

# MAINE STATE LEGISLATURE

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September 11, 1936

State Highway Commission  
Augusta  
Maine

Attention, Lucius D. Barrows, Chief Engineer

My dear Barrows:

In response to your letter of June 24, relative to the Arrowsic-Georgetown Bridge over Back River between the towns of Arrowsic and Georgetown, I am pleased to inform you that the general rule of law seems to be that the word "approaches" (to a bridge) includes whatever is necessary to make a bridge accessible. It is further stated that the duty to repair and construct such approaches is on the party whose duty it is to repair the bridge proper.

Under Section 3 of the Bridge Act, the State Highway Commission is required to prepare all engineering plans and specifications for materials, construction and maintenance which it considers necessary, not only for the bridge construction, but also for its approaches; and Section 2, provides that the cost of construction shall include, not only the complete cost of the bridge proper, but also such embankments, surfacing and other work as it considers necessary to provide proper, adequate and safe approaches to the bridge.

The difficult point is the determination of what constitutes an approach as distinguished from the highway generally, and it has been held that, -

"This point, in the absence of definite expression, must be determined by a consideration of what is reasonable under the circumstances of a particular case, and not on any arbitrary rule relative to the distance from the bridge construction."

In this connection, our Court in the case of STARRETT V. HIGHWAY COMMISSION, 126 Me. 212, called attention to some authorities as to what is included under the term "bridge".

"By the English law the highway three hundred feet from each end of a bridge was considered as a part of the bridge was considered as a part of the bridge for the purposes of repair, and in this country the highway at the end of a bridge may be considered as connected with the bridge. Titcomb vs. Fitchburg Railroad Co., 94 Mass. 254."

"As used in a statute providing for the repair of bridges by county commissioners, the word 'bridge' means not only the structure itself but includes its approaches, as well as its abutments, bankments and railways; The Driftwood Valley Turnpike Co., vs. County Commissioners, 72 Indiana 226. In that case the statute required the county commissioners to cause all bridges therein to be kept in repair and the question arose whether the approaches to such bridges were to be deemed parts of the same. The court said that upon that point there could be little or no doubt and answered the question in the affirmative.

"Approaches to a bridge are whatever is necessary to connect the bridge with the public roads or streets, either at the end thereof, or to make such roads or streets conform to the grade of the bridge. Township Committee of Kearney vs. Ballantine et als. 23 Atl. 821; 54 N.J.Law 194.

"Approaches to a bridge are the ways at the ends of it, which are a part of the bridge itself. By the common law the duty to keep a bridge in repair carried with it the duty to keep in repair, as a part of the bridge, the highway at each end of it, for a space of three hundred feet. This limit of space has not been adopted in Massachusetts but the highways at the ends of a bridge have been recognized as, and called, the approaches to it in several decisions: Commonwealth vs. Deerfield, 6 Allen, 449; Titcomb vs. Fitchburg Railroad, 12 Allen 259; Rouse vs. Somerville, 130 Mass. 361."

Our court in this case also said that, -

"The term 'bridge' includes not only the structure spanning the chasm over which it is erected but also includes the approaches by which access to the bridge is obtained, such approaches being as much a part of the appendages to the bridge as the bridge itself."

It appears that our court has adopted the Massachusetts rule as to what may be considered a part of a bridge project.

It has been further held by our court that, \_

"The approach to a bridge is properly the entrance to it over the public traveled way; and the only way of ingress and egress of which travelers, using the bridge, could avail

themselves. It is too narrow a construction to hold, that a bridge over a river ceases at the point where it rests up on the land."

At the joint board hearing relative to the construction of the bridge in question, it does not appear that the County Commissioners of Sagadahoc County had any doubt as to what comprised the bridge project.

I am unable to determine from the plans you enclosed, just what the situation is but, from a recent observation made of the location, it might be held that the bridge structure extended to the highway at the ends of it.

Very truly yours,

Deputy Attorney General

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