

# **Road Construction**

## **SECTION 4**

OF THE  
REQUIREMENTS, REGULATIONS AND  
SPECIFICATIONS  
FOR  
CONSTRUCTION WITHIN THE RIGHT-OF-WAY  
OF PUBLIC ROADS  
UNDER THE JURISDICTION OF THE

### **EMMET COUNTY ROAD COMMISSION**

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# SECTION 4

## Road Construction

### TABLE OF CONTENTS

<b><u>Part</u></b>	<b><u>Title</u></b>	<b><u>Page</u></b>
4.1	<b>Introduction</b>	4.1
4.2	<b>General Conditions</b>	4.1
	Definitions	4.1
	Applicability	4.2
	Permit Necessity	4.2
	Activities <i>NOT</i> permitted in the right-of-way	4.2
	Processing of Permits	4.2
	Permit Period and Seasonal Limitations	4.2
	Protection of existing utilities	4.4
	Indemnity and Insurance	4.5
	Conditions and Limitations in Permits	4.6
	Fees, Fines, Costs, and Sureties	4.6
	Enforcement	4.8
4.3	<b>Specifications and Standards</b>	4.8
	Trees	4.8
	Drainage	4.8
	Subgrade	4.9
	Aggregate Base	4.9
	Asphalt Pavement	4.9
	Cul-De-Sacs	4.9
	Restoration	4.9
	Material Density Requirements	4.9
	Engineering Certification Requirements	4.10
	Roads Constructed for Adoption	4.10
	 FIGURE 4-1 Typical Cross Section	 4.11

#### 4.1 Introduction

The purpose of these regulations and specifications is:

1. To establish a uniform plan for the construction and reconstruction public roads under the jurisdiction of the Emmet County Road Commission.
2. To ensure the safety of the public.
3. To ensure proper drainage of the public roads.
4. To prevent damage to public roads.
5. To ensure that all proposed work in the right-of-way is approved by the commission and is performed by individuals who meet the insurance requirements of the Emmet County Road Commission.

#### 4.2 General Conditions

##### A. Definitions

1. Applicant - Person, group, company, organization, or governmental body who is funding the road construction project.
2. Contractor - Any Company doing permit related work on behalf of the applicant, in the right-of-way.
3. Commission - The Emmet County Road Commission (ECRC)
4. Permittee - Also referred to as "Permit Holder" is the applicant and Contractor (including sub-contractors)

##### B. Applicability

1. The requirements listed in this section constitute the "supplemental specifications" referred to in item 15 of the permit terms listed on the reverse side of the APPLICATION AND PERMIT form.
2. **These rules apply to all right-of-way under the jurisdiction of the Commission.** These rules and specifications do not apply outside of the road right-of-way. Nothing in these rules 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 these rules, or to preclude any city or village from requiring city or village permits with respect to any street or roadway within its corporate limits and under its jurisdiction. No permit will be issued pursuant to these rules unless there is compliance with other provisions of law and ordinances.
3. **State Highways**  
Work in the right-of-way of state highways require permits from the Michigan Department of Transportation (MDOT). MDOT permit applications are available at the Road Commission. The Emmet County Road Commission does not have jurisdiction over MDOT highways in Emmet County.
  - a.) All MDOT permit applications must be sent directly to the MDOT at the address below:  
**MDOT Grayling TSC**  
1680 Hartwick Pines Road  
Grayling, MI 49738  
Voice (989) 344-1802  
Fax (989) 344-8403

**C. Permit Necessity**

1. All work in the road right-of-way  
A person, organization, or governmental unit may not undertake any work within the road right-of-way, unless a permit has been obtained from the Commission. The following are examples of activities that require a permit:
  - a.) Construct, reconstruct, relocate or surface a road or related construction.
  - b.) Construct a new driveway or improve an existing driveway.
  - b.) Install public or private utilities.
  - c.) Cutting, trimming or removing of trees.
  - d.) Landscaping, grading, ditching, and ditch clean out

**D. Activities NOT permitted in the Right-of-Way**

1. Planting of trees, shrubs, seedlings or bushes of any kind.
2. Construction of a retaining wall or culvert head wall along the side of a driveway.
3. Placement of any type of fence.
4. Placement of rocks, boulders or earth berm.
5. Any other encroachment considered potentially hazardous by the Commission.
6. The road right of way shall not be used as a construction staging area.
  - a.) Overnight stockpiling of materials or parking equipment in the right-of-way is not permitted.
  - b.) Steel tracked vehicles shall not be unloaded, loaded or operated in the traveled portion of the road including shoulders without proper protection of the road surface. Protection can be: plywood, planks, tires, etc.... The permit holder is responsible for any damage to the road and right-of-way.  
This requirement does not apply to the construction area.
7. Boulevards shall not be constructed in the right of way.

**E. Processing of Permits**

1. Processing time:  
All Road Construction Plans will be reviewed by the Commission at the next regularly scheduled meeting after plan submission.
  - a.) Permits will usually be processed and issued in ten (10) or less business days from the date received, provided that all required information, signatures, plans, surety, etc. are received at the time of application.
  - b.) Incomplete applications will be delayed or not be processed until all required information is received.
  - c.) Additional processing time may be needed for complicated applications, heavy application volume, reduced staffing levels, or Road Commission priorities.

**F. Permit Period and Seasonal Limitations**

1. Permit Period
  - a.) A permit is valid for a maximum of one year from date of issuance. The permit period applies to work activities in the right-of-way required by the permit.
  - b.) Work authorized by the permit shall be completed to the satisfaction of the Commission on or before the completion date specified on the permit

or one year after the issuance date whichever comes first. A request for extension

4.2

of time for completion of this work shall include reasons for the request, anticipated completion date, and proof of insurance for that period. Approval for extension of time shall be based on circumstances and absence of neglect by the permit holder.

- c.) If work authorized by the permit is not completed during the authorized extension, or an extension is denied by the Commission, one of the following shall apply:
- The applicant will be allowed to renew the permit (see item d below)
  - The Commission will undertake whatever enforcement action it determines to be appropriate in the interest of the Commission or the public.
- d.) Permit renewal, if allowed, is the issuance of a new permit including the following:
- New permit number.
  - Statement that this is a renewal of permit number (original permit number).
  - Applicant information and signature.
  - Contractor information and signature.
  - Same fee as original application to be paid.
  - Insurance and surety requirements maintained.

2. Seasonal Limitations

- No work shall be performed in the road right-of way during the period of November 14 through April 16 without specific permission from the Road Commission. Each request will be evaluated based on weather, public safety concerns, impact on winter maintenance activities, etc.
- The traveled portion of the road including shoulders and driveway approaches shall be completed or restored by November 1, in preparation for winter maintenance (snow plowing). The Road Commission will take corrective action without notice and at permit holder's expense if in the opinion of the Commission; there is a hazard to its equipment, personnel, or the public, arising out of the permit holder's incomplete or unsatisfactory work covered by a permit.
- The Commission may allow construction activities during seasonal limitations if favorable weather and road conditions exist. The permit holder must get authorization from the Commission and is subject to any Supplemental Conditions deemed necessary by the Commission.
- **SAFETY IS THE NUMBER ONE PRIORITY**  
THE PERMIT HOLDER SHALL SHUT DOWN OPERATIONS AND REMOVE ALL EQUIPMENT FROM THE RIGHT-OF-WAY IF ROAD CONDITIONS OR VISIBILITY BECOME POOR, CREATING A HAZARD TO THE PUBLIC AND WORKERS.

**G. Protection of existing utilities**

1. **Miss Dig**  
The permit holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. **CALL MISS DIG AT (800) 482-7171 AT LEAST THREE (3) FULL WORKING DAYS, (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) BUT NO MORE THAN TWENTY ONE (21) CALENDAR DAYS, BEFORE YOU START WORK.** Permit holder assumes all responsibility for damage to or interruption of underground utilities.
2. **Nonparticipating Utilities with regard to Miss Dig.**  
Not all utilities participate in the Miss Dig program. Calling Miss Dig does not relieve the permit holder of any responsibility for damage to nonparticipating utilities such as sewer or water lines. The permit holder is responsible for investigating the existence of, and contacting nonparticipating utilities.
3. **Drainage Structures**  
The permit holder is responsible for identification and protection of drainage structures such as culverts in the work area.

**H. Indemnity and Insurance**

## 1. Indemnification:

The permit holder shall hold harmless and indemnify the Commission, its officers, and employees for all claims, suits, and judgments to which the Commission, its officers or employees may be subject and for all costs and attorney fees which may be incurred on account of injury to persons or damage to property, including to property of the Commission, whether due to the negligence of the permit holder arising out of the work under this permit, or in connection with work not authorized under this permit, or resulting from failure to comply with the terms of the permit, or arising out of the continued existence of the work product, which is subject to the permit.

## 2. Insurance requirements:

Any company, contractor, or individual performing permitted work in the right-of-way shall provide a certificate of insurance with the following coverage and minimum limits. The certificate must be on file with the Road Commission, prior to issuance of a permit. **The certificate must contain the additional insured wording listed below\*** and will cover a period not less than that of the permit, and shall provide that it cannot be canceled without ten (10) days advance written notice by certified mail to the Commission. If the insurance is canceled without providing a new policy that meets these requirements the permit becomes void and shall be considered revoked on the same day and time that insurance coverage ends, with or without notice to permit holder.

Comprehensive General Liability

Contractual Liability

Completed Operations

Collapse & Underground Damage

B/I: \$1 million each occurrence

B/I: \$1 million aggregate

P/D: \$500,000 each occurrence

P/D: \$500,000 aggregate

**OR**

Commercial General Liability

same coverages as above

\$1 million each occurrence

\$1 million aggregate

Automobile Liability:

Owned Vehicles

Non-Owned Vehicles

Hired Vehicles

\$1 million Combined Single Limit

**\*The following wording must be added to the certificate of insurance:** *"The Board of Emmet County Road Commissioners, the Emmet County Road Commission, and their officers, agents and employees, are named as additional insured parties."*

**I. Conditions and Limitations in Permits**

A permit is subject to the following conditions and limitations:

1. A copy of the permit and construction plans shall be available at the site during construction.
2. The permit holder shall take, provide, and maintain necessary precautions, to prevent injury or damage to persons and property from operations covered by the permit, and shall **maintain traffic in accordance with the Michigan Manual of Traffic Control Devices**, current edition.
3. The permit holder shall surrender the permit and all rights there under when notified to do so by the Commission, because of its need for the area covered by the permit, or because of default of any provisions of the permit.
4. The permit holder shall remove all surplus materials to an area outside of the right-of-way daily unless the permit provides otherwise. Excavated material shall be stockpiled so it does not adversely affect the safety of traffic.
5. The applicant, or the applicant's representative, shall perform all work and pay all costs in connection with permitted activities.

**J. Fees, Fines, Costs, and Bonds**

1. Application Fee: \$2000.00 per mile (\$1000.00 minimum)  
Fee may be waived if the proposed work is in the interest of the Commission, or is for a governmental body.
2. Fines
  - a.) Failure to obtain a permit: \$250.00 per occurrence
    - A permit will be processed and the standard permit fee will be charged in addition to the fine.
  - b.) Failure to comply with permit requirements: \$250.00 per occurrence
3. Costs
  - a.) The Commission is authorized by law to collect from the permit holder, his agent, or the property owner, all costs incurred by the Commission related to, or arising out of, the permitted activity, including, but not limited to, the following:
    - Costs for extended reviews of complicated or incomplete applications.
    - Cost for enforcement action taken.
    - Cost for on-site inspections deemed necessary by the Commission.
    - Costs for repairing damage to right-of-way that occurred as a direct result of construction activity, or failure to restore the right-of-way
  - b.) **The collection of costs will be at the discretion of the Commission.**  
The permittee shall immediately reimburse the Commission in full for all such costs incurred by the Commission upon receipt of billing and that upon failure to pay, the Commission may effect payment with the



performance surety deposit. If a surety deposit was not required, or if the surety deposit is insufficient to cover expenses incurred by the

4.6

Commission, the permittee shall pay such deficiency upon billing by the Commission. If a surety deposit exceeds the expense incurred, upon completion of the work to the satisfaction of the Commission, any excess will be returned or released to the depositor.

- c.) Costs for actions undertaken by Commission personnel and equipment shall be determined as follows: labor (charged at the current labor rate, plus fringe benefits), published equipment rates, any material at cost, all plus 13.4-percent (or current rate) for comprehensive general liability and overhead.
- d.) All other costs.  
Including, but not limited to, the following:  
Services provided by others for the Commission.
  - Legal services
  - Professional engineering, testing, or inspection services
  - Professional surveying services
  - Construction or maintenance contractor services for repair of damages or for completion of work called for in a permit.
- e.) All court costs and related legal fees associated with collection of funds due the Commission or enforcement of permit regulations.

4. Surety

- a.) Necessity  
The permittee shall, upon the request of the Commission, furnish a performance surety deposit in the form of cash, certified check, or irrevocable letter of credit. The Commission may specify the type and amount of surety deposit. The amount of the surety will be as deemed necessary by the Commission to guarantee performance under the conditions of the permit, completion of work, and restoration of the right-of-way to the satisfaction of the Commission.
- b.) Release of Surety  
Final Inspection and acceptance by the Commission is required for the release of surety. The applicant shall submit the ***Request for Final Inspection*** form. Funds due the Commission will be deducted from any cash deposit before release. Surety will not be released if there are outstanding funds due the Commission. **Engineering Certification is required** as a condition of the permit; the permit holder shall provide the certification to the Commission, no later than 90 days after a *Request for Final Inspection*, or permit expiration, which ever comes first. Surety will not be released until the engineer's certification is received.

**K. Enforcement.**

1. Michigan law authorizes the Road Commission to initiate both criminal and civil action. If a person fails to comply with any provisions of a permit, fails to obtain the appropriate permit, or undertakes activities in the right-of-way that are not permitted or are prohibited, the Commission will initiate whatever enforcement action it deems necessary to correct for the noncompliance. Costs incurred by the Commission in correcting for noncompliance, defective workmanship or materials shall be borne by the permit holder, person undertaking the activity, or the property owner.
2. Enforcement guidelines. The following permit violations and corresponding corrective actions are outlined for the purpose of examples and shall not be construed to limit the Commission to the actions listed here.
  - a.) **Failure to obtain a permit**
    - \$250.00 fine.
    - Obtain appropriate permit and pay the permit fee.
    - The Commission may halt the activity until a permit is obtained and the fine paid.
    - The Commission may deny future permits until there is compliance with these requirements.
  - b.) **Failure to comply with permit requirements:**
    - \$250.00 fine per occurrence
    - The Commission may halt construction activity and/or use of the right-of-way until adequate corrections have been made.
    - The Commission may undertake repairs, maintenance, or complete the restoration of the right-of-way. The Commission may elect to do the work with its forces, or by contracting the work, at the expense of the permit holder.
    - Emergency work deemed necessary by the Commission for public safety or protection or repair of the right-of-way may be done without notice to the permit holder, and will be at the permit holder's expense.

**4.3 Specifications and Standards**

Roads shall be constructed according to the Typical Cross Section (see Figure 4.1). Roads shall have a maximum centerline grade of 7%.

**A. Trees**

All trees, brush and stumps shall be removed from the right of way.

**B. Drainage**

All permit work shall be conducted so that it does not adversely effect the drainage of the road or the right-of-way. The drainage and stability of the road subgrade shall not be altered unless authorized by the permit.

**C. Subgrade**

Subgrade materials shall meet MDOT requirements.

**D. Aggregate Base**

Aggregate Base shall be constructed according to the pavement design and Typical Cross Section (shows minimum requirement), see Figure 4.1. All materials shall meet MDOT requirements.

**E. Asphalt Pavement**

A pavement design shall be submitted, for approval, to the Road Commission. Pavement design will need to include mix selection and application rate. All materials shall meet MDOT requirements. The application rate indicated in Figure 4.1 is the minimum allowed.

**F. Cul-De-Sacs**

Cul-De-Sacs shall be constructed on road ends, or as required by the Commission. Cul-De-Sacs shall have a paved diameter of 120 feet. A 140 foot diameter right of way must be provided for the Cul-De-Sac.

**G. Restoration**

The entire right of way shall be maintained and restored in a condition equal to or better than its condition prior to activities authorized by the permit.

## 1. Turf Establishment

All disturbed areas shall be restored with topsoil, seed, fertilizer, and mulch in a timely manner for the purpose of erosion control. All restoration shall be completed no later than 5 (five) days after completion of earthwork activities.

The Commission may require other temporary and permanent soil erosion control measures deemed necessary for protection of the road right-of-way and adjacent properties.

## 2. Shoulders (applies to projects open to traffic including "local traffic only")

Road shoulders and driveway approaches shall be maintained daily, flush with the road surface, free of ruts, and in a stable condition (no loose or soft material).

If shoulders are not maintained daily, per above, Lighted Barrels or Type II Barricades must be placed along the shoulder, with a maximum spacing in feet equal to the speed limit of the road (55 mph = 55 feet spacing, etc.). Advance warning signs must be placed to advise motorists of the up coming condition.

## 3. Road

If the road surface is damaged or defective it shall be repaired or replaced. The Commission will determine the extent and type of repair or replacement required.

**H. Material and Density Requirements** shall be in accordance with the plans, specifications, MDOT's density control handbook and as specified herein.

## 1. Trench Backfill and Road Subbase

## a.) Material

Granular Material Class II (MDOT Spec.) or existing material approved by

4.9

the Commission. When material that is excavated from a trench has high concentrations of clay, silt, muck, peat, or topsoil, the material may not be allowed to be placed back into the trench as backfill.

- b.) Density  
Place in 1-foot maximum lifts and compact to 95-percent density. A minimum of one test per lift per 100 feet of lane or trench is required. Applies within the 1 on1 influence area of the road and shoulders
- 2. Aggregate Base Under Bituminous Asphalt Pavement
  - a.) Material  
MDOT Spec. 22A gravel (6 inch minimum thickness)
  - b.) Density  
Compact to 98-percent density. A minimum of one test per 100 feet of lane or trench but no less than four tests per project.
- 3. Gravel Surface and Shoulders
  - a.) Material  
MDOT Spec. 23A gravel (6 inch minimum thickness)
  - b.) Density  
Compact to 98-percent density. A minimum of one test per 100 feet of lane or trench but no less than four tests per project.

**I. Engineer Certification Requirements**

As a condition of the permit a licensed professional civil engineer shall be hired by the applicant or permit holder to certify compliance with the plans, specifications and permit requirements, including material and density requirements. Density testing reports and inspectors reports shall be included in the certification.

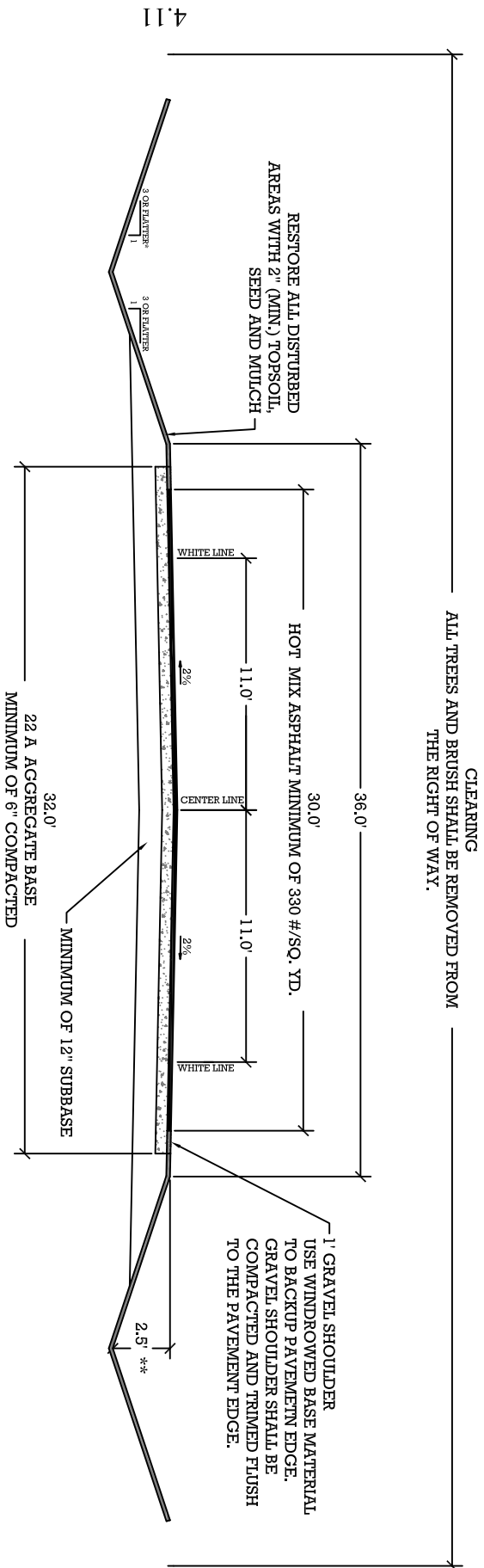
- a.) The applicant shall include a signed **ENGINEER'S STATEMENT** form with the permit application indicating the Engineering Company retained for the project.
- b.) The **ENGINEER'S CERTIFICATION** shall be submitted to the Commission no later than 30 days after project completion.

**J. Roads Constructed for Adoption by the Road Commission**

Engineered plans that meet the Road Commission requirements must be approved before construction starts. All roads that would be adopted by the Commission must have a minimum of 66 foot wide right of way for the main roadway and a minimum 140 foot diameter right of way for the Cul-De-Sacs, deeded to the Emmet County Road Commission.



# TYPICAL CROSS SECTION



\* BACKSLOPE MAY VARY WITH THE APPROVAL OF THE ENGINEER.  
 \*\* OR AS DIRECTED BY THE ENGINEER.

FIGURE 4.1