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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

LUTHER STRANGE
ATTORNEY GENERAL

501 WASHINGTON AVENUE
P.O. BOX 300152
MONTGOMERY, AL 36130-0152
(334) 242-7300
WWW.AGO.STATE.AL.US

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Honorable Regina B. Edwards
Attorney, City of Wetumpka
109 East Bridge Street
Wetumpka, Alabama 36092

Municipalities – Roads, Highways, and Bridges – Vacation – Streets – Rules and Regulations – Elmore County

A municipality has the inherent power to impose reasonable regulations to control traffic and the use of its streets. Based upon this power, a municipality may develop and open a street to pedestrian traffic only.

Dear Ms. Edwards:

This opinion of the Attorney General is issued in response to your request on behalf of the City of Wetumpka.

QUESTION

May a city build a street that has been platted and accepted by the city, but undeveloped, and open the street to pedestrian traffic only?

FACTS AND ANALYSIS

According to your request, the City of Wetumpka has been awarded a grant to extend its Riverwalk from Tallassee Street in Wetumpka to the Sports Complex on the Highway 14 Bypass. The design for the extension shows the trail extending along "Beaver Street," which is an undeveloped street as shown on the city map of Wetumpka. This city map was

officially adopted by the City of Wetumpka on September 20, 1932. The street is also shown in a plat of the Riveria Estate Subdivision, which was platted and filed of record in approximately 1958 in the land records of Elmore County. The lots adjacent to the right-of-way for Beaver Street have never been developed. This opinion is based on the assumption that the street has been officially dedicated and accepted as a public road.

This Office has previously opined that municipalities have an inherent authority to impose reasonable regulations to control traffic and the use of streets under the municipal police power. Opinion to Honorable Justin G. Williams, Attorney, City of Northport, dated July 9, 2008, A.G. No. 2008-105 (case citations omitted). In that opinion, this Office determined that the closing of a portion of a city street was an exercise of the municipality's police power and that the closing of the street was not a vacation of the public rights, and thus, the vacation procedures in section 23-4-1, *et seq.*, of the Code of Alabama did not apply. *Id.*

The word "traffic" is not specifically defined in provisions of the municipal code; however, it is defined in title 32 relating to motor vehicles and traffic. "Traffic" is defined as "[p]edestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel." ALA. CODE § 32-1-1.1(74) (2010).

Your request states that the city wishes to develop the street to the extent that it can be opened, but only to pedestrian traffic. As stated above, the street has never been opened, developed, or maintained by the city. You further state that if, in the future, the local traffic flow warrants a change to the street, the street could be further developed and opened to motor vehicle traffic. Based upon a municipality's authority to impose reasonable regulations to control traffic and the use of its streets, it is the opinion of this Office that a municipality has the authority to develop and open a street to pedestrian traffic only.

CONCLUSION

A municipality has the inherent power to impose reasonable regulations to control traffic and the use of its streets. Based upon this power, a municipality may develop and open a street to pedestrian traffic only.

I hope this opinion answers your question. If this Office can be of further assistance, please contact me.

Sincerely,

LUTHER STRANGE
Attorney General
By:

BRENDA F. SMITH
Chief, Opinions Division

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