



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

August 11, 1975

ATTORNEY GENERAL OPINION NO. 75- 325

Mr. Kent Lynch
Legal Intern
Office of the County Attorney
Cherokee County Courthouse
Columbus, Kansas 66725

Re: Roads and Highways--Weight Restrictions--Powers
of Local Authorities

Synopsis: The ninety-day limitation prescribed by K.S.A. 1974
Supp. 8-1912(a) does not apply to restrictions imposed
under the authority of K.S.A. 1974 Supp. 8-1912(c).

* * *

Dear Mr. Lynch:

You advise that the board of county commissioners wishes to prescribe weight restrictions for trucks operated on certain paved roads within their jurisdiction. You inquire whether the 90-day limitation in subsection (a) of K.S.A. 1974 Supp. 8-1912 applies also to restrictions imposed under subsection (c) thereof. This section provides in pertinent part thus:

"(a) Local authorities with respect to highways under their jurisdiction may prohibit, by ordinance or resolution, the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety (90) days in any one (1) calendar year, whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

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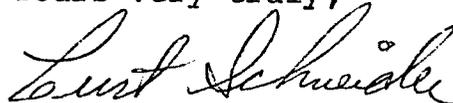
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(c) Local authorities with respect to highways under their jurisdiction also, by ordinance or resolution, may prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight or size thereof, on designated highways, which prohibitions and limitations shall be designed by appropriate signs placed on such highways"

The two subsections apply to different circumstances. Under subsection (a), restrictions may be placed on the operation and/or weight of any motor vehicles, and not merely trucks, for not to exceed 90 days whenever such restrictions are necessary to prevent serious damage or destruction of roads by reason of deterioration, rain, snow and other climatic conditions. Under subsection (c) restrictions may be imposed regarding trucks and other commercial vehicles alone, and no threat of damage or destruction occasioned by deterioration, rain, snow, and the like is necessary to authorize restrictions under this subsection. Thus, we cannot but conclude that the 90-day limitation on restrictions imposed under subsection (a) does not extend to restrictions imposed under the authority of subsection (c).

You also ask when a county road is a connecting link of the state highway system. A county road is a connecting link of the state highway system when so designated by the State Highway Commission pursuant to K.S.A. 68-406 *et seq.* The Commission staff can advise you of the status of any particular road or portion thereof.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj