



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 86- 120

John Thomas Reid
Harvey County Counselor
Harvey County Courthouse
P.O. Box 687
Newton, Kansas 67114

Re: Automobiles and Other Vehicles--Uniform Act
Regulating Traffic; Powers of State and Local
Authorities--Removal of Traffic Hazards from
Private Property; Growing Crops

Synopsis: For purposes of a property owner's duty to remove
traffic hazards from private property, growing
crops are included in the terms "any tree, plant,
shrub or other obstruction." Cited herein: K.S.A.
8-2011(a), K.S.A. 1985 Supp. 77-201 Second, as
amended by L. 1986, ch. 211, §39.

* * *

Dear Mr. Reid:

You have requested our opinion concerning the removal of
traffic hazards from private property pursuant to K.S.A.
8-2011(a). Specifically, you inquire whether growing crops
are included within the traffic hazards listed by that
statute.

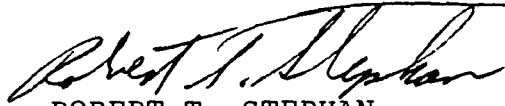
In our opinion, if growing crops obstruct the view of a
motorist, they may constitute a traffic hazard which must be
removed by the property owner. K.S.A. 8-2011(a) states:

"It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard."

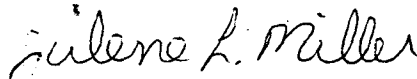
The legislature has given no indication that it intended any exception to the foregoing, nor any indication that growing crops are not to be considered as "any tree, plant, shrub or other obstruction which constitutes a traffic hazard." Further, there appears to be no case law which would eliminate growing crops from the application of K.S.A. 8-2011(a).

K.S.A. 1985 Supp. 77-201 Second, as amended by L. 1986, ch. 211, §39, provides that words shall be construed according to the approved usage of the language. Based on this and the fact that we find no statutory or case authority for excepting growing crops from the provisions of K.S.A. 8-2011(a), we are compelled to conclude that growing crops may be considered an obstruction which constitutes a traffic hazard if such determination is made by the secretary of transportation or the appropriate local authority. K.S.A. 8-2011(a) and (b).

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Julene L. Miller
Deputy Attorney General

RTS:JLM:jm