

(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 One-Call Notice System, commonly referred to as "JULIE, Inc.", shall be considered as created by this Act.

(Source: P.A. 103-614, eff. 1-1-25.)

<https://www.ilga.gov/Legislation/ILCS/Articles?ActID=1286&ChapAct=220%C2%A0ILCS%C2%A050/&ChapterID=23&ChapterName=UTILITIES&ActName=Illinois+Underground+Utility+Facilities+Damage+Prevention+Act>.

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

Sec. 10. Record of notice; marking of facilities.

(a) Upon notice by the excavator, the underground utility facility owners or operators in or near the excavation or demolition area shall cause a record to be made of the notice and shall mark, by the dig start date and time indicated on the notice, the approximate locations of such facilities so as to enable the excavator to establish the location of the facilities.

For submerged facilities, when the owner or operator of the submerged facilities determines that a proposed excavation or demolition which could include anchoring, pile driving, dredging, or any other water bottom contact for any means performed is in proximity to or in conflict with, submerged facilities located under a lake, river, or navigable waterway, the owner or operator of the submerged facilities shall identify the estimated horizontal route of the submerged facilities, within 15 days or by a date and time mutually agreed to, using marking buoys, other suitable devices, or GPS location data unless directed otherwise by an agency having jurisdiction over the waters under which the submerged facilities are located.

(b) Underground utility facility owners or operators of sewer facilities 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, is defined as the distance measured vertically from the surface of the ground to the top of the sewer facility.

(c) Underground utility facility owners or operators of sewer facilities shall be required at all times to mark 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 sewer facilities owned are non-gravity, pressurized force mains; or

(3) the excavation indicated will occur in the immediate proximity of known sewer facilities that are less than 7 feet deep.

(d) Underground utility facility owners or operators of sewer facilities 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 known damage is made to JULIE and the underground utility facility owners or operators as required in Section 7.

(e) All entities subject to the requirements of this Act shall plan and conduct their work consistent with reasonable business practices.

(1) Conditions may exist making it unreasonable to request that locations be marked by the dig start date and time indicated on the notice.

(A) In such situations, the excavator and the underground utility facility owner or operator shall interact in good faith to establish a mutually agreeable date and time for the completion of the request.

(B) All mutually agreed upon modifications to the

dig start date and time shall be fully documented by the underground utility facility owner or operator and include, at a minimum, the date and time of the interaction, the names of the individuals involved, and acknowledgment by the individuals that agreed to the modification and

the new dig start date and time that was mutually agreed upon by both parties. The underground utility facility owner or operator shall retain through JULIE, Inc., the documentation for at least 5 years after the date of the expiration of the notice.

(2) It is unreasonable to request underground utility

facility owners or operators to mark all of their facilities in an affected area upon short notice in advance of a large nonemergency project.

(3) It is unreasonable to request extensive notices in excess of a reasonable excavation or demolition work schedule.

(4) It is unreasonable to request notices under conditions where a repeat request is likely to be made because of the passage of time or adverse job conditions.

(5) During periods where the notice volumes or dig site notification areas exceed the historical averages as determined by the reasonable control measurements for the place, only those additional non-emergency requests that are not part of a large project, when that large project has been submitted at least 60 days in advance of the start of the large project by underground utility facility owners or operators or their contractors or subcontractors for excavation work for the underground utility facility owners or operators within the place, may be subject to a request from the underground utility facility owner or operator or the owner or operator's locate contractors or subcontractors for an additional wait time of up to 2 days for the underground utility facility owner or operator, whether utilizing in-house or contract locators, to respond to locate and mark, or provide a no conflict response. It is the responsibility of the requesting underground utility facility owner or operator to document any modification as outlined in paragraph (1) of subsection (e) of Section 10.

(f) Underground utility facility owners or operators, whether utilizing in-house or contract locators, and the owner or operator's locate contractors or subcontractors must reasonably anticipate seasonal fluctuations in the number of notices and staff accordingly.

Seasonal fluctuations shall not be considered within the reasonable control of underground utility facility owners or operators and the owner or operator's locate contractors or subcontractors within a place or places, when the notice volumes exceed the historical averages as determined by the reasonable control measurement, for non-emergency requests for utility excavation work for underground utility facility owners or operators, that is not part of a large project that has provided at least a 60-day advance notice.

Only utility excavators when doing utility work may be impacted by this subsection and may incur an additional wait time of up to 2 days.

(g) If an underground utility facility owner or operator receives a notice under this Section but does not own or operate any facilities within the proposed excavation or demolition area described in the notice, that underground utility facility owner or operator, by the dig start date and time on the notice, shall so notify the excavator who initiated the notice in accordance with Section 5.1, and prior to January 1, 2026, may be provided in any reasonable manner including, but not limited to, notification in any one of the following ways:

- (1) by face-to-face communication;
- (2) by phone or phone message;
- (3) by facsimile or email;
- (4) by posting in the excavation or demolition area;

or

- (5) by marking the excavation or demolition area.

(h) The underground utility facility owner or operator has discharged the underground utility facility owner's or operator's obligation to provide notice under this Section if the underground utility facility owner or operator attempts to provide notice utilizing the positive response system, in accordance with Section 5.1,

and prior to January 1, 2026, by:

(1) telephone, but is unable to do so because the excavator does not answer the telephone and does not have the ability to receive telephone messages;

(2) facsimile, if the excavator has supplied a facsimile number and does not have a facsimile machine in operation to receive the facsimile transmission; or

(3) email, if the excavator has supplied an email address and the message is electronically undeliverable.

If the underground utility facility owner or operator attempts to provide additional notice by telephone or by facsimile but receives a busy signal, that attempt shall not serve to discharge the underground utility facility owner or operator of the obligation to provide notice under this Section.

(i) Any excavator or legal entity, public or private, who, on or after January 1, 2026, installs a nonconductive service lateral shall ensure that the installation is locatable by electromagnetic means or other equally effective means for marking the location of the service lateral. This subsection does not apply to minor repairs to, or partial replacements of, service laterals installed prior to January 1, 2026.

(j) For the purposes of this Act, the following color coding shall be used to mark the approximate location of facilities by the underground utility facility owners or operators who may utilize a combination of flags, lathe with colored ribbon, chalk, whiskers, or paint as dig site and seasonal conditions warrant.

Facility type Identification Color

Underground utility facility owner or
operator or contract locator 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
Communication 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. 103-614, eff. 1-1-25; 104-417, eff. 8-15-25.)