



Sen. Rachel Ventura

**Filed: 3/24/2023**

10300SB1438sam001

LRB103 29921 MXP 60003 a

1 AMENDMENT TO SENATE BILL 1438

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1438 by replacing  
3 everything after the enacting clause with the following:

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:

1 "Broadband infrastructure" means wires, cables, fiber  
2 optic lines, conduit, pipe, innerduct, or microduct for fiber  
3 optic or other cables that accommodate current or future  
4 broadband and wireless facilities for broadband service.

5 "Underground utility facilities" has the meaning given to  
6 that term in Section 2.2 of the Illinois Underground Utility  
7 Facilities Damage Prevention Act.

8 Section 15. Dig once.

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

20 (b) The rules shall identify a Dig Once Coordinator within  
21 the Department of Commerce and Economic Opportunity that is  
22 responsible for facilitating the broadband infrastructure and  
23 underground utility facilities efforts in rights-of-way. The  
24 Dig Once Coordinator may be an existing employee with other  
25 responsibilities.

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

6           (d) This Act, or the rules adopted under this Act, are not  
7 intended to delay the design or construction of road, highway,  
8 tollway, and expressway construction projects, and shall not  
9 be construed to provide authority to approve, deny, or delay  
10 broadband infrastructure projects or underground utility  
11 facilities projects.

12           Section 20. Rulemaking. The Department of Transportation,  
13 the Illinois State Toll Highway Authority, the Illinois  
14 Commerce Commission, and the Department of Commerce and  
15 Economic Opportunity shall adopt the rules that were developed  
16 under Section 15 in accordance with the Administrative  
17 Procedure Act to implement this Act. The rules adopted under  
18 this Act shall not conflict with the Illinois Underground  
19 Utility Facilities Damage Prevention Act.

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

22           (30 ILCS 605/7.2) (from Ch. 127, par. 133b10.2)

23           Sec. 7.2. The Administrator, subject to the following

1 conditions, shall have the authority to grant easements to  
2 public utilities.

3 For purposes of this Act, "public utility" means and  
4 includes every corporation, company, association, joint stock  
5 company or association, firm, partnership, individual, or  
6 other organization, their levees, trustees, or receiver  
7 appointed by any court whatsoever that owns, controls,  
8 operates, or manages, within this State, directly or  
9 indirectly, for public use, any plant, equipment, or property  
10 used or to be used for or in connection with, or owns or  
11 controls any franchise, license, permit, or right to engage  
12 in:

13 a. the transportation of persons or property;

14 b. the transmission of telegraph or telephone messages  
15 between points within this State;

16 c. the production, storage, transmission, sale, delivery,  
17 or furnishing of heat, cold, light, power, electricity, or  
18 water;

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

20 e. the conveyance of oil or gas by pipe line; ~~or~~

21 f. the provision of broadband Internet service, cable  
22 service, video service, or Voice Over Internet Protocol  
23 service.

24 A. Whenever any public utility makes an application for a  
25 grant of an easement in, over, or upon real property of the  
26 State of Illinois for purposes of locating and maintaining

1 such utility's wire, pipe, cable, fiber conduit, or other  
2 facility or equipment utility, the Administrator, with the  
3 consent of the agency having jurisdiction over the real  
4 property, may grant such easement. The Administrator shall  
5 determine whether or not such is adverse to the interests of  
6 the State of Illinois and shall impose such limitations on the  
7 grant as may be deemed necessary to protect the interests of  
8 the State of Illinois. Such grant may be made with or without  
9 consideration.

10 B. The instrument granting the easement shall provide for  
11 termination upon:

12 1. A failure to comply with any term or condition of the  
13 grant; or

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

16 3. An abandonment of the easement.

17 Written notice of such termination shall be given to the  
18 grantee effective on the date of such notice.

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

22 (Source: P.A. 82-1047.)".