

the Attorney General for 1930, page 1286, where there was under consideration the question as to whether or not a municipality's share of the proceeds of the gasoline and motor vehicle license taxes could be used for traffic signals and paint to be used for marking spaces and traffic division lines under the above sections before amendment, which sections permitted the same use of gasoline tax moneys by municipalities as is now granted to the various counties with the addition of repaving.

"Traffic lights are not such a part of street construction or maintenance as to warrant including their cost within the purposes of these taxes. They constitute, as was stated in my previous opinion, substantially a substitution for a police officer in the regulation of traffic and, until the Legislature has spoken, I do not feel warranted in extending the purposes of the taxes here in question to that point."

It is interesting to note that after the rendition of the above opinion, the legislature amended section 5541-8, General Code, to provide that a certain percent, of the proceeds of the second two cent gasoline tax, payable to municipalities, could be used for "the sole purpose of maintaining, constructing, widening, reconstructing, cleaning and clearing the public streets and roads within such corporation, *and for the purchase and maintenance of traffic lights.*" This provision, however, was not extended to the expenditure of the proceeds of such tax by the county.

In view of the foregoing, I am of the opinion that:

(1) Upon the consent and approval of the Director of Highways, a board of county commissioners may purchase, erect and maintain automatic traffic signals at the intersection of public highways, outside of municipalities, on the state highway system.

(2) The cost of purchasing and maintaining automatic traffic signals at the intersection of public highways, outside of municipalities, on the state highway system, may not be paid by a board of county commissioners from moneys arising from the county's share of the proceeds of the gasoline taxes.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3665.

APPROVAL, BONDS OF TULLY TOWNSHIP, MARION COUNTY, OHIO
—\$1,682.29.

COLUMBUS, OHIO, October 17, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.