

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 549
ILLINOIS DIG ONCE ACT

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17
18 AUTHORITY: Implementing and authorized by the Illinois Dig Once Act [605 ILCS 145].

19
20 SOURCE: Adopted at 50 Ill. Reg. _____, effective _____.

21
22 **Section 549.10 Purpose**

23
24 The Illinois Department of Transportation, the Illinois State Toll Highway Authority, the Illinois
25 Commerce Commission, and the Illinois Department of Commerce and Economic Opportunity
26 shall consult with the State-Wide One-Call Notice System to jointly develop rules for the design
27 and construction of road, highway, tollway, and expressway projects to reduce the need for the
28 relocation of public water and wastewater infrastructure and to promote the deployment of
29 broadband infrastructure and underground utility facilities in an efficient and competitively
30 neutral process for all road, highway, tollway, and expressway projects.

31
32 Dig Once is intended to increase efficiency by minimizing traffic interruptions caused by
33 repeated excavation and alleviating the cost of broadband deployment through greater
34 coordination between the State, units of local government, Broadband Providers, cooperatives,
35 and utilities. By enabling greater and more efficient broadband deployment, the Dig Once Act
36 furthers progress in digital equity and inclusion, supporting advances in agriculture, economic
37 development, education, and telehealth.

38
39 **Section 549.20 Definitions**

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41 The following definitions are applicable to this Part:
42

43 "811 Chicago" means the agency that provides a free One Call service to private
44 contractors and homeowners within the City of Chicago's Corporate Limits. This
45 system notifies all utilities of impending excavations.
46

47 "Broadband" or "Broadband Service" means a mass-market retail service by wire
48 or radio that provides the capability to transmit data to and receive data from all
49 or substantially all internet endpoints, including any capabilities that are
50 incidental to and enable the operation of the communications service, but
51 excluding dial-up internet access service. (See 47 CFR 8.1(b).) This term also
52 encompasses any service that the Federal Communications Commission finds to
53 be providing a functional equivalent of the service described in the previous
54 sentence or that is used to evade the protections set forth in 47 CFR 8.1.
55

56 *"Broadband Infrastructure" means wires, cables, fiber optic lines, conduit, pipe,*
57 *innerduct, or microduct for fiber optic or other cables that accommodate current*
58 *or future broadband and wireless facilities for broadband service.*
59

60 "Broadband Provider" means an entity that facilitates middle or last mile
61 broadband access through retail service.
62

63 "Dark Fiber" means fiber that is deployed but not actively being used or
64 subscribed to.
65

66 "DCEO" means the Department of Commerce and Economic Opportunity.
67

68 "ICC" means Illinois Commerce Commission.
69

70 "IDOT" means Illinois Department of Transportation.
71

72 "ISTHA" means Illinois State Tollway Authority.
73

74 "JULIE" or "Joint Utility Locating Information for Excavators" is a not-for-profit
75 organization that acts as the communication source to notify utility companies
76 that someone is planning a project that requires digging.
77

78 "Last Mile Infrastructure" means broadband installation that serves as the final leg
79 connecting the broadband service provider's network to the end-user customer's
80 on-premises telecommunications equipment.
81

82 "Middle Mile Infrastructure" means broadband construction that links a
83 broadband service provider's core network infrastructure to last mile
84 infrastructure.
85

86 "State" means the State of Illinois.

87

88 "Underground Project" Any work done that requires excavation and installation of
89 infrastructure underground.

90

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

93

94 **Section 549.30 Scope**

95

96 The Dig Once Act shall be carried out through a Dig Once Committee, led by the Dig Once
97 Coordinator, where participating Committee members will gain access to information that
98 supports effective project coordination. Regular Committee meetings will offer Committee
99 members the opportunity to learn about upcoming road, bridge, and transit projects where joint
100 build and proactive installation opportunities may exist. Committee members may then submit
101 formal coordination requests through a centralized portal, where they can document terms and
102 conditions for collaboration. This portal provides regularly updated plans for future infrastructure
103 builds, regular status updates, and detailed information on known and likely fiber deployments,
104 including the integration of existing dark and lit fiber routes.

105

106 **Section 549.40 Program Description**

107

108 The Dig Once rules outline the scope of the:

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110 a) Dig Once Coordinator

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112 b) Dig Once Committee

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114 c) Committee Structure, and

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116 d) Committee Outcomes.

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118 The Dig Once Coordinator will manage and facilitate Committee meetings where IDOT and
119 ISTHA will share capital build projects along with other voluntary Committee members who
120 voluntarily choose to share information about their upcoming projects. The Dig Once
121 Coordinator will also organize coordination for underground projects. The objective of the
122 Committee meetings is to facilitate Committee Outcomes including joint build and proactive
123 installation.

124

125 **Section 549.50 Dig Once Coordinator**

126

127 The Dig Once Coordinator, housed within the DCEO's Illinois Office of Broadband, is
128 responsible for facilitating communication and collaboration among Committee members

129 specifically through the Dig Once Committee to achieve the Dig Once Outcomes. This position
130 serves as the primary point of contact for the following activities:

- 131
- 132 a) Managing and facilitating the Dig Once Committee, recurring Committee
133 meetings, and related processes;
- 134
- 135 b) Managing and overseeing a portal where Committee members can gain access to
136 capital build projects, initiate formal agreement processes, view timelines, and
137 receive status updates for current underground projects;
- 138
- 139 c) Identifying and engaging relevant stakeholders, promoting Committee
140 participation, and expanding Committee membership through outreach efforts;
- 141
- 142 d) Acting as a liaison between current and prospective Committee members and
143 state agencies including ICC, IDOT, and ISTHA and other agencies, as
144 appropriate to further broadband deployment;
- 145
- 146 e) Maintaining documentation of state agency capital build projects and schedules
147 and making that information available to Committee members;
- 148
- 149 f) Ensuring timely notification regarding available excess conduit or fiber to
150 optimize resource sharing and broadband expansion efforts;
- 151
- 152 g) Identifying and recommending best practices for formal agreements and assisting
153 in the coordination of communications between entities;
- 154
- 155 h) Overseeing the membership application process, managing daily member
156 operations and membership list;
- 157
- 158 i) Keeping all data and information, including but not limited to portal access, maps,
159 and formal requests for information, confidential through Non-Disclosure
160 Agreements (NDAs), as needed. Additionally, DCEO will use its best efforts in
161 protecting information designated as confidential, proprietary, or containing trade
162 secrets to the fullest extent permitted under the Freedom of Information Act.
163 DCEO will consider all confidential information so designated presumptively
164 exempt from disclosure pursuant to 7(1)(g) of the Freedom of Information Act. If
165 any party seeks to require DCEO, pursuant to any law, regulation, or legal process
166 to disclose confidential information, DECO will provide prompt notice to the
167 submitting entity so that the entity may seek a protective order or pursue other
168 appropriate relief;
- 169
- 170 j) Reporting on metrics such as the number of joint build and proactive installation
171 agreements, miles of coordinated fiber deployed, and total excavation costs saved.

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Section 549.60 Dig Once Committee

The Illinois Department of Commerce and Economic Opportunity Office of Broadband will establish a Dig Once Committee comprised of the ICC, IDOT, and ISTHA, and DCEO as original members. ISTHA and IDOT will be required to upload and provide notice for their capital build projects. Additional voluntary Committee membership will be opened for entities who seek to participate in joint builds and proactive installation. Such entities may include Broadband Providers, cooperatives, utilities, units of local government, community anchor institutions, and other entities, as applicable. All Committee activities, including coordination among Committee members or with entities appearing before the Committee, shall be strictly voluntary for additional Committee members beyond the original governmental agency representatives. The Committee will:

- a) Serve as a body where the Committee members can discuss coordination of future projects;
- b) Provide a clear communication channel for Committee members;
- c) Hold Committee meetings on a regular basis, no less than quarterly. Committee meetings may be held via teleconferencing platform and/or in-person and will comply with the Open Meetings Act;
- d) Maintain a database and maps of publicly owned broadband infrastructure, such as fiber and conduit, for Committee planning purposes, subject to NDAs;
- e) Facilitate planning discussions to identify opportunities for and to carry out joint builds and proactive installation including designing and managing an expression of interest process from members;
- f) Facilitate sufficient advance notice to Committee members of state agency relocation needs and support associated relocations through the joint build process, if applicable;
- g) Provide template guidance and parameters for joint build agreements for use by state agencies and providers participating in joint builds. Parameters should include construction specifications and timelines, roles and responsibilities, cost sharing approach and framework, safety considerations, and other construction standards and commitments. These parameters will be informed by Committee members' expertise and input, but agreements are subject to negotiation between the parties participating in the joint build;

- 214 h) Facilitate on-going education and best practices around existing JULIE, 811, and
215 other excavation safety requirements;

216
217 **Section 549.70 Committee Structure**

- 218
- 219 a) The Committee shall initially consist of representatives of the Illinois Department
220 of Transportation, the Illinois Tollway Authority, the Illinois Commerce
221 Commission, and the Illinois Department of Commerce and Economic
222 Opportunity.
- 223
- 224 b) The initial Committee members above are required to submit capital build
225 projects (as applicable) and provide notification of opportunities to coordinate
226 with voluntary members of the Committee.
- 227
- 228 c) The Dig Once Coordinator shall manage and facilitate the Committee.
- 229
- 230 d) The Committee shall develop processes for the inclusion of new members,
231 including but not limited to broadband providers, utilities, and units of local
232 government.
- 233
- 234 e) The Committee exists to facilitate communication and coordination. All
235 Committee activities related to joint build and proactive installation for new
236 members are voluntary. The Committee shall take no legally binding actions, but
237 may facilitate two entities before the Committee, whether members or non-
238 members, entering into voluntary, legally binding agreements.

239
240 **Section 549.80 Committee Outcomes**

241
242 The Committee will facilitate two kinds of voluntary, legally binding agreements between
243 entities and other outcomes as applicable. Committee members can choose to participate in one
244 or more Committee outcomes on any underground project. The Committee member who initiates
245 a Committee outcome opportunity will have the authority to decide who to coordinate with on
246 that outcome, rather than the Committee as a whole.

- 247
- 248 a) Joint Build
- 249
- 250 1) Committee members with overlapping project timelines and locations may
251 voluntarily coordinate shared excavation efforts to reduce underground
252 infrastructure deployment costs.
- 253
- 254 2) Joint Build coordination must include a mutually agreed upon plan
255 detailing roles, responsibilities, project timelines, deployment sequence,

256 damage and liability policies, and cost sharing terms, formalized in a
257 written agreement.

258
259 3) All joint build excavation activities must follow established best practices
260 and comply with all applicable regulations to ensure safe and efficient
261 trench sharing.

262
263 4) The Dig Once Coordinator is limited to identifying and recommending
264 best practices, providing guidance, and facilitating communication
265 between parties related to the formal agreements.

266
267 b) Proactive Installation

268
269 1) To support and facilitate broadband deployment, IDOT, and ISTHA may
270 make dark fiber, excess conduit, and other broadband infrastructure
271 available on an equal and non-discriminatory basis to entities for middle
272 mile or last mile access. Broadband Providers can make dark fiber, excess
273 conduit, and other broadband infrastructure available on an equal and non-
274 discriminatory basis for other entities to use to facilitate middle mile or
275 last mile access where applicable. Excess conduit or dark fiber may be
276 reserved for future use by the state agency or broadband provider as
277 leased, licensed, or subject to a similar agreement.

278
279 2) The promotion of leasing opportunities and processes for excess conduit,
280 dark fiber, and other broadband infrastructure shall follow fair and
281 transparent procedures to ensure equitable access for both public and
282 private entities supporting middle or last mile broadband deployment. This
283 includes the following requirements:

284
285 A) All Committee members will be notified of leasing opportunities
286 during regular Committee meetings and via electronic means, such
287 as recurring emails or an online portal. Notifications must occur no
288 less than 4 weeks after the relevant infrastructure is available.

289
290 B) Entities interested in accessing dark fiber or excess conduit may
291 submit applications through a centralized portal. The submission
292 window will remain open for at least two-weeks following the
293 public posting of the initial opportunity. After this window closes,
294 the infrastructure owner may begin reviewing applications on a
295 rolling basis using their own consistent and objective evaluation
296 criteria. Based on the availability of infrastructure and alignment of
297 proposed uses with program goals, one or more applicants may be

298 selected by the owner of the infrastructure to enter into a lease,
299 licensing agreement, or similar agreement.

300
301 C) Leases, licensing agreements, and similar agreements must include
302 a mutually agreed upon plan, maintenance responsibilities, damage
303 and liability policies, and other relevant terms formalized in a
304 written agreement.