

SESSION OF 2018

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2398**

As Amended by Senate Committee on Federal
and State Affairs

Brief*

Sub. for HB 2398, as amended, would amend the Uniform Act Regulating Traffic on Highways (Act) as it relates to the powers of local authorities and responsibilities for traffic-control devices and signage.

County-Township System

In all counties operating under the county-township system, the county would be responsible for maintaining county roads, and for placing and maintaining traffic-control devices. The county also would be responsible for:

- Signs related to county culverts and county bridges on township roads; and
- Construction signage related to county projects on township roads.

A township board would be responsible for maintaining the local township roads and for placing and maintaining traffic-control devices on such township roads, except those listed above as being under the control of the board of county commissioners. The bill would require regulatory signs on township roads under the township board's control to be consistent with resolutions of the board of county commissioners of the county where the road is located.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Under current law, the provisions above apply only to townships located in five specified counties (Douglas, Johnson, Riley, Sedgwick, and Shawnee).

County Unit Road System

In all counties operating under the county unit road system, responsibilities for traffic-control devices and signage would be as follows:

- Counties would maintain the county roads and township roads and would place and maintain all traffic-control devices on such roads; and
- Township boards would not be responsible for roads or signage.

General County Rural Highway System

In all counties operating under the general county rural highway system, responsibilities for traffic-control devices and signage would be as follows:

- Counties would maintain the county roads and township roads and would place and maintain all traffic devices on such roads in accordance with current law; and
- Township boards would not be responsible for roads or signage.

Roads and Bridges

The bill would amend a section of law related to roads and bridges to reference the responsibilities of township boards as outlined in the amendments to the Act, as proposed in the bill.

Current law requires township boards in all counties not operating under the county road-unit system to be responsible for all township roads and culverts and the board of county commissioners to procure machinery, implements, tools, and materials required for the construction or repair of such roads and culverts.

The bill would clarify that township boards in counties operating under the county-township system (as opposed to those not operating under the county road unit system, as in current law) would be responsible for providing such machinery, tools, and materials. The township board also would be required to place and maintain all traffic-control devices for township roads.

Effective Date

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced in the House Committee on Federal and State Affairs at the request of the Kansas Association of Counties (KAC).

House Action

In the House Committee hearing on March 29, 2017, a representative of the KAC and Kansas County Highway Association appeared in support of the bill. He stated the bill was introduced to clarify the law, in response to a Kansas Court of Appeals decision released in January 2017 [*Patterson v. Cowley County*, 388 P. 3d 923 (2017)].

No other testimony was provided.

The House Committee of the Whole rereferred the bill to the House Committee on Federal and State Affairs on April 3, 2017.

On March 16, 2018, the House Committee amended provisions related to responsibilities for traffic-control devices and signage by counties operating under the county-township system, county unit road system, and the general county rural highway system. The Committee also amended the bill to specify responsibility for township roads for counties operating under the county-township system and to adopt a technical amendment. The Committee placed the amended contents into a substitute bill. [*Note: According to testimony, 35 counties use the county-township system, 3 use the county rural system, and the remainder use the county unit system.*]

Senate Action

The Senate Committee on Federal and State Affairs held a hearing on the bill on April 2, 2018. A representative of the KAC provided proponent testimony on the bill. No other testimony was provided.

The Senate Committee amended the bill by changing the effective date of the bill from upon publication in the statute book to upon publication in the *Kansas Register*.

Fiscal Note

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, any fiscal effect resulting from enactment of the bill would be handled within the existing resources of local governments.