

**THE DRAIN CODE OF 1956 (EXCERPT)**  
**Act 40 of 1956**

**280.327 Construction or maintenance of highway; county or intercounty drain; application or petition, procedure, jurisdiction, and authority of county drain commissioner or drainage board; meeting to be held by director of department of agriculture and rural development; determination.**

Sec. 327. (1) If it is necessary for the construction or maintenance of any highway to take the surplus water across adjacent lands, any of the following may submit an application or petition to the drain commissioner of the county or counties in which the highway is situated to lay out and designate a county or intercounty drainage district, locate and establish a county or intercounty drain, or clean out, widen, deepen, straighten, or extend an established county or intercounty drain:

(a) The director of the state transportation department.

(b) A board of county road commissioners.

(c) If a resolution is adopted pursuant to section 6 of 1909 PA 283, MCL 224.6, transferring the powers, duties, and functions that are otherwise provided by law for an appointed board of county road commissioners, a county board of commissioners.

(2) An application or petition under subsection (1) shall conform to the law regulating applications or petitions for the laying out and designating a drainage district, locating and establishing of drains, and cleaning out, widening, deepening, straightening, and extending established county or intercounty drains. The application or petition shall have the same force and effect, and be subject in other respects to the same laws and regulations that govern other applications or petitions and shall confer the same jurisdiction and authority on the county drain commissioner or drainage board to lay out and designate a county or intercounty drainage district, locate and establish a county or intercounty drain, or clean out, widen, deepen, straighten, or extend an established county or intercounty drain. However, if the director of the state transportation department submits an application or petition under this section, he or she shall serve a copy of the application or petition on the director of the department of agriculture and rural development, who shall within 60 days hold a meeting at a public place in the vicinity of the proposed or established county or intercounty drainage district for the purpose of determining the practicability or necessity of the drain, and a board of determination is not necessary to pass on those questions. The meeting shall be held, notice given, and all persons interested may be heard in the same manner as provided in section 102 or section 122. The determination of the director of the department of agriculture and rural development shall be filed with the drain commissioner or drainage board.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 2014, Act 552, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 40