

## **Notice of Public Hearing**

On August 8, 2018, at 9:30 A.M., at the offices of the Ogemaw County Road Commission, at 1250 S. M-33, West Branch, Michigan, a Public Hearing will be held at which time comments will be received pertaining to the proposed newly revised:

- 1.) Permit Fee Resolution to Amend the Communication Service Provider (CSP) pursuant to the right-of-way permit statute, MCL 224.19b, that took effect on July 1, 2018.
- 2.) Resolution to Amend the Communication Service Provider (CSP) pursuant to the right-of-way permit statute, MCL 224.19b, that took effect on July 1, 2018.

Copies of the proposed Fee Resolution and Resolution to Amend the Communication Service Provider (CSP) are available for review at the offices of the Ogemaw County Road Commission during normal business hours, Monday through Thursday, 6:30 A.M. to 5:00 P.M.

The hearing will be held at the office of the Ogemaw County Road Commission at 1250 S. M-33, West Branch, Michigan.

Van Sheltroun, Chairman  
Ogemaw County Road Commission

**Resolution to Adopt Ogemaw County Road Commission Reasonable Policy**  
**Regarding Fees Pursuant to MCL 224.19b**

WHEREAS, the Board of County Road Commissioners for the County of Ogemaw is a body corporate created by MCL 224.9 to formulate policy and to perform those official duties imposed by law or delegated by the Ogemaw County Board of Commissioners; and

WHEREAS, 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, under the authority conferred by section 29 of article VII of the state constitution of 1963; and

WHEREAS, MCL 224.19b(1) requires any person, partnership, association, corporation or governmental entity to obtain a permit from the Road Commission (and the applicable township, city or village if required by those entities) before constructing, operating, maintaining or removing any facility or performing any work within a county highway right-of-way; and

WHEREAS, pursuant to MCL 224.19b(2), the Road Commission has discretion to adopt reasonable permit requirements and a schedule of fees sufficient to cover the necessary and actual costs for the issuance of the permit and for review of the proposed activity, inspection and related expenses; and

WHEREAS, the Road Commission may adopt a schedule of civil fines that can be imposed on a provider that performs work in a right-of-way without obtaining a permit as required under this section or that fails to maintain a security bond, right-of-way bond, or irrevocable letter of credit as required under this section during construction work within the right-of-way; and

WHEREAS, the Road Commission deems it in the public health, welfare, safety and best interest to adopt a policy such as the one attached hereto and entitled "Telecommunication and Video Service Provider Policy and Fees" (Exhibit A) reflecting the actual and necessary costs directly related to issuance of permits to Providers as defined under MCL 224.19b(13) to the extent recoverable under the law.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby that the attached policy is hereby adopted and made effective forthwith.

Carried:           Yeas: Commissioner Dan Winter  
                          Chairman Van Sheltroun  
                          Commissioner Mark Williams

A certified true copy taken from the minutes of August 8, 2018.

Signed:           \_\_\_\_\_

                          Brandy Curtis, Board Clerk

Date:             August 8, 2018

**Resolution to Amend Ogemaw County Road Commission Permit Policy for Safely  
Allowing Limited Communication Service Provider Facilities Access Within the Ogemaw  
County Road Right-of-Ways**

WHEREAS, the Board of County Road Commissioners for the County of Ogemaw is a body corporate created by MCL 224.9 to formulate policy and to perform those official duties imposed by law or delegated by the Ogemaw County Board of Commissioners; and

WHEREAS, Article 7, §29 of the Michigan Constitution of 1963 reserves to county road commissions the reasonable control of their highways, streets, alleys and public places, and specifically prohibits any person, partnership, association or corporation, public or private, from operating a public utility within the highways, streets, alleys and public places of any county without first obtaining the consent of the duly constituted authority of the county road commission; and

WHEREAS, MCL 224.19b, governing permits for work in the right of way, has been amended effective July 1, 2018, and these amendments require changes to the “Definitions” Section of the Road Commission’s Permit Policy for Safely Allowing Limited Communication Service Provider Facilities Access Within the Ogemaw County Road Right-of-Ways with regard to Telecommunications Providers and Video Service Providers.

NOW, THEREFORE, BE IT RESOLVED, that the attached amendment to Paragraph Two (2) of the Ogemaw County Road Commission Permit Policy for Safely Allowing Limited Communication Service Provider Facilities Access Within the Ogemaw County Road Right-of-Ways is hereby adopted and made effective forthwith.

Carried:           Yeas: Commissioner Dan Winter  
                              Chairman Van Sheltroun  
                              Commissioner Mark Williams

A certified true copy taken from the minutes of August 8, 2018.

Signed:           \_\_\_\_\_

Brandy Curtis, Board Clerk

Date:             August 8, 2018

## Notice of Public Hearing

On December 13, 2017, at 9:30 A.M., at the offices of the Ogemaw County Road Commission, at 1250 S. M-33, West Branch, Michigan, a Public Hearing will be held at which time comments will be received pertaining to the proposed newly revised:

- 1.) Standards and Specifications for Roads, Streets, and Drainage pertaining to the Subdivision of lands. (In accordance with Act 288 of Public Acts of 1967 as amended).
- 2.) Residential and Commercial Driveway Standards and Fee Schedule.
- 3.) Fee Schedule for permits issued for work to be performed within the road right of way, i.e. utility installation. (Items 2 & 3 in accordance with Act 212 of Public Acts of 1980 as amended).

Copies of the proposed Standards and Fee Schedules are available for review at the offices of the Ogemaw County Road Commission during normal business hours, Monday through Friday, 7:30 A.M. to 4:00 P.M.

Van Sheltroun, Chairman  
Ogemaw County Road Commission

## Resolution

At a meeting of the Board of County Road Commissioners of the County of Ogemaw, State of Michigan, held on December 13, 2017, it was moved by Commissioner Winter and supported by Chairman Sheltroun that the following resolution be adopted.

RESOLVED: That as of December 13, 2017, the Board of Ogemaw County Road Commission hereby adopts the following Rules Governing the Granting of Permits for Driveways, Road Closures and Banners and rescind all former Rules Governing the Granting of Permits for Driveways, Road Closures and Banners.

Carried:       Yeas: Commissioner Dan Winter  
                      Chairman Van Sheltroun  
                      Commissioner Mark Williams  
                      Nays: None

A certified true copy taken from the minutes of December 13, 2017.

Signed:       \_\_\_\_\_

Brandy Curtis, Board Clerk

Date:         December 13, 2017

# PERMIT FEE SCHEDULE

PERTAINING TO

UTILITIES, DRIVEWAY APPROACHES AND  
WORK IN THE RIGHT-OF-WAY



BOARD OF COUNTY ROAD COMMISSIONERS

COUNTY OF OGEMAW

STATE OF MICHIGAN

Adopted: May 9, 2001

Amended: November 28, 2007

Amended: December 13, 2017

Amended: July 1, 2018

**Effective: August 8, 2018**

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## 1.) ROAD CROSSING

### a.) Boring

- i.) When utilities are needed to cross an existing road, the boring method will be the first approved method unless otherwise approved by the Board.
- ii.) Casing Pipe
  - 1.) The Road Commission will evaluate each specific case to determine whether or not a casing pipe will be needed.
  - 2.) The front of the casing pipe will be equipped so as to positively prevent the auger and cutting head from extending in front of the casing so that there will be no unsupported excavation ahead of the casing pipe.
  - 3.) The excavation cut of the cutting edge shall not exceed the outside diameter of the casing pipe by more than one (1) inch.
  - 4.) Upon completion of installation of the casing and utility, the voids in the casing shall be filled with pea stone or sand meeting the Michigan Department of Transportation (M.D.O.T.) Standard Specifications for Granular Material Class II in sufficient quantity to fill 90% of the void area inside of the casing pipe. Once filled and accepted by the Board, the ends of the casing shall be plugged with bricks and mortar.
  - 5.) If, for any reason, it becomes necessary to abandon a bore, the casing shall be left in place and completely filled with cement grout. Approval by the Board will be required before installation of a second casing is started.
- iii.) The boring pit shall be located so that the intersection of the face of the pit nearest the roadway with the bottom of the pit will be outside a theoretical slope line of two (2) horizontal to one (1) vertical down from the edge of the roadway shoulder. The boring pit shall be sheeted and shored as required to conform to all applicable local, state and federal safety laws. The entire boring operation shall be conducted so as to guarantee uninterrupted roadway travel.
- iv.) All borings shall have a minimum of thirty-six (36) inches of cover.
- v.) The bore pit area shall be restored to equal or better than original condition as soon as practicable after completion of work.

### b.) Open Cut

- i.) Open cuts will only be allowed on gravel or dirt roads. The Applicant must get approval from the Board before any open cut activities of a county road is to take place.
- ii.) At no time shall an open cut be allowed to remain open overnight.
- iii.) Trench Construction
  - 6.) The width of the trench for an open cut shall be dependent upon the depth of the utility. The open cut shall be sheeted and shored as required to conform to all applicable local, state and federal safety laws.
  - 7.) Disturbance of the subgrade of the road shall be kept to an absolute minimum during all open cut operations.
- iv.) Backfilling, Compaction and Surface Restoration
  - 1.) Backfill material, up to 12 inches below the roadway surface, shall consist of a sand material in accordance with the most current M.D.O.T. Standard Specification for Granular Material Class II.

- 2.) The road surface material, to a minimum depth of 12 inches, shall consist of M.D.O.T. Standard Specifications 23-A Modified Surfacing Aggregate for all gravel and dirt roads.
- 3.) Sand backfill shall be compacted to a minimum of 95% of the maximum density at a maximum of 12 inch layers.

v.) Open Cut of Hard Surfaced Roads

- 1.) An open cut of a hard surfaced road shall only be allowed in an emergency situation. Approval of any such activities shall be first approved, in writing, by the Board.
- 2.) All pavements that are to be removed shall be saw cut before removal takes place. The pavement shall be removed a minimum of one (1) foot from any excavation.
- 3.) All shoulders that are disturbed shall be rebuilt to a minimum of four (4) inches deep and shall consist of M.D.O.T. Standard Specifications 23-A Modified Surfacing Aggregate.
- 4.) The gravel base material, to a minimum depth of twelve (12) inches, shall consist of M.D.O.T. Standard Specifications 22-A Modified Surfacing Aggregate and shall be compacted to a minimum of 98% of the maximum density.
- 5.) All open cuts on bituminous paved roads shall be patched with an approved bituminous mixture and shall conform to M.D.O.T. Standard Specifications for bituminous mixtures.
- 6.) The application rates shall equal that of the existing road, however, a minimum rate of 220 lb. /syd. shall be applied to any patch regardless of existing pavement depth. The maximum application rate in any case shall be 220 lb. /syd. and where more than 220 lb. /syd. of mixture is needed, multiple courses at equal rates shall be required.
- 7.) Bituminous bond coat is required in all locations where existing pavements, chip seals or seal coats will meet freshly placed asphalt (joints, between leveling and wearing courses, etc.)



2.) RIGHT-OF-WAY

- a.) Written permission from all adjoining Public and Private property owners must be maintained before work shall commence.
- b.) All disturbed trees, stumps, bushes and overgrowth shall be removed within the right-of-way.
- c.) All damaged or disturbed road surfaces, shoulders, ditches, or any other part of the right-of-way shall be satisfactorily restored to equal or better quality than before the commencing of work took place.

3.) DRAINAGE AND TOPSOIL RESTORATION

- a.) All existing road drainage shall be maintained throughout construction of the permitted activities. Any alteration in the road drainage shall first be approved by the Road Commission.
- b.) All culverts and drainage structures that are damaged or removed during permitted activities must be repaired or replaced to meet or exceed the conditions before construction commenced.
- c.) All areas of disturbed topsoil shall be seeded and mulched immediately and shall be maintained until a satisfactory amount of growth is present to prevent erosion.
- d.) A minimum of three (3) inches of topsoil is required.

4.) DITCH CLOSURE

- a.) Ditch closures will ONLY be allowed with special permission from the Board.
- b.) All ditch closures shall maintain a minimum of two and a half (2.5) feet of ditch depth above the closure, measured from the hinge point of the shoulder of the road.
- c.) The Road Commission will determine if and when catch basins, sewer lines, or other design elements will be needed.
- d.) Any and all maintenance and repair of any underground drainage as approved by this section, will be at the property owner's expense.

5.) UTILITY PLACEMENT

- a.) All underground telephone and cable TV lines that run parallel to the road shall have a minimum of thirty (30) inches of cover.
- b.) All underground gas, oil, water, sewer and electric lines that run parallel to the road shall have a minimum of thirty-six (36) inches of cover.
- c.) Any pipeline, which runs parallel to the road, for the transportation of gas, oil or any volatile substance as determined by the Road Commission, shall be located no closer than twenty-eight (28) feet from the centerline of the road.
- d.) No apparatus associated with any utilities that is located above or below ground shall be closer than twenty-eight (28) feet from the centerline of the road. Such examples include, but are not limited to:
  - i.) water valves
  - ii.) isolation valves
  - iii.) phone pedestals
  - iv.) vents
  - v.) telephone, fiber optic, and tv cables
  - vi.) utility poles

6.) NUMBER OF ACTIVE CONTRACTS

- a.) The Road Commission reserves the right to limit the number of permits issued to an Applicant at any one time.
- b.) Past history of an Applicant's ability to comply with and satisfactorily complete previously permitted activities shall be a major factor in the determination of how many, and with what expedience future issued permits are finalized out.

7.) MAINTAINING TRAFFIC AND EMERGENCY VEHICLES

- a.) It is the sole responsibility of the Applicant to maintain a safe environment for the motoring public.
- b.) The Applicant will maintain traffic in accordance with the most recent version of the Michigan Manual of Uniform Traffic Control Devices and MDOT standard plans
- c.) If a road closure of any kind is approved by the Board, then the Permittee must notify the Road Commission, Local Fire Departments, Ambulance & EMT Personnel, Local Police Departments, Local School Transportation Agencies, and Township Supervisor a minimum of 24 hours before the road closure is to take place, and renotify the same when work is completed and roadway is reopened to traffic.
- d.) Adequate measures shall be taken, regardless of operations, to allow immediate passage of all emergency vehicles (fire, ambulance, police, etc.)

8.) STORAGE OF MATERIALS AND EQUIPMENT

- a.) Written approval from the Board must be obtained before any storage of materials or equipment will be allowed on the right-of-way.
- b.) All materials and equipment used for permitted activities must be stored a safe distance from all motoring traffic.
- c.) The storage of any materials and equipment on the road right-of-way, or elsewhere, if allowed, is the sole responsibility of the Permittee.

9.) TREE TRIMMING AND REMOVAL

- a.) All directions of traffic shall remain open and maintained throughout all tree trimming and removal activities.
- b.) All stumps shall be removed with topsoil restoration done as called out above.
- c.) All trees, branches, bushes and overgrowth shall be removed upon completion of permitted activities.

10.) ANNUAL UTILITY PERMITS

- a.) Annual Utility Permits include the routine maintenance of all utilities currently located within the road right-of-way.
- b.) The following activities will be allowed under the Annual Utility Permit:
  - i.) Maintenance of installations on existing utility poles.
  - ii.) Maintenance of existing underground installations.
    - 1.) Parallel single service only.
    - 2.) Maximum two (2) inch outside diameter.
    - 3.) Within outer five (5) feet of right of way.
  - iii.) Maintenance of water valves, isolation valves, phone pedestals, vents, etc.
  - iv.) Tree trimming and removal.
- c.) The following activities will not be included in the Annual Utility Permit:
  - 1.) Overhead Installations (new poles)
  - 2.) Underground Installations (new lines)
  - 3.) Boring Under Roads
  - 4.) Open Cutting of Roads
  - 5.) Any other activities determined by the Board that are not listed herein will not be included in the Annual Utility Permit.
- d.) Any person or organization performing activities covered by an annual permit shall give advanced notice to the Ogemaw County Road Commission within 3 working days before (no later than 8:00 a.m. on) the date of the scheduled activity. Providing the following information:
  - Name/Number of Permit Holder
  - Contractor Name
  - Contact Person/Phone
  - Type of Activity
  - Expected Start and Completion Dates

11.) EMERGENCY OPERATIONS

In time of disaster or emergency, or when utility lines or facilities are so damaged as to constitute a danger to life and property or the public, access to the same may be had by the most expeditious route and the work is to be done in a manner which will provide the traveling public with maximum possible safety. Notice of such situations shall be given to the nearest police authority and the Road Commission as soon as can reasonably be done under the circumstances. During normal Road Commission working hours the permittee shall advise the Road Commission of any operations within the right of way which affect traffic operations or the highway structure and facilities prior to performance of the work. After normal Commission working hours, the permittee, at the beginning of the first working day after the emergency operation, shall advise the Commission of any operations which affected traffic operations or the highway structures and facilities. If determined necessary by the Commission, the permittee shall secure an individual permit for such work after notification.

12.) BONDS

- a.) A bond shall be required on all major permits before any activities commence when required by the Board.
- b.) In order to guarantee the completion of the items of work associated with a Commercial Driveway Entrance, the Applicant shall provide a bond in the form of cash, cashier's check, certified check or irrevocable bank letter of credit to the Board of County Road Commissioners of Ogemaw County, Michigan.
- c.) The estimate of cost and the reasonable amount of coverage of the bond shall be determined by the Road Commission Manager.

13.) INSURANCE

- a.) The Applicant shall furnish and maintain such comprehensive general liability and other insurance as is appropriate for the work being performed within the road right of way. Proof of adequate insurance coverage shall be submitted to the Road Commission by the Applicant and shall contain a provision or endorsement that the coverage afforded will not be canceled, materially changed or renewal refused until at least thirty (30) days prior written notice has been given to the Road Commission by certified mail.

- b.) The insurance required hereunder shall consist of:

- i.) Workers' Compensation Insurance meeting the requirement of State and Federal laws.

- ii.) Comprehensive General Liability policy to cover bodily injury to persons including accidental death and for damage to tangible property, including loss thereof. Minimum Limits to include:

Personal injury per any one person	\$500,000.00
Personal injury aggregate per accident	\$1,000,000.00
Property damage per accident	\$500,000.00
Property damage aggregate per accident	\$500,000.00

- iii.) Comprehensive Automobile Liability policy to cover bodily injury including accidental death and property damage arising out of the ownership, maintenance or use of any motor vehicle including owned, non-owned and hire vehicles.

Minimum Limits to include:

Personal injury per person	\$500,000.00
Personal injury aggregate per accident	\$1,000,000.00
Property damage per accident	\$500,000.00
Property damage aggregate per accident	\$500,000.00

**Ogemaw County Road Commission  
Permit Fee Schedule**

<b>Driveway</b>	
Residential and Field	\$ 50.00
Temporary Driveway (3 months)	\$ 150.00
Alteration to Existing (Pave, Widen, etc.)	\$ 40.00
Shared Driveway Approach (1-4 access pvt. rd.)	\$ 100.00
Commercial First Approach	\$ 200.00
Temporary Driveway (3 months)	\$ 150.00
Alteration to Existing (Pave, Widen, etc.)	\$ 100.00
Shared Driveway Approach (1-4 access, business)	\$ 200.00
Private Road Approaches	\$ 500.00
<b>Road Bed and Roadside</b>	
Grading / Drainage	\$ 100.00
Tree Trimming & Removal	\$ 50.00
Ditch Closure (Board Approval, cost may increase if variance is required)	\$ 25.00
Open Cuts – across gravel roads (plus cost of repair)	\$ 250.00
Temporary Road Closures	\$ 40.00
<b>Utility (electric, water, sewer, gas, and oil)</b>	
Blanket Maintenance (1 year)*	\$ 250.00
Overhead Installation (4 mile limit)	\$ 200.00
Underground Installation Short Side	\$ 125.00
Underground Installation Basic Fee (4 mile limit)	\$ 200.00
Boring Under Roads (plus cost of repair)	\$ 150.00
<b>Utility (all communication service providers -csp, cable tv, telephone, and fiber as of Aug. 8, 2018)</b>	
Blanket Maintenance (1 year)*	\$ 300.00
Overhead Installation (4 mile limit)	\$ 300.00
Underground Installation Short Side	\$ 300.00
Underground Installation Basic Fee (4 mile limit)	\$ 300.00
Boring Under Roads (plus cost of repair)	\$ 300.00
<b>Note: permits may not exceed \$1000.00 total for all permit fees per project</b>	
<b>Miscellaneous</b>	
Governmental	-
Banners & Christmas Decorations	\$ 40.00
Ditching & Ditch Cleanout	\$ 20.00
Ditching (in Rd Comm interest)	-
Grading & Landscaping	\$ 50.00
Monitoring Wells in the R.O.W.	\$ 40.00
Parades	\$ 40.00
Private Road Sign Package (Stop & Road Name Sign, Installation)	\$ 310.00
Procedures & Regulations for Designated Haul Routes	\$ 5.00
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**Ogemaw County Road Commission  
Permit Fee Schedule**

<b>Miscellaneous</b>	
Procedures & Regulations for Permit Activities	\$ 15.00
Sanitary, Water Main or Storm Connection	\$ 200.00
Seismograph – cross wire only	\$ -
Seismograph Testing	\$ 25.00
Soil Borings	\$ 75.00
Surveying	\$ 40.00
Surveying (1 year)	\$ 50.00
Traffic Impact Study (set Minimum \$)	Actual Cost
Plan Review & Field Inspection (Plats / Private Roads)	
Site Plan Review	\$ 500.00
Traffic Impact Study	Actual Cost
Preliminary Plan/Plat Review	\$ 500.00
Road & Drainage Plan Review	\$ 500.00
Non-Compliance	3 Times Fee
Appeal Fee	\$ 40.00
Major permits not listed above (Primary Roads)	\$ 50.00
Minor permits not listed above (Local Roads)	\$ 25.00
<b>Tourist Oriented Directional Sign (TODS) - Initial Fee</b>	<b>\$ 25.00</b>
TODS annual renewal fee	\$ 25.00
<b>Transportation</b>	
Single Move	\$ 25.00
Extended Transportation (1 year)*	\$ 100.00
Mobile Home Single Move	\$ 50.00
Mobile Home Extended (1 year)*	\$ 100.00
Building Move	\$ 100.00
Weight Restriction Seasonal - Utilities - each unit	\$ 100.00
Weight Restriction Seasonal - Milk Hauler - each unit	\$ 50.00
Weight Restriction Seasonal - Agricultural - each unit	\$ 100.00
Weight Restriction Seasonal - Well Drilling Moves - each unit, each move	\$ 50.00
<b>*Annual permits are valid from January 1st through December 31st</b>	
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