

# **Michigan County Road Commission Self-Insurance Pool**

## **MICHIGAN RIGHT-OF-WAY LAWS**



## **Index of Documents**

	<b>Utilities Generally</b>
<b>1A.</b>	<b>MI Const Art. 7, § 29</b> Highways, streets, alleys, public places; control, use by public utilities
<b>1B.</b>	<b>MCL 224.19b (County Road Law)</b> Permits for performance of work within the right of way; sidewalks excepted; permit requirements; fee schedules; security
<b>1C.</b>	<b>MCL 247.183 (Highway Obstructions and Encroachments; Use of Highway by Public Utilities)</b> Construction and maintenance of lines, poles, sewers, or similar structures by public utilities; construction and maintenance of electronic devices and structures for data collection and provision of travel-related information or assistance
<b>1D.</b>	<b>MCL 247.184</b> State and county roads and bridges, structures; consent to construction
<b>1E.</b>	<b>MCL 250.115 (Highway Code)</b> Trunk line highway; abandonment of part of right of way; easement for public utilities
	<b>Metro Act: Telecommunications</b>
<b>2A.</b>	<b>MCL 484.3102</b> Definitions
<b>2B.</b>	<b>MCL 484.3104</b> Municipal regulation of access to rights-of-way by telecommunication providers; effect of obtaining permit or paying fees under act
<b>2C.</b>	<b>MCL 484.3105</b> Permit requirements
	<b>Metro Act: Water and Power Companies</b>
<b>3A.</b>	<b>MCL 486.502</b> Corporations to supply water to townships; contracts; use of highways for mains, consent

	<b>Metro Act: Telephone, Telegraph and Radio</b>
<b>4A.</b>	<b>MCL 484.4</b> Construction of line, restrictions; condemnation; purchase of stock; holding of realty
<b>4B.</b>	<b>MCL 484.155</b> Telegraph lines; construction, restrictions
<b>4C.</b>	<b>MCL 484.3301</b> Uniform Video Services Local Franchise Act: Short title; definitions
<b>4D.</b>	<b>MCL 484.3306</b> Annual service provider fees; gross revenues; fees for support of public, education, and government access facilities and services; credits applied to fees from maintenance fees paid by provider for use of public rights-of-way; assessment
<b>4E.</b>	<b>MCL 484.3308</b> Video service or communications network, installation, construction, and maintenance within public right-of-way; access to public right-of-way; discrimination not allowed; permit fee
<b>4F.</b>	<b>MCL 484.3115</b> Permits for access to and ongoing use of municipal public rights-of-way by providers; repair and restoration of public rights-of-way affected by activities of providers
	<b>Gas, Oil, and Brine Lines</b>
<b>5A.</b>	<b>MCL 483.1</b> Definitions; buying, selling, or transporting crude oil, petroleum, or carbon dioxide substances
<b>5B.</b>	<b>MCL 483.2</b> Condemnation and use of highways to acquire rights-of-way; purposes; procedure
<b>5C.</b>	<b>MCL 483.101</b> Natural gas; buying, selling or transporting
<b>5D.</b>	<b>MCL 483.102</b> Condemnation, use of highways; limitation to intrastate transportation
	<b>Electricity Providers</b>
<b>6A.</b>	<b>MCL 460.553</b> Right to use of highways, streets, etc.; insulation of transmission lines; franchises
<b>6B.</b>	<b>MCL 460.554</b> Data and information, specifications of construction, filing; height of lines; stenciling of poles

	<b>Drains, Culverts, and Bridges</b>
<b>7A.</b>	<b>MCL 235.1 (General Highway Law)</b> Drain in public highway; release of right of way, damages
<b>7B.</b>	<b>MCL 280.73 (Drainage Code)</b> Proposed drain; plans, specifications and cost estimates; route, approval; easements on rights of way
<b>7C.</b>	<b>MCL 280.321</b> Drains in public highways, permit; release of right of way
<b>7D.</b>	<b>MCL 280.322</b> Cost of construction; contract; maintenance, bridges or culverts to farms
<b>7E.</b>	<b>MCL 280.322b</b> Installation for agricultural benefits, expense of material and labor, notification of necessity
<b>7F.</b>	<b>MCL 280.323</b> Drains along public highways
<b>7G.</b>	<b>MCL 280.324</b> Drainage across lands adjacent to highways; right of way
<b>7H.</b>	<b>MCL 280.325</b> Cost to township for highway drainage, report by county road commission, drain fund
<b>7I.</b>	<b>MCL 280.326</b> Construction report; restriction on county road commission
<b>7J.</b>	<b>MCL 280.327</b> County or intercounty drain; application or petition to establish, clean out, widen, deepen, straighten, or extend drain; procedure; determination
	<b>Pavements, Sidewalks, and Elevated Structures</b>
<b>8A.</b>	<b>MCL 41.271</b> Application by petition; eligibility of signers; certificate of tax status; authority of county road commissioners
<b>8B.</b>	<b>MCL 41.271a</b> Application by resolution; declaration of necessity; public hearing; petition for discontinuance
<b>8C.</b>	<b>MCL 41.273</b> Bridges, drains, curbing, culverts, and additional rights of way; inclusion in improvement
<b>8D.</b>	<b>MCL 41.274</b> First order of determination; specifications; description of assessment district; improvement located on state trunk line
<b>8E.</b>	<b>MCL 41.282</b> Maintenance and repair; proration of expense of joint improvement

<b>8F.</b>	<b>MCL 41.286</b> Hearing examiners; powers and duties; determination of board of county road commissioners; petition for reconsideration, filing; notice, hearing
<b>8G.</b>	<b>MCL 41.288</b> Installation of sidewalks and elevated structures; payment; contracts; approval
<b>8H.</b>	<b>MCL 41.288a</b> Construction, repair, and maintenance of sidewalks in designated areas; meeting; assessment of costs; approval; election
<b>8I.</b>	<b>MCL 41.289</b> Lighting of roads, highways, and bridges; expense, joint funding
<b>8J.</b>	<b>MCL 41.289a</b> Lighting of roads, highways and bridges; installation and maintenance; supervision; contracts; joint agreements
<b>8K.</b>	<b>MCL 41.290</b> Lighting of county or state roads, highways and bridges by county or township; joint actions; contracts; extension of lines or service; payment; statement and budget; apportionment of expenses; tax; lighting of state trunk line highways and bridges
	<b>Encroachments</b>
<b>9A.</b>	<b>MCL 247.171</b> Encroachments; removal order, service; temporary permit
<b>9B.</b>	<b>MCL 247.172</b> Encroachments; removal by commissioner; penalty, expense charged to occupant, collection by tax; limitation
<b>9C.</b>	<b>MCL 247.190</b> Width of highway; encroachment does not give right to land
	<b>Driveways, Banners, Events, and Parades</b>
<b>10A.</b>	<b>MCL 247.321</b> Definitions
<b>10B.</b>	<b>MCL 247.322</b> Permit; other statutes or ordinances, application, compliance
<b>10C.</b>	<b>MCL 247.325</b> Rules; adoption, department of state highways, county road commissioners
<b>10D.</b>	<b>MCL 247.326</b> Issuance and revocation of permits
<b>10E.</b>	<b>MCL 247.327</b> Existing driveways; subsequently constructed or reconstructed driveways, nonconforming, correction
<b>10F.</b>	<b>MCL 247.328</b> Widening, relocation, reconstruction, improvement, or maintenance of highways, right of highway authority to acquire property

	<b>Trees, Shrubs, and Weeds</b>
<b>11A.</b>	<b>MCL 247.72</b> Highways; duty of officials to prevent growth of noxious weeds
<b>11B.</b>	<b>MCL 247.185</b> Paramount rights of public to use of public places; trees and shrubs, injury or destruction; bridges; existing rights
<b>11C.</b>	<b>MCL 247.241</b> Trees or shrubs; unlawful cutting, destruction, etc.
<b>11D.</b>	<b>MCL 247.242</b> Planting and protection
	<b>Traffic Control</b>
<b>12A.</b>	<b>MCL 257.609</b> Traffic-control devices; placement and maintenance; restrictions; county road commission, permission, costs
	<b>Recreational Vehicles</b>
<b>13A.</b>	<b>MCL 324.82119</b> Regulation of snowmobile operations
	<b>General Authority for Right-Of-Way Work</b>
<b>14A.</b>	<b>MCL 224.11</b> Authority to lay out or change roads; construction or improvement projects, hearing, approval or disapproval; purchase of private property

# **Michigan Right-Of-Way Laws**

## **1. Utilities Generally**



Michigan Compiled Laws Annotated

Michigan Constitution of 1963

Chapter 1. The Fundamental Law (Refs & Annos)

Constitution of the State of Michigan 1963 (Refs & Annos)

Article VII. Local Government (Refs & Annos)

M.C.L.A. Const. Art. 7, § 29

§ 29. Highways, streets, alleys, public places; control, use by public utilities

Currentness

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

**Editors' Notes**

**CONVENTION COMMENT**

This is a revision of Sec. 28, Article VIII, of the present [1908] constitution to include counties among the local governments with control of public utilities occupying the rights-of-way of highways, streets, alleys and other public places.

Adding the words "public or private" recognizes that both types are subject to the restrictions of this section.

Notes of Decisions (229)

M. C. L. A. Const. Art. 7, § 29, MI CONST Art. 7, § 29

Current with amendments approved through the November, 2014 general election.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.



Michigan Compiled Laws Annotated

Chapters 220 to 244 General Highway Law (Refs & Annos)

Chapter 224. Chapter IV--County Road Law

Chapter IV. County Road Law (Refs & Annos)

M.C.L.A. 224.19b

224.19b. Permits for performance of work within the right of way;  
sidewalks excepted; permit requirements; fee schedules; security

Currentness

Sec. 19b. (1) 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.

(2) A county road commission and a local unit of government may adopt after a public hearing of which notice has been given by publication at least twice in a newspaper circulated in the county not more than 30 days nor less than 7 days prior to the hearing, reasonable permit requirements and a schedule of fees to be charged sufficient to cover only the necessary and actual costs applied in a reasonable manner for the issuance of the permit and for review of the proposed activity, inspection and related expenses. After the work authorized in the permit has been completed, itemization of all costs shall be supplied upon request of the permit holder.

(3) When a road commission adopts procedures for the issuance of permits or adopts a schedule of fees in accordance with the provisions of this section, separate procedures and fee schedules shall be adopted for the issuance of annual and emergency permits which reflect the minimal administrative burden of issuing an annual permit for frequent but routine and unobtrusive work such as surveying and the extraordinary emergency repairs to municipal or public utilities.

(4) A county road commission may not refuse a permit requested by a government entity for the installation of a facility or utility owned by that entity if security is given by the permittee or its contractor to the county road commission sufficient to insure restoration of the road and appurtenances thereto and adjacent right of way to a condition reasonably equal to or better than that existing prior to such installation nor may a county road commission charge a government entity a permit fee exceeding \$300.00 per permit or \$1,000.00 total for all permits per project.

**Credits**

P.A.1909, No. 283, c. IV, § 19b, added by P.A.1980, No. 212, § 1, Eff. March 31, 1981.

Notes of Decisions (1)

M. C. L. A. 224.19b, MI ST 224.19b

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

## Michigan Compiled Laws Annotated

## Chapter 247. Highways

## Highway Obstructions and Encroachments; Use of Highway by Public Utilities (Refs &amp; Annos)

## M.C.L.A. 247.183

247.183. Construction and maintenance of lines, poles, sewers, or similar structures by public utilities; construction and maintenance of electronic devices and structures for data collection and provision of travel--related information or assistance

## Currentness

Sec. 13. (1) Except as otherwise provided under subsection (2), telegraph, telephone, power, and other public utility companies, cable television companies, and municipalities may enter upon, construct, and maintain telegraph, telephone, or power lines, pipe lines, wires, cables, poles, conduits, sewers or similar structures upon, over, across, or under any public road, bridge, street, or public place, including, longitudinally within limited access highway rights-of-way, and across or under any of the waters in this state, with all necessary erections and fixtures for that purpose. A telegraph, telephone, power, and other public utility company, cable television company, and municipality, before any of this work is commenced, shall first obtain the consent of the governing body of the city, village, or township through or along which these lines and poles are to be constructed and maintained.

(2) A utility as defined in 23 CFR 645.105(m) may enter upon, construct, and maintain utility lines and structures, including pipe lines, longitudinally within limited access highway rights-of-way and under any public road, street, or other subsurface that intersects any limited access highway at a different grade, in accordance with standards approved by the state transportation commission and the Michigan public service commission that conform to governing federal laws and regulations and is not required to obtain the consent of the governing body of the city, village, or township as required under subsection (1). The standards shall require that the lines and structures be underground and be placed in a manner that will not increase highway maintenance costs for the state transportation department. The standards may provide for the imposition of a reasonable charge for longitudinal use of limited access highway rights-of-way. The imposition of a reasonable charge is a governmental function, offsetting a portion of the capital, maintenance, and permitting expense of the limited access highway, and is not a proprietary function. The charge shall be calculated to reflect a 1-time installation permit fee that shall not exceed \$1,000.00 per mile of longitudinal use of limited access highway rights-of-way with a minimum fee of \$5,000.00 per permit. If the 1-time installation permit fee does not cover the reasonable and actual costs to the department in issuing the permit, the department may assess the utility for the remaining balance. All revenue received under this subsection shall be used for capital and maintenance expenses incurred for limited access highways, including the cost of issuing the permit.

(3) A person engaged in the collection of traffic data or the provision of travel-related information or assistance may enter upon, construct, and maintain electronic devices and related structures within limited access and other highway rights-of-way in accordance with standards approved by the state transportation commission that conform to governing federal laws and regulations. The standards shall require that the devices and structures be placed in a manner that will not impede traffic and will not increase maintenance costs for the state transportation department. The state transportation department may enter into agreements to authorize the use of property acquired for or designated as a highway or acquired for or designated for ancillary purposes for the installation, operation, and maintenance of commercial or

noncommercial electronic devices and related structures for the collection of traffic data or to assist in providing travel-related information or assistance to motorists who subscribe to travel-related services, the public, or the department. Any revenue generated by the agreements shall be deposited in the state trunk line fund. The department may accept facilities or in-kind services to be used for public purposes in lieu of, or in addition to, monetary compensation.

**Credits**

Amended by P.A.1989, No. 215, § 1, Imd. Eff. Nov. 13; P.A.1994, No. 306, § 1, Imd. Eff. July 14, 1994; P.A.2002, No. 151, Imd. Eff. April 8, 2002; P.A.2005, No. 103, Imd. Eff. July 22, 2005.

Notes of Decisions (44)

M. C. L. A. 247.183, MI ST 247.183

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 247. Highways

Highway Obstructions and Encroachments; Use of Highway by Public Utilities (Refs & Annos)

M.C.L.A. 247.184

247.184. State and county roads and bridges, structures; consent to construction

Currentness

Sec. 14. In case it is proposed to construct a telegraph, telephone, power line or cable television line, pipe lines, wires, cables, poles, conduits, sewers, or like structures upon, over or under a county road or bridge, the consent of the board of county road commissioners shall be obtained before the work of such construction shall be commenced; and in case it is proposed to construct a telegraph, telephone, power line, cable television line, pipe line, wires, cables, poles, conduits, sewers or like structures, upon, over or under a state trunk line highway, or upon, over or under any bridge that the state has participated in constructing, the consent of the state highway commissioner shall be obtained before the work of such construction shall be commenced.

Notes of Decisions (4)

M. C. L. A. 247.184, MI ST 247.184

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated Chapter 250. Highways Additional Trunk Line Mileage (Refs & Annos)
---

M.C.L.A. 250.115

250.115. Trunk line highway; abandonment of part of right of way; easement for public utilities

Currentness

Sec. 5. When the board of county road commissioners or the governing body of the city or village to whose jurisdiction any trunk line highway would return upon relinquishment of jurisdiction by the state, by resolution, indicates that it does not wish to accept jurisdiction of the entire width of the right of way of such trunk line highway, the highway commissioner is hereby authorized and empowered to absolutely discontinue and abandon that part of the width of the right of way not accepted. Upon the absolute abandonment and discontinuance of any part of the width of the right of way of a state trunk line highway, public utilities shall have the easement and right to maintain, alter or remove all facilities existing in that portion of such highway absolutely discontinued and abandoned, and the highway commissioner shall make note of such easement and right in the order of discontinuance and abandonment. The commissioner shall record the order in the appropriate register of deeds office. The recording of the order shall constitute the final and absolute abandonment of the portion of the width designated.

M. C. L. A. 250.115, MI ST 250.115

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

# **Michigan Right-Of-Way Laws**

## **2. Metro Act: Telecommunications**



Michigan Compiled Laws Annotated

Chapter 484. Telephone, Telegraph, and Radio

Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Refs & Annos)

M.C.L.A. 484.3102

484.3102. Definitions

Effective: October 1, 2014

Currentness

Sec. 2. As used in this act:

- (a) "Authority" means the metropolitan authority created under the local community stabilization authority act.<sup>1</sup>
- (b) "Broadband internet access transport services" means the broadband transmission of data between an end-user and the end-user's internet service provider's point of interconnection at a speed of 200 or more kilobits per second to the end-user's premises.
- (c) "Commission" means the Michigan public service commission in the department of licensing and regulatory affairs.
- (d) "Exchange" means that term as defined under section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102.
- (e) "Incumbent local exchange carrier" means that term as defined under section 251(h) of title II of the communications act of 1934, chapter 652, 110 Stat. 61, 47 USC 251.
- (f) "Metropolitan area" means 1 or more municipalities within this state located, in whole or in part, within a county having a population of 10,000 or more or a municipality within this state that enacts an ordinance or resolution electing to be classified as part of a metropolitan area under this act.
- (g) "Municipality" means a township, city, or village.
- (h) "Person" means an individual, corporation, partnership, limited partnership, association, limited liability company, governmental entity, or any other legal entity.
- (i) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, alley, easement, or waterway. Public right-of-way does not include a federal, state, or private right-of-way.



(j) "Telecommunication facilities" or "facilities" means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, 2-way communications device.

(k) "Telecommunication provider", "provider", and "telecommunication services" mean those terms as defined in section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, 2-way communication device. For the purposes of this act only, a provider also includes all of the following:

(i) A cable television operator that provides a telecommunication service.

(ii) Except as otherwise provided by this act, a person who owns telecommunication facilities located within a public right-of-way.

(iii) A person providing broadband internet transport access service.

(iv) An internet service provider that provides a telecommunication service.

#### **Credits**

P.A.2002, No. 48, § 2, Eff. Nov. 1, 2002. Amended by P.A.2014, No. 88, Eff. Oct. 1, 2014.

#### **Footnotes**

1 M.C.L.A. § 123.1341 et seq.

M. C. L. A. 484.3102, MI ST 484.3102

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

Michigan Compiled Laws Annotated

Chapter 484. Telephone, Telegraph, and Radio

Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Refs & Annos)

M.C.L.A. 484.3104

484.3104. Municipal regulation of access to rights-of-way by telecommunication providers; effect of obtaining permit or paying fees under act

Currentness

Sec. 4. (1) Except as otherwise provided by this act, after the effective date of this act, a municipality in a metropolitan area shall not enact, maintain, or enforce an ordinance, local law, or other legal requirement applicable to telecommunication providers that is inconsistent with this act or that assesses fees or requires other consideration for access to or use of the public rights-of-way that are in addition to the fees required under this act.

(2) This act shall not affect any existing rights that a provider or municipality may have under a permit issued by a municipality or contract between the municipality and the provider related to the use of the public rights-of-way.

(3) Obtaining a permit or paying the fees required under this act does not give a provider a right to use conduit or utility poles.

**Credits**

P.A.2002, No. 48, § 4, Eff. Nov. 1, 2002.

M. C. L. A. 484.3104, MI ST 484.3104

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 484. Telephone, Telegraph, and Radio

Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Refs & Annos)

M.C.L.A. 484.3105

484.3105. Permit requirements for use of metropolitan public rights-of-way for telecommunication facilities; existing permits; applications

Currentness

Sec. 5. (1) A provider using or seeking to use public rights-of-way in a metropolitan area for its telecommunication facilities shall obtain a permit under section 15<sup>1</sup> from the municipality and pay all fees required under this act. Authorizations or permits previously obtained from a municipality under section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, satisfy the permit requirement of this section.

(2) A provider asserting rights under 1883 PA 129, MCL 484.1 to 484.10, is subject to the permit and fee requirements of this act.

(3) Within 180 days from the effective date of this act, a provider with facilities located in a public right-of-way as of the effective date of this act that has not previously obtained authorization or a permit under section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit an application for a permit to each municipality in which the provider has facilities located in a public right-of-way. A provider submitting an application under this subsection is not required to pay the administrative fee required under section 6(4).<sup>2</sup>

(4) The authority may, for good cause, allow a provider up to an additional 180 days to submit the application required under subsection (3).

**Credits**

P.A.2002, No. 48, § 5, Eff. Nov. 1, 2002.

**Footnotes**

1 M.C.L.A. § 484.3115.

2 M.C.L.A. § 484.3106.

M. C. L. A. 484.3105, MI ST 484.3105

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

# **Michigan Right-Of-Way Laws**

## **3. Metro Act: Water and Power Companies**



Michigan Compiled Laws Annotated Chapter 486. Water and Power Companies Township Water System Act of 1956 (Refs & Annos)
--

M.C.L.A. 486.502

486.502. Corporations to supply water to townships; contracts; use of highways for mains, consent

Currentness

Sec. 2. Any corporation so formed under this act shall have the power to contract with any township or townships for the sale of water to said township or townships; and for that purpose it is authorized and empowered to buy, hold and sell real and personal property and to erect and maintain all necessary and convenient buildings, fixtures, machinery and other appurtenances, and, subject to the provisions of this act, to lay water pipes or mains in, across and through the public streets, highways or alleys in said township or townships: Provided, however, That before laying any pipe or main in, across or through any public street, highway or alley such corporation shall first procure the written consent of the state highway commissioner if such street, highway or alley be under his control and jurisdiction, or of the board of county road commissioners if such street, alley or highway be under the control and jurisdiction of such board, or of the township board of the township if the street, highway or alley be under the control and jurisdiction of such township board.

M. C. L. A. 486.502, MI ST 486.502

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

# **Michigan Right-Of-Way Laws**

## **4. Metro Act: Telephone, Telegraph and Radio**



## Michigan Compiled Laws Annotated

## Chapter 484. Telephone, Telegraph, and Radio

## Telephone and Messenger Service Companies (Refs &amp; Annos)

## M.C.L.A. 484.4

## 484.4. Construction of line, restrictions; condemnation; purchase of stock; holding of realty

## Currentness

Sec. 4. Every such corporation shall have power to construct and maintain lines of wire or other material, for use in the transmission of telephonic messages along, over, across, or under any public places, streets and highways, and across or under any of the waters in this state, with all necessary erections and fixtures therefor: Provided, That the same shall not injuriously interfere with other public uses of the said places, streets and highways, or injure any trees located along the line of such streets or highways nor shall the same interfere with the navigation of said waters, or the running of railway trains; to construct, provide and furnish instruments, devices, and facilities for use in the transmission of such messages, and to construct, maintain and operate telephone exchanges and stations, and generally to conduct and carry on the business of providing and supervising communication by telephone, and also the business of furnishing messenger service in cities and towns: Provided further, That whenever any corporation organized under the provisions of this act for the purpose of constructing any public telephone line in the upper peninsula of this state finds it impracticable to construct its said lines upon any of the public places, streets and highways and across or under any waters in this state, on account of which it may desire to acquire any right of way for its said lines over, through, under and across any lands needed therefor, and is unable to agree with the owner of such lands for the purchase of said right of way, such corporation shall have the right to acquire the title to said right of way, outside of the corporate limits of cities and villages, upon making just compensation to the owner of such lands, in the same manner and by the same proceedings as provided for in chapter 164 of the Compiled Laws of 1897 of this state<sup>1</sup> for the condemnation of lands for right of way by railway companies: Provided further, that whenever the owner of any lands which are not traversed by any railway objects to having any telephone company run its line of right of way across his lands at any point, then the said telephone company shall confine its line of right of way to established subdivision lines. Whenever the owner of any lands which are traversed by any railway shall object to having any telephone company run its line of right of way across his lands at any point then the said telephone company shall confine its line of right of way to established subdivision lines or immediately adjoining and along the right of way of said railway. And it shall be lawful for any such corporation to purchase and hold a portion of the stock of any corporation owning or controlling by patent, or otherwise, the use of any instrument or device necessary or convenient for use, in the transmission or reception of telephonic messages, and to purchase and hold all real property necessary to carry out the purposes of its organization.

## Notes of Decisions (24)

## Footnotes

<sup>1</sup> M.C.L.A. §§ 463.1 to 467.103.

M. C. L. A. 484.4, MI ST 484.4

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

Michigan Compiled Laws Annotated Chapter 484. Telephone, Telegraph, and Radio Telegraph Companies (Refs & Annos)
--

M.C.L.A. 484.155

484.155. Telegraph lines; construction, restrictions

Currentness

Sec. 5. Such association is authorized to enter upon, and construct, and maintain lines of telegraph through, along, and upon any of the public roads and highways, or across or under any of the waters within the limits of this state, by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the cords or wires of such lines; Provided, That the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the construction of any bridge across any of the waters of this state: And provided, further, That this act shall not be construed to authorize any such association to injure, deface, tear, cut down, or destroy any tree or shrub planted along the margin of any highway in this state, or purposely left there for shade or ornament. Said association, instead of running or placing their wires on posts, may, if they choose, run or place the same under ground, with a suitable or proper covering for the protection of the same; and any part of this act, or any law made or to be made, providing for the appraisalment of damages to any person injured by the construction or maintenance of such line or lines, shall be construed to include damages occasioned by the construction of said lines under ground, as provided by this act.

Notes of Decisions (6)

M. C. L. A. 484.155, MI ST 484.155

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.



Michigan Compiled Laws Annotated Chapter 484. Telephone, Telegraph, and Radio Uniform Video Services Local Franchise Act (Refs & Annos)
---

M.C.L.A. 484.3301

484.3301. Short title; definitions

Effective: January 1, 2007

Currentness

Sec. 1. (1) This act shall be known and may be cited as the “uniform video services local franchise act”.

(2) As used in this act:

(a) “Cable operator” means that term as defined in 47 USC 522(5).

(b) “Cable service” means that term as defined in 47 USC 522(6).

(c) “Cable system” means that term as defined in 47 USC 522(7).

(d) “Commission” means the Michigan public service commission.

(e) “Franchising entity” means the local unit of government in which a provider offers video services through a franchise.

(f) “Household” means a house, an apartment, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.

(g) “Incumbent video provider” means a cable operator serving cable subscribers or a telecommunication provider providing video services through the provider's existing telephone exchange boundaries in a particular franchise area within a local unit of government on the effective date of this act.

(h) “IPTV” means internet protocol television.

(i) “Local unit of government” means a city, village, or township.

(j) “Low-income household” means a household with an average annual household income of less than \$35,000.00 as determined by the most recent decennial census.

- (k) "Open video system" or "OVS" means that term as defined in 47 USC 573.
- (l) "Person" means an individual, corporation, association, partnership, governmental entity, or any other legal entity.
- (m) "Public rights-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easements dedicated for compatible uses.
- (n) "Uniform video service local franchise agreement" or "franchise agreement" means the franchise agreement required under this act to be the operating agreement between each franchising entity and video provider in this state.
- (o) "Video programming" means that term as defined in 47 USC 522(20).
- (p) "Video service" means video programming, cable services, IPTV, or OVS provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 USC 332(d) or provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet.
- (q) "Video service provider" or "provider" means a person authorized under this act to provide video service.
- (r) "Video service provider fee" means the amount paid by a video service provider or incumbent video provider under section 6.<sup>1</sup>

#### Credits

P.A.2006, No. 480, § 1, Eff. Jan. 1, 2007.

#### Notes of Decisions (5)

#### Footnotes

<sup>1</sup> M.C.L.A. § 484.3306.

M. C. L. A. 484.3301, MI ST 484.3301

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

Michigan Compiled Laws Annotated Chapter 484. Telephone, Telegraph, and Radio Uniform Video Services Local Franchise Act (Refs & Annos)
---

M.C.L.A. 484.3306

484.3306. Annual service provider fees; gross revenues; fees for support of public, education, and government access facilities and services; credits applied to fees from maintenance fees paid by provider for use of public rights-of-way; assessment

Effective: January 1, 2007

Currentness

Sec. 6. (1) A video service provider shall calculate and pay an annual video service provider fee to the franchising entity. The fee shall be 1 of the following:

(a) If there is an existing franchise agreement, an amount equal to the percentage of gross revenues paid to the franchising entity by the incumbent video provider with the largest number of subscribers in the franchising entity.

(b) At the expiration of an existing franchise agreement or if there is no existing franchise agreement, an amount equal to the percentage of gross revenues as established by the franchising entity not to exceed 5% and shall be applicable to all providers.

(2) The fee due under subsection (1) shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.

(3) The franchising entity shall not demand any additional fees or charges from a provider and shall not demand the use of any other calculation method other than allowed under this act.

(4) For purposes of this section, "gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the provider from subscribers for the provision of video service by the video service provider within the jurisdiction of the franchising entity. Gross revenues shall include all of the following:

(a) All charges and fees paid by subscribers for the provision of video service, including equipment rental, late fees, insufficient funds fees, fees attributable to video service when sold individually or as part of a package or bundle, or functionally integrated, with services other than video service.

(b) Any franchise fee imposed on the provider that is passed on to subscribers.

(c) Compensation received by the provider for promotion or exhibition of any products or services over the video service.

(6) In the case of a video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the video provider's revenue attributable to the other services, capabilities, or applications shall be included in gross revenue unless the provider can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

(7) Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate has the effect of evading the payment of franchise fees which would otherwise be paid for video service.

(8) In addition to the fee required under subsection (1), a video service provider shall pay to the franchising entity as support for the cost of public, education, and government access facilities and services an annual fee equal to 1 of the following:

(a) If there is an existing franchise on the effective date of this act, the fee paid to the franchising entity by the incumbent video provider with the largest number of cable service subscribers in the franchising entity as determined by the existing franchise agreement.

(b) At the expiration of the existing franchise agreement, the amount required under subdivision (a) not to exceed 2% of gross revenues.

(c) If there is no existing franchise agreement, a percentage of gross revenues as established by the franchising entity not to exceed 2% to be determined by a community need assessment.

(d) An amount agreed to by the franchising entity and the video service provider.

(9) The fee required under subsection (8) shall be applicable to all providers.

(10) The fee due under subsection (8) shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.

(11) A video service provider is entitled to a credit applied toward the fees due under subsection (1) for all funds allocated to the franchising entity from annual maintenance fees paid by the provider for use of public rights-of-way, minus any property tax credit allowed under section 8 of the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3108. The credits shall be applied on a monthly pro rata basis beginning in the first month of each calendar year in which the franchising entity receives its allocation of funds. The credit allowed under this subsection shall be calculated by multiplying the number of linear feet occupied by the provider in the public rights-of-way of the franchising entity by the lesser of 5 cents or the amount assessed under the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3101 to 484.3120. A video service provider is not eligible for a credit under this subsection unless the provider has taken all property tax credits allowed under the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3101 to 484.3120.

(12) All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.

(13) The commission within 30 days after the enactment into law of any appropriation to it shall ascertain the amount of the appropriation attributable to the actual costs to the commission in exercising its duties under this act and shall be assessed against each video service provider doing business in this state. Each provider shall pay a portion of the total assessment in the same proportion that its number of subscribers for the preceding calendar year bears to the total number of video service subscribers in the state. The first assessment made under this act shall be based on the commission's estimated number of subscribers for each provider in the year that the appropriation is made. The total assessment under this subsection shall not exceed \$1,000,000.00 annually. This subsection does not apply after December 31, 2009.

**Credits**

P.A.2006, No. 480, § 6, Eff. Jan. 1, 2007.

M. C. L. A. 484.3306, MI ST 484.3306

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 484. Telephone, Telegraph, and Radio

Uniform Video Services Local Franchise Act (Refs & Annos)

M.C.L.A. 484.3308

484.3308. Video service or communications network, installation, construction, and maintenance within public right-of-way; access to public right-of-way; discrimination not allowed; permit fee

Effective: January 1, 2007

Currentness

Sec. 8. (1) A franchising entity shall allow a video service provider to install, construct, and maintain a video service or communications network within a public right-of-way and shall provide the provider with open, comparable, nondiscriminatory, and competitively neutral access to the public right-of-way.

(2) A franchising entity may not discriminate against a video service provider to provide video service for any of the following:

(a) The authorization or placement of a video service or communications network in public rights-of-way.

(b) Access to a building owned by a governmental entity.

(c) A municipal utility pole attachment.

(3) A franchising entity may impose on a video service provider a permit fee only to the extent it imposes such a fee on incumbent video providers, and any fee shall not exceed the actual, direct costs incurred by the franchising entity for issuing the relevant permit. A fee under this section shall not be levied if the video service provider already has paid a permit fee of any kind in connection with the same activity that would otherwise be covered by the permit fee under this section or is otherwise authorized by law or contract to place the facilities used by the video service provider in the public rights-of-way or for general revenue purposes.

**Credits**

P.A.2006, No. 480, § 8, Eff. Jan. 1, 2007.

**Notes of Decisions (1)**

M. C. L. A. 484.3308, MI ST 484.3308

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.



Michigan Compiled Laws Annotated

Chapter 484. Telephone, Telegraph, and Radio

Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Refs & Annos)

M.C.L.A. 484.3115

484.3115. Permits for access to and ongoing use of municipal public rights-of-way by providers; repair and restoration of public rights-of-way affected by activities of providers

Currentness

Sec. 15. (1) Except as otherwise provided in this section, a municipality shall, upon application, grant to providers a permit for access to and the ongoing use of all public rights-of-way located within its municipal boundaries. A municipality shall act reasonably and promptly on all applications filed for a permit involving an easement or public place.

(2) This section shall not limit a municipality's right to review and approve a provider's access to and ongoing use of a public right-of-way or limit the municipality's authority to ensure and protect the health, safety, and welfare of the public.

(3) A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way. A provider's right to access and use of a public right-of-way shall not be unreasonably denied by a municipality. A municipality may require as a condition of the permit that a bond be posted by the provider, which shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the provider's access and use.

(4) Any conditions of a permit granted under this section shall be limited to the provider's access and usage of any public right-of-way.

(5) A provider undertaking an excavation or constructing or installing facilities within a public right-of-way or temporarily obstructing a public right-of-way, as authorized by the permit, shall promptly repair all damage done to the street surface and all installations on, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition. The authority shall also have the jurisdiction to require the repair and restoration of any right-of-way, including state right-of-way, which has not been repaired or restored after installation.

**Credits**

P.A.2002, No. 48, § 15, Eff. Nov. 1, 2002.

M. C. L. A. 484.3115, MI ST 484.3115

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

# **Michigan Right-Of-Way Laws**

## **5. Gas, Oil, and Brine Lines**





KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Michigan Compiled Laws Annotated  
Chapter 483. Oil, Gas, and Brine Lines  
Crude Oil and Petroleum (Refs & Annos)

M.C.L.A. 483.1

483.1. Definitions; buying, selling, or transporting crude oil, petroleum, or carbon dioxide substances

Effective: April 1, 2014  
Currentness

Sec. 1. (1) As used in this act:

(a) "Carbon dioxide substance" means a gaseous or liquid substance, consisting primarily of carbon dioxide, that will be put in storage or that has been or will be used to produce hydrocarbons in a secondary or enhanced recovery operation.

(b) "Commission" means the Michigan public service commission.

(c) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(2) A person exercising or claiming the right to carry or transport crude oil or petroleum, or any of the products thereof, or carbon dioxide substances, by or through pipe line or lines, for hire, compensation or otherwise, or exercising or claiming the right to engage in the business of piping, transporting, or storing crude oil or petroleum, or any of the products thereof, or carbon dioxide substances, or engaging in the business of buying, selling, or dealing in crude oil or petroleum or carbon dioxide substances within this state, does not have or possess the right to conduct or engage in the business or operations, in whole or in part, or have or possess the right to locate, maintain, or operate the necessary pipe lines, fixtures, and equipment belonging to, or used in connection with that business on, over, along, across, through, in or under any present or future highway, or part thereof, or elsewhere, within this state, or have or possess the right of eminent domain, or any other right, concerning the business or operations, in whole or in part, except as authorized by and subject to this act.

(3) Subsection (2) does not apply to a right that exists on March 27, 1929 and is valid, vested, and incapable of revocation by any law of this state or of the United States.

**Credits**

Amended by P.A.2014, No. 85, Imd. Eff. April 1, 2014.

Notes of Decisions (4)

M. C. L. A. 483.1, MI ST 483.1

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Michigan Compiled Laws Annotated  
Chapter 483. Oil, Gas, and Brine Lines  
Crude Oil and Petroleum (Refs & Annos)

M.C.L.A. 483.2

483.2. Condemnation and use of highways to acquire rights-of-way; purposes; procedure

Effective: April 1, 2014  
Currentness

Sec. 2. (1) A person described in section 1<sup>1</sup> is granted the right to condemn property by eminent domain and the use of the highways in this state to acquire necessary rights-of-way for any of the following purposes:

(a) To transport crude oil or petroleum or carbon dioxide substances.

(b) To locate, lay, construct, maintain, and operate pipelines for the purposes of subdivision (a).

(2) Condemnation proceedings under subsection (1) shall be conducted as provided in the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

**Credits**

Amended by P.A.2014, No. 84, Imd. Eff. April 1, 2014.

Notes of Decisions (7)

**Footnotes**

<sup>1</sup> M.C.L.A. § 483.1.

M. C. L. A. 483.2, MI ST 483.2

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated Chapter 483. Oil, Gas, and Brine Lines Natural Gas (Refs & Annos)
--

M.C.L.A. 483.101

483.101. Natural gas; buying, selling or transporting

Currentness

Sec. 1. Every corporation, association or person, now or hereafter exercising or claiming the right to carry or transport natural gas by or through pipe line or lines, for hire, compensation or otherwise, or now or hereafter exercising or claiming the right to engage in the business of piping or transporting natural gas, or any other person or persons, now or hereafter engaging in the business of buying and selling or transporting natural gas within the limits of this state, shall not have or possess the right to conduct or engage in said business or operations, in whole or in part, as above described, or have or possess the right to locate, maintain or operate the necessary pipe lines, fixtures and equipment thereto belonging, or use in connection therewith, concerning the said business of carrying or transporting natural gas as aforesaid, on, over, along, across, through, in or under any present or future highway, or part thereof, or elsewhere, within the state, or have or possess the right of eminent domain, or any other right or rights, concerning said business or operation, in whole or in part, except as authorized by and subject to the provisions of this act, except, further, and only such right or rights as may already exist which are valid, vested, and incapable of revocation by any law of this state or of the United States.

Notes of Decisions (5)

M. C. L. A. 483.101, MI ST 483.101

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated Chapter 483. Oil, Gas, and Brine Lines Natural Gas (Refs & Annos)
--

M.C.L.A. 483.102

483.102. Condemnation, use of highways; limitation to intrastate transportation

Currentness

Sec. 2. For the purpose of acquiring necessary right-of-ways, every such corporation, association or person is hereby granted the right of condemnation by eminent domain, and the use of the highways in this state, for the purpose of transporting natural gas by pipe lines, and for locating, laying, constructing, maintaining and operating the same; and such condemnation proceedings shall be conducted in accordance with the procedure and in the same manner as is provided by the laws of this state for the condemnation of right-of-ways by railroad companies: Provided, however, That no corporation, association or person shall be granted such right of condemnation by eminent domain or the right to use the highways of this state to lay or construct, maintain or operate a pipe line or lines for the transmission or transportation of natural gas unless and except such pipe line or lines are to be used solely and exclusively for the transmission, transportation and distribution of natural gas within the state of Michigan.

Notes of Decisions (5)

M. C. L. A. 483.102, MI ST 483.102

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

# **Michigan Right-Of-Way Laws**

## **6. Electricity Providers**



Michigan Compiled Laws Annotated Chapter 460. Public Utilities Transmission of Electricity (Refs & Annos)
---

M.C.L.A. 460.553

460.553. Right to use of highways, streets, etc.; insulation of transmission lines; franchises

Currentness

Sec. 3. Any person, firm or corporation engaged or organized to engage in any such business of transmitting and supplying electricity in 1 or more counties of this state shall, with the consent of the duly constituted city, village and township authorities of the cities, villages and townships in or through which it operates or may hereafter propose to operate, have the right to use the highways, streets, alleys and other public places of such cities, villages and townships: Provided, That in all cases each transmission line used shall have insulation and conductivity in accordance with its voltage. In case it has or procures a franchise from any city, village or township or a right to do business therein, it may transact a local business therein. Nothing herein contained shall be construed to impair any right possessed by any village or township to the reasonable control of its streets, alleys and public places in all matters of mere local concern.

Notes of Decisions (35)

M. C. L. A. 460.553, MI ST 460.553

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated Chapter 460. Public Utilities Transmission of Electricity (Refs & Annos)
---

M.C.L.A. 460.554

460.554. Data and information, specifications of construction, filing; height of lines; stenciling of poles

Currentness

Sec. 4. (1) If required by the commission, an electric utility erecting lines to transmit electricity in or through the highways, streets, or public places of 1 or more counties of this state shall prepare and file with the commission data and information concerning the method and manner of the construction of those lines, the franchise or consent under which those lines were constructed or are being maintained, and other information the commission reasonably requires. The commission may require the filing of detailed specifications covering the type of construction of transmission lines. The specifications shall show the details of construction of lines of various voltages. If the commission approves the specifications, all lines built by the electric utility shall be constructed according to the specifications. Transmission lines at all highway crossings shall be not less than 22 feet high and at railroad crossings shall be in accordance with the commission's rules made under authority of law. The commission may require all poles used in transmitting electricity to be stenciled or otherwise marked with the owner's name .

(2) This act is subject to the electric transmission line certification act. <sup>1</sup>

**Credits**

Amended by P.A.1995, No. 33, § 1, Imd. Eff. May 17, 1995.

Notes of Decisions (15)

**Footnotes**

1 M.C.L.A. § 460.561 et seq.

M. C. L. A. 460.554, MI ST 460.554

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.



# **Michigan Right-Of-Way Laws**

## **7. Drains, Culverts, and Bridges**



Michigan Compiled Laws Annotated  
Chapters 220 to 244 General Highway Law (Refs & Annos)  
Chapter 235. Chapter XV. Drains  
Chapter XV. Drains (Refs & Annos)

M.C.L.A. 235.1

235.1. Drain in public highway; release of right of way, damages

Currentness

Sec. 1. Drains may be laid along and within the limits of or across any public highway: Provided, That when it is proposed to construct a drain in whole or in part along a public highway, the owners of the land abutting on the side of the highway along which such drain is proposed to be laid, shall be considered as still owning the fee of such land, and it shall be necessary for the county drain commissioner to obtain from them severally a release of their rights to so much of said highway as is necessary and proposed to be taken for the right of way of said drain, and for all damages on account thereof. In case such release is not executed within the time (a) prescribed in section 4 of chapter 3, such release (b) shall be obtained in the same manner as is provided in this act for obtaining private lands.

Notes of Decisions (18)

M. C. L. A. 235.1, MI ST 235.1

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated  
Chapter 280. Drain Code of 1956  
the Drain Code of 1956 (Refs & Annos)  
Chapter 4. County Drains

M.C.L.A. 280.73

280.73. Proposed drain; plans, specifications and cost estimates; route, approval; easements on rights of way

Currentness

Sec. 73. The commissioner shall secure from a professional engineer, plans, specifications and an estimate of cost of the proposed drain and descriptions of the lands or rights of way needed for the proposed drain. In approving the route of the drain as furnished by the engineers the commissioner shall not be limited to that described in the petition or in the first order of determination, if the new route is more efficient and serviceable. The commissioner shall endeavor to secure from the owners of each parcel or tract of land to be traversed or damaged by the proposed drain or drains an easement or release of right of way and all damages on account thereof.

Notes of Decisions (20)

M. C. L. A. 280.73, MI ST 280.73

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated  
Chapter 280. Drain Code of 1956  
the Drain Code of 1956 (Refs & Annos)  
Chapter 13. Highways

M.C.L.A. 280.321

280.321. Drains in public highways, permit; release of right of way

Currentness

Sec. 321. Drains may be laid within or across the right of way of any highway, provided it shall be necessary for the county drain commissioner to obtain first a permit from the highway authority having jurisdiction. If title in fee simple be not in the highway authority, said commissioner shall also obtain a release of right of way for the purposes of such drain from the owner of the land, as provided in sections 73, 74 and 75 of this act.<sup>1</sup>

Notes of Decisions (7)

Footnotes

1 M.C.L.A. §§ 280.73, 280.74, and 280.75.

M. C. L. A. 280.321, MI ST 280.321

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

Michigan Compiled Laws Annotated  
Chapter 280. Drain Code of 1956  
the Drain Code of 1956 (Refs & Annos)  
Chapter 13. Highways

## M.C.L.A. 280.322

## 280.322. Cost of construction; contract; maintenance, bridges or culverts to farms

## Currentness

Sec. 322. When any drain crosses a highway, the necessary bridge or culvert shall be constructed on the center line of the highway as located by survey, and in accordance with plans and specifications which shall be approved by the county road commission having jurisdiction, or by the state highway commissioner if such highway is a state trunk line. The cost of constructing the necessary bridge or culvert shall be charged in the first instance as part of the cost of construction of such drain. The board of county road commissioners or the state highway commissioner shall assume and bear such portion of the cost of construction, based upon benefits, as may be agreed upon with the drain commissioner. In such case, the contract for the construction of the bridge shall not be let by the drain commissioner without the written consent of the state highway commissioner or the board of county road commissioners. Thereafter such bridge or culvert constructed under the provisions of this act shall be maintained by the county road commission or state highway commissioner. Any such expense charged to the state highway commissioner shall be met out of any funds appropriated for the state highway department that may be available therefor; and any such expense to be borne by the board of county road commissioners shall be paid out of moneys in the county road fund not otherwise appropriated. As part of such drain, there shall be constructed at least 1 bridge or culvert across such drain connecting the highway (except limited access highways established under Act No. 205 of the Public Acts of 1941, as amended, being sections 252.51 to 252.64 of the Compiled Laws of 1948), with each farm entrance, and when a drain crosses a farm or any portion thereof there shall be constructed 1 bridge, culvert or ford across the drain connecting the portions of the farm disconnected by the drain, which bridge, culvert or ford shall also be charged in the first instance as a part of the construction of such drain, after which such bridge, culvert or ford shall be maintained by the owner of the land. If the drain commissioner shall make future improvements such as widening, deepening, straightening or relocating such drain, but not clean out alone, there shall be constructed the necessary bridges, culverts and fords as parts of such improvements.

## Notes of Decisions (14)

M. C. L. A. 280.322, MI ST 280.322

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated  
Chapter 280. Drain Code of 1956  
the Drain Code of 1956 (Refs & Annos)  
Chapter 13. Highways

M.C.L.A. 280.322b

280.322b. Installation for agricultural benefits, expense of material and labor, notification of necessity

Currentness

Sec. 322b. If any person desires during construction or reconstruction of a highway to install a drain for agricultural benefits in lands adjacent to any highway, and if a satisfactory outlet cannot be secured on the upper side of the highway right of way and the drain must be projected across the right of way to reach an outlet which may be legally utilized as an outlet and is suitable for such purpose, the expense of both material and labor used in installing the drain across the right of way shall be paid from funds available for the highway affected if the highway authority is notified of the necessity of the drain sufficiently in advance of the construction or reconstruction of the highway so that the drain may be installed and the highway constructed or reconstructed in the same operation.

Notes of Decisions (1)

M. C. L. A. 280.322b, MI ST 280.322b

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated  
Chapter 280. Drain Code of 1956  
the Drain Code of 1956 (Refs & Annos)  
Chapter 13. Highways

M.C.L.A. 280.323

280.323. Drains along public highways

Currentness

Sec. 323. Before a drain is constructed along a public highway, the drain commissioner or drainage board shall consult with and obtain the written consent of the highway authorities having jurisdiction over the highway, as to the proposed location of the drain and the disposition of all material excavated. Whenever an apportionment is made against a state trunk line highway, the amount of the assessment based on the apportionment shall be paid out of any state transportation funds on hand. On or before December 1 of the year when the assessment is made, the drain commissioner or drainage board shall certify to the state treasurer the amount due from the state to the drainage district by reason of the assessment of benefits, and the state treasurer shall, if satisfied of the correctness of such certificate, cause the certificate to be paid within 30 days thereafter.

If a ditch or drain was constructed prior to 1923 primarily for drainage of private lands, and was constructed along a public highway, and if the records including the original survey of the drain are not of public record nor turned over to the county drain commissioner, or have not been entered in the records of the county drain commissioner as a county drain, then the actual location of the drain shall be sufficient to make the drain comply with the provisions of this act with respect to the location thereof, and the drain shall be a county drain upon compliance with the other provisions of this act with respect to county drains. No proceedings shall be instituted for the widening of the drain or the deepening thereof below its original bottom.

**Credits**

Amended by P.A.2002, No. 353, Imd. Eff. May 23, 2002.

Notes of Decisions (1)

M. C. L. A. 280.323, MI ST 280.323

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated  
Chapter 280. Drain Code of 1956  
the Drain Code of 1956 (Refs & Annos)  
Chapter 13. Highways

M.C.L.A. 280.324

280.324. Drainage across lands adjacent to highways; right of way

Currentness

Sec. 324. Whenever it is necessary or more convenient for the proper drainage of any highway in this state that the surplus water be taken onto or across the land adjacent thereto, the county road commission of the county in which said highway is situated may secure the right of way and may open such drain or outlet for the water, and for these purposes may use any highway moneys of the township in which said highway is situated, not otherwise appropriated, and such sums as may be voted for that use by the electors of the townships. The county road commission shall secure the right of way for any such drain by gift or purchase from the owners of the land to be crossed by such drain; but in case of purchase the purchase price must be approved by the township board whenever township funds are involved, before any money be paid thereon. Such right of way shall be acquired by deed duly executed by the owner or owners of the lands sought to be crossed by the said drain, and shall be taken in the name of the township wherein the same is located, and filed in the office of the register of deeds of the county before any highway money shall be expended in opening such drain outside the highway limits.

Before the township board approves the purchase price of any drain right of way under this section, the county road commission shall submit to the board for its approval details of the proposed drain, with specifications that the drain shall be constructed in accordance with good health and sanitation standards and in such a manner as not to constitute a hazard to health or safety and that in construction of the drain the township board shall approve the use of the land upon which the drain is to be located.

Notes of Decisions (3)

M. C. L. A. 280.324, MI ST 280.324

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.



Michigan Compiled Laws Annotated  
Chapter 280. Drain Code of 1956  
the Drain Code of 1956 (Refs & Annos)  
Chapter 13. Highways

M.C.L.A. 280.325

280.325. Cost to township for highway drainage, report by county road commission, drain fund

Currentness

Sec. 325. The county road commission shall report to the electors of the township at their annual meeting the amount of money expended by him during the year for such highway drainage, specifying the amount expended on each drain. The commission shall also recommend the raising of such sums as it may deem necessary for opening drains from the highway during the coming year, specifying each proposed drain and the probable amount needed for securing the right of way and opening the same. The money voted for this purpose by the electors of the township shall constitute a special highway drain fund, and shall be used for no other purpose. In case any money be left in the fund, after opening the drain for which it was raised, it may be used in opening any other highway drain in the township, or in cleaning out, when necessary, those already opened.

M. C. L. A. 280.325, MI ST 280.325

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated Chapter 280. Drain Code of 1956 the Drain Code of 1956 (Refs & Annos) Chapter 13. Highways
--

M.C.L.A. 280.326

280.326. Construction report; restriction on county road commission

Currentness

Sec. 326. On the completion by the county road commission of any drain constructed under the provisions of this act, it shall be the duty of said county road commission to file in the office of the drain commissioner a detailed report of the construction of such drain, giving the date of construction, the termini and general course thereof, together with a copy of the deed by which the right of way therefor was secured. Nothing in the provisions of the preceding sections shall be construed as giving to the county road commission power to lay out and construct drains having any other purpose than the drainage of highways.

Notes of Decisions (2)

M. C. L. A. 280.326, MI ST 280.326

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated  
Chapter 280. Drain Code of 1956  
the Drain Code of 1956 (Refs & Annos)  
Chapter 13. Highways

M.C.L.A. 280.327

280.327. County or intercounty drain; application or petition to establish, clean out, widen, deepen, straighten, or extend drain; procedure; determination

Effective: January 15, 2015  
Currentness

Sec. 327. (1) If it is necessary for the construction or maintenance of any highway to take the surplus water across adjacent lands, any of the following may submit an application or petition to the drain commissioner of the county or counties in which the highway is situated to lay out and designate a county or intercounty drainage district, locate and establish a county or intercounty drain, or clean out, widen, deepen, straighten, or extend an established county or intercounty drain:

(a) The director of the state transportation department.

(b) A board of county road commissioners.

(c) If a resolution is adopted pursuant to section 6 of 1909 PA 283, MCL 224.6, transferring the powers, duties, and functions that are otherwise provided by law for an appointed board of county road commissioners, a county board of commissioners.

(2) An application or petition under subsection (1) shall conform to the law regulating applications or petitions for the laying out and designating a drainage district, locating and establishing of drains, and cleaning out, widening, deepening, straightening, and extending established county or intercounty drains. The application or petition shall have the same force and effect, and be subject in other respects to the same laws and regulations that govern other applications or petitions and shall confer the same jurisdiction and authority on the county drain commissioner or drainage board to lay out and designate a county or intercounty drainage district, locate and establish a county or intercounty drain, or clean out, widen, deepen, straighten, or extend an established county or intercounty drain. However, if the director of the state transportation department submits an application or petition under this section, he or she shall serve a copy of the application or petition on the director of the department of agriculture and rural development, who shall within 60 days hold a meeting at a public place in the vicinity of the proposed or established county or intercounty drainage district for the purpose of determining the practicability or necessity of the drain, and a board of determination is not necessary to pass on those questions. The meeting shall be held, notice given, and all persons interested may be heard in the same manner as provided in section 102<sup>1</sup> or section 122.<sup>2</sup> The determination of the director of the department of agriculture and rural development shall be filed with the drain commissioner or drainage board.

**Credits**

Amended by P.A.2014, No. 552, Imd. Eff. Jan. 15, 2015.

Notes of Decisions (2)

Footnotes

1 M.C.L.A. § 280.102.

2 M.C.L.A. § 280.122.

M. C. L. A. 280.327, MI ST 280.327

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

# **Michigan Right-Of-Way Laws**

## **8. Pavements, Sidewalks, and Elevated Structures**



Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.271

41.271. Application by petition; eligibility of signers; certificate  
of tax status; authority of county road commissioners

Currentness

Sec. 1. Whenever the owners of more than 51% of the lineal frontage of lands outside of the corporate limits of any city or village fronting or touching upon any public highway or portion thereof, desire a pavement or sidewalks built thereon, they may file an application for such improvement with the county road commissioners of the county in which such pavement or sidewalk is proposed to be built. No application for the paving of any highway, or portion thereof, shall be considered unless at least 75% of the lands fronting thereon have been subdivided into parcels having a frontage of not more than 300 feet each on such highway or there shall be an average of at least 1 building, including buildings under construction, located along the portion of such highway proposed to be paved for every 300 lineal feet thereof, according to a survey thereof to be made by the commissioners. The eligibility of signers to any application hereby authorized may be determined by their interest of record in the office of the register of deeds or in the probate court of the county in which such lands are situated at the time the petition is presented or by other satisfactory proof of interest presented to the commissioners. Such petition shall be accompanied by a description of the land fronting or touching on the highway owned by each signer and by a certificate of the county treasurer, showing the taxes or special assessments, if any, against such lands which appear delinquent on his books; no name of any signer on the petition shall be considered valid whose land fronting or touching on the highways shows delinquent assessments or taxes on such certificate. Any petition so received by the commissioners or presented to them under the provisions of this act, shall be deemed to confer full authority to cause such work to be done in order that the proper proportion of the expense thereof may be met accordingly. The commissioners shall have all the power of laying out and establishing all such pavements or sidewalks. The words "highway" or "public highway" as used in this act mean any road, street or alley taken over by and under the jurisdiction of the board of county road commissioners.

Notes of Decisions (7)

M. C. L. A. 41.271, MI ST 41.271

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.271a

41.271a. Application by resolution; declaration of necessity; public hearing; petition for discontinuance

Currentness

Sec. 1a. Any township board, by resolution, may make application to the board of county road commissioners for the improvement of a county road or portion thereof located within the township. The resolution when received and accepted by the county road commissioners shall confer the same authority to cause an improvement to be made and benefits assessed as if a petition were filed in accordance with the provisions of section 1.<sup>1</sup> The petition shall not be considered unless it complies with the subdivision and building requirements set forth in section 1 relating to applications by property owners.

A declaration of necessity shall be made by resolution of the board of county road commissioners who shall thereafter hold a public hearing at the township hall upon the declaration of necessity in the same manner as if an application had been filed by property owners as set forth in section 1. After the date of the public hearing on the declaration of necessity, the property owners of 51% or more of the lineal frontage along the proposed improvement may submit within 45 days a petition to the board of county road commissioners requesting that the project be discontinued. The project shall be discontinued if, upon examination, the owners of 51% or more of the lineal frontage along the improvement have signed the petition. If no petition is filed within 45 days, the project shall proceed in the same manner as if inaugurated by property owners.

Footnotes

1 M.C.L.A. § 41.271.

M. C. L. A. 41.271a, MI ST 41.271a

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.273

41.273. Bridges, drains, curbing, culverts, and additional rights of way; inclusion in improvement

Currentness

Sec. 3. All bridges, road drains, drainage structures, curbing, culverts and any additional right of way required shall be deemed a necessary part of any proposed improvement and the cost and expenses thereof shall be included in the special assessment roll for such improvement.

Notes of Decisions (1)

M. C. L. A. 41.273, MI ST 41.273

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.



Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.274

41.274. First order of determination; specifications; description  
of assessment district; improvement located on state trunk line

Currentness

Sec. 4. If after such survey, establishment of grades, plans and specifications and estimates of cost have been filed with them, the commissioners shall still be of the opinion that the proposed improvement is necessary for the benefit of the public and is for the benefit of the public welfare and convenience, they shall make their first order of determination and attach a copy of the specifications to such order. These specifications shall not be final but may be changed by the commissioners at any time before the final order is made, but not after the hearing of the objections hereinafter provided for, except after due notice and hearing thereon. The commissioners shall also attach to such order either a description of the boundaries of the proposed assessment district or a description of the several parcels of land which may be liable to assessment for the benefits on account of the proposed improvement: Provided, however, That whenever the proposed improvement is located on a state trunk line, no hearing as above referred to shall be held unless the state highway commissioner shall have been furnished with a written determination of necessity signed by the county road commissioners and a complete file of the plans and specifications, and the approval of the state highway commissioner as to determination, plans and specifications has been obtained.

M. C. L. A. 41.274, MI ST 41.274

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.282

41.282. Maintenance and repair; proration of expense of joint improvement

Currentness

Sec. 12. After the completion of said proposed improvement, the highway authorities having jurisdiction over the highway involved, shall maintain and repair said pavement and/or sidewalk and shall keep the same in a reasonably safe condition for public travel, using for this purpose any money which may be available for the maintenance and repair of said highway. If there is a surplus of the money collected after paying the cost of building such proposed improvement, the same shall be turned over to the highway authorities having the responsibility for the maintenance and repair thereof and shall be used solely for such maintenance and repair. If the improvement is in more than 1 highway jurisdiction, the fund shall be prorated between such jurisdictions according to the amount of the improvement in each.

Notes of Decisions (2)

M. C. L. A. 41.282, MI ST 41.282

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.286

41.286. Hearing examiners; powers and duties; determination of board of  
county road commissioners; petition for reconsideration, filing; notice, hearing

Currentness

Sec. 16. Any board of county road commissioners may designate by resolution a hearing examiner or examiners who shall be authorized to make examinations and hold hearings as required by this act. The hearing examiner or examiners, after the necessary examinations and hearings, shall submit findings of fact and proposed determinations to the board who may modify the proposed determinations and confirm the same as submitted or as modified and order them placed on file in its offices. A copy of the determination of the board shall be served by first class mail to each owner of or party in interest in property to be assessed at their addresses as shown upon the last local tax assessment records. The determinations shall become the final determinations of the board 10 days after mailing of the copies of the determination unless a petition for reconsideration is filed as provided in this section.

If the owners of record of more than 50% of the lineal frontage, who were qualified under the provisions of section 1 of this act<sup>1</sup> to sign the petition, desire to have the board of county road commissioners reconsider its determination made under this section, they shall submit within 10 days after mailing of copies of the board's determination, a petition for reconsideration of such determination by the board of county road commissioners.

The board of county road commissioners shall set a time and place of hearing upon the petition for reconsideration, and shall give notice thereof by first class mail to each owner of or party in interest in property to be assessed at their addresses as shown upon the last local tax assessment records. At the conclusion of the hearing, the board of county road commissioners may modify or confirm its previous determination, the determination shall thereupon be final.

Footnotes

<sup>1</sup> M.C.L.A. § 41.271.

M. C. L. A. 41.286, MI ST 41.286

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.288

41.288. Installation of sidewalks and elevated structures; payment; contracts; approval

Currentness

Sec. 18. (1) The township board of a township may install sidewalks along the sides of a highway and may install elevated structures for foot travel over highways in the township. The township board may pay for the elevated structures out of the funds of the township or purchase the elevated structures on title retaining contracts. Contracts shall not be entered into or issued for a period longer than 10 years. A highway under the jurisdiction of the director of the state transportation department or the board of county road commissioners shall not be improved under this act without the written approval of the director of the state transportation department or the board of county road commissioners.

(2) In proceedings under this section, the township board may provide that the cost of the sidewalk or elevated structure shall be paid entirely by public money and may allocate for this purpose unexpended money in the contingent fund or general fund of the township.

**Credits**

P.A.1931, No. 246, § 18, added by P.A.1989, No. 80, § 1, Imd. Eff. June 20, 1989.

Notes of Decisions (4)

M. C. L. A. 41.288, MI ST 41.288

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.288a

41.288a. Construction, repair, and maintenance of sidewalks in  
designated areas; meeting; assessment of costs; approval; election

Currentness

Sec. 18a. (1) The township board of a township may order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks in a designated area within the township because of the health, safety, or welfare of the residents of the township.

(2) The township board shall hold a public meeting relative to the ordering of the sidewalk construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing.

(3) If the board determines that the construction, repair, or maintenance of sidewalks is necessary, it may construct, repair, or maintain the sidewalks and assess the costs to the property involved, payable over a 5-year period, or permit the owners of the property involved to have the sidewalks constructed, repaired, or maintained according to township specifications at their own expenses. Sidewalks constructed, repaired, or maintained under this section on the right-of-way of state highways or county roads must have the approval of the state or county highway authority having jurisdiction over the highway or road.

(4) A township board may construct, repair, and maintain walkways or sidewalks along main or arterial roads where it considers it necessary to protect the safety of the public. The costs of the sidewalks may be paid by the township at large. When determined necessary by the township board, the board shall submit to the electors the question of raising the necessary funds by a levy not to exceed 1 mill at a general, primary, or special election.

**Credits**

P.A.1931, No. 246, § 18a, added by P.A.1989, No. 80, § 1, Imd. Eff. June 20, 1989.

Notes of Decisions (4)

M. C. L. A. 41.288a, MI ST 41.288a

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.289

41.289. Lighting of roads, highways, and bridges; expense, joint funding

Currentness

Sec. 19. The township board of a township may authorize the expenditure of funds to provide for the lighting by artificial means of roads, highways, and bridges in the township that are located outside of the limits of incorporated villages. The expense of the lighting shall be paid out of the funds of the township. If a road, highway, or bridge is situated in or between 2 or more townships, a provision shall be made by a majority vote of the township boards of the townships in or between which the road, highway, or bridge is situated, at a joint meeting of the boards, held for that purpose, and the proportion of the expense to be paid by each of the townships shall be determined at the joint meeting. This section and sections 19a to 19d<sup>1</sup> for reasons of public safety authorize the lighting of a state trunk line highway, county road, or platted road or street outside the limits of incorporated villages, whether the road or street has been dedicated to the public use or not.

**Credits**

P.A.1931, No. 246, § 19, added by P.A.1989, No. 80, § 1, Imd. Eff. June 20, 1989.

Notes of Decisions (5)

Footnotes

<sup>1</sup> M.C.L.A. §§ 41.289a to 41.289d.

M. C. L. A. 41.289, MI ST 41.289

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

Michigan Compiled Laws Annotated

Chapter 41. Townships

Pavements, Sidewalks and Elevated Structures (Refs & Annos)

M.C.L.A. 41.289a

41.289a. Lighting of roads, highways and bridges; installation  
and maintenance; supervision; contracts; joint agreements

Currentness

Sec. 19a. If lighting of a road, highway, or bridge is provided in accordance with section 19,<sup>1</sup> the supervisor of the township shall exercise general supervision over the installing and maintenance of the lighting system, under the direction of the township board. However, if a road, highway, or bridge is situated in or between 2 or more townships, it shall be determined by the township boards which one of the township supervisors shall exercise supervision. The township board, or in case of roads, highways, or bridges located in or between 2 or more townships, then the township boards of the townships in or between which the road, highway, or bridge is situated, may contract for a period of time not exceeding 10 years with a person for furnishing the road, highway, or bridge lighting by artificial means, upon the terms and conditions as may be agreed.

**Credits**

P.A.1931, No. 246, § 19a, added by P.A.1989, No. 80, § 1, Imd. Eff. June 20, 1989.

Notes of Decisions (4)

Footnotes

<sup>1</sup> M.C.L.A. § 41.289.

M. C. L. A. 41.289a, MI ST 41.289a

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.



## Michigan Compiled Laws Annotated

## Chapter 41. Townships

## Pavements, Sidewalks and Elevated Structures (Refs &amp; Annos)

## M.C.L.A. 41.290

41.290. Lighting of county or state roads, highways and bridges by county or township;  
joint actions; contracts; extension of lines or service; payment; statement and budget;  
apportionment of expenses; tax; lighting of state trunk line highways and bridges

## Currentness

Sec. 20. (1) Notwithstanding sections 19 through 19d,<sup>1</sup> the board of county road commissioners of a county operating under the county road system may provide for the lighting, by artificial means, of roads, highways, and bridges under its jurisdiction, located outside of the limits of incorporated cities and villages. The township board or boards of a township or townships in which county roads, highways, and bridges are located may also provide for the lighting, by artificial means. Boards of county road commissioners and township boards may also provide for the lighting by joint action, and by dividing the expense of the lighting between the county or counties and the township or townships affected as may be determined by joint meeting of the boards. The board of county road commissioners or township board, acting separately or in conjunction with other boards of county road commissioners or with a township board or township boards, may enter into a contract with a person for a period not exceeding 10 years for the lighting upon terms and conditions as may be agreed upon, and may also contract for the extensions of lines or service to furnish the lighting. The boards of county road commissioners may pay from available highway funds under their control and jurisdiction sums required to provide for the extensions and furnish the lighting. If funds are not available, the board of county road commissioners shall submit to the county board of commissioners a statement and budget designating the roads, highways, and bridges to be lighted, and the estimated cost of the lighting. At the next October session of the county board of commissioners, the board shall pass upon the statement and budget, and, if a majority of the county board of commissioners agree, the sum required shall be apportioned among the several townships and cities of the county according to their equalized valuation. The supervisors or other assessing officers in the townships and cities shall levy and apportion the tax so apportioned as provided in this section, to their respective townships and cities. The tax shall be collected and paid to the county treasurer and disbursed by him or her upon orders of the board of county road commissioners, the orders to be signed by the chairperson and countersigned by the clerk of the board. The county board of commissioners shall raise a sum which, together with the other funds available, is sufficient to provide the lighting for which the facilities have, under an existing contract, been previously installed and operated.

(2) With the approval of the director of the state transportation department, boards of county road commissioners and township boards acting together or separately, may, with respect to state trunk line highways and bridges located in whole or in part within their respective counties and townships, provide for the lighting of these highways and bridges by artificial means and may contract in the same manner as for county roads. In such case, the entire expense shall be borne by the boards of county road commissioners or township boards, or by both.

## Credits

P.A.1931, No. 246, § 20, added by P.A.1989, No. 80, § 1, Imd. Eff. June 20, 1989.

## Notes of Decisions (5)



Footnotes

1 M.C.L.A. §§ 41.289 to 41.289d.

M. C. L. A. 41.290, MI ST 41.290

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

# **Michigan Right-Of-Way Laws**

## **9. Encroachments**



Michigan Compiled Laws Annotated

Chapter 247. Highways

Highway Obstructions and Encroachments; Use of Highway by Public Utilities (Refs & Annos)

M.C.L.A. 247.171

247.171. Encroachments; removal order, service; temporary permit

Currentness

Sec. 1. In every case where a public highway has been or shall be encroached upon by any fence, building, or other encroachment, the commissioner or commissioners having jurisdiction over the road may make an order under his or their hand requiring the owner or occupant of the land through or by which such highway runs, and of which such fence, building, or other encroachment forms a part of the enclosure, to remove such encroachment from such highway within 30 days. A copy of such order shall be served upon such owner or occupant, and every such order shall specify the width of the road, the nature of the encroachment and its location with relation to the center line of the road, and the township, section and fraction thereof in which it may be: Provided, The commissioner or commissioners having the matter in charge may issue temporary permits for fences for the protection of improvements on the adjacent land.

Notes of Decisions (50)

M. C. L. A. 247.171, MI ST 247.171

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 247. Highways

Highway Obstructions and Encroachments; Use of Highway by Public Utilities (Refs & Annos)

M.C.L.A. 247.172

247.172. Encroachments; removal by commissioner; penalty,  
expense charged to occupant, collection by tax; limitation

Currentness

Sec. 2. If such encroachment shall not be removed within 30 days after the service of a copy of such order, such owner or occupant shall forfeit the sum of 1 dollar for every day after the expiration of that time during which such encroachment shall continue unremoved, to be recovered in an action of trespass before any justice of the peace of the township, or of an adjoining township in the same county, and the commissioner or commissioners may proceed to remove such encroachment in such manner as to cause the least damage to the property or loss to the owner, and the person at fault shall be liable for the costs and expenses of such removal. The highway commissioner or commissioners shall keep an accurate account of the expenses incurred by him or them in carrying out the provisions hereof and shall present a full and complete statement thereof, verified by oath, together with a full and legal description of the lands entered upon, to the occupants of such lands, requiring the said occupant to pay the amount therein set forth; and in case such owner or occupant shall refuse or neglect to pay the same within 30 days after such notice and demand, the highway commissioner or commissioners shall present a duly verified copy of said statement to the township clerk of the township in which such expense was incurred, and thereupon the amount of all such costs and expenditures shall be certified to the supervisor and shall be assessed and levied on the lands described in the statement of the commissioner or commissioners, and shall be collected in the same manner as other taxes are collected, but no person shall be required to remove any fence under the provisions of this section between the first day of May and the first day of September unless such fence shall have been made within 3 months next before the making of the order for the removal thereof, or interferes with the construction, improvement or maintenance of the road.

Notes of Decisions (7)

M. C. L. A. 247.172, MI ST 247.172

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 247. Highways

Highway Obstructions and Encroachments; Use of Highway by Public Utilities (Refs & Annos)

M.C.L.A. 247.190

247.190. Width of highway; encroachment does not give right to land

Currentness

Sec. 20. All public highways for which the right of way has at any time been dedicated, given or purchased, shall be and remain a highway of the width so dedicated, given or purchased, and no encroachments by fences, buildings or otherwise which may have been made since the purchase, dedication or gift nor any encroachments which were within the limits of such right of way at the time of such purchase, dedication or gift, and no encroachments which may hereafter be made, shall give the party or parties, firm or corporation so encroaching, any title or right to the land so encroached upon.

Notes of Decisions (20)

M. C. L. A. 247.190, MI ST 247.190

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

# **Michigan Right-Of-Way Laws**

## **10. Driveways, Banners, Events and Parades**



Michigan Compiled Laws Annotated Chapter 247. Highways Driveways, Banners, Events, and Parades (Refs & Annos)
---

M.C.L.A. 247.321

247.321. Definitions

Currentness

Sec. 1. As used in this act:

(a) "Driveway" means a driveway, lane, road or any other way providing vehicular access to or from the highway from or to property adjoining the highway but does not mean a city or village street or other highway covered by the provisions of Act No. 288 of the Public Acts of 1967, being sections 560.101 to 560.293 of the Compiled Laws of 1948.

(b) "Highway" means a state trunk line highway or a county road including the entire right of way.

(c) "Highway authority" means the department of state highways in the case of state trunk line highways, and the board of county road commissioners in the case of county roads.

Notes of Decisions (1)

M. C. L. A. 247.321, MI ST 247.321

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 247. Highways

Driveways, Banners, Events, and Parades (Refs & Annos)

M.C.L.A. 247.322

247.322. Permit; other statutes or ordinances, application, compliance

Currentness

Sec. 2. No driveway, banner or parade is lawful except pursuant to a permit issued in accordance with this act unless otherwise provided. Nothing in this act shall be construed to prevent the application of the provisions of any other statute of this state or any local ordinance which is more restrictive than this act nor to preclude any city or village from requiring city or village permits with respect to any street or highway within its corporate limits. No permit shall be issued pursuant to this act unless there is compliance with other provisions of law or ordinances.

Notes of Decisions (2)

M. C. L. A. 247.322, MI ST 247.322

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.



Michigan Compiled Laws Annotated

Chapter 247. Highways

Driveways, Banners, Events, and Parades (Refs & Annos)

M.C.L.A. 247.325

247.325. Rules; adoption, department of state highways, county road commissioners

Currentness

Sec. 5. The department of state highways shall make rules necessary for the administration of this act in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948. The boards of county road commissioners may adopt by reference the rules, in whole or in part, of the department of state highways or may adopt its own rules after a public hearing of which notice has been given by publication at least twice in a newspaper circulated in the county not more than 30 days nor less than 7 days prior to the hearing.

Notes of Decisions (1)

M. C. L. A. 247.325, MI ST 247.325

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 247. Highways

Driveways, Banners, Events, and Parades (Refs & Annos)

M.C.L.A. 247.326

247.326. Issuance and revocation of permits

Currentness

Sec. 6. A permit shall not be issued unless all the requirements of this act, and of rules made pursuant to section 5,<sup>1</sup> are met. A permit may be revoked by the highway authority issuing it if at any time the permitted object, use, or activity fails to meet the requirements of this act or rules made in accordance with section 5. This section does not apply to a permit issued by a city under the city motor vehicle racing act of 1981.<sup>2</sup>

**Credits**

Amended by P.A.1981, No. 177, § 1, Imd. Eff. Dec. 14.

Notes of Decisions (3)


Footnotes

<sup>1</sup> M.C.L.A. § 247.325.

<sup>2</sup> M.C.L.A. § 257.1701 et seq.

M. C. L. A. 247.326, MI ST 247.326

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Michigan Compiled Laws Annotated Chapter 247. Highways Driveways, Banners, Events, and Parades (Refs & Annos)
---

M.C.L.A. 247.327

247.327. Existing driveways; subsequently constructed or reconstructed driveways, nonconforming, correction

Currentness

Sec. 7. This act shall not apply to driveways in existence on August 6, 1969, except that if the use of the land served by the driveway is changed or expanded, and the change or expansion causes the existing driveway to be a safety hazard, the driveway shall be considered a new driveway subject to this act. A driveway which is constructed or reconstructed after the effective date of the rules issued pursuant to this act and which is in violation of the rules shall be corrected by the owner within a period of time, not less than 30 days, specified in the notice of violation sent by certified mail to the owner. If not corrected within the period required by the notice, the highway authority or its agents may perform the necessary correction and the owner shall reimburse the highway authority for the reasonable cost of correction.

Notes of Decisions (1)

M. C. L. A. 247.327, MI ST 247.327

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 247. Highways

Driveways, Banners, Events, and Parades (Refs & Annos)

M.C.L.A. 247.328

247.328. Widening, relocation, reconstruction, improvement, or  
maintenance of highways, right of highway authority to acquire property

Currentness

Sec. 8. Nothing in this act shall limit the right of the highway authority in the exercise of its authority to acquire property for highway purposes or to widen, relocate, reconstruct, improve or maintain any highways.

M. C. L. A. 247.328, MI ST 247.328

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

# **Michigan Right-Of-Way Laws**

## **11. Trees, Shrubs, and Weeds**



Michigan Compiled Laws Annotated

Chapter 247. Highways

Commissioners of Noxious Weeds (Refs & Annos)

M.C.L.A. 247.72

247.72. Highways; duty of officials to prevent growth of noxious weeds

Currentness

Sec. 12. It shall be the duty of the state highway commissioner to prevent all noxious weeds as defined in this act from growing within the right of way of any highways under his jurisdiction. It shall be the duty of each county road commission to prevent all noxious weeds as defined in this act from growing within the right of way of any highways under their jurisdiction.

Notes of Decisions (1)

M. C. L. A. 247.72, MI ST 247.72

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated

Chapter 247. Highways

Highway Obstructions and Encroachments; Use of Highway by Public Utilities (Refs & Annos)

M.C.L.A. 247.185

247.185. Paramount rights of public to use of public places;  
trees and shrubs, injury or destruction; bridges; existing rights

Currentness

Sec. 15. The construction and maintenance of all such telegraph, telephone and power lines, cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures shall be subject to the paramount right of the public to use such public places, roads, bridges and waters, and shall not interfere with other public uses thereof and nothing herein contained shall be construed to authorize any telegraph, telephone, power, or other public utility company, cable television company or municipality to cut, destroy, or in anywise injure any tree or shrub planted within any highway right of way or along the margin thereof, or purposely left there for shade or ornament or to bridge across any of the waters of this state. Nor shall anything in this section or sections 13 and 14<sup>1</sup> be construed to grant any rights whatsoever to any public utilities or cable television companies whatsoever, nor to impair anywise any existing rights granted in accordance with the constitution or laws of this state, but shall be construed as a regulation of the exercise of all such rights.

Notes of Decisions (5)

Footnotes

1 M.C.L.A. §§ 247.183 and 247.184.

M. C. L. A. 247.185, MI ST 247.185

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Michigan Compiled Laws Annotated Chapter 247. Highways Trees and Shrubs (Refs & Annos)
--

M.C.L.A. 247.241

247.241. Trees or shrubs; unlawful cutting, destruction, etc., penalty

Currentness

Sec. 1. It shall be unlawful to cut, destroy or otherwise injure any shade or ornamental tree or shrub growing within the limits of any public highway within the state of Michigan without the consent of the authorities having jurisdiction over such road. In the case of a trunk line or federal aided road the state highway commissioner shall be deemed to have such jurisdiction in all cases. It shall also be unlawful to affix to any such tree or shrub any picture, announcement, notice or advertisement or to negligently permit any animal to break down or injure the same. Any person violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than 100 dollars or by imprisonment in the county jail for a period not exceeding 30 days, or by both such fine and imprisonment within the discretion of the court.

Notes of Decisions (3)

M. C. L. A. 247.241, MI ST 247.241

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.



Michigan Compiled Laws Annotated Chapter 247. Highways Trees and Shrubs (Refs & Annos)
--

M.C.L.A. 247.242

247.242. Planting and protection

Currentness

Sec. 2. The state highway commissioner is hereby authorized and empowered as a part of the maintenance of trunk line and federal aided roads to protect trees and shrubs set out along and within the limits of such roads and to set out such trees and shrubs as may be furnished to him by the Michigan agricultural college, the department of conservation, or by any other state department or institution, or obtained from neighboring lands without cost, for the use and benefit of the public. The care of such trees shall be deemed to be a part of the road maintenance work. Boards of county road commissioners and township highway authorities shall likewise have power to set out and maintain such trees along, and within the limits of, roads under their respective jurisdictions.

M. C. L. A. 247.242, MI ST 247.242

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

# **Michigan Right-Of-Way Laws**

## **12. Traffic Control**



Michigan Compiled Laws Annotated  
Chapter 257. Motor Vehicles  
Michigan Vehicle Code (Refs & Annos)  
Chapter VI. Obedience to and Effect of Traffic Laws (Refs & Annos)  
Traffic Signs, Signals, and Markings (Refs & Annos)

M.C.L.A. 257.609

257.609. Traffic-control devices; placement and maintenance;  
restrictions; county road commission, permission, costs

Currentness

Sec. 609. (a) The state highway commission shall place or require to be placed and maintain or require to be maintained such traffic-control devices, conforming to said manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any trunk line highway under the jurisdiction of the state highway commissioner except by the latter's permission or upon any county road without the permission of the county road commission having jurisdiction thereof. With the approval of the department of state highways, the board of county road commissioners of any county, at its option, may install and maintain uniform traffic-control devices according to the standards promulgated by the department of state highways and as required by the commission on trunk line highways, if the cost would be less than that estimated by the state highway commission, billing the state highway commission for its share of the cost of installation.

Notes of Decisions (9)

M. C. L. A. 257.609, MI ST 257.609

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

# **Michigan Right-Of-Way Laws**

## **13. Recreational Vehicles**



Michigan Compiled Laws Annotated

Chapter 324. Natural Resources and Environmental Protection

Natural Resources and Environmental Protection Act (Refs & Annos)

Article III. Natural Resources Management

Chapter 4. Recreation

Subchapter 6. Motorized Recreational Vehicles

Snowmobiles

Part 821. Snowmobiles

M.C.L.A. 324.82119

324.82119. Regulation of snowmobile operations

Currentness

Sec. 82119. (1) A person shall not operate a snowmobile upon a public highway, land used as an airport or street, or on a public or private parking lot not specifically designated for the use of snowmobiles except under the following conditions and circumstances:

(a) Subject to subsection (2), a snowmobile may be operated on the right-of-way of a public highway, except a limited access highway, if it is operated at the extreme right of the open portion of the right-of-way and with the flow of traffic on the highway. However, a snowmobile may be operated on the right-of-way of a public highway against the flow of traffic if the right-of-way is a snowmobile trail that is designated by the department in the plan developed pursuant to section 82106(2)<sup>1</sup> and that is approved by the state transportation department. Snowmobiles operated on the right-of-way of a public highway, as provided in this subdivision, shall travel single file and shall not be operated abreast except when overtaking and passing another snowmobile. In the absence of a posted snowmobile speed limit, a snowmobile operated on the right-of-way of a public highway, as provided in this subdivision, shall not exceed the speed limit posted on the public highway.

(b) Subject to subsection (2), a snowmobile may be operated on the right-of-way of a limited access public highway if it is operated on a snowmobile trail that is designated by the department in the plan developed pursuant to section 82106(2) and that is approved by the state transportation department. A snowmobile shall only be operated on that right-of-way in the manner provided in that plan. In addition, a snowmobile operated on the right-of-way of a public highway, as provided in this subdivision, shall travel single file and shall not be operated abreast except when overtaking and passing another snowmobile. In the absence of a posted snowmobile speed limit, a snowmobile operated on the right-of-way of a public highway, as provided in this subdivision, shall not exceed the speed limit posted on the public highway.

(c) A snowmobile may be operated on the roadway or shoulder when necessary to cross a bridge or culvert if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder and the driver yields the right-of-way to an approaching vehicle on the highway.

(d) In a court action in this state where competent evidence demonstrates that a vehicle that is permitted to be operated on a highway pursuant to the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, collided with a snowmobile on a roadway, the driver of the snowmobile involved in the collision shall be considered prima facie negligent.

(e) A snowmobile may be operated across a public highway other than a limited access highway, at right angles to the highway, for the purpose of getting from 1 area to another when the operation can be done in safety and another vehicle is not crossing the highway at the same time in the same general area. An operator shall bring his or her snowmobile to a complete stop before proceeding across the public highway and shall yield the right-of-way to all oncoming traffic.

(f) Snowmobiles may be operated on a highway in a county road system that is not normally snowplowed for vehicular traffic and on the plowed right-of-way or shoulder when no right-of-way exists on a snowplowed highway in the county road system, outside the corporate limits of a city or village, that is designated and marked for snowmobile use by the county road commission having jurisdiction. Upon the request of a county road commission that has designated all county roads outside the corporate limits of a city or village for snowmobile use, the state transportation department shall erect at county road commission expense and shall maintain, in accordance with the Michigan manual of uniform traffic control devices standards, the basic snowmobile sign unit together with a supplemental panel stating "permitted on right-of-way or shoulder of all ..... (county name) roads --MCL 324.82119" at the county line on all state trunk line highways and county roads. A sign erected before the effective date of the 2005 amendatory act that amended this section <sup>2</sup> may cite 1968 PA 74 instead of citing this section.

(g) A law enforcement officer of a local unit of government or the state may authorize use of a snowmobile on a public highway or street within his or her jurisdiction when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

(h) A snowmobile may be operated on a highway or street for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department.

(i) A city or village by ordinance may designate 1 or more specific public highways or streets within its jurisdiction as egress and ingress routes for the use of snowmobiles. A city or village acting under the authority of this subdivision shall erect and maintain, in accordance with the Michigan manual of uniform traffic control devices standards, a sign unit giving proper notice of the designation.

(2) The state transportation department and the department of natural resources may permanently prohibit snowmobile use as described in subsection (1)(a) or (b) in a highway right-of-way if, within 10 years after the effective date of the amendatory act that added this subsection, <sup>3</sup> all of the following requirements are met:

(a) The right-of-way is designated in a closure plan developed by the state transportation department and the department of natural resources and approved by the state transportation commission and the commission of natural resources.

(b) The state transportation department and the department of natural resources have held a public hearing on the proposed prohibition in the county where the prohibition is to apply. The state transportation department and the department of natural resources shall give notice of the hearing by publication in a newspaper of general circulation in the county not more than 21 or less than 7 days before the hearing.

(c) The state transportation department and the department have consulted on the proposed prohibition with the snowmobile advisory committee created under section 82102a.<sup>4</sup>

(d) Snowmobile use in that right-of-way poses a particular and demonstrable threat to public safety.

(e) The department has designated and, if required under subsection (1)(a) or (b), the state transportation department has approved an alternative snowmobile trail that meets all of the following requirements:

(i) Is open for use and functional during snowmobile season.

(ii) Bypasses the highway right-of-way on which snowmobile use is to be prohibited.

(iii) Provides access to any qualified business that, when the alternative snowmobile trail is designated, is located along the highway right-of-way on which snowmobile use is to be prohibited. As used in this subparagraph, "qualified business" means a gas station, restaurant, hotel, motel, convenience store, or grocery store, or any other business that relies on snowmobile-based commerce.

(3) The state transportation department and the department of natural resources may promulgate rules to implement subsections (1)(b) and (2).

#### **Credits**

P.A.1994, No. 451, § 82119, added by P.A.1995, No. 58, § 1, Imd. Eff. May 24, 1995. Amended by P.A.2005, No. 307, Imd. Eff. Dec. 27, 2005.

#### **Notes of Decisions (10)**

#### **Footnotes**

1 M.C.L.A. § 324.82106.

2 P.A.2005, No. 307, Imd. Eff. Dec. 27, 2005.

3 P.A.2005, No. 307, Imd. Eff. Dec. 27, 2005.

4 M.C.L.A. § 324.82102a.

M. C. L. A. 324.82119, MI ST 324.82119

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

# **Michigan Right-Of-Way Laws**

## **14. General Authority for Right-Of-Way Work**





Michigan Compiled Laws Annotated Chapters 220 to 244 General Highway Law (Refs & Annos) Chapter 224. Chapter IV--County Road Law Chapter IV. County Road Law (Refs & Annos)
--

M.C.L.A. 224.11

224.11. Authority to lay out or change roads; construction or improvement projects, hearing, approval or disapproval; purchase of private property

Currentness

Sec. 11. (1) The board of county road commissioners may lay out new roads within the county as they consider necessary. The roads shall be not less than 4 rods wide. The board may also change the width or the location or straighten the line of a road over which it takes jurisdiction.

(2) Before the board approves a project for the construction of a new road or improvement of an existing road not part of the federal-aid systems, as defined in section 103 of Public Law 85-767, 23 U.S.C. 103, which improvement consists of widening or straightening the line of a road the board of county road commissioners shall conduct a public hearing pursuant to the following procedure:

(a) Notice of the public hearing shall be given at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The first notice shall appear 30 to 40 days before the scheduled hearing with the second notice appearing 5 to 12 days before the hearing.

(b) The required notices shall contain the date, time, and place of the hearing and shall include a description of the proposed action. The notice shall also contain a map or drawing of the proposed action. The map or drawing shall be made available to the public. The notice shall set forth the tentative schedule for the right of way acquisition, if necessary for the proposed action, and for the beginning of the construction or improvement.

(c) A copy of the notice shall be delivered to the local news media and to the executive official of each affected municipality.

(3) If the record owners of 100% of the property adjacent to a local road which is  $\frac{1}{4}$  mile or less in length and which has only 1 outlet, oppose the construction or improvement of the local road, the board of county road commissioners shall not approve the project.

(4) If in the laying out, widening, changing, or straightening of a road it becomes necessary to take private property, the board shall cause a survey of the proposed road to be made, together with an accurate description of the lands required for the road. It shall endeavor to agree with each owner, who is a resident of the county, for the purchase of a right of way over the owner's land included within the description. If it is able to agree with the owner of the property, it may purchase the property and pay for the property out of the funds under its control. The land shall be conveyed to the county for the use and purpose of a road.

Notes of Decisions (84)

M. C. L. A. 224.11, MI ST 224.11

The statutes are current through P.A.2016, No. 317 of the 2016 Regular Session, 98th Legislature.

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.