

State Damage Prevention Law Summary

State: Illinois

(Link to State law provided in Law & Regulation section below)

Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	(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, 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. (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.
Excavator: Definition	(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. (220 ILCS 50/4) Sec. 4. Required activities. Every person who engages in nonemergency excavation or demolition shall: ...
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	(220 ILCS 50/4) Sec. 4. Every person who engages in nonemergency excavation or demolition shall: ... (d) provide notice not less than 48 hours but not 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. (220 ILCS 50/6) Sec. 6. (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.
Ticket Life (# of days)	28 (220 ILCS 50/4) Sec. 4. (g))
White-Line Required (Yes / No)	Yes (220 ILCS 50/4) Sec. 4. (c))
Tolerance Zone	(220 ILCS 50/2.7) Sec. 2.7. "... 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.
Special Digging Requirements Within Tolerance Zone (Specific Language)	(220 ILCS 50/2.7) Sec. 2.7. ... Excavation within the tolerance zone requires extra care and precaution including, but not limited to, as set forth in Section 4. (220 ILCS 50/4) Sec. 4. (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;
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes (220 ILCS 50/4) Sec. 4. (b))
Preserve / Maintain Marks Required (Yes / No)	No
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes (220 ILCS 50/4) Sec. 4. (h))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes (220 ILCS 50/4) Sec. 4. (h), and (g))

Special Language Regarding Trenchless Technology (Yes / No)	Yes (220 ILCS 50/10) Sec. 10)
Separate Locate Request Required for Each Excavator (Yes / No)	Yes (220 ILCS 50/4) Sec. 4.)
Notify Operator of Damage (Yes / No)	Yes (220 ILCS 50/7) Sec. 7.)
Notify One Call Center of Damage (Yes / No)	Yes (220 ILCS 50/7) Sec. 7.)
Call 911 if Hazardous Materials Released (Yes / No)	Yes (220 ILCS 50/7) Sec. 7.)
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	(220 ILCS 50/2.3) Sec. 2.3 "Excavation" means... 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. [Note: Illinois Commerce Commission stresses that ALL other excavation activities (including hand digging) performed by ANYONE (including homeowners and state and local highway departments) require a one-call. There is NO depth at which one can excavate without a one-call.]
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2 (220 ILCS 50/10) Sec. 10.)
Operator Requirements to Respond to Locate Notification (Specific Language)	(220 ILCS 50/6) Sec. 6. Emergency excavation or demolition. (a) ... 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. (220 ILCS 50/10) Sec. 10. 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. ... 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....
Minimum Standards for Locator Qualifications (Yes / No)	No

Minimum Standards for Locator Qualifications (Specific Language)	Not addressed.
Law Specifies Marking Standards Other Than Color (Yes / No)	No
Law Specifies Marking Standards Other Than Color (Specific Language)	(220 ILCS 50/10) Sec. 10. ... 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...
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	Yes (Subject to interpretation; See Notes, note (1))
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	No
Operator Must Locate Abandoned Facilities (Specific Language)	Not addressed.
Positive Response Required - Operator Contact Excavator (Yes / No)	No (220 ILCS 50/10) Sec. 10.)
Positive Response Required - Operator Contact Excavator (Specific Language)	Not addressed
Positive Response Required - Operator Contact One Call Center (Yes / No)	No
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not addressed
Positive Response - One-Call Automated (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	Not addressed in Illinois Compiled Statutes, 220 ILCS 50/, Illinois Underground Utilities Facilities Damage Prevention Act, §§ 50/1 to /14. Illinois Administrative Code, Title 83, Chapter I, Section 265.60 The utilities, in a joint endeavor, shall continue the operation and maintenance of the previously established State-Wide One-Call Notice System (System) ... so that ... the excavators will know where the underground facilities are located, all in accordance with the following criteria: ... k) The System shall require that information needed to operate the system within each utility's domain be identified and provided by the utilities to the notice system operator; The Municipal Code of Chicago, Chapter 10-21, "Chicago Underground Facilities Damage Prevention Ordinance", Section
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	Not addressed in Illinois Compiled Statutes, 220 ILCS 50/, Illinois Underground Utilities Facilities Damage Prevention Act, §§ 50/1 to /14. Addressed indirectly in Illinois Administrative Code, Title 83, Chapter I, Section 265.60 The utilities, in a joint endeavor, shall continue the operation and maintenance of the previously established State-Wide One-Call Notice System (System) ... so that ... the excavators will know where the underground facilities are located, all in accordance with the following criteria:... k) The System shall require that information needed to operate the system within each utility's domain be identified and provided by the utilities to the notice system operator;

New Facilities Must Be Locatable Electronically (Yes / No)	No
New Facilities Must Be Locatable Electronically (Specific Language)	Illinois Administrative Code, Title 83, Chapter I, Section 265.30 b) Every underground utility facilities operator shall be able to locate all of its underground utility facilities installed after January 16, 1962: 1) by maintaining accurate records showing the location of its underground utility facilities, or 2) by maintaining equipment that can locate its underground utility facilities in the field.
Design Request (Yes / No)	No
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes (220 ILCS 50/3) Sec. 3., and (220 ILCS 50/11) Sec. 11.(f)
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	(220 ILCS 50/2.2) Sec. 2.2) (a) Underground utility facilities or facilities means and includes ... [NOTE: Representative of the Illinois Commerce Commissions states that Illinois' law does not explicitly exempt anyone from one-call membership. Rather, it lists those entities that are considered to operate underground utility facilities and those are required to be one-call members; all others are not required to be members. Any unit of local government who owns or operates an underground utility facility would fall under §220.50.2.2. (a) (2). Examples of entities that are not required to be one-call members in Illinois are state government agencies (such as the DOT) and private facilities such as university or hospital campuses.] Municipal Code of Chicago, Chapter 10-21, "Chicago Underground Facilities Damage Prevention Ordinance", Section 10-21-020 - The term "underground facilities" includes, but is not limited to.... The term does not include any private septic system in a single- or multi-family dwelling utilized only for that dwelling and not connected to any other system. Section 10-21-040 (d) "Property owners who own underground facilities solely by virtue of owning the property where the facilities are located are exempt from membership in DIGGER/Chicago 811." (See Notes, note (2))
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	Not addressed.
Separate Body Designated to Advise Enforcement Authority (Yes / No)	Yes
Separate Body Designated to Advise Enforcement Authority (Specific Language)	(220 ILCS 50/11) Sec. 11.) ... (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. ... (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. Municipal Code of Chicago, Chapter 10-21, "Chicago Underground Facilities Damage Prevention Ordinance", Section 10-21-230 Evaluation Panel. (a) The Director shall establish an Evaluation Panel comprising the following eight members, appointed by the Director: one member representing DIGGER; one member representing CDOT; one member representing the City of Chicago Department of Water Management; one member representing a non-governmental pipeline owner and operator; two members representing other non-governmental underground facility owners and operators; and two members representing the Greater Chicago Damage Prevention Council. In the initial group of appointees, four shall serve three-year terms and four shall serve two-year terms. Each subsequent appointee shall be chosen by the Director with the advice of the Panel members, and shall serve a two-year term, unless dismissed by the Director for cause. The Director shall have the authority to fill any vacancy on the Panel for the unexpired portion of the vacating member's term. The City shall provide staff support and meeting space to the Evaluation Panel. (b) The Evaluation Panel shall consider all Administrative Notices of Violation issued under this Chapter, as well as any reports, position statements, and evidence transmitted with the Administrative Notice of Violation. For each Administrative Notice of Violation, the Evaluation Panel shall issue a recommendation with stated reasons advising whether the Director should find violations of this Chapter and impose penalties and sanctions on any of the relevant persons.
Penalties / Fines Excavators (Yes / No)	Yes

Penalties / Fines Excavators (Specific Language)	(220 ILCS 50/11) Sec. 11) (a) Every person who, while engaging in excavation or demolition, willfully 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 willfully 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 provide 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.
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	(220 ILCS 50/11) Sec. 11) (a) (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.
Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	(220 ILCS 50/11) Sec. 11. (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.
Enforcement Authority Identified	Illinois Commerce Commission (220 ILCS 50/11) Sec. 11. (h))
Damage Investigation Required by Enforcement Authority (Yes / No)	Yes (Not addressed by state law, 220 ILCS 50/, but addressed in Municipal Code of Chicago, Chapter 10-21, "Chicago Underground Facilities Damage Prevention Ordinance" Section 10-21-270)
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	Yes (Illinois Administrative Code, Title 83, Chapter I, Section 265.100 (b))
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	No
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	

Statute / Law (Name & Link)	Illinois Compiled Statutes, 220 ILCS 50/, Illinois Underground Utilities Facilities Damage Prevention Act, §§ 50/1 to /14 (http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1286&ChapterID=23); and The Municipal Code of Chicago, Chapter 10-21, "Chicago Underground Facilities Damage Prevention Ordinance" (See Excavator Handbook, Section 10, at: https://ipi.cityofchicago.org/Resources/Information/CDOT/Excavator%20Handbook%202017.pdf) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	January 12, 2010 (Illinois Underground Utilities Facilities Damage Prevention Act, §§ 50/1 to /14), and November 2016 (Chicago Underground Facilities Damage Prevention Ordinance)
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	Info: http://call811.com/map-page/illinois (1) Outside of Chicago: JULIE (www.illinois1call.com) (2) Chicago: Digger (https://ipi.cityofchicago.org/Digger)
State One Call Center(s) (Name & Link)	Info: http://call811.com/map-page/illinois (1) Outside of Chicago: JULIE (www.illinois1call.com) (2) Chicago: Digger (https://ipi.cityofchicago.org/Digger)
Miscellaneous Notes	
Notes	<p>(1) Regarding Specific Language for Operators to Locate Sewer Laterals: 220 ILCS 50/ do not contain specific language requiring operators to locate "sewer laterals", and the answer to the question could possibly change on interpretation. 220 ILCS 50/2.2 Sec. 2.2 (a) defines "underground utility facilities" to include 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 220 ILCS 50/10 Sec. 10 addresses requirements for operators to locate sewers in quite a bit of detail, and if the definition noted above applies "appurtenances" to facilities other than cables, and if sewer laterals are deemed appurtenances, or upon other interpretation, then the question is correctly answered "yes". The Municipal Code of Chicago, Chapter 10-21, "Chicago Underground Facilities Damage Prevention Ordinance", Section 10-21-020 defines "The term "underground facilities" includes, but is not limited to.... The term does not include any private septic system in a single- or multi-family dwelling utilized only for that dwelling and not connected to any other system." Thus, conversely this might be interpreted to imply that sewer laterals connected to sewer mains must be located.</p> <p>(2) Regarding One-Call Membership Exemptions: 220 ILCS 50/10 Sec. 10 does not exclude residential property owners from one-call membership. However, the City of Chicago (reference Municipal Code of Chicago, Chapter 10-21, "Chicago Underground Facilities Damage Prevention Ordinance") excludes property owners who own underground facilities solely by virtue of owning the property where the facilities are located, from the requirement to mark privately owned underground facilities on their property. (Ref. Ordinance Section 10-21-080, "Damage to Underground Facilities".) Additionally, Section 10-21-020 states that the "term "underground facilities" includes, but is not limited to.... The term does not include any private septic system in a single- or multi-family dwelling utilized only for that dwelling and not connected to any other system." Section 10-21-040 (d) "Property owners who own underground facilities solely by virtue of owning the property where the facilities are located are exempt from membership in DIGGER/Chicago 811."</p>
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0

