

Department of Transportation
Office of Legal Counsel
700 East Broadway Avenue
Pierre, South Dakota 57501-2586 605/773-3262
FAX: 605/773-4442

MEMORANDUM

TO: Patricia Saukel
FROM: Karla L. Engle
DATE: April 18, 2018
RE: April 26, 2018, Commission Meeting

South Dakota Codified Law 1-26-13 allows an interested person to petition an agency to request the promulgation, amendment or repeal of an administrative rule. The Department of Transportation has received requests for amendments to the following administrative rule:

- 70:01:02:12 – Bon Homme County speed zone rule

Copies of the following documents are enclosed with this memo for the commission's consideration:

1. The proposed rule;
2. Maps showing the proposed speed zone changes;
3. Written comments received as of the date of this memo, including the letters requesting the rule amendments; and
4. The Rules Presentation Format Form adopted by the Interim Rules Review Committee, listing the procedural steps that have been taken so far in the rule adoption process.

Any additional written comments will be forwarded to the commission once the deadline for such submissions has expired.

Thank you.

70:01:02:12. Bon Homme County. The following are the maximum speeds on certain highways in Bon Homme County:

(1) State Trunk Highway 25 beginning 0.5 mile south of the intersection with Main Street in Scotland, then north for 0.15 mile, 45 miles per hour; then north for 0.87 mile, 30 miles per hour; then north for 0.15 mile, 45 miles per hour;

(2) Non-Trunk State Route 37P beginning at the junction with State Highway 37 north of Springfield, then south for 0.43 mile, 40 miles per hour; then south for 0.45 mile and west for 0.47 mile, 25 miles per hour;

(3) State Trunk Highway 50 beginning 0.2 mile west of Bon Homme County Highway 11 then easterly 2.31 miles through Avon, 55 miles per hour;

(4) State Trunk Highway 50 beginning 0.23 mile west of the intersection of Bon Homme County Road 5, then easterly 1.33 miles, ~~55~~ 45 miles per hour;

(5) Non-Trunk State Route 37P beginning at the junction with State Highway 37 north of Running Water, then south for 0.50 mile, 35 miles per hour;

(6) State Trunk Highway 50 beginning 0.51 mile west of Bon Homme Road in Tabor, then southeasterly 1.67 mile, 55 miles per hour.

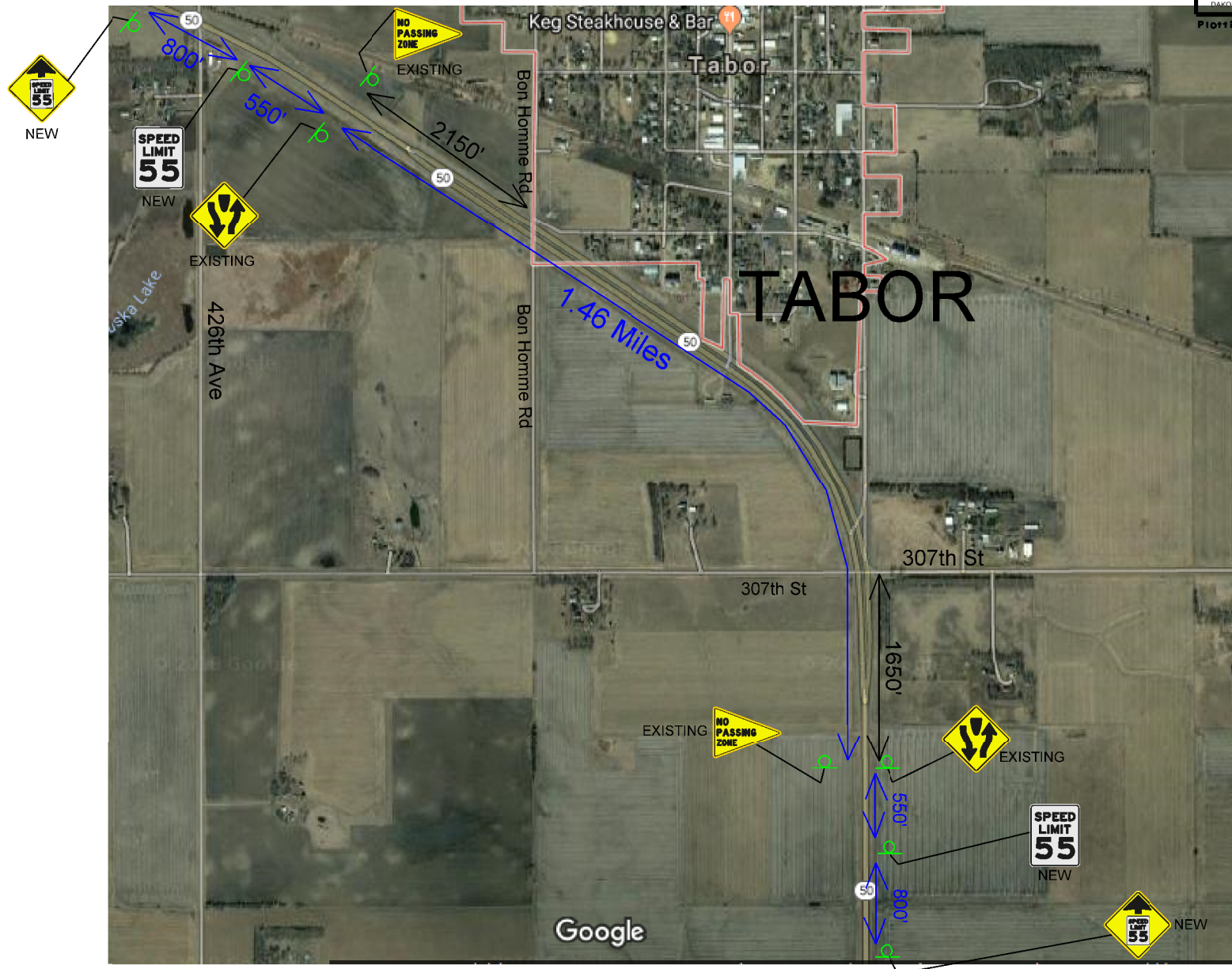
Source: SL 1975, ch 16, § 1; 4 SDR 77, effective March 2, 1978; 6 SDR 14, effective August 22, 1979; 7 SDR 25, effective September 22, 1980; 8 SDR 154, effective May 26, 1982; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 27, effective September 3, 1995; 22 SDR 165, effective June 2, 1996; 23 SDR 180, effective May 1, 1997; 31 SDR 89, effective December 28, 2004.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS

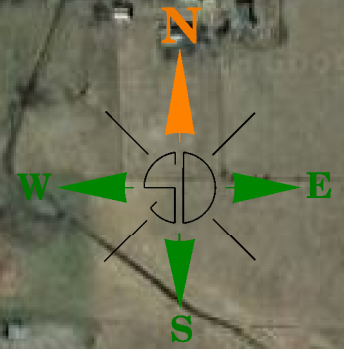
Plotting Date: 03/27/2018



FILE: \\S:\AGREGS-SPEEDRULES\TAVOR.DGN

FILE: \\S:\AGREGS-SPEEDRULES\TAVOR.DGN

EXISTING SPEED RULE SD 50 THROUGH TYNDALL.

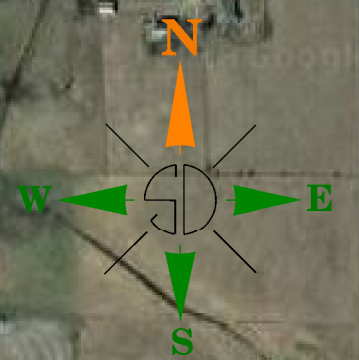


0.23 miles

1.33 miles



PROPOSED SPEED RULE SD 50 THROUGH TYNDALL.



SPEED
LIMIT
65

0.23 miles

SPEED
LIMIT
45



SPEED
LIMIT
45



1.33 miles

SPEED
LIMIT
65



From: Frank Kloucek [<mailto:fk loucek@hotmail.com>]
Sent: Sunday, February 25, 2018 10:39 PM
To: Bergquist, Darin
Subject: [EXT] Request for reduced speeds at Tyndall and Tabor and spring public meeting

From: Frank Kloucek <fk loucek@hotmail.com>
Sent: Saturday, February 17, 2018 7:30 PM
To: Frank Kloucek
Subject: Request for Speed reduction on Hwy 50 and open public meeting

Sec Bergquist: Darin

In your testimony, you referred to the state legislature not setting speed limits. Jean Hunhoff, State Rep from Yankton, testified the interim rules committee sets speed limits for local roads every year. Also, I believe the state legislature set the speed limit at 80 mph on interstates within our borders four years ago. It is my understanding you testified you were unaware of a news release that the final staff recommendation for the project had been made. Yet, when given the release you still failed to recognize it. It is hard to believe you would make such comments. It is also sad that you refused to discuss the contents of the bill and the need for follow up on recommendations made in HB 1284.

Here is a formal request for DOT to set the speed limits at 45 for Highway 50 around Tyndall and 55 mph around Tabor.

Feb 16, 2018

Secretary Darin Berquist
Dot 700 East Braodway Pierre SD 57501
Dear Secretary Berquist:

Please accept this correspondence as a formal request to reduce the speed limit around Tabor to 55 mph, and Tyndall to 45 mph as soon as possible, including an emergency clause as in HB1284.

Please include as supporting evidence the submitted proponent testimony of over 250 signatures from citizens for this request in HB 1284 testimony. Further, there are approximately 600 signatures, emails letters and oral testimony for such a change submitted at one of your first DOT hearings on the issue.

I request that you consider a public meeting for all users of Highway 50. I would be willing to facilitate the meeting and make sure all sides are heard and listened to on the subject, and that all sides would be treated fairly. I expect the meeting would last around 2 hours, or until everyone had their voices heard. A date from mid March until early April before spring planting would be preferred. Also, an evening meeting would be preferred. If you wish to bring any of your staff along they would be welcome.

Not everyone who wanted to speak at your last two meetings did so. They are now left feeling frustrated and disappointed their voices and concerns are not being taken seriously. There is a saying "Let us make change for the better to improve the people's quality and quantity of life - not just change for the sake of change". The latter seems to sum up what many believe to be going on with this project. I believe a public meeting, at this stage of the project, would help to better connect the concerns of our communities to the Departments's mission to provide a safe and effective transportation system.

Thanks for your cooperation.

Frank Kloucek
29966 423rd ave
Scotland SD 57059
605 583 4468 or 660 0254

From: Frank Kloucek [<mailto:fkloucek@hotmail.com>]
Sent: Wednesday, February 28, 2018 10:42 AM
To: Bergquist, Darin <Darin.Bergquist@state.sd.us>; Ralph Marquardt <ralphm@marqtrans.com>
Cc: Gall, Rod <Rod.Gall@state.sd.us>; Smith, Craig <Craig.Smith@state.sd.us>; Jansen, Scott <Scott.Jansen@state.sd.us>; Jundt, Joel <Joel.Jundt@state.sd.us>; Behm, Michael <Michael.Behm@state.sd.us>
Subject: [EXT] Withdrawal of Request and meeting date availabiltiy

Feb 28, 2018

Secretary Darin Bergquist
700 East Broadway
Pierre, SD 57501

Dear Secretary Bergquist:

Please accept this letter as a withdrawal of my request to lower the speed limit from 65 to 55 at the Tabor four lane intersection, and from 55 mph to 45 mph at the Highway 50 Tyndall Main Street intersection. It is my understanding the cities of Tabor and Tyndall also made similar requests. In order to avoid duplication, extra staff work load and confusion, I hereby withdraw my request.

Could you please send me any form or written legal instrument that is used for requests to lower the speeds on state highways in the future?

Again, Darin, please reconsider my personal invitation to you as Secretary of the Dept of Transportation to meet with the stakeholders who utilize Highway 50 in Bon Homme County. It is only right and fair to answer their questions and respond to their concerns. According to the process you have in place DOT does not have to do such a meeting. In my opinion it would be good public relations on your part to address the great concerns about what the DOT is trying to do with this project. I am not asking the DOT to do this, I am asking you as the Secretary of the Department to do so.

Please consider implementing the safety recommendations you have received from the stakeholders and put the four lanes removal on hold. That would be a wise use of Federal Highway Safety money. The current proposal does not appear to make common sense.

Frank Kloucek
299 66 423rd Ave
Scotland SD 57059
phone 605 660 0254

RECEIVED
FEB 28 2018
SECRETARY OF
TRANSPORTATION

February 24, 2018

Secretary of Transportation
Darin Berquist
700 East Broadway
Pierre, SD 57501

Darin Berquist;

Jean Hunhoff contacted me and asked me to express my opinion on the speed of traffic on highway 50 past Tabor.

With the expansion of the grain elevator and their feed grinding business the truck and tractor traffic has greatly increased. The Coop Ag Center also has truck and tractor equipment entering and leaving highway 50. The new Cenex refueling center and bulk plant also have more traffic crossing and entering the highway. I would like to see the speed reduced on the divided highway past Tabor to 55 mph. From Interstate 29 west on 50, every community has a reduced speed except this stretch of highway 50. Your consideration of this would be greatly appreciated.

John P. Hauck
Bon Homme County Commissioner
P. O. Box 185
Tabor, SD 57063

TOWN OF TABOR

138 N Lidice PO Box 146 463-2501
Tabor, South Dakota 57063
"Home of Czech Days"

RECEIVED

FEB 26 2018

SECRETARY OF
TRANSPORTATION

2/23/2018

Darin Berquist
Secretary of Transportation
700 E Broadway
Pierre, SD 57501

Dear Mr. Berquist,

The town of Tabor would like to request a reduction in speed limit along South Dakota Highway 50. We would like to reduce the speed from 65mph to 55mph through the four-lane divided highway adjacent to the city of Tabor.

We feel the lower speed limit would greatly help reduce accidents and allow people to be more aware of the traffic in and out of Tabor.

Your consideration in this manner is greatly appreciated.

Yours Truly,


LaVerne Schieffer, Chairman
Tabor Board of Trustees

RECEIVED

MAR 7 2018

Mr. Bigquist

SECRETARY OF
TRANSPORTATION

March 2, 2018

This Letter is in regards to speed Limit on Hwy 50 from 416 to 417 Ave. The speed Limit is 55 is a great Concern to many people including the Citizens of Tyndall. They feel the speed is excessive. I work a half Block from there and see it on a Daily Basis. We have asked the DOT in prior years to make it 45 MPH to help prevent Accidents along that stretch but nothing changes. The City Council has gone as far as approving to pay for Digital mobile signs if the speed is to fast it will flash the speed, it to is a great Concern to them also. As I understand the State will pay for them through a Federal grant and they will be ~~and~~ installed this Summer. The City has the Support of our County Sheriff Lenny Bramkow, Chief of Police Lawrence Luttles, and Deputy Chief Kelly Young. At least this reduction will give drivers more reaction time at intersections.

I personally was in that stretch this week and was doing 55 and a Semi Trailer Blew by me in the turning lane doing at least 65 if not more. Mr Luttles feels the 55 speed signs are to small and that maybe being missed as why some of the Speed Violations happen if they were larger might help also. Vehicle on doing the speed limit but are constantly being passed in the turning lanes. Lowering the Speed Limit is a small price to pay compared to the price of a Life. Let's not wait for that to happen before a change is done. Thank You for your Consultation and time on this important matter.

Home 589.3180
Cell 464.4395

Sincerely,
Earl Carmona
Mayor Tyndall

Engle, Karla

From: Frank Kloucek <fkloucek@hotmail.com>
Sent: Wednesday, March 14, 2018 6:58 PM
To: Bergquist, Darin; Engle, Karla; Smith, Craig; Jansen, Scott
Subject: Re: [EXT] Speed Changes Bon Homme County

Please send me via email the rule change SD DOT is proposing as originally requested this morning. When were the speed signs changed and when will this rule go into effect. It does affect the people in Bon Homme County. Please explain what you are doing here. Your answer is as vague as the rule change request. Frank

From: Frank Kloucek <fkloucek@hotmail.com>
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From: Frank Kloucek <fkloucek@hotmail.com>
Sent: Wednesday, March 14, 2018 11:45 PM
To: Bergquist, Darin
Cc: Engle, Karla; Sen Craig Kennedy; Jean.Hunhoff@sdlegislature.gov; Senator Stace Nelson
Subject: Re: Speed Changes Bon Homme County

What does this rule change do? We can not seem to get a copy of it on the computer

What speed reductions are you matching up? Please clarify, Frank Your website does not bring up the rule change. It says it is not working and try again later.....

From: Bergquist, Darin <Darin.Bergquist@state.sd.us>
Sent: Wednesday, March 14, 2018 6:54 PM
To: 'Frank Kloucek'; Jansen, Scott; Smith, Craig
Cc: Engle, Karla
Subject: RE: Speed Changes Bon Homme County

This hearing is not related to your requested changes at Tabor and Tyndall...this proposed change is part of a statewide review and cleanup of existing reduced speed zones to make sure administrative rules and sign locations match....

A copy of any administrative rule can be obtained at this link:

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SDLRC - Administrative Rules List

www.sdlegislature.gov

The Filter option allows you to narrow your search results to a specific Title, Article, or Chapter . Here is a tip for using the filter option.

A copy of this proposed rule change is available at this link:

<https://rules.sd.gov/detail.aspx?id=423>

Thanks

Darin

From: Frank Kloucek [mailto:fkoucek@hotmail.com]
Sent: Wednesday, March 14, 2018 11:18 AM
To: Bergquist, Darin; Jansen, Scott; Smith, Craig
Subject: [EXT] Speed Changes Bon Homme County

70:01:02:12 -- Bon
Homme County speed
zone rule

Changes are being made to the speed limit rule for State Trunk Highway 50 in Bon Homme County. The purpose and effect of these changes are to revise the speed limits set out in the rule to match the speed limit signs in place along this highway.

03/29/2018

03/2

Could you please be more specific on what this rule change does? This rule change appears very vague compared to the other rule changes statewide you have requested. Could you please send me 70.01.01.12 Thanks Frank Kloucek

Engle, Karla

From: Engle, Karla
Sent: Thursday, March 15, 2018 2:58 AM
To: Frank Kloucek; Bergquist, Darin; Smith, Craig; Jansen, Scott
Cc: Engle, Karla
Subject: RE: [EXT] Speed Changes Bon Homme County
Attachments: Bon Homme County Speed Zone Rule.pdf; Bon Homme County Speed Zone Memo.pdf

Dear Mr. Kloucek:

As requested, attached please find an electronic copy of the proposed rule change in Bon Homme County. The proposed rule change is to State Trunk Highway 50 through Avon. Under the proposed rule, the current 55 mph speed zone through Avon would be shortened to 1.42 miles in length, instead of the speed zone stretching for 2.31 miles as currently set out in the rule. The current signing in place along this stretch of Highway 50 reflects the 55 mph speed zone for 1.42 miles through Avon. So, if the proposed rule change is adopted, the rule would become consistent with the signing in place on this stretch of road.

For your reference, I am also enclosing a memo that explains the rule change in Bon Homme County. The memo includes a map showing the speed zone under the current rule and the proposed rule.

If you would like to submit a written comment concerning the rule, you may do so by replying to this e-mail and I will make sure your e-mail reply is included in the hearing record. You are also free to attend the Transportation Commission rules hearing in person at 9:00 a.m. on March 29, 2018, in the Becker-Hansen Building in Pierre or you may attend by phone. I can forward call-in information to you once the meeting agenda is finalized.

If you have further questions, please feel free to contact me. As I am scheduled to be out of the office later today, you may reach me on my cell phone. That number is 605-222-1073. Thank you. kle

Karla L. Engle
 Chief Legal Counsel
 Special Assistant Attorney General
 South Dakota Department of Transportation
 700 E. Broadway Ave.
 Pierre SD 57501-2586
 605-773-3262
 karla.Engle@state.sd.us

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(3) State Trunk Highway 50 beginning 0.2 mile west of Bon Homme County Highway 11 then easterly ~~2.31~~ 1.42 miles through Avon, 55 miles per hour;

(4) State Trunk Highway 50 beginning 0.23 mile west of the intersection of Bon Homme County Road 5, then easterly 1.33 miles, 55 miles per hour;

(5) Non-Trunk State Route 37P beginning at the junction with State Highway 37 north of Running Water, then south for 0.50 mile, 35 miles per hour.

Source: SL 1975, ch 16, § 1; 4 SDR 77, effective March 2, 1978; 6 SDR 14, effective August 22, 1979; 7 SDR 25, effective September 22, 1980; 8 SDR 154, effective May 26, 1982; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 27, effective September 3, 1995; 22 SDR 165, effective June 2, 1996; 23 SDR 180, effective May 1, 1997; 31 SDR 89, effective December 28, 2004.

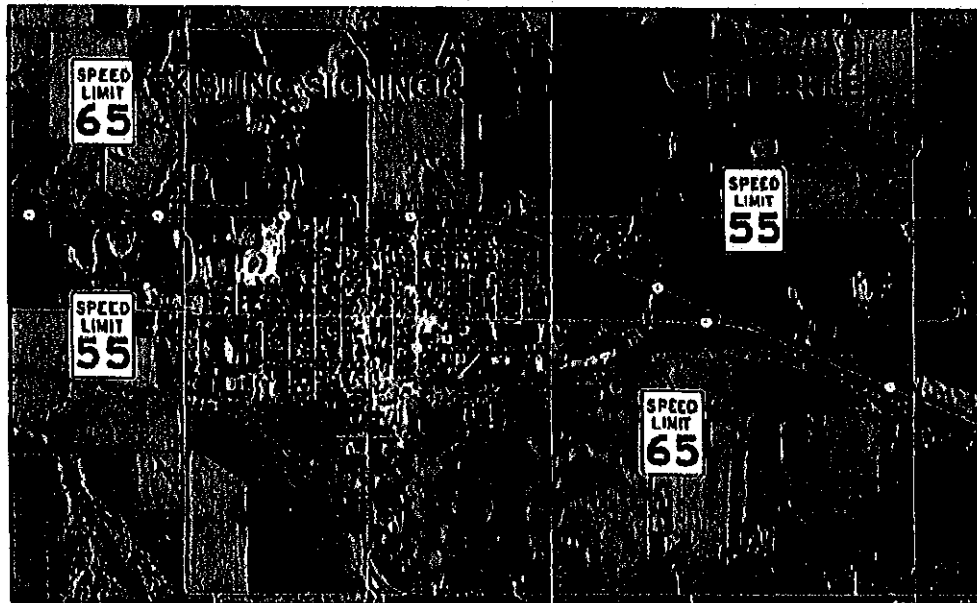
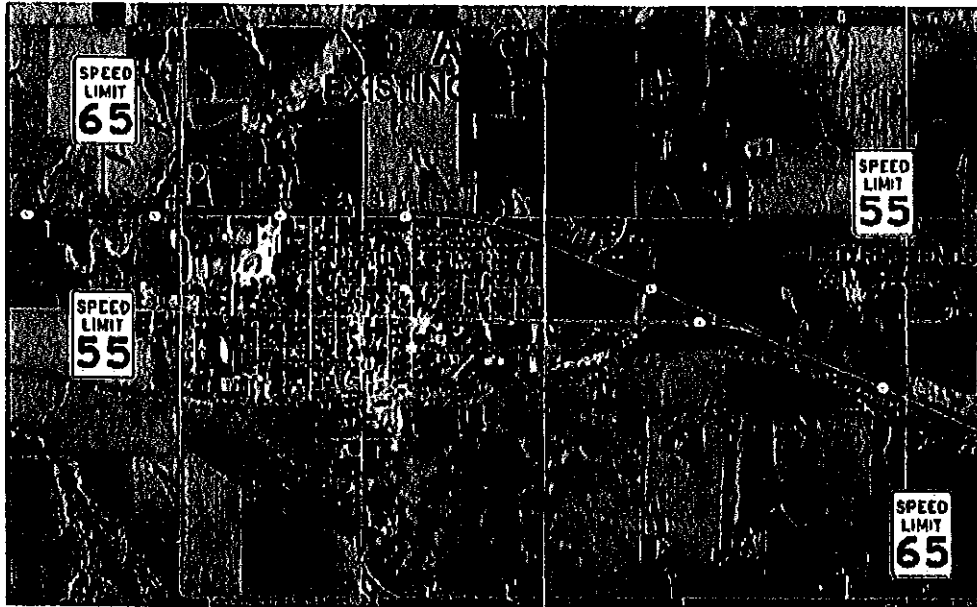
General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

PROPOSED AMENDMENT: Bon Homme County Speed Rule Change on SD Highway 50 in Avon.

70:01:02:12. Bon Homme County. The following are the maximum speeds on certain highways in Bon Homme County:

(3) State Trunk Highway 50 beginning 0.2 mile west of Bon Homme County Highway 11 then easterly 1.42 ~~2.34~~ miles through Avon, 55 miles per hour;



The length of the existing 55 mph speed zone in Avon is 1.42 miles, not 2.31 miles as given in the current administrative rule. The Department of Transportation Mitchell Region Traffic Office determined during an on-site review that the 1.42 mile length is appropriate and recommended amending the rule to be in conformance with the existing signing.

There is no cost associated with these changes. These changes reflect what is currently in the field.

PROPOSED AMENDMENT: Hamlin County Speed Rule Change on SD Highway 28 near Lake Poinsett.

70:01:02:32. Hamlin County. The following are the maximum speeds on certain highways in Hamlin County:

(6) State Trunk Highway 28 beginning 2.6 miles east of the junction of U.S. Highway 81, then east for ~~4.2~~ 1.6 miles, 55 miles per hour;

[Map on following page]

The existing signing east of Lake Poinsett ends the 55 mph speed zone earlier than the current administrative rule. The current administrative rule extended into a rural area further than needed, as there is a lack of cabins, homes, entrances, or lake access in this area; therefore, the Department of Transportation Aberdeen Region Traffic Office recommended the proposed amendment. Lieutenant Caleb Walters of the South Dakota Highway Patrol is in support of the proposed amendment.

There is no cost associated with these changes. These changes reflect what is currently in the field.

Engle, Karla

From: Engle, Karla
Sent: Thursday, March 15, 2018 3:06 AM
To: 'Frank Kloucek'; Bergquist, Darin; Smith, Craig; Jansen, Scott
Cc: Engle, Karla (Karla.Engle@state.sd.us)
Subject: RE: [EXT] Speed Changes Bon Homme County
Attachments: HearingNotice.pdf

Dear Mr. Kloucek: I realized that I neglected to include a copy of the hearing notice relating to this rule. I apologize for that oversight. Please see the attached notice. Thank you. kle

From: Engle, Karla
Sent: Thursday, March 15, 2018 2:58 AM
To: 'Frank Kloucek' <fkoucek@hotmail.com>; Bergquist, Darin <Darin.Bergquist@state.sd.us>; Smith, Craig <Craig.Smith@state.sd.us>; Jansen, Scott <Scott.Jansen@state.sd.us>
Cc: karla.Engle@state.sd.us
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Karla L. Engle
 Chief Legal Counsel
 Special Assistant Attorney General
 South Dakota Department of Transportation
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karla.Engle@state.sd.us

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SDLRC - Administrative Rules List

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 South Dakota Codified Law chapter 1-26, the 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 Thursday, **March 29, 2018**, at 9:00 a.m. (Central Time) to consider proposed changes to the following rules:

Chapter 70:01:02 – Speed Limits. Changes are being made to the speed limit rules for U.S. Highway 16 in Pennington County, U.S. Highway 385 in Lawrence County, State Trunk Highway 50 in Bon Homme County, State Trunk Highway 28 in Hamlin County, and State Trunk Highway 20 in Perkins County. The purpose and effect of these changes is to revise the speed limits set out in the rules to match the speed limit signs in place along these highways. **70:01:02:38 – Hyde County speed zone.** The 30 miles per hour (mph) limited speed zone on State Trunk Highway 47 in Highmore is being extended north an additional 0.1 mile to match the current signing locations. Then a 35 mph speed zone will extend north for 0.3 mile, rather than the 40 mph speed zone currently in place. A 45 mph speed zone will then extend north for 0.2 mile in place of the current 65 mph zone. The proposed speed zones will enhance safety and are based on an analysis of a speed zone study and consideration of development and turning movements. **70:01:02:48 – Marshall County speed zone.** A 55 mph limited speed zone is proposed for State Trunk Highway 10 on the west side of Britton for a distance of 0.2 mile. This change is being made to establish a transition speed zone between a 65 mph speed zone and a 45 mph speed zone. This change will enhance safety and is consistent with the typical length of a transition speed zone. **70:01:02:49 – Meade County.** This rule will set a 35 mph speed zone for the Interstate Highway 90 frontage road (Captain Soelzer Street) on the west side of Sturgis Road beginning at Peaceful Pines Road and proceeding north for 0.40 mile. Then a 40 mph speed zone will be established for an additional distance of 0.56 mile to the north. This change will enhance traffic efficiency by making the speed zones consistent with free flow speeds of traffic. **70:01:02:51 – Miner County speed zone.** On State Trunk Highway 34, a 45 mph limited speed zone is being replaced with a 50 mph speed zone beginning 0.5 mile west of Main Street in Howard then east for 0.2 mile. Then heading east for 0.8 mile the speed limit on State Trunk Highway 34 will reduce to 30 mph, and then the speed limit will increase to 50 mph for 0.53 mile. The proposed speed zones will enhance safety and are based on an analysis of spot speed zone studies, crash history, turning movements, motorist behaviors, and input from city officials, local citizens and law enforcement. **70:01:02:55 – Roberts County.** On State Trunk Highway 123 south of Wilmot, a 25 mph limited speed zone is being replaced with a 45 mph speed zone that will transition to a 55 mph speed zone. These changes will enhance safety and efficiency by creating a transition speed zone between the existing 25 mph zone and the 55 mph zone.

At the hearing, interested persons will be given reasonable opportunity to submit amendments, data, opinions, and arguments, either orally or in writing, or both. Interested persons may mail amendments, data, opinions, and arguments to the South Dakota Department

Engle, Karla

From: Frank Kloucek <fkloucek@hotmail.com>
Sent: Thursday, March 15, 2018 8:58 AM
To: Bergquist, Darin; Engle, Karla
Cc: Jansen, Scott; Smith, Craig
Subject: [EXT] apology accepted

Thank you for that clarification on the Avon Speed zones. When will the hearings be held for lowering the speed limits by Tyndall and Tabor? Also when will the speed flashing signs be installed by Tyndall? Frank Kloucek

Engle, Karla

From: Engle, Karla
Sent: Monday, March 19, 2018 5:31 PM
To: Frank Kloucek; Bergquist, Darin
Cc: Jansen, Scott; Smith, Craig; Engle, Karla
Subject: RE: [EXT] Requested Speed Zone Rule Changes in Tyndall and Tabor
Attachments: Letter to Frank Kloucek 3-15-2018.pdf

Good afternoon. I apologize for not responding earlier. I have been out of the office for the last few days.

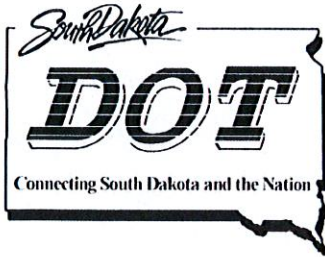
I will be asking the Transportation Commission to set a hearing on the proposed speed zone changes in Tyndall and Tabor for Thursday, April 26, 2018, at 9:00 a.m. Central Time in the Commission Room of the Becker-Hansen Building in Pierre. Attached is an electronic copy of a letter mailed to you last Thursday that explains the process in more detail. I am also enclosing an electronic copy of the rule changes I have drafted based on my understanding of the petitions received by the Department. If you have questions or concerns about these changes, please let me know. I am still in the process of contacting city officials to make sure these changes are what they are requesting. If any changes come out of those discussion, I will let you know. And if you have any further questions about the rules process, please don't hesitate to contact me.

I am unfamiliar with the flashing signs to be installed by Tyndall. I will look into that further and be in touch. Thank you and have a nice evening.

Karla L. Engle
Chief Legal Counsel
Special Assistant Attorney General
South Dakota Department of Transportation
700 E. Broadway Ave.
Pierre SD 57501-2586
605-773-3262
karla.Engle@state.sd.us

From: Frank Kloucek [mailto:fkoucek@hotmail.com]
Sent: Thursday, March 15, 2018 8:58 AM
To: Bergquist, Darin <Darin.Bergquist@state.sd.us>; Engle, Karla <Karla.Engle@state.sd.us>
Cc: Jansen, Scott <Scott.Jansen@state.sd.us>; Smith, Craig <Craig.Smith@state.sd.us>
Subject: [EXT] apology accepted

Thank you for that clarification on the Avon Speed zones. When will the hearings be held for lowering the speed limits by Tyndall and Tabor? Also when will the speed flashing signs be installed by Tyndall? Frank Kloucek



Department of Transportation

Office of Legal Counsel

700 East Broadway Avenue

Pierre, South Dakota 57501-2586 605/773-3262

FAX: 605/773-4442

March 15, 2018

Frank Kloucek
29966 423rd Ave.
Scotland, SD 57059

RE: Revisions to ARSD chapter 70:01:02 – Highway 50 Speed limits near Tabor

Dear Mr. Kloucek:

Thank you for your e-mails, dated February 16, 2018 and February 28, 2018, relating to reductions in the speed limits on Highway 50 adjacent to the cities of Tyndall and Tabor. I am writing to let you know that the department has received similar requests from the cities of Tyndall and Tabor for speed reductions on these stretches of highway. As you have suggested, I will work with officials from those communities to prepare the proposed rule changes for consideration by the South Dakota Transportation Commission. I will send you a copy of the proposed rules once they are drafted.

At the next regular meeting of the Commission on Thursday, March 29, 2018, I will ask the Commission to set a hearing on the proposed rules for 9:00 a.m. on April 26, 2018, in the Becker-Hansen Building in Pierre, South Dakota. At the hearing, members of the public and department staff will have the opportunity to present testimony in support of or in opposition to the proposed rules. There will be an opportunity to appear in person or by telephone. Since you have expressed support for the rule changes, I anticipate you will appear at the hearing, either in person or by phone. If you would like information about how to make a telephonic appearance at the hearing, please let me know and I will forward that information once a meeting agenda has been finalized. I will also ensure that written comments, such as your e-mails supporting speed limit reductions, are presented to the Commission at the hearing. If you have other written comments or documents that you would like the Commission to consider, please send that information to me so I may ensure the information is included in the hearing record. Written comments and other documents must be received by April 22, 2018, in order to ensure they are considered by the Commission at the hearing.

If you have any questions about this rulemaking process, please feel free to contact me. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Karla L. Engle".

Karla L. Engle
Special Assistant Attorney General

BON HOMME COUNTY SHERIFF'S OFFICE

PO BOX 1
TYNDALL SD 57066-0001
Lenny Gramkow - Sheriff

TELEPHONE (605) 589-3942
FAX (605) 589-4209

April 4, 2018

RECEIVED

APR - 9 2018

**SECRETARY OF
TRANSPORTATION**

Darin Bergquist
Office of the Secretary
700 E. Broadway Ave
Pierre, SD 57501

Dear Mr. Bergquist:

I am writing this letter in reference to a need of a speed reduction on Highway 50 on the four lane going past Tabor, SD. I have had numerous complaints from residents about the speed going by Tabor. The highway is a four lane so therefore the drivers are using the spare lane to do there passing.

Just recently the local Coop of Tabor has built a Fuel Island on the south side of highway 50. The town of Tabor has a high population of elderly citizens living in town, and they have expressed their concerns about crossing highway 50 to get gas from the fuel island because of the speeding traffic.

The Sheriff's Office has had numerous accidents over the years in this area, the last one was in 2016 that resulted in a triple fatality just west of this location.

On behalf of the citizens of Bon Homme County, I am asking that the speed limit going past Tabor, SD on the four lane highway be reduced to at least 55 miles per hour.

If you have any questions or concerns, please do not hesitate to call me at 605-589-3942.

Thank you for your cooperation in this matter.

Professionally yours,



Lenny Gramkow
Bon Homme County Sheriff

BON HOMME COUNTY SHERIFF'S OFFICE

PO BOX 1
TYNDALL SD 57066-0001
Lenny Gramkow - Sheriff

TELEPHONE (605) 589-3942
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April 4, 2018

RECEIVED

APR 11 2018

**SECRETARY OF
TRANSPORTATION**

Darin Bergquist
Office of the Secretary
700 e. Broadway Ave
Pierre, SD 57501

Dear Mr. Bergquist:

I am writing this letter in reference to a need of a speed reduction on Highway 50 on the four lane highway going past Tyndall,SD. The speed along this strip of highway is now 55 mile per hour. There are numerous intersections and driveways along this part of the highway as well as more and more new businesses are being built along this stretch of road.

We have had numerous accidents along this stretch of road over the years which has caused serious injuries and deaths. The citizens of Tyndall and Bon Homme County are asking that the speed limit along highway 50 going past Tyndall be reduced from 55 mph to 45 mph.

If you have any questions or concerns, please do not hesitate to call me at 605-589-3942.

Thank you for your cooperation in this matter.

Professionally yours,



Lenny Gramkow
Bon Homme County Sheriff

Interim Rules Review Committee Recommended Rules Presentation Format

When you submit the final draft to the Legislative Research Council (LRC) and the Rules Review Committee, please answer these questions to show that the SDCL § 1-26 rule-making process is complete. Use this format to organize your presentation to the Committee.

- Approval to proceed? Yes No Date March 29, 2018
- The date of your public hearing. Date April 26, 2018
- The date you submitted the proposed rules and the supporting documents to LRC and the Bureau of Finance and Management: Date April 3, 2018 (Note - This must be completed at least 20 days before your public hearing.)
 - any publication incorporated by reference;
 - the fiscal note;
 - the impact statement on small business; and
 - the notice of hearing.
- The date and the name of the newspapers where you published the notice of the public hearing.
 - Date 4/4/2018 Newspaper Sioux Falls Argus Leader
 - Date 4/4/2018 Newspaper Yankton Daily Press and Dakotan
 - Date 4/4/2018 Newspaper Tyndall Tribune and Register
 - Date 4/4/2018 Newspaper Pierre Capital Journal
- Summarize how and when interested persons, if any, were contacted and how many were contacted. **On April 3, 2018, copies of the hearing notice and proposed rule were sent to the fourteen individuals who have requested to be notified by mail of rule-making by the commission. On the same date, electronic copies of the hearing notice and proposed rule were sent to a member of the press who has requested electronic notification of rule-making. Also on April 3, 2018, copies of the hearing notice and proposed rule were mailed to the Sheriff of Bon Homme County, the mayor of Tyndall, the Chairman of the Board of Trustees of Tabor, and the finance officers for Tyndall and Tabor. On April 3, 2018, copies of the hearing notice and proposed rule were also mailed to Frank Kloucek and Bon Homme County Commissioner John Hauck, both of whom had submitted written comments in support of the rule changes. The hearing notice, proposed rule, small business impact statement, and fiscal notes were also posted on the Open SD website for the State of South Dakota.**
- Provide the page numbers in the minutes where it mentions how the agency considered amendments, data, opinions, or arguments regarding the proposed rules, along with any changes and final action. _____
- If the rules are implementing a bill from last session, identify the bill number. N/A
- The date you submitted the final rules and supporting documents to the LRC and the Rules Review Committee: Date _____ (Note - This must be received no later than 5 days before the Rules Review Committee meeting.)

- the "Approval of Rules" - Form 11 (LRC only);
- the style and form copy (LRC only);
- the "Affidavit" of mailing - Form 12 (LRC only);
- the final copy of the rules (Both);
- the minutes of the hearing (Both);
- the record of written comments (Both);
- the impact statement on small business – Form 14 (Committee only);
- the fiscal note – Form 5 (Committee only);
- the budgetary information required to increase a fee (Committee only); and
- the rules process outline (Both).