

AN ACT concerning transportation.

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

Section 1. Short title. This Act may be cited as the Illinois Dig Once Act.

Section 5. Findings. The General Assembly finds and declares that:

(1) minimizing traffic interruptions caused by repeated excavation and other construction projects is important to preserving the public safety of individuals traveling on Illinois roadways; and

(2) greater efficiency and coordination between the State, units of local government, utilities, and Internet service providers can help to alleviate costs.

Section 10. Definitions. As used in this Act:

"Broadband infrastructure" means wires, cables, fiber optic lines, conduit, pipe, innerduct, or microduct for fiber optic or other cables that accommodate current or future broadband and wireless facilities for broadband service.

"Underground utility facilities" has the meaning given to that term in Section 2.2 of the Illinois Underground Utility Facilities Damage Prevention Act.

Section 15. Dig once.

(a) The Department of Transportation, the Illinois State Toll Highway Authority, the Illinois Commerce Commission, and the Department of Commerce and Economic Opportunity shall consult with the State-Wide One-Call Notice System to jointly develop rules for the design and construction of road, highway, tollway, and expressway projects to reduce the need for the relocation of public water and wastewater infrastructure and to promote the deployment of broadband infrastructure and underground utility facilities in an efficient and competitively neutral process for all road, highway, tollway, and expressway projects.

(b) The rules shall identify a Dig Once Coordinator within the Department of Commerce and Economic Opportunity that is responsible for facilitating the broadband infrastructure and underground utility facilities efforts in rights-of-way. The Dig Once Coordinator may be an existing employee with other responsibilities.

(c) The rules shall not impair an entity's ability to maintain or upgrade networks or respond to situations that pose an imminent danger to life, health, or property or a utility or broadband service outage, which requires repair or action, including emergency excavation.

(d) This Act, or the rules adopted under this Act, are not intended to delay the design or construction of road, highway,

tollway, and expressway construction projects, and shall not be construed to provide authority to approve, deny, or delay broadband infrastructure projects or underground utility facilities projects.

Section 20. Rulemaking. The Department of Transportation, the Illinois State Toll Highway Authority, the Illinois Commerce Commission, and the Department of Commerce and Economic Opportunity shall adopt the rules that were developed under Section 15 in accordance with the Administrative Procedure Act to implement this Act. The rules adopted under this Act shall not conflict with the Illinois Underground Utility Facilities Damage Prevention Act.

Section 900. The State Property Control Act is amended by changing Section 7.2 as follows:

(30 ILCS 605/7.2) (from Ch. 127, par. 133b10.2)

Sec. 7.2. The Administrator, subject to the following conditions, shall have the authority to grant easements to public utilities.

For purposes of this Act, "public utility" means and includes every corporation, company, association, joint stock company or association, firm, partnership, individual, or other organization, their levees, trustees, or receiver appointed by any court whatsoever that owns, controls,

operates, or manages, within this State, directly or indirectly, for public use, any plant, equipment, or property used or to be used for or in connection with, or owns or controls any franchise, license, permit, or right to engage in:

- a. the transportation of persons or property;
- b. the transmission of telegraph or telephone messages between points within this State;
- c. the production, storage, transmission, sale, delivery, or furnishing of heat, cold, light, power, electricity, or water;
- d. the disposal of sewerage; ~~or~~
- e. the conveyance of oil or gas by pipe line; or-
- f. the provision of broadband Internet service, cable service, video service, or Voice Over Internet Protocol service.

A. Whenever any public utility makes an application for a grant of an easement in, over, or upon real property of the State of Illinois for purposes of locating and maintaining such utility, or such utility's wire, pipe, cable, fiber conduit, or other facility or equipment, the Administrator, with the consent of the agency having jurisdiction over the real property, may grant such easement. The Administrator shall determine whether or not such is adverse to the interests of the State of Illinois and shall impose such limitations on the grant as may be deemed necessary to protect

the interests of the State of Illinois. Such grant may be made with or without consideration.

B. The instrument granting the easement shall provide for termination upon:

1. A failure to comply with any term or condition of the grant; or

2. A nonuse of the easement for a consecutive 2 year period for the purpose granted; or

3. An abandonment of the easement.

Written notice of such termination shall be given to the grantee effective on the date of such notice.

C. The authority granted by this Section shall be in addition to, and shall not affect or be subject to any law regarding granting of easements on State lands.

(Source: P.A. 82-1047.)