



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

September 21, 1976

ATTORNEY GENERAL OPINION NO. 76- 293

Mr. Philip E. Winter
Assistant County Attorney
Lyon County Courthouse
Emporia, Kansas 66801

Re: Highways--Motor Vehicles--Height Restrictions

Synopsis: Local authorities may regulate the size, including the height of vehicles operated on roads under their jurisdiction by the posting of appropriate signs.

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Dear Mr. Winter:

You inquire whether the board of county commissioners may limit the height of loads carried on vehicles using bridges on secondary roads in the county.

K.S.A. 8-1904(a) states thus:

"No vehicle including any load thereon shall exceed a height of thirteen (13) feet six inches."

K.S.A. 8-1901 (b) states thus:

"Except as otherwise specifically provided in this act, the provisions of this article governing size, weight and load shall not apply to fire apparatus, road machinery, farm tractors

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or to implements of husbandry temporarily moved upon a highway, or to a vehicle operated under the term of a special permit issued as herein provided."

Otherwise, however, the "maximum height and size of vehicles specified [in article 19, chapter 8] . . . shall be lawful throughout the state, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this article."

K.S.A. 8-1912(c) provides that local authorities may, with respect to highways under their jurisdiction, by ordinance or resolution impose limitations on the weight or size of trucks or other commercial vehicles, which limitations shall be designated by appropriate signs placed on such highways. You ask whether the board of county commissioners may order a beam to be placed across the top of a bridge at a designated height, so as to prohibit the use by trucks in excess of that height from crossing the bridge. The act permits local authorities to enforce such limitations by signs, but it does not provide for the erection of such barriers as you propose.

Thus, to recapitulate, the regulation of height of vehicles may be accomplished under K.S.A. 8-1912, by the posting of appropriate signs. Under K.S.A. 8-1912(b), the board of county commissioners may impose size limitations only on trucks and other commercial vehicles. The barrier which has been proposed would necessarily apply to fire apparatus, road machinery, farm tractors and other farm equipment, against which the county may not enforce its supplementary size limitations. Thus, while appropriate signing is permitted, the artificial barrier is not authorized by K.S.A. 8-1912(b).

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj