

HB4731



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4731

by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

220 ILCS 50/2

from Ch. 111 2/3, par. 1602

Amends the Illinois Underground Utility Facilities Damage Prevention Act. Provides that "excavation" does not include an excavation for the purpose of connecting a communications service customer's home or business to the communications service provider's own communications network that is performed: (i) only with a hand tool, (ii) by a communications service provider, and (iii) to a depth not greater than 12 inches. Effective immediately.

LRB104 18437 AAS 31879 b

A BILL FOR

1 AN ACT concerning regulation.

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 Section 2 as
6 follows:

7 (220 ILCS 50/2) (from Ch. 111 2/3, par. 1602)

8 Sec. 2. Definitions. As used in this Act, unless the
9 context clearly otherwise requires, the terms specified in
10 this Section have the meanings ascribed to them in this
11 Section.

12 "Approximate location" means the location of the marked
13 facility that lies entirely within the tolerance zone.

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

1 owners or operators, that is not part of a large project that
2 has provided at least 60 days' notice, and only applies to the
3 requests submitted by underground utility facility owners or
4 operators or their contractors or subcontractors'
5 non-emergency utility excavation work for underground utility
6 facility owners or operators.

7 "Damage" means the contact or dislocation of a facility
8 during excavation or demolition that necessitates immediate or
9 subsequent repair by the underground utility facility owner or
10 operator due to any partial or complete destruction of the
11 facility, including, but not limited to, the protective
12 coating, tracer wire, lateral support, cathodic protection, or
13 housing for the line or device of the facility.

14 "Damage notification" means a notification through JULIE
15 to the underground utility facility owner or operator that
16 damage to a facility has occurred in the area of the excavation
17 or demolition.

18 "Day" means any day, beginning at 12:00 a.m. and ending at
19 11:59 p.m. "Day" does not include holidays recognized by
20 JULIE, Saturdays, Sundays, and the day of the actual notice.

21 "Demolition" means the wrecking, razing, rending, moving,
22 or removing of a structure by means of any power tool, power
23 equipment (exclusive of transportation equipment), or
24 explosives.

25 "Emergency request" means a request involving a condition
26 (1) that constitutes an imminent danger to life, health, or

1 property or a utility service outage (2) and that requires
2 repair or action before the expiration of 2 days.

3 "Excavation" means:

4 (1) any operation in which earth, rock, or other
5 material in or on the ground is moved, removed, or
6 otherwise displaced by means of any tools, power equipment
7 or explosives, and includes, without limitation, grading,
8 trenching, digging, ditching, drilling, augering, boring,
9 tunneling, scraping, cable or pipe plowing, saw cutting or
10 roadway surface milling when penetrating into the base or
11 subbase of a paved surface, and driving, but does not
12 include:

13 (A) farm tillage operations;

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

15 (C) coal mining operations regulated under the
16 federal Surface Mining Control and Reclamation Act of
17 1977 or any State law or rules or regulations adopted
18 under the federal statute;

19 (D) land surveying operations as defined in the
20 Illinois Professional Land Surveyor Act of 1989 when
21 not using power equipment;

22 (E) roadway surface milling;

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

26 (G) manually inserting, without the use of power

1 equipment, a temporary round-tipped probe rod for bar
2 holing to determine the area of a potential leak from a
3 facility transporting hazardous gases or liquids; ~~or~~

4 (H) manually inserting, without the use of power
5 equipment, a round-tipped ground rod for the purpose
6 of grounding utility equipment when an emergency
7 exists and no other ground source is available; or-

8 (I) an excavation for the purpose of connecting a
9 communications service customer's home or business to
10 the communications service provider's own
11 communications network that is performed: (i) only
12 with a hand tool, (ii) by a communications service
13 provider, and (iii) to a depth not greater than 12
14 inches.

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

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

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

23 "Exposed notification" means a notification through JULIE
24 to the underground utility facility owner or operator that an
25 unmarked facility has been exposed in the area of the
26 excavation or demolition but has not been damaged.

1 "Extension" means a request made by an excavator, to
2 extend the expiration date of a normal notice to allow
3 additional time to continue or complete the excavation or
4 demolition project.

5 (1) An extension request may be made no earlier than
6 the 20th day from the initial normal notice request or
7 latest extension request.

8 (2) An extension request shall extend the expiration
9 of the initial normal notice request or latest extension
10 request by 25 days.

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

14 "Geographic information system data" means data to be
15 applied to JULIE software to facilitate a more clearly defined
16 notification area for notices sent to the system underground
17 utility facility owners or operators. "Geographic information
18 system data" includes, but is not limited to:

- 19 (1) address points with site addresses;
- 20 (2) parcels with site addresses;
- 21 (3) road center lines with names and address range;
- 22 (4) city limits with names;
- 23 (5) political townships with names;
- 24 (6) railroads with names;
- 25 (7) streams with names; and
- 26 (8) water bodies with names.

1 "Historical averages" are used to determine benchmark
2 notice volumes or dig site notification areas for a particular
3 place. The notice volume is calculated for new and updated
4 requests requiring an underground utility facility owner or
5 operator response. It shall not include notices with a header
6 of no show, incomplete, or no re-mark. The dig site
7 notification area is calculated using the dig site polygon on
8 the notice. The 7-day look back shall be calculated once daily
9 at the conclusion of the previous calendar day. "Historic
10 averages" shall be determined by comparing notice volumes or
11 dig site notification areas over the immediate past 7 calendar
12 days to the same 7 calendar day period for the past 5 years. A
13 5-year trimmed mean, removing the highest and lowest years,
14 and averaging the remaining 3 years, shall be the final
15 determinant of this measurement. The official measurement of
16 the notice volumes or dig site notification areas shall be
17 provided by JULIE.

18 "Incomplete request" means a notice initiated by an
19 excavator through JULIE to the underground utility facility
20 owners or operators notified in a prior request that such
21 underground utility facility owners or operators, as
22 identified by the excavator and confirmed, through the
23 positive response system once implemented, in accordance with
24 subsection (a) of Section 5.1, did not completely mark the
25 entire extent or the entire segment of the proposed
26 excavation, as identified on the prior notice or as previously

1 documented and mutually agreed upon.

2 "Joint meet notification" means a notice of a meeting held
3 prior to the excavation phase to discuss projects that cannot
4 be adequately communicated within a normal notice request. The
5 meeting is intended to allow the exchange of maps, plans, or
6 schedules. It is not a locating session and shall be held at or
7 near the excavation site, or through electronic means, if
8 available and agreed to by all parties. "Joint meet
9 notification" are not to be used in lieu of valid normal notice
10 requests and are required for, but not limited to, large
11 projects.

12 "JULIE, Inc." or "JULIE" means the communication system
13 known as "JULIE, Inc." or "JULIE", utilized by excavators,
14 designers, or any other entities covered by this Act to notify
15 underground utility facility owners or operators of their
16 intent to perform excavation or demolition or similar work as
17 defined by this Act and shall include all underground utility
18 facilities owned or operated outside the city limits of the
19 City of Chicago.

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

23 "Normal notice request" means a notification made by an
24 excavator, through JULIE, in advance of a planned excavation
25 or demolition.

26 (1) The notification shall be made at least 2 days,

1 but no more than 10 days, before beginning the planned
2 excavation or demolition.

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

6 (3) Normal notice requests shall be limited to one
7 quarter of a contiguous mile within a municipality and one
8 contiguous mile within any unincorporated area, which
9 includes townships.

10 (4) Normal notice requests are valid for a single
11 right-of-way with an exception for intersecting
12 rights-of-way of 250 feet in all directions. Any
13 excavation continuing beyond 250 feet on a connecting
14 right-of-way shall require an additional request.

15 "No show request" means a notice initiated by an excavator
16 through JULIE to the underground utility facility owners or
17 operators notified in the prior notice that such underground
18 utility facility owners or operators, as identified by the
19 excavator and confirmed, once implemented, in accordance with
20 subsection (a) of Section 5.1, either failed to mark their
21 facilities or to communicate their non-involvement with the
22 excavation prior to the dig start date and time on the notice.

23 "Notice" means any record transmitted to an underground
24 utility facility owner or operator of JULIE which shall
25 include, but not be limited to, cancel, damage, emergency,
26 exposed, extension, incomplete, joint meet, no show, normal,

1 planning design, or re-mark.

2 "Open cut utility locate" means a method of locating
3 facilities that requires excavation by the underground utility
4 facility owner or operator, or their contractor or
5 subcontractor.

6 "Place" means any incorporated city, village or town, or
7 unincorporated township or road district, listed within the
8 JULIE database.

9 "Planning design request" means the process prior to the
10 excavation phase of a project where information is gathered
11 and decisions are made regarding the route or location of a
12 proposed excavation. The use of the information that is
13 obtainable pursuant to this Section is intended to minimize
14 delays of future construction projects and not for imminent
15 excavation. The underground utility facility owner or operator
16 may indicate any portion of the information that is
17 proprietary and require the planner or designer to protect the
18 proprietary information.

19 "Positive response system" means an automated system
20 facilitated by JULIE allowing underground utility facility
21 owners or operators to communicate to an excavator the
22 presence, absence, or response status of any conflict between
23 the existing facilities in or near the area of excavation or
24 demolition on each notice received.

25 "Pre-mark" means the use of white paint, chalk, lathe,
26 whiskers, flags, or electronic white lining using lines or

1 polygons to delineate the work area at the site of the proposed
2 excavation or demolition. Unless otherwise stated on the
3 request, all pre-marks are considered a request for a 5-foot
4 radius of an above ground fixed structure or single point
5 pre-mark, or a 10-foot-wide path for linear work.

6 (1) Physical pre-marking for the area of the planned
7 excavation or demolition shall be accomplished prior to
8 notifying JULIE if the area of excavation cannot be
9 clearly and adequately identified in the normal notice
10 request.

11 (2) Electronic white lining may be used when
12 available. Electronic white lining provides an alternative
13 method where an excavator may indicate their defined dig
14 area visually by electronic data entry, including lines or
15 polygons, without the need for a physical site visit. The
16 technology allows the excavator to identify for the
17 underground utility facility owner or operator a clear
18 delineation of their proposed excavation area.

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

24 "Project owner" means the person or legal entity, public
25 or private, that is financially responsible for the
26 undertaking of a project that involves excavation or

1 demolition.

2 "Reasonable control measurement" shall use the historical
3 averages and add to the calculation either of the following
4 conditions that shall be met for the place to be considered
5 beyond the reasonable control of the underground utility
6 facility owner or operator:

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

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

15 The official measurement shall be provided by JULIE.

16 "Residential property owner" means any individual or
17 entity that owns or leases real property that is used by the
18 individual or entity as its residence or dwelling. Residential
19 property owner does not include any persons who own or lease
20 residential property for the purpose of holding or developing
21 such property or for any other business or commercial
22 purposes.

23 "Roadway surface milling" means the removal of a uniform
24 pavement section by rotomilling, grinding, saw cutting, or
25 other means that does not penetrate into the roadway base or
26 subbase.

1 "Service lateral" means underground facilities located in
2 a public right-of-way or utility easement that connects an end
3 user's building or property to an underground utility facility
4 owner's or operator's facility.

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

7 "Tolerance zone" means:

8 (1) if the diameter of the underground utility
9 facility is indicated, the distance of one-half of the
10 known diameter plus one and one-half feet on either side
11 of the designated center line of the underground utility
12 facility marking;

13 (2) if the diameter of the underground utility
14 facility is not indicated, one and one-half feet on either
15 side of the outside edge of the underground utility
16 facility marking; or

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

19 The underground utility facility markings provided
20 shall not indicate that the width of the marked
21 underground utility facility is any greater than the
22 actual width of the underground utility facility or 2
23 inches, whichever is greater. The tolerance zone shall
24 also apply to visible utility structures, including, but
25 not limited to, poles with overhead to underground
26 transitions, pedestals, transformers, meters, hydrants,

1 and valve boxes. There shall be a one and one-half foot
2 tolerance zone horizontally around such facilities.

3 "Underground utility facility" or "facility" means and
4 includes wires, ducts, fiber optic cable, conduits, pipes,
5 sewers, and cables and their connected appurtenances installed
6 or existing beneath the surface of the ground or submerged and
7 either owned, operated, or controlled by:

8 (1) a public utility as defined in the Public
9 Utilities Act;

10 (2) a municipally owned or mutually owned utility
11 providing a similar utility service;

12 (3) a pipeline entity transporting gases, crude oil,
13 petroleum products, or other hydrocarbon materials within
14 the State;

15 (4) a telecommunications carrier as defined in the
16 Universal Telephone Service Protection Law of 1985, or by
17 a company described in Section 1 of the Telephone Company
18 Act;

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

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

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

26 (8) an electric cooperative as defined in the Public

1 Utilities Act; and

2 (9) any other active member of JULIE.

3 (Source: P.A. 103-614, eff. 1-1-25; 104-417, eff. 8-15-25.)

4 Section 99. Effective date. This Act takes effect upon

5 becoming law.