

Policy Resolution #24-03

***Creating Response Policies for JULIE Member and JULIE Member
Excavators/Subcontractors in Positive Response Related to Beyond Reasonable
Control***

WHEREAS, in May 2024, the JULIE Board of Directors were successful in completing efforts with the Illinois General Assembly to amend the Illinois Underground Utility Facilities Damage Prevention Act; and

WHEREAS, as part of that legislative initiative, a Positive Response system will be introduced in 2025 and mandated for use by JULIE members and excavators to manage and communicate utility responses to utility locate requests; and

WHEREAS, as a further part of that legislative initiative, a new process, “Beyond Reasonable Control” has been added to address on-time locating challenges in geographic places across Illinois when those places are experiencing historically high locate request demand; and

WHEREAS, as part of the “Beyond Reasonable Control Process” in the Act, JULIE members and their subcontractors, when engaged in utility projects in these designated high-volume locations, may be subject to a request by one or more impacted utilities for an additional two days to locate; and

WHEREAS, the JULIE Board, Operations Committee, and Staff recognize the need for further policies related to JULIE members and their subcontractors related to the “Beyond Reasonable Control” process.

NOW, THEREFORE, be it resolved by the JULIE Board of Directors that the following be adopted as Policy Resolution #24-03:

Policy Resolution #24-03 sets the following policies for JULIE members and their subcontractors as it relates to the administration of the “Beyond Reasonable Control” process:

When JULIE member excavators and/or their excavation subcontractors are requested, for locate requests that are part of a currently designated Beyond Reasonable Control (BRC) place, to provide one or more affected utility with up to an additional two days to complete their locating those members and/or their excavation subcontractors will, in most cases and for the good of Illinois utility damage prevention, accept that request.

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When JULIE member excavators and/or their excavation subcontractors, in those rare instances when they are not able to accept the request from the fellow JULIE member for two additional days, they must provide a clear and compelling reason within the Positive Response system as to why they are rejecting the utility's request.

When a JULIE member and/or their contract locator is seeking to request more time for locating within a designated BRC place, the JULIE member must provide a Code 51 request through the Positive Response system by 4:00pm of the first advance notice day following the day of the request (or by 4:00pm of the second advance notice day when a 3-day advance notice is given by the member excavator/sub). Failure to meet this deadline will require the utility to honor the original dig start date and time.

When a JULIE member and/or their excavation subcontractor receives a Code 51 from one or more member utilities requesting up to two additional days for locates to be completed, the JULIE member excavator and/or their excavation subcontractor must respond, "accept" or "reject", to each request by 12 noon of the second advance notice day following the day of the request (or by 12 noon of the third advance notice day when a 3-day advance notice is given by the member excavator/sub). Failure to meet this deadline will result in the automatic addition of two days for the requesting utility to complete their locating response.

As places are temporarily designated as BRC, JULIE's Ticket Entry system will identify affected utility projects and include a proactive message prompting those excavators to consider voluntarily extending their dig start date and time to four days, not including the day of the notice, to all responding JULIE utility members. JULIE member excavators and/or their subcontractors who provide the extra two days voluntarily will not be subject to a Code 51 request.

Any JULIE member excavator and/or their subcontractors that provide four or more days advance notice, not including the day of the notice, whether or not the place was designated as BRC at the time of their notice, shall not be subject to a Code 51 request.

Committee to Review: Operations Committee

Board Approved Date: November 7, 2024

Effective Date: April 1, 2025