



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

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MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
ANTITRUST: 296-5299

ATTORNEY GENERAL OPINION NO. 87- 77

Harold T. McCubbin
Attorney at Law
210 E. Washington Street
Norton, Kansas 67654

Re: Automobiles and Other Vehicles -- Uniform Act
Regulating Traffic; Powers of State and Local
Authorities -- Portable Stop Signs

Synopsis: The manual adopted by the Kansas Department of
Transportation pursuant to K.S.A. 8-2003 concerning
traffic-control devices provides that portable
stop signs cannot be used except for an emergency.
Cited herein: K.S.A. 8-1432; 8-1472; 8-2001;
8-2002; 8-2003; 8-2005; 8-2008.

* * *

Dear Mr. McCubbin:

As attorney for Northern Valley Schools, Unified School
District No. 212, Alma, Kansas, you ask our opinion
whether local officials may legally authorize use of a
roll-away or portable stop sign. You state that, in the
interest of safety of elementary school children, the school
would like to place a stop sign on Bryant Street in Alma
for approximately forty minutes prior to the beginning of
school in the morning, and for approximately forty minutes
after the children are released from school in the afternoon.
The stop sign would be placed and removed by the school
janitor. You also inform us that the city council of Alma
has agreed to adopt an ordinance if one is required.

The Kansas statutes concerning the powers of state and local authorities to establish traffic control devices are listed at K.S.A. 8-2001 et seq. Any city, county, or other local board or body which has authority to adopt ordinances or regulations relating to vehicular traffic may place and maintain traffic-control devices. K.S.A. 8-1432; 8-2002(a)(2); 8-2005. A city has authority to regulate "stopping" and may erect and maintain stop signs. K.S.A. 8-2002(a)(1); 8-2008. See K.S.A. 8-1472. Such a regulation may not conflict with any state law, K.S.A. 8-2001, and the traffic-control device must conform to the state manual and specifications adopted by the Secretary of the Department of Transportation. K.S.A. 8-2003; 8-2005.

Pursuant to K.S.A. 8-2003, the Kansas Department of Transportation has adopted the "Manual on Uniform Traffic Control Devices" published by the United States Department of Transportation, Federal Highway Administration. The criteria for stop signs is listed in § 2B. The manual provides that "[p]ortable or part-time STOP [sic] signs shall not be used except for emergency purposes." § 2B-5.

Thus, a portable stop sign cannot be used in the manner you suggest as the manual adopted by the Department of Transportation pursuant to K.S.A. 8-2003 does not permit such use. The city council of Alma may, however, wish to consider adopting an ordinance to place a permanent stop sign near the school.

Very truly yours,

ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS

Rita L. Noll
Assistant Attorney General

RTS:JLM:RLN:bas