

BARRY COUNTY ROAD COMMISSION

Driveway Permit Requirements

Effective 4/17/07, by Board Resolution

GENERAL

Landowners of property fronting public roads have certain rights of access consistent with their needs. The traveling public has certain rights to freedom of movement, safety and efficient expenditure of their public highway funds. It rests on the highway authority to regulate and control the location, design and operation of driveways; and, to the extent feasible, satisfy the needs of both landowners and the traveling public.

The construction of private driveways and furnishing culverts or gravel are not considered efficient expenditures of public road funds. Therefore the total cost of constructing and maintaining a driveway connecting to a county road shall be borne by the property owner. These costs may include, but are not limited to, excavation, ditching, embankment, clearing, gravel, asphalt, concrete, culverts or signs.

Act 200, Public Acts of 1969, Section 4 thereof, charges the highway authority with the responsibility to issue driveway permits consistent with the rules promulgated by the highway authority for public safety and in the public interest.

IN ACCORDANCE WITH ACT 200, NO DRIVEWAY IS LAWFUL ON ROADS UNDER JURISDICTION OF THE BARRY COUNTY ROAD COMMISSION UNLESS A PERMIT IS OBTAINED FROM THE BARRY COUNTY ROAD COMMISSION.

When the type or volume of traffic using an existing driveway changes because of a change in land use or roadside development, the owner, organization, or person responsible for operation of the driveway shall be required to obtain a permit and correct the driveway(s) to the standard contained in these rules.

It is the responsibility of the landowner to design and construct his/her driveway and parking areas in a manner so as not to impair existing drainage.

The contractor/owner shall provide and properly maintain all signs and barricades necessary to complete construction in a safe manner. Construction zone signing shall be done in accordance with the current edition of the Michigan Manual of Uniform Traffic Control Devices.

The landowner shall provide and properly maintain permanent traffic signs and pavement markings which the Road Commission determines are necessary for proper operation of the driveway. Only those traffic signs and pavement markings approved by the Road Commission may be used within the road Right of Way. Signs and pavement markings shall conform to the current edition of the Michigan Manual of Uniform Traffic Control Devices, unless otherwise approved by the County Highway Engineer.

In the event that a concrete driveway is removed or damaged due to road construction activities performed by the Road Commission, replacement within the road Right of Way may be made with Bituminous Materials in lieu of concrete.

REQUIREMENTS

Driveways shall have a minimum 4% slope down and away from the edge of the existing shoulder for a minimum distance of 10' or to the existing ditch line, whichever is greater.

All drives shall enter perpendicular to the existing roadway. Driveways will not be allowed within 75 feet of the intersection of two roads.

REQUIREMENTS - Continued

A drive culvert shall be installed as determined by the Road Commission or its agents. The Road Commission shall determine the type, size and location of the culvert. Minimum requirements for residential drives shall be 12" diameter by 30' long. Minimum requirements for commercial drives or drives serving 3 or more residents shall be 12" diameter by 40' long. Furthermore Commercial driveway requirements will vary on a site by site basis, with requirements not to exceed the Barry County Road Commission Commercial Plat Specifications.

Most culverts can be purchased from the Road Commission at the current price of the culvert. Culverts are delivered by the Road Commission once a week for an additional delivery charge determined by management.

If the culvert is not purchased from the Road Commission, the culvert shall conform to MDOT standard specifications, Table 401-1; Class 1 Culverts. Culverts other than those listed will not be allowed unless otherwise approved by the Road Commission.

Construction of headwalls at culvert ends is prohibited.

A minimum of 4 inches of processed gravel is required on the entire drive within the Right of Way.

SIGHT DISTANCE

All drives shall be inspected by the Road Commission to insure that there is adequate sight distance for entering and exiting a county road. To provide for adequate sight distance, all obstructions must be removed as required by the Road Commission. Sight distance, looking each way from the driveway centerline, shall be measured along the centerline from an eye height of 3.5 feet to a 2.0 foot tall object in the roadway. The eye height at the driveway centerline shall be positioned 15 feet from the edge of the county road.

The following sight distances, according to the posted regulatory speed limit (adjusted for conditions), shall be required:

<u>Speed</u>	<u>Minimum</u>	<u>Desired</u>
25 MPH	150 feet	150 feet
30 MPH	200 feet	200 feet
35 MPH	250 feet	250 feet
40 MPH	300 feet	325 feet
45 MPH	350 feet	400 feet
50 MPH	400 feet	475 feet
55 MPH	450 feet	550 feet

The distances are the minimum for a flat grade and more may be required as determined by the Road Commission.

The distances in the middle column above are minimum distances. The desired distances should be achieved where possible including relocating of driveways within the current property limits. The Road Commission will require driveways to be relocated to a point where the above sight distances can be obtained. Special consideration may be given on a site by site basis based on the geometric configuration of the existing county road.

More sight distance, than listed above, is desirable and landowners may be required to locate a drive to provide more sight distance and safety as determined by the Road Commission.

FEE

The fee for all driveway permits shall be \$35.00.

ENFORCEMENT

In the event that any access to a county road is installed without complying with the provisions outlined herein, the Barry County Road Commission shall initiate the following procedure:

Step 1 – Send letter 1 via certified mail to the land owner providing landowner 30 days to comply. Proceed to Step 2 if the problem is not corrected.

Step 2 – If correction is estimated to cost less than \$1000 the Managing Director may determine that the Barry County Road Commission will correct the problem itself. Send letter 2a via certified mail to the landowner notifying of the decision to correct the problem and of a pending bill to be sent to the landowner. Letter also provides landowner additional 30 days to comply.

If a driveway permit was not issued for the installed location and the Managing Director elects not to correct the problem, the matter shall proceed to the appropriate court. Send letter 2b via certified mail notifying landowner of the decision to proceed to court and provide additional 30 days to comply.

If a driveway permit was issued for the installed location and the Managing Director elects not to correct the problem, the permit will proceed through a revocation procedure. Send letter 2c via certified mail stating that a revocation procedure will be held at a board meeting that would provide at least 30 days notice. If the permit is revoked the matter will then proceed to the appropriate court for enforcement.

If the landowner complies with all requirements of the Barry County Road Commission as outlined herein, on the permit, or in the certified letters within the time frames stated above, enforcement action will cease. A driveway permit will then be issued if one has not been already. Payment for said permit will remain the responsibility of the landowner.

The Barry County Road Commission will seek reimbursement for all expenses, legal or otherwise, it has incurred as a result of the enforcement action written above. Reimbursement shall be sought in a manner determined by the expenses and circumstances of each case.