

A yellow tracked excavator is shown on a rocky, uneven terrain under a blue sky with light clouds. The excavator's arm is extended upwards and to the right, with its bucket partially visible. The background shows a clear sky and some distant greenery.

EXCAVATOR HANDBOOK

*Call
Before
You Dig*

JULIE
ILLINOIS
ONE-CALL SYSTEM

www.illinois1call.com

PREFACE

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

This handbook 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 handbook, JULIE, Inc. policies and the state law are subject to change without notice. The print date of this handbook revision is November 2009.



**Know what's below.
Call before you dig.**

It's Smart. It's Free. It's the Law.
www.illinois1call.com

EXCAVATOR HANDBOOK

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Mission Statement

The mission of JULIE, Inc. is to provide Illinois excavators and underground utility facility owners with a continuously improving one-call message handling and delivery service for the safety and protection of underground facilities and those individuals who work or live near such facilities. To guide the corporation's operations toward the fulfillment of the mission, JULIE, Inc., espouses quality, affordability, customer service and a conducive work environment as guiding principles/values for the organization.

JULIE, Inc.

3275 Executive Drive • Joliet, IL 60431

www.illinois1call.com

OVERVIEW

With more than 1,770 members, Joint Utility Locating Information for Excavators (JULIE, Inc.), also known as the “Illinois One-Call System” or “JULIE,” is a not-for-profit organization that provides professional and non-professional (i.e. homeowners) excavators with a free service to contact for the locating and marking of underground utility facilities (by the owners and operators of those facilities). JULIE is funded by the member facility owners and operators.

JULIE, Inc. began operations on Aug. 1, 1974 in Will County and expanded its coverage to include all of Illinois as of Dec. 1, 1980 (except for the city of Chicago). In 1976, the JULIE system was accepted by the Illinois Commerce Commission as compliance with the one-call notification section of General Order 185 (available at www.illinois1call.com). The organization’s annual call volume makes it one of the largest one-call centers in the nation.

WHO AND WHEN TO CALL

JULIE, Inc. serves as a message handling, notification service for underground facility owners, taking information about planned excavations and distributing this information to its membership. It is then the responsibility of each facility owner to mark the location of their underground facilities at the excavation site or notify the excavator that they have no facilities in conflict with the proposed excavation. *JULIE, Inc. is a communications link and does not perform any type of locating or marking services.*

Illinois law requires anyone engaging in any type of excavation to provide advance notice to the underground facility owners and operators. This notice must be at least 48 hours/two working days prior to the start of excavation and the excavation must begin within 14 calendar days, including the day of the call.

JULIE, Inc.'s call center agents are available to receive and process locate requests 24 hours a day, 365 days a year. Requests may also be submitted via Remote Ticket Entry, E-Request and Fax-a-Locate. **Within the city limits of Chicago, excavators should contact DIGGER (Chicago Utility Alert Network) at 811 or 312-744-7000.** If excavating in other states, simply call 811 from within that state to reach the appropriate one-call notification system.

The Illinois Commerce Commission (ICC) is responsible for enforcement of the provisions in the Act. Visit www.illinois1call.com (Resources) for a link to the ICC or call 217-557-9882 for information about the process.

REASONS TO CONTACT FACILITY OWNERS DIRECTLY

Facility owners and operators should be contacted directly for the following issues:

- A.** To report damage to any type of facility (state law also requires excavators to notify JULIE, Inc.).
- B.** To report any type of service outage or interruptions.
- C.** To resolve any type of billing problems or claims issues.
- D.** To request any type of facility removal or relocation (including meter removals prior to demolition of a building).
- E.** To request a change in or initiation of any type of utility service.

FACILITY OWNER HOLIDAYS

While JULIE call center agents are available to receive and process calls on facility owner 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 48 hours/two business days notice:

- **New Year's Day**
- **Memorial Day**
- **Independence Day**
- **Labor Day**
- **Thanksgiving Day**
- **Friday after Thanksgiving Day**
- **Christmas Day**

Note: If a holiday falls on a Saturday, the previous Friday is observed. If the holiday falls on a Sunday, the following Monday is observed.

DEFINITION OF 48 HOURS

Forty-eight (48) hours is defined as two business days beginning at 8 a.m. and ending at 4 p.m. (exclusive of Saturdays, Sundays and holidays). Locate requests received after 4 p.m. are processed as if received at 8 a.m. the next business day.

WAYS TO NOTIFY JULIE, INC.

There are several convenient ways to notify JULIE, Inc., including the following:

- 1) Call 811 or 1-800-892-0123*
- 2) Online via E-Request at www.illinois1call.com
- 3) Online via Remote Ticket Entry (RTE)
The training and required software are free.
For details, call 815-741-5011 or visit our Web site and
- 4) Fax-a-Locate Program
This program requires 72-hour advance notice from the start of the work. Call 815-741-5002 for information.

**Callers are prompted to press "1" for a new locate request, after which they are asked to enter their 10 digit telephone number (area code + prefix + last four numbers). This number is then used to retrieve information collected from previous requests and provides that information to the call center agent prior to greeting the caller. Excavators calling with a request regarding an existing locate request are prompted to select "2", followed by instructions to enter their locate request or dig number. In this case, the agent will have the locate request information available when the caller is transferred.*

For additional information about each method, visit our Web site at www.illinois1call.com.

Definition of a Dig Number

The JULIE system provides a dig number that identifies each specific locate request. This number should be written down and available on the job site, if needed. The information is kept on file at JULIE for five years. An advantage of E-Request and RTE is that this number, and related information, may be printed by the excavator.



TYPES OF LOCATE REQUESTS

JULIE, Inc. can receive and process several different types of locate requests: Normal, Emergency, No Show, Incomplete, Re-mark, Joint Meet and Design Stage. For additional details, visit our Web site.

- **Normal Locate Request**

A Normal Locate Request is the most common type of request and requires 48 hours/two business days notice (excluding weekends and holidays).

- **Emergency Locate Request**

An Emergency Locate Request is defined in the Act 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. Specific examples include, but are not limited to, the following:

- A. An unforeseen excavation necessary in order to prevent a condition that poses a clear and imminent danger to life or health.
- B. An excavation required to repair a utility service outage.
- C. An immediate excavation required in order to prevent significant property or environmental danger.
- D. The repair of an existing unstable condition that may result in any of the conditions above.

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:

Inform the call center agent that an emergency exists and be prepared to explain the situation and/or conditions. The agent will prepare a 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 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 2 hours, call JULIE and indicate which facility owner(s) has not responded. JULIE will send another request to the appropriate facility owner(s).

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 for false emergencies.

- **No Show Request**

A No Show Request means a notice is initiated by an excavator through JULIE 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.

- **Incomplete Request**

An Incomplete Request means a notice initiated by an excavator through JULIE to the owners or 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.

- **Re-mark Request**

A Re-mark Request means a notice initiated by an excavator through JULIE to the owners or operators of the 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.

- **Joint Meet Request**

A Joint Meet is a meeting to openly discuss a large or complicated project and to exchange information such as maps, plans or schedules. It is not a locating session and shall be held at or near the dig site. The excavation should be laid out using a segmented, sequential work schedule to improve coordination and communication.

A Joint Meet is a 96-hour process. The responding facility owners have 48 hours/two business days to respond to the Joint Meet and an additional 48 hours/two business days to locate and mark* their underground facilities. JULIE call center agents will not include comments to locate at the time of the meet. Excavators may request that member locators pick up maps or drawings at the work site in lieu of a Joint Meet. Although a Joint Meet is not held in this scenario, this type of request is still treated as a Joint Meet and requires 96 hours.

**Large non-emergency projects may require multiple locating sessions to mark all affected facilities.*

Required Information:

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

1. All counties, cities and/or townships 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.

- **Design Stage/Planning Information Request**

The Design Stage/Planning Information Request is beneficial for architects, engineers and others who are in the design or planning stage of a

project and excavation is not intended in the immediate future. When a caller indicates they are in the planning or design stage of the project, the information will be processed and they will be sent a list of affected member engineering contacts via fax. It is then the responsibility of the individual making the request to contact each facility owner.

Member facility owners shall respond to a valid design stage request within 10 working days upon notification by the designer in one of three ways:

- 1.** Provide drawings/prints of the location of the facility owner's underground facilities at the proposed site.
- 2.** Show the location of the facility owner's underground facilities on a drawing provided by the designer.
- 3.** Locate and mark the facility owner's underground facilities at the proposed job site.

Designers should make reasonable efforts to prepare construction drawings which minimize interference with existing and proposed utility facilities in the construction area and follow the guidelines set forth in CI-ASCE 38-02 and depict on all appropriate documents the position and type of all known underground utility facilities obtained in the design stage process and a valid design stage request number. Some member facility owners may charge a fee for these services.



EXCAVATOR RESPONSIBILITIES

Before contacting JULIE, assess the route or excavation site; gather all information required for the locate request; and premark the location of the excavation site in white paint, stakes or flags.

Save Time and White Line

According to the Act, every person who engages in nonemergency excavation or demolition shall, if practical, use white paint, flags, stakes or both, to outline the dig site. According to the ICC, "if practical" is not a statement of convenience, but is used as it relates to scope.

Guidelines:

To assist in the process, excavators should follow guidelines when pre-marking the site:

- Pre-mark in white prior to notifying JULIE, Inc.
- Use dashes, lines or arrows to indicate excavation area.
- Mark the center line of the planned excavation and provide a path width or radius when calling.
- Pre-mark 10' past what you need (in case the project needs to be moved because of too many conflicts with underground facilities).
- Black may be used when snow is on the ground.

Four Steps to Safety

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

1. Call, Click or Fax Before You Dig

Excavators can reach JULIE anytime by calling 811 or 800-892-0123 or going online via E-Request (no training required) or Remote Ticket Entry (RTE) (training required). The Fax-a-Locate Program is another option, but requires 72-hour advance notice from the start of the work. For information, visit www.illinois1call.com.

Required Information for a Locate Request

According to the Act, the person actually doing the digging is required to contact JULIE with the locate request information. JULIE policy states, "utility locate requests, including those from homeowners, will only be accepted from the excavator or a personal representative/employee of the company engaging in the excavation activity." It is recognized, in some cases, that the homeowner may be a better source of locate information and is allowed to serve as an agent of the contractor. The homeowner must provide the name and phone number of the contracted company doing the actual digging. The homeowner must also be able to provide a valid address recognized by the JULIE system.

At a minimum, the information required for a locate request includes:

- A.** The person's name, address and phone number at which a person/site contact can be reached and a fax and/or pager number as well as an e-mail address, if available;
- B.** The start date and time of the planned excavation;
- C.** All counties, cities or townships, or any combination thereof, where the proposed excavation will take place;
- D.** The address at which the excavation will take place;
- E.** The type and extent of the work involved, including notice if white paint, flags and/or stakes were used to outline the proposed excavation area;
- F.** Whether directional boring or horizontal directional drilling or digging deeper than 7 feet; and
- G.** The section or quarter sections when the information in the above items does not allow the one-call system to determine the appropriate excavation or demolition site.

Excavators are limited to 10 addresses on the same street within the same “hundred” block, per locate request or dig number.

Marking terms can be used to describe the excavation area. For a list of common terms and descriptions, visit our Web site (Resources).

Accurate Location of Excavation Site

Excavators should determine whether the job site is within the village/city limits or is in an unincorporated township before contacting JULIE, Inc. A common mistake occurs when an excavator identifies the dig site as within a village/city, and it is actually in an unincorporated township. This often happens because the mailing address includes the name of the nearest village/city.

When an address is not posted or the excavation takes place on property without a building, it is important to make the site identifiable for the member locators by posting a lot number, including the name of the development, as well as providing accurate directions to the site on the locate request.

Excavators may provide latitude and longitude coordinates from GPS units in lieu of section grid information. Using GPS coordinates is appropriate for single property excavations only. For additional information, including acceptable formats, visit our Web site or call 815-741-5011.

▪ New Construction

Each aspect of new building construction (i.e. foundation, landscaping, grading, etc.) must have a separate locate request. The term “new building construction” should not be used to cover all portions of the project such as sewer, water, gas or electric installations. Also, be sure the lot number is clearly posted at the job site.

▪ Rural Locations

Rural locations may present challenges for member locators to find a proposed excavation site. It is important to provide as much information as possible for dig sites in rural locations. Fire department numbers, mileage

markers, GPS coordinates, as well as landmarks may help locators find the proposed site. Mileage from local landmarks and directions from the nearest city are also helpful.

- **Street Lighting**

Street lighting, including traffic signals, may be owned by an electric utility, a state or local government, a subdivision developer or a property owner. If an excavation project will take place in the vicinity of street lights, excavators are encouraged to specifically request that these facilities be marked or that the owner contacts them directly. Be prepared to make additional inquiries to determine ownership of street lights and/or to schedule the locating of these lines. Facility owners are required by law to locate and mark the facilities they own and maintain. Privately-owned facilities present special considerations for the excavator and should be handled on an individual basis.

Reasonable Business Practices

Everyone subject to the requirements in the Act should plan and conduct their work consistent with reasonable business practices. Conditions may exist making it unreasonable to request that all locations be marked within 48 hours/2 business days. It is unreasonable to request facility owners to locate all facilities at the proposed excavation site upon short notice in advance of a large or extensive non-emergency project or to request a large number of locates upon short notice in excess of usual and customary workloads. It is also unreasonable to request locates under conditions where a repeat request is likely to be made because of the passage of time or adverse weather conditions.

2. Wait the Required Amount of Time

According to the Act, excavators must notify JULIE at least 48 hours/two working days before digging. Also, make sure that the property is accessible.

Ticket Life - Extending Your Locate Request

When the excavation or demolition project extends past 28 calendar days from the date of the original notice, the excavator must provide a subsequent notice through JULIE, Inc. that additional time to complete the project will be required. The notice provides the excavator with an additional 28 calendar days from the date of the subsequent notification to continue or complete the project.

Ticket Extension Guidelines:

- *Locate request tickets can be extended between Day 20 and Day 28.* Extended locate requests receive a new 28-day ticket life beginning on the date subsequent notice is provided to JULIE. A revised extended ticket is sent to all members in or near the job site. When requesting an extension, remember to notify the JULIE call center agent what facility owners, if any, need to re-mark their facilities.
- *No changes impacting the job site address, extent of work or work type will be allowed on the "extend" locate request ticket.* If any of these have changed, an excavator should request a new locate request that includes the changes to the excavation. Failure to do so may result in not having a valid dig request which is a violation of the Act.
- *Only New/Normal Locate Request Tickets and Joint Meets may be extended.* A normal locate request will maintain the same number on all subsequent notices for a period up to 5 months from the initial request. Projects that require a longer period to complete will be issued a new locate request number.
- *A new member search will be done each time an extension is requested.* The list of members to be notified will be read to the excavator and it is the responsibility of the excavator to be aware of any new members listed on the ticket.
- *As an important reminder, a request for re-mark does not automatically extend a locate request.*

The excavator must specifically request an extension if the project is expected to go beyond the 28-day ticket life.

3. Respect the Marks

Each type of member facility owner uses a different color paint or flag to mark their underground lines. JULIE, Inc. neither owns nor marks any underground lines.

Color Code for Marking Underground Utility Lines

After receiving notification from JULIE, facility owners may use 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 is marked with stakes or other physical means, the color code is employed:

Facility Owner or Agent Use Only

- RedElectric
- YellowGas, oil, steam, petroleum
- Orange.....Communications
- BluePotable water
- GreenSewer
- PurpleNon-potable water (reclaimed)

Excavator Use Only

- Pink.....Temporary survey
- White.....Proposed excavation
(Black, when snow is on the ground)

An excavator may request a dig site to be marked with paint or flags, etc.; however, in the interest of damage prevention, it is ultimately the responsibility of the facility owners to decide how best to mark their facilities in the area of proposed excavation.

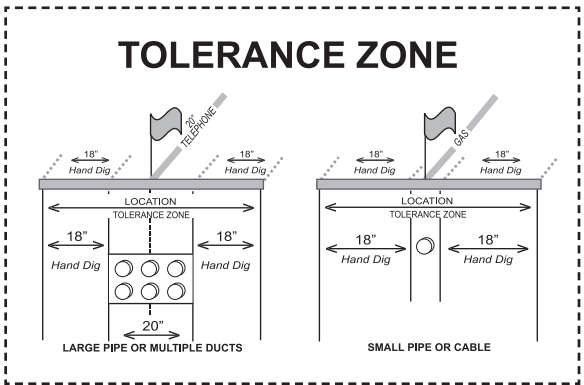
4. Dig with Care

Excavators still must exercise caution when digging—always hand dig within 18” of marked lines.

Working Within the Tolerance Zone

Excavation within the tolerance zone requires extra care and precaution including, but not limited to, as

outlined in Section 4 of the Act. The tolerance zone is the approximate location of underground utility facilities defined as a strip of land at least 3 feet wide, but not wider than the width of the underground facility plus 1½ feet on either side of such facility based upon the markings made by the owner or operator of the facility. Approximate location means a strip of land at least 3 feet wide, but not wider than the width of the underground facility plus 1½ feet on either side of the facility.



Private Facilities

Facility owners are required to locate and mark only those facilities they own, operate and/or maintain, not private (installed or owned) facilities. Some service lines extending from the property line or easement to the house belong to the homeowner and are considered privately-owned facilities. Other examples include facilities to other buildings on the property such as a detached garage, gas lights or grills, propane tanks, lawn irrigation systems, etc. Private underground facilities can be located by hiring a private locating company or inspecting a property owner's maps of private lines.

Second Requests

Occasionally, unforeseen issues arise and it may be necessary for an excavator to contact JULIE for a "second request." This may be a request for one, several or all members to return to the dig site to freshen or complete markings.

If a member facility owner does not respond or an underground line is present and has not been located, the excavator must contact JULIE for a second request. Excavators should choose one of the following terms: No Show Request, Incomplete Request or Re-mark Request. Definitions are included in this handbook (Types of Locate Requests).

Damage to an Underground Facility

In the event of any damage to or dislocation of any underground utility facilities in connection with any excavation or demolition, emergency or non-emergency, the person responsible for the excavation or demolition operations shall immediately *notify the affected utility and JULIE, Inc.* 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. JULIE call center agents may be able to assist with contact numbers for notifying member companies in the event of any damage. In a potentially dangerous situation, evacuate the area and call 911 and/or proper emergency responders immediately.

The person responsible for the excavation or demolition should not attempt to repair, clamp or 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 the 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 911 and notify authorities of the damage.

Owners and operators of underground utility facilities that are damaged and the excavator involved should work in a cooperative and expeditious manner to repair the affected utility.

Locate Request Corrections

If, at any time, it is discovered that incorrect information was provided, excavators should notify

JULIE, Inc. as soon as possible. A call center agent will assist in making corrections, depending on the circumstances. Corrections to a request are only accepted from callers working for the same company that originated the request. When a corrected ticket is issued, an additional 48 hours may be required.

FACILITY OWNER RESPONSIBILITIES

After the completion of a locate request, the ticket is processed by the one-call system for delivery to its member facility owners and operators. The geographic information determines which facility owners will be notified and then a locate request message is sent to the designated members with facilities in or near the dig site area.

According to the Act, 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.

Positive Response

Upon receipt of the locate request, each notified member facility owner determines its responsibility for locating its facility. The member, or a contracted representative hired by the member, can either clear the ticket if no underground facilities are present or respond by clearly marking its facilities. If a member does not have any underground facilities in the immediate area of the excavation, it is required to communicate this information to the excavator. Notification can be provided in any reasonable manner, including but not limited to, face-to-face communication; by phone or phone message; by facsimile; by e-mail; by posting in the excavation area; or by marking the excavation or demolition area. Additional information is provided in the Act.

A person involved in excavation or demolition may waive the right to notification from the member companies with no facilities located in the proposed area. Waiver of notice is only permissible for Non-emergency Locate Requests and Joint Meet Requests.

Positive Response Options:

- **“Yes”** excuses the member companies who do not have facilities in the immediate area from notifying the excavator of this information. Selecting this option does not preclude a member facility owner from providing said notice.
- **“No”** indicates that each member facility owner is obligated to a) notify the excavator that they do not have underground facilities or b) mark the approximate location of their underground facilities.

HELPFUL RESOURCES

Communications is the key to every successful partnership. Excavators are encouraged to work with member facility owners and/or JULIE’s Damage Prevention Managers when specific issues arise.

Damage Prevention Managers

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. Training is approved for Drinking Water Certificate Renewal Credit by the Illinois Environmental Protection Agency. For contact information, visit our Web site or call 815-741-5000.

Contact information for selected member facility owners can also be obtained from a JULIE call center agent, Damage Prevention Manager or our Web site.

Enforcement Program

The Illinois Commerce Commission (ICC) has the power and jurisdiction to enforce the provisions of the Act. The ICC may impose administrative penalties as provided in the Act. A link to the ICC's Web site is available at www.illinois1call.com (Resources).

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.

Suspected violations may be reported to the ICC via the following methods:

1. Online via the ICC Web site (go to www.illinois1call.com for a direct link to the site);
2. In writing to the attention of the Manager, JULIE Enforcement, 527 E. Capitol Ave., Springfield, Illinois 62701; or
3. Via phone at 217-557-9882.

Documentation is extremely important. The ICC enforcement process involves up to three steps: 1) ICC staff review, 2) Appeal to Advisory Committee and 3) Appeal to ICC, Formal Hearing.

OSHA Regulations

The Occupational Safety and Health Administration (OSHA) has specific regulations when it comes to 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 an interactive training tool, along with other useful information, can be found on OSHA's Web site. A link to the site is available at www.illinois1call.com (Resources).

JULIE Web site and Safety Materials

JULIE's Web site, www.illinois1call.com, includes the latest news and information about the one-call system. Excavators are encouraged to bookmark this helpful site, visit frequently and sign up for periodic e-newsletters.

Safety and education materials, including locate request forms, color-code magnets, homeowner's guides, excavator handbooks and posters, are available at no cost. Limited quantities may be ordered via the JULIE Web site. For larger quantities, contact the JULIE Public Relations Department at 815-741-5000 or a JULIE Damage Prevention Manager. Materials are typically sent within 10 business days.



FREQUENTLY ASKED QUESTIONS

Who is required to contact JULIE, Inc.?

According to state law, anyone planning a project that requires digging, regardless of the depth or size of the project, must notify JULIE first. The call to JULIE and the service provided by member facility owners are free to the excavator.

Will JULIE, Inc. provide me with the specific location or depth of public utilities?

JULIE does not have information on the specific location or depth of underground facilities. Facility depths can vary due to installation practices, changes in grade, soil erosion, human interference and other variables that occur over time.

Can I dig after the 48 hour notice?

The excavator should exercise due care at all times to protect underground utility facilities. If, after proper notification through JULIE and upon arrival at the site of the proposed excavation, the excavator observes clear evidence of the presence of an unmarked or incompletely marked utilities in the area of the proposed excavation, the excavator shall not begin excavating until all affected facilities have been marked or 2 hours after a subsequent call is made to JULIE, Inc. The facility owner or operator of the utility shall respond within 2 hours of the excavator's subsequent call to JULIE, Inc.

As a subcontractor on a job, do I still have to get a locate request ticket or will the general contractor's ticket protect me?

The general contractor's locate request is only for the general contractor's excavation and may not be used by subcontractors at the dig site.

What is the wait time for an emergency excavation?

There is a wait time of 2 hours or the date and time requested on the notice, whichever is longer, after an emergency locate request is made to JULIE. 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. Additional information is outlined in the Act.

Are all underground facility owners members of JULIE, Inc.?

While all underground facility owners, except for the Illinois Department of Transportation and railroads, are required by state law to be members, there may be some facility owners who are not part of the JULIE system. An updated list is available at www.illinois1call.com. Non-members can be reported to the Illinois Commerce Commission (see Helpful Resources).



ILLINOIS UNDERGROUND UTILITY FACILITIES DAMAGE PREVENTION ACT

(220 ILCS 50/)



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Section 5	...Notice of Pre-Construction Conference
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(220 ILCS 50/1)

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.)

(220 ILCS 50/2)

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)

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.)

(220 ILCS 50/2.2)

Sec. 2.2. Underground utility facilities.

(a) "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. 96-714, eff. 1-1-10.)

(220 ILCS 50/2.3)

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, auguring, 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)

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)

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 1/2 feet on either side of the facility.

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

(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.)

(220 ILCS 50/3)

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.)

(220 ILCS 50/4)

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 interference 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;

- (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.)

(220 ILCS 50/5)

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.)

(220 ILCS 50/6)

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 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 reinstatement 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.)

(220 ILCS 50/7)

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 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.)

(220 ILCS 50/8)

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.)

(220 ILCS 50/9)

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.)

(220 ILCS 50/10)

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

Facility Owner or Agent Use Only

- Electric Power, Distribution
and Transmission.....Safety Red
- Municipal Electric Systems.....Safety Red
- Gas Distribution
and TransmissionHigh Visibility Safety Yellow

- Oil Distribution and TransmissionHigh Visibility Safety Yellow
- Telephone and Telegraph Systems.....Safety Alert Orange
- Community Antenna Television Systems.....Safety Alert Orange
- Water SystemsSafety Precaution Blue
- Sewer SystemsSafety Green
- Non-potable Water and Slurry Lines.....Safety Purple

Excavator Use Only

- Temporary SurveySafety Pink
- Proposed ExcavationSafety White (Black when snow is on the ground)

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

(220 ILCS 50/11)

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 willfully 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.
- (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 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.)

(220 ILCS 50/12)

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.)

(220 ILCS 50/13)

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

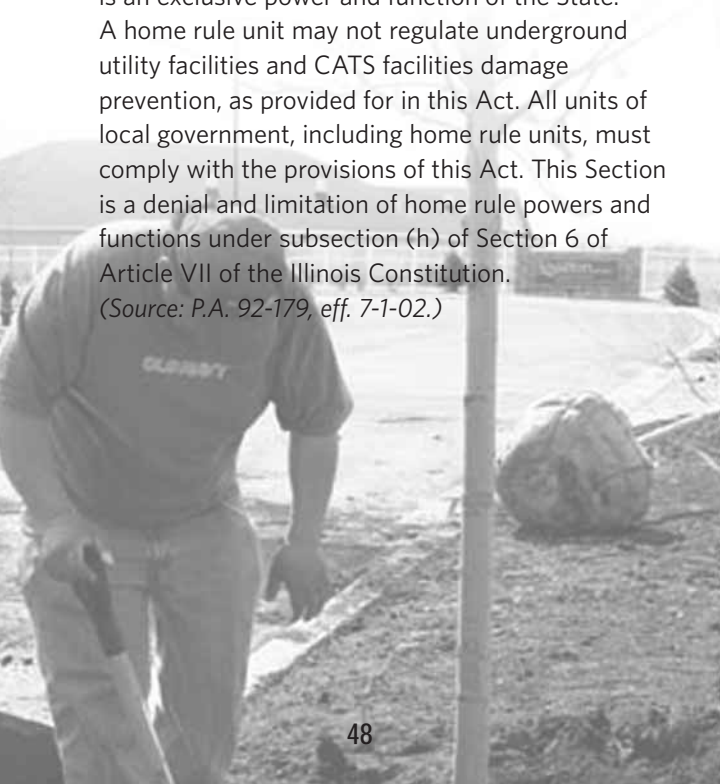
facilities or CATS facilities, or where the owner or operator of underground utility facilities or CATS facilities endangers an excavator by willfully failing to respond to a locate request, the owner or operator of such facilities or the excavator or the State's Attorney or the Illinois Commerce Commission 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.)

(220 ILCS 50/14)

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, must comply with the provisions of this Act. 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.

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





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