

LAPEER COUNTY ROAD COMMISSION
PERSONNEL AND OPERATIONS POLICY MANUAL

Policy Subject:	PRIVATE UTILITIES WITHIN THE RIGHT-OF-WAY	
Authorized by Board of Road Commissioners	Date:	04/04/1984
Amended	Date:	10/20/2004
Amended	Date:	10/22/2008

STATEMENT OF POLICY

It is the policy of the Lapeer County Road Commission (LCRC) not to allow private utilities – such as septic, sanitary, water, phone, electric, cable, etc.- within the right-of-way under LCRC jurisdiction.

Special cases may be considered if all of the following conditions can be met:

1. The applicant shall demonstrate that the granting of the right to use the LCRC right-of-way for the installation of a private utility is for a public convenience and/or a necessity.
2. A copy of the applicant’s franchise agreement (when applicable) with the Township or other appropriate government agency shall be submitted.
3. The utility shall be located entirely on the applicant’s property for all runs parallel to the road centerline.
4. If the private utility must cross a public road, the crossing shall be perpendicular to the road centerline and the applicant shall own the property on both sides of the highway.
5. Construction of the utility shall conform to the requirements of utility construction as outlined in the LCRC “*Permit Procedures*”.
6. The proposed utility shall not conflict with any other utility or proposed utilities in the Township master plan, as determined by the Engineer.
7. The utility shall be located no closer than 28 feet from the center of the roadway.
8. A utility maintenance agreement shall be formed and agreed to by the applicant and the LCRC. This agreement shall be recorded and filed at the Lapeer County Registrar of Deeds. The agreement shall state that the applicant will be responsible for all maintenance, repairs and cleanup necessary. It shall also state that the applicant will be financially responsible to relocate the utility if necessary for any reason in the future – including road construction and maintenance. Transfer of ownership of the utility shall be at the discretion of the LCRC. Ninety (90) days written notice shall be provided when requesting a transfer of ownership.
9. The applicant shall ensure that the utility is reported to and maintained in the Miss Dig system.
10. A site plan showing the location and elevation of the proposed utility as well as the location and elevation of existing topographical features and other existing utilities shall be submitted for review by the LCRC. The site plan shall be prepared by a licensed engineer or surveyor.
11. A cash bond shall be provided in an amount sufficient to assure the relocation or removal of the applicant’s utility in the event that the LCRC should require such relocation or removal. (The amount of the bond may be adjusted to keep pace with inflation)

If all of the above conditions can be met, the applicant may submit an application to the Engineering Department for review. All final decisions shall be subject to review and approval by the Engineering Department.

If allowed, the utility shall be marked with tracer wire, caution tape shall be buried one (1) foot above the utility and signs shall mark both ends with the owner and contact information. As-built construction plans shall also be provided.