

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rep. Rex Crowell at \_\_\_\_\_  
Chairperson

1:37 ~~am~~/p.m. on February 9, 1983 in room 519-S of the Capitol.

All members were present except: Larry Erne, excused.

Committee staff present:

Fred Carman, Revisor of Statutes  
Hank Avila, Legislative Research  
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Rep. Ardena Matlack  
Ed DeSoignie, Kansas Department of Transportation  
Capt. Don Pickert, Kansas Highway Patrol

Others Present: See Attachment 1.

The meeting was called to order by the Chairman. The Chairman reviewed the confusion created by 1981 Session HB 2547. 1981 Session HB 2547 was intended to alleviate the confusion between U-Turn statutes and how they apply to restricted access and non-restricted access divided highways. After passage of 1981 Session HB 2547, confusion arose as to the signing required in regard to U-Turns on the different types of divided highways.

Rep. Matlack presented testimony on HB 2194 and briefed the committee on the background. HB 2194 was the result of confusion in the interpretation and application of a law the Legislature passed in 1981, HB 2547 (Attachment 2).


In support of HB 2194, Mr. Ed DeSoignie, Kansas Department of Transportation, presented testimony (Attachment 3). Mr. DeSoignie stated HB 2194 would consolidate language on U-Turns into one statute. The bill is a complete re-write of K.S.A. 8-1524, which deletes existing language and replaces it with provisions currently in both K.S.A. 8-1524 and K.S.A. 1982 Supp. 68-1906.

Capt. Don Pickert, Kansas Highway Patrol, presented testimony in support of HB 2194. Capt. Pickert expressed the Patrol's concern that it has been extremely difficult to enforce and explain to motorists the U-Turn laws and how they are applicable to restricted vs. non-restricted access divided highways. (Attachment 4)

Chairman Crowell opened the meeting to committee questions and discussion. Rep. Cloud asked Mr. DeSoignie to explain the difference in access terms that had been used (ie. controlled, restricted, non-restricted).

It was decided to continue the discussion at the next meeting, February 10, 1983 since hearings would be held on HB 2164 and HCR 5013, both dealing with controlled access highways.

The meeting was adjourned at 2:15 p.m.

  
\_\_\_\_\_  
Rex Crowell, Chairman

GUEST LIST

COMMITTEE: TRANSPORTATION

DATE: 2/9/83

PLEASE PRINT

| NAME                 | ADDRESS   | COMPANY/ORGANIZATION   |
|----------------------|-----------|------------------------|
| Steve Morgan         | S.O.B.    | Dept of Rev.           |
| Jim Armstrong MD     | PITTSBURG | CITIZEN                |
| Warren A. Kessman    | Wichita   | Close-up               |
| Chandra R. Patel     | Wichita   | Close-up               |
| CAPT. DON PICKERT    | TOPEKA    | K.H.P.                 |
| Tom Whitaker         | TOPEKA    | Ks Motor Carriers Assn |
| Larry Mills          | Topoka    | Close-up               |
| Richard Richey       | wichita   | Close-UP               |
| Denise Kerscher      | Goddard   | Close Up               |
| Nicola P. Brindridge | Wichita   | Close-UP               |
| Kay Jomlin           | Wichita   | Close-Up               |
| Mark Jacobs          | Goddard   | Close-UP               |
| Brad Schroeder       | Wichita   | Close-up               |
| Helly Bradford       | Wichita   | Close-Up               |
| Mike Pannell         | Goddard   | Close-Up               |
| J. Scheerman         | S.O.B.    | KDOT                   |
| L.D. MORLAN          | S.O.B.    | KDOT                   |
| ED DESOIANIE         | SOB       | KDOT                   |
| DAVID CALOVICH       | TOPEKA    | KIN                    |
| BILL GREEN           | S.O.B.    | S.C.C.                 |
|                      |           |                        |
|                      |           |                        |
|                      |           |                        |

House Transportation Committee - February 9, 1983

Attachment 1.

Others Present:

Steve Montgomery, Department of Revenue  
Jim Armstrong, Pittsburg  
Warren Kissman, Wichita  
Chandra R. Patel, Wichita  
Tom Whitaker, Kansas Motor Carriers Association  
Larry Wills, Topeka  
Richard Richey, Wichita  
Denise Kerschen, Goddard  
Nicola L. Baunbridge, Wichita  
Kay Tomlin, Wichita  
Mark Jackbos, Goddard  
Brad Schroeder, Wichita  
Kelly Bradford, Wichita  
Mike Pannell, Goddard  
John Scheirman, Kansas Department of Transportation  
L. D. Morlan, Kansas Department of Transportation  
David Calovich, Topeka  
Bill Green, State Corporation Commission

*Atch. 12*

Attache 2

TESTIMONY BY REP. ARDENA MATLACK

TRANSPORTATION COMMITTEE  
Rex Crowell, Chairman  
Wednesday, February 9, 1983

IN Regard: HB 2194

Thank you for allowing me to appear today before your Committee.

This is a bill to correct mistakes both by the Legislature and the Department of Corrections. It actually came about by an unforeseen interpretation of one of the laws the Legislature passed in 1981, HB 2547. One might say that it is a confusion in the application of law, anyhow, some needless signs got installed through the City of Goddard on US 54 Highway which is in my District. I became aware of the problem in the early part of March, 1982, when I received a letter from a Goddard resident telling me about the signs.

I contacted our area engineer who informed me by letter that HB 2547 called for these signs. I then contacted Secretary Kemp about the 84 signs which had already been installed. By that time, it was the end of March. Secretary Kemp said that there would be no more signs put up until an internal task force looked into the matter and I could not readily find a bill to amend to correct the problem, so we proceeded to wait for the task force recommendation. Then, in September, I received some more letters from irate constituents saying that "all signs allowable" were being installed on Highway 54. Needless to say, I was quite unhappy with the installation of the new signs---390 according to the Wichita Eagle-Beacon.

HB 2194, then, is the result of letters, rough drafts of bills, and a meeting between personnel from the Secretary of Transportation, personnel from the Highway Department, the Revisor's Office, and myself. Hopefully, this will keep our highways safe but not require the Department to put up needless and expensive signs. Unless this bill is adopted, or a similar bill, Federal Highways in your District could look like this picture.

I urge the Committee to act on this bill favorably.

Thank you.

Attch. 2

ATTACH 2



# Signs, Signs, Everywhere Are Signs

By Ken Stephens  
Staff Writer

The problem started with a vaguely worded law. Then some attorneys interpreted the law. But a bureaucrat wasn't sure the Legislature meant what the attorneys said.

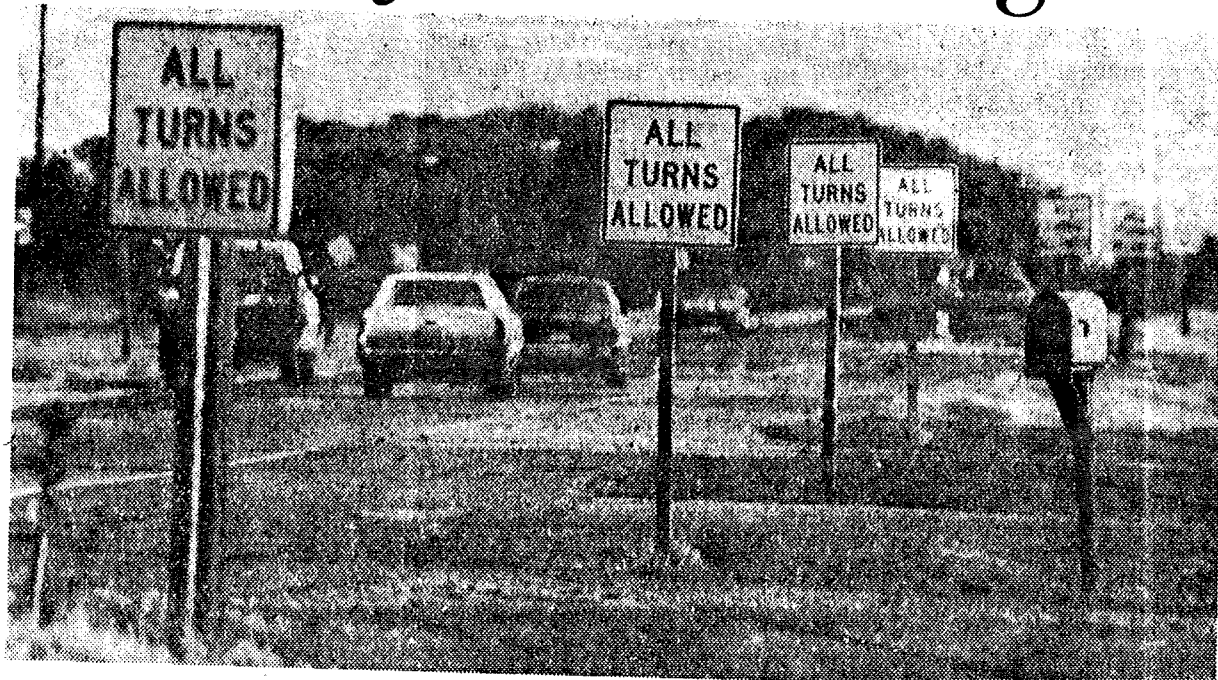
The bureaucrat decided to hold everything until he had a chance to ask the legislators. But somebody didn't get the message.

As a result, Sedgwick and other counties in south central Kansas have \$20,000 worth of road signs that officials aren't sure they want.

The "All Turns Allowed" signs are placed at 390 crossovers along the medians of divided state highways.

The foul-up started with a road-marking statute passed by the 1981 Legislature, said state Transportation Secretary John Kemp. Transportation Department attorneys thought the statute could be read to mean that the Legislature wanted all crossovers in divided state highways to be marked — either with signs saying "No U Turns" or "All Turns Allowed." Interstate highways were not included.

But in some places where there are frequent crossovers, this would mean putting signs so close together that motorists would pass several before having a chance to read the first.



Bill Youmans/Staff Photographer

Along U.S. 54 west of Wichita there are seven signs in a quarter-mile stretch.

Because of the potential expense of marking all crossovers and the uncertainty of whether that was what the Legislature intended, Kemp said he decided to postpone action until the Transportation Department could seek clarification from the 1983 Legislature.

But somehow — Kemp's not quite sure how — District 5, which includes Sedgwick County and 16 other south-central Kansas counties,

didn't get Kemp's message, and started putting up signs in September.

Some 390 signs later, Rep. Ardena Matlack, D-Clearwater, called Kemp to find out what was going on. Kemp instructed District 5 officials to stop.

He says he's since received calls from several other legislators. "Their position is that it looked like something we could get by without"

while the state is encountering revenue shortfalls, said Kemp.

Each sign costs the state \$53.36, including materials and labor.

No more signs will be going up until the Transportation Department gets some guidance from the Legislature next year. Kemp says he doesn't know how many more signs will be required if legislators want all the crossovers marked, but he said it will be in the hundreds.

taking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

**History:** L. 1974, ch. 33, § 8-1522; July 1.

**Source or prior law:**  
8-542.

**Research and Practice Aids:**  
Uniform Vehicle Code, § 11-309.  
Automobiles=153, 171(12), 172.  
C.J.S. Motor Vehicles §§ 266 et seq., 321 et seq., 365 et seq.

**8-1523. Following another vehicle too closely.** (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall leave sufficient space, whenever conditions permit, so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination

of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

**History:** L. 1974, ch. 33, § 8-1523; July 1.

**Source or prior law:**  
8-543.

**Research and Practice Aids:**  
Uniform Vehicle Code, § 11-310.  
Automobiles=172(7).  
C.J.S. Motor Vehicles §§ 323, 326.

**8-1524. Driving on certain divided highways; when crossover authorized.** Whenever any highway, other than interstate systems, roads under the jurisdiction of the turnpike authority, and other fully controlled-access highways, has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by public authority. Every such opening, which is not intended for such crossovers, shall have signs so designating placed by the public authority.

**History:** L. 1974, ch. 33, § 8-1524; L. 1981, ch. 44, § 1; July 1.

**Source or prior law:**  
8-539a.

**Cross References to Related Sections:**  
Unlawful use of controlled access facilities, see 68-1906.

**Research and Practice Aids:**  
Uniform Vehicle Code, § 11-311.  
Automobiles=153.  
C.J.S. Motor Vehicles § 266 et seq.

**CASE ANNOTATIONS**

1. Left turn across double yellow lines not prohibited in absence of physical barrier or dividing section designed to impede traffic. Every v. Jefferson Ins. Co. of N.Y., 4 K.A.2d 715, 719, 720, 610 P.2d 645.

**8-1525. Regulation and restrictions on use of controlled-access highways and facilities.** (a) The secretary of transportation, by duly adopted resolution or order, and

### Article 10.—NAMING AND MARKING OF HIGHWAYS

**68-1028.** Designation of I-470 as “the Dr. Martin Luther King Jr. memorial highway.” Interstate highway I-470 from the east Topeka interchange of the Kansas turnpike to its intersection with I-70 west of Topeka is hereby designated as “the Dr. Martin Luther King Jr. memorial highway.” The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Dr. Martin Luther King Jr. memorial highway.

History: L. 1982, ch. 278, § 1; July 1.

**68-1029.** Designation of US 54 as the Yellow Brick Road. Except where already designated by another name, the entire length of United States highway 54 in the state of Kansas is hereby designated and shall be called “the Yellow Brick Road.” The secretary of transportation, with the advice of the travel and tourism division of the department of economic development, may designate short parts of highways which begin, end or cross United States highway 54, as “the Yellow Brick Road” in conjunction with the tourism program of the department of economic development. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

History: L. 1982, ch. 360, § 2; July 1.

### PART III.—MISCELLANEOUS

#### Article 19.—CONTROLLED ACCESS FACILITIES

**68-1906.** Unlawful use of controlled-access facilities; “U” turns prohibited, when; signs; penalties. It shall be unlawful for any person:

(a) To drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on controlled-access facilities;

(b) to make a left turn or a semicircular or “U” turn except through an opening provided for that purpose in the dividing curb section, separation or line, and clearly designated by sign as an opening provided for the purpose of public use for such turning movement. Every such opening, other than

on the interstate systems and roads under the jurisdiction of the turnpike authority, which is not intended for such turns, shall have signs so designating placed by the public authority;

(c) to make a left turn or a semicircular or “U” turn on the interstate system. Every entrance to the interstate system shall have signs placed by the secretary of transportation prohibiting such turns;

(d) to make a left turn or a semicircular or “U” turn on the roads under the jurisdiction of the turnpike authority except through an opening provided for that purpose in the dividing curb section, separation or line, and clearly designated by sign as an opening provided for the purpose of public use for such turning movement. Every such opening on roads under the jurisdiction of the turnpike authority, which is not intended for such turns, shall have signs so designating placed by the turnpike authority;

(e) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line;

(f) to drive any vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by law.

Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment in the city or county jail for not less than 10 days nor more than 30 days, or by both such fine and imprisonment.

History: L. 1953, ch. 307, § 6; L. 1967, ch. 355, § 1; L. 1981, ch. 44, § 2; July 1.

#### Article 20.—TOLL ROADS OR TURNPIKES

##### ACTS OF 1953 AND 1955 AND AMENDMENTS

**68-2003.** Kansas turnpike authority; membership; terms; qualifications; vacancies; removal, when; oath or affirmation; officers; quorum; compensation and expenses. There is hereby created a body politic and corporate to be known as the Kansas turnpike authority. The authority is hereby constituted a public instrumentality and the exercise by the authority of the powers conferred by this act in the con-

# Kansas Department of Transportation

BUREAU OF MANAGEMENT AND BUDGET

February 9, 1983

MEMORANDUM TO: House Transportation Committee

REGARDING: House Bill 2194

## I Summary of Bill

House Bill 2194 if enacted would consolidate statutory language on U-turns into one statute. The bill is a complete re-write of K.S.A. 8-1524, which deletes existing language and replaces it with provisions currently in both K.S.A. 8-1524 and K.S.A. 1982 Supp. 68-1906.

## II Comments

At present there are two statutes that regulate U-turns on highways; K.S.A. 8-1524, which covers all divided highways, and K.S.A. 1982 Supp. 68-1906, which addresses controlled-access facilities.

K.S.A. 8-1524 allows motorists to cross the dividing space, barrier or section on divided highways unless specifically prohibited by sign. This statute therefore prohibits U-turns only where specified by sign.

K.S.A. 1982 Supp. 68-1906 (b) prohibits U-turns on controlled-access facilities (which are a sub-class of divided highways) except where allowed by sign. However, 68-1906 also requires that openings not intended for U-turns should also be signed with the prohibition.

Implementation of the statutory provisions by the Kansas Department of Transportation resulted in excessive signing on certain portions of highway.

The Manual of Uniform Traffic Control Devices (MUTCD) also discourages the use of excessive signing. (See attached).

## III Fiscal Impact

No additional fiscal impact to the Kansas Department of Transportation which would exceed the Governor's budget recommendation.

## IV Agency Position

The Kansas Department of Transportation is in support of House Bill 2194.



set forth in the following pages. However, engineering judgment is essential to the proper use of signs, the same as with other traffic control devices. Traffic engineering studies may indicate that signs would be unnecessary at certain locations. The judgment resulting from traffic engineering studies of physical and traffic factors should be depended upon to determine locations where signs are deemed necessary.

It is recognized that urban traffic conditions differ from rural, and in many instances signs must be applied and located differently. Where pertinent and practical, therefore, this Manual sets forth separate recommendations for rural and urban conditions.

#### 2A-5 Variable Message Signs

Variable message signs are designed to have one or more messages that may be displayed or deleted as required. Such a sign may be changed manually, by remote control, or by automatic controls that can "sense" the conditions that require special sign messages.

Variable message signs, with more sophisticated technologies, are gaining more widespread use to inform motorists of variable situations, particularly along more congested traffic corridors.

It is recognized that due to technological limitations many variable message signs cannot conform to the exact sign shape, color and dimensions specified in these standards. Because technology is developing so rapidly in this area of signing, this Manual has not specified detailed standards for variable message signs. Nevertheless, it is essential that variable message signs ascribe to the principles established in the Manual, and to the extent practicable, with the design and applications prescribed herein.

Highway and transportation organizations are encouraged to develop and experiment with variable message signs (sec. 1A-6) and to carefully evaluate installations where used so that specific Manual standards may be incorporated in the future.

#### 2A-6 Excessive Use of Signs

Care should be taken not to install too many signs. A conservative use of regulatory and warning signs is recommended as these signs, if used to excess, tend to lose their effectiveness. On the other hand, a frequent display of route markers and directional signs to keep the driver informed of his location and his course will not lessen their value.

#### 2A-7 Classification of Signs

Functionally, signs are classified as follows:

Regulatory signs give notice of traffic laws or regulations.

Warning signs call attention to conditions on, or adjacent to, a highway or street that are potentially hazardous to traffic operations.

Attachment 4

SUMMARY OF TESTIMONY  
BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION  
1983 LEGISLATIVE SESSION

HOUSE BILL 2194

February 9, 1983

Presented by The Kansas Highway Patrol  
(Captain Don Pickert)

APPEARED IN SUPPORT OF HOUSE BILL 2194

The Patrol supports this bill.

Prior to the 1981 legislative session, a definite discrepancy existed in this regard. Signing requirements for allowing or prohibiting turns on controlled access or simply divided highways were exactly the opposite and confusing both to the motoring public and enforcement officers.

This problem was addressed by that session and signing requirements were brought into uniformity. However, confusion continues to exist. We would submit that the majority of motorists do not understand the difference between a controlled access highway and any other divided highway or have really given it that much consideration.

We feel that this confusion could be greatly alleviated by the intent of this bill. It would incorporate all the restrictions under 8-1524 and place these in the traffic law area, Chapter 8, and eliminate the duplication.

By addressing these under divided highways, it would include all controlled access highways. All controlled access highways in Kansas are divided highways but not all divided highways are controlled access highways.

Another consideration in this regard is House Concurrent Resolution 5013 by the Joint Committee on Administrative Rules and Regulations which would revoke K.A.R. 36-12-1 through 36-12-3. These regulations presently govern stopping or parking, ingress and egress, and parking equipment, materials and vehicles on controlled access highways. Subsection (6) of this bill addresses ingress and egress but not the other two regulations.

House bill 2164 addresses all these areas and incorporates them into K.S.A. 68-1906 in statutes form. Obviously, a compromise on these measures would be required.

Again, we would request that this be addressed under the one section, K.S.A. 8-1524, and that K.S.A. 68-1906 be repealed to eliminate the confusion and duplication.

Atch. 4

ATTACH 4