STATE OF DELAWARE
**DEPARTMENT OF TRANSPORTATION**
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.
SECRETARY

To: Utility Company Representative

From: Francis J. Hahn, Utilities Engineer
DelDOT Transportation Solutions, Engineering Support, Utilities

Date: January 9, 2009

Subject: Public Utility Annual Master Franchise

The Department of Transportation is pleased to present for your use the **State of Delaware Department of Transportation, Public Utility Annual Master Franchise.** This format eliminates the need to franchise each and every utility installation within State right-of way. It does not change the conditions or the regulations with which utility companies must comply for the privelege of occupying public right-of way. Nor does it alter the State's utility permitting process. The change is intended solely to reduce paperwork and subsequent record storage.

The Utility Company should submit three (3) completed Master Franchise forms for each County (where you wish to have a franchise), signed and signature attested **with Company seal affixed.**

Return the three (3) originals to the attention of Francis J. Hahn, Utilities Engineer, DelDOT Division of Transportation Solutions, Engineering Support, 800 Bay Road, PO Box 778, Dover, DE 19903 for execution by the Department of Transportation.

When execution is completed, an original agreement will be returned to you. The recognized official/effective date of this agreement with your Company is the date the Franchise Agreement has been signed by the DelDOT Director of Technology and Support Services with the Department seal affixed to the agreement.

This application is also available on the DelDOT website at www.deldot.net. We trust you will find this simplification of business process advantageous.

If you have any questions or require additional information, please contact Kendall Robinson, Utility Coordinator, Transportation Solutions, Engineering Support, Utilities at 302-760-2267 or e-mail Kendall.Robinson@state.de.us.

Thank you.

DelDOT

**STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION**
**PUBLIC UTILITY ANNUAL MASTER FRANCHISE**

The _____(**UTILITY**) a privately owned Delaware public utility, its successors, lessees, and assigns, is hereby granted the right, permission and authority to erect, construct, renew, replace, maintain and operate _____ Utility Facilities, together with the necessary fixtures and appurtenances within State's rights of way located in _____County, Delaware under and subject to all conditions, restrictions, and regulations of the Department of Transportation (**DEPARTMENT**), State of Delaware (**STATE**). The effective date of this Master Franchise shall be the date of execution by the Director of Technology and Support Services and it shall remain in force for a period of fifty (50) years. This Master Franchise shall automatically renew annually for another fifty (50) years unless otherwise agreed to by the parties.

Under and by virtue of the power and authority vested in the **DEPARTMENT** by the provisions of the **Delaware Code, Title 17, Chapter 132, Subsection (c) (8)** and supplements thereto, the **DEPARTMENT** orders and directs that the following conditions, restrictions and regulations shall govern the installation of all utility facilities on the **STATE'S** rights of way.

1. The granting of this Master Franchise shall in no way operate as an exemption of the holder thereof from any taxes levied or to be levied in accordance with law by the governing body of this **STATE,** _____ County or any other regulatory authority.

2. The **UTILITY** shall indemnify and save harmless the **STATE** and its agencies, its officers, agents, employees, assigns, servants and the like from all suits, actions or claims of any character, whatsoever, brought because of any injuries or damage received or sustained by any persons, or property on account of the construction or operation of its said Utility Facilities and fixtures by the **UTILITY**, its officers, agents, employees, assigns, independent contractors or the like undertaken within the scope of the permitted work area and arising as a result of the **UTILITY'S** negligence or willful misconduct.

3. The **UTILITY** shall perform all construction adjustment or relocation in accordance with the policies and procedures as set forth in the *Utility Manual* of the **DEPARTMENT,** as amended from time to time.

4. The **UTILITY** shall, before cutting, spraying or trimming of any tree or shrub within the right of way of any highway in the **STATE,** secure a special use permit from the **DEPARTMENT OF TRANSPORTATION DISTRICT ENGINEER'S OFFICE** of the **DISTRICT** in which the work is to be done, by written application in which are set forth the location, number, kind, and size of trees or shrubs to be cut, sprayed, or trimmed. A representative of the **DISTRICT ENGINEER** will inspect such proposed work and, if approved, will issue a permit.

5. In the event of the **UTILITY'S** noncompliance with the provisions of this **"MASTER FRANCHISE"**, the **STATE** may impose such sanctions as it may deem appropriate, including an immediate stop work order until the **UTILITY** complies. This section is not to be construed as placing any limitation upon either the **UTILITY** or the **STATE** to pursue any legal or equitable remedy available to it for a breach of contract.

6. The granting of this Master Franchise shall in no way operate as an exemption of the holder thereof from any regulatory requirements governing provision of utility service in accordance with law by the governing body of this **STATE** or other regulatory authority.

The signature of the undersigned constitutes the **STATE'S** consent to and endorsement of the provisions of this Master Franchise. An official signature of the representative for the **UTILITY** when affixed hereinafter shall constitute agreement to the terms and conditions herein.

**ATTEST:**

**APPROVED FOR THE UTILITY**

**By:**_____

**Title:**_____

_____
**Secretary**

**ATTEST:**

**APPROVED FOR THE**
**DEPARTMENT OF TRANSPORTATION**
**DIVISION OF TRANSPORTATION SOLUTIONS**

**By:**_____
**Robert McCleary**
**Assistant Director, Engineering Support**

_____
**Martha N. Dobson**
**Director, Technology and**
**Support Services**

_____
**Date Department Seal Affixed**

**APPROVED AS TO FORM**

_____
**Frederick H. Schranck**
**Deputy Attorney General**