

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
SOUTH DAKOTA TRANSPORTATION COMMISSION
NOTICE OF PUBLIC HEARING

Pursuant to the authority vested in the South Dakota Transportation Commission by SDCL chapter 1-26, the South Dakota Transportation Commission will hold a public hearing in the Commission Room of the Becker Hansen Building at 700 East Broadway Avenue in Pierre, South Dakota on **October 27, 2016**, at 9:30 a.m. (Central Time) to consider the proposed amendment to the following rules:

70:04:05:01 – The definitions that apply to utility accommodations in noninterstate rights-of-way are being amended to include a definition of “wireless infrastructure.” The term “wireless infrastructure” would be defined to mean utility equipment that transmits messages, data, communications and other information via a wireless signal rather than a cable connection. This change is being made to address new and emerging wireless technology employed by utility providers.

70:04:05:02.01 – A new rule is being proposed that would prohibit installation of wireless infrastructure in the noninterstate highway right-of-way. This rule is being proposed to prevent installation of wireless infrastructure in noninterstate highway right-of-way until the South Dakota Department of Transportation can gather more information about the effects of allowing such installations and any terms and conditions that should apply to such installations if they are allowed.

70:04:05:01:01– This rule is being changed to include the statement that installation of wireless infrastructure in the interstate highway right-of-way is prohibited. This rule is being proposed to prevent installation of wireless infrastructure in interstate highway right-of-way until the South Dakota Department of Transportation can gather more information about the effects of allowing such installations and any terms and conditions that should apply to such installations if they are allowed.

70:04:05:01:02 – This rule is being changed to make the definition of wireless infrastructure that is proposed for utility accommodations in noninterstate right-of-way also apply to utility accommodations in interstate right-of-way. This rule change is being made so that wireless infrastructure can be specifically and separately addressed in the rules concerning utility accommodations in interstate highway right-of-way.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Department of Transportation, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the Department of Transportation by **October 26, 2016**, to be considered by the Commission.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable

accommodation in order to participate in the hearing should submit a request to the department's ADA Coordinator at 605-773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

A copy of the proposed rule may be obtained without charge from:

Secretary of Transportation
Becker-Hansen Building
700 East Broadway Avenue
Pierre, South Dakota 57501-2586

The proposed rule is also posted on the following website: <http://open.sd.gov>

Published at the approximate cost of \$_____.