



**KENT COUNTY ROAD COMMISSION  
BOARD POLICY**

**No.  
505**

**Effective Date  
01/01/00**

**Revised Date  
02/09/10**

**Non-Motorized Facilities**

Policy authored by

The Kent County Road Commission supports the development of non-motorized trails and the establishment of a system of integrated bike routes throughout Kent County and between adjacent Counties. In order to provide safe and convenient non-motorized transportation facilities, the Kent County Road Commission has adopted the following guidelines to be used by the Kent County Road Commission or by requesting agencies in conjunction with the existing permit procedures when the facilities are to be located within the road right-of-way.

- A. Non-Motorized Paths (separated from the roadway)
- B. Paved Shoulders (along existing roads)
- C. Signed Routes (on existing roads)
- D. Sidewalks

Providing these facilities is generally considered a responsibility of the local unit of government in which it will be located. This policy does not preclude the Kent County Road Commission from constructing bike lanes within curbed roadways in addition to or as an alternative to an independent non-motorized facility. The Road Commission may be involved in certain instances in providing in whole or in part similar facilities as they may determine.

## A. NON-MOTORIZED PATHS

Non-Motorized paths are considered to be a facility that is separated from the motorist-traveled portion of the roadway. It is also considered to be different than a sidewalk, in that sidewalks have specific statutory status especially as it pertains to construction and liability matters.

Such non-motorized paths will not be signed, or designated, as “exclusive” bike paths because they are intended for multiple non -motorized uses and all users should be encouraged to use the facility rather than the roadway. Existing sidewalks shall be enlarged to provide for the non-motorized path.

The following gives guidance for designing a facility to be constructed on County road right-of-way.

### Width and Clearance:

The paved width and operating width are primary considerations. A facility intended for two-way traffic should have a minimum width of eight feet, or for one-way traffic a minimum width of five feet, in order to accommodate bicycle traffic as well as other non - motorized uses such as walking, running, wheelchairs, wagons and roller skates.

A two feet wide (minimum) clear graded area is recommended along both sides of the paved path and vertical clearance to overhead obstructions should be a minimum of eight and one-half feet. All bridges, culverts etc. needed to accommodate these facilities should provide for these same minimum standards.

A wide separation between the facility and the roadway is desirable for safety reasons. The facility should typically be located one foot off the property line and provide minimum clearances of six feet from back of curb on roads with curb and gutter; ten feet from edge of roadway pavement (where there is no ditch), or twenty feet from centerline of right-of-way (where there is no ditch), or one foot behind the top of drainage backslope (where ditch exists), whichever is greater. These clearances shall also be used as a guide for allowing deviations from the location of one foot off the property line.

Where these minimum requirements cannot be obtained in the right-of-way or where there is evidence that a roadway will require widening beyond two lanes, consideration must be given to acquiring additional right-of-way to accommodate the proposed roadway, the facility, and the minimum clearances and widths stated.

### Pavement & Structures:

The type of material, thickness of surface and base are of primary importance as well as the proper design of all structures needed to accommodate the facility. These designs should be determined by engineers after an analysis of soils, wheel loads, and other site-specific requirements are considered.

Normally, however, the pavement should be a minimum of four inches concrete or three inches bituminous surface over six inches of processed road gravel. A cross slope of two percent should be provided to allow for proper drainage.

#### Signing & Marking:

Adequate signing and marking may be important safety considerations. General guidance is provided in the Michigan Manual of Uniform Traffic Control Devices. Only signing necessary for safety should be erected so as not to create confusion or restrict vision.

Signing and marking shall be reviewed and approved by the Road Commission's Traffic and Safety Department.

#### Design Speed, Grades and Alignment:

Many other factors must be considered in the design of the facility. Design speed of twenty mph is normally considered adequate except for steep grades where a higher design speed should be used.

Grades and pavement elevations should be given special consideration in relation to the roadway facility and adjoining properties so as to cause minimal concern for safety, drainage, driveways, yards, etc. Profiles of the curbs and/or roadway should be utilized as a guide for such determination.

Changes in alignment and curves to accommodate such changes should be adequate to provide for the design speed selected and the safety to users of the facility.

#### Intersections:

Where the facility crosses a roadway, special consideration for selecting the proper location and placing adequate controls must be given.

#### Operation & Maintenance:

The agency responsible for the control, maintenance and policing of non-motorized paths will be established prior to construction approval. A written agreement specifying local responsibility for maintenance, repair and restoration of the path and stating the local community will save harmless, indemnify, represent and defend the Road Commission for all claims for as long as such path exists must be executed prior to issuance of a construction permit by the Road Commission.

The Road Commission will be responsible only for reviewing plans to assure conformance to the guidelines set forth above relative to geometrics within the right-of-way and for issuance of a construction permit.

Attached as Exhibit "A" is a typical agreement that could be used and modified if necessary to clearly establish responsibilities for such facilities on the road right-of-way.

## **B. PAVED SHOULDERS**

There is considerable emphasis today on the need for paved shoulders to accommodate non-motorized transportation, particularly in urban areas or near schools.

The Road Commission will continue to recommend the construction of sidewalks or non-motorized paths where it is deemed advisable for safety reasons. Generally, such recommendations will be made when traffic volumes or non-motorized uses are exceptionally high or where adequate right-of-way is available.

When the Road Commission allows for construction of a paved shoulder it shall be their policy that:

1. The cost for constructing the paved shoulder is the responsibility of the requesting parties, unless otherwise agreed. The requesting party may also be required to resurface the existing roadway, dependent on it's condition.
2. The paved shoulder will not be designated as any special facility, such as a bicycle path, but be treated as a normal road shoulder.
3. Both shoulders shall generally be paved along a section of roadway as opposed to only paving one side.
4. All construction shall be done by or under the direct supervision of the Road Commission in accordance with current standards of construction and design. The width to be a minimum of four feet on uncurbed roadways and six feet on curbed roadways unless a special exception is granted. Bituminous surface shall be a minimum thickness of three inches.
5. The Road Commission will only perform routine maintenance of the shoulders following completion and acceptance of construction. Pathway maintenance is the responsibility of the requesting agency.

### **C. SIGNED ROUTES**

In addition to providing for non-motorized paths as a separated facility from the motorist traveled portion of the roadway and the use of paved shoulders to accommodate non-motorized uses, there may be times when it would be desirable to sign an existing roadway (without paved shoulders or separated path) as a "Bike Route". This may also be needed for the purpose of providing continuity of routes within the County or with other counties.

An agreement with the local unit of government shall be executed assigning certain responsibilities for signing, maintenance and liability. (See Exhibit A)

### **D. SIDEWALKS**

Sidewalks constructed by local units of government on county roads shall conform to the following general guidelines and receive the approval of the Kent County Road Commission before construction begins.

1. The sidewalk shall be five feet in width and be generally located one foot off the property line.
2. Current construction standards of the Michigan Department of Transportation shall be used for the design and construction of all sidewalks.
3. Sidewalk elevations shall be determined by the Kent County Road Commission for uniformity in relation to the profile or proposed profile to curbs and/or roadway.

Since the statutes are quite specific regarding sidewalk construction and liability, an agreement will not be necessary. Approval of the design and construction plans, however, by the Kent County Road Commission is a prerequisite before locating on a county road and issuance of a construction permit.

**EXHIBIT "A"**  
**AGREEMENT**

**WHEREAS**, the \_\_\_\_\_ (hereinafter referred to as \_\_\_\_\_) is a municipal corporation organized under the laws of the State of Michigan, and is located in the County of Kent, State of Michigan, and:

**WHEREAS**, the Board of County Road Commissioners of the County of Kent (hereinafter referred to as "BOARD") is a public body corporate, with jurisdiction and control over all county roads located within the County of Kent, State of Michigan, and;

**WHEREAS**, the \_\_\_\_\_ desires to build non-motorized transportation facilities or bicycle paths (hereinafter referred to as "pathway") in accordance with plans and designs prepared by its engineer within right-of-way under the jurisdiction and control of the BOARD; more specifically:

**WHEREAS**, because the intended location of the pathway is within right-of-way under the jurisdiction and control of the BOARD, it is necessary for \_\_\_\_\_ to obtain the consent of the BOARD prior to commencing construction of the pathway, and;

**WHEREAS**, it is the desire and objective of the parties hereto, to set forth their mutual understanding with respect to the conditions under which the BOARD will grant its consent to the \_\_\_\_\_ to construct pathway within county road right-of-way;

**NOW, THEREFORE**, in consideration of the aforementioned premises and in furtherance thereof, it is hereby mutually agreed as follows:

1. \_\_\_\_\_ will apply for a permit from the BOARD and agrees to abide by all terms and conditions imposed upon permit applications.
2. \_\_\_\_\_ will construct the pathway in accordance with the plans and design prepared by its engineer and approved by the BOARD. Any deviation from the plans and design must receive the prior written approval of the BOARD.
3. \_\_\_\_\_ agrees to assume total and exclusive responsibility for maintenance, repair and restoration of the pathway for so long as the pathway may exist. If, for any reason, the pathway is removed by \_\_\_\_\_, \_\_\_\_\_ agrees to restore the county road right-of-way where the pathway is located, to a condition reasonably similar to that in effect prior to the construction of the pathway. \_\_\_\_\_ further agrees to remove or relocate the pathway at its expense when necessary to accommodate a roadway improvement of the Board.

4. Upon completion of the installation of the pathway, and final approval having been granted by the BOARD to the \_\_\_\_\_, \_\_\_\_\_ agrees to save harmless, indemnify, represent and defend the BOARD from any and all claims for bodily injury or property damage or any other claim relating to or arising out of the operation, use or continuing existence of the pathway within county road right-of-way.
  
5. This agreement shall be in effect as between the parties hereto upon the affixation of the signatures of the duly authorized officers of the BOARD and \_\_\_\_\_.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by their duly authorized officers and their seals affixed hereto the day and year written below.

WITNESS: BOARD OF COUNTY ROAD COMMISSIONERS,  
COUNTY OF KENT

\_\_\_\_\_  
 \_\_\_\_\_  
 By: \_\_\_\_\_  
       Chairman  
 By: \_\_\_\_\_  
       Vice-Chairman  
 By: \_\_\_\_\_  
       Commissioner  
 By: \_\_\_\_\_  
       Commissioner  
 By: \_\_\_\_\_  
       Commissioner

\_\_\_\_\_  
 \_\_\_\_\_  
 TOWNSHIP OF  
 By: \_\_\_\_\_  
 By: \_\_\_\_\_  
 Date: \_\_\_\_\_