



A Publication of the Charlevoix County Road Commission

Seasonal Roads: Their Status and Origin

By Keith Ogden

Frequently asked questions

- How is CCRC financed to maintain roads ?

Mainly through gasoline tax and license plate fees.

The County Road Association of Michigan (CRAM) has additional information at :

http://www.micountyroads.org/pdf/roads_and_road_funding.pdf

- Where can I find permit applications?

Permit application forms are published at our page on the Charlevoix County Website

www.Charlevoixcounty.org/ccrc.asp

You can apply for Driveway Permits, Extended Move or Single Move Permits in our Main Office, Boyne City.

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Seasonal roads are those roads that are part of the county road system, but are not plowed during winter. Most of Michigan's northern counties have seasonal roads. Charlevoix County has 160 miles of them. Michigan Seasonal Road Law allows both primary and local roads to be included, but most seasonal roads are on the local system.

In most cases, the roads we now call "seasonal" were established before Road Commissions were established, which means they were laid out in the late 1800's as a means to access land for logging or farming operations. Where the terrain would allow, these old roads were generally located on or near land section lines, so that access to property on both sides of the road would be maximized. Seasonal roads were built to a very primitive standard, generally the sandy "two-track" type that would accommodate a team of horses, and over their 100 years or more of existence, the reasons for their original construction and use have decreased along with the decrease in farming and large scale logging. The best seasonal roads today are about as good as they were 100 years ago; the worst are in many places so overgrown with vege-



McElroy Road is a typical seasonal road. Although this road is maintained by Antrim County, it is a borderline road, being half in Charlevoix and half in Antrim County.

tation as to be nearly impassable.

How the Road Commission ended up with seasonal roads is a story by itself. Long before Road Commissions were established (our Road Commission was created in 1912) the various townships controlled local roads outside cities and villages. The state legislature recognized there should be some sort of oversight, or jurisdiction, of roads that provided a public service beyond accessing remote land parcels—that is, roads that would provide a public benefit over a larger area. In recognition of public need, the legislature established some early right-of-way laws that gave those old township roads some legal status. During the 1930's, the legislature decided that the different levels of service between various townships could be improved by incorporating all township roads

into a county system, and subsequent passage of the McNitt Act in 1931 obligated Michigan's Townships to gradually turn over their roads to Road Commissions, seasonal roads and all. Seasonal roads in general had not been improved during township ownership. In fact, they were not even called seasonal roads in those days, because that designation came later. However, they were treated the same as now by not being plowed during winter.

During the three or four decades after 1938 (the last year of the McNitt Act transfer) there was little pressure to use or maintain seasonal roads. About the only people who used them were deer hunters and mushroom pickers – who, it might be said, were happy to add the challenge of the road to the challenge of their sport.

But when we move ahead into the 1960's and 1970's, we find a robust economy, an interstate freeway system recently completed, and land prices here in Northern Michigan were still affordable. Local people as well as down-

Board Meeting Dates & Times

Board meetings are normally held the second and fourth Monday of each month at 9:00 A.M.

This edition was prepared by
Ina Heaton

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Seasonal Roads: Their Status and Origin

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stater began to establish their home sites on acreage in the country, often on roads that had not previously been maintained, and had been seldom used.

In the early 1980's, the legislature amended Act 51 of P.A. 1951 to recognize and legally establish seasonal roads. The legislature acknowledged the impossibility of Road Commissions being able to adequately maintain undeveloped roads in the winter, and also understood there would be no resources to build seasonal roads to a year round maintenance standard. If you drive a typical seasonal road you can understand the difficulty of providing year round maintenance, especially when confronted with excessively steep grades, swampy areas where roads are often under water, muck, loose sand and often narrow corridors through heavy forest areas.

The Legislature's Seasonal Road Law allowed Road Commissions to post roads as "not being plowed" if no one was living on them. The effective date of posting varied from county to county, depending on when a particular Road Commission held a public hearing and took subsequent Board action. Charlevoix County completed all the legal requirements in March, 1993. If someone could prove year around residency prior to that date, the Road Commission would provide winter maintenance. People who built homes on seasonal roads after that date would not qualify.

Although the law states, in part, that Road Commissions can declare a road "to not be open to public travel during the months of November through April", there is no specific wordage that forbids their actual

use during that time. Road Commissions have generally been silent when knowledge of their use is apparent; for example, someone using their own pickup to plow an access in December to their recently built home, or, for snowmobiles or cross country skiers traveling a seasonal road in winter to reach their destination. So far as we know, the possible liability that could arise from such action has not been tested in court.

Since Road Commissions certify these roads as public, seasonal roads do generate a limited amount of money to be returned through the state gas and weight tax fund for local road maintenance (seasonal roads do not qualify for the special snow funds). Although most of the money generated is diverted to maintaining the "year around" roads, there is a legal need to provide some maintenance on the seasonals. That work is done during the summer and fall, and consists of at least one (and often two) gradings per year. Most of the seasonals lack any type of maintainable surface, so the evidence of maintenance is meager soon after any work is performed on them. Where roads are too overgrown to operate trucks or graders, quite often crews will perform brushing or remove downed trees. The importance is that some sort of work be performed, and more important, that the work be documented.

12 Years ago, the Road Commission lost two interconnected seasonal roads to "adverse possession", even though a 100 year old Michigan law says roads can't be adversely possessed. A downstate landowner in Hudson Township closed Blann and Beeyards roads by constructing a gate that denied access to everyone who had been using the roads for many years. Since the Road Commission had

been maintaining the roads, and certifying them as public, the Road Commission and Hudson Township took the issue to court to force the landowner to remove the gate. Even though the Road Commission presented current and retired employees who testified the Road Commission had been maintaining both roads as far back as anyone could remember, the judge considered the testimony to be not much better than "hearsay" evidence. The judge was looking for documented evidence, which the Road Commission was not able to provide. In passing, it should be mentioned the landowner was represented by a very good attorney.

The importance of maintenance

and retrievable paper documentation can not be overstressed, because seasonal roads themselves are becoming more important. Over the years, many of the larger land parcels have been divided into smaller parcels which created additional land owners and increased the need to use seasonal roads for access.

The Road Commission will continue its current level of maintenance on the seasonals, and has now established a good documentation process that insures these roads will continue to remain open for use by the public during late spring, summer and early fall.



Fiel Road Melrose Township



Barkley Road Bay Township

Employee Anniversaries

The following employees celebrate their anniversaries with CCRC during February and March :

Randy Thompson 33 years
Tom Webb 31 years
Mike Luchenbill 13 years
Jim Vanek 10 years



Picture Gallery

Here is winter as the "old timers" remember it, with extra deep snow and old underpowered equipment that needed some hand shoveling to help open the road. That is a V-plow and truck behind all that snow. Photos were taken somewhere in Charlevoix County during 1939.



THANKS TO US

"Please thank the driver who is doing the plowing in the North Pointe Woods area of Charlevoix. Our small circle has had problems in the past, but the driver who plowed for us the last few times has done a marvelous job. He (she?) is very skillful at keeping the snow on the unpopulated side of the road and keeping the intersections clear. (Other drivers piled all the snow on the populated side and left big triangles of deep snow in the intersections making left turns dangerous)

Please let the driver know that his efforts are appreciated!"
Quoted from the letter of Linda Henry.

Doug Scott and Rick Wells, you are doing a great job!

Thanks to everybody who supports us !

FAQ's

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- The snowplow damaged my mailbox. Who repairs it?
- How can I protect my mailbox this winter?

Charlevoix County Road Commission Damaged Mail Box Policy

- ◆ The Road commission will repair or replace a mailbox damaged by contact with one of its snowplows.
- ◆ A mailbox damaged by snow or ice thrown by a snowplow will not be repaired or replaced.
- ◆ Replacement mailbox and post will be standard types carried in inventory by the Road Commission, regardless of type and size of original mailbox.

This may help save your mailbox this winter

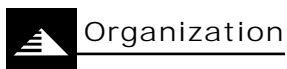
- ◆ If you are leaving for winter, please remove your mailbox and post.
- ◆ If you have an expensive decorative mailbox, we suggest you install an inexpensive mailbox for winter.
- ◆ Make sure your mailbox and base are securely attached to the post. Place a snowboard if possible on mailbox post. This will help prevent plowed snow from hitting your mailbox.
- ◆ Keep snow and ice cleaned away from your mailbox and post

SNOW PLOWING DRIVEWAYS

Charlevoix County Sheriff George T. Lasater reminds citizens of the laws regarding placing and leaving snow in the road.

The Michigan vehicle code states, "A person shall not deposit, or cause to be deposited snow, ice or slush on any roadway or highway."

Vehicle accidents and damage to vehicles have resulted from citizens not following the law.



CHARLEVOIX COUNTY ROAD COMMISSION

Main Office

Boyne City Garage
P.O. Box 39
1251 Boyne avenue, Boyne City, MI 49712
Phone: (231)582-7330
Fax: (231)582-3110

Since 2005 we have our own page on the Charlevoix County Website. Charlevoix County Road Commission Board minutes are posted there, as well as permit applications.

Ironton Garage

11705 Shaw Road
Charlevoix, MI 49720
Phone: (231)547-2551



Beaver Island Garage

38310 Bay Avenue
Beaver Island, MI 49782
Phone: (231)448-2285
Fax: (231)448-2193

How to contact us

Office Hours

7:00 AM - 3:30 PM Weekdays
(Excluding Holidays)

Contact Information

Main Office Phone: (231)582-7330
Main Office Fax: (231)582-3110
E-mail: ccrclerk@utmi.net



The Charlevoix County Road Commission Main Office and Boyne City maintenance garage is located on M-75 just east of the Boyne City Public School football field. Two other locations include Ironton maintenance garage (11705 Shaw Road) and Beaver Island maintenance garage (38310 Bay Avenue).