

# BERRIEN COUNTY ROAD COMMISSION

OPERATIONS POLICY AND PROCEDURE

OP-14

EFFECTIVE DATE: 2-24-2016

APPROVED BY BOARD

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## **TITLE:        RIGHT OF WAY**

**PURPOSE:** It is the purpose of this policy to establish guidelines when dealing with activities or the placement of objects within the road right of way under the jurisdiction of the Berrien County Road Commission. While not intended to be all inclusive it establishes rules that the Berrien County Road Commission will use for permitting, restricting or removing objects or activities within the right of way under the jurisdiction of the Berrien County Road Commission.

**AUTHORITY:** The Berrien County Road Commission is authorized to issue permits for activities within the County road right of way according to the Michigan Public Act 200 of 1969. Additional guidelines are found in Berrien County Ordinance No. 19 as adopted October 9<sup>th</sup>, 2003 per authority of MCL 46.11(j).

**DEFINITION:** Right of way is the legal right, established by usage or grant, to pass along a specific route (i.e. a road) through grounds or property belonging to another. Typical County road right of way is 66 feet, being 33 feet in each direction from the center of the roadway. Right of way widths may vary in locations and various official records should be searched to verify the correct right of way width. In cases where right of way is deeded to the Berrien County Road Commission (such as in certain subdivisions) the property owner does NOT own to the center of the road.

## **POLICY & PROCEDURE:**

1. Any activity occurring within County road right of way, including but not limited to construction, tree trimming, utility work, parade, race, temporary road closure, overweight or oversize commercial vehicles and building moves, should have a Right of Way Permit issued by the Berrien County Road Commission. All specifications on this permit must be followed as well as those stated in this policy.
2. No permanent structures or objects, other than mailboxes and traffic control devices, should be allowed within the County road right of way.

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## **POLICY & PROCEDURE (CONT'D):**

3. Mailboxes shall be allowed in the right of way provided they are installed as specified by the U.S. Postal Service. Mailboxes constructed in the right of way deemed to be a hazard to normal Road Commission activity or the traveling public may be removed by the Berrien County Road Commission according to Operations Policy No. 4 (OP-4) as approved March 26, 2014.
4. No landscaping items such as timbers, fencing, stones, trees, shrubs, flowers, ornamental grasses, sprinkler systems or irrigation systems should be placed within the County road right of way. Any irrigation or sprinkler system installed near or outside of the County road right of way should be maintained so that water is not placed onto the traveled portion of the roadway.
5. All new driveway construction, driveway reconstruction or driveway modifications require a permit from the Road Commission.
6. No private business, person or public entity may place signage intended to be permanent within the road right of way unless express permission has been granted by the Berrien County Road Commission and a right of way permit has been submitted and approved. Any permanent signage placed within the right of way should be reviewed and approved by the Traffic Safety Supervisor.
7. The Berrien County Road Commission reserves the right to halt any activity or remove any object within the County Road right of way that is deemed to be unsafe or in violation of this policy by authority of Michigan Public Act 368 of 1925.
8. The Berrien County Road Commission Weighmaster will enforce all Berrien County Road Commission right of way policies and procedures.