

LAWS OF DELAWARE
VOLUME 83
CHAPTER 229
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 152
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO UTILITIES COORDINATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

WHEREAS, the transportation needs of the State often require relocation of existing utility facilities to support the free flow of traffic and the economic vitality of the State; and

WHEREAS, coordination of the design and construction of roadway improvements and utility relocations must be done collaboratively and expeditiously to ensure improvements occur to the State's transportation network in a timely manner; and

WHEREAS, around 50 separate utility companies and their franchises are currently operating facilities within the state's transportation network; and

WHEREAS, Senate Concurrent Resolution No. 48 from the 150th General Assembly established a Utilities Coordination Working Group which was charged with providing recommendations for improving coordination of utility relocations on highway transportation projects; and

WHEREAS, the Working Group focused on identifying challenges in coordination, best practices utilized in surrounding jurisdictions, and how to build on coordination efforts that have been successful; and

WHEREAS, it was recommended to formally establish a Utilities Coordination Council to oversee coordination efforts between stakeholders to improve project delivery.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 1, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 151. Utilities Coordination Council.

(a) The General Assembly creates a permanent Utilities Coordination Council.

(1) The council shall consist of the following members, or a designee appointed by the member serving by virtue of position:

- a. A Representative appointed by the Speaker of the House Representatives.
- b. A Senator appointed by the President Pro Tempore of the Senate.
- c. The Secretary of the Department of Transportation.
- d. A Department of Transportation Utilities Engineer.
- e. One representative from Delmarva Power Corporation.

- f. One representative from Delaware Electric Cooperative.
- g. One representative from Verizon Delaware LLC.
- h. One representative from Chesapeake Utilities Corporation.
- i. One representative from Artesian Water Company.
- j. One representative from Comcast Corporation.
- k. One representative from the Delaware Municipal Electric Corporation.
- l. One representative from the Delaware Chapter of the National Association of Water Companies.
- m. One representative from the American Council of Engineering Companies of Delaware.

(2) The Council shall:

- a. Recommend and review best practices to shorten the total time to coordinate and implement utility relocations on transportation projects on Delaware's highways.
- b. Consider all reasonable options for improvement and recommend any combination of proposed agreements, regulations, or legislation for consideration by the General Assembly.
- c. Ensure that recommendations are implemented and hold the Department and utility companies accountable.
- d. Resolve issues on specific projects that have or are experiencing utility delays.

(3) Meetings; quorum; officers; committees; procedure.

- a. The Council must meet within 90 days of this Act's enactment and thereafter must meet at least 4 times each year. A majority of members present shall constitute a quorum.
- b. The Secretary of the Department of Transportation will convene the initial meeting of the Council.
- c. At the initial meeting of the Council, a Chairperson and Vice Chairperson are to be elected by the Council members. Thereafter, the Council will elect a Chairperson and Vice Chairperson biennially at the first meeting of the calendar year to serve a 2-year term. The Chairperson has the duty to convene and preside over meetings of the Council. The Vice Chairperson's duty is to act as chairperson in the absence of the Chairperson.
- d. The Council may establish committees composed of Council members and other knowledgeable individuals as deemed advisable to assist in achieving the purposes of the Council.
- e. The Council must submit a written report of its activities and recommendations to the Governor and General Assembly within one year of establishment of the Council and at least once every year thereafter.

Approved September 30, 2021