

BOARD OF INGHAM COUNTY
ROAD COMMISSIONERS
BOARD POLICY

EFFECTIVE DATE: IMMEDIATE POLICY #BP-254

SUPERSEDES BP# RESOLUTION #011-00

SUBJECT: RIGHT OF WAY ENCROACHMENT REMOVAL

ADOPTED BY THE BOARD OF INGHAM COUNTY ROAD COMMISSIONERS ON JANUARY 6, 2000

I. PURPOSE

To establish procedures governing the use of roadside areas under the jurisdiction of the Ingham County Road Commission, based on its responsibility to maintain a reasonably safe and convenient roadway system for public travel.

II. INFORMATION

In the interest of highway safety, Michigan Law (P.A. 368 of 1925, as amended, MCL 247.171-MCL 247.182) prohibits the placement of any object in the road right of way without a permit from the road authority.

In many instances, property owners or contractors place fences, rocks/boulders, trees/shrubs, unauthorized mailboxes, earthwork, underground sprinkler systems, utilities and other objects within the road right of way without receiving proper approval. These objects may be, or may become, a vision obstruction, a hazard to motorists or interfere with drainage, signs, signals and/or public utilities, necessitating its removal.

Any object or structure, whether permanent or temporary, placed in the road right of way that is determined to be a safety hazard and installed without a permit from the Ingham County Road Commission, shall be subject to removal. Further, any costs incurred by the Ingham County Road Commission may be recovered from the property owner(s) by statute.

III. PROCEDURE

Step 1: When an object or obstruction is identified and reported to the Road Commission as an encroachment, information concerning the object and the name, address and phone number of the person reporting the encroachment will be entered into an Encroachment Log and forwarded to the designated staff in the Engineering, Traffic or Operations Department for action.

Step 2: For routine encroachments, an investigation will be performed within 45 days from the date the encroachment is reported to the designated Ingham County Road Commission Department to determine if the encroachment can be permitted or if it has to be removed from the road right of way. Field measurements and pictures will be taken as a part of the investigation. The investigator should obtain the following information:

- Address, including property description, township and location to crossroads.
- Width of right of way.

- Width of the traveled lanes.
- Width and type of shoulder or curb.
- Distance from road centerline to the encroachment.
- Distance from edge of pavement to encroachment.
- Distance from shoulder point or face of curb to encroachment.
- Distance from encroachment to right of way line.
- Description and measurements of the encroachment.

If it is determined that the encroachment poses an imminent danger to the public, the Managing Director will seek an Encroachment Removal Order from the Board of Ingham County Road Commissioners to have the encroachment removed at the expense of the property owner(s), as outlined below.

Step 3: Upon completion of the investigation and review by the Managing Director, a certified letter outlining the problem(s) and concern(s) will be mailed to the property owner(s), contractor, or both, giving them 15 days to remove the encroachment or to submit to the Ingham County Road Commission, in writing, their objection to the removal. A copy of the Road Commission's 15-day letter will be sent by regular mail to the complainant so he/she is informed of the action being taken.

Step 4: If the encroachment is not removed or permitted within the 15 days, the Board of Ingham County Road Commissioners will consider the issuance of an Encroachment Removal Order requiring the property owner(s) to remove the encroachment within 30 days (MCL 247.171). If approved, the Order will be sent to the property owner(s) by certified mail.

Step 5: If the encroachment has not been removed from the road right of way within the 30 days allowed, the Ingham County Road Commission will remove the encroachment at the property owner's expense (MCL 247.172). However, if, within the 30-day period, the property owner(s) denies the existence of the encroachment in writing, the Board of Ingham County Road Commissioners will commence an action of trespass in court to resolve the encroachment conflict MCL 247.173 - MCL 247.177).

IV. LOOSE OBSTRUCTIONS

If the encroachment is a loose obstruction such as saw logs, cordwood, dirt or gravel, the procedure outlined in MCL 247.180 and MCL 247.181 shall be followed with adequate notification given to the owner of the material.