

## Opinion No. 14-1212

May 1, 1914

**BY:** H. S. CLANCY, Assistant Attorney General

**TO:** Honorable James A. French, State Engineer, Santa Fe, New Mexico.

### **BRIDGES.**

County bridges exceeding \$ 1000.00 in cost cannot be constructed until state engineer has approved the site thereof.

### **OPINION**

{\*72} I have been handed by you a letter addressed to you by Mr. Wayne Walling, one of the commissioners of San Juan County, in regard to your letter of February 5, 1914, which was addressed to all of the county commissioners of New Mexico, in regard to which Mr. Walling states that the board, of which he is a member, denies your right to approve the site of a county bridge and the "supervision of letting the contract."

I have made a careful examination of your letter of February 5, 1914, and cannot see that any well-founded objection can be made to it by any board of county commissioners. In that letter you quote, in its entirety, Section 10 of Chapter 42 of the Laws of 1909, which seems to be in full force and effect, except that the State Engineer has no longer power to supervise the construction of such bridges, the construction of which is provided by Chapter 32 of the Laws of 1913. The act of 1913 empowers the county commissioners to employ a county surveyor or some other competent person to supervise the erection of bridges, but the act of 1909 still vests in the State Engineer the right to approve the "site for such bridges, the contract and specifications therefor."

It would thus appear that no county bridge which exceeds in cost the sum of \$ 1000.00 can be constructed until the State Engineer has approved the site for such bridge, and also approved the contract and {\*73} specifications therefor. There is nothing in your letter which is contrary to the opinion of this office. In the concluding paragraph of your letter you have offered to prepare and submit plans and specifications for bridges, but you have nowhere arrogated to yourself the right to supervise the construction of any bridge contemplated under the act of 1913, but have merely offered your services to county commissioners, which services it is undoubtedly within their power to accept or reject. It is equally clear, however, to this office that no such bridge can be constructed until you have approved the site thereof, and also the contract and specifications in regard to the construction of the same.

I return to you herewith Mr. Walling's letter.