

1 AN ACT concerning public utilities.

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

4 Section 5. The Public Utilities Act is amended by
5 changing Section 8-505.1 as follows:

6 (220 ILCS 5/8-505.1)

7 Sec. 8-505.1. Non-emergency vegetation management
8 activities.

9 (a) Except as provided in subsections (b), (c), and (d),
10 in conducting its non-emergency vegetation management
11 activities, an electric public utility shall:

12 (1) Follow the most current tree care and
13 maintenance standard practices guidelines set forth in
14 ANSI A300 published by the American National Standards
15 Institute International-Society-of-Arboriculture and the
16 most current applicable Occupational Safety and Health
17 Administration regulations regarding worker safety or
18 American-National-Standards-Institute-standards.

19 (2) Provide direct notice of vegetation management
20 activities no less than at-least 21 days nor more than 90
21 days before the activities begin beginning---these
22 activities.

23 (A) If the vegetation management activities
24 will occur in an incorporated municipality, the
25 notice must be given to the mayor or his or her
26 designee.

27 (B) If the vegetation management activities
28 will occur in an unincorporated area, the notice
29 must be given to the chairman of the county board or
30 his or her designee.

31 (C) Affected customers shall be notified

1 directly.

2 (D) Affected property owners shall be notified
3 by a published notice in a newspaper or newspapers
4 in general circulation and widely distributed within
5 the entire area in which the vegetation management
6 activities notice will occur.

7 (E) Circuit maps or a description by common
8 address of the area to be affected by vegetation
9 management activities must accompany any the notice
10 to a mayor or his or her designee or to a chairman
11 of a county board or his or her designee.

12 ~~Notification---may--be--discontinued--upon--the~~
13 ~~request-of-the-governing-body-of-the-municipality-or~~
14 ~~county.--Requests-for--the--termination--of--notices~~
15 ~~shall-be-in-writing.~~

16 ~~{3}--Directly--notify--affected--customers--no-fewer~~
17 ~~than-7-days-before-the-activity-is-scheduled-to-begin.~~

18 (3) {4} The electric public utility giving the
19 direct and published notices required in subsection
20 (a)(2) shall provide notified customers and property
21 owners with (i) a statement of the vegetation management
22 activities planned, (ii) the address of a website and a
23 toll-free telephone number at which a written disclosure
24 of all dispute resolution opportunities and processes,
25 rights, and remedies provided by the electric public
26 utility may be obtained, (iii) a statement that the
27 customer and the property owner may appeal the planned
28 vegetation management activities through the electric
29 public utility and the Illinois Commerce Commission, (iv)
30 a toll-free telephone number through which communication
31 may be had with a representative of the electric public
32 utility to--call regarding the vegetation management
33 activities, and (v) the telephone number of the Consumer
34 Affairs Officer of the Illinois Commerce Commission. The

1 notice shall also include a statement that circuit maps
 2 and common addresses of the area to be affected by the
 3 vegetation management activities are on file with the
 4 office of the mayor of an affected municipality or his or
 5 her designee and the office of the county board chairman
 6 of an affected county or his or her designee.

7 The Commission shall have sole authority to investigate,
 8 and issue, and hear complaints against the utility under this
 9 subsection (a).

10 (b) A public utility shall not be required to comply
 11 with the requirements of subsection (d) or of paragraphs (2),
 12 and (3),~~and (4)~~ of subsection (a) when ~~(i)~~ it is taking
 13 actions directly related to an emergency to restore reliable
 14 service after interruptions of service. ~~(ii)~~

15 (c) A public utility shall not be required to comply
 16 with the requirements of subsection (a) or (d) if there is a
 17 franchise, contract, or written agreement between the public
 18 utility and the municipality or county mandating specific
 19 vegetation management practices. If the franchise, contract,
 20 or written agreement between the public utility and the
 21 municipality or county establishes requirements for notice to
 22 the municipality, county, customers, and property owners,
 23 those notice requirements shall control over the notice
 24 requirements of paragraphs (2) and (3) of subsection (a). If
 25 the franchise, contract, or written agreement between the
 26 public utility and the municipality or county does not
 27 establish notice requirements, the notice requirements
 28 contained in paragraphs (2) and (3) of subsection (a) shall
 29 control~~or (iii) there is a mutual agreement between the~~
 30 ~~municipality or county and the public utility to waive the~~
 31 ~~requirements of paragraph (2), (3), or (4) of subsection (a),~~
 32 ~~to the extent of the waiver agreement.~~

33 (d) (e) If ~~(i)~~ no franchise, contract, or written
 34 agreement between a utility and a municipality mandates a

1 specific vegetation management practice, (ii) no applicable
2 tariff governing non-emergency vegetation management
3 practices has been approved by the Commission, and (iii) the
4 municipality enacts an ordinance establishing standards for
5 non-emergency vegetation management practices that are
6 contrary to more restrictive than the standards established
7 by this Section and the vegetation management activities of
8 the electric public utility cost substantially more, as a
9 direct consequence, then the electric public utility may,
10 before vegetation management activities begin, apply to the
11 municipality for an agreement to pay the additional cost
12 recover from the municipality the difference between the
13 costs of complying with the standards established under the
14 municipality's ordinance and the costs of complying with the
15 standards established by this Section. Before beginning any
16 non-emergency vegetation management activities in a
17 municipality that has enacted an ordinance establishing
18 standards for vegetation management practices that are more
19 restrictive than the standards established by this Section,
20 an electric public utility shall provide to the municipality
21 a good faith estimate of the costs of complying with the more
22 restrictive municipal standards for vegetation management
23 practices. When an application for an agreement is made to
24 the municipality, no vegetation management activities shall
25 begin until the municipality responds to the application by
26 agreement or rejection or dispute resolution proceedings are
27 completed. The application shall be supported by a detailed
28 specification of the difference between the standards
29 established by this Section and the contrary standards
30 established by the municipal ordinances and by a good faith
31 bid or proposal obtained from a utility contractor or
32 contractors quantifying the additional cost for performing
33 the specification. When the municipality receives the
34 specification and the utility contractor's bid or proposal,

1 the municipality shall agree, reject, or initiate dispute
2 resolution proceedings regarding the application within 90
3 days after the application's receipt. If the municipality
4 does not act within 90 days or informs the utility that it
5 will not agree, the electric public utility may proceed and
6 need not comply with the contrary ordinance standard. When
7 there is a dispute regarding (i) the accuracy of the
8 specification, (ii) whether there is a conflict with the
9 standards established by this Section, or (iii) any aspect of
10 the bid or proposal process, the Illinois Commerce Commission
11 shall hear and resolve the disputed matter or matters, with
12 the electric public utility having the burden of proof. A
13 municipality may have a person trained in tree care and
14 maintenance generally monitor and discuss with the vegetation
15 management supervisory personnel of the electric public
16 utility the performance of the public utility's vegetation
17 management activities without any claim for costs hereunder
18 by the public utility arising therefrom.

19 The provisions of this Section shall not in any way
20 diminish or replace other civil or administrative remedies
21 available to a customer or class of customers or a property
22 owner or class of property owners under this Act ~~nor~~
23 ~~invalidate--any--tariff--approved--or--rule--promulgated--by--the~~
24 ~~Commission.~~ This Section does not alter the jurisdiction of
25 the Illinois Commerce Commission in any manner except to
26 obligate the Commission to investigate, issue, and hear
27 complaints against an electric public utility as provided in
28 subsection (a)(3) and to hear and resolve disputed matters
29 brought to it as provided in this subsection. Vegetation
30 management activities by an electric public utility shall not
31 alter, trespass upon, or limit the rights of any property
32 owner.

33 (Source: P.A. 91-902, eff. 7-6-00.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.