

**Article 45. – Escort Vehicles, Escort Vehicle Service Providers,
and Escort Vehicle Operators**

36-45-1. Definitions. Each of the following terms, as used in this article of the department’s regulations, shall have the meaning specified in this regulation:

- (a) “Department” and “KDOT” mean the Kansas department of transportation.
- (b) “Escort vehicle” and “EV” mean a vehicle that accompanies a load and meets the requirements of K.A.R. 36-45-5.
- (c) “Escort vehicle operator” and “EVO” mean a person who is driving a vehicle that is accompanying a load and who meets the requirements of K.A.R. 36-45-4.
- (d) “Escort vehicle service provider” and “EVSP” mean a person, firm, owner, or company that operates an escort vehicle for the purpose of accompanying a load as required by K.A.R. 36-1-36 and K.A.R. 36-1-38 and that meet the requirements of K.A.R. 35-45-2 and K.A.R. 36-45-3.
- (e) “Height-measuring pole” and “height pole” mean a retractable and flexible device made of nonconductive material that measures vertical clearance.
- (f) “Large structure” means any load that exceeds either 16 feet, six inches in width or 18 feet in height.
- (g) “Law enforcement agency” means the Kansas highway patrol (KHP) or any local law enforcement agency in Kansas.
- (h) “Load” means either of the following:

(1) at least one item, object, or device, including self-propelled, that exceeds the maximum sizes or weights prescribed in K.S.A. 8-1902, 8-1904, 8-1908 and 8-1909, and amendments thereto; or

(2) the combination of an item, object, or device and a vehicle transporting the item, object, or device if the combination of these two exceeds the maximum sizes or weights prescribed in K.S.A. 8-1902, 8-1904, 8-1908, and 8-1909, and amendments thereto.

(i) “MUTCD” means the most recent edition of the manual on uniform traffic-control devices for streets and highways issued by the federal highway administration and adopted by the secretary of transportation pursuant to K.S.A. 8-2003, and amendments thereto.

(j) “Nondivisible,” when used to describe a load or vehicle, means that the load or vehicle exceeds the applicable dimensions or weight limitations and, if separated into smaller loads or vehicles, would result in having any of the following effects:

- (1) Compromise the intended use of the vehicle;
- (2) destroy the value of the load or vehicle; or
- (3) require more than eight work hours to dismantle, using appropriate equipment.

(k) “Permit” means a document issued by the secretary that grants the movement of a load or vehicle that exceeds the maximum sizes and weights as prescribed in K.S.A. 8-1902, 8-1904, 8-1908, and 8-1909, and amendments thereto, over the highways that are under the jurisdiction of the secretary.

(l) “Permitted route” means a designated course of travel that is over the highways under the jurisdiction of the secretary and has been approved by the secretary.

(m) “Secretary” means Kansas secretary of transportation or Kansas secretary of transportation’s designee.

(n) “Superload” means either of the following:

(1) A load or a vehicle transporting a nondivisible load that exceeds a gross weight of 150,000 pounds; or

(2) a load or a vehicle transporting a nondivisible load in which any group or groups of axles exceed the limitations prescribed in K.A.R. 36-1-37.

(o) “Traffic-control operation” means the temporary suspension of normal traffic activity at locations of limited maneuverability, including any bridge or intersection, for the purpose of allowing a load to safely traverse the area in accordance with the MUTCD.

(p) “Vehicle” means any self-propelled device in, upon, or by which any person or property is or can be transported or drawn upon a public highway. The self-propelled device is designed to travel on at least four wheels in contact with the ground. This term shall not include electric personal assistive mobility devices, devices moved by human power or used exclusively upon stationary rails or tracks, devices propelled by electric power obtained from overhead trolley wires but not operated on rails, and motorized nonhighway devices. (Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911, K.S.A. 2019 Supp. 8-1921, and K.S.A. 66-1326; effective, T-_____, _____.)

36-45-2. Registration. Each EVSP shall register annually with the secretary. Each registration shall meet the requirements of this regulation.

(a) Each registration shall specify the following:

- (1) The name and address of the EVSP;
- (2) the name and address of the registered agent for the EVSP;
- (3) the vehicle identification number (VIN) of each EV operated in Kansas; and
- (4) the license plate number of each EV operated in Kansas.

(b) Each registrant shall attest to the following under penalty of perjury and revocation of the registration:

(1) That each EV operated in Kansas maintains the required insurance specified in K.A.R. 36-45-3;

(2) that the vehicle registration of each EV operated in Kansas is current in a state or territory of the United States;

(3) that each EVO possesses a current driver's license issued by the state or jurisdiction in which the EVO resides and, when operating as an EVO, the EVO is operating within any restrictions on the driver's license;

(4) that each EVO has successfully completed an escort vehicle training course approved by the secretary;

(5) that each EVO has a driving history without any conviction of driving while impaired, driving reckless, or both within the previous 36 months; and

(6) that each EVO is authorized to operate an EV for the EVSP. (Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911, K.S.A. 2019 Supp. 8-1921, and K.S.A. 66-1326; effective, T-_____, _____.)

36-45-3. Insurance. (a) Each EVSP shall have in effect all motor vehicle liability insurance coverage required for each EV traveling pursuant to any EVSP registration approved under this article of the department's regulations on the date of EVSP registration. As a prerequisite for EVSP registration under K.A.R. 36-45-2, each EVSP shall maintain the minimum required insurance, self-insurance, or other financial security required by K.S.A. 40-3104, and amendments thereto, to cover any damage that could occur to any person or property, including highways and highway features, during movement of the load. Each insuring company shall be authorized to conduct business in Kansas.

(b) Each EVSP shall maintain the required insurance coverage for the duration of the EVSP registration and shall furnish proof of insurance upon demand by the department or any law enforcement agency.

(c) Failure to maintain the required insurance coverage throughout the duration of the EVSP registration shall result in revocation of the EVSP registration. (Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911, K.S.A. 2019 Supp. 8-1921, and K.S.A. 66-1326; effective, T-_____, _____.)

36-45-4. Escort vehicle operator. Each EVO shall meet the following requirements before operating any EV in Kansas:

- (a) Have a driving history without any conviction of driving while impaired, driving reckless, or both within 36 months before operating any EV;
- (b) successfully complete an escort vehicle training course approved by the secretary;
- (c) be at least 18 years of age; and
- (d) possess a current driver's license issued by the state or jurisdiction in which the EVO resides. (Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911, K.S.A. 2019 Supp. 8-1921, and K.S.A. 66-1326; effective, T-_____, _____.)

36-45-5. Escort vehicle. Each EVSP shall ensure that each EV that is registered to the EVSP and operated in Kansas meets the following requirements:

- (a) Meets all statutory requirements to operate legally on the highways and streets;
 - (b) has at least two axles;
 - (c) is in safe operating condition;
 - (d) does not exceed a gross vehicle weight rating of 16,000 pounds;
 - (e) has a clearly visible and current license plate attached to the rear of the EV at least 12 inches from the ground;
 - (f) has an unobstructed outside rear-view mirror on each side of the EV;
 - (g) has current registration in the state in which the EV is registered;
 - (h) has left and right signal lamps on the front and rear of the EV that are in operable condition;
 - (i) is equipped with a horn that is in operable condition and capable of emitting sound audible under normal conditions from a distance of at least 200 feet;
 - (j) is at least 60 inches wide and not exceed 102 inches wide;
 - (k) has full visibility in all directions from the driver's side from within the vehicle;
- and
- (l) has a sign on the driver's side and the passenger's side of the EV displaying the name of the EVSP during movement of the load. The name of the EVSP shall visibly contrast with the background of the sign so that the name of the EVSP is easily visible. (Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911, K.S.A. 2019 Supp. 8-1921, and K.S.A. 66-1326; effective, T-_____, _____.)

36-45-6. Equipment. Each EVSP shall ensure that each EV that is accompanying a load in Kansas has, at a minimum, the following equipment meeting the requirements specified in this regulation:

(a) Communication equipment: one two-way communication device capable of transmitting and receiving signals for at least ½ mile and compatible with the device used by the driver of the load and the device used by each EVO during movement of the load;

(b) emergency equipment: one full-size spare tire compatible with the EV to continue travel, one vehicle jack appropriate for the EV, one lug wrench, eight bidirectional reflective triangles, eight red light-emitting flares, three 18-inch cones that are orange in color, and one fire extinguisher having an underwriters' laboratories rating of 5 B:C or more;

(c) handheld warning flags: two handheld flags that are red or orange in color and at least 24 inches square;

(d) height-measuring pole: if the height of the permitted load exceeds 16 feet when measured from the surface of the roadway, one accurate height pole that measures the height of the load plus three inches;

(e) paddle signs: at least one standard "Stop" paddle sign and one standard "Slow" paddle sign. Each paddle sign shall be at least 18 inches wide with letters at least six inches high and shall meet the requirements of the MUTCD;

(f) personal safety equipment: one high-visibility hard hat and one high-visibility vest or jacket that meet the requirements of the MUTCD;

(g) warning sign: one warning sign that states "OVERSIZE LOAD." The letters shall be black on a yellow background and shall be at least eight inches high with a minimum brush

stroke of 1.125 inches. The sign shall not obstruct the warning light or lights. The sign shall be at least five feet long and 12 inches high and shall be visible from a minimum distance of 500 feet;

(h) warning light or lights: either one oscillating or rotating light or two flashing lights. Each warning light shall be amber in color, at least six inches in diameter, and fully visible from all directions from a minimum distance of 500 feet. The warning light or lights shall not be obstructed by the warning sign; and

(i) vehicle warning flags: two vehicle flags red or orange in color and at least 18 inches square. Each flag shall be capable of being placed on the driver's or passenger's side of the EV. (Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911, K.S.A. 2019 Supp. 8-1921, and K.S.A. 66-1326; effective, T-

_____, _____.)

36-45-7. Documentation for permitted route. (a) Pretrip requirements. Each designated EVO shall ensure and document that the requirements of this subsection are met before accompanying each load.

(1) Planning and coordination meeting. A planning and coordination meeting shall be held no more than seven days before accompanying a load. Each person who will be accompanying or moving the load shall attend the meeting. The meeting shall accomplish each of the following:

- (A) Designate one or more EVO to complete the pretrip and posttrip evaluation;
- (B) establish the communication equipment and hand signals used during movement of the load;
- (C) discuss the conditions and restrictions of the permitted route;
- (D) review the procedures and requirements of this article of the department's regulations for compliance; and
- (E) verify the type and dimensions of the load.

(2) Equipment inspections. Each EVO shall inspect the equipment to verify compliance with K.A.R. 36-45-6.

(3) Escort vehicle inspections. Each EVO shall inspect the EV for defects and verify that the EV meets the requirements of K.A.R. 36-45-5.

(b) Route survey. An EVO who will be accompanying the load shall conduct a survey of the permitted route no more than 14 days before accompanying the load.

(c) Posttrip requirements. A designated EVO shall complete a posttrip evaluation at the conclusion of movement of the load within Kansas. Each posttrip evaluation shall document the following:

- (1) Each incident in which any communication equipment was defective, blocked, or otherwise failed to properly function and resulted in property damage, personal injury, or both;
- (2) any warnings, citations, and enforcement actions taken by any law enforcement agency, the identity of each law enforcement agency, and, if applicable, each accident report number and citation number;
- (3) any issues with the equipment required by K.A.R. 36-45-6 resulting in property damage, personal injury, or both;
- (4) any injuries to persons resulting from accompanying the load;
- (5) any load incidents, including tipping, spilling, or breaking, and the time, date, and location of each load incident;
- (6) any incidents involving property damage resulting from movement of the load, accompanying the load, or both, and the time, date, location, and the property damaged in the incident;
- (7) any traffic-control operations that exceeded 15 minutes, and the time, date, location, and purpose of each traffic-control operation;
- (8) any vehicle issues, including signal lamp failure, brake failure, tire failure, and engine failure, resulting in property damage, bodily injury, or both; and

(9) the identity of any additional persons or entities not identified in the pretrip evaluation that were utilized or contacted during the movement of the load for emergency purposes.

(d) Trip report. The trip report shall consist of each pretrip and posttrip evaluation. The EVSP shall retain each trip report for at least three years from the date of conclusion of movement of the load within Kansas. The EVSP shall submit a complete copy of the trip report to the department upon the department's request. (Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911, K.S.A. 2019 Supp. 8-1921, and K.S.A. 66-1326; effective, T-_____, _____.)

36-45-8. Trip procedures. Each EVO shall follow the procedures specified in this regulation when accompanying a load in Kansas.

(a) Limitation of the escort vehicle. No EV shall carry any item, object, or device that meets any of the following conditions:

(1) Exceeds the maximum sizes and weights specified K.S.A. 8-1902, 8-1904, 8-1908, and 8-1909, and amendments thereto;

(2) exceeds the width, length, or height of the EV, excluding the height pole and the required safety and visibility equipment;

(3) renders the escort vehicle unrecognizable as an EV by the traveling public;

(4) obstructs the view of the EVO, the driver of the load, or the view of the traveling public;

(5) poses a safety risk to the EVO, the driver of the load, or the traveling public; or

(6) restricts or impairs EVO's ability to operate the EV or limits the EVO's ability to comply with this article of the department's regulations.

(b) Height-measuring pole. At least one EV preceding a load that exceeds a height of 16 feet when measured from the surface of the roadway shall have a height pole. The height pole shall be securely attached to the EV and shall be designed and operated in a manner that will notify the EVO that the load cannot safely pass under an overhead obstruction without causing damage to the obstruction, the load, or both. The height pole shall not interfere with the ability of the EVO to safely operate the EV and communication equipment.

(c) Number of escort vehicles required.

(1) Superloads. At least one front EV and one rear EV shall be required when accompanying a superload. If the permit requires the superload to slow down at bridges, an additional EV shall be required.

(2) Large structures. At least one front EV and one rear EV shall be required when accompanying a large structure.

(3) Loads exceeding 14 feet in width. At least one front EV and one rear EV shall be required when accompanying a load exceeding 14 feet in width. The rear EV may be eliminated if all of the following conditions are met:

(A) A warning light is attached to the top of the load.

(B) A warning light is attached to the rear of the load no less than two feet but no more than eight feet above the surface of the road.

(C) A warning sign is attached to the rear of the load.

(d) Load. No EV shall transport, push, or pull any portion of the load while accompanying the load.

(e) Permitted route. No EVO shall accompany the load on any roadway on which the load has not been authorized to travel.

(f) Restrictions. No EV shall tow a trailer during movement of the load.

(g) Traffic-control operations.

(1) Any EVO may conduct a traffic-control operation during the movement of the load for the purpose of accompanying the load, not to exceed 15 minutes. A traffic-control operation may be appropriate if any of the following conditions is met:

- (A) A bridge or roadway is temporarily closed to allow the load to cross.
 - (B) An intersection with limited maneuverability is temporarily closed to allow the load to turn.
 - (C) The load or an EV malfunctions.
 - (D) An event makes load movement unsafe or impossible.
- (2) Each traffic-control operation shall be conducted from outside the EV using the equipment specified in K.A.R. 36-45-6 (a), (c), (e), (f), and (h). Each traffic-control operation shall follow the procedures specified in the MUTCD.
- (3) If a traffic-control operation is anticipated to last longer than 15 minutes, the law enforcement agency or the local area KDOT office shall be notified.
- (h) Travel distance.
- (1) Front escort vehicle and rear escort vehicle. Except as specified in paragraph (h)(2), the requirements of paragraph (h)(1) shall apply. When traveling within city limits, the EV immediately preceding the load shall not travel more than 300 feet to the front of the load. When traveling outside of city limits, the EV immediately preceding the load shall not travel more than 1,000 feet to the front of the load. The EV immediately following the load shall not travel more than 300 feet to the rear of the load.
- (2) Visibility; temporary conditions. The load shall be visible to the escort vehicles immediately preceding and following the load at all times unless temporary conditions, including blind curves, steep grades, upcoming bridges and overhead obstructions, and intersections requiring traffic-control operations, temporarily dictate a greater lead or follow distance than specified in this subsection.

(i) Trip communications. Each EVO shall communicate verbally using two-way communication equipment with the person transporting the load and with each EVO accompanying the load.

(j) Warning flags. A warning flag shall be securely attached to the driver's side of the EV and to the passenger's side of the EV.

(k) Warning lights. The warning light or lights attached to the EV shall be activated during movement of the load and shall meet the requirements in K.A.R. 36-45-6(h).

(l) Warning signs.

(1) Front escort vehicle. Each EV preceding a load shall have a warning sign attached to the front or top of the EV and shall be visible to the traveling public preceding or approaching the EV.

(2) Rear escort vehicle. Each EV following a load shall have a warning sign attached to the top or rear of the EV and shall be visible to the traveling public approaching the load from the rear.

(m) Responsibilities when any EV is not accompanying a load. Each EVO shall meet all of the following requirements when the EV is being driven and not accompanying the load:

- (1) The height pole shall be retracted or removed from the EV.
- (2) The warning flags shall be removed from the EV.
- (3) The warning light or lights attached to the EV shall be removed, deactivated, or covered.

(4) The warning sign attached to the EV shall be removed or covered. (Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404 ; implementing K.S.A. 2019 Supp. 8-1911, K.S.A. 2019 Supp. 8-1921, and K.S.A. 66-1326; effective, T _____, _____.)

36-45-9. Compliance. (a) Each law enforcement agency shall have the authority to enforce the provisions of this article of the department's regulations.

(b) If an EV is not in compliance with this article of the department's regulations, each law enforcement agency shall have the authority to require that the driver of the load and each EVO accompanying the load cease travel and that the EVO bring the EV into compliance before continuing to travel.

(c) If any EVO does not comply with this article of the department's regulations or any other applicable law, each law enforcement agency shall have the authority to require the EVO to cease operation of the EV.

(d) The registration of an EVSP may be revoked or denied by the secretary for failure to comply with this article of the department's regulations and any other applicable law.

(Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911 and K.S.A. 2019 Supp. 8-1921; effective, T-_____, _____.)

36-45-10. Revocation or denial of registration; hearing. (a) The registration of an EVSP may be revoked or denied by the secretary for failing to comply with any provision of this article of the department's regulations or any other applicable law.

(b) If the secretary orders that the registration of an EVSP shall be revoked or denied, the EVSP shall be notified by the department in writing by certified mail. The notice shall inform the EVSP of all of the following:

(1) The EVSP has a right to a hearing.

(2) The EVSP has a right to be represented by counsel of the EVSP's own choosing at a requested hearing.

(3) A request for a hearing shall be submitted in writing and filed with the department within 15 days of the date on which the department mailed the notice to the EVSP.

(4) The timely filing of a request for a hearing may suspend the order of revocation or denial, pending a properly requested hearing.

(5) The hearing shall be conducted in accordance with the Kansas administrative procedure act.

(c) Upon the department's receipt of a request for a hearing, the EVSP and any person who has made a complaint regarding the EVSP shall be given by the department at least 10-day written notice of the time and place of the hearing by certified mail.

(d) The EVSP and any other interested party may appear at the hearing in person or by counsel and state their reasons for and against revocation or denial of the registration. A corporation may be represented by an officer, an agent, or an attorney authorized to practice law in Kansas.

(e) At the conclusion of the hearing, the order revoking or denying the registration of the EVSP shall be affirmed or voided. Each order shall be rendered in accordance with the Kansas administrative procedure act.

(1) If the order of revocation or denial is affirmed, the EVSP shall not register with the secretary for one year from the date of the original revocation or denial

(A) If the order of revocation is voided, the registration shall be reinstated.

(B) If the order of denial is voided, the EVSP may register with the secretary.

(Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911 and K.S.A. 2019 Supp. 8-1921; effective, T-_____, _____.)