



PROCEDURES AND CRITERIA FOR TSP, VSP AND SMALL WIRELESS WORK WITHIN THE RIGHT-OF-WAY PERMITS

Prior to commencement of a project within a County Highway Right-of-Way, a Right-of-Way permit application must be submitted and approved. Pursuant to MCL 247.184, “the consent of the Board of County Road Commissioners shall be obtained before the work [within a County Highway Right-of-Way] shall be commenced.” No person, organization, or governmental unit shall undertake or conduct any of the following activities within a county road Right-of-Way without first obtaining a permit from the Clinton County Road Commission CCRC”):

- Construct, reconstruct, relocate, or repair any facilities (sewer, water, gas, electric, drains, telephone, cable, fiber, wireless, guys/anchors, etc.)
- Perform any work (ditching, tree trimming, landscaping, etc.)

This document contains the procedures and criteria applicable to Telecommunications Service Provider (TSP), Video Service Provider (VSP) and Small Wireless Right-of-Way Permits. Failure to comply with the Board’s written policy, applicable law, or any part of this document shall be just cause for either the temporary or permanent suspension of the permit, as well as the Permit Holder’s other permits. Civil fines as provided by law will also be assessed against any “provider” as defined in MCL 224.19b(13)(b) who performs work within the Right-of-Way without obtaining the necessary permit, or who performs work within the Right-of-Way without maintaining the security required by MCL 224.19b(9) and as described in this document.

Video Service Provider and Telecommunications Service Provider Requirements:

- A. Application must be accompanied by permit fee according to CCRC permit fee schedule
 - a. For purposes of determining the appropriate permit fee, the definition of “project” is “a proposal for work similar in nature and submitted by one applicant to be accomplished in one year along one road, but may include a **minor** amount of work by one applicant of a similar nature along contiguous road segments to be completed within one year.”
- B. In addition to the permit fee, Applicant is responsible for the Road Commission’s necessary and actual costs applied in a reasonable manner for issuing the permit and for review of the proposed activity, inspection, and related expenses.
 - a. Applicant shall submit a cash deposit with the Application in an amount determined by the Road Commission to be sufficient to cover these costs and expenses. Any unused portion of the deposit will be returned to Applicant upon closure of the Permit.
- C. Applicant must submit a separate application for an annual routine or emergency maintenance and repair permit (\$300 per permit or \$600 per permit if population is greater than 250,000) (capped at \$1,000 per project or \$2,000 per project if population is greater than 250,000).
- D. Applicant must provide proof of security (cash, bond or letter of credit) in the amount of \$20,000 (\$40,000 if population is greater than \$250,000).
 - a. If a claim is made against the security at any time, for any reason, **ALL** permits issued to the Applicant throughout the County, whether or not related to the project against which the claim is made, are immediately suspended and will not be reinstated until additional security is provided in the statutory amount.
 - b. Failure to maintain the security required by statute and this policy will result in a \$5,000 civil fine, payable to the CCRC, for each instance of noncompliance associated

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Annual Maintenance Permits for TSP, VSP and Small Wireless Utilities:

Routine maintenance activities, as defined by the CCRC, may be performed upon existing TSP, VSP and Small Wireless facilities through an Annual Maintenance Permit. Failure to comply with any of the following conditions will result in the cancellation of the Annual Maintenance Permit:

A. Conditions for Annual Maintenance Permit Activities

- Miss Dig is to be notified prior to any work. No work shall be allowed on an unmarked location.
- The CCRC shall be notified of all work in advance with the approximate location and date. Emergency repairs may be made with notification given to the Road Commission as soon as possible, but no later than the next working day.
- Any work requiring pavement removal requires a separate permit. If emergency repairs are necessary underneath the pavement, notice to the Road Commission must be simultaneous to the commencement of the emergency work.
- Monthly reports shall be submitted to CCRC listing the location, date, and type of work for each activity performed. These reports shall be provided within seven (7) calendar days after the end of each month.

CCRC Permits

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