BRIDGES AND CULVERTS

Act 354 of 1925

AN ACT to provide for the construction, improvement, repair and maintenance of bridges; to provide for inter-municipal and interstate bridges; to provide for bridges over navigable streams and for their operation; to provide for the construction, improvement and maintenance of bridges over mill races; and to regulate the altering of the stage of water, and the widening and deepening of the channel of watercourses.

History: 1925, Act 354, Imd. Eff. May 27, 1925

The People of the State of Michigan enact:

254.1 Bridges and culverts; construction, improvement and repair; part of road.

Sec. 1.

Bridges and culverts shall be considered in all respects as a part of the road upon which they are, or are proposed to be located. The construction, improvement, repair and maintenance thereof, including adequate approaches and the doing of any act or the performance of any work necessary for the protection thereof, and also including the maintenance and operation of movable span bridges, shall be considered in all respects except as hereinafter otherwise provided, the same as the construction, improving and maintaining of the road upon which any such bridge or culvert is situated, and, except as hereinafter otherwise provided, shall be paid for accordingly.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4522 ;-- CL 1948, 254.1

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254.2-254.4 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections provided for bridge plans and specifications, petitions for construction over navigable streams, and removal of obstructions.

254.5 Obstructions to navigation; powers of commissioner; removal costs; failure to remove, penalty.

Sec. 5.

The commissioner or commissioners having in charge the construction or maintenance of any bridge shall have the power to provide for the removal of any booms, rafts, logs or other obstruction in the stream and to direct the time in which, and the places where, such booms, rafts, logs or other obstructions in such stream shall be allowed to remain and when the same shall be removed, whenever, in the opinion of such commissioner or commissioners such booms, rafts, logs or other obstructions are a menace to the bridge, or interfere with the construction or maintenance thereof. The person, firm or corporation responsible for any such boom, raft, logs or other obstruction shall be liable for the cost of such removal, to be recovered in an action of trespass on the case, or to be assessed upon any property of such person, firm or corporation when certified by such commissioner or commissioners to the

proper township clerk, and any person who shall fail to comply with such directions of the commissioner or commissioners shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more than 500 dollars or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment, in the discretion of the court.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4526 ;-- CL 1948, 254.5

INTER-MUNICIPAL BRIDGES.

254.6 Inter-township, bridge; construction, repair, expense, joint action.

Sec. 6.

Whenever the commissioners of highways and township boards of any 2 adjoining townships in either the same or different counties shall determine that a bridge on or across the township line over any stream or sink-hole, either crossing or running along the boundary line between such townships, should be constructed, rebuilt or repaired, such bridge shall be constructed, rebuilt or repaired and maintained at the joint expense of such townships. The commissioners of the townships interested, either of whom may give notice to the other of meetings of said commissioners for the purposes herein mentioned, shall jointly agree on the plans and specifications for such bridge, subject to the approval of an engineer assigned to the job by the state highway commissioner in case the structure shall cost more than 2,500 dollars, and upon the proportion of the cost thereof that each such township shall bear.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4527 ;-- CL 1948, 254.6
Former Law: See section 9 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4423.

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254.7 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed section provided for township disbursements for bridge construction and maintenance.

254.8 Townships and commissioners construed; authority to contract.

Sec. 8.

The word “townships”, as used in the 2 last preceding sections, shall be deemed to include cities and incorporated villages, both in their relation to each other and to townships, and when the word commissioner is used with reference to townships, it shall be deemed to include the corporate authorities of cities and incorporated villages. And such commissioners or corporate authorities may make such equitable contracts with the corresponding authorities as will secure the construction, rebuilding or repairing and maintenance of such bridges as they may deem advisable.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4529 ;-- CL 1948, 254.8
Former Law: See section 11 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4425.

254.9 Failure to join; petition to state commissioner.

Sec. 9.

Whenever any such township, city or incorporated village shall fail upon request to join in building, rebuilding, or repairing such bridge or to contribute its just share thereto, any such township, city or village desiring the building, rebuilding or repairing of such bridge may, by its township board or legislative body, as the case may be, by petition in the form of a resolution or otherwise, apply to the state highway commissioner for an order for the construction, rebuilding or repairing of such bridge and for determining the respective proportions which each township, city and village shall contribute for the construction, rebuilding or repairing of such bridge and for keeping the same in repair, as well as for deciding the kind of bridge or road to be constructed.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4530 ;-- CL 1948, 254.9
Former Law: See section 27 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4441.

254.10 Failure to join; hearing, notice.

Sec. 10.

Upon receipt of such petition, the state highway commissioner shall set a day for hearing, which shall be not less than 10 nor more than 20 days thereafter, and shall give notice thereof to each township, city and village interested or to be affected by registered letter addressed to the clerk of each such township, city and village and mailed at least 7 days before said day of hearing. The hearing shall be held at some convenient place in the county in which it is proposed to construct, rebuild or repair such bridge.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4531 ;-- CL 1948, 254.10
Former Law: See section 28 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4442.

254.11 Failure to join; commissioner, duties; approval of supervisors of navigable rivers.

Sec. 11.

The commissioner may adjourn the hearing from time to time in his discretion. He shall hear the parties and may make such independent investigation as he may deem desirable, and shall either grant or refuse the prayer of the petition. If he shall grant the same, he shall designate the kind of bridge to be built, and shall cause to be prepared the plans and specifications therefor: Provided, That if the same be on a navigable stream the approval of the board of supervisors of the proper county shall be secured before any construction work shall be done.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4532 ;-- CL 1948, 254.11
Former Law: See section 29 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4443.

254.12 Failure to join; determination of quota, alteration.

Sec. 12.

The state highway commissioner shall also determine the quota or proportion which each township, city and village named shall contribute thereto, and whether the whole amount shall be raised the first year, or only a part, and, if only a part, what part the first and what part the second year, but no part of it shall be deferred more than 2 years. He shall also determine the quota of each towards keeping the same in repair, which shall remain the same till altered by him, or by the consent of each township, city and village, which is a party to such proceedings.

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History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4533 ;-- CL 1948, 254.12
Former Law: See section 29 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4443.

254.13 Failure to join; copy of determination, filing; tax levy.

Sec. 13.

A copy of the determination of the state highway commissioner shall be filed with the clerk of each township, city and village affected, and thereupon such bridge shall be constructed, rebuilt, repaired and maintained in accordance therewith. Each such township, city and village shall cause to be levied and assessed upon the taxable property therein an amount sufficient to pay for its quota of costs as above determined, which shall be disbursed by the treasurers of the respective townships, cities and villages in the manner provided in section 7 hereof.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4534 ;-- CL 1948, 254.13
Former Law: See section 30 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4444.

254.14 Inter-county bridge; failure of boards of commissioners to agree on apportionment, petition to state commissioner.

Sec. 14.

Whenever the boards of county road commissioners of adjoining counties are unable to agree on the apportionment of the costs of constructing, rebuilding, repairing or maintaining an inter-county bridge on a county road, either of such boards may petition the state highway commissioner to decide the issues upon which they have been unable to agree, and thereupon the state highway commissioner shall proceed and may make such orders and determinations in the matter as is herein above provided in case of a similar petition by a township, city or village.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4535 ;-- CL 1948, 254.14

254.15 Interstate bridge; commissioners' authority to contract; supervisors, fund raising, special tax, limitation.

Sec. 15.

The board of county road commissioners of any county bordering on a stream which is the boundary line between such county and a county in another state, is hereby authorized, in conjunction with the proper highway authorities of such adjoining county or state, to construct, rebuild, repair and maintain a bridge, or bridges, across such stream at such place or places within the limits of such boundary as may be agreed upon by said board of county road commissioners and highway authorities, whenever said board of county road commissioners shall deem it necessary, and to enter into a contract with the proper highway authorities of such adjoining county or state relative thereto: Provided, however, That the board of supervisors of such county shall provide by resolution for the raising of funds to pay for the construction, rebuilding, repairing or maintaining of such bridge, or bridges, and for such purposes the board of supervisors of such county may levy a special tax not to exceed 1 mill on the assessed valuation of all the property of such county for such part of the cost of constructing, rebuilding, repairing or maintaining of such bridge, or bridges, as shall be allotted to such county; and such board of supervisors is hereby authorized, at any regular or special meeting of such board, to borrow on the faith and credit of such county, such sums of

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money as may be needed to carry out the purposes aforesaid, not exceeding the amount specified in this act, and to levy such amount to be collected with the next ensuing assessment.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- Am. 1927, Act 81, Imd. Eff. Apr. 25, 1927 ;-- CL 1929, 4536 ;-- CL 1948, 254.15
Former Law: See section 10 of Ch. 16 of Act 283 of 1909, being CL 1915, § 4527.

254.16 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed section authorized state highway commissioner to enter into contracts for construction and maintenance of bridges on nontrunkline roads.

GENERAL PROVISIONS.

254.17 Bridge; specifications by state department without cost.

Sec. 17.

The bridge specifications of the state highway department shall provide such requirements for load capacity, clearances, allowable unit stresses and loads, distributions, workmanship, impact and deterioration allowances as in the judgment of the state highway commissioner are necessary to meet the requirements of existing and future growth of traffic highway improvements and local needs. Such specifications may, at his option, be revised from time to time as he may deem best and shall be furnished free of cost to all proper parties requesting the same.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4538 ;-- CL 1948, 254.17

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254.18 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed section provided that no bridge be constructed by the state within city or village having a population of 6,000, and provided for joint action on a boundary bridge.

254.19 Bridge; carrying capacity.

Sec. 19.

Hereafter no bridge shall be constructed which shall have a carrying capacity less than that specified by the bridge specifications of the state highway department, current at the time the work of construction is commenced, or which shall have a roadway width at the narrowest part thereof, of less than 19 feet, measured above top of curb, or which shall have a clear height for vehicles of less than 14 feet: Provided, That the provisions of this section as to width shall not be applicable to bridges on township and village roads which have an average traffic count, as determined by the state highway department, of less than 500 vehicles in 14 hours, until on and after the first day of July 1927.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4540 ;-- CL 1948, 254.19

254.19a Federally compliant and risk-based inspection plan.

Sec. 19a.

The state transportation department shall institute and implement a federally compliant and risk-based inspection plan for all bridges under its jurisdiction.

History: Add. 1968, Act 222, Eff. Feb. 2, 1969 ;-- Am. 1982, Act 375, Imd. Eff. Dec. 28, 1982 ;-- Am. 2016, Act 16, Eff. May 23, 2016

254.20 Posting of narrow and one-lane bridges; uniform traffic control devices.

Sec. 20.

Every bridge which has a clear 2-way roadway width of less than 19 feet, but more than 17 feet at the narrowest part thereof, shall be posted as a narrow bridge; and every bridge which has a clear 2-way roadway width, as so measured, of 17 feet or less, shall be posted as a 1-lane bridge. Such posting shall be in accordance with the manual of uniform traffic control devices adopted pursuant to section 608 of Act No. 300 of the Public Acts of 1949, being section 257.608 of the Compiled Laws of 1948.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4541 ;-- CL 1948, 254.20 ;-- Am. 1965, Act 274, Imd. Eff. July 21, 1965

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254.21 Movable bridge; warning, protection, penalty.

Sec. 21.

All movable bridges shall be provided with warning lights, signs, protection gates and other devices as shall be prescribed by the state highway commissioner and as may be required by the board of supervisors in its permit for construction, which said lights, signs, protection gates and other devices shall be so constructed, placed, maintained and operated as to provide reasonable safety to the public. Protection gates or devices shall at all times be closed before the draw or swing span is opened for any purpose and shall be kept closed until the draw or swing is closed, and the bridge is ready for public travel. Any person who shall wilfully violate any of the provisions hereof shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than 50 dollars or by imprisonment in the county jail for not more than 30 days, or by both such fine and imprisonment in the discretion of the court.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4542 ;-- CL 1948, 254.21
Former Law: See sections 18, 19, and 20 of Ch. 8 of Act 283 of 1909, being CL 1915, §§ 4432 to 4434.

254.22 Bridge over navigable stream; construction and maintenance.

Sec. 22.

Bridges over any navigable streams shall be so constructed as not to prevent or hinder the navigation of such streams by the usual crafts plying thereon. All such bridges shall be so constructed and maintained as not to interfere with the ordinary uses of said streams for driving logs or floating other materials or boats therein, and shall be constructed and maintained so as to offer and afford reasonable, adequate and proper means for the passage of boats, vessels, sawlogs, floating timber and rafts through the same.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4543 ;-- CL 1948, 254.22
Former Law: See section 11 of Ch. 16 of Act 283 of 1909, being CL 1915, § 4528.

254.23 Movable span bridge; rules, posting, duty of commissioner.

Sec. 23.

The commissioners having charge of movable span bridges shall cause to be posted in each commissioner's or operator's shelter rules and regulations governing the operation of the structure and all parts appertaining thereto, and shall see that every operator complies with such regulations. Such regulations shall be in accordance with the specifications of the state highway department as applying to movable bridges and with such other regulations in regard to signals, lights, etc., as may be prescribed by the war department of the United States government or as may be otherwise existent for the control of navigation.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4544 ;-- CL 1948, 254.23

254.24 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed section provided for construction, control, and maintenance of bridges in villages.

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ALTERATION OF WATERCOURSES.

254.25 Permit for alteration of watercourses.

Sec. 25.

Hereafter, no person, firm, corporation, or municipality shall artificially alter the stage of water or widen or deepen the channel of any watercourse, except drains established by public authority, without first securing a written permit therefor from the commissioner or commissioners having jurisdiction over all the bridges and culverts on or over said watercourse, or the portion thereof affected by such proposed change.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4546 ;-- CL 1948, 254.25

254.26 Permit for alteration of watercourses; costs, payment, contract.

Sec. 26.

The person, firm, corporation or municipality to whom any such permit shall hereafter be issued, shall pay the full cost of all bridges and bridge approach work made necessary by such proposed alteration, and every such permit shall require the person, firm, corporation or municipality to whom the same is issued, his, their or its heirs, executors, administrators, successors and assigns, to bear and pay such part of the cost of the reconstruction of such bridges and approaches, or of existing bridges and approaches, and of the maintenance of all such bridges and approaches as the commissioner or commissioners having jurisdiction of the matter shall determine to be caused by such alteration. Such commissioner or commissioners may contract with any such person, firm, corporation or municipality relative to present and future costs of construction, reconstruction, repairs and maintenance of such bridges and approaches.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4547 ;-- CL 1948, 254.26

MILL RACES.

254.27 Bridge over race; duty of water workers.

Sec. 27.

It shall be the duty of all owners, occupiers, or possessors of mills or other water works, where any race or races appertaining to the same may cross a public highway, to keep and maintain a good and sufficient bridge or bridges over the same, except where said mills have been erected and the races dug previous to the formation of said highway. Such bridges shall be constructed and maintained in compliance with the specifications of the commissioner or commissioners having jurisdiction over the road adjacent thereto.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4548 ;-- CL 1948, 254.27
Former Law: See section 14 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4428.

254.28 Bridge over race; failure to maintain, commissioner, duty.

Sec. 28.

In all cases where the owner or owners, occupiers, or possessors of any such mill or mills, or other water works, shall refuse or neglect to construct such bridge or bridges, or shall refuse or neglect to keep the same in good repair, it shall be the duty of the commissioner or commissioners having jurisdiction over the road adjacent thereto to proceed forthwith to erect or repair such bridge or bridges, at the expense of the person or persons whose duty it was to have erected or repaired the same.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4549 ;-- CL 1948, 254.28
Former Law: See section 15 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4429.

254.29 Bridge over race; expense, collection.

Sec. 29.

The expense so incurred may be recovered by such commissioner or commissioners in an action of assumpsit, or, at the option of said commissioner or commissioners, may be certified to the clerk of the township in which such mill or water works are situated and, when so certified, shall be assessed upon any property of such owner, owners, occupiers or possessors situated in such township and collected in the same manner as other taxes are assessed and collected.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4550 ;-- CL 1948, 254.29
Former Law: See section 16 of Ch. 8 of Act 283 of 1909, being CL 1915, § 4430.

254.30 Bridge and culvert; synonymous.

Sec. 30.

The words “bridge” and “culvert” as used in this act shall be considered as synonymous terms.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4551 ;-- CL 1948, 254.30

254.32 Bridges excepted.

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Sec. 32.

The provisions of this act shall not apply to any bridge across any river forming the boundary between this state and any foreign country.

History: 1925, Act 354, Imd. Eff. May 27, 1925 ;-- CL 1929, 4553 ;-- CL 1948, 254.32

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