



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable M. B. Campbell
County Auditor
Nacogdoches County
Nacogdoches, Texas

Dear Sir:

Re: Opinion No. 0-3934
Title to bridge on
highway abandoned by
The State Highway
Commission.

We acknowledge receipt of your letter of September 5, 1941, requesting the opinion of this department upon the following fact situation which is quoted from your letter:

"Several years ago, on road from Nacogdoches to Lufkin, Nacogdoches and Angelina County built a bridge across Angelina River. Later the road was taken over by the State Highway Department of Texas and maintained as a State Highway. A few years ago the Highway Department saw fit to change the route of the Highway and by doing so they had to build another bridge across the river. After the new route and bridge was built the old route and bridge has not been used.

"I would like to know if the old bridge is the property of the State Highway Department or Nacogdoches and Angelina Counties."

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The following provision appears in Article 6674Q-9 Vernon's Revised Civil Statutes of Texas:

" . . . provided, however, that nothing in this Act shall prevent the State Highway Commission from changing or abandoning any State highway, and if the Commission shall change or abandon any State highway in any county, the commissioners court of such county shall have the right to assume jurisdiction over such portion of such highway so abandoned by the State Highway Commission" (Emphasis ours)

We assume from your statement of the fact situation that the bridge in question was constructed jointly by Angelina and Nacogdoches Counties on the river which is the boundary line between the two counties. Under the above quoted statutory provision the Commissioners Courts of Nacogdoches and Angelina Counties may assume jurisdiction over the bridge described in your opinion request, and the bridge will then occupy the same status as any other property belonging to the Counties of Nacogdoches and Angelina.

Yours very truly

APPROVED OCT 4, 1941

ATTORNEY GENERAL OF TEXAS

Boon Allen
FIRST ASSISTANT
ATTORNEY GENERAL

By

Ross Carlton
Ross Carlton
Assistant

RC:FS

