

Act No. 251
Public Acts of 1989
Approved by the Governor
December 24, 1989
Filed with the Secretary of State
December 26, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Rep. Griffin

Reps. Alley, Bartnik, DeMars, Dunaskiss, Emmons, Gnodtke, Hart, Hoffman, Keith, London, Maynard, Middaugh, Niederstadt, Ostling, Profit, Randall, Sofio, Spaniola, Stacey, Terrell, Trim, Varga and Weeks named co-sponsors

ENROLLED HOUSE BILL No. 4113

AN ACT to amend sections 10 and 19 of chapter IV of Act No. 283 of the Public Acts of 1909, entitled as amended "An act to revise, consolidate and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance and use of the public highways and private roads, the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; setting and protecting shade trees, drainage, cutting weeds and brush within this state, and providing for the election or appointment and defining the powers, duties and compensation of state, county, township and district highway officials," section 10 as amended by Act No. 133 of the Public Acts of 1984 and section 19 as amended by Act No. 381 of the Public Acts of 1980, being sections 224.10 and 224.19 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 10 and 19 of chapter IV of Act No. 283 of the Public Acts of 1909, section 10 as amended by Act No. 133 of the Public Acts of 1984 and section 19 as amended by Act No. 381 of the Public Acts of 1980, being sections 224.10 and 224.19 of the Michigan Compiled Laws, are amended to read as follows:

CHAPTER IV

Sec. 10. (1) The clerk and the members of a board of county road commissioners are subject to Act No. 317 of the Public Acts of 1968, being sections 15.321 to 15.330 of the Michigan Compiled Laws.

(2) The board of county road commissioners shall employ a competent county highway engineer who shall make surveys ordered by the board, prepare plans and specifications for roads, bridges, and culverts, and exercise general supervision over construction to insure that the plans and specifications are strictly followed. Two or more adjoining counties may employ the same engineer, if the work in 1 or more of the counties is not enough to employ the whole time of the engineer. The engineer employed by the board shall be known as the county highway engineer.

(3) The board may also engage other professional and consultant services as it considers necessary to implement this act and promote efficiency and economy in the operation of the county road system. The board may also employ other necessary laborers and may purchase machines, tools, appliances, and materials which it

considers necessary or convenient for the performance of work by the laborers. In cases involving the expenditure of an amount greater than \$10,000.00 for the purchase of machines, tools, appliances, and materials, the board of county road commissioners shall advertise for sealed proposals for the machines, tools, appliances, and materials proposed to be purchased, except under emergency conditions, in which case the limit shall not exceed \$20,000.00. All purchases made under this section shall be compiled separately for purposes of board approval. The board shall advertise for sealed proposals for the purchase of passenger vehicles and trucks weighing less than 5,000 pounds. The board may purchase surplus properties from the state and federal governments without advertising for sealed proposals.

(4) Notwithstanding the provisions of section 21 of this chapter, the board may enter into a contract or agreement for the purchase of machines, tools, appliances, and materials to be used for public purposes and to be paid for in installments over a period not to exceed 5 years or the useful life of the property acquired, whichever is less.

(5) Each county road commission shall take all reasonable steps to ensure minority business enterprises have the equal opportunity to compete and perform contracts or purchases of services, or both, for the county road commission. The county road commission shall issue a plan for implementing this subsection.

Sec. 19. (1) The board of county road commissioners may grade, drain, construct, gravel, shale, or macadamize a road under its control, make an improvement in the road, and may extend and enlarge an improvement. The board may construct bridges and culverts on the line of the road, and repair and maintain roads, bridges, and culverts.

(2) The commissioners shall take over, construct, and maintain the bridges included in the proposed system of county roads provided in section 18 of this chapter, except bridges that are lawfully taken over for construction and maintenance in whole or in part by the state. When it is necessary to construct a bridge across a navigable stream over which a road under the control of the board of county road commissioners runs, the board may construct, repair, and maintain a bridge across the navigable stream with proper and adequate approaches to the bridge for the accommodation of traffic, and the bridge and the approaches to the bridge shall be of a width, size, strength, material, pattern, and design which the board considers suitable to meet the necessities and requirements of traffic and the relevant conditions, despite the fact that the bridge or the approaches to the bridge, or a portion of either, is within the limits of an incorporated municipality. The board of county road commissioners may borrow money, enter into contracts, and pledge the credit of the county in the manner and within the limitations provided by law for this purpose. For money borrowed, an obligation assumed, or a pledge of credit given, the bonds of the county may be issued and sold when authorized by the electors in the manner provided by law. The authority and powers granted in this section relative to bridges over navigable streams and the grant of that authority are retroactive and all acts of boards of county road commissioners, county boards of commissioners and other county officers, and all elections held, indebtedness incurred or authorized, and bonds approved or authorized by the electors of the county, to be issued and sold for the purpose and with the intent to provide for the construction, repair, and maintenance of bridges over navigable streams and their approaches are valid and binding acts and obligations. The obligations assumed, indebtedness incurred, pledge of credit given, and bonds issued or authorized by counties within this state for these purposes are valid.

(3) The construction, improvement, and maintenance of roads, bridges, and culverts, shall be in accordance with plans and specifications furnished or approved by the county highway engineer, who shall have supervision of the construction. The county road commissioners have all the authority in respect to the roads, bridges, and culverts which is vested in highway officers in townships, including the right to condemn gravel for road purposes and to petition the county drain commissioner for an outlet drain as provided in section 8 of chapter 15.

(4) The board of county road commissioners may maintain in its own name an action for injury to a county road, a part of the road as laid out and established, or to an improvement on the road. Money recovered in the action shall be paid to the county treasurer and shall be credited to the county road fund.

(5) When the board of county road commissioners decides to build or rebuild a road or bridge by a method other than by employment of day labor and purchase of necessary materials, the board shall advertise for sealed bids for the work, if the work involves an expenditure of an amount greater than \$20,000.00. The board may reject any and all bids and may do the work by day labor, purchasing the necessary materials and employing the necessary labor. If the board decides to do the work by day labor, the plans and specifications together with all bids received on the plans and specifications, and the reason, in writing, for not letting the job by contract, shall be filed in the office of the county clerk. If a bridge is to be repaired or built at a cost greater than \$500.00, the county road commissioners may apply to the state transportation department, which shall assign a competent engineer to review and report on plans that may have been prepared by the county highway engineer, or decide regarding the merits of each plan on which tenders may have been received before the contract was let, and pass on the completed structure before the contractor for that contract is paid.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.