



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

January 27, 1975

Opinion No. 75- 28

Mr. Leonard McAnarney
Lyndon,
Kansas 66451

Dear Mr. McAnarney:

In regard to your letter of January 13, 1975, concerning the validity of a city ordinance establishing a speed limitation on a state or federal highway connecting link, K.S.A. 68-4066 provides in pertinent part:

"The state highway commission may incorporate into the state highway system as state highways and part of the state highway system certain existing or proposed streets, roads or highways, or any portion thereof, which constitute or will constitute city connecting links in the state highway system and which lie within the corporate limits of a city and which have heretofore been or which hereafter shall be designated as connecting links in the state highway system by said commission. After such incorporation all right, title and interest in and to said streets, roads or highways held by the city and county shall be vested in the state of Kansas."

Similarly, K.S.A. 68-412 states

"After the state highway commission shall deem it advisable for the proper completion

Mr. Leonard McAnarney
Page Two
January 27, 1975

of the state highway system to designate any city street as a connecting link in the state highway system, it may assist said city on the state highway system in the construction, improvement and reconstruction of said streets as hereinafter set out."

Irrespective of the manner in which the city street is designated as a connecting link, K.S.A. 68-406c (Supp. 1974) refers the determination of all speed limits on such roads or streets to the provisions of K.S.A. 8-1559 and 8-1560. The former provides in part:

"Whenever the commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, or upon any city street which is a state highway connecting link, the commission may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected."

Further, the latter statute states:

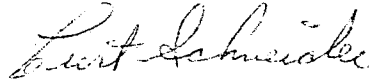
"(d) Any alternation of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the state highway commission."

Accordingly, this office concurs in the opinion that the alteration of a speed limit on a connecting link which is part of the state highway system requires the prior approval

Mr. Leonard McAnarney
Page Three
January 27, 1975

of the State Highway Commission before any such change
is effective.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:HW:kj