



# Illinois State Association of Counties

## POSITION STATEMENT

January 22, 2021

### **COST RECOVERY FOR MODIFYING PROJECT PLANS**

**SUPPORT**

Both the State and county governments engage in highway construction projects that require utilities to relocate facilities to accommodate the scope of a project. Utilities rarely relocate the facilities within the timetable necessary for a project to be completed ahead of its deadline. In the case of counties, project plans are frequently modified to accommodate the location of the facilities with the cost burden of the modification being absorbed by the county.

#### **Current Law:**

Under Illinois law, a utility has 90 days to remove, relocate or modify ditches, drains, track, rails, poles, wires, pipeline or other equipment necessary to accommodate a highway project. The law does not presently allow for cost recovery for expenses resulting from the State or county highway authority needing to revise their project plan to meet a project deadline following a utility's failure to remove, relocate or modify their facilities in a timely manner.

#### **Proposed Change:**

The General Assembly and Governor should amend the law to allow State and county highway authorities to recover additional costs created by the need to revise a project plan as a result of a utility's failure to remove, relocate or modify their facilities in a timely manner.

**COUNTY GOVERNMENTS SHOULD BE ABLE TO COLLECT PROJECT COSTS CREATED WHEN A UTILITY DOES NOT MEET ITS STATUTORY OBLIGATION.**