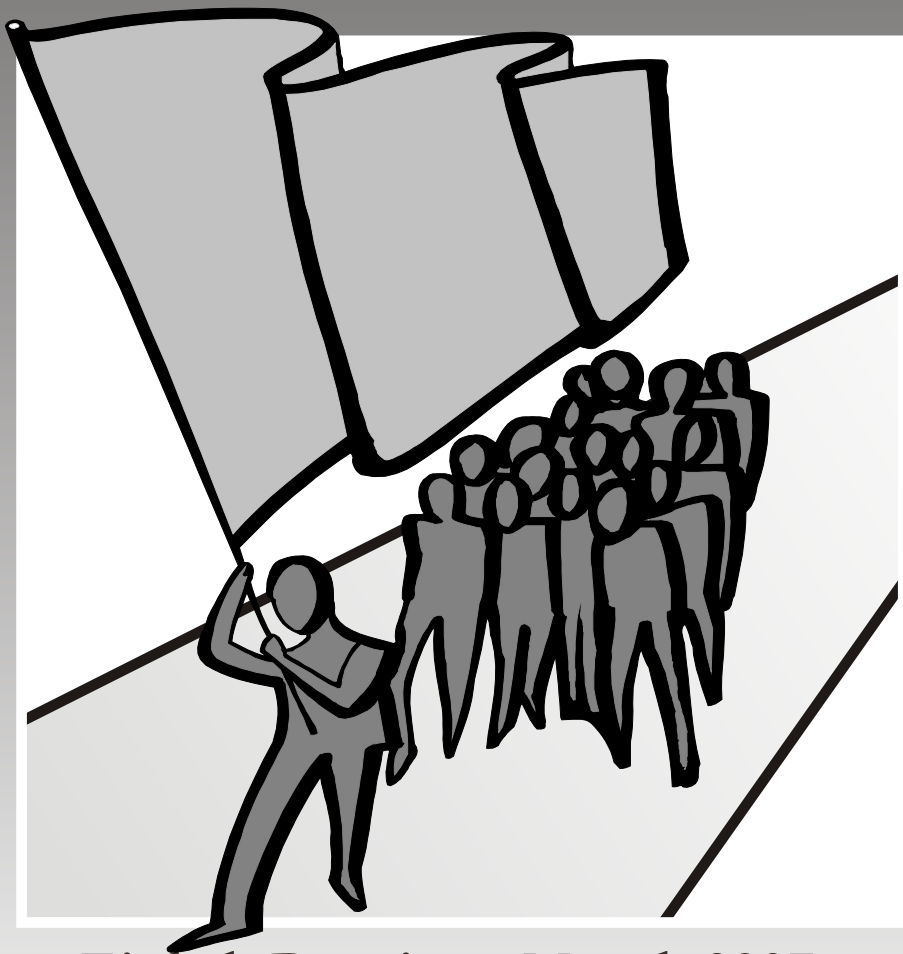


Administrative Rules regulating Driveways, Banners and Parades

Effective November 30, 1998



Eighth Reprint - March 2007

Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

EIGHTH REPRINT FOREWORD

The Administrative Rules portion of this reprint includes revisions to Part 9, Hearings and Appeals, of the Administrative Rules as filed with the Secretary of State on November 13, 1998.

In the rules, all references to the Michigan Department of State Highways means the Michigan Department of Transportation and references to the Commission means the Director of the Department of Transportation.

The remaining rules are as adopted in accordance with the requirements of Act 200 of the Public Acts of 1969 and as amended by Act 83 of 1978 and Act 177 of 1981. This is to insure maximum protection for the public through reasonable control of driveway access, banners, parades and road closures on state trunkline highways.

The department continues to recognize that the right of access to state trunklines, other than limited access highways, is incidental to ownership of abutting land. It's goal is to grant land owners access for their needs consistent with the department's access management concepts. The department's driveway permit process determines the location and design of the driveways that will provide freedom of traffic movement, safety of the highway users and preservation of the highway capacity.

Platted streets and other public highway approaches and crossovers in the highway medians are not covered by these rules, but shall be governed by appropriate state statutes and requirements of the department.

The department maintains typical layouts of various types of driveways that conform to these rules. Copies of the typical layouts and assistance in matters relating to these rules may be obtained by contacting the department's regional offices, Transportation Service Centers, or the Lansing office.

Kirk T. Steudle, P.E.
State Transportation Director

Eighth Reprint March 2006

**DEPARTMENT OF TRANSPORTATION
DRIVEWAYS, BANNERS AND PARADES ON AND OVER
HIGHWAYS**

Filed with Secretary of State, June 30, 1970 (By authority conferred on the department of state highways by section 5 of Act No. 200 of the Public Acts of 1969, being section 247.325 of the Compiled Laws of 1948.)

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PART 1. GENERAL PROVISIONS

R 247.201. Definitions B and C.

Rule 1. (1) The terms defined in Act No. 200 of the Public Acts of 1969 have the same meaning when used in these rules except that the term "highway" means only a state trunkline highway.

(2) "Banner" means an arrangement of words, lettering or symbols or a decorative device, including a Christmas decoration, suspended over any portion of a highway or adjacent to a travel lane.

(3) "Buffer area" means a portion of a highway right-of-way adjacent to a pavement that serves as a physical barrier between highway traffic and activity on private property.

(4) "Circle driveway" means a private driveway that enters and leaves private property at 2 points within the same frontage.

(5) "Clear vision area" means land acquired or used by the agency having jurisdiction over a highway, for the purpose of maintaining unobstructed vision.

(6) "Commercial driveway" means a driveway serving a commercial establishment, industry, governmental or educational institution, hospital, church, apartment building or other large traffic generator.

(7) "Commission" means the Michigan state highway commission.

R 247.202. Definitions D.

Rule 2. (1) "Department" means the Michigan department of state highways.

(2) "Directional driveway" means a driveway designed so that traffic leaving the highway is separated from traffic entering the highway with some turning movements prohibited.

(3) "Divided driveway" means a driveway designed so that traffic leaving the highway is separated from traffic entering the highway.

(4) "Dual service driveways" means 2 adjacent commercial driveways designed to facilitate traffic movement from a highway to a single private property by use of either driveway and a return to the highway by use of the other driveway.

R 247.204. Definitions F to L.

Rule 4. (1) "Field entrance" means a driveway serving a farmyard, cultivated or uncultivated field, timberland or undeveloped land not used for industrial, commercial or residential purposes.

(2) "Frontage" means a private property line that abuts a highway right-of-way.

(3) "Limited access" means a highway right-of-way in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway except at designated access points, determined by the public authority having jurisdiction over the highway.

R 247.206. Definitions R to U.

Rule 6. (1) "Residential driveway" means a driveway serving a private home.

(2) "Resolution" means a resolution passed by a local governing body authorizing a specific official to apply to the department for an individual permit, or for all permits in a blanket resolution, wherein the governing body agrees to indemnify and save harmless all persons from claims of every kind arising out of operations authorized by such permit as is issued.

(3) "Right-of-way line" means a boundary between private property and public land under legal control of the agency having jurisdiction over the highway.

(4) "Utility structure driveway" means a driveway serving a utility structure such, as a pumphouse or substation which operates automatically and requires only occasional access.

R 247.211. Applicability.

Rule 11. (1) These rules apply to all highways under the jurisdiction of the commission.

(2) Nothing in these rules shall be construed to prevent the application of the provisions of any other statute of this state or any local ordinance which is more restrictive than these rules nor to preclude any city or village from requiring city or village permits with respect to any street or highway within its corporate limits. No permit shall be issued pursuant to these rules unless there is compliance with other provisions of law and ordinances.

R 247.213. Permits, necessity.

Rule 13. A person, organization or governmental unit shall not undertake or conduct any of the following activities on or along a highway unless a permit has been obtained from the department:

(a) Construct, reconstruct, relocate or surface a driveway or related construction.

(b) Operate, use or maintain a new driveway.

(c) Erect or suspend a banner, decoration or similar object.

(d) Close a section of a highway to normal traffic for the purpose of staging a parade, celebration, festival or similar activity.

R 247.214. Processing of permits.

Rule 14.(1) A permit shall not be issued for a driveway, banner, parade, celebration or festival along or over a limited access highway.

(2) The department may authorize local governmental agencies to review or process applications and to perform necessary site inspections.

(3) Construction of a new driveway or reconstruction of a driveway connecting to a highway shall be allowed only after a permit has been obtained from the department. The construction or reconstruction of a driveway shall be as described in the permit and plans or drawings attached, unless the department authorizes a change.

(4) Future changes in the use of property abutting a highway, such as a change from residential to commercial use or a change in the type of commercial operation, may require changes in the number, design or location of driveways constructed after the effective date of these rules. The property owner then shall obtain a new permit from the department.

(5) In the case of commercial, industrial or other developments where driveway access or related activities may be complicated or where the available parking area on private property is limited, the department may be contacted in the initial site planning stages before application for a permit. An approved preliminary site plan satisfactory to all parties then may be established early in the development process.

R 247.215. Enforcement.

Rule 15. (1) If a person fails to comply with any provisions of a permit or fails to obtain an appropriate permit, the department may halt his activity for which a permit is required until adequate corrections have been made. Costs incurred by the department in correcting failure to comply with the terms and conditions of a permit, failure to obtain a permit or defective workmanship or materials shall be borne by the applicant or person undertaking the activity.

(2) The applicant or his representative shall perform all work and pay all costs in connection with permitted activities.

PART 2. DRIVEWAY PERMITS

R 247.221. Applications.

Rule 21. (1) An application for a driveway permit shall be accepted from a property owner, governmental agency, lessee, or its legally authorized agent.

(2) An application for a driveway permit shall be submitted in the manner prescribed on forms supplied by the department. The application shall contain or be accompanied by a certification of either legal ownership or agency authorization. The application shall be accompanied by plans or drawings containing the information required by rule 22 and shall include the applicable design features required by part 3.

R 247.222. Plans or drawings.

Rule 22. Copies of a driveway permit application shall be accompanied by plans or drawings clearly indicating the following features of the site and abutting highway as the department may require:

(a) Existing highway pavement, ditches, right-of-way and property lines, highway appurtenances, utilities, medians, if existing, and dimensions thereof.

(b) For commercial driveways, buildings, both proposed and existing, and appurtenances and dimensions thereof, including a notation as to present use of the buildings and details of internal traffic circulation, parking and traffic signs.

(c) Design features in accordance with part 3 of driveways, tapers and right-turn lanes to be constructed, reconstructed, relocated, surfaced, resurfaced, operated, used or maintained including the following dimensions and features:

(i) Widths of driveways.

(ii) Radii of driveway returns and other points of curvature.

(iii) Driveway grades or profile view of drive, when necessary.

(iv) Angle of the driveway relative to the highway centerline.

(v) Dimensions of traffic islands adjacent to the highway.

(vi) Driveway surface material and traffic island surface material.

(d) Distance from each existing and proposed driveway on the site to:

- (i) Nearest intersecting street, road or highway.
- (ii) Nearest driveway on adjacent properties.
- (iii) Street, road, highway or driveways opposite the site.
- (iv) Property lines and property lines extended to the highway centerline.
- (v) Buildings and business appurtenances on the site.

(e) Features in addition to driveways to be constructed within the highway right-of-way including traffic control islands, curb, sidewalks and authorized traffic signs.

(f) Existing and proposed drainage structures and controls to include:

- (i) Size of drive culvert.
- (ii) Type of culvert.
- (iii) Type of culvert end treatment.
- (iv) Grade of culvert.
- (v) Direction of surface water flow on or from adjacent property.

(g) North directional arrow.

R 247.223. Specifications and design standards.

Rule 23. The design, location, construction and operation of driveways and related construction within the highway right-of-way shall meet requirements of the current department Standard Specifications for Highway Construction and the design standards required by part 3 of these rules. A deviation therefrom shall be consistent with current and projected traffic volumes on the highway and on the driveway, adjacent development, equivalence of materials and methods, and safety requirements of persons using the driveways and highway. The deviation shall be authorized only by the department.

R 247.224. Conditions and limitations in permits.

Rule 24. A driveway permit is subject to the following conditions and limitations:

(a) The department reserves the right of inspection by its authorized representatives of a driveway constructed within a highway right-of-way. The permittee shall reimburse the department for the services of an on-the-job inspection which may be required for major commercial developments or other special cases.

(b) The department or its representative may require that it be given at least 5 days notice before commencement of an operation covered by the permit.

(c) The permittee shall have a copy of the permit available at the site during construction.

(d) The permittee shall take, provide and maintain necessary precautions to prevent injury or damage to persons and property from operations covered by the permit and shall use warning signs and safety devices which are in accordance with the current Michigan Manual of Uniform Traffic Control Devices.

(e) The permittee shall surrender the permit and all rights thereunder when notified to do so by the department because of its need for the area covered by the permit or because of default of any provision of the permit. The department may grant the person a new permit.

(f) Altered natural drainage shall not be permitted to flow onto the highway right-of-way unless special provisions are approved by the department.

(g) The permit holder shall remove all surplus materials to an area outside of the highway right-of-way unless the permit provides for disposal at locations within the highway right-of-way. Excavated material shall be stockpiled so it does not adversely affect the safety of traffic.

(h) Work authorized by the permit shall be completed to the satisfaction of the department on or before the completion date specified in the permit. A request for an extension of time for completion of this work shall include reasons for the request. Approval of extension of time shall be based on extenuating circumstances and absence of neglect by the permittee.

(i) The property owner or his agent shall maintain the driveways set forth in the permit.

R 247.226. Indemnity and Insurance.

Rule 26. A permittee shall save harmless the department against any claim for damages arising from his negligence or his contractor's negligence in operations covered by the permit. Certificates of insurance may be required in case of a commercial driveway to insure claims for damage or personal injury. General liability insurance carried by an applicant or contractor is acceptable.

R 247.227. Performance bonds.

Rule 27. (1) A performance bond shall be required by a permit which is issued for construction or reconstruction of a commercial driveway to protect the department against the cost of completing construction or correcting deficiencies. A reasonable amount of coverage of the bond shall be determined by the department. A bond shall not be required from a governmental agency.

(2) Acceptable types of bonds may be a certified check or money order payable to the department or a surety bond executed on forms obtainable from the department.

PART 3. DRIVEWAY DESIGN STANDARDS

R 247.231. Driveway locations.

Rule 31. (1) A driveway shall be so located that no undue interference with the free movement of highway traffic will result. A driveway shall be so located also to provide the most favorable vision and grade conditions possible for motorists using the highway and the driveway consistent with development of the site considering proper traffic operations and safety.

(2) A driveway, including the radii but not including the right-turn lanes and tapers, shall be located entirely within the area between the permittee's property lines extended to the centerline of the highway. A driveway radius may extend outside of that area only if the adjacent property owner certifies in writing that he will permit such extension.

(3) If the driveway is to be located adjacent to a highway intersection, the following shall apply:

(a) If the intersecting highway is curbed, the point of curvature of the driveway radius shall be at least 20 feet from the point of curvature of the intersecting highway radius.

(b) If the intersecting highway is uncurbed, the point of curvature of the driveway radius shall be at least 50 feet from the edge of pavement of the intersecting highway.

(c) When an existing highway or driveway is reconstructed or the requirements in paragraphs (a) or (b) cannot be applied, the driveway radius shall not encroach upon the intersection radius unless such encroachment is physically unavoidable.

(4) A driveway shall not be constructed along the acceleration or deceleration lanes and tapers connecting to interchange ramp terminals, unless no other reasonable access point is available.

R 247.232. Clear vision and buffer areas.

Rule 32. (1) At an intersection or railroad crossing where the department owns limited access right-of-way to provide a clear vision area, a driveway shall not enter or cross that clear vision area. At an intersection or railroad crossing where the department has an easement for a clear vision area, a driveway shall not enter or cross that clear vision area if another reasonable access point is available.

(2) Adjacent to and on both sides of a driveway, a buffer area between the right-of-way line and the pavement edge shall be used, as determined by the department, to provide a physical barrier between highway traffic and activity on private property. A buffer area is needed to provide an unobscured vision area and to prevent potentially hazardous movement of vehicles, especially at undesirable angles of approach, from and to the highway. The buffer area shall consist of a lawn area, a low shrub area, a ditch or equivalent. Where encroachment of vehicle parking on the buffer area takes place or may take place, the department may require the buffer area to be established by guardrail, guard posts, curb or equivalent.

R 247.233. Design Features.

Rule 33. The design features described in this rule and illustrated in figure 1 shall be used by the applicant in dimensioning a proposed driveway or driveway system on plans accompanying the driveway permit application. The dimensions to be used for various driveway design features, shown as a standard with a working range of dimensions, are given in tables 1 to 7, rules 37 to 49. These standard dimensions shall be used unless conditions warrant a deviation. The department may specify particular dimensions so a particular driveway system will accommodate vehicle movements normally expected without creating undue congestion or hazard on the highway or to provide reasonable access. The letters in the following design features refer to features in figure 1:

(a) Intersecting angle, A, the clockwise angle from a highway centerline to a driveway reference line which is the centerline or the edge of the driveway.

(b) Driveway width, B, the distance between driveway edges of pavement or edges of the gravel surface measured at the point where the edges of the driveway become parallel, point b in figure 1. If the right-of-way line is so close to the pavement that point b falls on the applicant's property, then the width of the driveway at the right-of-way line shall be based on the projected driveway width.

(c) Entering radius, C, the radius of a driveway edge curve on the right side of a vehicle entering the applicant's property.

(d) Exiting radius, D, the radius of a driveway edge curve on the right side of a vehicle leaving the applicant's property.

(e) Curb ending, E, the length of the height transition of the driveway curb from ground level to full curb height along an uncurbed highway. This curb transition may be 10 feet minimum.

(f) Right-turn lane length, F, the length of an auxiliary lane constructed preceding the driveway to accommodate right turn traffic entering the applicant's property.

(g) Right-turn lane width, G, the width edge-to-edge of a right-turn lane, or the width edge-to-edge at the full width of entering and exiting tapers.

(h) Entering taper, H, the length of a pavement widening, preceding the driveway for a right-turn lane or taper.

(j) Exiting taper, J, the length of a pavement narrowing, following the driveway.

(k) Entrance drive width, K, the width of the portion of a divided or a directional driveway that is used by a vehicle entering the applicant's property.

(l) Exit drive width, L, the width of the portion of a divided or a directional driveway that is used by a vehicle leaving the applicant's property.

(m) Island width, M, the edge-to-edge distance between an entrance drive and an exit drive.

(n) Island length, N, the distance between ends of the island, measured parallel to the entrance drive.

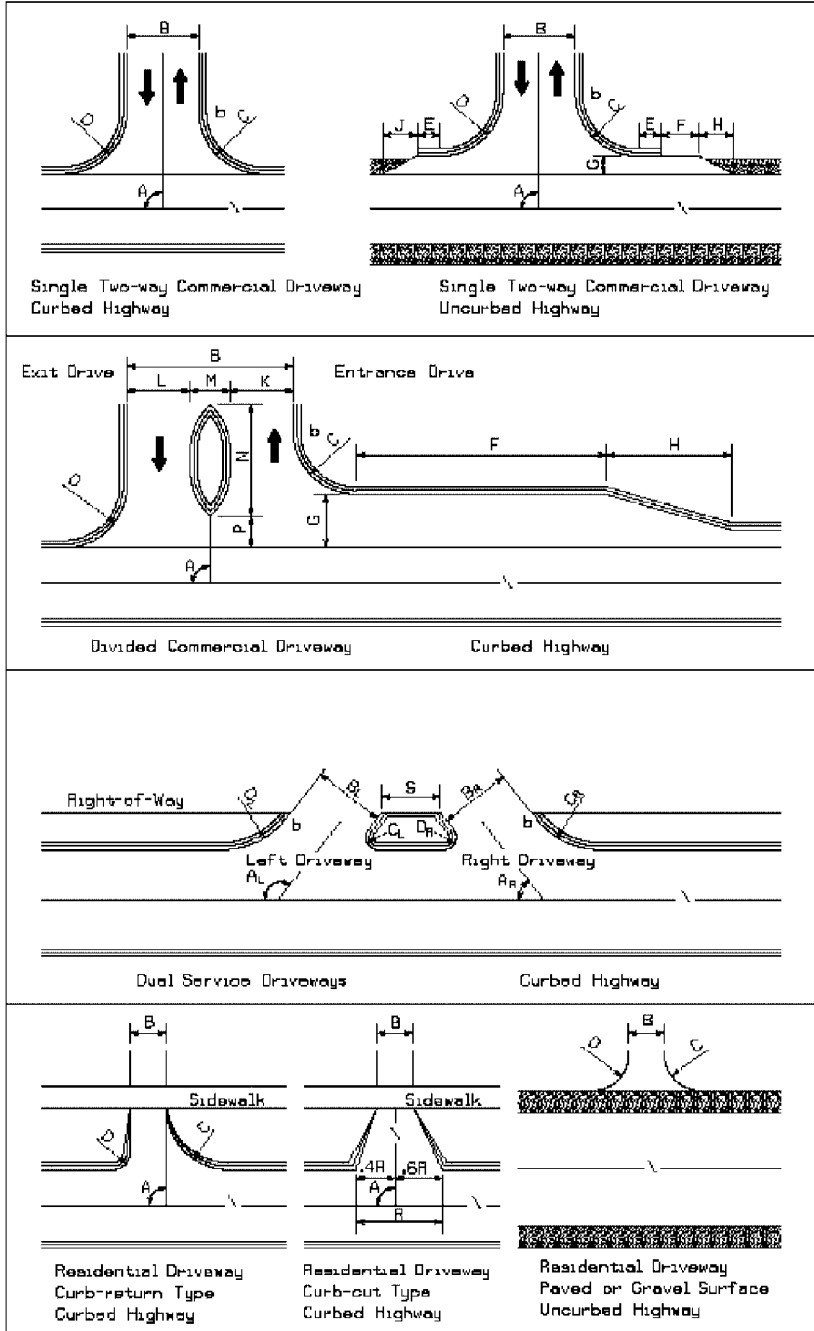
(p) Nose offset, P, the distance between the edge of pavement and the traffic island of a divided or directional driveway.

(r) Curb cut, R, the length of the opening along a highway curb for a straight-sided residential driveway.

(s) Distance between driveways, S, the inside distance between 2 adjacent driveways measured along a highway right-of-way line.

Figure 1

Design Features



SKETCHES ARE NOT DRAWN TO SCALE

R 247.234. Commercial driveways, permits.

Rule 34. A permit application for a commercial driveway shall specify the driveway system requested, including the number and type: two-way, one-way, divided, dual service or directional. The department may approve the requested system or may require changes in it to insure safe conditions and necessary spacing between driveways, based on anticipated traffic volumes on the driveways and on the highway, type of traffic to use the driveways, type of roadside development and other operational considerations.

R 247.235. Commercial driveways, consolidation.

Rule 35. Adjacent property owners may consolidate their commercial driveways by using either a frontage road or a joint driveway system. If the department approves such a system, a driveway permit shall be issued to all property owners concerned and shall state that there is an agreement that all properties shall have access to the highway via the frontage road and the joint driveway system.

R 247.236. Commercial driveways, alteration of dimensions.

Rule 36. If the highway carries one-way traffic, the dimensions given in rules 41 and 42 may be altered so that the prohibited movements are discouraged. If the driveway system is on the left-hand side of a one-way highway, the dimensions used shall be based on the same principles as used on right-hand side driveways.

R 247.237. Commercial driveways, right-turn lanes.

Rule 37. The applicant shall provide right-turn lanes or tapers as part of a commercial driveway system if the department determines that such right-turn lanes or tapers are required to minimize congestion or hazard on the highway caused by vehicles entering the applicant's driveways. A right-turn lane shall be preceded by a taper. The design feature dimensions of a right-turn lane and taper shall conform to those given in table 1.

TABLE 1

COMMERCIAL RIGHT-TURN LANE AND TAPERS					
Design Features		Curbed Highway		Uncurbed Highway	
		Standard	Range	Standard	Range
Curb Ending	E	Not Applicable		10 ft	No Range
Right-turn Lane Length	F	As determined by the department			
Right-turn Lane Width	G	12 ft	10 to 15 ft	12 ft	10 to 15 ft
Entering Taper	H	150 ft*	50 to 150 ft	150 ft	50 to 150 ft
Exiting Taper	J	Not Applicable		50 ft	50 to 150 ft
*If a right-turn lane is used, the entering taper standard shall be 50 ft. without a right-turn lane, the entering taper standard shall be 150 ft.					
The standard shall be used unless engineering judgement determines that another dimension within the range is more suitable for a particular site or a special condition is approved by the department.					

247.241. Two-way commercial driveways.

Rule 41. The design feature dimensions of a two-way commercial driveway shall conform to those given in table 2.

TABLE 2

TWO-WAY COMMERCIAL DRIVEWAY					
Design Features		Curbed Highway		Uncurbed Highway	
		Standard	Range	Standard	Range
Intersecting Angle	A	90°	60 to 120°	90°	60 to 120°
Driveway Width	B	30 ft	12 to 50 ft	30 ft	15 to 50 ft
Entering Radius	C	20 ft	5 to 50 ft	30 ft	5 to 50 ft
Exiting Radius	D	15 ft	5 to 50 ft	20 ft	5 to 50 ft

The standard shall be used unless engineering judgment determines that another dimension within the range is more suitable for a particular site or a special condition is approved by the department.

247.242. One-way commercial driveways.

Rule 42. The design feature dimensions of a one-way commercial driveway shall conform to those given in table 3.

TABLE 3

ONE-WAY COMMERCIAL DRIVEWAY						
Design Features		Curbed Highway			Uncurbed Highway	
		Standard	Range	Standard	Range	
Distance between Driveways	S	20 ft	40 to 500 ft	20 ft	40 to 500 ft	
Intersecting Angle	A	90°	60 to 120°	90°	60 to 120°	
Driveway Width	B	16 ft	16 to 30 ft	16 ft	16 to 30 ft	
One-way in	Entering Radius	C _i	20 ft	15 to 50 ft	20 ft	15 to 50 ft
	Exiting Radius	D _i	10 ft	5 to 15 ft	5 ft	5 to 15 ft
One-way Out	Entering Radius	C _o	10 ft	5 to 15 ft	5 ft	5 to 15 ft
	Exiting Radius	D _o	20 ft	15 to 50 ft	20 ft	15 to 50 ft
The standard shall be used unless engineering judgment determines that another dimension within the range is more suitable for a particular site or a special condition is approved by the department.						

R 247.243. Divided commercial driveways.

Rule 43. A divided commercial driveway shall have a curbed island separating the entrance drive and the exit drive. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be 50 square feet. The design feature dimensions of a divided commercial driveway shall conform to those given in table 4.

TABLE 4

DIVIDED COMMERCIAL DRIVEWAY					
Design Features		Curbed Highway		Uncurbed Highway	
		Standard	Range	Standard	Range
Intersecting Angle	A	90°	75 to 105°	90°	75 to 105°
Driveway Width	B	48 ft	42 to 90 ft	48 ft	42 to 90 ft
Entering Radius	C	25 ft	5 to 50 ft	25 ft	5 to 50 ft
Exiting Radius	D	25 ft	5 to 50 ft	20 ft	5 to 50 ft
Entrance Drive Width	K	16 ft	16 to 30 ft	16 ft	16 to 30 ft
Exit Drive Width	L	22 ft	16 to 30 ft	22 ft	16 to 30 ft
Island Width	M	10 ft	10 to 30 ft	10 ft	10 to 30 ft
Nose Offset	P	8 ft	2 to 10 ft	14 ft	12 to 17 ft
Island Length	N	35 ft	20 to 150 ft	35 ft	20 to 150 ft
The standard shall be used unless engineering judgment determines that another dimension within the range is more suitable for a particular site or a special condition is approved by the department.					

R 247.244. Dual service driveways.

Rule 44. To facilitate vehicle movements between a highway and private property when the major vehicle movement at a commercial establishment is approximately parallel to the highway, such as at a service station or drive-in bank, the department may permit dual service driveways. The design feature dimensions of dual service driveways shall conform to those given in table 5.

TABLE 5

DUAL SERVICE DRIVEWAYS						
Design Features			Curbed Highway		Uncurbed Highway	
			Standard	Range	Standard	Range
Right Driveway	Intersecting Angle	A_R	60°	45 to 90°	60°	45 to 90°
	Entering Radius	C_R	15 ft	5 to 50 ft	20 ft	5 to 50 ft
	Exiting Radius	D_R	10 ft	5 to 25 ft	5 ft	5 to 25 ft
Left Driveway	Intersecting Angle	A_L	120°	90 to 135°	120°	90 to 135°
	Entering Radius	C_L	10 ft	5 to 25 ft	5 ft	5 to 25 ft
	Exiting Radius	D_L	15 ft	5 to 50 ft	20 ft	5 to 50 ft
Driveway Width		B	30 ft	12 to 50 ft	30 ft	15 to 50 ft
Distance Between Driveways		S	20 ft	10 to 150 ft	20 ft	10 to 150 ft
The standard shall be used unless engineering judgment determines that another dimension within the range is more suitable for a particular site or a special condition is approved by the department.						

R 247.245. Directional commercial driveways.

Rule 45. A directional commercial driveway is a special case and the driveway shall be designed individually to facilitate the desired turning movements and to discourage prohibited movements. Radii shall be as approved by the department, based on the driveway intersecting angle and on the turning path of the largest vehicle that will normally use the driveway.

R 247.247. Residential driveways, number and separation.

Rule 47. The number of residential driveways permitted shall be determined as follows:

(a) One residential driveway shall be permitted for each platted lot or for unplatted residential property with less than 100 feet of frontage.

(b) One additional residential driveway may be permitted for residential property for each 70 feet of frontage in excess of the first 100 feet of frontage.

(c) Two residential driveways may be permitted on the same property, in lieu of the requirements of paragraph (b), to serve a circle driveway if the frontage of the property is 80 feet or more.

(d) Residential driveways on the same property shall be at least 45 feet apart, center-to-center.

R 247.248. Residential driveway dimensions.

Rule 48. The design feature dimensions of a residential driveway shall conform to those given in table 6.

TABLE 6

RESIDENTIAL DRIVEWAY					
Design Features		Curbed Highway		Uncurbed Highway	
		Standard	Range	Standard	Range
Intersecting Angle	A	90°	70 to 110°	90°	70 to 110°
Driveway Width	B	10 ft	8 to 24 ft	12 ft	8 to 24 ft
Entering Radius	C	15 ft	5 to 15 ft	15 ft	5 to 20 ft
Exiting Radius	D	6 ft	5 to 15 ft	10 ft	5 to 20 ft
Curb Cut	R	26 ft	20 to 40 ft	Not Applicable	
<p>The standard shall be used unless engineering judgment determines that another dimension within the range is more suitable for a particular site or a special condition is approved by the department.</p>					

R 247.249. Field entrances and utility structure driveways.

Rule 49. (1) One field entrance may be permitted for each 1000 feet of frontage of cultivated land, timber land or undeveloped land. Additional driveways may be permitted when a single driveway will not provide adequate access due to topographic conditions.

(2) The design feature dimensions of a field entrance and of a utility structure driveway shall conform to those given in table 7.

TABLE 7

FIELD ENTRANCE AND UTILITY STRUCTURE DRIVEWAY					
Design Features		Curbed Highway		Uncurbed Highway	
		Standard	Range	Standard	Range
Intersecting Angle	A	90°	70 to 110°	90°	70 to 110°
Driveway Width	B	20 ft	15 to 40 ft	20 ft	15 to 40 ft
Entering Radius	C	Not Applicable		20 ft	5 to 40 ft
Exiting Radius	D	Not Applicable		20 ft	5 to 40 ft
Curb Cut	R	26 ft	20 to 50 ft	Not Applicable	
<p>The standard shall be used unless engineering judgment determines that another dimension within the range is more suitable for a particular site or a special condition is approved by the department.</p>					

R 247.251. Surfacing and curbing along curbed highways.

Rule 51. If a highway is curbed, the following driveway surfacing and curbing requirements apply:

(a) A commercial driveway shall be paved and curbed to either the right-of-way line or to the point of curvature between the driveway edge and the larger radius, point b in figure 1, as determined by the department.

(b) A residential driveway shall be paved between the edge of the pavement and the existing or proposed sidewalk. If there is no existing or proposed sidewalk, the surfacing shall extend at least 10 feet from the edge of the pavement. For a residential driveway, either curb cuts or curb returns shall be required as determined by the department, based on the current department standards for curb and gutter.

R 247.252. Surfacing and curbing along uncurbed highways.

Rule 52. If a highway is uncurbed, the following driveway surfacing and curbing requirements apply:

(a) A commercial driveway shall be paved and curbed to either the right-of-way line or to the point of curvature between the driveway edge and the larger radius, point b in figure 1, except a commercial driveway may be uncurbed where there is a proper ditch and other adequate roadside control or delineation, as determined by the department. The curb ending adjacent to the highway shall be located at least 13.5 feet from and parallel to the edge of the pavement.

(b) A low volume commercial driveway along a low volume highway shall be paved, but the paving may be delayed as mutually agreed upon by the applicant and the department.

(c) A residential driveway may be paved or surfaced with stabilized gravel and may be curbed or uncurbed.

R 247.253. Surfacing and curbing of field entrances and utility structure driveways.

Rule 53. A field entrance or a utility structure driveway may be surfaced with stabilized gravel or with sod over a stable base and may be uncurbed, as determined by the department.

R 247.254. Surface materials and thickness.

Rule 54. The surface of a paved driveway, excluding right-turn lanes, shall be concrete, bituminous or equivalent surfacing material. The thickness of the surface and the base to be used shall be sufficient to provide the bearing capacity needed to carry the proposed traffic loads. A 2 ½ inch, 250 pounds per square yard, bituminous mix on 8 inches of compacted gravel, 8 inches of unreinforced concrete or equivalent surfacing material which meets current department Standard Specifications for Highway Construction is acceptable for normal driveway traffic loads over stable soil.

R 247.255. Right-turn lanes and tapers.

Rule 55. (1) The pavement of a right-turn lane and accompanying tapers shall match the highway pavement, unless the department permits the use of an equivalent pavement.

(2) The cross slope of a right-turn lane and tapers shall be:

(a) A continuation of the cross slope of the highway if the highway is curbed.

(b) Equal to the shoulder slope if the highway is uncurbed.

R 247.256. Shoulders.

Rule 56. (1) The surface of the shoulder adjacent to a right-turn lane and tapers shall be of the same material as the highway shoulder and conform to the current department Standard Specifications for Highway Construction.

(2) If the distance between 2 paved commercial driveways serving the same property is less than 100 feet, measured between adjacent ends of the curb endings, the applicant shall pave the shoulder between the driveways.

R 247.259. Driveway curb details.

Rule 59. (1) The driveway curb shall either match the existing highway curb or shall conform to the current department standards for curb and gutter.

(2) The driveway curb height shall be constant if there is no existing or proposed sidewalk or if an inclined sidewalk is permitted by the department.

(3) The driveway curb height may be tapered to zero height at the sidewalk if the driveway grade meets the grade of an existing or proposed sidewalk.

R 247.261. Drainage.

Rule 61. (1) A driveway shall be constructed so that it does not adversely affect the highway drainage. The drainage and the stability of the highway subgrade shall not be altered by driveway construction or roadside development.

(2) Drainage from adjacent parking or storage areas on private property in excess of existing drainage shall not be discharged into the highway drainage system.

(3) Culvert pipe shall be of a size adequate to carry the anticipated natural flow of the ditch. The culvert shall be no smaller than the nearest upstream culvert nor less than 12 inches inside diameter. A culvert, catch basin, drainage channel and other drainage structure required within the highway right-of-way shall be manufactured or constructed and installed in accordance with the current department Standard Specifications for Highway Construction. The minimum length of the culvert may be determined as the sum of the distance between driveway edges, measured along the ditch line, plus the distances needed to accommodate an embankment slope not to exceed 1 foot vertical for 6 feet horizontal on both sides of the driveway.

R 247.263. Profile.

Rule 63. A driveway profile shall be determined using the following criteria:

(a) If the highway is uncurbed, the grade of the driveway between the highway edge of pavement and the edge of the shoulder shall conform to the slope of the shoulder.

(b) If the highway is uncurbed or if the sidewalk is more than 10 feet from the edge of the pavement or if there is no sidewalk:

(i) The grade of a two-way, one-way or divided commercial driveway shall not exceed 1.5% for a minimum distance of 25 feet from the edge of the pavement. Beyond this distance, the grade shall not exceed 8%.

(ii) The grade of a residential or utility structure driveway or field entrance shall not exceed 10%.

(c) If the highway is curbed and if the sidewalk is 10 feet or less from the edge of pavement, the grade of a driveway, except a directional driveway, shall be the grade required to meet the sidewalk elevation; but if that grade would exceed the maximums specified in paragraph (b), the sidewalk shall be either tilted or inclined.

(d) The grade of a directional driveway shall be designed so to provide vision of the highway edge of pavement and the driveway surface for a distance of 100 feet along the driveway. For a driveway on an upgrade towards the highway, a grade of 1.5% for a distance of 100 feet from the edge of the pavement is acceptable. Beyond this distance, the grade shall not exceed 4% and the difference in grades where there is a change of grade shall not exceed 3%.

(e) Vertical curves., with a minimum length of 15 feet, shall be provided at a change of grade of 4% or more.

(f) If the sidewalk elevation has to be adjusted to meet the driveway, the department may require that the sidewalk be inclined at a rate not to exceed 1 foot vertical for every 24 feet horizontal.

R 247.265. Parking and storage.

Rule 65. Adequate storage for vehicles parking or waiting to be serviced shall be provided so as not to interfere with pedestrian movements, vision requirements or traffic operations on the highway.

R 247.267. Traffic signs and markings.

Rule 67. A permittee shall provide and properly maintain traffic signs and pavement markings which the department determines necessary, subject to local ordinances, for proper operation of the driveway. Only those traffic signs and pavement markings approved by the department may be used within the highway right-of-way. Signs and pavement markings shall conform to the current Michigan Manual of Uniform Traffic Control Devices.

PART 4 BANNER PERMITS

R 247.271. Permittees.

Rule 71. A permit for the installation of banners to be placed within or over a highway right-of-way may be issued by the department only to the governing body of a city, village or township.

R 247.272. Application forms and contents.

Rule 72. (1) An application for a permit for the installation of a banner shall be in the manner prescribed on forms supplied by the department.

(2) An application shall include the following information:

(a) Activity in connection with which the banners are to be placed.

(b) Location of the proposed installation including distance to overhead traffic control devices.

(c) Description of the banners, including any legend or symbol thereon.

(d) Height of an overhead banner at its lowest point above the pavement.

(e) Date on which the banner will be installed and removed. This period shall not exceed a time period specified by the department. An acceptable period of time for banners, other than Christmas decorations, to be in place is 3 weeks, and an acceptable duration for Christmas decorations to be in place is 6 weeks.

(f) Such other information as the department may require.

R 247.273. Local government resolutions.

Rule 73. An application shall be accompanied by a copy of a resolution from the local governing body designating an authorized official of the city, village or township who has authority to make the application, unless a blanket resolution which has the same effect and authorizes the same conditions as an individual resolution but covers issuance of permits for a specified period of time, is on file with the department. Appropriate forms for local governmental resolutions and blanket resolutions may be supplied by the department.

R 247.275. Design and placement.

Rule 75. (1) The design, method of installation and location of banners shall not endanger persons using the highway or unduly interfere with the free movement of traffic.

(2) An overhead banner shall have a minimum bottom height of 18 feet above the pavement, shall not be placed closer than 10 feet on either side of traffic signals, and shall not be placed so as to obstruct a clear view of traffic signals or other traffic control devices.

R 247.276. Contents of banners.

Rule 76. (1) A banner shall not have displayed there on any legend or symbol which may be construed to advertise, promote the sale of or publicize any merchandise or commodity, or to be political in nature.

(2) A banner shall not have displayed thereon any legend or symbol which is or purports to be an imitation of or resembles, or which may be mistaken for, a traffic control device, or which attempts to direct the movement of traffic.

(3) Decorations shall not include flashing lights that may be distracting to motorists.

R 247.278. Duties of local governments.

Rule 78. A city, village or township receiving a permit shall faithfully fulfill permit requirements and shall indemnify and save harmless the department from claims of every kind arising out of the use of an issued permit.

R 247.279. Cancellation of permits.

Rule 79. A permit for the installation of a banner may be canceled by the department if the installation becomes dangerous to motorists or unduly interferes with the free movement of traffic.

PART 5. PARADE, CELEBRATION, FESTIVAL HIGHWAY CLOSURE PERMITS

R 247.281. Permittees.

Rule 81. A permit granting permission for the temporary closure of a highway for a reasonable length of time for a parade, celebration or festival may be issued by the department only to the governing body of a city, village or township.

R 247.282. Application forms.

Rule 82. An application for a permit to close or partially close a highway for a parade, celebration or festival shall be in the manner prescribed on forms supplied by the department.

R 247.283. Application contents and resolutions.

Rule 83. An application shall state the nature of the activity for which the permit is requested, the dates and times it is proposed to close and reopen the highway to traffic and such other information as the department may require. The reasonable period of time shall be approved by the department. An application shall be accompanied by a copy of a resolution from the city, village or township requesting permission for the closure or partial closure.

R 247.284. Permit conditions.

Rule 84. A permit shall be issued subject to the following conditions:

(a) The closure or partial closure and the use of a detour route shall not unduly interfere with the safe and free movement of traffic.

(b) A suitable alternate location is not available for the parade, celebration or festival which is more acceptable for traffic safety and causes less interruption of traffic.

(c) A closure or partial closure normally shall be allowed during daylight hours only. When temporary nighttime closure is permitted points of potential hazard, barricades and warning traffic signs shall be lighted at the permittee's expense. The lighting shall be in accordance with requirements and specifications of the department.

R 247.285. Traffic control devices.

Rule 85. (1) Traffic control devices installed in conjunction with the closure or partial closure and the detour route shall conform to the provisions of the current department Manual of Uniform Traffic Control Devices.

(2) Required traffic control devices may be furnished and installed either by the local governing body or by the department. Costs arising from the installation, maintenance and removal of such devices shall be borne by the permittee.

(3) The local governing body shall provide necessary police supervision, establish and post necessary detour signs and assume liability for damage claims which may arise as a result of the closure or partial closure.

(4) The closure or partial closure shall not be for the purpose of allowing private commercial activities, such as advertising or sale of goods, wares or produce.

PART 9. HEARINGS AND APPEALS

R 247.351 Hearing; request; time; notice; effective date of driveway permit revocation.

Rule 151. (1) After a permit application has been denied, before the department may revoke a driveway permit for failure to comply with any provision of the permit, or when the department has issued a notice of violation of these rules under section 7 of Act No. 200 of the Public Acts of 1969, as amended, being §247.327 of the Michigan Compiled Laws, a person or agency has the right to a hearing before a hearing officer in accordance with Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws. However, a prior hearing before a hearing officer is not required in the case of a summary suspension as provided in section 92 of Act No. 306 of the Public Acts of 1969, as amended, being §24.292 of the Michigan Compiled Laws. A person shall file a written request for hearing with the department within 30 days after mailing or delivery, whichever occurs first, of the denial of application, notice of intent to revoke a permit, or notice of violation.

(2) The department shall hold a hearing not less than 30 days after the request is received by the department, unless good cause is shown by either party. The department shall notify the person or agency of the hearing date, time, and place not less than 10 days before the hearing.

(3) The department shall give notice of the hearing and shall conduct the hearing in accordance-with Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(4) In the absence of a hearing request, a driveway permit revocation is effective 30 days after mailing or delivery of a notice of intent to revoke the permit, whichever occurs first. If, as the result of a hearing held under these rules, the decision of the hearing officer affirms the department's revocation of a driveway permit, then the revocation shall be effective on the date specified in the order issued by the hearing officer.

R 247.352 Hearing representation.

Rule 152. A person may represent himself or herself at a hearing or be represented by legal counsel. The department may be represented by the attorney general.

R 247.353 Rescinded.

R 247.354 Rescinded.

R 247.355 Rescinded.

R 247.356 Rescinded.

R 247.357 Rehearing and appeals.

Rule 157. (1) The department may order a rehearing in a contested case on its own motion or on request of a party. The decision to order a rehearing is discretionary with the department.

(2) A person shall file a request for rehearing within the time fixed by section 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.287 of the Michigan Compiled Laws. The department shall give notice of the rehearing and shall conduct the rehearing in accordance with section 87 of Act No. 306 of the Public Acts of 1969, as amended, being §24.287 of the Michigan Compiled Laws.

(3) A person may appeal a final decision or order of the department to the circuit court in the manner and within the time periods provided by chapter 6 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.301 to 24.306 of the Michigan Compiled Laws.

R 247.358 Delegation of authority.

Rule 158. Pursuant to section 79 of Act No. 306 of the Public Acts of 1969, as amended, being §24.279 of the Michigan Compiled Laws, the department may designate and authorize 1 or more persons to serve as hearing officers and preside in hearings of contested cases held under these rules. The department may confer on the hearing officers authority to make the final administrative decision from which further review shall be sought in circuit court under Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

Appendix

**ACT 200, PUBLIC ACTS OF 1969 AS AMENDED BY ACT 83 OF
1978 AND ACT 177 OF 1981**

PUBLIC ACTS 1969 - NO. 200

AN ACT to regulate driveways, banners, events, and parades upon and over highways; to provide for the promulgation of rules; to prescribe requirements for the issuance of permits, and to provide for the issuance of those permits.

247.321 Driveways, banners and parades on highways; definitions.

Sec. 1. As used in this act:

(a) "Driveway" means a driveway, lane, road or any other way providing vehicular access to or from the highway from or to property adjoining the highway but does not mean a city or village street or other highway covered by the provisions of Act No. 288 of the Public Acts of 1967, being sections 560.101 to 560.293 of the Compiled Laws of 1948.

(b) "Highway" means a state trunk line highway or a county road including the entire right of way.

(c) "Highway authority" means the department of state highways in the case of state trunk line highways, and the board of county road commissioners in the case of county roads.

247.322 Permit; requirement, local ordinances.

Sec. 2. No driveway, banner or parade is lawful except pursuant to a permit issued in accordance with this act unless otherwise provided. Nothing in this act shall be construed to prevent the application of the provisions of any other statute of this state or any local ordinance which is more restrictive than this act nor to preclude any city or village from requiring city or village permits with respect to any street or highway within its corporate limits. No permit shall be issued pursuant to this act unless there is compliance with other provisions of law or ordinances.

247.323 Permits to temporarily close highway and for banners, decorations or similar objects; issuance; requests; arrangements for handling highway traffic; section inapplicable to racing event.

Sec. 3. A permit to temporarily close a highway, or a portion of the highway, for a parade, celebration, festival, or similar activity, and a permit for banners, decorations, or similar objects to overhang the traveled way of a highway, may be issued by the highway authority only if requested by an authorized official designated by resolution of the governing body of a city, incorporated village, or township. Requests for temporary closing of highways shall indicate the time and date the highway is to be closed to traffic, the date and time the highway is to be reopened to traffic, and other information as the highway authority may require. A permit shall not be

issued for the partial or complete closing of a highway unless the highway authority is satisfied that adequate arrangements have been made for the handling of highway traffic during such closure. Permits for banners, decorations, or similar objects over the traveled way of a highway shall require that they be securely fastened and be at least 18 feet above the surface of the traveled way. This section does not apply to a racing event for which a permit has been issued under the city motor vehicle racing act of 1981.

247.324 Permit; driveways; rules.

Sec. 4. Permits for driveways shall be granted in conformity with rules promulgated by the highway authority which shall be consistent with the public safety and based upon the traffic volumes, drainage requirements and the character of the use of land adjoining the highway and other requirements in the public interest. Rules shall prescribe reasonable standards for the design and the location of driveways and may require that driveways shall be hardsurfaced. The provisions of this section shall not be deemed to deny reasonable access to a nonlimited access highway.

247.325 Rules; local adoption.

Sec. 5. The department of state highways shall make rules necessary for the administration of this act in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948. The boards of county road commissioners may adopt by reference the rules, in whole or in part, of the department of state highways or may adopt its own rules after a public hearing of which notice has been given by publication at least twice in a newspaper circulated in the county not more than 30 days nor less than 7 days prior to the hearing.

247.326 Permit; issuance requirements; revocation.

Sec. 6. A permit shall not be issued unless all the requirements of this act, and of rules made pursuant to section 5, are met. A permit may be revoked by the highway authority issuing it if at any time the permitted object, use, or activity fails to meet the requirements of this act or rules made in accordance with section 5. This section does not apply to a permit issued by a city under the city motor vehicle racing act of 1981.

247.327 Existing driveways; correction of driveway in violation of rules; notice; failure to correct; reimbursement.

Sec. 7. This act shall not apply to driveways in existence on August 6, 1969, except that if the use of the land served by the driveway is changed or expanded, and the change or expansion causes the existing driveway to be a safety hazard, the driveway shall be considered a new driveway subject to this act. A driveway which is constructed or reconstructed after the effective date of the rules issued pursuant to this act and which is in violation of the rules shall be corrected by the owner within a period of time, not less than 30 days, specified in the notice of violation sent by certified mail to the owner. If not corrected within the period required by the notice, the highway authority or its agents may perform the necessary correction and the owner shall reimburse the highway authority for the reasonable cost of correction.

247.328 Construction of act.

Sec. 8. Nothing in this act shall limit the right of the highway authority in the exercise of its authority to acquire property for highway purposes or to widen, relocate, reconstruct, improve, or maintain any highways.

247.329 Authorization of city or village to issue permits with respect to state trunk line highways; conditions; permit issued by city pursuant to S 257.1701 et seq.

Sec. 9. (1) Except as provided in subsection (2), the state transportation commission by resolution may authorize any city or village to issue on behalf of the state the permits required by this act with respect to state trunk line highways within the corporate limits of the city or village provided the permits are issued pursuant to this act and rules promulgated under this act, subject to conditions as the commission may prescribe and subject to acceptance of that authority by the governing body of the city or village.

(2) A permit issued by a city under the city motor vehicle racing act of 1981 shall be considered to be a permit issued for all purposes under this act regarding any highway located within the limits of the city.

1969 PA 200, Effective August 6, 1969, as amended by 1978 PA 83, effective March 29, 1978 and by 1981 PA 177, effective December 14, 1981.

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