

Opinion No. 20-2545

April 13, 1920

BY: HARRY S. BOWMAN, Assistant Attorney General

TO: Mr. Kenneth A. Heron, County Road Superintendent, Chama, New Mexico.

Road Funds May Be Used for Bridge Protection.

OPINION

We are in receipt of your letter of the ninth instant submitting two questions upon which you desire opinions from this office.

1. Is the County of Rio Arriba authorized to use moneys from its county road fund for river protection work, there being no river protection fund in this county?
2. Should a private citizen loan money to the county for the purpose of river protection work mentioned above, in the event that the county road funds are not available? Is there any method by which the county could repay such loan?

From other correspondence before us in this matter we learn that the river protection work contemplated is for the purpose of protecting the bridge and the approaches thereto at Santa Cruz, or rather, one of the bridges near there.

In view of the contemplated uses of the fund, we are of the opinion that the county road funds are available, as bridges and their approaches fall within the definition of "roads" as used in the statute providing for levies for county road purposes. We, therefore, in view of the special circumstances for which these funds are to be expended, answer your inquiry in the affirmative.

The answer to the above makes an opinion upon your second inquiry unnecessary, but in the event that money is borrowed for the purpose of doing this work, at this time, and the fund is not sufficient to pay the same, repayment of the loan may be made out of future collections for this year, to be covered into the county road fund.