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**REVIEW OF TRAFFIC PROVISIONS OF KRS/KAR
AND KENTUCKY DRIVERS MANUAL**





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Research Engineer
KTC-05-02/SPR285-05-1F

**REVIEW OF TRAFFIC PROVISIONS OF KRS/KAR
AND KENTUCKY DRIVERS MANUAL**

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Kentucky Transportation Cabinet
Commonwealth of Kentucky
and
Federal Highway Administration
U.S. Department of Transportation

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March 2005

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EXECUTIVE SUMMARY

This study included a review of selected sections of KRS and KAR that relate to traffic and safety. Also, the entire Kentucky Drivers Manual was reviewed. The review involved an evaluation of the applicability and consistency of these documents as well as their agreement with nationally recognized standards and guidelines. Recommendations were made relating to additions, modifications, and deletions from these documents.

Detailed comments were provided to the Kentucky State Police after a thorough review of the Kentucky Drivers Manual. An emphasis was placed on the portions of the manual where traffic control devices were described. Many of these comments and suggestions were incorporated into the revised manual.

Each section of KRS Chapter 189 and each chapter of KAR Titles 601 and 603 were reviewed. Possible modifications or questions concerning various aspects of the legislation or regulations were identified for many of these sections and chapters. Also, a request was made for members of the research study advisory committee to provide their suggestions. All of the comments were then summarized and presented to the advisory committee for comments and discussion. A list of recommended modifications was prepared and approved by the committee. The product of this review was a list of recommended changes to KRS and KAR, including the basis for the recommendation.

ACKNOWLEDGMENTS

Appreciation is expressed to the following members of the advisory committee who provided guidance in the completion of this study. Also included are Kentucky State Police personnel who were consulted as part of the review of the Drivers Manual.

Jo Anne Tingle	Transportation Cabinet, State Highway Engineer's Office, Chair
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Marcie Mathews	Kentucky Transportation Cabinet, Research Liaison
Ned Sheehy	Kentucky Motor Transport Association
Carl Sumner	Insurance Institute of Kentucky
Colonel Joe West	Justice Cabinet, Kentucky State Police
Tony Young	Federal Highway Administration

1.0 BACKGROUND

There is a continuing need to provide the most current and applicable statutory and regulatory guidance related to traffic safety both to the general public and to representatives of enforcement and judicial functions. Traffic-related provisions contained in the Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and the Kentucky Drivers Manual are documents that affect the overall safety of drivers.

The Kentucky Drivers Manual provides drivers with the rules and regulations related to driver eligibility, rules of the road, the meaning and application of traffic control devices, the operation of vehicles, and the use of the roadway. Traffic laws are described in the KRS with KAR providing supplementary information that expand upon KRS and provide specific guidance relative to the responsibilities of government agencies. The administrative regulations need to be compatible and consistent with the statutes to insure proper guidance is provided. Revision or elimination of outdated rules and regulations would reduce ambiguity related to these documents and could provide the basis for clarification to drivers, law enforcement, county officials, judicial representatives, and others with a resulting improvement in traffic safety.

2.0 SCOPE

This study included a review of selected sections of KRS and KAR that relate to traffic and safety. Also, the entire Kentucky Drivers Manual was reviewed. The review involved an evaluation of the applicability and consistency of these documents as well as their agreement with nationally recognized standards and guidelines. Recommendations were made relating to additions, modifications, and deletions from these documents.

3.0 PROCEDURE

3.1 Drivers Manual

The Kentucky Drivers Manual is updated periodically to reflect new legislation and changes in national standards and guidelines. For example, the Manual on Uniform Traffic Control Devices (MUTCD) was updated in 2000 and 2003. There were changes in some traffic signs which should be reflected in the drivers manual. Also, there are ongoing changes in legislation which should be included in the manual.

The Kentucky Drivers Manual is the responsibility of the Kentucky State Police (KSP). A review of the manual had started concurrently with the start of this study. A committee was formed by KSP to review the manual. Several meetings were held with representatives of the KSP to provide input into needed revisions and additions. Certain sections of driver manuals from other states were reviewed.

3.2 KRS/KAR

Relevant portions of the Kentucky Revised Statutes (KRS) and the Kentucky Administrative Regulations (KAR) were reviewed to determine where revisions were warranted based on consistency or a need to be updated. Specifically, Chapter 189 (Traffic Regulations-Vehicle Equipment and Storage) of the KRS and Title 601 (Transportation Cabinet Department of Vehicle Regulation) and Title 603 (Transportation Cabinet Department of Highways) of KAR were reviewed. A sample of statutes in other states were reviewed on specific topics. The Uniform Vehicle Code (UVC) was reviewed in detail to evaluate its consistency with KRS.

4.0 RESULTS

4.1 Drivers Manual

Detailed comments were provided to the KSP after a thorough review of the Kentucky Drivers Manual. An emphasis was placed on the portions of the manual where traffic control devices were described. Many of these comments and suggestions were incorporated into the revised manual. For example, changes in traffic signs in the 2003 MUTCD were incorporated into the drivers manual.

4.2 KRS/KAR

Each section of KRS Chapter 189 and each chapter of KAR Titles 601 and 603 were reviewed. Possible modifications or questions concerning various aspects of the legislation or regulations were identified for many of these sections and chapters. Also, a request was made for members of the research study advisory committee to provide their suggestions. All of the comments were then summarized and presented to the advisory committee for their comments and suggestions. A list of recommended modifications was prepared and reviewed by the committee. Following is the list of recommended changes to KRS and KAR as a resulting from this review. A reference to the basis for the recommendation is made in several instances.

KENTUCKY REVISED STATUTES CHAPTER 189

189.030. Time when lights must be on

- (1) replace "lights" with "head lamps"

189.040. Front lights - Flashing lights

- (6) change 200 feet to 300 feet to agree with Uniform Vehicle Code (UVC) 12-217
- (7)(c) omit this section since it refers to headlights with a single distribution of light
add paragraph to section referring to the height of headlights (to the center of the light to level ground with vehicle unloaded) (UVC 12-202) (other states give range of 24 to 54 inches)

189.043. Flashing white or amber lights to warn of traffic hazard permitted
refer to red lights in title

189.050. Rear, side and clearance lights

- (1) add that the rear of vehicles must be equipped with at least two red lights (exempt vehicles equipped with one light when manufactured); omit reference to replacing reflector for red light (refer to UVC 12-206)
- (2) omit this section
- (3) reference of 200 feet too low and not consistent with 500 feet given in (1) and (4); omit reference to yellow light for brake application
- (4) omit reference to green color; have two lights visible from rear
- (5) 100-foot visibility distance too low as compared to 500 feet used in other section; change reference to lamp to light

189.055. Brake lights

add requirement that vehicle be equipped with at least two red lights on rear (exempt vehicles originally equipped with only one light) (refer to UVC 12-206)

189.060. Lights on vehicles in tow and projections

- (2) replace reference to green light with amber light; refer to UVC 12-211 which states visibility distance to rear should be 1,000 feet rather than 500 feet
- (3) refer to UVC 12-209; project more than 4 feet rather than 5 feet; require two flags or lights marking the width of the overhang

189.070. Motor vehicles to carry and use required flares or similar signals

- (1) refer to type of vehicle required to carry such devices (trucks only; Motor Carrier Safety Standards); omit reference to “electric lantern”
- (2) add “and in such time” to last sentence

189.080. Horns and other sound devices

add requirement that horn be heard from at least 200 feet (refer to UVC 12-401)

189.090. Brakes

- (3) (a,b,c) cannot use one stopping distance requirement for all vehicle types-refer to UVC 12-301 (stop in 40 feet from 20 mph) and KMVSS (Section 5711.121) for braking distance from 20 mph which is different for different vehicle types; FMVSS Part 571 for air brakes requires service brake stopping distances of 32 to 38 feet for various buses and trucks

189.110. Unobstructed windshields-Display of American flag-Windshield wipers

add paragraph to section providing guidelines for the extent of windshield breakage to be classified as unserviceable

189.125. Requirements of use of seat belts and child restraint systems-Exceptions

(1) omit exemption “c” relating to farm trucks

189.130. Mirrors

give specific location of mirror(s) (refer to UVC 12-403)

(1) omit view requirement of 200 feet to rear

189.190. Chains and lugs on wheels-Thickness of solid rubber tires

add 189.191 stating that a tire with 2/32 of an inch or less of tread depth is unsafe

189.222. Increased height, length, and weight limits on designated highways-Cabinet may promulgate administrative regulations to implement 23 C.F.R. Part 658-Restriction of cabinet’s enforcement powers on locally-maintained roads

(1)(c) weight/inch of tire should be 600 rather than 700 to be consistent with other sections

189.285. Regulations for operating and riding on motorcycles-Headgear requirements-Definitions of motorcycle and moped

(1) add UVC 11-1307 that headlamps lighted at all times

add rules given in UVC 11-1302 and 11-1303 relating to operating motorcycles

189.287. Bicycle safety regulations and standards

add appropriate portions of UVC 11-1203 through 11-1212 for bicycles

189.290. Operator of vehicle to drive carefully

add section 189.291 to be used as reckless driving statute; refer to operating vehicle in reckless (willful and conscious disregard) or aggressive manner

189.300. Vehicles to keep to right

(1) omit reference to 150 feet and replace with the more general reference such as given in UVC 11-305

189.310. Vehicles meeting other vehicles and animals

(3) omit portion which states driver shall stop if requested by rider of animal

189.330. Turning and right-of-way at intersections

(6)(b) replace “right-hand lane” with “left-hand lane”

add section (6)(c) for two-way left turn lanes (which is UVC 11-601(d))

189.336. Installation of flasher lights near schools-Speed limits

rewrite to define who can establish school speed limits on specific types of roads (Secretary of Transportation on state highways, fiscal courts on county roads, and cities on city streets) and remove technical details (refer to standards described in KRS 189.337)

189.337. Traffic control signs, uniform standards to be prescribed-Sign to conform
add UVC section 11-206 which relates to unauthorized signs
add UVC section 11-207 relating to interference with traffic control devices (similar to 189.2329 for devices in work zones)

(2) manual should apply to all roads “open to public travel”

189.338. Limitation of colored lights used in traffic-control signals-Rules for vehicular and pedestrian traffic controlled by traffic-control signals

replace reference to “word message” for pedestrian signal with “symbolic message”

(1) add that vehicular traffic that entered an intersection on a circular green or yellow indication are allowed to complete their left turn during the red indication

(3)(a)1,2 clarify, where there are two right or left turn lanes, whether the turn on red be made from both lanes or only the curb lane

189.340. Overtaking vehicles-Traffic lanes-Following vehicles

(4) replace returning to lane within 100 feet of approaching vehicle with the 200 foot distance listed in UVC 11-305

(8)(b) question of basis of the following distance of trucks of 250 feet (CDL recommends four seconds at 40 mph for 40-foot vehicle which would be 240 feet and six seconds at 40 mph for 60-foot vehicle which would be 360 feet)

189.345. Prohibitions against driving on left side of roadway

(1)(b) omit since the Transportation Cabinet’s policy is to mark no passing zones at intersections which meet certain volume requirements

189.375. School or church bus signaling device-Use-Stopping regulated

revise to include reference to installing a School Bus Stop Ahead sign if there is restricted sight distance

189.390. Speed-Parking

(1) replace definitions for business and residential districts to include size of lots and spacing of access points

(4)(b) add that speed limit cannot be reduced by more than 10 mph without an engineering or traffic investigation

(6) add UVC 11-805(b) which relates to setting a minimum speed limit

189.394. Fines for speeding-Doubling of fines in highway work zones-Highway work zone safety fund

(5) add information from 603 KAR 5:320 related to application of double fines in highway work zones

189.450. Stopping, standing, or repairing vehicle on roadway or shoulders of highway
add UVC 11-1004 (a) and (b) relating to parking within 12 inches of curb

- (1)(a) note that 24 hours not consistent with 603KAR5:025 Section 4 which refers to 6 hours
- (5) add (from UVC 11-1003): on any controlled-access highway; within a highway tunnel; within 15 feet of a fire hydrant; on a crosswalk; in the area between roadways of a divided highway, including crossovers

189.480. Towed vehicles
add requirement for brake lights on towed vehicles

189.490. Trailer operation restricted
add requirement for brake lights on trailers

189.515. Restrictions on operation of all-terrain vehicles
(4) omit this exemption for headgear
(5)(b) add “and a person under the age of 16 shall not operate an ATV on any public highway”
(6)(b) omit this exemption for allowing use on a public highway

189.520. Operating vehicle not a motor vehicle while under influence of intoxicants or substance which may impair driving ability prohibited-Presumptions concerning intoxication
move to Chapter 189A

189.560. Railroad crossings
(2) Replace “stop at not less than ten feet” with “stop at a marked stop line but no less than 15 feet” (as given in the MUTCD)

189.565. Operator of motor vehicle used in transporting inflammable liquids or explosives to stop vehicle at railroad crossings-Exceptions
change not less than 10 feet from nearest track to not less than 15 feet (from MUTCD)

189.570. Pedestrians
omit (4) since not consistent with (6) (a)

189.580. Duty in case of accident
(3) add “when an investigation is not conducted by a law enforcement officer”

189.630. City may require accident reports
omit this section given availability of records through CRASH

189.635. Vehicle accident reports by operators, law enforcement officers, and agencies-Availability to parties to accident and news-gathering organizations
(7) omit this section

189.751. Abandonment of vehicle on county road or city street-Penalty-Removal-Disposition

change to 24 hours to be presumed to be abandoned to be consistent with 189.450 (1)(a) which refers to 24 hours as maximum time on shoulder

189.752. Definitions for KRS 189.753

change reference to an abandoned vehicle as only an automobile to refer to any vehicle

189.753. Abandonment of motor vehicle on state highway-Presumption-Notification-Removal

change to 24 hours to be presumed to be abandoned to be consistent with 189.450 (1)(a) which refers to 24 hours as maximum on shoulder

Slow-Moving Vehicle Emblem

no comments

Emergency Vehicles

189.910. Definitions for KRS 189.020 to 189.950

further define that a personal vehicle used as an emergency vehicle must have required flashing lights and siren

189.920. Flashing lights

add requirement for flashing lights for personal vehicle used as emergency vehicle

Public Safety Vehicles

no comments

KENTUCKY ADMINISTRATIVE REGULATIONS

TITLE 603. TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS

Chapter 1 Construction and Materials

020 Driveway approaches, entrances; construction and maintenance

Note: This section should be in conformance with Kentucky Access Management Plan when it is formally adopted

Chapter 2 Preconstruction

no comments

Chapter 3 Maintenance

030 Primary road system classifications

Section 1. (1)(b) replace “toll is paid” with “toll is or has been paid”

Chapter 4 Right-of-way

035 Logo signs; placement along fully-controlled and partially-controlled access highways

Section 5. (6) define the retroreflectivity reference to 50 percent

045 Cultural and recreational supplemental guide signs and boundary signs

Section 13. Refer to the current editions of various reference materials

050 Limited supplemental guide signs

Section 3. (b,c) use appropriate reference (Division of Traffic Operations)

Chapter 5 Traffic

025 Fully-controlled access highways

Section 4. change reference to 6 hours as time limitation for disabled vehicle stopped on shoulder to 24 hours

030 Right or left turn on red signal prohibitions

note that left turns refer to an intersection of two one-way streets

040 Use of rest areas

increase the maximum time a rest area can be used from 4 hours during 24 hours

050 Uniform traffic control devices

update reference of MUTCD from 2000 to current version
update Cabinet website to www.Transportation.ky.gov

066 Weight (mass) limits for trucks

add reference to increased limits on extended weight system (KRS 177.9771)

120 Access control of highway

should be in conformance with Kentucky Access Management Plan (when it is adopted)

150 Encroachment permits

Section 2 (b) refer to proper title for Division of Traffic Operations (and correct address)
add section dealing with acceptable mailbox receptacle (refer to U.S. Postal Services regulations)

230 The extended weight coal or coal by-products haul road system and associated bridge weight limits

Section 10 (2)(a) proper address

301 Weight (mass) classification of the state-maintained system of highways

Section 1 (3) proper address

320 Safety in highway work zones

Section 7 (2) proper address

Chapter 7 Mass Transportation

020 Nonurbanized Public Transportation Program and Elderly and Handicapped Program

Section 2 proper address

040 Public Transportation Capital Assistance Program

Section 2 proper address

050 Local Rail Service Assistance Program

Section 2 proper address

060 Urbanized area transportation planning

Section 2 proper address

070 Carpool project

Section 2 proper address

080 Human service transportation delivery

Section 19 (2) proper address

090 Railroads

Section 6 (2) proper address

Chapter 8 Transportation Scholarship Program

010 Transportation Scholarship Program

remove reference to civil engineering technologists; in Section 5 change priority 4 to high school graduates applying for university freshman scholarships and change priority 5 to upper-class university students not in the program

Chapter 9 Division of Planning

no comments

**TITLE 601. TRANSPORTATION CABINET
DEPARTMENT OF VEHICLE REGULATION**

Chapter 12. Driver's License

no comments

Chapter 13 Driver Improvement

025 Point System

reference research study (KTC-98-11) for updates to the point system (moving violations and mandatory violations)

(2) proper address

090 Medical Review Board

reference research study (KTC-99-23) recommendations relative to awareness of medical review process

100 Medical standards for operators of motor vehicles

reference research study (KTC-99-23) recommendations concerning medical standards for vision

Chapter 14 Motorcycle and Bicycle Safety

020 Bicycle safety standards

reference that all related traffic control shall conform to Part 9 in the MUTCD

1

5.0 REFERENCES

Following is a list of specific references used in the review of the Kentucky Drivers Manual, Kentucky Revised Statutes, and Kentucky Administrative Regulations. In addition to these references, statutes from other states relating to specific topics were reviewed.

1. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), U.S. Department of Transportation, Federal Highway Administration, 2003.
2. Uniform Vehicle Code (UVC), The National Committee on Uniform Traffic Laws and Ordinances, 2000.
3. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, 2001.
4. Federal Motor Vehicle Safety Standards and Regulations (FMVSS), United States Department of Transportation, National Highway Transportation Safety Administration.
5. Federal Motor Carrier Safety Regulations (FMCSR), United States Department of Transportation, Federal Motor Carrier Safety Administration.