

1 AN ACT concerning transportation.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois Dig Once Act.

6 Section 5. Findings. The General Assembly finds and
7 declares that:

8 (1) minimizing traffic interruptions caused by
9 repeated excavation and other construction projects is
10 important to preserving the public safety of individuals
11 traveling on Illinois roadways; and

12 (2) greater efficiency and coordination between the
13 State, units of local government, utilities, and Internet
14 service providers can help to alleviate costs.

15 Section 10. Definitions. As used in this Act:

16 "Broadband infrastructure" means wires, cables, fiber
17 optic lines, conduit, pipe, innerduct, or microduct for fiber
18 optic or other cables that accommodate current or future
19 broadband and wireless facilities for broadband service.

20 "Underground utility facilities" has the meaning given to
21 that term in Section 2.2 of the Illinois Underground Utility
22 Facilities Damage Prevention Act.

1 Section 15. Dig once.

2 (a) The Department of Transportation, the Illinois State
3 Toll Highway Authority, the Illinois Commerce Commission, and
4 the Department of Commerce and Economic Opportunity shall
5 consult with the State-Wide One-Call Notice System to jointly
6 develop rules for the design and construction of road,
7 highway, tollway, and expressway projects to reduce the need
8 for the relocation of public water and wastewater
9 infrastructure and to promote the deployment of broadband
10 infrastructure and underground utility facilities in an
11 efficient and competitively neutral process for all road,
12 highway, tollway, and expressway projects.

13 (b) The rules shall identify a Dig Once Coordinator within
14 the Department of Commerce and Economic Opportunity that is
15 responsible for facilitating the broadband infrastructure and
16 underground utility facilities efforts in rights-of-way. The
17 Dig Once Coordinator may be an existing employee with other
18 responsibilities.

19 (c) The rules shall not impair an entity's ability to
20 maintain or upgrade networks or respond to situations that
21 pose an imminent danger to life, health, or property or a
22 utility or broadband service outage, which requires repair or
23 action, including emergency excavation.

24 (d) This Act, or the rules adopted under this Act, are not
25 intended to delay the design or construction of road, highway,

1 tollway, and expressway construction projects, and shall not
2 be construed to provide authority to approve, deny, or delay
3 broadband infrastructure projects or underground utility
4 facilities projects.

5 Section 20. Rulemaking. The Department of Transportation,
6 the Illinois State Toll Highway Authority, the Illinois
7 Commerce Commission, and the Department of Commerce and
8 Economic Opportunity shall adopt the rules that were developed
9 under Section 15 in accordance with the Administrative
10 Procedure Act to implement this Act. The rules adopted under
11 this Act shall not conflict with the Illinois Underground
12 Utility Facilities Damage Prevention Act.

13 Section 900. The State Property Control Act is amended by
14 changing Section 7.2 as follows:

15 (30 ILCS 605/7.2) (from Ch. 127, par. 133b10.2)

16 Sec. 7.2. The Administrator, subject to the following
17 conditions, shall have the authority to grant easements to
18 public utilities.

19 For purposes of this Act, "public utility" means and
20 includes every corporation, company, association, joint stock
21 company or association, firm, partnership, individual, or
22 other organization, their levees, trustees, or receiver
23 appointed by any court whatsoever that owns, controls,

1 operates, or manages, within this State, directly or
2 indirectly, for public use, any plant, equipment, or property
3 used or to be used for or in connection with, or owns or
4 controls any franchise, license, permit, or right to engage
5 in:

6 a. the transportation of persons or property;

7 b. the transmission of telegraph or telephone messages
8 between points within this State;

9 c. the production, storage, transmission, sale, delivery,
10 or furnishing of heat, cold, light, power, electricity, or
11 water;

12 d. the disposal of sewerage; ~~or~~

13 e. the conveyance of oil or gas by pipe line; or-

14 f. the provision of broadband Internet service, cable
15 service, video service, or Voice Over Internet Protocol
16 service.

17 A. Whenever any public utility makes an application for a
18 grant of an easement in, over, or upon real property of the
19 State of Illinois for purposes of locating and maintaining
20 such utility, or such utility's wire, pipe, cable, fiber
21 conduit, or other facility or equipment, the Administrator,
22 with the consent of the agency having jurisdiction over the
23 real property, may grant such easement. The Administrator
24 shall determine whether or not such is adverse to the
25 interests of the State of Illinois and shall impose such
26 limitations on the grant as may be deemed necessary to protect

1 the interests of the State of Illinois. Such grant may be made
2 with or without consideration.

3 B. The instrument granting the easement shall provide for
4 termination upon:

5 1. A failure to comply with any term or condition of the
6 grant; or

7 2. A nonuse of the easement for a consecutive 2 year period
8 for the purpose granted; or

9 3. An abandonment of the easement.

10 Written notice of such termination shall be given to the
11 grantee effective on the date of such notice.

12 C. The authority granted by this Section shall be in
13 addition to, and shall not affect or be subject to any law
14 regarding granting of easements on State lands.

15 (Source: P.A. 82-1047.)