

BOARD OF COUNTY ROAD COMMISSIONERS
COUNTY OF BAY, MICHIGAN

RESIDENTIAL DRIVEWAY POLICY

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BAY COUNTY ROAD COMMISSION **RESIDENTIAL DRIVEWAY POLICY**

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, improve or replace any driveway, or part thereof within the road right-of-way, providing access to a county road. Further, no person or other entity shall perform any ditch construction, reconstruction, enclosure or cleanout needed for the installation of a driveway culvert, adjacent to or under any roadway within right-of-way under the jurisdiction of the Board of County Road Commissioners, County of Bay ("Board" or "Road Commission") without first obtaining a permit from the Board.

CULVERTS:

Culvert pipe, where required, shall be of a new material meeting the present specification for culvert pipe as defined in the current Michigan Department of Transportation (MDOT) Standard Specifications for Construction. Acceptable materials are reinforced or non reinforced concrete pipe, corrugated and spiral ribbed steel pipe or aluminum alloy pipe and American Association of State Highway and Transportation Officials (ASSTHO) M-294 smooth lined corrugated Polyethylene (Plastic) Pipe Type S ("SLCPP"). SLCPP shall have a minimum of 24" of cover or material (stone, sand, etc.) over the top of the pipe.

The size of the proposed culvert will be determined by the Road Commission. Minimum size is 12". *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 MDOT Standard Specifications for Construction.

The Road Commission will dispatch a survey crew prior to approval of the driveway permit to determine the proper size and elevation of the proposed driveway culvert. The applicant shall receive two (2) "pin" flags at the time of application to mark the limits of the proposed driveway. The Road Commission survey crew will set a stake in the vicinity of the proposed driveway marked with information to be used to set the driveway culvert at the proper elevation (see Figure 1).

1) Culverts twelve inches (12") to thirty inches (30") in diameter (inclusive)

The minimum 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 bottom of the ditch (see Figure 2) for culverts between 12" and 30" inclusive in diameter. Culvert end sections are required. Vertical headwalls are **NOT** allowed. 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. Resulting recommendation or resolution will be based on and consistent with public safety and other requirements in the public interest. To avoid erosion or loss of fill material into the ditch, the culvert end slopes shall be stabilized with geotextile and rock riprap, seeded and mulched or by a means that will prevent erosion of the culvert end slopes. If the applicant chooses to seed and mulch the culvert end slopes, the driveway permit and installation is not considered complete until vegetation is well established. The permit holder is responsible for any bank repairs or replanting needed to achieve a well established ditch slope. A gravel surface shall be placed within 10 days of installation of the driveway.

2) Culverts greater than thirty inches (30") in diameter

The same requirements apply for culverts greater than thirty inches (30") in diameter that apply for those less than or equal to 30" and as outlined above. The following exceptions shall apply.

Driveways requiring culvert pipe 31" (inclusive) or greater in diameter may be constructed by cutting or beveling the ends of the culvert pipe instead of using end sections. The bevel cut shall have a minimum slope of 1' vertical to 3' horizontal. However, either option is acceptable. In certain instances, vertical headwalls instead of end sections may be allowed. However, the use

of vertical headwalls must be approved by the Road Commission prior to construction. In the case where vertical headwalls are allowed, in no instance shall the culvert pipe length be less than 30 feet.

Vertical headwalls, where permitted, shall be constructed of poured in place concrete, cloth bags filled two-thirds full with a wet mix consisting of one part cement to six parts aggregate with steel rods driven through or any other approved solid headwall. However, all headwalls shall be constructed in accordance with the general dimensional specifications outlined in Figures 3, 4 & 5. Vertical concrete bag headwall is used as an example in Figures 3, 4 & 5. The top of the headwall shall be 12" BELOW the road edge.

Stacking "Quikcrete" bags for driveway headwalls will **NOT** be allowed.

GENERAL:

Concrete drives may not extend to edge of metal/outside edge of the travel lane/"white line". Concrete drives are not allowed in any road right-of-way under the jurisdiction of the Road Commission. If the property owner or occupant chooses to install a concrete driveway on their property, it must end at the road right-of-way line. The balance of the driveway, or that connecting the concrete portion to the edge of roadway shall be gravel or Hot Mix Asphalt (HMA).

Since road right-of-way widths and locations vary throughout the county, the Board has designated the Engineer-Manager or his/her duly designated representative to place a stake, paint mark or utilize other means to designate where the concrete drive must end. The intent is to have this done at the same time or within a reasonably short time after the BCRC survey crew stakes and determines the size of the driveway culvert.

Further, it is understood that:

- 1) A permit for a residential driveway must be applied for and approved by the BCRC for said work, prior to beginning any work in the road right-of-way.
- 2) The Road Commission shall not be responsible for any damage to any portion of a residential driveway, no matter the surface type, within the road-right-of-way.
- 3) The Road Commission shall not be responsible for replacing any concrete or HMA driveway in the event a roadway is raised or lowered as part of a future road improvement project.
- 4) The Road Commission shall not be responsible for replacement of any existing concrete driveway as a result of drainage, ditching or catch basin work within the existing road right-of-way. The Road Commission shall replace an existing concrete driveway with HMA if, and only if the

drainage, ditching or catch basin work is part of a project being completed by the Road Commission.

- 5) If a concrete driveway that currently extends to the roadway edge is replaced by the property owner, that portion within the existing road right-of-way must be replaced with gravel or HMA. Concrete will not be allowed.
- 6) If the BCRC receives a report or observes that driveway a culvert is plugged or obstructing the normal flow of water in the ditch, the BCRC may clean or jet the driveway culvert in an attempt to clear the obstruction. The BCRC shall not be responsible for any damage to the driveway culvert, driveway or surrounding land.
- 7) If a culvert is installed by the property owner or the property owner's contractor at an elevation where the material type or depth over the culvert does not meet the manufacturer's specifications, the property owner is advised the driveway culvert may heave or move upward out of the ground due to yearly freeze/thaw cycles. Installation method and quality of installation have a significant effect on the culverts life span and whether or not the culvert will heave.

Concrete driveways may be poured in the road right-of-way if connecting to the back of curb on a roadway where concrete curb & gutter already exists. Removal and replacement or cutting of said curb to allow for a residential driveway opening must follow the construction methods and requirements outlined in the current Road Commission "Revised Permit Rules, Standards and Specifications for Work within Right-of-Way, Overhead and Underground Construction, Driveways, Banners and Parades."

Driveways exist only for the use of the property owner or occupant **ONLY** and, if a problem develops as a result of any type of failure of the driveway culvert, headwalls, drive surface, or anything associated with the driveway, the owner or occupant, whatever the case may be, shall be responsible to correct the problem as directed by the Road Commission to maintain uninterrupted flow of water in the drainage course. If the owner or occupant fails to correct the problem within the number of calendar days included in written notification sent 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.