

Resolution to Adopt Reasonable Policy Regarding Fees Pursuant to MCL 224.19b

WHEREAS, the Board of County Road Commissioners for the County of Gogebic (the "Board" or "Road Commission") 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 Gogebic 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

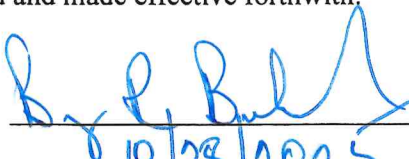
WHEREAS, MCL 224.19b(1) requires any person, partnership, association, corporation or governmental entity to obtain a permit from the Road Commission (and the applicable township, city or village if required by those entities) before constructing, operating, maintaining or removing any facility or performing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

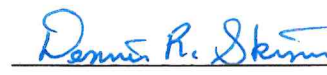
WHEREAS, pursuant to MCL 224.19b(2), the Road Commission has discretion to adopt reasonable permit requirements and a schedule of fees sufficient to cover the necessary and actual costs for the issuance of the permit and for review of the proposed activity, inspection and related expenses; and

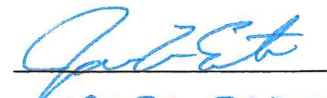
WHEREAS, the Road Commission may adopt a schedule of civil fines that can be imposed on a provider that performs work in a right-of-way without obtaining a permit as required under this section or that fails to maintain a security bond, right-of-way bond, or irrevocable letter of credit as required under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

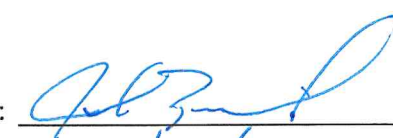
WHEREAS, the Road Commission deems it in the public health, welfare, safety and best interest to adopt a policy such as the one attached hereto and entitled "Telecommunication and Video Service Provider Policy and Fees" (Exhibit A) reflecting the actual and necessary costs directly related to issuance 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 and procedures are hereby adopted and made effective forthwith.

By: 
Date: 10/28/2025

By: 
Date: 10-28-2025

By: 
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By: 
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By: 
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Telecommunication and Video Service Provider Right-of-Way Permit Policy and Fee Schedule

1. This Policy applies to the following pursuant to MCL 224.19b:
 - 1.1. Telecommunications Providers. Pursuant to MCL 224.19b(13)(b)(i), a “Telecommunication Provider” means a person that for compensation provides 1 or more “Telecommunication Services.” “Telecommunication Services” include regulated and unregulated services offered to customers for the transmission of 2-way interactive communication and associated usage. A telecommunication service is not a public utility service. Telecommunication provider does not include a provider of commercial mobile service as defined in section 332(d)(1) of the telecommunications act of 1996, 47 USC 332.
 - 1.2. Video Service Providers. Pursuant to MCL 224.19b(13)(b)(ii), a “Video Service Provider” means a person authorized to provide “Video Service,” including video programming, cable services, IPTV, or OVS provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a Commercial Mobile Service Provider defined in 47 USC 332(d) or provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet.
 - 1.3. The term “Provider” refers to either a Telecommunications Provider or a Video Service Provider.
2. Schedule of Fees.
 - 2.1. Project Permit Fee and Requirements. The project permit fee for a Provider shall be \$200.00 per permit or \$1,000.00 total for all permits per project. After the work authorized in the permit has been completed, the permit holder may request an itemized list of cost incurred by the Road Commission related to issuance of the permit.
 - 2.1.1. For purposes of this Policy and Fee Schedule, “Project” is defined as work on one (1) road per year.
 - 2.2. Annual Routine Maintenance/Repair Permit. A Provider shall obtain a yearly permit for performing routine maintenance or repair work in the right-of-way, as defined in the permit. The annual permit fee shall be \$200.00. The annual permit fee provided in this subsection is a separate and distinct charge from the Project Permit Fee.
 - 2.2.1. For purposes of this Policy and Fee Schedule, “routine maintenance or repair work” is defined as provided under MCL 247.660c(n).
 - 2.3. Permits for Non-Routine Work. A Provider shall obtain a separate permit for all non-routine work in the right-of-way associated with its facilities. The fee for a non-routine work permit shall be \$200.00 per permit or \$1,000.00 total for all permits per project. After the work authorized in the permit has been completed, the permit holder may request an itemized list of cost incurred by the Road Commission related to issuance of the permit.

2.4. Additional Necessary & Actual Inspection Costs. In addition to the above schedule of fees, the Provider shall pay for any and all additional necessary and actual costs for any inspections required for any permit related to work in a right-of-way by that Provider.

2.5. Other Provider Permit Requirements. The Provider must submit detailed engineering plans related to the proposed work in the right-of-way as a precondition to issuance of a permit. Issuance is subject to plan inspection and approval by the Road Commission.

3. Bond. A Provider must provide a security bond or right-of-way bond to secure the performance of the conditions of all permits issued that authorize the provider to construct, operate, maintain, or remove a facility or perform any other work anywhere within the right-of-way, as designated in the permits, of any road under the jurisdiction of the county road commission. The bond must be provided as a precondition to issuance of the permit. As permitted by MCL 224.19b(9), the Provider may, instead of providing a bond, obtain and provide an irrevocable letter of credit issued by a state or federally regulated financial institution licensed to do business in this state to secure the performance of the conditions of all permits issued that authorize the provider to construct, operate, maintain, or remove a facility or perform any other work anywhere within the right-of-way, as designated in the permits, of any road under the jurisdiction of the county road commission.

3.1. The security bond, right-of-way bond, or letter of credit shall be in the amount of \$20,000.00.

3.2. Additional Bond. If a claim is made against the security bond, right-of-way bond, or letter of credit for any reason, the Provider must, within seven [7] calendar days, provide the road commission with another security bond or right-of-way bond in order to continue work in the county. A bond required under this subsection must be from a state or federally regulated entity licensed to do business in this state.

3.3. Fines. 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 is responsible for a civil fine of not more than \$5,000.00 per violation. This fine may be waived if the Provider demonstrates that the work was required on an emergency basis to restore services impacting public safety.

- A. Insurance Requirement. Applicant must provide proof of general liability insurance in amounts not less than \$1 million per occurrence and general aggregate, proof of automobile liability in amounts not less than \$1 million combined single limit for each accident, bodily injury per accident, and property damage per accident, and in an amount not less than \$500,000 for bodily injury per person that apply to all claims, demands, suits, or causes of action arising in connection with or as a direct result of the provider's use and occupancy of a right-a-way under the jurisdiction of the road commission.

4. Alternate Agreements. Notwithstanding the foregoing, to address circumstances or concerns beyond those accounted for in this Policy and Fee Schedule, the road commission may execute a written agreement with the applicant regarding right-of-way access that includes permits, terms, and conditions that are different than the requirements outlined above, including, but not limited to, the amount of permit fees, terms of insurance, the size or number of security bonds or right-of-way bonds, or other valuable consideration.

NOTICE

From the Board of County Road Commissioners of the County of Gogebic

POLICY STATEMENT REGARDING ENCROACHMENTS WITHIN COUNTY HIGHWAY RIGHT-OF-WAYS

PLEASE BE ADVISED that Michigan law provides all County Road Commissions with the legal authority to control public right-of-ways within their jurisdiction. Per MCL 221.20, the statutory width of a Michigan highway right-of-way is 66 feet (33 feet on either side of the center line of the road). Highway right-of-ways may be wider but are seldom narrower.

A paramount concern for the Gogebic County Road Commission (the “Road Commission”) is that the roadways within its jurisdiction are maintained and repaired so that they are reasonably safe and convenient for public travel. Accordingly, Michigan law prohibits the placement of any object within a county road right-of-way other than traffic control devices, public utilities, and authorized mailboxes that meet the standards of the CRC and the United States Postal Service. **Any non-approved objects, which can include things like fences, gates, drain tiles, landscaping, trees, crops or other vegetation, located within a highway right-of-way are considered encroachments.** Therefore, consistent with Michigan law, the Road Commission will remove any encroachment that interferes with the Road Commission’s duty to keep roadways reasonably safe for public travel and suitable for public use.

The Road Commission acknowledges that in many instances there is no intent to jeopardize public safety or interfere with the public’s use of a highway. Nevertheless, encroachments on the Road Commission’s right-of-ways can pose a hazard to the public because they hinder the Road Commission’s ability to fulfill its statutory obligation to maintain and repair the right-of-ways. Such concerns include but are not limited to: performing proper maintenance of the roadways; ensuring proper road drainage; permitting adequate space for improvements to the roadways; and, the construction and maintenance of public utilities. Furthermore, certain encroachments have the potential of causing structural damage to the roads, like tree roots, crop roots or fencing that can destabilize the roadbed. Per MCL 230.7, the Road Commission may recover treble damages equivalent to three times the amount of the injury caused to a public road. Although the Road Commission strives to resolve all encroachment issues amicably, the CRC will enforce the full effect of this statute if it becomes necessary to do so.

In accordance with the foregoing, please be advised that is the Road Commission’s policy to immediately remove any encroachments that pose an imminent threat to public safety. Moreover, any encroachments that interfere with the Road Commission’s day-to-day maintenance activities may be destroyed by those activities. The Road Commission assumes no liability for any such losses. Finally, the Road Commission may order the person responsible for any encroachment to remove the encroachment per MCL 247.171, even if in the Road Commission’s sole judgement such encroachment is not an imminent threat to public safety or is immediately interfering with Road Commission operations. Upon such an order, the person notified will have 30 days to remove the encroachment. If the notified party fails to remove the encroachment within 30 days, the Road Commission will take additional enforcement actions, which could include removing the encroachment and billing the violating party for the time and expense in the removal. By statute, any unpaid invoices for encroachment removal are assessed and levied as property taxes upon the adjacent parcel. In addition, the violating party could be ordered to pay a monetary fine for each day the encroachment remains beyond 30 days from the date of the letter.

Please contact the Road Commission if you are unsure about whether you have encroached within a county highway right-of-way.