

1 AN ACT concerning utilities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Underground Utility Facilities
5 Damage Prevention Act is amended by changing Sections 4, 7,
6 and 10 as follows:

7 (220 ILCS 50/4) (from Ch. 111 2/3, par. 1604)

8 Sec. 4. Required activities. Every person who engages
9 in nonemergency excavation or demolition shall:

10 (a) take reasonable action to inform himself of the
11 location of any underground utility facilities or CATS
12 facilities in and near the area for which such operation is
13 to be conducted;

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

21 (c) if practical, use white paint, flags, stakes, or
22 both, to outline the dig site;

23 (d) provide notice not ~~more than 14 days nor~~ less than
24 48 hours (exclusive of Saturdays, Sundays and holidays) but
25 no more than 14 calendar days in advance of the start of the
26 excavation or demolition to the owners or operators of the
27 underground utility facilities or CATS facilities in and near
28 the excavation or demolition area through the State-Wide
29 One-Call Notice System or, in the case of nonemergency
30 excavation or demolition within the boundaries of a
31 municipality of at least one million persons which operates

1 its own one-call notice system, through the one-call notice
2 system which operates in that municipality;

3 (e) provide, during and following excavation or
4 demolition, such support for existing underground utility
5 facilities or CATS facilities in and near the excavation or
6 demolition area as may be reasonably necessary for the
7 protection of such facilities unless otherwise agreed to by
8 the owner or operator of the underground facility or CATS
9 facility; and

10 (f) backfill all excavations in such manner and with
11 such materials as may be reasonably necessary for the
12 protection of existing underground utility facilities or CATS
13 facilities in and near the excavation or demolition area;
14 and-

15 (g) After February 29, 2004, when the excavation or
16 demolition project will extend past 28 calendar days from the
17 date of the original notice provided under clause (d), the
18 excavator shall provide a subsequent notice to the owners or
19 operators of the underground utility facilities or CATS
20 facilities in and near the excavation or demolition area
21 through the State-Wide One-Call Notice System or, in the case
22 of excavation or demolition within the boundaries of a
23 municipality having a population of at least 1,000,000
24 inhabitants that operates its own one-call notice system,
25 through the one-call notice system that operates in that
26 municipality informing utility owners and operators that
27 additional time to complete the excavation or demolition
28 project will be required. The notice will provide the
29 excavator with an additional 28 calendar days from the date
30 of the subsequent notification to continue or complete the
31 excavation or demolition project.

32 At a minimum, the notice required under clause (d) shall
33 provide:

34 (1) the person's name, address, and (i) phone

1 number at which a person can be reached and (ii) fax
2 number;

3 (2) the start date of the planned excavation or
4 demolition;

5 (3) the address at which the excavation or
6 demolition will take place;

7 (4) the type and extent of the work involved; and

8 (5) section/quarter sections when the above
9 information does not allow the State-Wide One-Call Notice
10 System to determine the appropriate geographic
11 section/quarter sections. This item (5) does not apply
12 to residential property owners.

13 Nothing in this Section prohibits the use of any method
14 of excavation if conducted in a manner that would avoid
15 interference with underground utility facilities or CATS
16 facilities.

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

18 (220 ILCS 50/7) (from Ch. 111 2/3, par. 1607)

19 Sec. 7. Damage or dislocation. In the event of any
20 damage to or dislocation of any underground utility
21 facilities or CATS facilities in connection with any
22 excavation or demolition, emergency or nonemergency, the
23 person responsible for the excavation or demolition
24 operations shall immediately notify the affected utility and
25 the State-Wide One-Call Notice System or, in the case of
26 damage or dislocation in connection with any excavation or
27 demolition within the boundaries of a municipality having a
28 population of at least 1,000,000 inhabitants that operates
29 its own one-call notice system, notify the affected utility
30 and the one-call notice system that operates in that
31 municipality. Owners and operators of underground utility
32 facilities that are damaged and the excavator involved shall
33 work in a cooperative and expeditious manner to repair the

1 affected utility.

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

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

4 Sec. 10. Record of notice; marking of facilities. Upon
5 notice by the person engaged in excavation or demolition, the
6 person owning or operating underground utility facilities or
7 CATS facilities in or near the excavation or demolition area
8 shall cause a written record to be made of the notice and
9 shall mark, within 48 hours (excluding Saturdays, Sundays and
10 holidays) of receipt of notice, the approximate locations of
11 such facilities so as to enable the person excavating or
12 demolishing to establish the location of the underground
13 utility facilities or CATS facilities. Owners and operators
14 of underground sewer facilities that are located outside the
15 boundaries of a municipality having a population of at least
16 1,000,000 inhabitants shall be required to respond and mark
17 the approximate location of those sewer facilities when the
18 excavator indicates, in the notice required in Section 4,
19 that the excavation or demolition project will exceed a depth
20 of 7 feet. "Depth", in this case, is defined as the distance
21 measured vertically from the surface of the ground to the top
22 of the sewer facility. Owners and operators of underground
23 sewer facilities that are located outside the boundaries of a
24 municipality having a population of at least 1,000,000
25 inhabitants shall be required at all times to locate the
26 approximate location of those sewer facilities when: (1)
27 directional boring is the indicated type of excavation work
28 being performed within the notice; (2) the underground sewer
29 facilities owned are non-gravity, pressurized force mains; or
30 (3) the excavation indicated will occur in the immediate
31 proximity of known underground sewer facilities that are less
32 than 7 feet deep. Owners or operators of underground sewer
33 facilities that are located outside the boundaries of a

1 municipality having a population of at least 1,000,000
2 inhabitants shall not hold an excavator liable for damages
3 that occur to sewer facilities that were not required to be
4 marked under this Section, provided that prompt notice of the
5 damage is made to the State-Wide One-Call Notice System and
6 the utility owner as required in Section 7.

7 All persons subject to the requirements of this Act shall
8 plan and conduct their work consistent with reasonable
9 business practices. Conditions may exist making it
10 unreasonable to request that locations be marked within 48
11 hours. It is unreasonable to request owners and operators of
12 underground utility facilities and CATS facilities to locate
13 all of their facilities in an affected area upon short notice
14 in advance of a large or extensive nonemergency project, or
15 to request extensive locates in excess of a reasonable
16 excavation or demolition work schedule, or to request locates
17 under conditions where a repeat request is likely to be made
18 because of the passage of time or adverse job conditions.
19 Owners and operators of underground utility facilities and
20 CATS facilities must reasonably anticipate seasonal
21 fluctuations in the number of locate requests and staff
22 accordingly.

23 If a person owning or operating underground utility
24 facilities or CATS facilities receives a notice under this
25 Section but does not own or operate any underground utility
26 facilities or CATS facilities within the proposed excavation
27 or demolition area described in the notice, that person,
28 within 48 hours (excluding Saturdays, Sundays, and holidays)
29 after receipt of the notice, shall so notify the person
30 engaged in excavation or demolition who initiated the notice,
31 unless the person who initiated the notice expressly waives
32 the right to be notified that no facilities are located
33 within the excavation or demolition area. The notification
34 by the owner or operator of underground utility facilities or

1 CATS facilities to the person engaged in excavation or
2 demolition may be provided in any reasonable manner
3 including, but not limited to, notification in any one of the
4 following ways: by face-to-face communication; by phone or
5 phone message; by facsimile; by posting in the excavation or
6 demolition area; or by marking the excavation or demolition
7 area. The owner or operator of those facilities has
8 discharged the owner's or operator's obligation to provide
9 notice under this Section if the owner or operator attempts
10 to provide notice by telephone or by facsimile, if the person
11 has supplied a facsimile number, but is unable to do so
12 because the person engaged in the excavation or demolition
13 does not answer his or her telephone or does not have an
14 answering machine or answering service to receive the
15 telephone call or does not have a facsimile machine in
16 operation to receive the facsimile transmission. If the
17 owner or operator attempts to provide notice by telephone or
18 by facsimile but receives a busy signal, that attempt shall
19 not serve to discharge the owner or operator of the
20 obligation to provide notice under this Section.

21 A person engaged in excavation or demolition may
22 expressly waive the right to notification from the owner or
23 operator of underground utility facilities or CATS facilities
24 that the owner or operator has no facilities located in the
25 proposed excavation or demolition area. Waiver of notice is
26 only permissible in the case of regular or nonemergency
27 locate requests. The waiver must be made at the time of the
28 notice to the State-Wide One-Call Notice System. A waiver
29 made under this Section is not admissible as evidence in any
30 criminal or civil action that may arise out of, or is in any
31 way related to, the excavation or demolition that is the
32 subject of the waiver.

33 For the purposes of this Act, underground facility
34 operators may utilize a combination of flags, stakes, and

1 paint when possible on non-paved surfaces and when dig site
2 and seasonal conditions warrant. If the approximate location
3 of an underground utility facility or CATS facility is marked
4 with stakes or other physical means, the following color
5 coding shall be employed:

6 Utility or Community Antenna Identification Color
7 Television Systems and Type
8 of Product

9 Electric Power, Distribution and

10 Transmission..... Safety Red

11 Municipal Electric Systems..... Safety Red

12 Gas Distribution and Transmission..... High Visibility
13 Safety Yellow

14 Oil Distribution and Transmission..... High Visibility
15 Safety Yellow

16 Telephone and Telegraph Systems..... Safety Alert Orange

17 Community Antenna Television Systems.. Safety Alert Orange

18 Water Systems..... Safety

19 Precaution Blue

20 Sewer Systems..... Safety Green

21 Non-potable Water and Slurry Lines.... Safety Purple

22 Temporary Survey..... Safety Pink

23 Proposed Excavation..... Safety White (Black
24 when snow is
25 on the ground)

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

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.