

May 6, 1937

Mr. J. Prugh Herndon, Comptroller
University of Arizona
Tucson, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Herndon:

This will acknowledge receipt of your letter of recent date relative to traffic regulations on the University Campus.

The statutes of the State of Arizona in reference to speeding and reckless driving of a motor vehicle, prohibits such unlawful driving on a "highway" Section 1686, as amended, defines Highway as follows:

"Highway shall mean any way, road or place of whatever nature, open to the use of the public as a matter of right for the purpose of vehicular travel."

It is clear from this definition that the driveways and roads on the University Campus are not classed as highways within the meaning of these statutes, for the reason such driveways and roads are not open to the use of the public as a matter of right.

However, Section 1587, subdivision (a) as amended, provides as follows in reference to the lawful rate of speed a motor vehicle may be driven at certain places:

"Fifteen miles per hour: 1. When passing a school building or the grounds thereof during school hours"

We are of the opinion that this section is effective on the driveways and roads on the University Campus, regardless of the fact that such driveways and roads are not "public highways". And it, of course, follows that the driver of a motor vehicle violating this section may be prosecuted in the Justice Court of Pima County.

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Regarding the student driving a car over the curb of a University driveway and onto the lawn in front of a building, I wish to call your attention to Section 4824 of the Revised Code of Arizona, 1928, which reads as follows:

"Destroying property: Every person who maliciously injures or destroys any real or personal property not his own is guilty of a misdemeanor".

The acts committed by the student undoubtedly come within the provisions of this section and it is the duty of the County Attorney to prosecute for such an offense.

In so far as parking of motor vehicles in restricted zones on the campus is concerned the fact such driveways are not "public highways" prevents such acts from constituting an offense under our laws. Of course, the University authorities may enforce these regulations so far as students are concerned.

Yours very truly,

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