



MEMORANDUM

TO: House Committee for Local Government & Municipal Finance
FROM: Michigan Association of County Drain Commissioners
DATE: May 27, 2020
RE: HB 5060

Pursuant to Section 196 of the Michigan Drain Code (“Drain Code”), Drain Commissioners are limited in the amount of maintenance work they can perform on a single drain in a year. MCL 280.196. House Bill 5060 proposes to raise the current maintenance dollar limitation from \$5,000 per mile per year to \$10,000 per mile per year. The current maintenance limit of \$5,000 places stringent constraints on what a Drain Commissioner can do to perform maintenance on existing drainage systems each year. Whether the existing drainage system is an open channel ditch/watercourse or an enclosed underground system, much of the necessary maintenance of current drainage infrastructure across the State cannot be efficiently performed under the current maintenance limit. This memorandum will outline why the \$5,000 per mile per year limitation (“\$5,000 limit”) often falls short and will provide examples from multiple counties as evidence. Additional documentation of these examples and other examples can be provided upon request.

Open Channel Systems

Many existing drains are open channel systems that date back to the late 1800’s or early 1900’s. Systems of that age require significant maintenance work to preserve their functionality. Under the current \$5,000 limit, to complete a clean out of a 1-mile of drain, the cost per unit would be limited to \$0.95 per foot or less. As demonstrated below, the cost to clean out an open ditch can easily range between \$5 to \$20 per foot. At a unit price of \$10 per foot, a Drain Commissioner can only clean out approximately 500 feet of a 1-mile open channel drain, which is less than 10% of the drain. Accordingly, to clean out a 1-mile drain at a cost of \$10 per foot, it would take 10 years under the current \$5,000 limit. If access concerns or increased tree/brush removal is required, the price per foot increases to approximately \$20 per foot for 1-mile drain.

The following are examples of recent open channel drain projects:

- **Verne Drain (Saginaw County)**
 - 4 miles - \$20,000 per year maintenance limit
 - Bid for drain clean out including open channel excavation, tree clearing and grubbing, culvert clean out, traffic control, and restoration came in at approximately \$30,000, which is \$10,000 above current annual limit.
 - Under current \$5,000 limit, work would need to be performed over 2 years.

- **Yanger Drain (*Saginaw County*)**
 - 1.1 Miles - \$10,000 per year maintenance limit
 - Bid for drain clean out including open channel excavation, tree clearing and grubbing, culvert clean out, traffic control, and restoration came in at approximately \$28,000, which is \$18,000 above current annual limit.

- **Belle River Intercounty Drain (*St. Clair & Lapeer Counties*)**
 - 15 miles - \$75,000 per year maintenance limit
 - In 2009, the drain was inspected and found to be in fair condition with recommendations for brush removal and light sediment removal as maintenance of the drain. Because costs associated with these activities were above the annual maintenance limitations, the recommended maintenance was tabled.
 - In 2015, continued degradation and loss of capacity of the drain caused the Board to start incremental yearly maintenance. However, 6 years into the program less than 50% of the necessary maintenance is complete and recommended maintenance has been cut from the program to satisfy the \$5,000 limit.

- **Schmidt Intercounty Drain (*Bay & Saginaw Counties*)**
 - 1.4 Miles - \$10,000 per year maintenance limit
 - Average bid for drain clean out including open channel excavation, tree clearing and grubbing, culvert clean out and maintenance, and restoration was approximately \$41,250, which is \$31,250 above current annual limit.

Enclosed and Mixed Drainage Systems

Enclosed drainage systems typically consist of underground pipe and/or tile, along with various manhole, catch basin and inlet structures. The cost to maintain an enclosed system varies greatly based on the size of the pipe, depth of the infrastructure, and access to the drainage infrastructure. Enclosed systems can be anything from a farm tile to a commercial or residential storm sewer or sanitary system. Based on examples we received, maintenance work on an enclosed or partially enclosed drainage system can range between \$9,193 to per mile to \$37,963 per mile.

The following are examples of recent enclosed drain maintenance:

- **#405 Drain (*Gratiot County*)**
 - 2.24 miles - \$15,000 per year maintenance limit
 - Enclosed system in Lafayette Township. The majority of the drainage system required maintenance work.
 - Cost estimates placed the work at roughly \$85,000, which amounts to \$37,963 per mile or \$7.19 per foot. If completed in phases, it would have taken at least 6 years to complete the work.

- **Eau Claire Village Drain (*Berrien County*)**
 - 1.8 Miles - \$10,000 per year maintenance limit
 - Agricultural and village tile drainage system.
 - Necessary work included excavation and drain tile repair. Costs associated with construction of the maintenance totaled approximately \$75,000. A resolution to exceed the \$5,000 limit was necessary.
- **#A31 Drain (*Berrien County*)**
 - Less than 1 mile - \$5,000 per year maintenance limit
 - Enclosed subdivision system that experienced a sinkhole under a road.
 - Necessary work included excavation, dewatering, pipe repair, and road restoration. Costs associated with construction of the maintenance totaled approximately \$23,000. This work could not be completed in multiple years as it was a single fix. A resolution to exceed the \$5,000 limit was necessary.