

Road Report

A publication of the Road Commission for Oakland County for public officials serving Oakland County

www.rcocweb.org

After pushback from many road agencies across the state, EGLE puts punitive new brine rules on hold

The Michigan Department of Environment, Great Lakes and Energy (EGLE) has, at least for now, backed off on a new set of highly restrictive rules relating to road agencies' use of mineral-well brine which would have restricted the winter maintenance and dust-control activities of agencies like the Road Commission for Oakland County (RCOC).

Mineral-well brine is naturally occurring salt water that is pumped from the ground. Road agencies across the state use brine to augment rock salt to combat snow and ice in the winter and spray the liquid on gravel roads in the summer to control dust and provide a smoother surface.

The new rules were introduced by EGLE in February with no input from road agencies and were to take effect April 1. They would have significantly reduced the amount of brine that could be used for dust-control and the frequency of dust-con-

trol operations. They would have also reduced the amount of brine that could be used for ice-control in the winter and limited the conditions in which brine could be applied to icy roads.

Upon learning of the new rules, road agencies across the state, as well as the County Road Association of Michigan (CRA), which represents all county road agencies, strongly protested the rules and the fact that there had been no input in formulating the rules from road agencies. EGLE asserts the use of brine is



An RCOC tanker applying brine for dust control on a gravel road. New EGLE rules would restrict dust-control.

contributing to the increased salination of ground water in the state, though the agency has provided no proof of a link between groundwater salination and brine.

CONT'D ON PAGE 2 — SEE **BRINE**

RCOC begins biennial Strategic Planning process with county communities

Top administrators, planners and engineers of the Road Commission for Oakland County (RCOC) have begun meeting with officials of virtually every city, village and township in Oakland County as part of RCOC's biennial Strategic Planning process.

RCOC Managing Director Dennis Kolar noted that since 1985, RCOC officials have met every two years with the communities to ensure the community officials play an active role in setting the Road Commission strategy for coming years.

"This is a very time-consuming, but worthwhile activity," explained RCOC Chair Andrea LaLonde. "It is one of the best investments of our time that we can make. These meetings provide a clear understanding of needs and priorities for all Oakland County communities.

"To our knowledge, we are the only



RCOC Managing Director Dennis Kolar, left, and Deputy Managing Director Gary Piotrowicz, second from left, meet with Wixom officials during the Strategic Planning meeting with the city.

road commission in Michigan that goes to this length to ensure our communities have input in our planning process. It's part of

CONT'D ON PAGE 3, SEE **STRATEGIC**

What's Inside

Preservation Overlay and Spot Resurfacing programs continue 2

Taking road funding from rural counties is not the solution 3

County Review Committee continues work 4

How to contact RCOC . . . 4

Preservation Overlay and Spot Resurfacing programs continue to be cost-effective ways to improve RCOC roads

The Road Commission for Oakland County (RCOC) continues to invest in two road-improvement programs that have proven very cost effective: the Preservation Overlay and Spot Resurfacing programs.

The Preservation Overlay Program involves simple resurfacing of roads that are in moderately good shape, thus prolonging their useful life and providing a smooth surface. The program involves minimal base repairs and "milling" (grinding off) of small sections of bad pavement before applying two or two-and-a-half inches of new asphalt to the road segment.

The program costs approximately \$300,000 per mile and extends the life of the road by five to 10 years. The program will be implemented on about 40 miles of RCOC roads this year at a cost of \$11.4 million.

Last year, RCOC completed about 50 miles of Preservation Overlay projects at

a cost of about \$11 million.

The Spot Resurfacing Program is similar, but involves the simple resurfacing of smaller segments, typically between about 500 feet and several thousand feet, allowing RCOC to place a new surface on bad sections of otherwise decent roads.

This year's Spot Resurfacing Program covers about 17 locations across the county at a cost of approximately \$1.2 million.

"These two programs provide a very cost-effective way to address some of our roads that are starting to deteriorate, and catch them before they become much worse," explained RCOC Managing Director Dennis Kolar. "If we let the roads deteriorate to the point where we need to do a major resurfacing project, the cost would be substantially higher."

Kolar noted another benefit of these projects is that they are completed fairly quickly. "Typically, for both Preservation Overlay and Spot Resurfacing projects, we are in and out in a couple of weeks,



A paving contractor completing an RCOC Preservation Overlay.

and we typically don't close the road. Usually the contractor will complete the work by closing one lane at a time and directing traffic with flaggers."

For a complete list of this year's Preservation Overlay and Spot Resurfacing projects, visit the "Road Projects" section of RCOC's website, www.rcocweb.org.

BRINE — CONT'D FROM FRONT

"The real irony here," RCOC Managing Director Dennis Kolar noted, "is that our use of brine in winter maintenance has allowed us to significantly decrease the use of road salt — we spray brine on the salt as it is spread on the roads, which causes the salt to activate more quickly, and this reduces the amount of salt needed."

He added that if road agencies are forced to reduce the amount of brine they use, it will result in an increase in rock salt usage, which would seem contradictory to EGLE's goal.

The new rules would also prohibit spraying brine on gravel roads for dust control when the road is within 100 feet of any body of water, such as a lake, river, wetland, etc. That would mean that RCOC could not conduct dust-control activities on about one-third of its 750 miles of gravel roads, creating a patchwork of treated and untreated gravel roads.

"This would be dangerous for several reasons," Kolar said. "Untreated gravel roads are extremely dusty in the summer, which creates a breathing hazard for nearby residents, especially those with asthma or other health issues. Untreated roads also result in clouds of dust that block the vision of drivers, making it hard to see oncoming traffic. Additionally, untreated roads are

much rougher than treated roads, so someone may be driving along on a relatively smooth gravel road and all of a sudden hit a washboard section of untreated road, which could cause them to lose control."

In the winter, Kolar explained, mixing brine with salt allows the salt to function at lower temperatures. Without brine, salt begins to lose its effectiveness at about 20 degrees and by about 10 degrees does virtually nothing. The addition of brine lowers both of those thresholds.

Ironically, the new EGLE rules would have prohibited the use of brine for snow and ice treatments at temperatures below 20 degrees — precisely when it is most useful.

Kolar reiterated that RCOC shares EGLE's concern about the environment and has taken many steps over many years to protect the environment. He added that it is not at all clear that road agency operations are the real or only culprit when it comes to ground water salination, noting there are many other potential sources, including industrial sites, commercial parking lots (that are often treated with higher levels of salt in the winter) and residential water softeners (which use rock salt to soften well water, which is often discharged through septic systems and easily finds its way into ground water).

"Our other objection to these new rules,"

Kolar added, "is that they seem to be only concerned with the environment while totally ignoring human safety. We use brine solely because it helps make the roads safer."

Additionally, Kolar noted that the public is not likely to understand if road agencies provide less safe roads because they are forced to comply with these rules. "Many motorists have the expectation that they will be able to travel at or near their normal speed any day of the year regardless of weather conditions," he observed. "If we are not able to maintain the roads in the same manner, it is unlikely that motorists will respond by changing their driving patterns. Unfortunately, a more realistic outcome is that we are simply likely to see more accidents and, sadly, probably more deaths."

"That is not a good tradeoff for the unproven potential outcome of slightly less salinated ground water. I doubt that it will be EGLE employees explaining this to the grieving family members of a traffic fatality caused by unnecessarily icy or dusty roads."

EGLE has not yet indicated what the next step will be concerning the potential new brine rules. EGLE staff has said the department will meet with road agencies to (belatedly) discuss the potential impacts of the new rules, but as of the printing of this newsletter, no meetings had been scheduled.

Commentary by RCOC Managing Director Dennis Kolar:

Taking road funding from rural counties is not the solution to funding crisis

There has been a lot of discussion about Michigan's Act 51 – the law that establishes state road funding -- in the media lately, with several writers and local officials suggesting the act is outdated and the cause of Michigan's road problems.



Dennis Kolar

The reality is that Act 51 provides a fair way to distribute the available road-funding. The real problem is that there simply is not enough road funding in Michigan to meet the needs of the roads across the state.

Detroit News Politics Editor and Columnist Chad Livengood, in his April 2 column, presented Act 51 as "antiquated" and suggested it heavily favors rural areas over Michigan's urbanized counties. While it's true the law was enacted in 1951, what Mr. Livengood failed to point out is that it has been amended more than 300 times, the road-funding distribution formula has been revised 5 times, 72 percent of the Act has been added since 1951 and only 12 of the 75 sections of the Act remain in original form. In other words, this is not the same law that was adopted in 1951, and, in fact, it has been a very dynamic statute.

Additionally, it is interesting that attention is sometimes given to the age of Act 51, though nobody seems concerned that many other state laws, such as the Motor Vehicle Code, the Drain Code and others, are of the same vintage or older.

The real problem with Michigan's roads

is that they have been underfunded for generations. Michigan was among the bottom nine states in the nation in per capita state and local road funding from at least 1964 until road funding was finally increased in 2017 (the road-funding package was approved by the Legislature and signed into law by Governor Snyder in 2015, but did not begin to take effect until 2017 and then was phased in over six years).

Even the additional funding of the 2015 package was inadequate. Yes, it enabled us to stop the rapid deterioration of the road system and begin to restore the system. However, the funding package was too small, and the increased revenue will all be consumed by inflation starting in 2025, and we expect our road system will again begin to decline at that point.

Mr. Livengood noted that Act 51 provides more funding per registered vehicle to rural counties than it does to the large urban counties. That is true. But it is not a flaw of Act 51, it's simply a logical way to balance funding across a diverse state.

If sparsely populated rural, northern counties, such as Keweenaw (the state's least populated county and the example used by Mr. Livengood) had to rely on funding based on the number of vehicles registered in the county, they would likely have to shut down in the winter for lack of funding to plow the substantial snow they receive.

Additionally, many of the less-populated counties have taken the step of enacting countywide millages to fund their roads, something no urban county has done. In

effect, those rural counties are directly contributing more to their local roads than the urban counties are.

What this state really needs is adequate road funding from a sustainable funding source. Taking money away from the rural counties is not a viable or fair solution and would only cripple the rural parts of the state while pitting the urban counties against the rural counties. It would also likely be devastating to the state's second- and third-largest industries, agriculture and tourism.

Rather than "robbing Peter to pay Paul", for once let us adequately fund our roads as many of our neighboring states have done (Ohio and Wisconsin, for example, have long invested far more in their roads than does Michigan).

Nor does redistributing the inadequate current road funding address the other looming road-funding crisis: What will happen when electric vehicles become a much larger portion of the total vehicle fleet in the state?

While the vehicle-registration fee may be the single largest source of state road-funding, the gas tax is the next largest, constituting some 40 percent of state road dollars. As the electric-vehicle fleet grows, the gas tax revenues will continue to decline.

Rather than pitting urban counties against rural counties in a contest to redistribute the inadequate state road funds, let's work together to find a realistic solution that will provide adequate road fundings for all counties and that will address the rapidly approaching EV crisis.

STRATEGIC, CONT'D FROM FRONT our philosophy of open communication with our customers," LaLonde added.

Managing Director Kolar explained that the process allows RCOC to regularly take the pulse of the communities on large issues as well as ensure community officials have an avenue to discuss road needs and provide feedback on day-to-day road-maintenance issues. "Through these meetings, we are kept abreast of what is happening in the communities. We learn about new developments, redevelopment efforts and related traffic and road needs," Kolar noted. "It helps promote a better understanding of the issues we collectively face."

In addition to identifying current and future road needs and maintenance issues, RCOC asks the local officials to prioritize

the needs on county roads within their communities. This information is then used to help prioritize RCOC projects in coming years.

"Since 1985, we have addressed many of the high priority needs identified during the Strategic Planning meetings. We have also adjusted our road-maintenance activities based on community concerns," Kolar said.

Also, at the meetings, RCOC administrators share with local officials important developments at the Road Commission, such as new technology initiatives, and convey financial news. They will also discuss developments at the state level that will impact Oakland County communities, such as issues related to state road funding and the



RCOC officials meet with the leadership of Commerce Township during a Strategic Planning meeting.

change to state law that allows Oakland County communities to request speed limit reductions on gravel roads.

The Strategic Planning meetings are expected to be completed in August. Once they are completed, RCOC will compile a report summarizing the information gathered at the meetings.

31001 Lahser Road
Beverly Hills, MI 48025

County review committee continues examination of Road Commission operations

The Oakland County Board of Commissioners' special committee studying the possibility of the county consolidating the Road Commission into county general government is continuing to study Road Commission operations.

The Committee, made up of Board of Commissioners members David Woodward (D-Royal Oak, chairman of the Commission), William Miller (D-Farmington Hills) and Mike Spisz (R-Oxford Twp.). The Committee was formed last summer and began meeting in November of last year.

So far, the Committee has heard presentations from five RCOC administration members, including Managing Director Dennis Kolar, Deputy Managing Director/County Highway Engineer Gary Piotrowicz, and directors of the Finance, Legal and Highway Maintenance departments, who have explained RCOC's funding, the state's history of underfunding

roads, RCOC's budgeting process, the state laws governing agency operations and the breadth and depth of its road-maintenance operations.

The Committee has also surveyed other county road agencies across the state, both that have been consolidated with county general governments and those where that option was considered but rejected.

To date, the Committee members have not indicated when the process will conclude or what recommendations it might make to the full Board of County Commissioners.

"We are trying to provide an honest, unbiased picture of our operations for the Committee," explained Managing Director Kolar. "We welcome the opportunity to share what we do, how we do it and why we do it the way do it. I hope that this process helps to inspire faith in the Road Commission, the great staff of the agency and in our transparency."

Cameras provide real-time view of two road projects

The Road Commission for Oakland County (RCOC) has installed work zone cameras that provide real-time views of the ongoing road projects at Ten Mile Road between Meadowbrook and Haggerty roads in Novi and at the Avon Road/Dequindre Road intersection on the Rochester Hills/Shelby Township border.

Links to the cameras are on the RCOC website (www.rcocweb.org) -- click on the "Live Road-Construction Cameras" link in the "Popular Resources" section at the bottom of the home page.

The Ten Mile project involves the replacement of two culverts under the road and is part of the Ten Mile Road, Meadowbrook Road to Haggerty Road, rehabilitation project that will continue through the summer. The Avon/Dequindre project involves infrastructure and road improvement work being done by the Great Lakes Water Authority (GLWA).

To learn more about either project, visit the Road Commission "Road Projects" page on the website.

Contacting RCOC

If your constituents need information about a road project or want to report a pothole, traffic-signal concern or other road issue, they should call RCOC's **Department of Customer Services** toll free at:

(877) 858-4804

OR

**Fill out a report via the
RCOC Web site:
www.rcocweb.org**

ROAD REPORT

Road Report is published quarterly by the Road Commission for Oakland County. Have a question or comment about Road Report? Call Senior Communications Manager Craig Bryson at (248) 645-2000, ext. 2202.

Board of Road Commissioners:

Andrea LaLonde, Chair

Nancy Quarles, Vice Chair

Eric McPherson, Commissioner

Dennis G. Kolar, PE, Managing Director

*Gary Piotrowicz, PE, PTOE,
Deputy Managing Director/
County Highway Engineer*