



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3679

Introduced 2/18/2025, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

New Act

Creates the Crossing of Electric Utility Property Act. Requires a public utility to provide an expedited review and grant of a crossing application and may not unreasonably withhold an allowance for a crossing, unless a public utility provides a reasonable justification that the crossing will impair or harm the right-of-way. Authorizes an occupant to commence use of a crossing within 90 days after meeting the following conditions: (i) notice is sent to the public utility that occupant owns or controls land on both sides of the public utility property and that a crossing is reasonably required to expand or maintain operations on the occupant's property or to benefit the public; (ii) provides to the public utility engineering specifications to demonstrate that the proposed crossing will not impair the public utility's occupancy and use of the right-of-way; (iii) affirms to the public utility that the occupant must maintain and repair the owner's own crossing and must bear responsibility for the owner's own acts and omissions concerning use of the crossing; and (iv) provides to the public utility a payment for establishment of the crossing and the first year of crossing fees. Prohibits a public from unreasonably denying a crossing and lists conditions that make a denial unreasonable. Requires that the occupant provide the public utility reasonable access to the crossing to inspect and monitor, and the occupant provide engineering studies that demonstrate that the crossing will not reasonably interrupt or impair the public utility's right-of-way.

LRB104 11183 JRC 21265 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Crossing of Electric Utility Property Act.

6 Section 5. Definitions. As used in this Act:

7 "Crossing" means the construction, operation, repair, or
8 maintenance of a facility over, under, or across a public
9 utility right-of-way if the public utility right-of-way is
10 owned by the public utility or by another land owner and the
11 public utility holds an easement for transmission over such
12 right-of-way

13 "Direct expenses" includes, but is not limited to, any or
14 all of the following:

15 (1) The reasonable cost of inspecting and monitoring
16 the crossing site.

17 (2) Administrative and engineering costs for review of
18 specifications and for entering a crossing on the
19 utility's books, maps, and property records and other
20 reasonable administrative and engineering costs incurred
21 as a result of the crossing.

22 (3) Document and preparation fees associated with a
23 crossing, and any engineering specifications related to

1 the crossing.

2 "Public utility" means any utility regulated by the Public
3 Utilities Act

4 "Occupant" means the party that will hold the easement and
5 that will occupy the easement area for the term of the easement

6 Section 10. Terms and conditions for a crossing.

7 (a) The public utility shall provide an expedited review
8 and grant of a crossing application and may not unreasonably
9 withhold an allowance for a crossing.

10 (b) An occupant is deemed to have authorization to
11 commence use of the crossing within 90 days after meeting the
12 following conditions, unless a public utility provides a
13 reasonable justification that the crossing will impair or harm
14 the right-of-way:

15 (1) The occupant mails notice to the public utility
16 that occupant owns or controls land on both sides of the
17 public utility property and that a crossing is reasonably
18 required to expand or maintain operations on the
19 occupant's property or to benefit the public.

20 (2) Provides to the public utility engineering
21 specifications to demonstrate that the proposed crossing
22 will not impair the public utility's occupancy and use of
23 the right-of-way. The engineering specifications shall
24 address the applicable clearance requirements as
25 established by the National Electrical Safety Code.

1 (3) Affirms to the public utility that the occupant
2 must maintain and repair the occupant's own crossing and
3 must bear responsibility for the occupant's own acts and
4 omissions concerning use of the crossing.

5 (4) Provides to the public utility a payment for
6 establishment of the crossing and the first year of
7 crossing fees. The fee for a crossing shall be de minimus,
8 commercially reasonable, and established based on similar
9 easements granted by the public utility.

10 (c) A public utility and occupant may agree to other terms
11 and conditions necessary to provide for reasonable use of the
12 crossing by the occupant.

13 Section 15. Denial of crossing. A public utility may not
14 unreasonably deny a crossing. Denial of a crossing is
15 unreasonable if all of the following conditions are met:

16 (1) The crossing has material public benefits to a
17 municipal government entity.

18 (2) The crossing is required for the location,
19 construction, operation, and installation and maintenance
20 of all necessary fittings and appliances for access
21 between otherwise adjacent underground mining operations.

22 (3) The top of the crossing area is no less than 200
23 feet below ground level, and the height of the crossing
24 area is no greater than 65 feet.

25 (4) The width of the crossing is no greater than 50

1 feet.

2 (5) No crossing is located closer than 50 feet to the
3 next nearest such crossing.

4 (6) The occupant shall provide the public utility
5 reasonable access to the crossing to inspect and monitor.

6 (7) The occupant provides engineering studies that
7 demonstrate that the crossing will not reasonably
8 interrupt or impair the public utility's right-of-way.