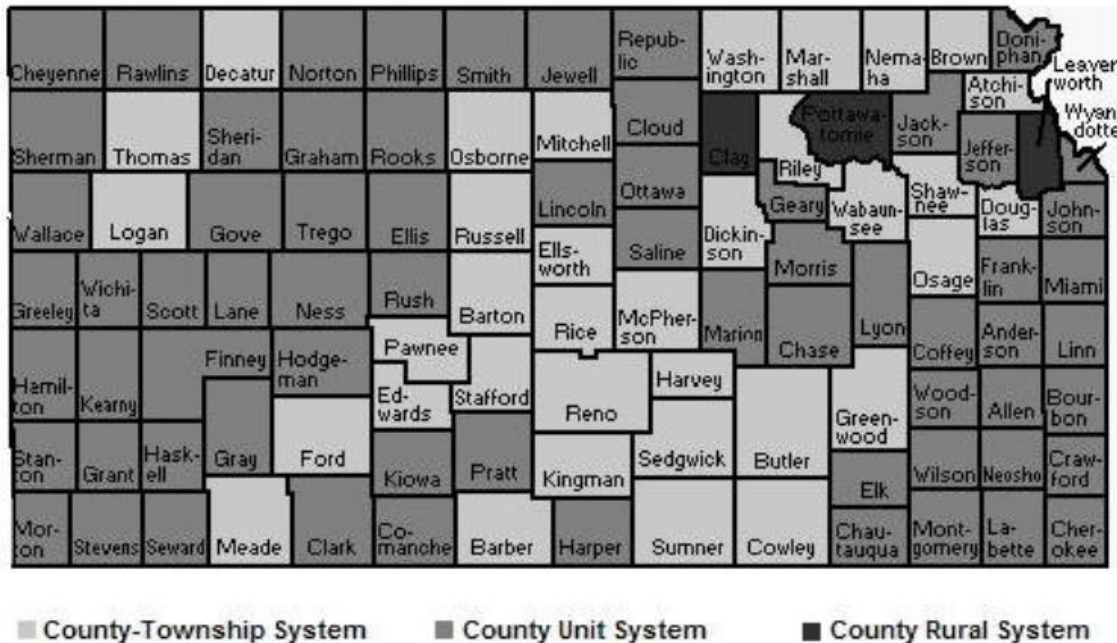




Testimony of the Kansas Association of Counties to the  
House Committee on Federal & State Affairs  
Proponent for HB 2398 • March 27, 2017

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in Support of House Bill HB 2398, a bill prompted by a recent Court of Appeals decision on road signs in Kansas. HB 2398 clarifies the signage responsibilities on township roads in the 35 counties that use a County-Townships System of rural road maintenance. The counties under this system are shown on this map in light gray.<sup>1</sup>



There are three systems in Kansas: (1) County-Township System, (2) County Unit Road System, and (3) General County Rural Highway System. In a **County-Township System**, “the County maintains the main roads and the townships maintain the local roads. The county maintains all the bridges as well as those culverts with a waterway opening of 25 square feet or larger.”<sup>2</sup> In a **County Unit Road System**, the county is responsible for maintaining all the public roads outside the cities with no responsibilities for townships.<sup>3</sup> Finally, the **General County Rural Highway System** also places all maintenance responsibility on counties for public roads outside the cities; the townships have no

<sup>1</sup> *Kansas Local Road Management Handbook* (2015). KANSAS UNIVERSITY TRANSPORTATION CENTER. Available at: [www.kutc.ku.edu/sites/kutc.ku.edu/files/docs/ltap-news/LRMH-2015.pdf](http://www.kutc.ku.edu/sites/kutc.ku.edu/files/docs/ltap-news/LRMH-2015.pdf).

<sup>2</sup> *Id.* at 6.

<sup>3</sup> *Id.*

responsibilities, but roads that were previously township roads have their own fund specified for maintenance.<sup>4</sup> The different systems and the responsibility under the systems is why this bill is necessary.

The Court of Appeals released *Patterson v. Cowley County* at the end of January 2017.<sup>5</sup> The result placed counties and townships in a confusing situation regarding responsibility over road signs in the 35 counties highlighted on the map. *Patterson* held that townships do not have authority to place traffic control devices on roads within the township jurisdiction. This runs counter to normal practices across the state, which includes counties generally authorizing regulatory signs (speed limits, no parking, and stop signs) and townships generally *installing* both regulatory and warning signs (upcoming travel hazards).<sup>6</sup> Despite this practice and intent, the *Patterson* Court held that counties are responsible for all signs. HB 2398 gives clarity for everyone moving forward.

Norm Bowers, KAC's County Engineer, maintains relationships with officials in all 105 of our member counties. In preparation for this bill, he reached out to all 35 counties with the County-Township System. The proposed language follows current practice in 28 of those counties. There were minor variations in signing responsibilities on township roads in 7 counties. In Harvey, Osage, and Washington Counties, each county maintains the regulatory signs on township roads. In Barton County, the county maintains all the signs on township roads. In Reno County, the townships maintain the street name signs on township roads. In Dickinson and Butler County, the township maintains the signs related to county culverts. The counties reached consensus on the language shown in HB 2398 in hope of providing clarity moving forward.

Under HB 2398, the amended language provides a point-by-point specification on which jurisdiction covers the signage responsibility. The bill provides clear guidance for everyone on roads maintained by townships. This helps ensure predictability as municipalities maintain our transportation system.

Respectfully,



Nathan Eberline  
Kansas Association of Counties  
Kansas County Highway Association

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<sup>4</sup> *Id.* at 7.

<sup>5</sup> *Patterson v. Cowley County* (2017), 388 P.3d 923.

<sup>6</sup> *Id.* at 944-945.