

85.

APPROVAL, BONDS OF BENTON TOWNSHIP, MONROE COUNTY,
\$8,000.00.

COLUMBUS, OHIO, February 17, 1927.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

86.

DIRECTOR OF HIGHWAYS—NO AUTHORITY TO EXPEND FUNDS OF
HIGHWAY DEPARTMENT TO CO-OPERATE WITH COUNTY OFFI-
CIALS IN EMPLOYING OFFICERS TO ENFORCE STATE TRAFFIC
LAWS.

SYLLABUS:

There is no authority in law for the Director of Highways and Public Works to expend funds appropriated to the use of the highway department for the purpose of employing or co-operating with county officials in the employment of officers for the purpose of patrolling state highways to enforce the state traffic laws.

COLUMBUS, OHIO, February 17, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—I beg to acknowledge receipt of your letter of recent date, to which is attached a letter from the prosecuting attorney of Holmes county, in which the prosecutor states:

“There has been considerable complaint concerning traffic violations and misdemeanors on the state and county highway systems in Holmes county, Ohio.

Holmes county is not exactly equipped to control this situation, and we would like to be advised if we could have the co-operation of the State Highway Department in this respect.

Would the State Highway Department pay, say one-half of the salary of a patrolling officer, if the county commissioners would pay the other half, one-half of the time of said officer to be spent on the state system and the other half of the time to be spent on the county system.

Or what would the department be willing to pay towards proper patrolling of the state system in Holmes county?

If there is any way we can co-operate with the State Highway Department in controlling this situation, we would be glad to do so.”

You inquire whether the Department of Highways may participate in the maintenance of an officer to be used jointly on state and county highways.

Section 154-3 of the General Code creates a Department of Highways and Public Works, and provides:

"The director of each department shall, subject to the provisions of this chapter, exercise the powers and duties vested by law in such department."

Section 1178 of the General Code provides:

"There shall be a state highway department for the purpose of constructing, improving, maintaining and repairing a state system of highways, co-operating with the federal government in the construction, improvement, maintenance and repair of post roads or other roads designated by the federal authorities, and affording instruction, assistance and co-operation to the counties, townships and other subdivisions of the state in the construction, improvement, maintenance and repair of the public roads and bridges of the state under the provisions of this chapter. * * *"

There is no statutory provision giving the Director of Highways and Public Works jurisdiction over the policing of roads composing either intercounty highways or main market roads.

These two classifications include all roads commonly known as state roads.

The word "maintenance" as used in Section 1178 of the General Code refers to the physical upkeep of roads when once constructed and not to policing them for the purpose of apprehending violators of the traffic laws.

The only section of the Code in any way relating to the power of the State Highway Department with reference to traffic rules and regulations is Section 7251-1, which reads as follows:

"In those counties having forty miles or more of improved intercounty or main market roads the sheriff of each county shall and in all other counties may detail one or more deputies for the work of enforcing the provisions of this act (G. C., Sec. 7246 to 7251-1); and the county commissioners of each county shall appropriate such amount of money annually, from the road fund of such county as shall be necessary to equip and to compensate such deputy or deputies for services rendered hereunder. The road superintendents and assistant road superintendents of the state highway department and patrolmen of the county highways may be deputized by the sheriffs of the counties in which they are employed, as deputy sheriffs, but shall receive no extra compensation."

It will be observed that the sole purpose of this section is to permit road superintendents and assistant road superintendents of the State Highway Department to be deputized by the sheriffs of the counties in which they are employed, as deputy sheriffs, the section further providing that such road superintendents and assistant road superintendents shall receive no extra compensation. In neither this section nor any other section of the General Code is the Director of Highways and Public Works given authority to expend funds, appropriated for the use of his department, for the purpose of employing officers to enforce the traffic laws of the state.

Answering your question specifically, I am of the opinion that there is no authority in law for the Director of Highways and Public Works to expend funds appropriated to the use of the highway department for the purpose of employing or co-

operating with county officials in the employment of officers for the purpose of patrolling state highways to enforce the state traffic laws.

Respectfully,
EDWARD C. TURNER,
Attorney General.

87.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE H. C. FELVER CO., CLEVELAND, OHIO—TO CONSTRUCT SEWER, CLEVELAND STATE HOSPITAL, \$10,000.00—SURETY BOND BY THE AETNA CASUALTY AND SURETY COMPANY.

COLUMBUS, OHIO, February 18, 1927.

HON. G. F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, for and on behalf of the Department of Public Welfare, and the H. C. Felver Company, Inc., Cleveland, Ohio. This contract covers the general contract for sewer (construction and equipment at Hawthornden), Cleveland State Hospital, Cleveland, Ohio, and calls for an expenditure of ten thousand dollars (\$10,000.00).

You have submitted the certificate of the director of finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. There has further been submitted a contract bond upon which the Aetna Casualty and Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

88.

APPROVAL, BONDS OF VILLAGE OF SOUTH EUCLID, CUYAHOGA COUNTY, \$281,150.00.

COLUMBUS, OHIO, February 18, 1927.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.