

Department of Industrial Relations as lessee. By the terms of this lease, the State is granted the use of 464 square feet of office space on the third floor of the Colonial Finance Building located at 212 North Elizabeth Street, Lima, Ohio, for the term of nineteen (19) months from the first day of June, 1933, to the thirty-first day of December, 1934, in consideration of the sum of Seven hundred twelve dollars and fifty cents (\$712.50).

You have also submitted encumbrance estimate No. 139 bearing the certificate of the Director of Finance, to the effect that there is legally appropriated an unencumbered balance sufficient to pay the rental for the first month of the lease.

Proper evidence of authority has been submitted to show the power of Frank C. Kahle, Vice President, and J. F. Solomon, Secretary, to enter into the lease to bind the Colonial Finance Company. I would suggest that the words "State of Ohio, by" be inserted directly above the signature, "T. S. Brindle", on the lease, and the words "Superintendent, Department of Public Works" be added after said signature.

Finding said lease in proper legal form, subject to said suggestion, I hereby approve it, and am returning it, together with all papers submitted in connection therewith.

Respectfully,

JOHN W. BRICKER,
Attorney General.

915.

FOOT BRIDGE—DUTY TO MAINTAIN AND KEEP IN REPAIR ON
TOWNSHIP ROAD RESTS UPON TOWNSHIP TRUSTEES.

SYLLABUS:

The duty to maintain and keep in repair a foot bridge on a township road rests upon the township trustees as a part of their duty to keep the township roads in good repair.

COLUMBUS, OHIO, June 5, 1933.

HON. HOWARD M. NAZOR, Prosecuting Attorney, Jefferson, Ohio.

DEAR SIR:—I acknowledge receipt of your communication which reads in part as follows:

"I would appreciate your advice as to whether or not there is any duty imposed upon County Commissioners to build or maintain foot bridges over streams.

There is some controversy here over a certain foot bridge over a stream on a township road, and claim has been made that it is the duty of the Commissioners to maintain this bridge, although there are no records to show that it was built by the County."

This office has held in recent opinions that it is the duty of county commissioners to maintain and keep in repair bridges on township roads, but that township trustees may also expend money for such maintenance and repair if they so

desire. Opinions of the Attorney General for 1929, Vol. I, page 702; Opinions of the Attorney General for 1928, Vol. I, page 292; Opinions of the Attorney General for 1925, page 389. The statutes construed in these opinions, relating to the construction and maintenance of bridges, refer only to bridges over streams and canals on public roads and highways, and I believe that the word "bridges" as used therein contemplate such bridges as will accommodate the traffic on such roads and will enable all such traffic to cross such water courses where they intersect such highways. I am of the view therefore that such statutes do not contemplate the construction of foot bridges by any one. The only statute that I am able to find authorizing the construction of foot bridges is section 7562-1, General Code, which reads as follows:

"That the trustees of any township are authorized and empowered to construct, rebuild and repair foot bridges across the rivers and streams in their respective townships when they may deem it necessary so to do in order to provide convenient means of access to the public schools of their said township by the pupils residing in the school district, wherein a public schoolhouse is located; but in no case shall the cost of the aforesaid construction, rebuilding or repair of any said foot bridge exceed the sum of one thousand dollars."

In Opinions of the Attorney General for 1917, Vol. II, page 1813, the first branch of the syllabus reads as follows:

"In the matter of building foot bridges, the statutes seem to give no power or authority to any board excepting to the township trustees. (Sec. 7562-1 G. C.)"

Referring to this section, this opinion says on page 1814:

"Under the provisions of this section it is my opinion that only the township trustees have authority and are empowered to construct and keep in repair foot bridges across the rivers and streams in their respective townships, under the limitations and conditions set out in said section 7562-1 G.C."

I find no provision which would impose on the county commissioners the duty to maintain and keep in repair a foot bridge which has been constructed on a township road.

Section 3370, General Code, reads in part as follows:

"The township trustees shall have control of the township roads of their township and shall keep the same in good repair."

This statute clearly imposes upon the township trustees the duty to keep township roads in repair. A bridge over a stream on a road constitutes a part of such road, and since no duty is imposed upon the county commissioners to maintain such a bridge, I am of the view that this duty rests upon the township trustees as a part of their duty imposed by section 3370, General Code, to keep the township roads in repair.

Respectfully,
JOHN W. BRICKER,
Attorney General.