

Opinion No. 26-3887

May 12, 1926

BY: ROBERT C. DOW, Assistant Attorney General

TO: Mr. John J. Doherty, Folsom, New Mexico.

This office is in receipt of your letter of May 7th, wherein the Council of the Village of Folsom requests an opinion relative to the maintenance or construction of a bridge across Dry Cimmaron River; you desire to know whether or not this bridge should be maintained by the County, or if necessary to construct another bridge, whether or not said bridge should be constructed by the County, the bridge in question being within the incorporated limits of the Village of Folsom.

I am taking for granted that the bridge is on a county road and is more than forty (40) feet in length, and if so, I am of the opinion that the same should be kept in repair by the County.

Section 3660 of the Laws of 1915, provides in part:

"All public bridges exceeding forty feet in length, over any stream crossing a State or County highway, shall be constructed and kept in repair by the County."