

## **BAY COUNTY ROAD COMMISSION POLICY FOR RESIDENTIAL DRIVEWAYS**

**LEGAL ASPECTS OF POLICY:** Section 19b(1) of Public Act 283 of 1909, as amended, provides as follows:

A person, partnership, association, corporation or governmental entity shall not construct, operate, maintain or remove a facility or perform any other work within the right-of-way of a county road except sidewalk installation and repair without first obtaining a permit from the county road commission having jurisdiction over the road and from the township, city or village in which the county road is located when a permit is required by ordinance of the township, city or village, pursuant to authority conferred by article VII, Section 29, of the Michigan constitution of 1963. The adjacent property owner shall not be required to obtain a permit for work incidental to the maintenance of the right-of-way lying outside of the shoulder and roadway.

**POLICY:** Without first obtaining a permit from the Board of County Road Commissioners, County of Bay ("Board" or "Road Commission"), no person or other entity shall install or replace any driveway providing access to a county road.

Culvert pipe, where required, shall be of a new material meeting the present specification for driveway culvert pipe of the Michigan Department of Transportation ("MDOT"). Acceptable materials are reinforced concrete pipe, corrugated metal pipe and American Association of State Highway and Transportation Officials M-294 smooth lined corrugated Polyethylene Pipe Type S ("SLCPP"). SLCPP shall have a minimum cover of 24".

The size of the proposed culvert will be determined by the Road Commission. Minimum size is 12". SLCPP can only be used where culvert size required is 24" or less in diameter. The Bay County Drain Commissioner will determine the size where the culvert is to be installed in a county drain.

Installation of culvert pipe shall be done according to the current specifications of MDOT.

The length of pipe required shall be 20 feet for each driveway, plus six times the difference between the elevation of the edge of the road at the driveway and the elevation of the ditch. This total shall include the length of the required culvert end sections for culverts between 12" and 30" in diameter. Specific situations where conflicts may arise

due to proposed location of a drive in relation to neighboring property lines shall be referred to the Engineer-Manager for recommendations and resolution. These recommendations may result in the steepening of end slopes, allowing the installation of a headwall, a combination of both, or other solutions as necessary consistent with public safety and other requirements in the public interest. To avoid erosion or loss of fill material into the ditch, the slopes shall be seeded and mulched. A gravel surface shall be placed within 10 days of installation of the driveway. Driveways requiring pipe greater than 30" in diameter may be constructed with headwalls instead of end sections, and the pipe length shall be no less than 24 feet.

Headwalls, where permitted, shall be constructed of poured in place concrete, cloth bags filled two-thirds full with a dry mix consisting of one part cement to six parts aggregate with steel rods driven through or any other approved solid headwall, for example, treated timbers, concrete blocks, bricks and the like, that will prevent the fill material to flow through causing the ditch to fill. The top of the headwall shall be level with the road edge. The line and grade will be staked by the Road Commission to insure a proper flow line. This will be done at the location designated by the permit applicant.

Concrete drives may extend to edge of metal or back of curb provided a:

- 1) Permit is granted by the BCRC for said work.
- 2) Prior to pouring any concrete within the right-of-way, the BCRC must give approval of the grade of the proposed pour.
- 3) BCRC shall not be responsible for any damage to concrete drives.
- 4) BCRC shall not be responsible for replacing any concrete drive due to future resurfacing of the public roadway.
- 5) BCRC shall not be responsible for any concrete replacement as a result of drainage, ditching or catch basin work.

Driveways exist only for the use of the property owner or occupant and, if a problem shall develop as a result of any type of failure of the culvert, the owner or occupant, whatever the case may be, shall be directed by the Road Commission to correct the problem to insure uninterrupted flow of the ditch water. If the owner or occupant fails to correct the problem within 15 calendar days after notification by the Road Commission, or if after a good faith attempt the Road Commission is unable to notify the owner or occupant, the failed culvert shall be removed forthwith by the Road Commission without any further notice.

Removal of a failed culvert may occur immediately in the event of an emergency. The property owner or occupant shall pay all of the costs of any such removal prior to obtaining a permit from the Road Commission for a replacement culvert.