

ALCONA COUNTY ROAD COMMISSION
POLICY STATEMENT REGARDING DECERTIFIED ROAD
RIGHT OF WAYS

PLEASE BE ADVISED that Michigan law provides all County Road Commissions with the legal authority to control public right-of-ways within their jurisdiction. That control includes, but is not limited to, maintaining and repairing county road right-of-ways to promote safety and convenience in public travel. Pursuant to MCL 224.18, County Road Commissions may abandon public road right-of-ways pursuant to a valid petition initiated by seven freeholders of the Township in which such roads are situated, and after following the procedures outlined in that statute. There is no other mechanism in Michigan statutory law by which to abandon a county public road right-of-way. However, where a County Road Commission no longer desires to maintain and repair a public road right-of-way, the mileage of that road may be “decertified” for highway funding purposes as provided in Public Act 51 of 1951. Decertification is accomplished through the County Road Commission’s annual certification of road mileage to the Michigan Department of Transportation. There are many reasons why a County Road Commission, in its sole discretion, may choose to decertify a public road for Act 51 funding purposes. The act of decertification, however, is separate from and does not constitute abandonment of the public road right-of-way.

In accordance with the foregoing, it is the Alcona County Road Commission’s (“CRC’s”) policy that public road right-of-ways may only be abandoned pursuant to the procedures created in MCL 224.18. The CRC expressly does not intend to abandon any road right-of-ways which are merely decertified for Act 51 funding purposes. Any such decertified road remain public right-of-ways unless and until they are formally abandoned pursuant to MCL 224.18. However, the CRC does not maintain or repair roads that have been decertified under Act 51 and the CRC is not liable for bodily injury or property damage occurring on such road as a result of their condition. By law, any public use of such roads is at the public’s own risk.

Please contact the CRC with any questions regarding county road right-of-ways.

*This policy, adopted by the Alcona County Road Commission Board on July 26, 2023
supersedes, replaces and cancels in its entirety any previous past practices regarding
decertified road right of ways.*