



STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION  
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SECRETARY

**MEMORANDUM**

**TO:** DelDOT Public Works Engineers & Utility Permit Supervisors

**FROM:** Shanté Hastings, Deputy Secretary and Chief Engineer *SHA*

**DATE:** November 22, 2024

**SUBJECT:** Interim Guidance Related to the DelDOT Utility Regulation

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This memo is being sent to provide interim guidance on certain utility items, identified herein, while the DelDOT Utility Regulation, 2 *Del. Admin C.* §2401 (Regulation 2401) is undergoing revision. The formal amendment of Regulation 2401, in compliance with 29 *Del. C.* §10111, et seq., to incorporate these revisions as well as other revisions which DelDOT deems necessary and appropriate is anticipated to occur within the next six months. DelDOT is issuing this Interim Guidance Memorandum pursuant to 17 *Del. C.* §131(d), as DelDOT deems this interim guidance necessary and appropriate to be implemented prior to a full regulatory review of Regulation 2401.

- Fixed vs. Breakaway Object: If aboveground devices protrude greater than 4" from grade and are not breakaway they need to be located outside of the clear zone. If they cannot be installed outside of the clear zone they need to be placed as close to the right-of-way line as feasible. An exception request shall not be required for devices located as close to the public right-of-way line as feasible. When determining placement of obstructions, proposed reductions of the existing Effective Clear Zone on the basis of cross arms or maintenance buffers shall not be approved. Utility poles placed within the clear zone need to have a 6" tall solid yellow retroreflective band installed around them or a 6" wide by 12" tall vertical object marker with solid yellow retroreflective sheeting. If an object marker is used, one shall be used on each side of the utility pole facing approaching traffic. The marker must be placed between 4' and 5' above the ground. Note, fire hydrants are considered to be breakaway.

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- Location of Longitudinal Underground Utilities Along Highways:
  - Longitudinal underground utilities shall be installed as close to the right-of-way line as feasible while maintaining a uniform alignment relative to the centerline of the roadway or through-lane.
  - Longitudinal underground utilities are allowed to be installed or to remain under paved shoulders or right turn lanes.
  - Existing longitudinal underground utilities may remain under existing or proposed through lanes.
  - New longitudinal underground utilities shall not be installed under existing or proposed through lanes without an exception being granted.
  - The DelDOT Utility Engineer will provide the determination on whether a longitudinal underground utility is existing or new as needed.
  - Location of at grade features associated with longitudinal underground utilities such as valve and manhole covers will be allowed to follow these stipulations but shall be located outside of the wheel path of vehicles.
  - Utilities in subdivision developments and industrial parks shall be located as outlined the *Subdivisions and Industrial Parks* procedures of the Utility Regulation.
- Aerial Crossings: Aerial utility crossings shall be allowed on all highways except those with fully controlled access. Delaware highways with full access control are interstates, expressways, and freeways, as defined by the functional classification. Aerial crossings of highways with fully controlled access shall require an approved exception as outlined in the *Utility Exception* procedures of the Utility Regulation. The utility shall utilize existing aerial crossing locations and combine crossings whenever feasible.

The amendment of Regulation 2401 will outline these items more clearly once finalized. In the meantime, please utilize this guidance immediately on utility permit reviews moving forward.

SH:ec

Cc: Anne Brown, Director of Maintenance & Operations  
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