

## **Opinion No. 62-60**

April 13, 1962

**BY:** OPINION OF EARL E. HARTLEY, Attorney General William E Snead, Assistant Attorney General

**TO:** Mr. Robert L. Thompson, Engineer, Electrical Administrative Board, 1824 Lomas Boulevard, N.E. Albuquerque, New Mexico

### **QUESTION**

#### QUESTION

Does the Electrical Administrative Board have jurisdiction over the installation of conduits, conductors, devices, and other components of the wiring necessary for the operation of street lighting and/or traffic signals in connection with an urban federal aid highway project?

#### CONCLUSION

Yes.

### **OPINION**

#### ANALYSIS

The answer to your question involves a careful construction of Article 19 (Sec. 67-19-1, et seq.), N.M.S.A., 1953 Comp., which defines the jurisdiction of the Board. It is our understanding that the contractor building the road is to install the equipment and that the local utility company is to operate and maintain the system for the municipality. We have also been informed that the electrical system for signals and street lights becomes the property of the municipality upon completion of the project according to the federal aid project contract.

Upon this set of facts, we conclude that the Board has jurisdiction to inspect the installation of the wiring necessary for the operation of street lights and/or traffic signals.

The only possible exception to the applicability of the inspection provisions of Article 19 is contained in Sec. 67-19-1 (A) which provides:

"The provisions of this act [67-19-1 to 67-19-19] shall apply to all installations of electrical conductors, wiring, conduits, fixtures, devices, appliances or other electrical equipment or materials, hereinafter defined as 'electrical wiring' within or on public or private buildings, structures, or premises, except as hereinafter provided:

(a) The provisions of this act shall not apply to the installation, alteration, or repair of electrical wiring for the generation and distribution of electrical current up to and including the meters, where such work is an integral part of the system owned and operated by an electrical public service corporation, or the light and power department of any city of this state, in rendering its duly authorized service as such."

Since no meters are involved in the factual situation presented above, this exception does not apply. The wiring for traffic signals and street lights is not an integral part of the ordinary wiring necessary for servicing houses. The wiring involved certainly comes within the definition of "electrical wiring", set forth in Sec. 67-19-2 (C):

"(C) 'Electrical wiring' shall mean and include all wiring, conductors, fixtures, devices, conduits, appliances or other equipment, including generating equipment of not over ten (10) kilowatt capacity, used in connection with the general distribution or utilization of electrical energy with a potential of twenty-four (24) volts or more between conductors."

The electrical engineer and every inspector are given authority to enter upon premises where "electrical wiring devices, appliances and equipment", has been or is being installed to inspect the same and take any necessary protective measures.

It is noted that even though the wiring under consideration will be part of a municipally owned system, the contractor must be licensed in order to do the work. The contractor is within the definition of an electrical contractor. Under Sec. 67-19-2 (A), an electrical contractor is defined as follows:

"(A) 'Electrical contractor' shall mean and include any person, firm, partnership or corporation engaged in the business of, or holding themselves out to the public as being engaged in the business of installing or repairing, or contracting to install or repair any electrical wiring, conduits, devices, fixtures, equipment, and other electrical materials for carrying, using or consuming electrical energy for which a permit is required by section 11 [67-19-10]."

Section 67-19-10, N.M.S.A., 1953 Comp., provides the situations in which a permit shall be required, and the exceptions. The situation here involved is within the language requiring a permit, and the only exception is the replacement of lamps, specifically excepted in paragraph (A). This would apply to the replacement of lamps in street lights.