Project Location(s): [Insert Project Location(s)]

We enclose our cheque in the amount of [\$ •] as payment in full of your invoice [no. • dated •], subject to the below understanding and condition.

Further to our earlier correspondence, since you have failed to take up, remove or change the location of your assets or works by the date required pursuant to Metrolinx's Relocation Notice to you (the "**Notice**") under the *Building Transit Faster Act, 2020* (Ontario) (the "**Act**"), you are liable under Section 69 of the Act to compensate Metrolinx for any loss or expense Metrolinx has incurred because of such failure ("**Metrolinx's Claims**"). The Project is a priority transit project under the Act.

Metrolinx has been or will be communicating with you separately on the Metrolinx's Claims. In the meantime, Metrolinx has deducted its current estimate of the Metrolinx's Claims from the invoiced amount as follows:

[Set out calculation.]

This deduction and payment are made on the understanding and condition that it is without prejudice to Metrolinx's rights to claim additional amounts of compensation for Metrolinx's Claims found due in the future. Your endorsement or deposit of the cheque shall constitute acceptance of this understanding and condition.

Metrolinx reserves its rights under the [Insert Name and Date of and Parties to the agreement with utility company - e.g. Preparatory Activities Agreement made as of March 23, 2021 between Metrolinx, Toronto Hydro-Electric System Limited and Toronto Hydro Energy Services Inc. (the "**Agreement**") and at law and equity. Nothing in this letter or its attachments detracts from or waives any rights at law or equity, including under the Agreement.

Yours truly,

METROLINX

By:

[Insert sender's name]
[Insert sender's title/designation]
[Insert sender's department]

Enc.:

[Insert Enclosure 1 Name], [Enclosure 1 Description]
[Insert Enclosure 2 Name], [Enclosure 2 Description]

cc:

[Name], [Title], [Department of Internal party 1 copied to this letter]
[Name], [Title], [Department of Internal party 2 copied to this letter]
[Name], [Title], Office of Utility Coordination (OUC)
[Insert Name of recipient at external company copied to this letter, Name of external company]
[Insert Name of recipient at external company copied to this letter, Name of external company]

LETTER 10B
Final Payment Without Deduction

[Insert Date e.g. July 23, 2021]

Issued by e-mail to: [Company e-mail address]

[Insert Name of UC]

[Insert address of UC line1]

[Insert address of UC line2]

Attention: [Insert name of recipient at UC], [Title/designation of recipient at UC]

Project Reference

Project Name: [Insert Project Name - e.g. Ontario Line] (the "**Project**")

Project Contract(s): [Insert Contract Name(s) - e.g. South Civil]

Project Location(s): [Insert Project Location(s)]

We enclose our cheque in the amount of [\$ •] as payment in full of your invoice [no. • dated •] but under protest and subject to the below understanding and condition.

Further to our earlier correspondence, since you have failed to take up, remove or change the location of your assets or works by the date required pursuant to Metrolinx's Relocation Notice to you (the "**Notice**") under the *Building Transit Faster Act, 2020* (Ontario) (the "**Act**"), you are liable under Section 69 of the *Act* to compensate Metrolinx for any loss or expense Metrolinx has incurred because of such failure ("**Metrolinx's Claims**"). The Project is a priority transit project under the *Act*.

Metrolinx has been or will be communicating with you separately on the Metrolinx's Claims. In the meantime, the enclosed payment is being made in full as required under the contract but under protest and without prejudice to the Metrolinx's Claims.

Accordingly, this payment is made on the understanding and condition that it is without prejudice to Metrolinx's rights to claim additional amounts of compensation for Metrolinx's Claims found due in the future. Your endorsement or deposit of the cheque shall constitute acceptance of this understanding and condition.

Metrolinx reserves its rights under the [Insert Name and Date of and Parties to the agreement with utility company - e.g. Preparatory Activities Agreement made as of March 23, 2021 between Metrolinx, Toronto Hydro-Electric System Limited and Toronto Hydro Energy Services Inc. (the "**Agreement**")]] and at law and equity. Nothing in this letter or its attachments detracts from or waives any rights at law or equity, including under the Agreement.

Yours truly,

METROLINX

By:

[Insert sender's name]
[Insert sender's title/designation]
[Insert sender's department]

Enc.:

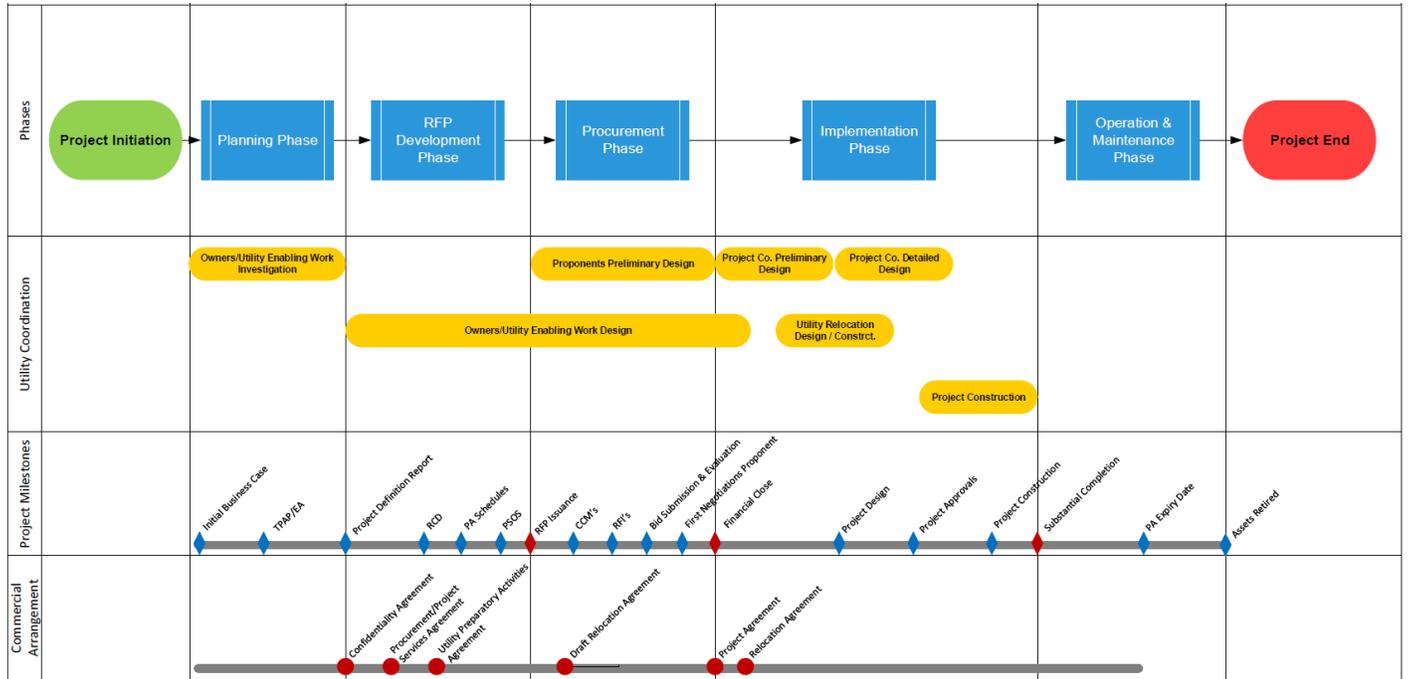
[Insert Enclosure 1 Name], [Enclosure 1 Description]
[Insert Enclosure 2 Name], [Enclosure 2 Description]

cc:

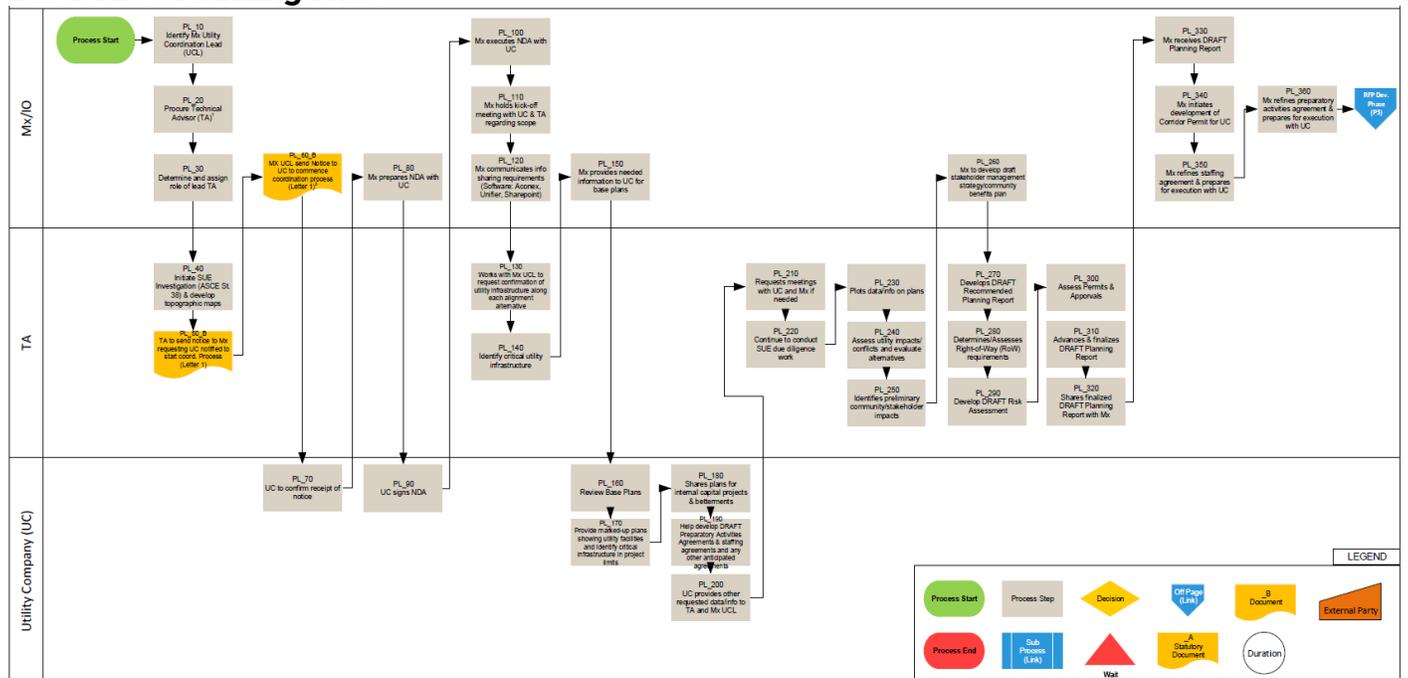
[Name], [Title], [Department of Internal party 1 copied to this letter]
[Name], [Title], [Department of Internal party 2 copied to this letter]
[Name], [Title], Office of Utility Coordination (OUC)
[Insert Name of recipient at external company copied to this letter, Name of external company]
[Insert Name of recipient at external company copied to this letter, Name of external company]

BTFA Utility Coordination Process Flow Diagrams

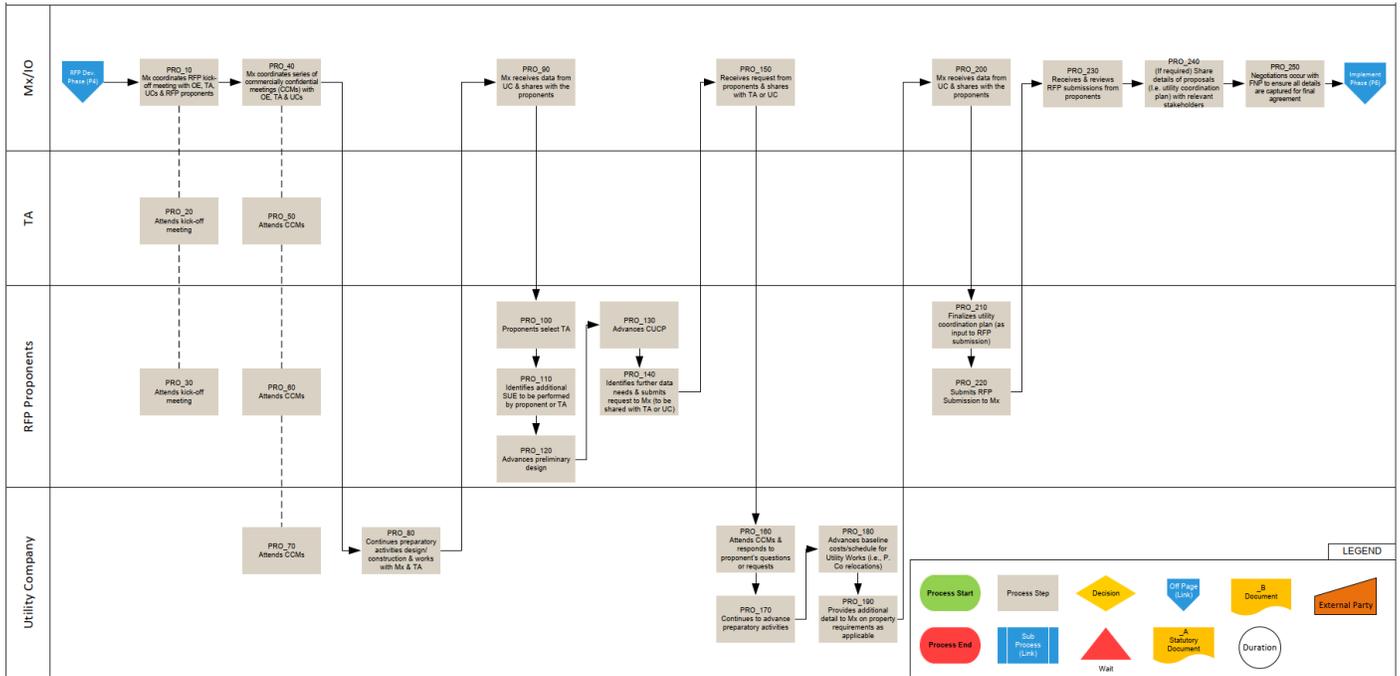
Level One - Process Overview



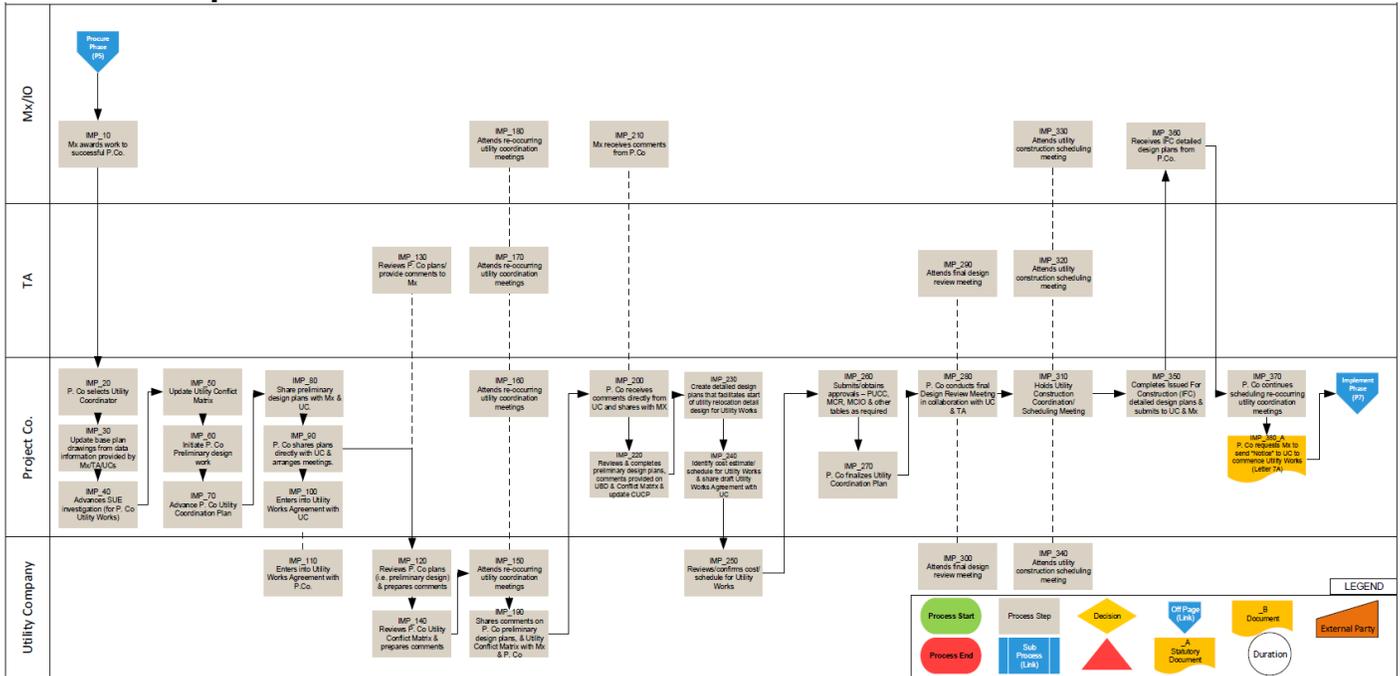
Level Two - Planning Phase

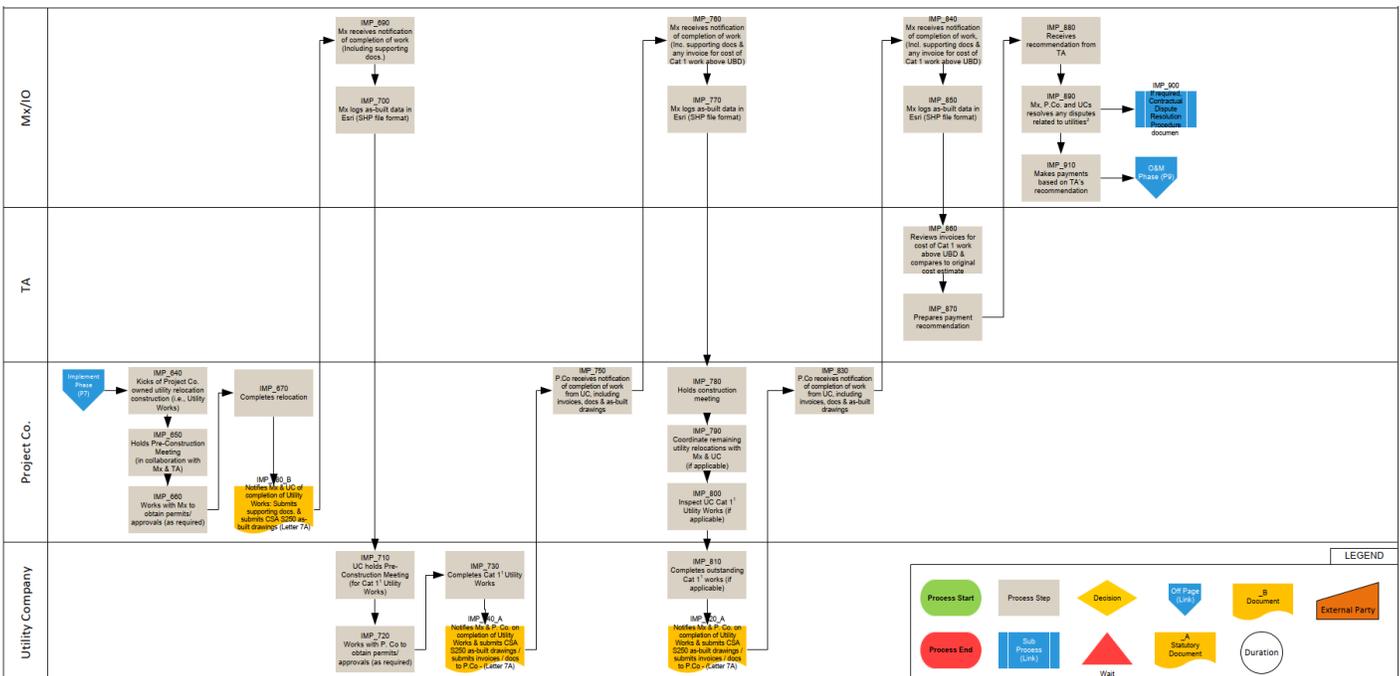
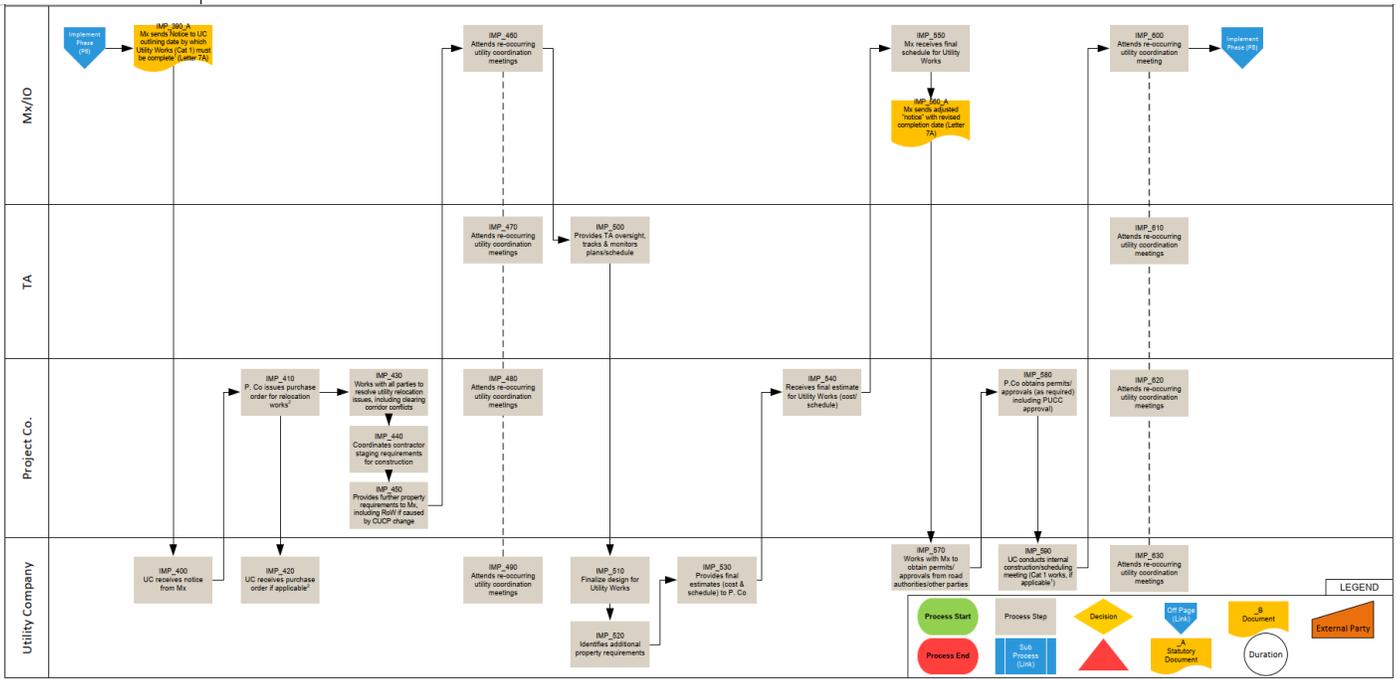


Level Two - Procurement Phase

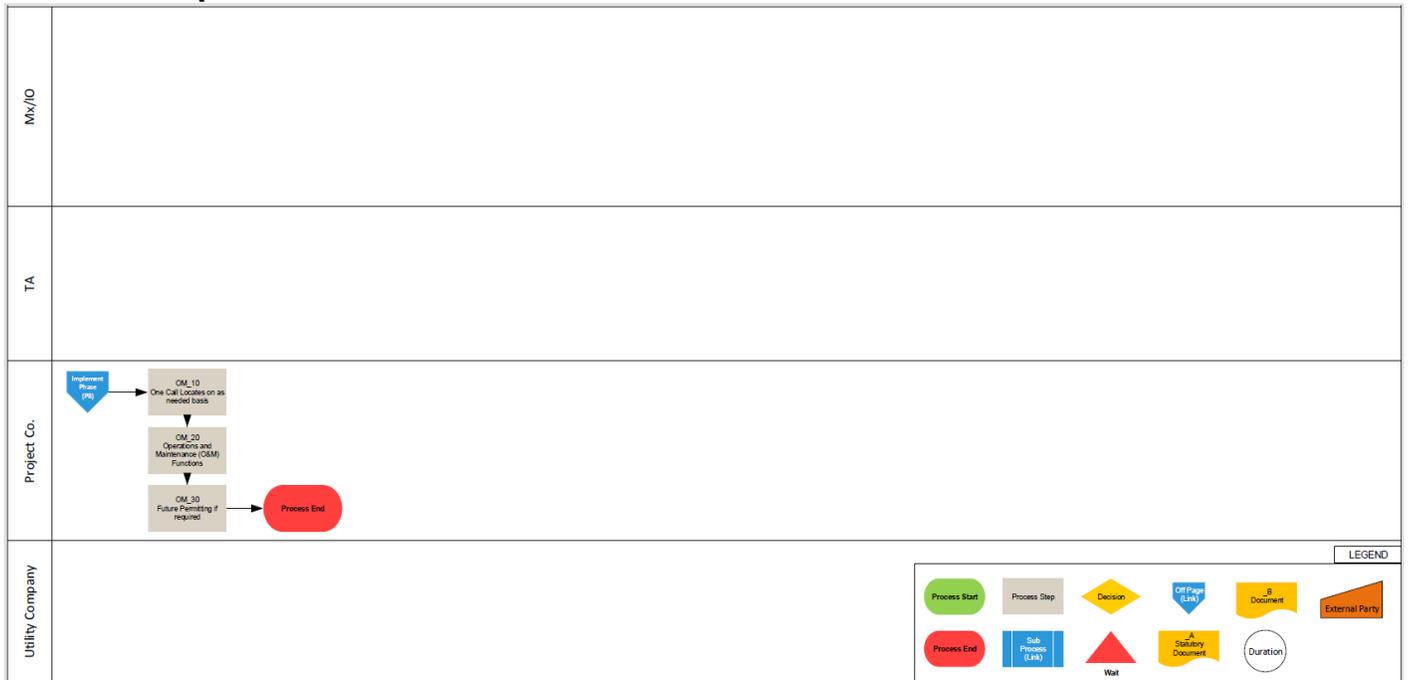


Level Two - Implementation Phase





Level Two - Operation & Maintenance Phase



Contractual Dispute Resolution Procedure

