



Did you Know?

Electric utilities may be considered Tax Ditch Rights-of-Way (ROW) obstructions

Electric utilities located or installed **above ground** within a Tax Ditch ROW are subject to § 4186 of the Tax Ditch Law. As such, these features **cannot** be located in the ROW. If you are planning to install electric utilities above ground you must ensure the features are located **outside** of the Tax Ditch Rights-of-Ways (ROW).

If you are installing electric utilities **below ground** please review the guidelines included to ensure these utilities will not be damaged during Tax Ditch maintenance activities.

In all cases, the DNREC Tax Ditch Program must be notified of utility installations proposed within the tax ditch ROW to update tax ditch records.

How to move forward if your project area has a Tax Ditch Rights-of-Way

The DNREC Tax Ditch Program will review proposed installation requests in consultation with the Tax Ditch officers to ensure Tax Ditch access is maintained and Tax Ditch records are updated. If changes to a Tax Ditch ROW are necessary, a Court Order Change will need to be processed, and the DNREC Tax Ditch Program will assist.

To initiate review of proposed utilities, please complete and submit the form found below.

Tax Ditch Land Development Review Request Form:

<https://de.gov/TDProjReview>

To expedite our review be sure to follow the guidelines on this document prior to submission.

Examples of Electric Utility ROW Obstructions



Does my project area have a Tax Ditch Rights-of-Way?

Visit de.gov/taxditchmap and search by street address or Parcel ID to find out!

Closer Look: Navigating the Tax Ditch Map

If there is a Tax Ditch ROW in a project area, it will be illustrated as an orange polygon on the map (see below). As you zoom in on the project area the ROW width will also appear. **All** permanent above ground features, including electric utilities (boxes, poles, guy-wires), must be installed outside of the existing ROW.



Map and Cross-Section Abbreviations Defined:

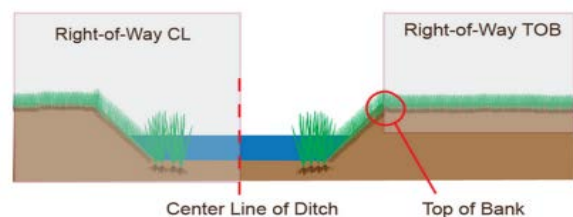
TOB- Top of Bank

CL- Centerline

MT- Maintenance Turnaround

SAR- Special Access ROW

Typical Tax Ditch Cross-Section/Rights-of-Way



Office Location & Contact

DNREC Tax Ditch Program

21309 Berlin Road, Unit 6 Georgetown, DE 19947

302-855-1930 • DNREC_Drainage@delaware.gov

Tax Ditch Electric Utility Guidelines:

Above Ground Utilities and Associated Features

- Tax Ditch Rights-of-Way (ROW) and proposed temporary and permanent utility easements may overlap. However, Tax Ditch ROWs are required to remain free and clear of any physical obstructions. The Tax Ditch ROW is used for access to the Tax Ditch and material disposal during Tax Ditch maintenance activities.
- Utility poles or boxes must be installed a minimum of 25ft from top of ditch bank (TOB). A minimum clearance of 25ft must remain for any access points to the Tax Ditch Rights-of-Way (ROW). If guy wires are required, the guy wires must not encroach into the 25ft wide clearance needed between the pole and Tax Ditch bank or Tax Ditch ROW access point(s).
- If above ground signage is required, we recommend placement on the top of ditch bank close to upstream ends of the Tax Ditch channel and/or near maintenance crossings to minimize interference with Tax Ditch maintenance activities.
- We have no specific guidelines for overhead clearance height however we would direct you to DE State Code, National Electric Safety Code, OSHA requirements or any other applicable codes, whichever is most restrictive. The Tax Ditch Rights-of-Way can be treated as a roadway for consideration.

Below Ground Utilities and Associated Features

- During installation of buried utilities, ground markers and/or detectable underground warning tape are recommended to denote a utility has been installed.
- Any utility located within the Tax Ditch ROW that does not cross the channel must be installed in a safe, traversable manner for heavy construction equipment, mowing and foot traffic that uses the ROW.
- Utilities must be installed with a minimum of 3ft of cover beneath the Tax Ditch design grade or existing grade, whichever is deeper. Tax Ditch design grade is **not** necessarily existing conditions. For example, erosion may have created an area where existing conditions are *below* design grade elevation or accumulated sediments may make the current grade *higher* than design grade.
- Utility crossing at a proposed or existing culvert is preferred. When a utility is crossing the Tax Ditch channel at a culvert, the line should be installed at least 3ft below the bottom of the pipe crossing. If utility cannot be installed a minimum of 3ft beneath Tax Ditch design grade, it must have concrete encasement.

All Utilities and Associated Features

- All utilities and associated features of any kind crossing the Tax Ditch and/or Rights-of-Way shall submit associated profiles to the DNREC Tax Ditch Program.