

811 Chicago Enforcement Summary

Municipal Code of Chicago (MCC) §10-21-080, requires that “in the event of damage to any underground facilities... the person responsible for the excavation or demolition operations shall immediately notify” 811 Chicago. 811 Chicago investigates all reported damages to underground facilities. A damaged facility typically implicates three entities: excavators (the company working at the site), facility owners (the company that owns the damaged facility), and locators (the company that marked the location of the underground facility prior to excavation). As it relates to a damage report, 811 Chicago refers to the entities as “involved parties.” If the investigation determines that any of the involved parties violated any section of the *Chicago Underground Facilities Damage Prevention Ordinance* (MCC §10-21), 811 Chicago may issue sanctions as described in §10-21-110. If an involved party disputes the findings, they can appeal the decision to the Evaluation Panel (EP). The EP—which is comprised of representatives from the excavating, facility owner, locator, and damage prevention community—can either uphold 811 Chicago’s findings, issue additional sanctions, or dismiss the case.

In 2020, 811 Chicago implemented a new damage investigation workflow. The new workflow creates “child cases,” or sub-workflows, for each involved party. Thus, one damage report may result in several child cases. For example, if a water line is damaged, then 811 Chicago may create an investigation child case for the facility owner, excavator, and the locator. After reviewing evidence associated with each child case, the investigator may determine that neither the excavator nor the locator violated MCC § 10-21 and may dismiss the cases. Regarding the facility owner, the investigator may find non-compliance with two sections of MCC §10-21 and issue sanctions. The facility owner may appeal the decision to the EP, which may dismiss one finding, but uphold the second finding and add an additional sanction. Therefore, child cases, and the sanctions associated with the child case, have a one-to-many relationship with the damage report.

The table below summarizes the outcome of “completed” child cases with sanctions. Dismissed cases or cases that are still in the investigation workflow are not included. Because 811 Chicago launched its new investigation workflow in 2020, pre- and post-2020 data differ. Specifically, the new workflow includes the parent / child relationship described above and allows 811 Chicago to accurately report the Code section violated. For continuity’s sake, 811 Chicago is in the process of adding pre-2020 cases into the new workflow. As more cases are added, and open investigations are completed, the data in the table below will change. Citation totals represent the amount assessed as a sanction, not necessarily the amount collected. The data in the table below is current as of May 8, 2023.

Year	Sanction	Code Violation	Excavator		Facility Operator		Locator		GRAND TOTAL	
			# of Cases (Ex)	Penalty Amount (Ex)	# of Cases (FO)	Penalty Amount (OF)	# of Cases (Lo)	Penalty Amount (Lo)	# of Cases (Tot)	Penalty Amount (Tot)
2017	Disciplinary Action	-	13	\$ -	4	\$ -	0	\$ -	17	\$ -
2017	Civil Penalty	-	24	\$ 26,000.00	46	\$ 46,000.00	2	\$ 2,000.00	72	\$ 74,000.00
2017	Training	-	8	\$ -	0	\$ -	0	\$ -	8	\$ -
2017	Civil Penalty and Training	-	1	\$ 1,000.00	0	\$ -	0	\$ -	1	\$ 1,000.00
2017	Warning Letter	-	3	\$ -	0	\$ -	0	\$ -	3	\$ -
2017	Warning & Training	-	5	\$ -	0	\$ -	0	\$ -	5	\$ -
2017	TOTAL		54	\$ 27,000.00	50	\$ 46,000.00	2	\$ 2,000.00	106	\$ 75,000.00
2018	Disciplinary Action	-	167	\$ -	53	\$ -	0	\$ -	220	\$ -
2018	Civil Penalty	-	295	\$ 382,500.00	368	\$ 368,000.00	63	\$ 63,000.00	726	\$ 813,500.00
2018	Training	-	0	\$ -	1	\$ -	0	\$ -	1	\$ -
2018	Civil Penalty and Training	-	2	\$ -	0	\$ -	0	\$ -	2	\$ -
2018	Warning Letter	-	22	\$ 37,500.00	0	\$ -	0	\$ -	22	\$ 37,500.00
2018	Warning & Training	-	1	\$ -	0	\$ -	0	\$ -	1	\$ -
2018	TOTAL		487	\$ 420,000.00	422	\$ 368,000.00	63	\$ 63,000.00	972	\$ 851,000.00
2019	Disciplinary Action	-	164	\$ -	29	\$ -	0	\$ -	193	\$ -
2019	Civil Penalty	-	280	\$ 364,000.00	281	\$ 475,400.00	0	\$ -	561	\$ 839,400.00
2019	Training	-	4	\$ -	0	\$ -	1	\$ -	5	\$ -
2019	Civil Penalty and Training	-	31	\$ 78,000.00	0	\$ -	0	\$ -	31	\$ 78,000.00
2019	Warning Letter	-	1	\$ -	0	\$ -	0	\$ -	1	\$ -
2019	Warning & Training	-	0	\$ -	0	\$ -	0	\$ -	0	\$ -
2019	TOTAL		480	\$ 442,000.00	310	\$ 475,400.00	1	\$ -	791	\$ 917,400.00
2020	Civil Penalty	10-21-050	96	\$ 95,000.00	0	\$ -	0	\$ -	96	\$ 95,000.00
2020	Civil Penalty	10-21-060	2	\$ 2,000.00	144	\$ 144,000.00	27	\$ 27,000.00	173	\$ 173,000.00
2020	Civil Penalty	10-21-080	1	\$ 1,000.00	0	\$ -	0	\$ -	1	\$ 1,000.00
2020	Civil Penalty and Training	10-21-050	1	\$ 1,500.00	0	\$ -	0	\$ -	1	\$ 1,500.00
2020	Disciplinary Action	10-21-050	75	\$ -	0	\$ -	0	\$ -	75	\$ -
2020	Disciplinary Action	10-21-060	0	\$ -	1	\$ -	0	\$ -	1	\$ -
2020	Warning Letter	10-21-050	2	\$ -	0	\$ -	0	\$ -	2	\$ -
2020	Warning Letter	10-21-060	2	\$ -	24	\$ -	0	\$ -	26	\$ -
2020	TOTAL		179	\$ 99,500.00	169	\$ 144,000.00	27	\$ 27,000.00	375	\$ 270,500.00
2021	Civil Penalty	10-21-050	44	\$ 45,500.00	1	\$ 1,000.00	0	\$ -	45	\$ 46,500.00
2021	Civil Penalty	10-21-060	0	\$ -	173	\$ 173,000.00	\$ -	\$ -	173	\$ 173,000.00
2021	Civil Penalty	10-21-080	2	\$ 2,000.00	0	\$ -	0	\$ -	2	\$ 2,000.00
2021	Civil Penalty and Training	10-21-050	9	\$ 10,000.00	0	\$ -	0	\$ -	9	\$ 10,000.00
2021	Civil Penalty and Training	10-21-080	2	\$ 2,000.00	0	\$ -	0	\$ -	2	\$ 2,000.00
2021	Disciplinary Action	10-21-050	45	\$ -	0	\$ -	0	\$ -	45	\$ -
2021	Warning Letter	10-21-045	1	\$ -	0	\$ -	0	\$ -	1	\$ -
2021	Warning Letter	10-21-050	2	\$ -	8	\$ -	0	\$ -	10	\$ -
2021	TOTAL		105	\$ 59,500.00	182	\$ 174,000.00	0	\$ -	287	\$ 233,500.00
2022	Civil Penalty	10-21-050	60	\$ 123,000.00	0	\$ -	0	\$ -	60	\$ 123,000.00
2022	Civil Penalty	10-21-080	4	\$ 6,000.00	0	\$ -	0	\$ -	4	\$ 6,000.00
2022	Civil Penalty	10-21-060	0	\$ -	177	\$ 176,000.00	2	\$ 2,000.00	179	\$ 178,000.00
2022	Civil Penalty and Training	10-21-050	14	\$ 21,000.00	0	\$ -	0	\$ -	14	\$ 21,000.00
2022	Disciplinary Action	10-21-050	60	\$ -	0	\$ -	0	\$ -	60	\$ -
2022	Disciplinary Action	10-21-060	0	\$ -	13	\$ -	0	\$ -	13	\$ -
2022	Disciplinary Action & Training	10-21-050	2	\$ -	0	\$ -	0	\$ -	2	\$ -
2022	Training	10-21-050	1	\$ -	0	\$ -	0	\$ -	1	\$ -
2022	Warning Letter	10-21-050	2	\$ -	0	\$ -	0	\$ -	2	\$ -
2022	TOTAL		143	\$ 150,000.00	190	\$ 176,000.00	2	\$ 2,000.00	335	\$ 328,000.00
GRAND TOTAL			1,448	\$ 1,198,000	1,323	\$ 1,383,400	95	\$ 94,000	2,866	\$ 2,675,400