

**Opinion No. 37-1676**

June 15, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. G. F. Conroy State Highway Engineer Santa Fe, New Mexico

{\*122} We have received your letter of yesterday, inquiring whether or not the State Highway Commission has the power to create speed limits, and, if so, whether such speed limits may be enforced.

The only conditions under which the State Highway Commission is given authority to set special speed limitations, different from those established by law, are those specified in Section 8 of Chapter 75 of the Laws of 1929 (Section 11-808, 1929 Code).

I see no reason why the Highway Commission cannot fix speed limits under the authority of this statute in the section of highway mentioned by you.

If such special speed limitations are fixed by the Highway Department, a violation thereof is punishable under Section 11-859 of the 1929 Codification, the same being Section 59 of Chapter 75 of the Laws of 1929.

By A. M. FERNANDEZ

Asst. Atty. Gen.