

# EXCAVATION SAFETY RESOURCE

**YOUR GUIDE TO  
SAFE EXCAVATION  
PRACTICES**



## **WHAT'S INSIDE:**

- LEARN ABOUT THE LAW
- TYPES OF REQUESTS
- HOW TO SUBMIT A REQUEST
- EDUCATION AND SAFETY MATERIALS
- CONTACT A DAMAGE PREVENTION MANAGER

 **JULIE** BEFOREYOU**DIG.COM**

## PREFACE

This document is intended for informational and reference purposes only. The resource guide provides basic information on safe excavation practices and the protection of underground utility facilities in Illinois (outside the city of Chicago).

This resource guide is not a legal reference. It is not intended to be a full and complete statement of the law, nor of the excavators' duties and responsibilities when engaging in excavation work. Questions regarding the interpretation of the law should be directed to an attorney.

The contents of this resource guide, JULIE, Inc. policies and the state law are subject to change without notice. The print date of this resource guide, which replaces the Excavator Handbook, is August 2022.

## WAYS TO REACH JULIE CLICK BEFORE YOU DIG



### E-Request

Log on to [www.JULIEBeforeYouDig.com](http://www.JULIEBeforeYouDig.com) and enter your own locate request online.

### Remote Ticket Entry

This popular option is designed for frequent users. For information and upcoming training dates, call (815) 741-5011 or visit our website.

## CALL BEFORE YOU DIG

Call 811 or 1 (800) 892-0123. Call center agents are available 24/7.

Follow us.



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## ABOUT JULIE

### Overview and Mission

**Joint Utility Locating Information for Excavators (JULIE):**

- Operates as the statewide notification system
- Is a not-for-profit corporation dedicated to keeping Illinois safe and connected
- Is open 24/7/365 and has more than 100 employees
- Has logged over 36 million requests since its inception in 1974
- Is one of the largest industry notification systems in the United States
- Receives more than 65 percent of its locate requests online through self-service options
- Processes more than 1.6 million locate requests annually, which results in more than 9.5 million messages being transmitted to members

JULIE's mission is to provide Illinois excavators and underground utility facility owners with a continuously improving notification message processing and damage prevention education service for the safety and protection of underground utility facilities and the community.

*JULIE does not own, operate or mark any underground facilities.*



## Coverage Area

JULIE covers the entire state of Illinois, excluding the city of Chicago. If you're digging in Chicago, contact 811 Chicago, [www.ipi.cityofchicago.org/Digger](http://www.ipi.cityofchicago.org/Digger).

## Members

With nearly 2,000 members, JULIE is funded by the membership which pays to receive notifications about proposed excavation activity happening around their infrastructure.

This funding covers JULIE's operating costs, education and public awareness efforts, and provides the free locate request notification process to excavators. Contact members directly for the following issues:

- Report damage to any type of facility (the Act also requires excavators to notify JULIE and, if appropriate, 911)
- Report any type of service outage
- Resolve billing problems or claims issues
- Request any type of facility removal or relocation (including meter removals prior to the demolition of a building)

## Board of Directors

JULIE is governed by a Board of Directors that sets policy and strategic direction for the corporation. The Board includes representatives of various stakeholders throughout Illinois who attend quarterly meetings and various training programs offered during the year. Elections are conducted at JULIE's Annual Meeting.

## TYPES OF REQUESTS

### Normal

A Normal Locate Request is the most common type of request and requires at least two business days (8 a.m. to 4 p.m.) notice, excluding weekends and holidays. JULIE policy limits the extent of a locate request to ¼ mile within a municipality and one (1) mile within any unincorporated area, which includes townships.

### Emergency

An Emergency Locate Request is defined in state law as a locate request for any condition constituting an imminent danger to life, health or property, or a utility service outage, and which requires repair or action before the expiration of 48 hours. Examples include, but are not limited to:

1. An unforeseen excavation necessary in order to prevent a condition that poses a clear and imminent danger to life or health
2. An excavation required to repair a utility service outage
3. An immediate excavation required in order to prevent significant property or environmental danger

The reinstallation of traffic control devices and an open cut utility locate shall be deemed an emergency according to Section 6 of the Act.

### Guidelines for Making An Emergency Locate Request

When calling JULIE at 811 or (800) 892-0123, callers are prompted to press “5” for an emergency locate request. Inform the agent that an emergency exists and be prepared to explain the situation and/or conditions. The agent will prepare an emergency locate request and note the planned start time. You must provide a phone number that will be answered by someone who can further explain the situation or accept an “all clear” notification.

There is a wait time of two (2) hours or the date and time requested on the notice, whichever is longer. If the conditions at the site dictate an earlier start time than the required wait time, it is the responsibility of the excavator to dig carefully, and be able to demonstrate that site conditions warranted this earlier start time.

If a facility owner(s) does not respond within the required time, call JULIE and indicate which facility owner(s) has not responded. JULIE will send another request to the appropriate facility owner(s). Be specific on which company failed to respond.

JULIE assumes that all callers provide accurate information regarding emergency situations. Work scheduling issues and/or lack of timely notification on the excavator's part for a normal locate request do not constitute emergency situations. Penalties may be assessed by the Illinois Commerce Commission, One-Call Enforcement Division for false emergencies.

## **No Show**

A No Show Request is initiated by an excavator through JULIE to inform owners and operators of underground utility facilities notified in a prior locate request who either failed to mark their facilities or communicate their non-involvement with the excavation prior to the requested dig start date and time. Please be specific on which company failed to respond.

## **Incomplete**

An Incomplete Request is initiated by an excavator through JULIE to inform owners and operators of the underground utility facilities notified in a prior locate request that such facility owners or operators, as identified by the person excavating, did not completely mark the entire extent or the entire segment of the proposed excavation as identified by the excavator in the prior notice. Please be specific on which company failed to complete their marking.

## Re-mark

A Re-mark Request is initiated by an excavator through JULIE to request owners and operators of the underground utility facilities notified in the initial locate request to Re-mark all or part of the work area identified in the initial locate request because facility markings are becoming or have become indistinguishable due to factors including, but not limited to, weather, fading, construction activity, or vandalism. Excavators should request only the affected areas where excavation or demolition will continue to be Re-marked. Depending on the circumstances, some or all of the previously notified companies will be required to Re-mark within 48 hours of receiving the Re-Mark Request notice.

## Joint Meet

A Joint Meet is a meeting to exchange information such as maps, plans or schedules, and to openly discuss the project and work together with the JULIE members and their locators. It is not a locating session. After the Joint Meet, excavators will be required to contact JULIE for a locate request in order to have underground utility facilities marked. Large non-emergency projects may require multiple locating sessions to mark all affected facilities.

### Required Information for a Joint Meet

To request a Joint Meet, the following information must be given to the JULIE agent or the request will be suspended:

1. The county, city and/or township where the work will be performed and
2. Street names involved in the project OR the north, south, east and west boundaries of the project OR the section number(s) in which the work will be done

## Planning/Design Notification

The Planning/Design Notification request is beneficial for architects, engineers and others who are in the design and planning stage of a project and excavation is not intended in the immediate future.

## WAYS TO SUBMIT A REQUEST

There are several easy and convenient ways you can submit a locate request—all at no cost.

### E-Request

- E-Request is JULIE's online form for simple, single address, non-emergency utility locate requests. Do not enter complicated excavation projects, Emergency Requests, Joint Meets or Planning/Design Notifications—these types of submissions will not be processed.
- To be processed, an E-Request must include a valid email address where a confirmation notice that includes the JULIE Dig Number or reference number, the completed request and the list of JULIE member companies that will be notified will be sent.
- Submitted E-Requests will be processed by JULIE as quickly as possible, typically within an hour and always before the start of the next business day provided the information is accurate and complete.
- The date and time users can legally begin to excavate will be minimally two (2) business days but no later than 14 calendar days from the time that JULIE processes the request. The legal dig start date and time will be included in your confirmation email. Beginning to dig prior to the dig start date and time on the request may subject the excavator to liability for damages to underground utility facilities and penalties from the ICC One-Call Enforcement.
- The area to be located must be accessible to member utility locators (i.e. no locked gates or dangerous animals) between the time that confirmation emails are received and the dig start date and time on the ticket. It is the responsibility of each member utility owner to mark the location of their underground utility facility at the dig site. JULIE neither owns nor marks any underground lines.



- Always confirm that all JULIE members notified have responded to your request. If any JULIE member(s) failed to respond by the dig start date and time shown on the request, dial 811 and be prepared with your ticket number and which JULIE member(s) failed to respond. JULIE will notify those members, and they should respond within two (2) hours.

## **Remote Ticket Entry (RTE)**

Remote Ticket Entry (RTE) is a self-service program that JULIE offers to professional excavators working in Illinois who want to enter and submit their own locate requests and need a more robust and detailed tool than the basic E-Request option. RTE is a web-based service that can be used with any Internet browser. A free 60-minute online training is required before using RTE.

Refer to our website to learn more about the benefits and to register for a training

## **Re-mark-Extend-View (REV)**

Re-mark-Extend-View (REV) is an online program that may be used to perform three primary functions provided that the information appearing on the locate request does not need to be modified:

- Re-mark

- Extend the expiration date
- View the ticket

The JULIE Dig Number and the telephone number provided when the original ticket was processed must be provided to access these functions. A first and last name must also be provided and will be included on the subsequent Re-mark request or Extend ticket.

## Call 811

- 811 is the nationwide 3-digit number to have underground utility facilities marked.
- In Illinois, outside the city limits of Chicago, you can also call (800) 892-0123. Within the city of Chicago, call 811 Chicago at (312) 744-7000.
- Call at least two (2) business days before you plan to dig and a helpful agent will assist you with your locate request.
- JULIE agents are available 24 hours/day, 7 days/week, 365 days/year.
- Both the call and marking of the underground utility facilities are free.

## Ticket Lookup

When you know your Dig Number but do not have a copy of the ticket readily available, Ticket Lookup provides a quick view of basic information such as county, place, address or location, cross street, extent, dig start date and time, expiration date, and the JULIE member companies notified as well as a map view of the area.

## LAW AND ENFORCEMENT

In 1976, the JULIE System was accepted by the Illinois Commerce Commission (ICC) as compliance with the notification center section of General Order 185. The Illinois General Assembly enacted the *Illinois Underground Utility Facilities Damage Prevention Act* on January 1, 1991 and has been updated numerous times since. The law requires anyone excavating outside the city of Chicago to contact JULIE before digging and requires owners and operators of underground utility facilities to be members of the one-call notification system.

### Enforcement

The ICC has the power and jurisdiction to enforce the provisions of the Act and may impose administrative penalties as provided in the Act.

When a penalty is warranted, the following criteria shall be used in determining the magnitude of the penalty:

- Gravity of noncompliance
- Culpability of offender
- History of noncompliance for the 18 months prior to the date of the incident; however, when determining noncompliance the alleged violator's roles as operator or owner and the person engaged in excavating shall be treated separately
- Ability to pay penalty
- Show of good faith of offender
- Ability to continue business
- Other special circumstances

Suspected violations may be reported to the ICC via the



following methods:

1. Online via the ICC website at  
[www.icc.illinois.gov/home/one-call-enforcement/report-a-violation](http://www.icc.illinois.gov/home/one-call-enforcement/report-a-violation)
2. In writing to the attention of:  
**Manager, JULIE Enforcement**  
**527 E. Capitol Ave.**  
**Springfield, Illinois 62701**
3. Via phone at (217) 782-5911

Documentation is extremely important. The ICC enforcement process involves up to three steps:

1. ICC staff review
2. Appeal to Advisory Committee
3. Appeal to ICC, Formal Hearing

## **OSHA Regulations**

The Occupational Safety and Health Administration (OSHA) has specific regulations when it comes to protecting utility installations before excavation and protecting employees from cave-in related hazards while working in trenches and excavations. The employer has several options when it comes to protecting employees, some of which are sloping, benching, shoring, and shielding. The specific OSHA standards can be found in 29 CFR 1926.650, .651, and .652. These standards and other useful information can be found on OSHA's website.



## 5 STEPS TO SAFER DIGGING

Become a partner in damage prevention and follow these important steps when planning any type of project that involves digging, regardless of the project size or depth.

### 1. Pre-mark The Proposed Dig Area

Once you have determined where you want to dig, pre-mark the area using white paint, stakes or flags. The Act requires excavators to pre-mark the area when practical. This allows member locators to understand the size and scope of your project.

According to the Illinois Commerce Commission One-Call Enforcement Staff, “when practical” is not a statement of convenience, but is used as it relates to scope. A verbal pre-mark in place of paint, stakes, or flags is allowed if a narrow and explicit distance and direction of the proposed work are provided.

#### Pre-marking

Pre-marking is the process of marking the dig area with white paint and/or white flags prior to contacting JULIE. In winter months, black paint or flags may be used when snow is present. Pre-marking allows member locators to complete their work more efficiently and makes it easier for excavation crews to identify the dig area.

## Pre-marking Tips

- Use only white paint and/or flags or black when snow is present.
- Pre-mark the site with 6" to 12" dashes, lines or arrows.
- The width of the marking should be approximately 2".
- Marks should be spaced for easy visibility from one mark to the next.
- Always provide a path width on linear work or a radius on point work and any additional area beyond bounded pre-marked areas if needed.

## 2. Click Or Call Before You Dig

Now that you have scoped out your work area, the next step is submitting a locate request through JULIE.

### Information Needed

It's easy...and it's FREE to submit a request. But first, have the following information handy to speed up the process:

- Contact name, email and phone number
- Property address including county, city or township, street and nearest cross street or the location if not at an addressed site
- Type of work and location of project
- Special instructions about the property or project
- Earliest date and time the project will start
  - The law requires you contact JULIE at least 2 business days before you plan to start excavation. But don't submit a request for work that's more than 14 calendar days in the future. Calls or E-Requests received after 4 p.m. will be processed as if received at 8 a.m. the next business day. Weekends and JULIE recognized holidays are not considered business days when scheduling.

- Include Proper Site Contact
  - Members' locators may have questions regarding the worksite. Please include a contact that is knowledgeable about the site and the work to be performed.

### Ways To Submit A Request

- E-Request
- RTE
- REV
- Call

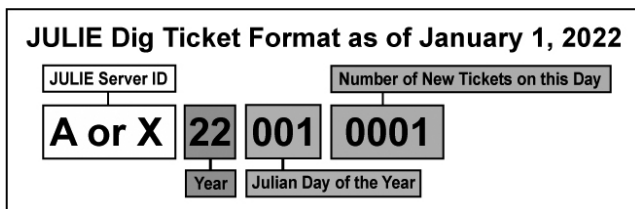
## 3. Wait The Required Amount Of Time

### Two Business Days

You may not begin your excavation before the dig start date and time listed on the notice, even if all the underground utility facilities have been marked. State law requires your excavation project to begin within 14 calendar days of the issuance of your Dig Number.

### Dig Number

- You will be provided with a Dig Number that identifies specific information about your locate request.



- It is important that you retain this number as proof of your contact with JULIE. You will need to refer to your Dig Number if it becomes necessary for you to call JULIE for a second request at your excavation site. JULIE call center agents are available 24/7 to assist with any questions.

## Ticket Life

- Valid JULIE locate requests are good for 28 calendar days including the day of the call. For example, a locate request called in on the first day of the month is valid until 11:59 PM on the 28th day of the same month.
- Excavation **MUST** begin within 14 calendar days of the initial locate request to be considered to have a valid request. However, the 14-day restriction does not apply to any subsequent calls (extend, re-mark, etc.) on the same Dig Number.
- Requesting an extension
  - An excavator can extend a normal notice locate request ticket online between day 20 and day 28 using our free online tool known as Re-mark-Extend-View (REV) or by calling 811 or (800) 892-0123. Extended tickets will receive a new 28-day ticket life that starts on the date the extension request was made.
- Important things to know about ticket types:
  - Only new or normal notice locate request tickets can be extended. Emergency, damage, planning/design stage, and joint meet notices cannot be extended.
  - No changes can be made to the jobsite address, extent of work or work type on an extended locate request ticket. A new locate request must be issued if any of these changes are required. Re-marks can be added to an extended locate request to specify a certain area be re-marked instead of the entire scope provided on the initial locate request.
  - Extended locate request tickets are considered a request for utility marks unless the caller specifically states no marks are needed. If marks are requested, they require two business days advance notice. Extensions requested within the last two calendar days of a locate request may delay your excavation project until the member facility owners have marked.



- Locate request extensions maintain the same Dig Number as the initial locate request for a period of up to five months from the initial call. Projects that require a longer period to complete will be issued a new Dig Number at the end of the five-month period.
- JULIE's servers will conduct a new member lookup during each extend operation to see if there is a new underground utility facility owner near the jobsite to be notified.
- Re-mark vs. extension
  - If weather, construction activity or vandalism erode the markings, a request for Re-mark is necessary.
  - A Re-mark request does not extend the ticket life. The excavator must specifically request an extension if the project is scheduled to go beyond the 28-day ticket life.

## Holidays

While JULIE agents and online request options are available on JULIE recognized holidays, members usually have crews on call to handle emergencies only. Therefore, in addition to weekends, the following days are not included in the determination of the two business days:

- New Year's Day
- Memorial Day

- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Day

If a holiday falls on a Saturday, the previous Friday is observed.

If the holiday falls on a Sunday, the following Monday is observed.

## 4. Respect The Marks

After receiving notification from JULIE, member companies may use a combination of flags, stakes or paint as dig site and seasonal conditions warrant. If the approximate location of an underground utility facility is marked with paint, stakes or other physical means, the following color code is employed:

- **RED - Electric**
- **YELLOW - Gas, oil, petroleum**
- **ORANGE - Communications**
- **BLUE - Potable water**
- **PURPLE - Irrigation, reclaimed water**
- **GREEN - Sewer**

Other colors of flags or paint you may see at a dig site include white, which shows the extent of the excavation area and is used in pre-marking prior to making a locate request, or pink which indicates a temporary survey.

Once the marks are placed, it is the responsibility of the excavator to maintain those marks.

### Markings

Members' locate staff are marking the approximate location of the underground utility facilities. "Approximate location" is a strip of land

at least 3 feet wide, but not wider than the width of the underground utility facility plus 1.5 feet on either side of the facility based upon the markings made by the owner or operator of the facility. To verify the location of the underground utility facility, employ hand or vacuum excavation methods to the depth of your proposed excavation and visually inspect the excavation while in progress until clear of the existing marked facility.

## Cleared

If a JULIE member company has no underground utility facilities in the proposed area of the excavation, they are required by law to communicate this to the excavator by the requested dig start date and time on the notice. For Emergency Requests, notification should occur within two hours or by the date and time requested, whichever is later.

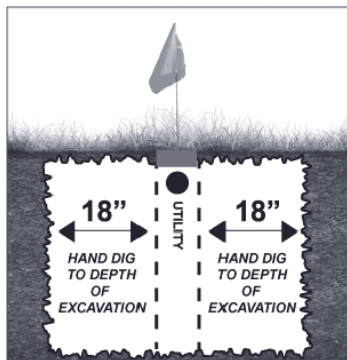
Notification can be done by:

- Face-to-face communication
- Phone or phone message
- Email
- Text
- Fax machine
- Posting or marking in the excavation area

## 5. Dig With Care

### Tolerance Zone

- The tolerance zone is defined as a strip of land at least 3 feet wide, but not wider than the width of the underground utility facility plus 1.5 feet on either side of such facility based upon the markings made by the owner or operator of the facility.





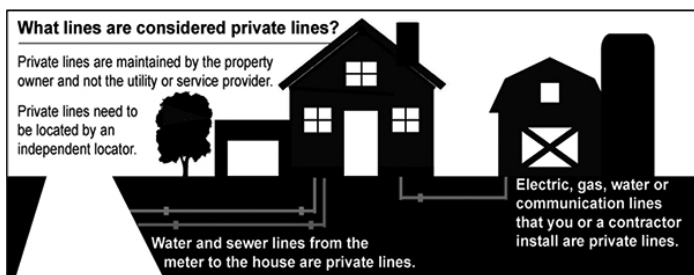
- Excavators should plan the excavation or demolition to avoid or minimize interference with underground utility facilities within the tolerance zone.
- Working within the tolerance zone requires an excavator to utilize precautions that include, but are not limited to, hand or vacuum excavation methods to the depth of the proposed excavation, and visually inspecting the excavation while in progress until clear of the existing marked facility.

## **Private Facilities**

JULIE member companies only mark the underground utility facilities they operate and/or maintain. They do not mark private underground lines which are lines installed beyond the JULIE member company's ownership. These lines are considered customer-owned or private lines.

Examples of private lines may include but are not limited to:

- Natural gas or underground piping or any other type of line to a garage or an out building
- Propane lines
- Lines to gas grills and pool heaters
- Private water systems
- Septic systems
- Drain lines from downspouts
- Underground sprinkler systems
- Electric lines installed after the meter
- Invisible pet fences
- Data communications lines
- Sewer service lines
- Water service lines
- Geothermal systems
- Solar systems



Water member companies mark the main lines in easements and right-of-ways and in most cases, lines to a water meter or curb valve, whichever is closest to the main line. However, they may not mark the water lines to and from a meter or curb valve to a home or building. Sewer member companies mark the main lines but may not mark any portion of a lateral service to a home or building. Check with your local water or sewer provider to determine their marking standards.

Electric member companies usually mark the lines to the meter at residential properties, but not those running to swimming pool pumps and heaters, irrigation systems or other buildings on the property. Commercial property owners should check with their electric company to determine if any or all of the electric lines will be marked by the electric company.

Private lines will be part of almost every job. Take time to survey the job site for signs of private lines:

- Is there a propane storage tank on the property?
- Is there a detached garage or outbuilding with services from the main building?
- Is there a pool heater or gas grill?
- Did you notice an underground sprinkler system or pet fence?
- Is there any above ground evidence of a facility buried in your excavation area that may not be owned by a JULIE member company?

Take a few moments to review these issues with the property owner prior to beginning your excavation, but keep in mind that previous property owners may have installed lines that the current owners don't know about.

Do not dig until the buried lines are identified and marked. JULIE member companies DO NOT mark privately installed lines. These lines can be marked by hiring a private locator.

### **If Damage Occurs**

Even the most cautious excavator or homeowner can occasionally cause damage to a buried line. If an underground utility facility is damaged or dislocated, state law requires that the person responsible for the excavation or demolition immediately notify the affected utility and JULIE at 811 or (800) 892-0123.

Please be prepared to give the following information to the JULIE agent:

- JULIE Dig Number
- Type of underground line damaged (pipe, cable, etc.)
- Affected utility, if known
- The location of the damaged underground line at the job site

JULIE's agents may be able to assist with contact numbers for notifying JULIE member companies.

In the event of damage to an underground utility facility that results in the escape of a flammable, toxic, or corrosive gas or liquid, the person responsible for the excavation or demolition must:

- Immediately stop digging and evacuate the area
- Call 911 and notify authorities
- Contact the owners of the underground lines
- Contact JULIE



DO NOT attempt to repair, clamp or constrict a damaged utility line unless under the direct supervision of the utility owner.

### **Cleanup Of Job Site/Removal Of Flags**

When the job is complete, take the time to backfill properly. Remove large rocks, sharp objects, and large chunks to reduce the risk of damage while backfilling around underground utility facilities. All marking flags should be removed from the job site as the final step prior to leaving the area.

## **SAFETY AND TRAINING**

JULIE offers guidance, instruction and training to help excavators work safely—protecting underground utility facilities, themselves and the community.

### **JULIE's Damage Prevention Managers**

JULIE's Damage Prevention Managers are available at no cost to discuss and provide safety and education presentations regarding the One-Call center process and state law. Classes or presentations can be tailored to meet the specific educational needs of your company. Damage Prevention Managers can also assist you with JULIE-related

issues and safety trainings. Visit our website for contact information for the Damage Prevention Managers.

## Education and Safety Materials

Education and safety materials are available to order at no cost. Visit our website for more information.

## Online Training

*JULIE Essentials for Excavators* is a free, online training course tailored for professional contractors and other stakeholders wanting to learn more about the JULIE process, best practices for damage prevention in Illinois and the state law. This 90-minute training can be accessed from any computer, tablet or mobile device and contains engaging animations and interactions. The course has been approved for IEPA Water and Wastewater training credits. Go to our website for more information and a link to the training.

## RESOURCES

Have questions on a specific excavation topic? Below is information on some of the most common subjects.

## Professional Excavator FAQs

- **What are the excavator's responsibilities while digging?**

The excavator has an obligation to honor all time and marking requirements and then to dig in a reasonable and prudent manner, taking all reasonable and required precautions to avoid damaging underground lines. Always do a visual observation before digging. The law requires extra precaution, such as hand digging and/or vacuum excavation within 18 inches on either side of a marked underground line.

- **If I am the subcontractor on a job, do I have to get a locate request ticket or will the general contractor's ticket protect me?** According to state law, the person doing the digging is required to notify JULIE with the locate request information at least two business days in advance of the start of the excavation, not the homeowner or company for whom the work is being done. The general contractor's locate request only applies to its company. The general contractor should only request a locate if the general contractor itself is planning to dig at the site.
- **How do I notify JULIE for a locate request?**  
Call **811** or **(800) 892-0123** or choose one of our self-service, online options such as **E-Request** or **Remote Ticket Entry (RTE)** anytime when working in Illinois, outside the city limits of Chicago. Within the city limits of Chicago, call **811 Chicago** at **(312) 744-7000**.
- **When can I process locate requests?**  
Agents and self-service online options are available to receive and process locate requests 24 hours a day, 365 days per year.
- **Who marks the underground utility lines?**  
Member utility companies (NOT JULIE) mark their own lines. JULIE functions as a communications link between our member utility owners/operators and individuals planning to dig on their property or work site. We notify our members who are operating utility lines in the proposed digging area once we have received a locate request. Keep in mind that companies often hire locating services to mark the lines for them.
- **What happens if damage occurs to a utility line while I am digging?**  
First, if you have created a potentially dangerous situation (i.e., damaged gas line, etc.), evacuate the area and immediately call 911 and/or the proper emergency responders. State law requires the excavator to call both JULIE and the owner of the damaged utility line.

## Other State Notification Centers

Calling 811 automatically routes you directly to your local notification center. JULIE covers the entire state of Illinois, outside the city of Chicago. If you are working in the city of Chicago, contact 811 Chicago at **(312) 744-7000** or **visit 811 Chicago at <https://ipi.cityofchicago.org/Digger>**.

## JULIE's Website

**[www.JULIEBeforeYouDig.com](http://www.JULIEBeforeYouDig.com)** includes additional information and resources, including the holiday schedule, marking terms and guidelines, private lines, and contract locators.

# ILLINOIS UNDERGROUND UTILITY FACILITIES DAMAGE PREVENTION ACT

## Section 1 - Title

**(220 ILCS 50/1) (from Ch. 111 2/3, par. 1601)**

**Sec. 1.** This Act shall be known and may be cited as the Illinois Underground Utility Facilities Damage Prevention Act, and for the purposes of participating in the State of Illinois Joint Purchasing Program, the State-Wide One-Call Notice System, commonly referred to as “JULIE, Inc.”, shall be considered as created by this Act.

*(Source: P.A. 96-714, eff. 1-1-10.)*

## Section 2 - Definitions

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

**Sec. 2.** Definitions. As used in this Act, unless the context clearly otherwise requires, the terms specified in Sections 2.1 through 2.11 have the meanings ascribed to them in those Sections.

*(Source: P.A. 94-623, eff. 8-18-05.)*

**(220 ILCS 50/2.1) (from Ch. 111 2/3, par. 1602.1)**

**Sec. 2.1.** “Person” means an individual, firm, joint venture, partnership, corporation, association, municipality or other governmental unit, department or agency, utility cooperative, or joint stock association, and includes any trustee, receiver, or assignee or employee or agent thereof.

*(Source: P.A. 96-714, eff. 1-1-10.)*

**(220 ILCS 50/2.1.3)**

**Sec. 2.1.3.** No show request. “No show request” means a notice initiated by an excavator through the State-Wide One-Call Notice System to the owners or operators of underground utility facilities notified in the prior locate request that either failed to mark their facilities or to communicate their non-involvement with the excavation prior to the requested dig start date and time.

*(Source: P.A. 96-714, eff. 1-1-10.)*

**(220 ILCS 50/2.1.4)**

**Sec. 2.1.4.** Incomplete request. “Incomplete request” means a notice initiated by an excavator through the State-Wide One-Call Notice



System to the owners or operators of underground utility facilities notified in a prior locate request that such facility owners or operators, as identified by the person excavating, did not completely mark the entire extent or the entire segment of the proposed excavation, as identified by the excavator in the prior notice. (*Source: P.A. 96-714, eff. 1-1-10.*)

#### **(220 ILCS 50/2.1.5)**

**Sec. 2.1.5.** Re-mark request. “Re-mark request” means a notice initiated by an excavator through the State-Wide One-Call Notice System to the owners or operators of underground utility facilities notified in the initial locate request requesting facility owners or operators to re-mark all or part of the work area identified in the initial locate request, because facility markings are becoming or have become indistinguishable due to factors, including, but not limited to, weather, fading, construction activity, or vandalism. (*Source: P.A. 96-714, eff. 1-1-10.*)

#### **(220 ILCS 50/2.1.6)**

**Sec. 2.1.6.** Residential property owner. “Residential property owner” means any individual or entity that owns or leases real property that is used by such individual or entity as its residence or dwelling. Residential property owner does not include any persons who own or lease residential property for the purpose of holding or developing such property or for any other business or commercial purposes. (*Source: P.A. 96-714, eff. 1-1-10.*)

#### **(220 ILCS 50/2.1.9)**

**Sec. 2.1.9.** JULIE Excavator Handbook. “JULIE Excavator Handbook” means the handbook periodically updated and published by the State-Wide One-Call Notice System that provides information for excavators and facility owners and operators on the use and services of the State-Wide One-Call Notice System. (*Source: P.A. 96-714, eff. 1-1-10.*)

#### **(220 ILCS 50/2.1.10)**

**Sec. 2.1.10.** Internal electric grid of a wind turbine generation farm. “Internal electric grid of a wind turbine generation farm” means those facilities located within a wind generation farm from a tower to a substation. (*Source: P.A. 96-714, eff. 1-1-10.*)

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### **(220 ILCS 50/2.2) (from Ch. 111 2/3, par. 1602.2)**

**Sec. 2.2.** Underground utility facilities. “Underground utility facilities” or “facilities” means and includes wires, ducts, fiber optic cable, conduits, pipes, sewers, and cables and their connected appurtenances installed beneath the surface of the ground by:

- (1) a public utility as defined in the Public Utilities Act;
- (2) a municipally owned or mutually owned utility providing a similar utility service;
- (3) a pipeline entity transporting gases, crude oil, petroleum products, or other hydrocarbon materials within the State;
- (4) a telecommunications carrier as defined in the Universal Telephone Service Protection Law of 1985, or by a company described in Section 1 of the Telephone Company Act;
- (5) a community antenna television system, as defined in the Illinois Municipal Code or the Counties Code;
- (6) a holder, as that term is defined in the Cable and Video Competition Law of 2007;
- (7) any other entity owning or operating underground facilities that transport generated electrical power to other utility owners or operators or transport generated electrical power within the internal electric grid of a wind turbine generation farm; and
- (8) an electric cooperative as defined in the Public Utilities Act.

*(Source: P.A. 100-863, eff. 8-14-18.)*

### **(220 ILCS 50/2.3) (from Ch. 111 2/3, par. 1602.3)**

**Sec. 2.3.** Excavation. “Excavation” means any operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by means of any tools, power equipment or explosives, and includes, without limitation, grading, trenching, digging, ditching, drilling, augering, boring, tunneling, scraping, cable or pipe plowing, and driving but does not include farm tillage operations or railroad right-of-way maintenance or operations or coal mining operations regulated under the Federal Surface Mining Control and Reclamation Act of 1977 or any State law or rules or regulations adopted under the

federal statute, or land surveying operations as defined in the Illinois Professional Land Surveyor Act of 1989 when not using power equipment, or roadway surface milling.

*(Source: P.A. 94-623, eff. 8-18-05.)*

**(220 ILCS 50/2.4) (from Ch. 111 2/3, par. 1602.4)**

**Sec. 2.4.** “Demolition” means the wrecking, razing, rending, moving, or removing of a structure by means of any power tool, power equipment (exclusive of transportation equipment) or explosives.

*(Source: P.A. 86-674.)*

**(220 ILCS 50/2.5) (from Ch. 111 2/3, par. 1602.5)**

**Sec. 2.5.** “Damage” means the contact or dislocation of any underground utility facility or CATS facility during excavation or demolition which necessitates immediate or subsequent repair by the owner of such facility. *(Source: P.A. 86-674.)*

**(220 ILCS 50/2.6)**

**Sec. 2.6.** Emergency locate request. “Emergency locate request” means a locate request for any condition constituting an imminent danger to life, health, or property, or a utility service outage, and which requires repair or action before the expiration of 48 hours.

*(Source: P.A. 96-714, eff. 1-1-10.)*

**(220 ILCS 50/2.7)**

**Sec. 2.7.** Tolerance zone. “Tolerance zone” means the approximate location of underground utility facilities or CATS facilities defined as a strip of land at least 3 feet wide, but not wider than the width of the underground facility or CATS facility plus 1-1/2 feet on either side of such facility based upon the markings made by the owner or operator of the facility. Excavation within the tolerance zone requires extra care and precaution including, but not limited to, as set forth in Section 4.

*(Source: P.A. 92-179, eff. 7-1-02.)*

**(220 ILCS 50/2.8)**

**Sec. 2.8.** Approximate location. “Approximate location” means a strip of land at least 3 feet wide, but not wider than the width of the underground facility or CATS facility plus 1.5 feet on either side of the facility. *(Source: P.A. 92-179, eff. 7-1-02.)*

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### **(220 ILCS 50/2.9)**

**Sec. 2.9.** “Forty-eight hours” means 2 business days beginning at 8 a.m. and ending at 4 p.m. (exclusive of Saturdays, Sundays, and holidays recognized by the State-Wide One-Call Notice System or the municipal one-call notice system). All requests for locates received after 4 p.m. will be processed as if received at 8 a.m. the next business day. *(Source: P.A. 94-623, eff. 8-18-05.)*

### **(220 ILCS 50/2.10)**

**Sec. 2.10.** “Open cut utility locate” means a method of locating underground utility facilities that requires excavation by the owner, operator, or agent of the underground facility. *(Source: P.A. 94-623, eff. 8-18-05.)*

### **(220 ILCS 50/2.11)**

**Sec. 2.11.** “Roadway surface milling” means the removal of a uniform pavement section by rotomilling, grinding, or other means not including the base or subbase. *(Source: P.A. 94-623, eff. 8-18-05.)*

## **Section 3 - Compliance of Membership**

### **(220 ILCS 50/3) (from Ch. 111 2/3, par. 1603)**

**Sec. 3.** The owners or operators of underground utility facilities or CATS facilities that are not currently participants in the State-Wide One-Call Notice System shall, within 6 months of the effective date of this Act, join the State-Wide One-Call Notice System. This Section shall not apply to utilities operating facilities or CATS facilities exclusively within the boundaries of a municipality with a population of at least one million persons. *(Source: P.A. 86-674.)*

## **Section 4 - Required Activities**

### **(220 ILCS 50/4) (from Ch. 111 2/3, par. 1604)**

**Sec. 4.** Required activities. Every person who engages in nonemergency excavation or demolition shall:

- (a) take reasonable action to inform himself of the location of any underground utility facilities in and near the area for which such operation is to be conducted;
- (b) plan the excavation or demolition to avoid or minimize interfer-

ence with underground utility facilities within the tolerance zone by utilizing such precautions that include, but are not limited to, hand excavation, vacuum excavation methods, and visually inspecting the excavation while in progress until clear of the existing marked facility;

(c) if practical, use white paint, flags, stakes, or both, to outline the dig site;

(d) provide notice not less than 48 hours but no more than 14 calendar days in advance of the start of the excavation or demolition to the owners or operators of the underground utility facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System or, in the case of nonemergency excavation or demolition within the boundaries of a municipality of at least one million persons which operates its own one-call notice system, through the one-call notice system which operates in that municipality.

At a minimum, the notice required under this subsection (d) shall provide:

(1) the person's name, address, phone number at which a person can be reached, and fax number, if available;

(2) the start date and time of the planned excavation or demolition;

(3) all counties, cities, or townships, or any combination thereof, where the proposed excavation shall take place;

(4) the address at which the excavation or demolition shall take place;

(5) the type and extent of the work involved; and

(6) the section or quarter sections when the information in items (1) through (5) of this subsection (d) does not allow the State-Wide One-Call Notice System to determine the appropriate excavation or demolition site. This item (6) does not apply to residential property owners;

(e) provide, during and following excavation or demolition, such support for existing underground utility facilities in and near the excavation or demolition area as may be reasonably necessary for the protection of such facilities unless otherwise agreed to by the owner or operator of the underground facility;

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(f) backfill all excavations in such manner and with such materials as may be reasonably necessary for the protection of existing underground utility facilities in and near the excavation or demolition area;

(g) after February 29, 2004, when the excavation or demolition project will extend past 28 calendar days from the date of the original notice provided under clause (d), the excavator shall provide a subsequent notice to the owners or operators of the underground utility facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System or, in the case of excavation or demolition within the boundaries of a municipality having a population of at least 1,000,000 inhabitants that operates its own one-call notice system, through the one-call notice system that operates in that municipality informing utility owners and operators that additional time to complete the excavation or demolition project will be required. The notice will provide the excavator with an additional 28 calendar days from the date of the subsequent notification to continue or complete the excavation or demolition project;

(h) exercise due care at all times to protect underground utility facilities. If, after proper notification through the State-Wide One-Call Notice System and upon arrival at the site of the proposed excavation, the excavator observes clear evidence of the presence of an unmarked or incompletely marked utility in the area of the proposed excavation, the excavator shall not begin excavating until all affected facilities have been marked or 2 hours after an additional call is made to the State-Wide One-Call Notice System for the area. The owner or operator of the utility shall respond within 2 hours of the excavator's call to the State-Wide One-Call Notice System; and

(i) when factors, including, but not limited to, weather, construction activity, or vandalism, at the excavation site have caused the utility markings to become faded or indistinguishable, the excavator shall provide an additional notice through the State-Wide One-Call Notice System requesting that only the affected areas where excavation or demolition is to continue be re-marked. Facility owners or operators must respond to the notice to re-mark according to the requirements of Section 10 of this Act.

Nothing in this Section prohibits the use of any method of excavation if conducted in a manner that would avoid interference with underground utility facilities.

*(Source: P.A. 96-714, eff. 1-1-10.)*

## **Section 5 - Notice of Pre-Construction Conference** **(220 ILCS 50/5) (from Ch. 111 2/3, par. 1605)**

**Sec. 5.** Notice of preconstruction conference. When the Illinois Department of Transportation notifies an owner or operator of an underground utility facility or CATS facility that the Department will conduct a preconstruction conference concerning new construction, reconstruction, or maintenance of State highways in and near the area in which such owner or operator has placed underground utility facilities, such notification shall, except as otherwise provided in this Section constitute compliance by the Department or its contractors with paragraphs (a), (b), and (d) of Section 4 of this Act. In instances when notification of a preconstruction conference is provided to the owner or operator of an underground utility facility or CATS facility but no specific date is established at the preconstruction conference for the new construction, reconstruction or maintenance of State highways in and near the area in which the owner or operator has placed underground utility facilities or CATS facilities, then the Department or its contractors shall later comply with paragraph (d) of Section 4 of this Act. *(Source: P.A. 92-179, eff. 7-1-02.)*

## **Section 6 - Emergency Excavation or Demolition** **(220 ILCS 50/6) (from Ch. 111 2/3, par. 1606)**

**Sec. 6.** Emergency excavation or demolition.

(a) Every person who engages in emergency excavation or demolition outside of the boundaries of a municipality of at least one million persons which operates its own one-call notice system shall take all reasonable precautions to avoid or minimize interference between the emergency work and existing underground utility facilities in and near the excavation or demolition area, through the State-Wide One-Call Notice System, and shall notify, as far in advance as possible, the owners or operators of such underground utility facilities in and near the emergency excavation or demolition area, through the State-Wide

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One-Call Notice System. At a minimum, the notice required under this subsection (a) shall provide:

- (1) the person's name, address, and (i) phone number at which a person can be reached and (ii) fax number, if available;
- (2) the start date of the planned emergency excavation or demolition;
- (3) the address at which the excavation or demolition will take place; and
- (4) the type and extent of the work involved.

There is a wait time of 2 hours or the date and time requested on the notice, whichever is longer, after an emergency locate notification request is made through the State-Wide One-Call Notice System. If the conditions at the site dictate an earlier start than the required wait time, it is the responsibility of the excavator to demonstrate that site conditions warranted this earlier start time.

Upon notice by the person engaged in emergency excavation or demolition, the owner or operator of an underground utility facility in or near the excavation or demolition area shall communicate with the person engaged in emergency excavation or demolition within 2 hours or by the date and time requested on the notice, whichever is longer by (1) marking the approximate location of underground facilities; (2) advising the person excavating that their underground facilities are not in conflict with the emergency excavation; or (3) notifying the person excavating that the owner or operator shall be delayed in marking because of conditions as referenced in subsection (g) of Section 11 of this Act.

The notice by the owner or operator to the person engaged in emergency excavation or demolition may be provided by phone or phone message or by marking the excavation or demolition area. The owner or operator has discharged the owner's or operator's obligation to provide notice under this Section if the owner or operator attempts to provide notice by telephone but is unable to do so because the person engaged in the emergency excavation or demolition does not answer his or her telephone or does not have an answering machine or answering service



to receive the telephone call. If the owner or operator attempts to provide notice by telephone or by facsimile but receives a busy signal, that attempt shall not discharge the owner or operator from the obligation to provide notice under this Section.

(b) Every person who engages in emergency excavation or demolition within the boundaries of a municipality of at least one million persons which operates its own one-call notice system shall take all reasonable precautions to avoid or minimize interference between the emergency work and existing underground utility facilities in and near the excavation or demolition area, through the municipality's one-call notice system, and shall notify, as far in advance as possible, the owners and operators of underground utility facilities in and near the emergency excavation or demolition area, through the municipality's one-call notice system.

(c) The reinstallation of traffic control devices shall be deemed an emergency for purposes of this Section.

(d) An open cut utility locate shall be deemed an emergency for purposes of this Section.

*(Source: P.A. 96-714, eff. 1-1-10.)*

## **Section 7 - Damage or Dislocation**

**(220 ILCS 50/7) (from Ch. 111 2/3, par. 1607)**

**Sec. 7.** Damage or dislocation. In the event of any damage to or dislocation of any underground utility facilities in connection with any excavation or demolition, emergency or nonemergency, the person responsible for the excavation or demolition operations shall immediately notify the affected utility and the State-Wide One-Call Notice System and cease excavation in the area of the damage when the damaged facility is a threat to life or property or if otherwise required by law or, in the case of damage or dislocation in connection with any excavation or demolition within the boundaries of a municipality having a population of at least 1,000,000 inhabitants that operates its own one-call notice system, notify the affected utility and the one-call notice system that operates in that municipality. The person responsible for the excavation or demolition shall not attempt to repair, clamp, or

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constrict the damaged utility facility unless under the supervision or advisement of the utility facility owner or operator. At no time shall a person under this Act be required by a utility facility owner or operator to attempt to repair, clamp, or constrict a damaged utility facility. In the event of any damage to any underground utility facility that results in the escape of any flammable, toxic, or corrosive gas or liquid, the person responsible for the excavation or demolition shall call 9-1-1 and notify authorities of the damage. Owners and operators of underground utility facilities that are damaged and the excavator involved shall work in a cooperative and expeditious manner to repair the affected utility.

*(Source: P.A. 96-714, eff. 1-1-10.)*

### **Section 8 - Liability or Financial Responsibility**

**(220 ILCS 50/8) (from Ch. 111 2/3, par. 1608)**

**Sec. 8.** Liability or financial responsibility.

(a) Nothing in this Act shall be deemed to affect or determine the financial responsibility for any operation under this Act or liability of any person for any damages that occur unless specifically stated otherwise.

(b) Nothing in this Act shall be deemed to provide for liability or financial responsibility of the Department of Transportation, its officers and employees concerning any underground utility facility or CATS facility located on highway right-of-way by permit issued under the provisions of Section 9-113 of the Illinois Highway Code. It is not the intent of this Act to change any remedies in law regarding the duty of providing lateral support.

(c) Neither the State-Wide One-Call Notice System nor any of its officers, agents, or employees shall be liable for damages for injuries or death to persons or damage to property caused by acts or omissions in the receipt, recording, or transmission of locate requests or other information in the performance of its duties as the State-Wide One-Call Notice System, unless the act or omission was the result of willful and wanton misconduct.

(d) Any residential property owner who fails to comply with any provision of this Act and damages underground utility facilities or CATS facilities while engaging in excavation or demolition on such residential

property shall not be subject to a penalty under this Act, but shall be liable for the damage caused to the owner or operator of the damaged underground utility facilities or CATS facilities.  
(Source: P.A. 92-179, eff. 7-1-02.)

## **Section 9 - Negligence**

**(220 ILCS 50/9) (from Ch. 111 2/3, par. 1609)**

**Sec. 9.** When it is shown by competent evidence in any action for damages to underground utility facilities or CATS facilities that such damages resulted from excavation or demolition and that the person engaged in such excavation or demolition failed to comply with the provisions of this Act, that person shall be deemed prima facie guilty of negligence. When it is shown by competent evidence in any action for damages to persons, material or equipment brought by persons undertaking excavation or demolition acting in compliance with the provisions of this Act that such damages resulted from the failure of owners and operators of underground facilities or CATS facilities to comply with the provisions of this Act, those owners and operators shall be deemed prima facie guilty of negligence.

(Source: P.A. 86-674.)

## **Section 10 - Record of Notice; Marking of Facilities**

**(220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)**

**Sec. 10.** Record of notice; marking of facilities. Upon notice by the person engaged in excavation or demolition, the person owning or operating underground utility facilities in or near the excavation or demolition area shall cause a written record to be made of the notice and shall mark, within 48 hours of receipt of notice or by the requested date and time indicated on the notice, whichever is later, the approximate locations of such facilities so as to enable the person excavating or demolishing to establish the location of the underground utility facilities. Owners and operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants shall be required to respond and mark the approximate location of those sewer facilities when the excavator indicates, in the notice required in Section 4, that the excavation or demolition project will exceed a depth of 7 feet. "Depth", in this case,

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is defined as the distance measured vertically from the surface of the ground to the top of the sewer facility. Owners and operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants shall be required at all times to locate the approximate location of those sewer facilities when: (1) directional boring is the indicated type of excavation work being performed within the notice; (2) the underground sewer facilities owned are non-gravity, pressurized force mains; or (3) the excavation indicated will occur in the immediate proximity of known underground sewer facilities that are less than 7 feet deep. Owners or operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants shall not hold an excavator liable for damages that occur to sewer facilities that were not required to be marked under this Section, provided that prompt notice of the damage is made to the State-Wide One-Call Notice System and the utility owner as required in Section 7.

All persons subject to the requirements of this Act shall plan and conduct their work consistent with reasonable business practices. Conditions may exist making it unreasonable to request that locations be marked within 48 hours or by the requested date and time indicated on the notice, whichever is later. It is unreasonable to request owners and operators of underground utility facilities to locate all of their facilities in an affected area upon short notice in advance of a large or extensive nonemergency project, or to request extensive locates in excess of a reasonable excavation or demolition work schedule, or to request locates under conditions where a repeat request is likely to be made because of the passage of time or adverse job conditions. Owners and operators of underground utility facilities must reasonably anticipate seasonal fluctuations in the number of locate requests and staff accordingly.

If a person owning or operating underground utility facilities receives a notice under this Section but does not own or operate any underground utility facilities within the proposed excavation or demolition area described in the notice, that person, within 48 hours or by the requested date and time indicated on the notice, whichever is later, after

receipt of the notice, shall so notify the person engaged in excavation or demolition who initiated the notice, unless the person who initiated the notice expressly waives the right to be notified that no facilities are located within the excavation or demolition area. The notification by the owner or operator of underground utility facilities to the person engaged in excavation or demolition may be provided in any reasonable manner including, but not limited to, notification in any one of the following ways: by face-to-face communication; by phone or phone message; by facsimile; by posting in the excavation or demolition area; or by marking the excavation or demolition area. The owner or operator of those facilities has discharged the owner's or operator's obligation to provide notice under this Section if the owner or operator attempts to provide notice by telephone or by facsimile, if the person has supplied a facsimile number, but is unable to do so because the person engaged in the excavation or demolition does not answer his or her telephone or does not have an answering machine or answering service to receive the telephone call or does not have a facsimile machine in operation to receive the facsimile transmission. If the owner or operator attempts to provide notice by telephone or by facsimile but receives a busy signal, that attempt shall not serve to discharge the owner or operator of the obligation to provide notice under this Section.

A person engaged in excavation or demolition may expressly waive the right to notification from the owner or operator of underground utility facilities that the owner or operator has no facilities located in the proposed excavation or demolition area. Waiver of notice is only permissible in the case of regular or nonemergency locate requests. The waiver must be made at the time of the notice to the State-Wide One-Call Notice System. A waiver made under this Section is not admissible as evidence in any criminal or civil action that may arise out of, or is in any way related to, the excavation or demolition that is the subject of the waiver.

For the purposes of this Act, underground facility operators may utilize a combination of flags, stakes, and paint when possible on non-paved surfaces and when dig site and seasonal conditions warrant. If the approximate location of an underground utility facility

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is marked with stakes or other physical means, the following color coding shall be employed:

### Underground Facility Identification Color

#### Facility Owner or Agent Use Only

Electric Power, Distribution and Transmission .....	Safety Red
Municipal Electric Systems .....	Safety Red
Gas Distribution and Transmission.....	High Visibility Safety Yellow
Oil Distribution and Transmission.....	High Visibility Safety Yellow
Telephone and Telegraph Systems.....	Safety Alert Orange
Community Antenna Television Systems .....	Safety Alert Orange
Water Systems .....	Safety Precaution Blue
Sewer Systems.....	Safety Green
Non-potable Water and Slurry Lines .....	Safety Purple

#### Excavator Use Only

Temporary Survey.....	Safety Pink
Proposed Excavation.....	Safety White

(Black when snow is on the ground)

(Source: P.A. 96-714, eff. 1-1-10.)

## Section 11 - Penalties; Liability; Fund

(220 ILCS 50/11) (from Ch. 111 2/3, par. 1611)

### Sec. 11. Penalties; liability; fund.

(a) Every person who, while engaging in excavation or demolition, wilfully fails to comply with the Act by failing to provide the notice to the owners or operators of the underground facilities near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 or 6 of this Act shall be subject to a penalty of up to \$5,000 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility. Every person who fails to provide notice and wilfully fails to comply with other provisions of this Act shall be subject to additional penalties of up to \$2,500 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility.

(b) Every person who has provided the notice to the owners or

operators of the underground utility facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 or 6 of this Act, but otherwise wilfully fails to comply with this Act, shall be subject to a penalty of up to \$2,500 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility.

(c) Every person who, while engaging in excavation or demolition, has provided the notice to the owners or operators of the underground utility facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 or 6 of this Act, but otherwise, while acting reasonably, damages any underground utility facilities, shall not be subject to a penalty, but shall be liable for the damage caused to the owners or operators of the facility provided the underground utility facility is properly marked as provided in Section 10 of this Act.

(d) Every person who provides notice to the owners or operators of the underground utility facilities through the State-Wide One-Call Notice System as an emergency locate request and the locate request is not an emergency locate request as defined in Section 2.6 of this Act shall be subject to a penalty of up to \$2,500 for each separate offense.

(e) Owners and operators of underground utility facilities who willfully fail to comply with this Act by a failure to respond or mark the approximate location of an underground utility as required by subsection (h) of Section 4, subsection (a) of Section 6, or Section 10 of this Act after being notified of planned excavation or demolition through the State-Wide One-Call Notice System, shall be subject to a penalty of up to \$5,000 for each separate offense.

(f) As provided in Section 3 of this Act, all owners or operators of underground utility facilities who fail to join the State-Wide One-Call Notice System by January 1, 2003 shall be subject to a penalty of \$100 per day for each separate offense. Every day an owner or operator fails to join the State-Wide One-Call Notice System is a separate offense. This subsection (f) does not apply to utilities operating facilities exclusively within the boundaries of a municipality with a population of at least 1,000,000 persons.

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(g) No owner or operator of underground utility facilities shall be subject to a penalty where a delay in marking or a failure to mark or properly mark the location of an underground utility is caused by conditions beyond the reasonable control of such owner or operator.

(h) Any person who is neither an agent, employee, or authorized locating contractor of the owner or operator of the underground utility facility nor an excavator involved in the excavation activity who removes, alters, or otherwise damages markings, flags, or stakes used to mark the location of an underground utility other than during the course of the excavation for which the markings were made or before completion of the project shall be subject to a penalty up to \$1,000 for each separate offense.

(i) (Blank).

(j) The Illinois Commerce Commission shall have the power and jurisdiction to, and shall, enforce the provisions of this Act. The Illinois Commerce Commission may impose administrative penalties as provided in this Section. The Illinois Commerce Commission may promulgate rules and develop enforcement policies in the manner provided by the Public Utilities Act in order to implement compliance with this Act. When a penalty is warranted, the following criteria shall be used in determining the magnitude of the penalty:

- (1) gravity of noncompliance;
- (2) culpability of offender;
- (3) history of noncompliance for the 18 months prior to the date of the incident; however, when determining non-compliance the alleged violator's roles as operator or owner and the person engaged in excavating shall be treated separately;
- (4) ability to pay penalty;
- (5) show of good faith of offender;
- (6) ability to continue business; and
- (7) other special circumstances.

(k) There is hereby created in the State treasury a special fund to be known as the Illinois Underground Utility Facilities Damage Prevention Fund. All penalties recovered in any action under this



Section shall be paid into the Fund and shall be distributed annually as a grant to the State-Wide One-Call Notice System to be used in safety and informational programs to reduce the number of incidents of damage to underground utility facilities in Illinois. The distribution shall be made during January of each calendar year based on the balance in the Illinois Underground Utility Facilities Damage Prevention Fund as of December 31 of the previous calendar year. In all such actions under this Section, the procedure and rules of evidence shall conform with the Code of Civil Procedure, and with rules of courts governing civil trials.

(l) The Illinois Commerce Commission shall establish an Advisory Committee consisting of a representative from each of the following: utility operator, JULIE, excavator, municipality, and the general public. The Advisory Committee shall serve as a peer review panel for any contested penalties resulting from the enforcement of this Act.

The members of the Advisory Committee shall be immune, individually and jointly, from civil liability for any act or omission done or made in performance of their duties while serving as members of such Advisory Committee, unless the act or omission was the result of willful and wanton misconduct.

(m) If, after the Advisory Committee has considered a particular contested penalty and performed its review functions under this Act and the Commission's rules, there remains a dispute as to whether the Commission should impose a penalty under this Act, the matter shall proceed in the manner set forth in Article X of the Public Utilities Act, including the provisions governing judicial review.

*(Source: P.A. 96-714, eff. 1-1-10.)*

### **(220 ILCS 50/11.3)**

**Sec. 11.3.** Emergency telephone system outages; reimbursement. Any person who negligently damages an underground facility or CATS facility causing an emergency telephone system outage must reimburse the public safety agency that provides personnel to answer calls or to maintain or operate an emergency telephone system during the outage for the agency's costs associated with answering calls or maintaining or operating the system during the outage. For the purposes of this

## **ILLINOIS UNDERGROUND UTILITY FACILITIES DAMAGE PREVENTION ACT**

Section, “public safety agency” means the same as in Section 2.02 of the Emergency Telephone System Act.

*(Source: P.A. 92-149, eff. 1-1-02.)*

### **(220 ILCS 50/11.5)**

**Sec. 11.5.** Limitation on liability.

(a) In joining the State-Wide One-Call Notice System, a municipality’s liability, under any membership agreement rules and regulations, for the indemnification of (i) the entity that is in charge of or managing the System or any officer, agent, or employee of that entity or (ii) a member of the System or any officer, agent, or employee of a member of the System shall be limited to claims arising as a result of the acts or omissions of the municipality or its officers, agents, or employees or arising out of the operations of the municipality’s underground utility facilities.

(b) Subsection (a) shall not be construed to create any additional liability for a municipality in relation to any member of the System with which the municipality may have entered into a franchise agreement. If a municipality’s liability for indemnification under a franchise agreement is narrower than under this Section, the franchise agreement controls.

*(Source: P.A. 90-481, eff. 8-17-97.)*

## **Section 12 - Statute of Limitations**

**(220 ILCS 50/12) (from Ch. 111 2/3, par. 1612)**

**Sec. 12.** No action may be brought under Section 11 of this Act unless commenced within 2 years after the date of violation of this Act.

*(Source: P.A. 86-674.)*

## **Section 13 - Mandamus or Injunction**

**(220 ILCS 50/13) (from Ch. 111 2/3, par. 1613)**

**Sec. 13.** Mandamus or injunction. Where public safety or the preservation of uninterrupted, necessary utility service or community antenna television system service is endangered by any person engaging in excavation or demolition in a negligent or unsafe manner which has resulted in or is likely to result in damage to underground utility facilities or CATS facilities or proposing to use procedures for excavation or demolition which are likely to result in damage to underground

utility facilities or CATS facilities, or where the owner or operator of underground utility facilities or CATS facilities endangers an excavator by willfully failing to respond to a locate request, the owner or operator of such facilities or the excavator or the State's Attorney or the Illinois Commerce Commission at the request of the owner or operator of such facilities or the excavator may commence an action in the circuit court for the county in which the excavation or demolition is occurring or is to occur, or in which the person complained of has his principal place of business or resides, for the purpose of having such negligent or unsafe excavation or demolition stopped and prevented or to compel the marking of underground utilities facilities or CATS facilities, either by mandamus or injunction.

*(Source: P.A. 92-179, eff. 7-1-02.)*

## **Section 14 - Home Rule**

**(220 ILCS 50/14) (from Ch. 111 2/3, par. 1614)**

**Sec. 14.** Home rule. The regulation of underground utility facilities and CATS facilities damage prevention, as provided for in this Act, is an exclusive power and function of the State. A home rule unit may not regulate underground utility facilities and CATS facilities damage prevention, as provided for in this Act. All units of local government, including home rule units that are not municipalities of more than 1,000,000 persons, must comply with the provisions of this Act. To this extent, this Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. A home rule municipality of more than 1,000,000 persons may regulate underground utility facilities and CATS facilities damage prevention.

*(Source: P.A. 99-121, eff. 7-23-15.)*

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## This image shows a single page of white paper with horizontal blue lines. The lines are evenly spaced and run across the width of the page, typical of notebook paper or a document template. There are no margins, text, or other markings on the page.

## EDUCATE WITH TRAINING AND SAFETY PROGRAMS

JULIE's Damage Prevention Managers are available at no cost to discuss and provide safety and education presentations to excavators, facility owners or the general public regarding the one-call process and state law. Classes or presentations can be tailored to meet the specific educational needs of your company or group.

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