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July 5, 1951
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Hon. L. A. Eastburn, President
Arizona State College
Flagstaff, Arizona

Dear Sir:

This will acknowledge receipt of your letter of June 16, 1951 relative to parking and traffic on the streets of Arizona State College at Flagstaff.

Section 66-401, Section 13, Pocket Supplement, ACA 1939, defines "highway" as follows:

"'Highway' means any way, road, or place of any 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 Arizona State College campus are not classed as highways within the meaning of this statute, for the reason that such driveways and roads are not open to the use of the public as a matter of right.

However, Section 66-101, Subsection (a) ACA 1939 provides, in reference to the lawful rate of speed a motor vehicle might be driven at certain places, as follows:

"Fifteen (15) miles per hour: 1. When passing a school building or the grounds thereof during school hours * * *"

We are of the opinion that this statute is effective on the driveways and roads on the 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 Coconino County.

Insofar as parking of motor vehicles in restricted zones on the college campus is concerned, the fact that driveways are not

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public highways prevents such act from constituting an offense under our law. However, it is our opinion that the Board of Regents, under the authority of Section 54-1602 (d) Pocket Supplement, ACA 1939, could enact an ordinance for the government of institutions under its jurisdiction, and could enforce the ordinance passed by the Board of Regents so far as students are concerned.

In order that the City of Flagstaff would have authority to police traffic and parking on the college campus, it would take a legislative enactment to provide authority to the City of Flagstaff, but then you would face the question as to whether or not the City of Flagstaff would be willing to bear the expense of policing the highways on the campus. Also by an enactment of the Legislature a law could be passed regulating parking on the campus as under Section 66-117, Subsection (b), Pocket Supplement, ACA 1939, then your parking problems could be enforced by your own employees and violators could be prosecuted for violation of the ordinance by the County Attorney of Coconino County.

Trusting the above will be of some assistance to you, and assuring you of our willingness to assist in any way possible, we are

Respectfully,

FRED O. WILSON
Attorney General

MAURICE BARTH
Assistant Attorney General

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