

Section 1178, General Code, places the duty of constructing, reconstructing, widening, resurfacing, etc., the state system of highways and the bridges and culverts thereon within the functions of the state highway department.

From a consideration of the above sections and bearing in mind the fact that the duty of maintaining and repairing those highways designated as state highways is placed upon the department of highways, it would seem that legal title to culverts and bridges erected and paid for by a county would automatically be transferred to the state, of which the county is a subdivision, upon the taking over and assuming the burden of maintaining and repairing the same by the state department of highways.

This conclusion is strengthened by an examination of Section 1224, General Code, which reads in part as follows:

"The director, within the limits of available appropriations, shall maintain and repair to the required standard, and, when in his judgment necessary, shall widen, reconstruct, resurface, or otherwise improve all highways, comprising the state highway system and bridges and culverts thereon. In repairing the state highway system the director shall not be limited to the use of the material with which such highways including the bridges and culverts thereon were originally constructed, but may reconstruct, widen, repair, resurface and maintain such highways including the bridges and culverts thereon by the use of any material which he deems proper. \* \* \*"

It is apparent from the inference therein that the bridges and culverts located on the state highway and with which the same were originally constructed should be considered as the state's property and in reality belong to the state.

In view of the foregoing and in specific answer to your inquiry, I am of the opinion that bridges and culverts on a county road outside of a municipality, upon being taken over by the department of highways as a state highway, become the property of the state.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4369.

APPROVAL, AMENDED CHARTER OF CINCINNATI EQUITABLE INSURANCE COMPANY.

COLUMBUS, OHIO, June 1, 1932.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am herewith returning Amended Charter of Cincinnati Equitable Insurance Company with my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*