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TO: Jonathan Jacobson, Chair, Operations Committee of the Board of Representatives

FROM: Michael S. Toma, Assistant Corporation Counsel *MST*

DATE: June 24, 2021

RE: West Main Street Bridge Restoration

Your request for a legal opinion asks whether the funds in Capital Project Account C-56753 can be used to pay for a different bridge rather than solely for the expenses of work on the West Main Street Bridge. The project description for this account states: "Restore the West Main St. bridge as a pedestrian bridge capable of providing emergency vehicle access."

Given the above-stated project description, it is my opinion that the funds in C-56753 cannot be used to pay for the construction of a new bridge to permanently replace the existing bridge. However, it is also my opinion that if the existing bridge will be out of service for a period of time during the restoration process, it is permissible to use a portion of the funds to construct a temporary bridge for the purpose of maintaining travel across the river while the project to restore the existing bridge proceeds. Providing uninterrupted service across the river during restoration by means of a temporary bridge is sufficiently related to the restoration project that it may reasonably be considered to be within the scope of the restoration project.

It is noted that there may be other capital accounts that could be used to construct or restore a bridge at this location.