



DELDOT UTILITY COORDINATION PROCESS & UTILITY PERMITS

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UTILITY MANUAL

- The DeIDOT Utility Manual is the regulation which covers utility related work within the State ROW.
 - Outlines design requirements for utilities (Chapter 3)
 - Outlines various agreements and permits (Chapter 4)
 - Outlines the coordination process for highway projects and reimbursements (Chapter 5)

UTILITY COORDINATION PROCESS

- Concepts to keep in mind:
 - Design Around the Utility Facilities (Best Practice)
 - Minimize Impacts
 - Utilize the 3 C's
 1. Communication
 2. Coordination
 3. Cooperation

UTILITY COORDINATION PROCESS

- Communicate with companies early and often.
- Below are the typical milestones of the DeIDOT design process, which present opportunities to follow-up with companies and provide them with plans
 - Concept Plans (if this phase was done)
 - Survey Plans
 - Preliminary Plans
 - Semi-final Plans
 - Final Plans
 - Will also send out any “revised” design plans if issued.

UTILITY COORDINATION PROCESS

- **During Coordination we are attempting to identify and obtain:**
 - Mark-ups providing existing facilities and locations
 - Any proposed relocations that might be necessary
 - Timing associated with any relocation work along with anything that could cause issues (i.e. seasonal restrictions, resource restrictions, materials with long lead time, etc.)
 - Amount of advanced notice required
 - Items that will need to be provided so relocation work can be performed
- **Depending on the type of work and quality of information obtained from utility companies, we may utilize our Subsurface Utility Engineering consultants to obtain additional information via designation and test holes.**

UTILITY COORDINATION PROCESS

- Title 17, Chapter 1, Subchapter III of DE Code Outlines the Following as Reimbursable to Utilities:
 - Project Funding – Relocation work is reimbursable to the Utility “if relocation of public utility facilities” are “necessitated by any project where the State is reimbursed by at least 90% of the cost of such project from federal funds or the federal government or any agency thereof” [§132(b)(5)]
 - Government Owned – “If required by reason of the construction, reconstruction, relocation, repair, or maintenance of a public highway, the Department of Transportation shall, at its sole expense, make any necessary alteration or relocation of the facilities owned and/or operated by a public utility of a municipality or of any governmental body or political subdivision of the State.” [§143(b)]

UTILITY COORDINATION PROCESS

- 50% Cost Share – At the discretion of the Secretary, the Department may enter into an agreement with a nonmunicipal or other nongovernmental public utility to reimburse it for up to 50 percent of the cost of the public utility facility's alteration or relocation as part of a highway construction, reconstruction, relocation, repair, or maintenance project if:
 - 1) The existing public utility facility is located within a highway or public right-of-way by grant of franchise; and
 - 2) The alteration or relocation is necessitated by special circumstances, including, but not limited to:
 - a. A major economic development project in which the public utility's cooperation is critical to accomplishing the project in a timely manner;
 - b. Recovery from natural disasters such as storms or floods; or
 - c. Compelling benefit to the traveling public. [§143(c) & §143(d)]

UTILITY COORDINATION PROCESS

- Unique Materials – “If construction specifications for the alteration or relocation of a nonmunicipal or other nongovernmental public utility facility, authorized by the Department as part of a highway construction, reconstruction, relocation, repair or maintenance project, require the use of unique materials or supplies, the Department may enter into agreement with the public utility for the unique materials or supplies in advance of the construction contract. If the public utility is required to store the unique materials or supplies for more than 60 days prior to their incorporation into the construction work, the Department shall enter into an agreement with the public utility to reimburse the public utility for all or a portion of the actual cost incurred for the storage of the unique materials or supplies. [§143(e)]
- Advanced Work – “If the Department determines that it is beneficial to enter into an agreement with a nonmunicipal or other nongovernmental public utility for the alteration or relocation of its facilities in advance of the commencement of a highway construction, reconstruction, relocation, repair, or maintenance project, the agreement may include provisions for the Department to reimburse the public utility for increased expenses incurred as a result of the advanced move, including but not limited to, expenses for the maintenance of traffic, tree and vegetation removal, grubbing, grading, test holes, and surveying. [§143(f)]

UTILITY COORDINATION PROCESS

- The Department shall reimburse a nonmunicipal or other nongovernmental public utility for the cost of altering or relocating its facility due to a highway construction, reconstruction, relocation, repair, or maintenance project under each of the following circumstances[§143(g)(1)]:
 - a. The Department requires a second alteration or relocation of the same public utility facility within 10 years from the date of completion of the initial alteration or relocation;
 - b. The Department alters its plan of construction for the project at any time before its completion, in a manner that requires the public utility to alter or relocate its facility that has already been fully or partially altered or relocated in connection with the project;
 - c. The Department cancels or does not commence a highway construction, reconstruction, relocation, repair, or maintenance project within a period of 2 years from the date of authorization;
 - d. The Department requests temporary alteration or relocation of the public utility facility.

UTILITY COORDINATION PROCESS

- The amount of reimbursement to be paid to a public utility under this subsection is the entire cost of alteration or relocation minus any increase in the value of the altered or new facility and any salvage value derived from the old facility. (Continuation from previous slide) [§143(g)(2)]
- The Department and a nonmunicipal or other nongovernmental public utility may agree to include in a construction contract between the Department and the Department's contractor or subcontractor a provision to identify specific facility alteration or relocation construction items which will be performed by the Department's contractor or subcontractor instead of by the public utility. The construction items may include, but are not limited to, adjusting manholes and installing conduits, valve boxes, and concrete pads. As part of the agreement, the public utility must agree to reimburse the Department or the Department's contractor or subcontractor for the construction items. [§143(h)]

UTILITY COORDINATION PROCESS


- The Secretary may enter into an agreement with a nonmunicipal or other nongovernmental public utility that owns or maintains poles in public rights-of-way to attach Department road signs to the poles under such terms and conditions as the public utility considers necessary in order to provide for the safety of the public utility's employees and contractors and to avoid interference with the public utility's operations. The authority given to the Department in this subsection does not alter the public utility's right to refuse access to its poles if it believes that such access would create a safety hazard or interfere with its operations. If the Department attaches a sign to a pole owned or maintained by a public utility, a person alleging injury to person or property as a result of the attachment has no cause of action against the public utility. [§143(i)]
- The Department may enter into an agreement with a nonmunicipal or other nongovernmental public utility regarding the alteration or relocation of the public utility's facilities to reimburse the public utility for the public utility's additional expenses incurred due to the enhancement of the public utility's facilities or of its equipment design, location, placement, or specification, if, in the judgment of the Department, the enhancement will result in net cost savings to the Department, will expedite the project, or will otherwise result in increased public benefit and convenience. [§143(j)]
- This and additional information can also be found in the DeIDOT Utility Manual.

UTILITY COORDINATION PROCESS

- If there is reimbursement, the DeIDOT Utility Section prepares agreements, obtains estimates and any other necessary documents to set up funds.
- Once everything is in place, we will issue Notice to Proceeds (NTP's) to companies to authorize relocation work to commence.



UTILITY PERMITS

- Utility companies are required to obtain permits for work within the State rights-of-way. Typically, this work is independent of a DeIDOT project.
 - Design and construction should adhere to the DeIDOT Utility Manual.
 - The general preference is that utility facilities be placed as close to the right-of-way line as possible.
 - Typical utility permit projects are turned around in approx. 2 weeks.
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QUESTIONS

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