



# INFORMATION ON RIGHT-OF-WAY AND COUNTY ROAD AGENCIES

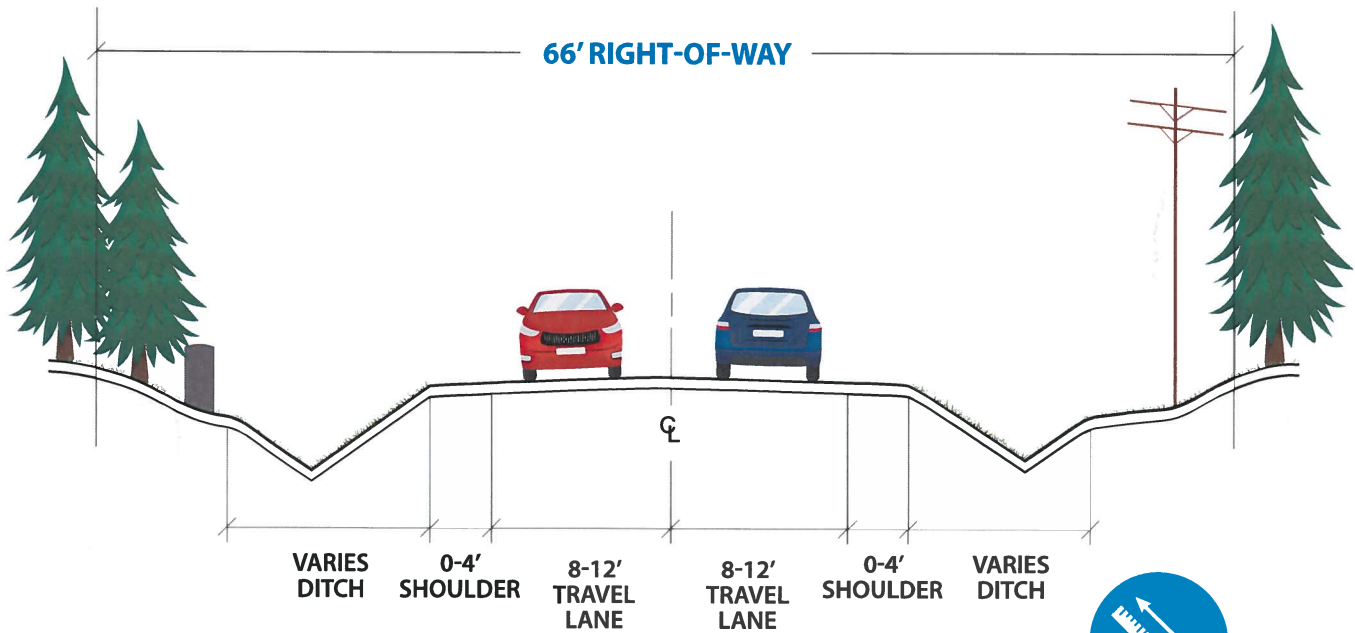
## What is the “right-of-way” and how do county road agencies manage it?

### Original purpose of right-of-way

The right-of-way (ROW) concept was created to provide adequate space on either side of the road for storm drainage and a safe recovery area for vehicles that leave the road surface.

Of the 75 percent of roads controlled by a county road agency, the road commission or department has full jurisdiction of a permanent easement which is typically 66’ ROW (as illustrated below). During the electrification of rural Michigan in the 1930s, the first utility poles were installed in the ROW. As telephone service came to Michigan, it often shared the electrical pole.

Today, cable, broadband and fiber companies want unfettered access to the ROW – which requires road agency approval for safety reasons.



### The legal definition

MCL 221.20, PA 283 of 1909:

*“All highways regularly established in pursuance of existing laws, all roads that shall have been used as such for 10 years or more, whether any record or other proof exists that they were ever established as highways or not, and all roads which have been or which may hereafter be laid out and not recorded, and which shall have been used 8 years or more, shall be deemed public highways, subject to be altered or discontinued according to the provisions of this act. All highways that are or that may become such by time and use, shall be four rods (66 feet) in width, and where they are situated on section or quarter section lines, such lines shall be the center of such roads, and the land belonging to such roads shall be two rods (33 feet) in width on each side of such lines.”*



### How big is a rod?

A rod is a historic unit of measurement used by surveyors, equal to 5 1/2 yards or 16 1/2 feet.

The rod is useful as a unit of length because whole number multiples of it equals one square acre.

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# More about the “right-of- way.”



## Ownership

Who owns the ROW? Now that’s a complex question, and the answer varies depending on the land’s history.

In some cases, a farmer or rural resident may own to the middle of the road. In some cases, the county road agency owns it.

Sometimes, the county road agency must buy more of it to complete a road project. In many areas of Michigan, acquiring ROW is the most expensive part of a road project.

No matter who owns the land along a county or local road, the county road agency has a permanent authority of the 66-foot ROW. (See Original Purpose.) Landowners are not to erect permanent structures in the ROW, although most mailboxes are allowed.



## Oversight

The county road agencies’ management of the right-of-way includes oversight of the development and deployment of non-road infrastructure facilities in the right-of-way such as:

- ▶ Electrical and telecommunications poles, cable and fiber;
- ▶ Gas lines;
- ▶ Water and sewer pipes; and
- ▶ Sidewalks and paths.



## How much county ROW is there?

**County road agencies oversee at least 31 billion sq. ft. of ROW!**



## Maintenance

Maintaining 31 billion square feet of ROW takes some resources! County ROW maintenance has been mostly overlooked for a decade, as road agencies concentrated dollars on roads and bridges. ROW tasks include:

- ▶ Debris pickup;
- ▶ Guardrail replacement;
- ▶ Sign and signal repair and replacement;
- ▶ Mowing;
- ▶ Tree vegetation control or removal;
- ▶ Clearing ditches; and
- ▶ Grading or leveling.

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