

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.