



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

May 18, 1977

ATTORNEY GENERAL OPINION NO. 77-164

Mr. Paul V. Dugan
City Attorney for Andale
2707 W. Douglas
Wichita, Kansas 67213

RE: Restrictions on maximum speed limits

Synopsis: Cities may vary maximum speed limits on roadways within their corporate limits only as provided in K.S.A. 8-1338.

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Dear Mr. Dugan:

You have inquired whether the Uniform Act Regulating Traffic on Highways applies to city streets other than state highways.

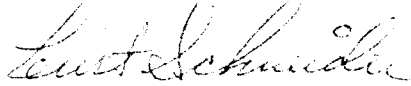
The specific statutes with which you are concerned, K.S.A. 8-1334, et seq., are supplemental to the Uniform Act and the words and phrases used in K.S.A. 8-1334, et seq. have the meanings ascribed to those words and phrases by the Uniform Act. K.S.A. 8-1334, et seq. operate to replace K.S.A. 8-1557, et seq., which apply to operation of vehicles on highways by virtue of K.S.A. 8-1501. "Highway" is defined in K.S.A. 8-1424 as "the entire width between the boundary of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel." Thus, the maximum speed laws apply to the operation of vehicles on any public roadway of the state, whether or not such roadway is part of the state highway system.

Although the maximum speed limits set in K.S.A. 1976 Supp. 8-1336 may be varied by local authorities under K.S.A. 8-1338, the power to do so is defined in terms of certain types of roadways, rather than in terms of their location within or outside of the corporate limits of a city.

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Therefore, I conclude that the City of Andale may vary maximum speed limits within its corporate limits only as allowed by K.S.A. 8-1338.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS/ERH/cgm