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MEMORANDUM

To: Chairman Barker
Members of the House Committee on Federal and State Affairs

From: Chris Waggoner, Assistant Revisor

Date: March 29, 2017

Subject: HB 2398 – Roads and highways; traffic control devices maintained by counties and townships

House Bill No. 2398 (HB 2398) amends the uniform act regulating traffic pertaining to the powers of local authorities. The bill was requested by the Kansas Association of Counties to reconcile the law with a recent Kansas Court of Appeals decision in *Patterson v. Cowley County*. *Patterson* held that in a county-township system, counties, not townships, are responsible for the signage and other traffic control devices on township roads.

HB 2398 clarifies the Court of Appeals ruling by enumerating that all counties not operating under a county road unit system or the county rural highway system have the authority and responsibility to place and maintain traffic control devices on township roads. This would apply to all counties operating under a county-township system, and make it clear that townships do not have the authority to place traffic control devices in a county-township system.

If enacted, the provisions of HB 2398 would be effective on July 1, 2017.