



Rep. Lawrence "Larry" Walsh, Jr.

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10300HB5546ham001

LRB103 38732 SPS 72477 a

1 AMENDMENT TO HOUSE BILL 5546

2 AMENDMENT NO. _____. Amend House Bill 5546 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Underground Utility Facilities
5 Damage Prevention Act is amended by changing Sections 1, 2, 3,
6 4, 6, 7, 8, 9, 10, 11, 11.3, 11.5, 12, 13, and 14 and by adding
7 Sections 4.1, 5.1, 5.2, 5.3, 5.4, and 7.5 as follows:

8 (220 ILCS 50/1) (from Ch. 111 2/3, par. 1601)

9 Sec. 1. This Act shall be known, and may be cited, as the
10 Illinois Underground Utility Facilities Damage Prevention Act,
11 and for the purposes of participating in the State of Illinois
12 Joint Purchasing Program, the ~~State-Wide~~ One-Call Notice
13 System, commonly referred to as "JULIE, Inc.", shall be
14 considered as created by this Act.

15 (Source: P.A. 96-714, eff. 1-1-10.)

1 (220 ILCS 50/2) (from Ch. 111 2/3, par. 1602)

2 Sec. 2. Definitions. As used in this Act, unless the
3 context clearly otherwise requires, the terms specified in
4 this Section ~~Sections 2.1 through 2.11~~ have the meanings
5 ascribed to them in this Section ~~in those Sections~~.

6 "Approximate location" means the location of the marked
7 facility that lies entirely within the tolerance zone.

8 Circumstances that are "beyond the reasonable control" of
9 a party include, but are not limited to, severe weather,
10 unforeseen mechanical issues, or site conditions. As used in
11 Section 11, "beyond the reasonable control" also includes, but
12 is not limited to, notice volumes or dig site notification
13 areas that exceed historical averages, as determined by the
14 reasonable control measurement, created as a result of
15 underground utility facility owners or operators or their
16 contractors or subcontractors' non-emergency requests for
17 utility excavation work for underground utility facility
18 owners or operators, that is not part of a large project that
19 has provided at least 60 days notice, and only applies to the
20 requests submitted by underground utility facility owners or
21 operators or their contractors or subcontractors'
22 non-emergency utility excavation work for underground utility
23 facility owners or operators.

24 "Damage" means the contact or dislocation of a facility
25 during excavation or demolition that necessitates immediate or
26 subsequent repair by the underground utility facility owner or

1 operator due to any partial or complete destruction of the
2 facility, including, but not limited to, the protective
3 coating, tracer wire, lateral support, cathodic protection, or
4 housing for the line or device of the facility.

5 "Damage notification" means a notification through JULIE
6 to the underground utility facility owner or operator that
7 damage to a facility has occurred in the area of the excavation
8 or demolition.

9 "Day" means any day, beginning at 12:00 a.m. and ending at
10 11:59 p.m. "Day" does not include holidays recognized by
11 JULIE, Saturdays, Sundays, and the day of the actual notice.

12 "Demolition" means the wrecking, razing, rending, moving,
13 or removing of a structure by means of any power tool, power
14 equipment (exclusive of transportation equipment), or
15 explosives.

16 "Emergency request" means a request involving a condition
17 (1) that constitutes an imminent danger to life, health, or
18 property or a utility service outage (2) and that requires
19 repair or action before the expiration of 2 days.

20 "Excavation" means:

21 (1) any operation in which earth, rock, or other
22 material in or on the ground is moved, removed, or
23 otherwise displaced by means of any tools, power equipment
24 or explosives, and includes, without limitation, grading,
25 trenching, digging, ditching, drilling, augering, boring,
26 tunneling, scraping, cable or pipe plowing, saw cutting or

1 roadway surface milling when penetrating into the base or
2 subbase of a paved surface, and driving, but does not
3 include:

4 (A) farm tillage operations;

5 (B) railroad right-of-way maintenance;

6 (C) coal mining operations regulated under the
7 federal Surface Mining Control and Reclamation Act of
8 1977 or any State law or rules or regulations adopted
9 under the federal statute;

10 (D) land surveying operations as defined in the
11 Illinois Professional Land Surveyor Act of 1989 when
12 not using power equipment;

13 (E) roadway surface milling;

14 (F) manually inserting, without the use of power
15 equipment, a temporary round-tipped ground or probe
16 rod as part of facility locating;

17 (G) manually inserting, without the use of power
18 equipment, a temporary round-tipped probe rod for bar
19 holing to determine the area of a potential leak from a
20 facility transporting hazardous gases or liquids; or

21 (H) manually inserting, without the use of power
22 equipment, a round-tipped ground rod for the purpose
23 of grounding utility equipment when an emergency
24 exists and no other ground source is available.

25 (2) An exclusion to this Section in no way prohibits a
26 request from being made for the marking of facilities.

1 (3) Any exception to excavation contained within this
2 Section is not intended to remove liability that may be
3 imposed against an individual or entity because of damage
4 caused to a facility.

5 "Excavator" means any person or legal entity, public or
6 private, that engages in excavation or demolition work.

7 "Exposed notification" means a notification through JULIE
8 to the underground utility facility owner or operator that an
9 unmarked facility has been exposed in the area of the
10 excavation or demolition but has not been damaged.

11 "Extension" means a request made by an excavator, to
12 extend the expiration date of a normal notice to allow
13 additional time to continue or complete the excavation or
14 demolition project.

15 (1) An extension request may be made no earlier than
16 the 20th day from the initial normal notice request or
17 latest extension request.

18 (2) An extension request shall extend the expiration
19 of the initial normal notice request or latest extension
20 request by 25 days.

21 (3) An extension request may not be made simply to
22 keep a prior notice open without continued excavation
23 occurring within the period of that subsequent notice.

24 "Geographic information system data" means data to be
25 applied to JULIE software to facilitate a more clearly defined
26 notification area for notices sent to the system underground

1 utility facility owners or operators. "Geographic information
2 system data" includes, but is not limited to:

3 (1) address points with site addresses;

4 (2) parcels with site addresses;

5 (3) road center lines with names and address range;

6 (4) city limits with names;

7 (5) political townships with names;

8 (6) railroads with names;

9 (7) streams with names; and

10 (8) water bodies with names.

11 "Historical averages" are used to determine benchmark
12 notice volumes or dig site notification areas for a particular
13 place. The notice volume is calculated for new and updated
14 requests requiring an underground utility facility owner or
15 operator response. It shall not include notices with a header
16 of noshow, incomplete, or noremark. The dig site notification
17 area is calculated using the dig site polygon on the notice.
18 The 7 day look back shall be calculated once daily at the
19 conclusion of the previous calendar day. "Historic averages"
20 shall be determined by comparing notice volumes or dig site
21 notification areas over the immediate past 7 calendar days to
22 the same 7 calendar day period for the past 5 years. A 5-year
23 trimmed mean, removing the highest and lowest years, and
24 averaging the remaining 3 years, shall be the final
25 determinate of this measurement. The official measurement of
26 the notice volumes or dig site notification areas shall be

1 provided by JULIE.

2 "Incomplete request" means a notice initiated by an
3 excavator through JULIE to the underground utility facility
4 owners or operators notified in a prior request that such
5 underground utility facility owners or operators, as
6 identified by the excavator and confirmed, through the
7 positive response system once implemented, in accordance with
8 subsection (a) of Section 5.1, did not completely mark the
9 entire extent or the entire segment of the proposed
10 excavation, as identified on the prior notice or as previously
11 documented and mutually agreed upon.

12 "Joint meet notification" means a notice of a meeting held
13 prior to the excavation phase to discuss projects that cannot
14 be adequately communicated within a normal notice request. The
15 meeting is intended to allow the exchange of maps, plans, or
16 schedules. It is not a locating session and shall be held at or
17 near the excavation site, or through electronic means, if
18 available and agreed to by all parties. "Joint meet
19 notification" are not to be used in lieu of valid normal notice
20 requests and are required for, but not limited to, large
21 projects.

22 "JULIE, Inc." or "JULIE" means the communication system
23 known as "JULIE, Inc." or "JULIE", utilized by excavators,
24 designers, or any other entities covered by this Act to notify
25 underground utility facility owners or operators of their
26 intent to perform excavation or demolition or similar work as

1 defined by this Act and shall include all underground utility
2 facilities owned or operated outside the city limits of the
3 City of Chicago.

4 "Large project" means a single excavation that exceeds the
5 expiration date of a normal notice request, or involves a
6 series of repetitive, related-scope excavations.

7 "Normal notice request" means a notification made by an
8 excavator, through JULIE, in advance of a planned excavation
9 or demolition.

10 (1) The notification shall be made at least 2 days,
11 but no more than 10 days, before beginning the planned
12 excavation or demolition.

13 (2) Excavation or demolition on a normal notice
14 request is valid for 25 days from the date of the initial
15 request unless a subsequent extension request is made.

16 (3) Normal notice requests shall be limited to one
17 quarter of a contiguous mile within a municipality and one
18 contiguous mile within any unincorporated area, which
19 includes townships.

20 (4) Normal notice requests are valid for a single
21 right-of-way with an exception for intersecting
22 rights-of-way of 250 feet in all directions. Any
23 excavation continuing beyond 250 feet on a connecting
24 right-of-way shall require an additional request.

25 "No show request" means a notice initiated by an excavator
26 through JULIE to the underground utility facility owners or

1 operators notified in the prior notice that such underground
2 utility facility owners or operators, as identified by the
3 excavator and confirmed, once implemented, in accordance with
4 subsection (a) of Section 5.1, either failed to mark their
5 facilities or to communicate their non-involvement with the
6 excavation prior to the dig start date and time on the notice.

7 "Notice" means any record transmitted to an underground
8 utility facility owner or operator of JULIE which shall
9 include, but not be limited to, cancel, damage, emergency,
10 exposed, extension, incomplete, joint meet, no show, normal,
11 planning design, or re-mark.

12 "Open cut utility locate" means a method of locating
13 facilities that requires excavation by the underground utility
14 facility owner or operator, or their contractor or
15 subcontractor.

16 "Place" means any incorporated city, village or town, or
17 unincorporated township or road district, listed within the
18 JULIE database.

19 "Planning design request" means the process prior to the
20 excavation phase of a project where information is gathered
21 and decisions are made regarding the route or location of a
22 proposed excavation. The use of the information that is
23 obtainable pursuant to this Section is intended to minimize
24 delays of future construction projects and not for imminent
25 excavation. The underground utility facility owner or operator
26 may indicate any portion of the information that is

1 proprietary and require the planner or designer to protect the
2 proprietary information.

3 "Positive response system" means an automated system
4 facilitated by JULIE allowing underground utility facility
5 owners or operators to communicate to an excavator the
6 presence, absence, or response status of any conflict between
7 the existing facilities in or near the area of excavation or
8 demolition on each notice received.

9 "Pre-mark" means the use of white paint, chalk, lathe,
10 whiskers, flags, or electronic white lining using lines or
11 polygons to delineate the work area at the site of the proposed
12 excavation or demolition. Unless otherwise stated on the
13 request, all pre-marks are considered a request for a 5-foot
14 radius of an above ground fixed structure or single point
15 pre-mark, or a 10-foot-wide path for linear work.

16 (1) Physical pre-marking for the area of the planned
17 excavation or demolition shall be accomplished prior to
18 notifying JULIE if the area of excavation cannot be
19 clearly and adequately identified in the normal notice
20 request.

21 (2) Electronic white lining may be used when
22 available. Electronic white lining provides an alternative
23 method where an excavator may indicate their defined dig
24 area visually by electronic data entry, including lines or
25 polygons, without the need for a physical site visit. The
26 technology allows the excavator to identify for the

1 underground utility facility owner or operator a clear
2 delineation of their proposed excavation area.

3 (3) A verbal or written pre-mark is adequate when the
4 scope requested to be marked is narrow and explicit enough
5 to prevent marking beyond the actual area of excavation or
6 demolition. An existing above ground fixed structure may
7 be referenced as a verbal or written pre-mark.

8 "Project owner" means the person or legal entity, public
9 or private, that is financially responsible for the
10 undertaking of a project that involves excavation or
11 demolition.

12 "Reasonable control measurement" shall use the historical
13 averages and add to the calculation either of the following
14 conditions that shall be met for the place to be considered
15 beyond the reasonable control of the underground utility
16 facility owner or operator:

17 (1) the total notice volume count over the previous 7
18 calendar days shall increase by more than 15% of the
19 historic average, and increase by not less than 25
20 additional notices over the previous 7 calendar days; or

21 (2) the total dig site notification area over the
22 previous 7 calendar days shall increase by more than 15%
23 of the historic average, and not less than 0.4 additional
24 square miles over the previous 7 calendar days.

25 The official measurement shall be provided by JULIE.

26 "Residential property owner" means any individual or

1 entity that owns or leases real property that is used by the
2 individual or entity as its residence or dwelling. Residential
3 property owner does not include any persons who own or lease
4 residential property for the purpose of holding or developing
5 such property or for any other business or commercial
6 purposes.

7 "Roadway surface milling" means the removal of a uniform
8 pavement section by rotomilling, grinding, saw cutting, or
9 other means that does not penetrate into the roadway base or
10 subbase.

11 "Service lateral" means underground facilities located in
12 a public right-of-way or utility easement that connects an end
13 user's building or property to an underground utility facility
14 owner's or operator's facility.

15 "Submerged" means any facility installed below the surface
16 of a lake, river, or navigable waterway.

17 "Tolerance zone" means:

18 (1) if the diameter of the underground utility
19 facility is indicated, the distance of one-half of the
20 known diameter plus one and one-half feet on either side
21 of the designated center line of the underground utility
22 facility marking;

23 (2) if the diameter of the underground utility
24 facility is not indicated, one and one-half feet on either
25 side of the outside edge of the underground utility
26 facility marking; or

1 (3) if submerged, a distance of 30 feet on either side
2 of the indicated facility.

3 The underground utility facility markings provided
4 shall not indicate that the width of the marked
5 underground utility facility is any greater than the
6 actual width of the underground utility facility or 2
7 inches, whichever is greater. The tolerance zone shall
8 also apply to visible utility structures, including, but
9 not limited to, poles with overhead to underground
10 transitions, pedestals, transformers, meters, hydrants,
11 and valve boxes. There shall be a one and one-half foot
12 tolerance zone horizontally around such facilities.

13 "Underground utility facility" or "facility" means and
14 includes wires, ducts, fiber optic cable, conduits, pipes,
15 sewers, and cables and their connected appurtenances installed
16 or existing beneath the surface of the ground or submerged and
17 either owned, operated, or controlled by:

18 (1) a public utility as defined in the Public
19 Utilities Act;

20 (2) a municipally owned or mutually owned utility
21 providing a similar utility service;

22 (3) a pipeline entity transporting gases, crude oil,
23 petroleum products, or other hydrocarbon materials within
24 the State;

25 (4) a telecommunications carrier as defined in the
26 Universal Telephone Service Protection Law of 1985, or by

1 a company described in Section 1 of the Telephone Company
2 Act;

3 (5) a community antenna television system, as defined
4 in the Illinois Municipal Code or the Counties Code;

5 (6) a holder or broadband service, as those terms are
6 defined in the Cable and Video Competition Law of 2007;

7 (7) any other entity owning or operating underground
8 facilities that transport or generate electrical power to
9 other utility owners or operators;

10 (8) an electric cooperative as defined in the Public
11 Utilities Act; and

12 (9) any other active member of JULIE.

13 (Source: P.A. 94-623, eff. 8-18-05.)

14 (220 ILCS 50/3) (from Ch. 111 2/3, par. 1603)

15 Sec. 3. JULIE Membership. The owners or operators of
16 underground utility facilities are required to be members of
17 JULIE. JULIE shall require that all facility information
18 needed to operate JULIE within each underground utility
19 facility owner's or operator's domain be identified and
20 provided by the underground utility facility owner or operator
21 to JULIE ~~or CATS facilities that are not currently~~
22 ~~participants in the State Wide One Call Notice System shall,~~
23 ~~within 6 months of the effective date of this Act, join the~~
24 ~~State Wide One Call Notice System. This Section shall not~~
25 ~~apply to utilities operating facilities or CATS facilities~~

1 ~~exclusively within the boundaries of a municipality with a~~
2 ~~population of at least one million persons.~~

3 (Source: P.A. 86-674.)

4 (220 ILCS 50/4) (from Ch. 111 2/3, par. 1604)

5 Sec. 4. Required activities. Every excavator ~~person~~ who
6 engages in nonemergency excavation or demolition shall:

7 (a) take reasonable action to inform the excavator
8 ~~himself~~ of the location of any ~~underground utility~~
9 facilities in and near the area for which such operation
10 is to be conducted;

11 (b) plan the excavation or demolition to avoid or
12 minimize interference with ~~underground utility~~ facilities
13 within the tolerance zone by utilizing such precautions
14 that include, but are not limited to, hand or excavation,
15 vacuum excavation methods to the depth of the proposed
16 excavation or demolition, and visually inspecting the
17 excavation while in progress until clear of the
18 approximate location of the existing marked facility;

19 (c) pre-mark the area of excavation ~~if practical, use~~
20 ~~white paint, flags, stakes, or both, to outline the dig~~
21 ~~site;~~

22 (d) provide notice not less than 2 days ~~48 hours~~ but no
23 more than 10 ~~14 calendar~~ days in advance of the start of
24 the excavation or demolition to the owners or operators of
25 the underground utility facilities at or in ~~in and~~ near the

1 excavation or demolition area through JULIE ~~the State-Wide~~
2 ~~One-Call Notice System or, in the case of nonemergency~~
3 ~~excavation or demolition within the boundaries of a~~
4 ~~municipality of at least one million persons which~~
5 ~~operates its own one call notice system, through the~~
6 ~~one call notice system which operates in that~~
7 ~~municipality.~~

8 At a minimum, the notice required under this
9 subsection (d) shall provide:

10 (1) the excavator's ~~person's~~ name, address, phone
11 number at which the excavator ~~a person~~ can be reached,
12 and ~~fax number~~, if available, a fax number and email
13 address;

14 (2) the start date and time of the planned
15 excavation or demolition;

16 (3) the county and place or places ~~all counties,~~
17 ~~cities, or townships, or any combination thereof,~~
18 where the proposed excavation shall take place;

19 (4) the address or location at which the
20 excavation or demolition shall take place;

21 (5) the type of work, and extent, and description
22 of the area where the excavation or demolition is to
23 occur ~~of the work involved; and~~

24 (6) the section or quarter sections when the
25 information in items (1) through (5) of this
26 subsection (d) does not allow JULIE ~~the State-Wide~~

1 ~~One-Call-Notice-System~~ to determine the appropriate
2 excavation or demolition site. This item (6) does not
3 apply to residential property owners;

4 (7) an indication of whether directional boring or
5 horizontal directional drilling will be used;

6 (8) an indication of whether the excavation will
7 exceed 7 feet in depth;

8 (9) an indication of how the proposed excavation
9 or demolition has been pre-marked;

10 (10) the identity of the project owner; and

11 (11) the latitude and longitude of the relevant
12 area, if available.

13 The information specified in items (1) through (10) is
14 still required when providing latitude and longitude;

15 (e) provide, during and following excavation or
16 demolition, such support for existing ~~underground utility~~
17 facilities in and near the excavation or demolition area
18 as may be reasonably necessary for the protection of such
19 facilities and known service laterals unless otherwise
20 agreed to by the owner or operator of the underground
21 facility or owners of any known service laterals;

22 (f) backfill all excavations in such manner and with
23 such materials as may be reasonably necessary for the
24 protection of existing ~~underground utility~~ facilities in
25 and near the excavation or demolition area;

26 (g) ~~after February 29, 2004,~~ when the excavation or

1 demolition project will extend past ~~28 calendar days from~~
2 the 25-day expiration date of the original notice provided
3 under clause (d) or a subsequent extension notice, if
4 marks are requested, the excavator shall pre-mark prior to
5 requesting any subsequent extension notice, ~~the excavator~~
6 ~~shall provide a subsequent notice to the owners or~~
7 ~~operators of the underground utility facilities in and~~
8 ~~near the excavation or demolition area through the~~
9 ~~State Wide One Call Notice System or, in the case of~~
10 ~~excavation or demolition within the boundaries of a~~
11 ~~municipality having a population of at least 1,000,000~~
12 ~~inhabitants that operates its own one-call notice system,~~
13 ~~through the one-call notice system that operates in that~~
14 ~~municipality informing utility owners and operators that~~
15 ~~additional time to complete the excavation or demolition~~
16 ~~project will be required. The notice will provide the~~
17 ~~excavator with an additional 28 calendar days from the~~
18 ~~date of the subsequent notification to continue or~~
19 ~~complete the excavation or demolition project;~~

20 (h) exercise due care at all times to protect
21 ~~underground utility facilities~~ and known service laterals.
22 If, after proper notification through JULIE ~~the State Wide~~
23 ~~One Call Notice System~~ and upon arrival at the site of the
24 proposed excavation, the excavator observes clear evidence
25 of the presence of an unmarked or incompletely marked
26 facility ~~utility~~ in the area of the proposed excavation,

1 the excavator shall provide subsequent notice through
2 JULIE of the unmarked or incompletely marked area and
3 shall not begin excavating until all affected facilities
4 have been marked or 2 hours, whichever is shorter, unless
5 a greater time is provided by the excavator through JULIE
6 ~~after an additional call is made to the State Wide~~
7 ~~One Call Notice System for the area.~~ The underground
8 utility facility owner or operator of the facility utility
9 shall respond within 2 hours unless a greater time is
10 provided by the excavator through JULIE ~~of the excavator's~~
11 ~~call to the State Wide One Call Notice System; and~~

12 (i) when factors, including, but not limited to,
13 weather, construction activity, or vandalism, at the
14 excavation site have caused the facility utility markings
15 to become faded or indistinguishable, the excavator shall
16 pre-mark again and provide a re-mark request ~~an additional~~
17 ~~notice~~ through JULIE ~~the State Wide One Call Notice System~~
18 requesting that only the affected areas where excavation
19 or demolition is to continue be re-marked. Underground
20 utility facility ~~Facility~~ owners or operators must respond
21 to the notice to re-mark by the dig start date and time on
22 the notice; and ~~according to the requirements of Section~~
23 ~~10 of this Act.~~

24 (j) for informational and planning purposes only,
25 prior notice of large projects may be provided to
26 underground utility facility owners or operators through

1 JULIE greater than 10 days in advance of the large project
2 commencing.

3 Nothing in this Section prohibits the use of any method of
4 excavation if conducted in a manner that would avoid
5 interference with ~~underground utility~~ facilities.

6 (Source: P.A. 96-714, eff. 1-1-10.)

7 (220 ILCS 50/4.1 new)

8 Sec. 4.1. Watch and protect.

9 (a) If, upon notice from JULIE, an underground utility
10 facility owner or operator determines that the facility is
11 within the proposed excavation area and the underground
12 utility facility owner or operator desires to have an
13 authorized representative present during excavation near the
14 facility, the underground utility facility owner or operator
15 shall contact the excavator prior to the dig start date and
16 time provided on the notice to schedule a date and time for the
17 underground utility facility owner or operator to be present
18 when excavation will occur near the facility.

19 (b) All excavators shall comply with the underground
20 utility facility owner's or operator's request to be present
21 during excavation near a owner or operator's facilities. In
22 lieu of having an authorized representative present, the
23 underground utility facility owner or operator may choose to
24 perform an open cut utility locate of the facility to expose
25 its location. The underground utility facility owner or

1 operator shall comply with the excavator's schedule for when
2 excavation will occur near the facility.

3 (c) After excavation has started, if excavation near the
4 underground utility facilities stops by more than one day and
5 then recommences, the excavator shall establish direct contact
6 with the underground utility facility owner or operator not
7 less than one day prior to the excavation, each time the
8 excavation is to occur, to advise the underground utility
9 facility owner or operator of the excavation taking place.

10 (d) Nothing in this Section shall prohibit an excavator
11 from excavating prudently and carefully near the underground
12 utility facility without the underground utility facility
13 owner or operator present if the underground utility facility
14 owner or operator waives the request to be present or to
15 complete an open cut utility locate exposing the facility or
16 is unable to comply with the excavator's schedule.

17 (220 ILCS 50/5.1 new)

18 Sec. 5.1. Positive response system.

19 (a) Beginning January 1, 2026, an excavator shall confirm
20 through the positive response system prior to excavation or
21 demolition that all underground utility facility owners or
22 operators that are identified on the notice have provided a
23 status update, responded, or marked or provided an all-clear
24 notification.

25 (b) Beginning January 1, 2026, an underground utility

1 facility owner or operator shall respond through the positive
2 response system by the dig start date and time on the notice
3 with an appropriate and accurate system code. A minimal delay
4 not to exceed one hour or when the marking of the facilities is
5 complete, whichever is longer, in reporting a system code in
6 response to an emergency request shall not be a violation of
7 this Section.

8 (c) If an underground utility facility owner or operator
9 fails to respond or provide a status update through the
10 positive response system by the dig start date and time on the
11 notice, or a later time as otherwise agreed upon and submitted
12 through the positive response system, JULIE shall transmit an
13 additional notification to that underground utility facility
14 owner or operator and shall continue to send out daily
15 notifications until the positive response system receives a
16 response confirming compliance with this Section.

17 (d) If an underground utility facility owner or operator
18 fails to respond or provide a status update to the positive
19 response system, the excavator may proceed after providing a
20 no show or incomplete request through JULIE. The notified
21 underground utility facility owners or operators shall respond
22 by the dig start date and time on the notice.

23 (e) If all notified underground utility facility owners or
24 operators have responded as "marked" or "clear" prior to the
25 expiration of the dig start date and time on the notice, the
26 wait time shall be considered expired and no additional wait

1 time is required prior to commencing with the excavation or
2 demolition work listed on the notice.

3 (220 ILCS 50/5.2 new)

4 Sec. 5.2. Planning design request.

5 (a) An underground utility facility owner or operator
6 shall have the following responsibilities:

7 (1) respond to a valid planning design request within
8 10 days after receiving the request or by such other date
9 as shall be mutually agreed upon between the underground
10 utility facility owner or operator and the designer or
11 planner. The underground utility facility owner or
12 operator shall provide information regarding the location,
13 size, if greater than 1.5 inches in diameter, which shall
14 be generically listed as communication, electric, gas,
15 water, sewer, streetlight, or traffic control and if
16 direct buried or in conduit or a duct package, of
17 facilities based on the best information available to the
18 underground utility facility owner or operator within the
19 scope of the proposed project;

20 (2) respond to a planning design request in one of the
21 following methods:

22 (A) provide the most current digital, KMZ file or
23 shapefile, or paper drawings or prints, that are drawn
24 to scale, when available, and include visible utility
25 structures, including measurements from back of curb,

1 sidewalk, edge of pavement, centerline of ditch,
2 property lines, and other similar items;

3 (B) request the proposed plans or drawings from
4 the designer or planner and illustrate the location of
5 the underground utility facility owner's or operator's
6 facilities, drawn to scale, and, if available, provide
7 the type and size, as described in paragraph (1), of
8 the facilities, including visible structures on the
9 plans;

10 (C) locate and mark the underground utility
11 facility owner's or operator's facilities within the
12 scope of the proposed project, as agreed to with the
13 planner or designer;

14 (D) if the responding underground utility facility
15 owner or operator is unable to comply with paragraph
16 (A) or (B), then the underground utility facility
17 owner or operator shall mark the facilities within the
18 scope of the proposed project, as agreed to with the
19 planner or designer; or

20 (E) if marking of infrastructure is the preferred
21 or required response of the underground utility
22 facility owner or operator, the underground utility
23 facility owner or operator need only mark main line
24 facilities or any service lines that would otherwise
25 be considered main line due to size or type, as
26 described in paragraph (1); and

1 (3) may charge a nominal fee to locate and mark the
2 proposed project, as described in subparagraph (C) or (D)
3 of paragraph (2).

4 (b) The planner or designer shall have the following
5 responsibilities:

6 (1) follow the guidelines set forth in CI/ASCE 38-02
7 Standard Guidelines for the Collection and Depiction of
8 Existing Subsurface Utility Data, as from time to time
9 amended, when preparing plans or drawings;

10 (2) illustrate on all appropriate documents the
11 position, size, and type, as described in paragraph (1) of
12 subsection (a), of all known facilities obtained in the
13 planning design request process and include the valid
14 planning design request number provided by JULIE on any
15 plans or drawings; and

16 (3) make all reasonable efforts to prepare the plans
17 or drawings to minimize interference with known existing
18 and proposed facilities in the proposed project area.

19 (c) A planning design request shall include the following
20 information:

21 (1) name, address, telephone number, office and cell
22 phone, and, if available, email address of the designated
23 contact requesting the information;

24 (2) name, address, telephone number, office and cell
25 phone, and, if available, email address of the project
26 owner;

1 (3) the approximate date when the facility information
2 is required; and

3 (4) the specific area requiring facility information
4 by one or more of the following means:

5 (A) the county and place or places involved in the
6 proposed project;

7 (B) street names involved in the proposed project
8 or the north, south, east, and west boundaries of the
9 proposed project or the section number or numbers
10 involved in the proposed project;

11 (C) latitude and longitude coordinates of the
12 outside edges of the proposed project;

13 (D) digital data such as, but not limited to,
14 shapefiles when technology and software allow; and

15 (E) the type of work projected to take place
16 within the proposed project.

17 Any known site-specific facility information shall be made
18 available to the project owner to be delivered to qualified
19 bidders of the proposed project.

20 (220 ILCS 50/5.3 new)

21 Sec. 5.3. Joint meet notification.

22 (a) A joint meet notification shall include the following
23 information:

24 (1) the excavator's name, address, phone number at
25 which the excavator can be reached, and, if available, a

1 fax number and email address;

2 (2) the county and place or places where the work will
3 be performed;

4 (3) street names involved in the project or the north,
5 south, east, and west boundaries of the project or the
6 section number or numbers involved in the project;

7 (4) the date, time, and location where the joint meet
8 will take place, which shall be near the project site; and

9 (5) a minimum advance notice of the joint meet of 2
10 days, but no more than 60 days prior to the planned start
11 of excavation or demolition.

12 (b) Upon the receipt of a joint meet notification, an
13 underground utility facility owner or operator shall attend
14 the joint meet, either in-person or remotely, at the specified
15 time and location. If there is a conflict between joint meet
16 notifications, an excavator that provided a joint meet
17 notification may receive a communication from an underground
18 utility facility owner or operator requesting an alternate
19 meeting time or date.

20 (c) When a joint meet notification occurs as part of a
21 large project, the excavator shall notify the project owner
22 and the designer or planner when and where the joint meet is to
23 occur.

24 (d) Multiple joint meets shall be required in the case of a
25 large project that extends into multiple places. The excavator
26 shall schedule, at a minimum, one joint meet per place to

1 accommodate travel restrictions of responding underground
2 utility facility owners or operators. A single electronic
3 meeting covering multiple places is also acceptable.

4 (e) Prior to the meeting, the excavator shall physically
5 or electronically pre-mark the extent of the initial request
6 for the proposed excavation area or route if normal notice
7 requests are planned to be submitted with excavation beginning
8 after the minimum advance notice of 2 days after the joint
9 meet. The minimum advance notice for a large project is 5 days.

10 (f) The individuals participating in the joint meet shall
11 agree to their individual obligations consistent with the
12 project. The underground utility facility owner or operator,
13 along with the excavator involved, shall work in a cooperative
14 manner to negotiate in good faith. These obligations may vary
15 from project to project. The individuals participating at the
16 joint meet shall have the flexibility to make decisions
17 consistent with the project's parameters. The individuals
18 participating in the joint meet are not required to set
19 specific standards for all projects.

20 (g) The scope of the project shall be defined at the joint
21 meet and specific project details, including, but not limited
22 to, the number of phases, and the number of excavation crews
23 working for the contractor or subcontractors, to the extent
24 that the information can be determined.

25 (h) The size and number of normal notice requests agreed
26 to be submitted at one time at the joint meet shall be

1 documented by the excavator in the meeting notes and made
2 available to those participating in the joint meet. Any
3 mutually agreed upon initial or amended meeting notes shall,
4 at a minimum, include: (1) the date and time of the
5 interaction; (2) all names of the individuals involved, and
6 (3) an acknowledgment by the individuals that agreed to the
7 meeting notes. Meeting notes shall be retained by the
8 excavator through JULIE, Inc., for at least 5 years after the
9 date of the joint meet.

10 (i) If an underground utility facility owner or operator
11 fails to attend the joint meet and does not request an
12 alternate time or date to meet prior to commencement of
13 excavation, the excavator may proceed according to the
14 agreement reached with those attending the meeting.

15 (j) Within 60 days after the joint meet, the excavator
16 shall submit the normal notice requests consistent with the
17 agreements reached at the joint meet.

18 (k) The initial normal notice requests submitted after the
19 joint meet shall require a minimum of 2 days advance notice and
20 5 days advance notice for large projects. All remaining normal
21 notice requests shall be submitted in agreement with the joint
22 meet schedule and provide a minimum advance notice of 2 days.
23 The excavator shall not submit normal notice requests until
24 after the joint meet.

25 (l) If the project start is delayed more than 60 days, or
26 the scope of the project changes after the joint meet has been

1 held and the locate schedule agreed to, a new joint meet
2 notification shall be required.

3 (m) If an excavator creates multiple normal notice
4 requests for a single project without a joint meet being held,
5 an affected underground utility facility owner or operator may
6 contact the excavator and recommend the excavator follow the
7 joint meet process to assist in working out a locate schedule.
8 A notified excavator that fails to follow the joint meet
9 process may realize delays in marking of facilities on their
10 project. In accordance with subsection (e) of Section 10, a
11 delay in marking is not necessarily deemed a violation of this
12 Act.

13 (220 ILCS 50/5.4 new)

14 Sec. 5.4. Geographic information system data. Geographic
15 information system data shall be provided to JULIE by any
16 county or State agency that has provided substantially similar
17 data to any other not-for-profit or State agency utilizing
18 such data for public display of information or to be utilized
19 by a not-for-profit or agency in the interest of public
20 safety. This data shall be provided to JULIE at a cost not to
21 exceed the actual cost of transmission of the data.

22 (220 ILCS 50/6) (from Ch. 111 2/3, par. 1606)

23 Sec. 6. Emergency excavation or demolition.

24 (a) Every excavator ~~person~~ who engages in emergency

1 excavation or demolition ~~outside of the boundaries of a~~
2 ~~municipality of at least one million persons which operates~~
3 ~~its own one call notice system~~ shall take all reasonable
4 precautions to avoid or minimize interference between the
5 emergency work and existing ~~underground utility~~ facilities in
6 and near the excavation or demolition area, ~~through the~~
7 ~~State Wide One Call Notice System~~, and shall notify, as far in
8 advance as possible, the underground utility facility owners
9 or operators ~~of such underground utility facilities~~ in and
10 near the emergency excavation or demolition area, through
11 JULIE ~~the State Wide One Call Notice System~~. At a minimum, the
12 notice required under this subsection (a) shall provide:

13 (1) the excavator's ~~person's~~ name, address, and ~~(i)~~
14 phone number at which the excavator with knowledge of the
15 emergency excavation or demolition ~~a person~~ can be reached
16 and ~~(ii) fax number~~, if available, a fax number and email
17 address;

18 (2) the start date and time of the ~~planned~~ emergency
19 excavation or demolition;

20 (3) the address or location at which the emergency
21 excavation or demolition will take place; ~~and~~

22 (4) the type of work, extent, and description of the
23 area where the emergency excavation or demolition is to
24 occur; and

25 (5) the county and place or places where the emergency
26 excavation or demolition will take place ~~and extent of the~~

1 ~~work involved.~~

2 (b) There is a minimum wait time of 2 hours ~~or the date and~~
3 ~~time requested on the notice, whichever is longer,~~ after an
4 emergency ~~locate notification~~ request is made through JULIE
5 ~~the State Wide One Call Notice System.~~ If the conditions at
6 the site dictate an earlier start than the date and time on the
7 notice required wait time, it is the responsibility of the
8 excavator to demonstrate that site conditions warranted this
9 earlier start time.

10 (c) Upon notice by the excavator ~~person~~ engaged in
11 emergency excavation or demolition, the underground utility
12 facility owner or operator ~~owner or operator of an underground~~
13 ~~utility facility~~ in or near the excavation or demolition area
14 shall communicate with the excavator ~~person~~ engaged in
15 emergency excavation or demolition within 2 hours or by the
16 date and time requested on the notice, whichever is longer by:

17 (1) marking the approximate location of ~~underground~~
18 facilities;

19 (2) advising the excavator ~~person excavating~~ that
20 their ~~underground~~ facilities are not in conflict with the
21 emergency excavation or demolition; or

22 (3) notifying the excavator ~~person excavating~~ that the
23 underground utility facility owner or operator shall be
24 delayed in marking because of conditions as referenced in
25 subsection (g) of Section 11 of this Act.

26 (d) The notice by the underground utility facility owner

1 or operator to the excavator shall be provided utilizing the
2 positive response system, in accordance with Section 5.1, and
3 prior to January 1, 2026 may also ~~person engaged in emergency~~
4 ~~excavation or demolition may~~ be provided by phone or phone
5 message or by marking the excavation or demolition area. The
6 underground utility facility owner or operator has discharged
7 the underground utility facility owner's or operator's
8 obligation to provide notice under this Section if the
9 underground utility facility owner or operator attempts to
10 provide notice by positive response or by telephone but is
11 unable to do so because the excavator ~~person engaged in the~~
12 ~~emergency excavation or demolition~~ does not answer the ~~his or~~
13 ~~her~~ telephone or does not have an answering machine, ~~or~~
14 answering service, or voicemail to receive the telephone call
15 or positive response, in accordance with Section 5.1. If the
16 underground utility facility owner or operator attempts to
17 provide additional notice by telephone ~~or by facsimile~~ but
18 receives a busy signal, that attempt shall not discharge the
19 underground utility facility owner or operator from the
20 obligation to provide notice under this Section.

21 ~~(b) Every person who engages in emergency excavation or~~
22 ~~demolition within the boundaries of a municipality of at least~~
23 ~~one million persons which operates its own one-call notice~~
24 ~~system shall take all reasonable precautions to avoid or~~
25 ~~minimize interference between the emergency work and existing~~
26 ~~underground utility facilities in and near the excavation or~~

1 ~~demolition area, through the municipality's one call notice~~
2 ~~system, and shall notify, as far in advance as possible, the~~
3 ~~owners and operators of underground utility facilities in and~~
4 ~~near the emergency excavation or demolition area, through the~~
5 ~~municipality's one call notice system.~~

6 (e) ~~(e)~~ The reinstatement of traffic control devices
7 shall be deemed an emergency for purposes of this Section.

8 (f) ~~(d)~~ An open cut utility locate shall be deemed an
9 emergency for purposes of this Section.

10 (g) During an emergency situation, where the underground
11 utility facility owner or operator has a widespread emergency
12 situation beyond the equipment or personnel capabilities to
13 facilitate a timely repair or correction of the emergency, the
14 underground utility facility owner or operator may utilize
15 subcontractors to facilitate the work without a separate
16 emergency notice by the subcontractor. The underground utility
17 facility owner or operator shall be responsible for the
18 actions of the subcontractor, unless the subcontractor has
19 obtained the subcontractor's own emergency notice.

20 (h) Emergency notices provided through JULIE shall expire
21 10 days after the date of the notice.

22 (Source: P.A. 96-714, eff. 1-1-10.)

23 (220 ILCS 50/7) (from Ch. 111 2/3, par. 1607)

24 Sec. 7. Damage or dislocation.

25 (a) In the event of any damage to or dislocation of any

1 ~~underground utility~~ facilities in connection with any
2 excavation or demolition, emergency or nonemergency, the
3 excavator person responsible for the excavation or demolition
4 operations shall immediately notify the affected underground
5 utility facility owner or operator and JULIE utility and the
6 State Wide One Call Notice System and cease excavation in the
7 area of the damage when the damaged facility is a threat to
8 life or property or if otherwise required by law ~~or, in the~~
9 ~~ease of damage or dislocation in connection with any~~
10 ~~excavation or demolition within the boundaries of a~~
11 ~~municipality having a population of at least 1,000,000~~
12 ~~inhabitants that operates its own one call notice system,~~
13 ~~notify the affected utility and the one call notice system~~
14 ~~that operates in that municipality.~~

15 (b) The excavator person responsible for the excavation or
16 demolition shall not attempt to repair, clamp, or constrict
17 the damaged ~~utility~~ facility unless under the direct
18 supervision or advisement of the underground utility facility
19 owner or operator. At no time shall an excavator ~~a person~~ under
20 this Act be required by an underground ~~a~~ utility facility
21 owner or operator to attempt to repair, clamp, or constrict a
22 damaged ~~utility~~ facility. In the event of any damage to any
23 ~~underground utility~~ facility that results in the escape of any
24 flammable, toxic, or corrosive gas or liquid, the excavator
25 ~~person~~ responsible for the excavation or demolition shall call
26 9-1-1 and notify authorities of the damage.

1 (c) Underground utility facility owners—Owners and
2 operatorsof underground utility facilities that are damaged,
3 and the excavator involved, shall work in a cooperative and
4 expeditious manner to repair the affected facility utility.

5 (d) The underground utility facility owner or operator
6 shall provide to JULIE a phone number with a dedicated
7 extension, if applicable, that can be provided to the
8 excavator allowing immediate notification by the excavator to
9 the underground utility facility owner or operator of the
10 potential damage.

11 (e) At a minimum, the notice required under this Section
12 shall provide:

13 (1) a reference to the original excavation or
14 demolition notice, if one exists;

15 (2) the type of facility damaged, if known;

16 (3) the name of the affected underground utility
17 facility owner or operator, if known; and

18 (4) the location of the damaged facility at the
19 excavation or demolition site.

20 (Source: P.A. 96-714, eff. 1-1-10.)

21 (220 ILCS 50/7.5 new)

22 Sec. 7.5. Exposed facility.

23 (a) If any previously unmarked facility is exposed during
24 excavation or demolition, emergency or nonemergency, the
25 excavator responsible for the excavation or demolition

1 operations shall immediately notify JULIE.

2 (b) At a minimum, the notice required under this Section
3 shall provide:

4 (1) a reference to the original excavation or
5 demolition notice, if one exists;

6 (2) the type of exposed facility, if known;

7 (3) the name of the affected underground utility
8 facility owner or operator, if known; and

9 (4) the location of the exposed facility at the
10 excavation or demolition site.

11 (220 ILCS 50/8) (from Ch. 111 2/3, par. 1608)

12 Sec. 8. Liability or financial responsibility.

13 (a) Nothing in this Act shall be deemed to affect or
14 determine the financial responsibility for any operation under
15 this Act or liability of any entity or individual ~~person~~ for
16 any damages that occur unless specifically stated otherwise.

17 (b) Nothing in this Act shall be deemed to provide for
18 liability or financial responsibility of the Department of
19 Transportation, its officers and employees concerning any
20 ~~underground utility facility or CATS~~ facility located on
21 highway right-of-way by permit issued under the provisions of
22 Section 9-113 of the Illinois Highway Code. It is not the
23 intent of this Act to change any remedies in law regarding the
24 duty of providing lateral support.

25 (c) Neither JULIE ~~the State Wide One Call Notice System~~

1 nor any of its officers, agents, or employees shall be liable
2 for damages for injuries or death to persons or damage to
3 property caused by acts or omissions in the receipt,
4 recording, or transmission of notices ~~locate requests~~ or other
5 information in the performance of its duties as JULIE ~~the~~
6 ~~State Wide One Call Notice System~~, unless the act or omission
7 was the result of willful and wanton misconduct.

8 (d) Any residential property owner who fails to comply
9 with any provision of this Act and damages ~~underground utility~~
10 ~~facilities or CATS~~ facilities while engaging in excavation or
11 demolition on such residential property shall not be subject
12 to a penalty under this Act, but shall be liable for the damage
13 caused to the underground utility facility owners or operators
14 ~~owner or operator of the damaged underground utility~~
15 ~~facilities or CATS facilities~~.

16 (Source: P.A. 92-179, eff. 7-1-02.)

17 (220 ILCS 50/9) (from Ch. 111 2/3, par. 1609)

18 Sec. 9. Negligence.

19 (a) When it is shown by competent evidence in any action
20 for damages to ~~underground utility facilities or CATS~~
21 facilities that such damages resulted from excavation or
22 demolition and that the excavator ~~person~~ engaged in such
23 excavation or demolition failed to comply with the provisions
24 of this Act, that excavator ~~person~~ shall be deemed prima facie
25 guilty of negligence.

1 **(b)** When it is shown by competent evidence in any action
2 for damages to excavators ~~persons~~, material, or equipment
3 brought by excavators ~~persons~~ undertaking excavation or
4 demolition acting in compliance with the provisions of this
5 Act that such damages resulted from the failure of underground
6 utility facility owners or ~~and~~ operators ~~of underground~~
7 ~~facilities or CATS facilities~~ to comply with the provisions of
8 this Act, those underground utility facility owners or ~~and~~
9 operators shall be deemed prima facie guilty of negligence.

10 (Source: P.A. 86-674.)

11 (220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)

12 Sec. 10. Record of notice; marking of facilities.

13 **(a)** Upon notice by the excavator ~~person engaged in~~
14 ~~excavation or demolition~~, the underground utility facility
15 owners or operators ~~person owning or operating underground~~
16 ~~utility facilities~~ in or near the excavation or demolition
17 area shall cause a ~~written~~ record to be made of the notice and
18 shall mark, ~~within 48 hours of receipt of notice or~~ by the dig
19 start ~~requested~~ date and time indicated on the notice,
20 ~~whichever is later~~, the approximate locations of such
21 facilities so as to enable the excavator ~~person excavating or~~
22 ~~demolishing~~ to establish the location of the underground
23 utility facilities.

24 For submerged facilities, when the owner or operator of
25 the submerged facilities determines that a proposed excavation

1 or demolition which could include anchoring, pile driving,
2 dredging, or any other water bottom contact for any means
3 performed is in proximity to or in conflict with, submerged
4 facilities located under a lake, river, or navigable waterway,
5 the owner or operator of the submerged facilities shall
6 identify the estimated horizontal route of the submerged
7 facilities, within 15 days or by a date and time mutually
8 agreed to, using marking buoys, other suitable devices, or GPS
9 location data unless directed otherwise by an agency having
10 jurisdiction over the waters under which the submerged
11 facilities are located.

12 (b) Underground utility facility owners or ~~Owners and~~
13 ~~operators of underground sewer facilities that are located~~
14 ~~outside the boundaries of a municipality having a population~~
15 ~~of at least 1,000,000 inhabitants~~ shall be required to respond
16 and mark the approximate location of those sewer facilities
17 when the excavator indicates, in the notice required in
18 Section 4, that the excavation or demolition project will
19 exceed a depth of 7 feet. "Depth", in this case, is defined as
20 the distance measured vertically from the surface of the
21 ground to the top of the sewer facility.

22 (c) Underground utility facility owners or operators of
23 ~~Owners and operators of underground sewer facilities that are~~
24 ~~located outside the boundaries of a municipality having a~~
25 ~~population of at least 1,000,000 inhabitants~~ shall be required
26 at all times to mark ~~locate~~ the approximate location of those

1 sewer facilities when:

2 (1) directional boring is the indicated type of
3 excavation work being performed within the notice;

4 (2) the ~~underground~~ sewer facilities owned are
5 non-gravity, pressurized force mains; or

6 (3) the excavation indicated will occur in the
7 immediate proximity of known ~~underground~~ sewer facilities
8 that are less than 7 feet deep.

9 (d) Underground utility facility owners ~~Owners~~ or
10 operators of ~~underground~~ sewer facilities ~~that are located~~
11 ~~outside the boundaries of a municipality having a population~~
12 ~~of at least 1,000,000 inhabitants~~ shall not hold an excavator
13 liable for damages that occur to sewer facilities that were
14 not required to be marked under this Section, provided that
15 prompt notice of known ~~the~~ damage is made to JULIE ~~the~~
16 ~~State Wide One Call Notice System~~ and the underground utility
17 facility owners or operators ~~utility owner~~ as required in
18 Section 7.

19 (e) All entities ~~persons~~ subject to the requirements of
20 this Act shall plan and conduct their work consistent with
21 reasonable business practices.

22 (1) Conditions may exist making it unreasonable to
23 request that locations be marked by the dig start ~~within~~
24 ~~48 hours or by the requested~~ date and time indicated on the
25 notice, ~~whichever is later~~.

26 (A) In such situations, the excavator and the

1 underground utility facility owner or operator shall
2 interact in good faith to establish a mutually
3 agreeable date and time for the completion of the
4 request.

5 (B) All mutually agreed upon modifications to the
6 dig start date and time shall be fully documented by
7 the underground utility facility owner or operator and
8 include, at a minimum, the date and time of the
9 interaction, the names of the individuals involved,
10 and acknowledgment by the individuals that agreed to
11 the modification and the new dig start date and time
12 that was mutually agreed upon by both parties. The
13 underground utility facility owner or operator shall
14 retain through JULIE, Inc., the documentation for at
15 least 5 years after the date of the expiration of the
16 notice.

17 (2) It is unreasonable to request underground utility
18 facility owners ~~or and~~ operators ~~of underground utility~~
19 facilities to mark locate all of their facilities in an
20 affected area upon short notice in advance of a large ~~or~~
21 ~~extensive~~ nonemergency project. ~~or~~

22 (3) It is unreasonable to request extensive notices
23 ~~locates~~ in excess of a reasonable excavation or demolition
24 work schedule. ~~or~~

25 (4) It is unreasonable to request notices ~~locates~~
26 under conditions where a repeat request is likely to be

1 made because of the passage of time or adverse job
2 conditions.

3 (5) During periods where the notice volumes or dig
4 site notification areas exceed the historical averages as
5 determined by the reasonable control measurements for the
6 place, only those additional non-emergency requests that
7 are not part of a large project, when that large project
8 has been submitted at least 60 days in advance of the start
9 of the large project by underground utility facility
10 owners or operators or their contractors or subcontractors
11 for excavation work for the underground utility facility
12 owners or operators within the place, may be subject to a
13 request from the underground utility facility owner or
14 operator or the owner or operator's locate contractors or
15 subcontractors for an additional wait time of up to 2 days
16 for the underground utility facility owner or operator,
17 whether utilizing in-house or contract locators, to
18 respond to locate and mark, or provide a no conflict
19 response. It is the responsibility of the requesting
20 underground utility facility owner or operator to document
21 any modification as outlined in paragraph (1) of
22 subsection (e) of Section 10.

23 (f) Underground utility facility owners or ~~Owners and~~
24 operators, whether utilizing in-house or contract locators,
25 and the owner or operator's locate contractors or
26 subcontractors ~~of underground utility facilities~~ must

1 reasonably anticipate seasonal fluctuations in the number of
2 notices ~~locate requests~~ and staff accordingly.

3 Seasonal fluctuations shall not be considered within the
4 reasonable control of underground utility facility owners or
5 operators and the owner or operator's locate contractors or
6 subcontractors within a place or places, when the notice
7 volumes exceed the historical averages as determined by the
8 reasonable control measurement, for non-emergency requests for
9 utility excavation work for underground utility facility
10 owners or operators, that is not part of a large project that
11 has provided at least a 60 day advance notice.

12 Only utility excavators when doing utility work may be
13 impacted by this subsection and may incur an additional wait
14 time of up to 2 days.

15 (g) If an underground utility facility owner or operator a
16 person owning or operating underground utility facilities
17 receives a notice under this Section but does not own or
18 operate any ~~underground utility~~ facilities within the proposed
19 excavation or demolition area described in the notice, that
20 underground utility facility owner or operator, by the dig
21 start date and time on the notice ~~person, within 48 hours or by~~
22 ~~the requested date and time indicated on the notice, whichever~~
23 ~~is later, after receipt of the notice,~~ shall so notify the
24 excavator who initiated the notice in accordance with Section
25 5.1, and prior to January 1, 2026, may ~~person engaged in~~
26 ~~excavation or demolition who initiated the notice, unless the~~

1 ~~person who initiated the notice expressly waives the right to~~
2 ~~be notified that no facilities are located within the~~
3 ~~excavation or demolition area. The notification by the owner~~
4 ~~or operator of underground utility facilities to the person~~
5 ~~engaged in excavation or demolition may be provided in any~~
6 reasonable manner including, but not limited to, notification
7 in any one of the following ways:

8 (1) by face-to-face communication;

9 (2) by phone or phone message;

10 (3) by facsimile or email;

11 (4) by posting in the excavation or demolition area;

12 or

13 (5) by marking the excavation or demolition area.

14 (h) The underground utility facility owner or operator ~~of~~
15 ~~those facilities~~ has discharged the underground utility
16 facility owner's or operator's obligation to provide notice
17 under this Section if the underground utility facility owner
18 or operator attempts to provide notice utilizing the positive
19 response system, in accordance with Section 5.1, and prior to
20 January 1, 2026, by:

21 (1) telephone ~~or by facsimile, if the person has~~
22 ~~supplied a facsimile number, but is unable to do so~~
23 because the excavator ~~person engaged in the excavation or~~
24 ~~demolition~~ does not answer the ~~his or her~~ telephone and ~~or~~
25 does not have the ability to receive telephone messages;

26 (2) facsimile, if the excavator has supplied a

1 facsimile number and does not have a facsimile machine in
2 operation to receive the facsimile transmission; or

3 (3) email, if the excavator has supplied an email
4 address and the message is electronically undeliverable ~~an~~
5 answering machine or answering service to receive the
6 telephone call or does not have a facsimile machine in
7 operation to receive the facsimile transmission.

8 If the underground utility facility owner or operator
9 attempts to provide additional notice by telephone or by
10 facsimile but receives a busy signal, that attempt shall not
11 serve to discharge the underground utility facility owner or
12 operator of the obligation to provide notice under this
13 Section.

14 (i) Any excavator or legal entity, public or private, who,
15 on or after January 1, 2026, installs a nonconductive service
16 lateral shall ensure that the installation is locatable by
17 electromagnetic means or other equally effective means for
18 marking the location of the service lateral. This subsection
19 does not apply to minor repairs to, or partial replacements
20 of, service laterals installed prior to January 1, 2026.

21 ~~A person engaged in excavation or demolition may expressly~~
22 ~~waive the right to notification from the owner or operator of~~
23 ~~underground utility facilities that the owner or operator has~~
24 ~~no facilities located in the proposed excavation or demolition~~
25 ~~area. Waiver of notice is only permissible in the case of~~
26 ~~regular or nonemergency locate requests. The waiver must be~~

1 ~~made at the time of the notice to the State Wide One Call~~
 2 ~~Notice System. A waiver made under this Section is not~~
 3 ~~admissible as evidence in any criminal or civil action that~~
 4 ~~may arise out of, or is in any way related to, the excavation~~
 5 ~~or demolition that is the subject of the waiver.~~

6 (j) For the purposes of this Act, the following color
 7 coding shall be used to mark the approximate location of
 8 facilities by the underground utility facility owners or
 9 operators who ~~underground facility operators~~ may utilize a
 10 combination of flags, lathe with colored ribbon, chalk,
 11 whiskers, or stakes, and paint as ~~when possible on non-paved~~
 12 ~~surfaces and when~~ dig site and seasonal conditions warrant. ~~If~~
 13 ~~the approximate location of an underground utility facility is~~
 14 ~~marked with stakes or other physical means, the following~~
 15 ~~color coding shall be employed:~~

16	Underground Facility <u>type</u>	Identification Color
17	<u>Underground utility facility owner or</u>	
18	<u>operator or contract locator use only</u>	
19	Facility Owner or Agent Use Only	
20		
21	Electric Power, Distribution and	
22	Transmission	Safety Red
23	Municipal Electric Systems	Safety Red

- 1 Gas Distribution and Transmission..... High Visibility
Safety Yellow
- 2 Oil Distribution and Transmission..... High Visibility
Safety Yellow
- 3 Communication Systems..... Safety Alert Orange
- 4 ~~Telephone and Telegraph Systems.....~~ ~~Safety Alert Orange~~
- 5 ~~Community Antenna Television Systems ..~~ ~~Safety Alert Orange~~
- 6 Water Systems..... Safety Precaution
Blue
- 7 Sewer Systems..... Safety Green
- 8 Non-potable Water and Slurry Lines Safety Purple
- 9
- 10 Excavator Use Only
- 11
- 12 Temporary Survey Safety Pink
- 13 Proposed Excavation..... Safety White (Black
- 14 when snow is on the
ground)

15 (Source: P.A. 96-714, eff. 1-1-10.)

16 (220 ILCS 50/11) (from Ch. 111 2/3, par. 1611)

17 Sec. 11. Penalties; liability; fund.

18 (a) Every excavator ~~person~~ who, while engaging in
 19 excavation or demolition, willfully ~~willfully~~ fails to comply
 20 with the Act by failing to provide the notice to the
 21 underground utility facility owners or operators in and ~~of the~~

1 ~~underground facilities~~ near the excavation or demolition area
2 through JULIE ~~the State Wide One Call Notice System~~ as
3 required by Section 4, 5, or 6 of this Act shall be subject to
4 a penalty of not more than ~~up to~~ \$5,000 for each separate
5 offense and shall be liable for the damage caused to the
6 underground utility facility owners or operators ~~of the~~
7 ~~facility~~. Every excavator ~~person~~ who fails to provide notice
8 and willfully fails to comply with other provisions of this
9 Act shall be subject to additional penalties of not more than
10 ~~up to~~ \$2,500 for each separate offense and shall be liable for
11 the damage caused to the underground utility facility owners
12 or operators ~~of the facility~~.

13 (b) Every excavator ~~person~~ who has provided the notice to
14 the underground utility facility owners or operators ~~of the~~
15 ~~underground utility facilities~~ in and near the excavation or
16 demolition area through JULIE ~~the State Wide One Call Notice~~
17 ~~System~~ as required by Section 4 or 6 of this Act, but otherwise
18 willfully ~~willfully~~ fails to comply with this Act, shall be
19 subject to a penalty of not more than ~~up to~~ \$2,500 for each
20 separate offense and shall be liable for the damage caused to
21 the underground utility facility owners or operators ~~of the~~
22 ~~facility~~.

23 (c) Every excavator ~~person~~ who, while engaging in
24 excavation or demolition, has provided the notice to the
25 underground utility facility owners or operators ~~of the~~
26 ~~underground utility facilities~~ in and near the excavation or

1 demolition area through JULIE ~~the State Wide One Call Notice~~
2 ~~System~~ as required by Section 4 or 6 of this Act, but
3 otherwise, while acting reasonably, damages any ~~underground~~
4 ~~utility~~ facilities, shall not be subject to a penalty, but
5 shall be liable for the damage caused to the underground
6 utility facility owners or operators ~~of the facility~~ provided
7 the ~~underground utility~~ facility is properly marked as
8 provided in Section 10 of this Act.

9 (d) Every excavator person who provides notice to the
10 underground utility facility owners or operators ~~of the~~
11 ~~underground utility facilities~~ through JULIE ~~the State Wide~~
12 ~~One Call Notice System~~ as a no show, incomplete, or an
13 emergency ~~locate~~ request and the ~~locate~~ request is not a no
14 show, incomplete, or an emergency ~~locate~~ request ~~as defined in~~
15 ~~Section 2.6 of this Act~~ shall be subject to a penalty of not
16 more than up to \$2,500 for each separate offense.

17 (e) Underground utility facility owners or operators
18 ~~Owners and operators of underground utility facilities~~ who
19 willfully fail to comply with this Act, unless otherwise
20 stated in this Section, shall be subject to a penalty of not
21 more than \$2,500 for each separate offense. A ~~by a~~ failure to
22 respond or mark the approximate location of facilities by the
23 dig start date and time on the notice ~~an underground utility~~ as
24 required by subsection (h) of Section 4, subsection (c) ~~(a)~~ of
25 Section 6, or Section 10 of this Act after being notified of
26 planned or emergency excavation or demolition through JULIE

1 ~~the State Wide One Call Notice System~~, shall be subject to a
2 penalty of not more than ~~up to~~ \$5,000 for each separate
3 offense.

4 (1) Underground utility facility owners or operators
5 who fail to provide a response to the positive response
6 system by the dig start date and time on the notice, as
7 required in subsection (b) of Section 5.1, on more than
8 10% of their weekly required responses for 4 or more
9 consecutive weeks, shall be subject to a penalty of not
10 more than \$250 for each separate offense.

11 (2) Underground utility facility owners or operators
12 shall not be subject to a penalty where a delay in
13 responding through the positive response system is caused
14 by conditions beyond the reasonable control of such
15 underground utility facility owners or operators.

16 (f) As provided in Section 3 of this Act, all underground
17 utility facility owners or operators ~~of underground utility~~
18 ~~facilities~~ who fail to join JULIE ~~the State Wide One Call~~
19 ~~Notice System~~ by January 1, 2003 shall be subject to a penalty
20 of \$100 per day for each separate offense. Every day an
21 underground utility facility owner or operator fails to join
22 JULIE ~~the State Wide One Call Notice System~~ is a separate
23 offense. ~~This subsection (f) does not apply to utilities~~
24 ~~operating facilities exclusively within the boundaries of a~~
25 ~~municipality with a population of at least 1,000,000 persons.~~

26 (g) No underground utility facility owner or operator ~~of~~

1 ~~underground utility facilities~~ shall be subject to a penalty
2 where a delay in marking or a failure to mark or properly mark
3 the location of a facility ~~an underground utility~~ is caused by
4 conditions beyond the reasonable control of such underground
5 utility facility owner or operator. It is the responsibility
6 of the underground utility facility owners or operators to
7 demonstrate how the condition affected their ability to
8 respond and caused it to become beyond the reasonable control.

9 Each underground utility facility owner or operator shall
10 staff in a manner that such underground utility facility owner
11 or operator can respond by the dig start date and time on the
12 notices within the underground utility facility owner's or
13 operator's reasonable control.

14 (h) Any entity that ~~person who~~ is neither an agent,
15 employee, or authorized locating contractor of the underground
16 utility facility owner or operator ~~of the underground utility~~
17 ~~facility~~ nor an excavator involved in the excavation or
18 demolition activity that ~~who~~ removes, alters, or otherwise
19 damages markings, flags, lathe with color ribbon, chalk,
20 whiskers, or paint ~~or stakes~~ used to mark the location of
21 facilities ~~an underground utility~~ other than during the course
22 of the excavation or demolition for which the markings were
23 made or before completion of the project shall be subject to a
24 penalty up to \$1,000 for each separate offense.

25 (i) (Blank).

26 (i-5) All parties who submit alleged violations to the

1 Illinois Commerce Commission shall use the forms provided and
2 should submit not later than 65 days after the discovery of the
3 alleged violation. Any alleged violation submission received
4 after the 65-day period shall be subject to a penalty of not
5 more than \$500 but not less than \$100 per occurrence.
6 Excavators shall not be subject to a penalty under this
7 subsection when their decision to submit an alleged violation
8 form later than the 65-day period is a result of receiving a
9 damage claim from an underground utility facility owner or
10 operator after the expiration of the excavator's 65-day period
11 for submitting an alleged violation.

12 (j) The Illinois Commerce Commission shall have the power
13 and jurisdiction to, and shall, enforce the provisions of this
14 Act. The Illinois Commerce Commission may impose
15 administrative penalties as provided in this Section. The
16 Illinois Commerce Commission may promulgate rules and develop
17 enforcement policies in the manner provided by the Public
18 Utilities Act in order to implement compliance with this Act.
19 When a penalty is warranted, the following criteria shall be
20 used in determining the magnitude of the penalty:

21 (1) gravity of noncompliance;

22 (2) culpability of offender;

23 (3) history of noncompliance for the 18 months prior
24 to the date of the incident; however, when determining
25 noncompliance ~~non-compliance~~ the alleged violator's roles
26 as underground utility facility operator or owner and the

1 excavator ~~person engaged in excavating~~ shall be treated
2 separately;

3 (4) (blank); ~~ability to pay penalty;~~

4 (5) show of good faith of offender;

5 (6) (blank); ~~and ability to continue business; and~~

6 (7) other special circumstances.

7 (k) There is hereby created in the State treasury a
8 special fund to be known as the Illinois Underground Utility
9 Facilities Damage Prevention Fund. All penalties recovered by
10 the Illinois Commerce Commission in any action under this
11 Section shall be paid into the Fund and shall be distributed
12 annually as a grant to JULIE ~~the State Wide One Call Notice~~
13 ~~System~~ to be used in safety and informational programs to
14 reduce the number of incidents of damage to ~~underground~~
15 ~~utility~~ facilities in Illinois. The distribution shall be made
16 during January of each calendar year based on the balance in
17 the Illinois Underground Utility Facilities Damage Prevention
18 Fund as of December 31 of the previous calendar year. In all
19 such actions under this Section, the procedure and rules of
20 evidence shall conform with the Code of Civil Procedure, and
21 with rules of courts governing civil trials.

22 (l) The Illinois Commerce Commission shall establish an
23 Advisory Committee consisting of a representative from each of
24 the following: utility operator, ~~JULIE~~, excavator,
25 municipality, ~~and~~ the general public, and a nonmunicipal
26 public body. The Advisory Committee shall serve as a peer

1 review panel for any contested penalties resulting from the
2 enforcement of this Act.

3 The members of the Advisory Committee shall be immune,
4 individually and jointly, from civil liability for any act or
5 omission done or made in performance of their duties while
6 serving as members of such Advisory Committee, unless the act
7 or omission was the result of willful and wanton misconduct.

8 (m) If, after the Advisory Committee has considered a
9 particular contested penalty and performed its review
10 functions under this Act and the Illinois Commerce
11 Commission's rules, there remains a dispute as to whether the
12 Illinois Commerce Commission should impose a penalty under
13 this Act, the matter shall proceed in the manner set forth in
14 Article X of the Public Utilities Act, including the
15 provisions governing judicial review.

16 (Source: P.A. 96-714, eff. 1-1-10.)

17 (220 ILCS 50/11.3)

18 Sec. 11.3. Emergency telephone system outages;
19 reimbursement. Any excavator ~~person~~ who negligently damages a
20 ~~an underground facility or CATS~~ facility causing an emergency
21 telephone system outage must reimburse the public safety
22 agency that provides personnel to answer calls or to maintain
23 or operate an emergency telephone system during the outage for
24 the agency's costs associated with answering calls or
25 maintaining or operating the system during the outage. For the

1 purposes of this Section, "public safety agency" means the
2 same as in Section 2.02 of the Emergency Telephone System Act.
3 (Source: P.A. 92-149, eff. 1-1-02.)

4 (220 ILCS 50/11.5)

5 Sec. 11.5. Limitation on liability.

6 (a) In joining JULIE ~~the State Wide One Call Notice~~
7 ~~System~~, a municipality's liability, under any membership
8 agreement rules and regulations, for the indemnification of
9 (i) the entity that is in charge of or managing JULIE ~~the~~
10 ~~System~~ or any officer, agent, or employee of JULIE ~~that entity~~
11 or (ii) an underground utility facility owner or operator of
12 JULIE ~~a member of the System~~ or any officer, agent, or employee
13 of an underground utility facility owner or operator of JULIE
14 ~~a member of the System~~ shall be limited to claims arising as a
15 result of the acts or omissions of the municipality or its
16 officers, agents, or employees or arising out of the
17 operations of the municipality's ~~underground~~ utility
18 facilities.

19 (b) Subsection (a) shall not be construed to create any
20 additional liability for a municipality in relation to any
21 underground utility facility owner or operator of JULIE ~~member~~
22 ~~of the System~~ with which the municipality may have entered
23 into a franchise agreement. If a municipality's liability for
24 indemnification under a franchise agreement is narrower than
25 under this Section, the franchise agreement controls.

1 (Source: P.A. 90-481, eff. 8-17-97.)

2 (220 ILCS 50/12) (from Ch. 111 2/3, par. 1612)

3 Sec. 12. Noncompliance and enforcement action time frames.

4 No action may be brought by the Illinois Commerce Commission
5 under Section 11 of this Act unless commenced within 2 years
6 after the date of the alleged violation of this Act.

7 Beginning January 1, 2025, all parties submitting alleged
8 violations to the Illinois Commerce Commission shall use the
9 forms provided and shall submit no later than 65 days after the
10 discovery of the alleged violation. Any report of an alleged
11 violation received later than 65 days after the discovery of
12 the alleged violation shall be subject to a penalty as
13 provided for in Section 11.

14 Beginning January 1, 2025, the Illinois Commerce
15 Commission shall provide notice of investigation to the
16 parties involved in the alleged violation report within 20
17 days after the receipt of the alleged violation report.

18 Once a notice of investigation has been sent for all
19 alleged violations reported on or after January 1, 2025, no
20 further action may be brought by the Illinois Commerce
21 Commission under Section 11 unless the notice of violation has
22 been provided by the Illinois Commerce Commission staff to the
23 entity determined to be in violation within 195 days after the
24 date of the notice of investigation. For alleged violations
25 that involve utility damage, personal injury or death, or

1 property damage, an additional 130 days shall be allowed for
2 the Illinois Commerce Commission staff to determine if the
3 alleged entity was in violation.

4 Beginning July 1, 2025, the Illinois Commerce Commission
5 shall provide for public review a monthly report listing all
6 of the reports of alleged violations it received in the prior
7 month. The listing shall be available by the end of the
8 violations report. The listing shall be available by the end
9 of second full week for all reports from the previous month.
10 The listing shall, at a minimum, include: (1) the name of the
11 party submitting the alleged violation; (2) the name of the
12 party and the name of the project owner that is alleged to be
13 in violation; (3) the date the alleged violation report is
14 submitted; and (4) the Section or Sections of the Act
15 applicable to the submitted alleged violation.

16 JULIE, Inc., may submit reports to the Illinois Commerce
17 Commission for alleged violations of Section 5.1.

18 (Source: P.A. 86-674.)

19 (220 ILCS 50/13) (from Ch. 111 2/3, par. 1613)

20 Sec. 13. Mandamus or injunction. Where public safety or
21 the preservation of uninterrupted, necessary facilities
22 ~~utility service or community antenna television system service~~
23 is endangered by any excavator ~~person engaging in excavation~~
24 ~~or demolition~~ in a negligent or unsafe manner which has
25 resulted in or is likely to result in damage to ~~underground~~

1 ~~utility facilities or CATS~~ facilities or proposing to use
2 procedures for excavation or demolition which are likely to
3 result in damage to ~~underground utility facilities or CATS~~
4 facilities, or where the underground utility facility owner or
5 operator ~~of underground utility facilities or CATS facilities~~
6 endangers an excavator by willfully failing to respond to a
7 notice locate request, the underground utility facility owner
8 or operator ~~of such facilities~~ or the excavator or the State's
9 Attorney or the Illinois Commerce Commission at the request of
10 the underground utility facility owner or operator ~~of such~~
11 ~~facilities~~ or the excavator may commence an action in the
12 circuit court for the county in which the excavation or
13 demolition is occurring or is to occur, or in which the person
14 or entity complained of has its ~~his~~ principal place of
15 business or resides, for the purpose of having such negligent
16 or unsafe excavation or demolition stopped and prevented or to
17 compel the marking of ~~underground utilities facilities or CATS~~
18 facilities, either by mandamus or injunction.

19 (Source: P.A. 92-179, eff. 7-1-02.)

20 (220 ILCS 50/14) (from Ch. 111 2/3, par. 1614)

21 Sec. 14. Home rule. The regulation of ~~underground utility~~
22 ~~facilities and CATS~~ facilities damage prevention, as provided
23 for in this Act, is an exclusive power and function of the
24 State. A home rule unit may not regulate ~~underground utility~~
25 ~~facilities and CATS~~ facilities damage prevention, as provided

1 for in this Act. All units of local government, including home
2 rule units that are not municipalities of more than 1,000,000
3 persons operating its own One-Call Notice System, must comply
4 with ~~the provisions of~~ this Act. To this extent, this Section
5 is a denial and limitation of home rule powers and functions
6 under subsection (h) of Section 6 of Article VII of the
7 Illinois Constitution. A home rule municipality of more than
8 1,000,000 persons may regulate underground utility facilities
9 ~~and CATS facilities~~ damage prevention.

10 (Source: P.A. 99-121, eff. 7-23-15.)

11 (220 ILCS 50/2.1 rep.)

12 (220 ILCS 50/2.1.3 rep.)

13 (220 ILCS 50/2.1.4 rep.)

14 (220 ILCS 50/2.1.5 rep.)

15 (220 ILCS 50/2.1.6 rep.)

16 (220 ILCS 50/2.1.9 rep.)

17 (220 ILCS 50/2.1.10 rep.)

18 (220 ILCS 50/2.2 rep.)

19 (220 ILCS 50/2.3 rep.)

20 (220 ILCS 50/2.4 rep.)

21 (220 ILCS 50/2.5 rep.)

22 (220 ILCS 50/2.6 rep.)

23 (220 ILCS 50/2.7 rep.)

24 (220 ILCS 50/2.8 rep.)

25 (220 ILCS 50/2.9 rep.)

1 (220 ILCS 50/2.10 rep.)

2 (220 ILCS 50/2.11 rep.)

3 (220 ILCS 50/5 rep.)

4 Section 10. The Illinois Underground Utility Facilities
5 Damage Prevention Act is amended by repealing Sections 2.1,
6 2.1.3, 2.1.4, 2.1.5, 2.1.6, 2.1.9, 2.1.10, 2.2, 2.3, 2.4, 2.5,
7 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, and 5.

8 Section 99. Effective date. This Act takes effect January
9 1, 2025."