



## COUNTY RIGHT-OF-WAY STANDARDS

(Originally Adopted 2-15-94)

(Revised 3-5-02)

(Revised 3-2-16)

(Revised 1-17-17)

(Revised 7-2-19)

These standards are adopted in accordance with and under the authority of MCL 247.325. The following information is a general summary of Road Commission Standards and Specifications regulating the use of right-of-ways. The Leelanau County Road Commission reserves the right to impose additional requirements for the construction of improvements in the county road right of way as the Road Commission may deem in the best interests of the Road Commission and the motoring public.

### Right of Way Permits

In accordance with P.A. 200 of 1969, any person or organization wishing to construct something within County Road Right of Way or conduct an activity within this Right of Way must obtain permission from the County Road Commission. That permission is granted by the Road Commission issuing a Permit which contains instructions for the correct means of achieving that goal.

The Leelanau County Road Commission has adopted a standard permit form for issuing Right of Way permits which can be found on the Road Commission website at

[https://static1.squarespace.com/static/514cbc76e4b0d2e6d865d63b/t/59fc4dfd53450ae23d8cdaf2/1509707262844/driveway\\_permit\\_revised\\_313-f.pdf](https://static1.squarespace.com/static/514cbc76e4b0d2e6d865d63b/t/59fc4dfd53450ae23d8cdaf2/1509707262844/driveway_permit_revised_313-f.pdf) . While there may be many reasons for a person to apply for a

permit, the same application form is used for all those varied requests. The first page of the application form is where the applicant provides contact information and a description of what they want to accomplish. The second page of the form allows the Road Commission to respond with any terms and conditions that pertain to the request. Page three includes a variety of standard conditions that apply to many or most circumstances, including a requirement for the applicant to provide adequate insurance coverage for the activity.

For a request to install or modify a driveway approach, please look at the heading “**Driveway Permit**” below.

For a request to conduct an event along or within a County Road, please look at the heading “**Permit for an Event**” below.

For a request to install a Public Utility feature (electric, phone, gas, CATC, etc.) within County Road right of way, please look at the heading “**Public Utility Permit**” below.

For a request to install a privately owned utility within County Road right of way, please look at the heading “**Private Utility Permit**” below.

Permit application fees are listed on the current “Permit Fee Schedule” which can be found on the Road Commission website at

<https://static1.squarespace.com/static/514cbc76e4b0d2e6d865d63b/t/5c9a1f6df9619a93fea99bf1/1553604462089/Permit+fee+schedule+rev+3-19-19.pdf>.

#### **Commissioners**

Jim Calhoun  
John Popa  
Robert Joyce  
Greg Mikowski  
Tom Eckerle

#### **Staff**

Manager – Justin Kelenske  
Superintendent – Dave Priest  
Engineer James C. Johnson  
Finance Manager – Joe Nedow  
Fleet Manager – Dustin Albrecht

#### **General Contact Info**

Phone (231) 271-3993  
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While this document is intended to give an applicant reasonable expectations for our response to typical applications, undoubtedly the Road Commission may receive applications for extraordinary situations that cannot be anticipated in advance. In such cases, the Road Commission will work with the applicant to develop reasonable and safe solutions.

### **Driveway Permit**

Driveway approaches may be intended to serve a wide variety of land uses and traffic levels. The Road Commission has created several categories in an attempt to provide typical dimensions and driveway features that will accommodate the anticipated traffic. We encourage each applicant to review these categories and to volunteer which category they feel best embodies their individual circumstance. Accordingly, the Leelanau County Road Commission reserves the right to determine which category best fits the applicants needs and that is in the best interest of the motoring public. We also expect that you will provide adequate information about your land use, the nature of any business, number of employees & building size(s) so that we can verify that your expectation is, indeed correct.

All driveways shall be graded to effectively drain storm water runoff from the driveway and adjacent land away from the roadway and road right of way. Any driveway that does not drain properly shall be removed or re-graded by the applicant to provide proper drainage. Storm water runoff from lawns, roofs and other areas must be handled on-site and not be drained toward the road.

For commercial and multi-residential driveways where hot mix asphalt (HMA) paved surface and/or concrete curb & gutter (or alternates) are required by the Road Commission, a \$6,000 financial guarantee is required to guarantee completion of HMA surface paving. The financial guarantee may be provided in one of three ways, cash escrow payment, a bond (from an insurance company) or a bank irrevocable letter of credit. Please refer to the Road Commission website

<https://static1.squarespace.com/static/514cbc76e4b0d2e6d865d63b/t/5c9a1f6df9619a93fea99bf1/1553604462089/Permit+fee+schedule+rev+3-19-19.pdf> for examples of acceptable formats for each of these three methods.

**Residential Home**: a driveway serving a single family dwelling or 2 dwellings (or buildable single family residential lots) sharing a common driveway. This also includes a driveway serving family farm activity and crop production, including orchards, farm fields, barns and farm accessory buildings. This category also includes a home based business where the home owner works from an office within home and does not have customer traffic.

A driveway approach for this category may have either a gravel or paved surface with a minimum throat width of 12 ft., a maximum throat width of 24 ft., 15 ft. radiuses & 20 ft. tapers. Sketch #1 shows these dimensional requirements along with other important details of construction.

If an applicant wishes to build a new driveway and pave it during the same construction season, this work may be accomplished with a single permit application, however the applicant is required to contact the Road Commission for inspection of the prepared gravel grade before the paving work is done.

**3-4 buildable Residential Lots**: a common driveway serving 3-4 single family dwellings (including apartments or other similar structures) or serving 3-4 buildable single family residential lots. This category also includes a home based business in one or more of the homes where the home owner works from an office within the home and does not have customer traffic.

A driveway approach for this category may have either a gravel or paved surface with the following minimum dimensions: 22 ft. wide throat, 25 ft. radiuses & 35 ft. tapers.

If an applicant wishes to build a new driveway and pave it during the same construction season, this work may be accomplished with a single permit application, however the applicant is required to contact the Road Commission for inspection of the prepared gravel grade before the paving work is done.

**5-14 buildable Residential Lots:** a common driveway serving 5-14 single family dwellings (including apartments or other similar structures) or serving 5-14 buildable single family residential lot. This category also includes a home based business in one or more of the homes where the home owner works from an office within the home and does not have customer traffic.

A driveway approach for this category shall have a paved surface (unless it is located along a gravel county road, in which case the surface may be gravel) with the following minimum dimensions: 24 ft. wide throat, 25 ft. radiuses & 35 ft. tapers.

If an applicant wishes to build a new driveway and pave it during the same construction season, this work may be accomplished with a single permit application, however the applicant is required to contact the Road Commission for inspection of the prepared gravel grade before the paving work is done.

**15 or more buildable Residential Lots:** a common driveway serving 15 or more single family dwellings (including apartments or other similar structures) or serving 15 or more buildable single family residential lots. This category also includes a home based business in one or more of the homes where the home owner works from an office within the home and does not have customer traffic.

A driveway approach for this category shall have a paved surface (unless it is located along a gravel county road, in which case the surface may be gravel) with the following minimum dimensions: 30 ft. wide throat, 25 ft. radiuses & 35 ft. tapers. HMA (asphalt) paving shall be at least 3" thick and concrete pavement must be at least 6" thick within the portion of the driveway approach covering the road shoulder.

Concrete curb (MDOT Detail B-2) shall be installed along the radiuses of the driveway (unless it is located along a gravel county road, in which no curb is required).

If desired, the applicant may elect to install a ditch, guardrail or rumble strip (ground into the pavement) along each radius as an alternative to concrete curb. When an alternate is desired, the applicant must provide an engineered drawing detailing the installation of the alternate choice. Ditches must have a 1 on 4 slope with the top of the slope terminating 12-18 inches from the edge of pavement. Ditches shall be a minimum of 2 feet deep or match the grade of existing ditch line to allow proper drainage. In areas where the existing road and the proposed driveway will be at least 2 feet above the surrounding land the foreslope of the roadway and driveway will be adequate without need for digging a ditch below the grade of the adjoining land. Guardrail shall meet MDOT standards for B2 guardrail, with an approved crash-tested ending where the guardrail meets the road shoulder.

If there is a circumstance where the Road Commission staff determines that ditches are unsuitable or would not be a functional solution, Road Commission staff may allow the use of 2 lb/lft steel delineator posts with reflectors along each radius, spaced no more than 10 feet apart.

If an applicant wishes to build a new driveway and pave it during the same construction season, this work may be accomplished with a single permit application, however the applicant is required to contact the Road Commission for inspection of the prepared gravel grade before the paving work is done and before any concrete curb is poured.

**Small Business:** a driveway serving a single business primarily accessed by automobile traffic that does depend upon light truck traffic for the operation of the business (less than 10 Class 5 to Class 8 trucks per day). A driveway approach for this category shall have a paved surface (unless it is located along a gravel county road, in which case the surface may be gravel) with the following minimum dimensions: 24 ft. wide throat, 25 ft. radiuses & 35 ft. tapers. HMA (asphalt) paving shall be at least 3" thick and concrete pavement must be at least 6" thick within the portion of the driveway approach covering the road shoulder. Concrete curbs are not required.

**Commercial:** a driveway serving any commercial, business, institutional or governmental activities not specifically described in the Small Business category.

A driveway approach for this category shall have a paved surface (unless it is located along a gravel county road, in which case the surface may be gravel) with the following minimum dimensions: 30 ft. wide throat, 25 ft. radiuses & 35 ft. tapers. HMA (asphalt) paving shall be at least 3" thick and concrete pavement must be at least 6" thick within the portion of the driveway approach covering the road shoulder.

Concrete curb (MDOT Detail B-2) shall be installed along the radiuses of the driveway (unless it is located along a gravel county road, in which no curb is required). If desired, the applicant may elect to install a ditch, guardrail or rumble strip (ground into the pavement) along each radius as an alternative to concrete curb. When an alternate is desired, the applicant must provide an engineered drawing detailing the installation of the alternate choice. Ditches must have a 1 on 4 slope with the top of the slope terminating 12-18 inches from the edge of pavement. Ditches shall be 2 feet deep or match the grade of existing ditch line to allow proper drainage. Guardrail shall meet MDOT standards for B2 guardrail, with an approved crash-tested ending where the guardrail meets the road shoulder.

If there is a circumstance where the Road Commission staff determines that ditches are unsuitable or would not be a functional solution, Road Commission staff may allow the use of 2 lb/lft steel delineator posts with reflectors along each radius, spaced no more than 10 feet apart.

If an applicant wishes to build a new driveway and pave it during the same construction season, this work may be accomplished with a single permit application, however the applicant is required to contact the Road Commission for inspection of the prepared gravel grade before the paving work is done and before any concrete curb is poured.

### **Existing Driveways**

Some existing driveways maybe exempt (grandfathered) from any new requirements if they meet the Road Commissions specifications. If your driveway is an existing driveway and has proven not to cause damage to the county road and if the anticipated changes to the existing business or residence will not result in a meaningful increase in the amount or type of traffic then you may be eligible for an exemption. You are required to provide proof that your existing driveway is in good condition.

### **Permit for an Event**

This section includes applications for competitions, fundraisers, parades or other activities that involve a partial or full closure of a county road. This includes any event that would, in the opinion of the Road Commission, interrupt or interfere with the normal flow of vehicular traffic or would encourage the participants to behave in a way contrary to the ordinary rules of the road (such as driving, riding or running through stop signs without stopping).

The Road Commission derives authority to issue permits for these activities from the "Driveways, Banners and Parades Act" which may be found under MCL 247.321 (Act 200 of the Public Acts of 1969, as amended). Section 3 of that Act states: "A permit to temporarily close a highway, or a portion of the highway, for a parade, celebration, festival, or similar activity may be issued by the highway authority only if requested by an authorized official designated by resolution of the governing body of a city, incorporated village, or township."

Based upon this language, we will only accept applications for this purpose when the applicant meets the criteria listed above. Anyone who is organizing an event of this nature must make arrangements with your Township accordingly.

A Township applying for a permit to hold such an event must provide:

- complete information about which section(s) of road that would be affected

- proposed traffic management plan that includes law enforcement participation
- date & timing of the event
- certificate of insurance meeting the requirements found on page 3 of our application form

Approval of the permit will be given only after concurrence with the County Emergency Management Director, the Sheriff's office & the affected Fire Chief(s) that adequate plans are in place for the event.

Insurance coverage & an indemnification statement may be provided by the sponsoring Township, the event organizer, or a combination from both parties, provided the combined insurance coverage meets or exceeds the Road Commission's current requirement.

### **Public Utility Permit**

The consent of the Board of County Road Commissioners of Leelanau County shall be obtained before any work is commenced. Any person or entity planning to install public or private utility facilities in the county road right of way shall apply for and obtain a permit from the Leelanau County Road Commission. A permit is valid only if the applicant and/or contractor provides satisfactory evidence of insurance coverage meeting the requirements outlined on the permit form.

Underground utility installation will not be allowed in the right-of-way between the dates of November 15 and April 1 unless approved by Road Commission staff for each day of work. This restriction shall not apply to emergency repair of existing utilities. Exceptions to this prohibition may be approved by the Engineer or Manager if the proposed work will not affect the roadbed support and the Utility Company will thaw the ground to enable safe digging practices to avoid conflict with other nearby underground facilities.

Underground electric and gas utility lines will be permitted within highway right-of-way only if the line owner subscribes to the MISS DIG system.

### **DESIGN**

The design and location of utility facilities along the highway must consider the potential impact on the highway. The utility owner shall be responsible for the design of its facility including clearances and separation between lines and the work shall be in accordance with these guidelines.

All underground utilities shall be installed as deep as practical to avoid future conflicts with Road Commission maintenance activities. All buried telephone and cable television lines shall have a minimum cover of 30 inches. All buried electric and gas lines shall have a minimum cover of 36 inches. The Road Commission may require greater cover or conduit for electric lines if the circumstances require. Road bores shall have a minimum cover of 4 feet and bore pits must be beyond the ditch bottom (or further as needed to protect the road shoulder from damage). Open cutting a paved road will be allowed only in unusual circumstances.

All buried utility lines under stream crossings shall be installed a minimum of 20 feet below the stream bottom. The Road Commission will require that utility companies lower any facilities that are currently at shallower depth if the existing facility will interfere with Road Commission maintenance or replacement work.

### **PLACEMENT**

New utilities placed in the right-of-way shall not adversely affect highway safety, construction, maintenance, or operations. New utility lines should be located as near as possible to the right-of-way line (28 ft. or more from center of road) to minimize conflict with future road widening or reconstruction. If the Road Commission determines that an existing utility must be relocated to accommodate road needs, it will be relocated at no expense to the Road Commission.

### **Private Utility Permit**

County Roads are mostly 66 ft. wide easements (that cross many parcels of private and public property) for the benefit of public travel. By state law the Road Commission is granted the authority and responsibility to maintain these easements on behalf of the public. The Courts have clearly stated that the Road Commission does not enjoy the authority to grant permission for the installation of private utilities, but we do have the authority to determine or regulate how they may be installed. An applicant for a private utility permit must have permission (by ownership or grant of a recorded, written easement) when applying to the Road Commission for a permit.

The Road Commission will require that private utility installations involve minimal or no interference with the pavement, underlying support soils or drainage features of a road. Accordingly we will expect that a parallel installation will be placed at the outer edge of the right of way.

The Road Commission will issue permits for the installation of private water or sewer lines.

These must be placed with at least 36" of cover when parallel to the road and at least 48" of cover when bored under the road. Road bores must be done by directional drilling with direct insertion of the plastic water or sewer line into the ground. A steel sleeve is not allowed. Bore pits must be located outside the right of way.

Owners of private utility lines in the right of way are reminded that the Road Commission cannot be responsible for any subsequent damage to these facilities unless the owner subscribes to the MISS DIG system for locating underground utilities.

Private electrical, propane or natural gas lines are not allowed in the right of way unless the owner agrees to join MISS DIG and participate with that organization for the entire lifetime of their facility.