

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: May 11, 2018
RE: May 24, 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 a request for amendments to the following administrative rule:

- 70:01:02:09 – Lawrence County speed zone rule

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

1. The proposed rule;
2. A memo from the department's region traffic engineer and a map showing the proposed speed zone changes;
3. Written comments received concerning the proposed rule amendment, including a letter from the mayor of the City of Deadwood requesting the rule amendment; 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.

70:01:02:09. Lawrence County. The following are the maximum speeds on certain highways in Lawrence County:

(1) State Trunk Highway 34 beginning at the west platted limits of St. Onge, then 0.4 mile to the south platted limits, 40 miles per hour;

(2) U.S. Highway 14A beginning at the junction with Colorado Boulevard just east of the east Spearfish city limits, then southerly for approximately 19 miles to the junction with U.S. Highway 85 at Cheyenne Crossing, 35 miles per hour;

(3) U.S. Highway 14A beginning at the junction with U.S. Highway 85 at the north edge of Deadwood, then easterly for 0.09 mile, 35 miles per hour; then easterly for 0.45 mile, 50 miles per hour; then easterly for 6.16 miles, 55 miles per hour; then easterly for 2.09 miles to the Meade County Line, 45 miles per hour;

(4) U.S. Highway 85 beginning at the junction with U.S. Highway 14A near the north city limits of Deadwood, then northerly for 1.19 mile, 45 miles per hour; then northerly for 2.71 miles, 55 miles per hour;

(5) State Trunk Highway 34 beginning 0.4 mile north of the centerline of Interstate Highway 90 at Exit 23, then southerly for 0.15 mile, 45 miles per hour; then southerly for 0.37 mile, 30 miles per hour;

(6) U.S. Highway 14A beginning at the junction of U.S. Highway 85 at Cheyenne Crossing, then northeast for 4.3 miles, 55 miles per hour; then northeast for 2.91 miles, 40 miles per hour; then northeast for 0.49 mile to the junction of U.S. Highway 85 in Lead, 25 miles per hour;

(7) U.S. Highway 85 beginning at the west city limits of Lead, then east for 0.8 mile, 25 miles per hour; then easterly for 0.5 mile, 20 miles per hour; then easterly for 0.8

mile, 25 miles per hour; then easterly to the junction with U.S. Highway 385, Pluma junction, 35 miles per hour;

(8) U.S. Highway 385 beginning at the junction with U.S. Highway 85 in Deadwood, then southeasterly 1.0 mile, 35 miles per hour; then southeasterly 5.87 miles, 45 miles per hour; then southeasterly 12.92 miles to the Pennington County line, 55 miles per hour;

(9) U.S. Highway 85 beginning at the junction of U.S. Highway 385 in the City of Deadwood, then northeasterly for 1.04 miles, 25 miles per hour; then northeasterly for 0.8 mile to the intersection of U.S. Highway 14A, 20 miles per hour;

(10) U.S. Highway 85 beginning at the Wyoming state line, then northeasterly for 6.91 miles, 55 miles per hour; then northeasterly for 9.38 miles to the junction with U.S. Highway 14A at Cheyenne Crossing, 50 miles per hour;

(11) U.S. Highway 14A beginning at the junction with U.S. Highway 85 in Lead, then north for 0.36 mile, 25 miles per hour; then northeasterly for 0.24 mile, 35 miles per hour; then northeasterly for 3.13 miles, 45 miles per hour; then northeasterly ~~for 0.68 mile to the junction of Main Street, 30 miles per hour; then northeasterly for 0.79 mile to~~ the junction of U.S. Highway 85 at the north edge of Deadwood, ~~35~~ 25 miles per hour;

(12) Truck speed for eastbound trucks with dual tires on the driver axle on U.S. Highways 85 and 14A beginning at a point 4.3 miles east of the junction of these two highways at Cheyenne Crossing, then east for a distance of 2.32 miles to the Terry Peak Road, 35 miles per hour;

(13) Truck speed for northbound trucks with dual tires on the driver axle on U.S. Highway 385 beginning at a point 3.5 miles south of the junction with U.S. Highway 85 in Pluma, then north for a distance of 2.5 miles, 25 miles per hour;

(14) U.S. Highway 14A beginning at the junction of Colorado Street and Spearfish Canyon Road on the east side of Spearfish, then east for 1.57 miles to the south ramp terminals of Interstate 90 at Exit 14, 45 miles per hour;

(15) U.S. Highway 14 eastbound loop beginning at the south end of the bridge over Interstate 90 at Exit 10, then south for 0.92 mile, 45 miles per hour; and U.S. Highway 14 westbound loop beginning 0.92 mile south of the south end of the bridge over Interstate 90 at Exit 10, then north for 0.92 mile, 45 miles per hour;

(16) U.S. Highway 85 N beginning at the south end of the bridge over Interstate 90 at Exit 10, then north for 0.5 mile, 45 miles per hour; and U.S. Highway 85 S beginning 0.5 mile north of the south end of the bridge over Interstate 90 at Exit 10, then south for 0.5 mile, 45 miles per hour;

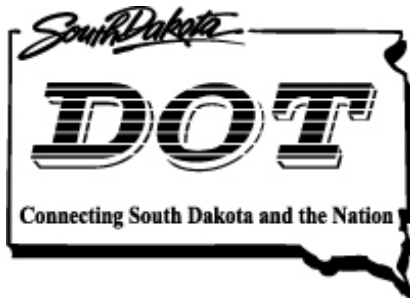
(17) State Highway Maintenance Route 473 beginning at the junction of U.S. Highway 14A/85 southwest of Lead, then westerly for 1.58 miles, 40 miles per hour; then westerly for 1.55 miles, 30 miles per hour.

Source: SL 1975, ch 16, § 1; 6 SDR 85, effective February 24, 1980; 9 SDR 7, effective July 27, 1982; 11 SDR 22, effective August 12, 1984; portion of subdivision (3) transferred to subdivision 70:01:02:49(10), 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 111, effective February 28, 1988; 15 SDR 158, effective April 26, 1989; 17 SDR 127, effective March 3, 1991; 17 SDR 151, effective April 8, 1991; 19 SDR 30, effective August 30, 1992; 21 SDR 97, effective November 27, 1994; 21 SDR 171,

effective April 2, 1995; 22 SDR 165, effective June 2, 1996; 22 SDR 183, effective June 30, 1996 ; 23 SDR 132, effective February 27, 1997; 26 SDR 124, effective April 2, 2000; 31 SDR 62, effective November 7, 2004; 34 SDR 279, effective May 8, 2008; 37 SDR 58, effective September 27, 2010; 44 SDR 95, effective December 5, 2017.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.



Department of Transportation

Rapid City Region Office
PO Box 1970
Rapid City, South Dakota 57709
PHONE: 605/394-2244
FAX: 605/394-1904

DATE: April 27, 2018

TO: Christina Bennett
Operations Traffic Engineer

FROM: Jon Suomala
Rapid City Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change
US 14A in Lawrence County

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on US 14A through Deadwood in Lawrence County.

PROPOSED AMENDMENT:

70:01:02:09. Lawrence County. The following are the maximum speeds on certain highways in Lawrence County:

(11) U.S. Highway 14A beginning at the junction with U.S. Highway 85 in Lead, then north for 0.36 mile, 25 miles per hour; then northeasterly for 0.24 mile, 35 miles per hour; then northeasterly for 3.13 miles, 45 miles per hour; then northeasterly for 0.68 mile to the junction of Main Street, ~~30~~ 25 miles per hour; then northeasterly for 0.79 mile to the junction of U.S. Highway 85 at the north edge of Deadwood, ~~35~~ 25 miles per hour;

COST

The estimated cost to make the necessary signing changes, if this proposal is approved, is as follows:

Remove sign: 10 @ \$20.00 per sign = \$ 200.00

- To remove the existing SPEED LIMIT 30 and 35 signs

Install new sign: 10 @ \$100.00 per sign= \$ 1,000.00

- To install ten SPEED LIMIT 25 signs

TOTAL: \$ 1,200.00

EXPLANATION OF THE PROPOSAL:

Mayor Charles M. Turbiville submitted a formal request to the Secretary of Transportation on behalf of the City of Deadwood for an amendment to the Lawrence County Speed Rule to reduce the maximum speed limit to 25 miles per hour on U.S. Highway 14A for 1.47 miles within a portion of Deadwood.

Currently, as you travel east on US14A from Lead to Deadwood the speed limit drops from 45 mph to 30 mph west of the intersection with Armory St as you are coming into Deadwood. Then it remains 30 mph through the downtown area to the intersection with Main St where it changes to 35 mph. It then remains 35 mph all the way to the intersection with US85 on the east end of Deadwood where it changes to 50 mph. The request would change all of the 30 mph zone and 35 mph zone to 25 mph.

The existing 30 mph speed limit zone is a four-lane undivided highway with buildings, barrier walls, or sidewalk immediately adjacent to the travel lane. Due to the 85th- percentile speeds found in the results of the speed studies given below, changing the 30 mph zone to 25 mph complies with the MUTCD's guidance and I am in support of making this change.

The existing 35 mph speed limit zone is primarily a five-lane undivided highway with parking lots, landscaping, or sidewalk immediately adjacent to the travel lane. Due to the 85th- percentile speeds found in the results of the speed studies given below, changing the 35 mph zone to 25 mph does not comply with the MUTCD's guidance and I am in support of keeping that speed limit at 35 mph. Also, for the two speed studies performed this year in the 35 mph zone, out of the 437 vehicles studied, only 4 were travelling under the requested 25 mph. This indicates that drivers are not comfortable travelling at that speed in this area.

Captain Jason Ketterling, South Dakota Highway Patrol, is in support of changing the 30 mph zone to 25 mph and keeping the 35 mph zone at 35 mph.

SPEED STUDY:

Speed studies were conducted by the department on March 24, 2017 and again on April 10, 2018. In the area of the existing 30 mph zone proposed for change, the 85th percentile speeds were 28 mph in 2017 and 26 mph in 2018. In the area of the existing 35 mph zone proposed for change, the 85th percentile speed was 36 mph in 2017 and 2018.

Speed Study Results:

VEHICLE SPEED STUDY

DATE	<u>04/10/2018</u>	LOCATION	<u>MRM 40.7</u>
DAY	<u>tues</u>	SURFACE	<u>asphalt</u>
ROUTE	<u>US HWY 14A</u>	CONDITION	<u>dry</u>
COUNTY	<u>lawrence</u>	DIRECTION	<u>EB, WB</u>
TIME	<u>11am-1pm</u>	SPEED LIMIT	<u>30</u>

NUMBER OF VEHICLES CHECKED	103
AVERAGE SPEED IN MPH	24.2
PERCENT EXCEEDING THE SPEED LIMIT	3.9%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	0.0%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	0.0%
85th PERCENTILE SPEED	26
TEN MILE PACE	18 TO 27
PERCENT WITHIN THE PACE	98.7%
MEDIAN SPEED	22
FASTEST SPEED RECORDED	34
SLOWEST SPEED RECORDED	16

VEHICLE SPEED STUDY

DATE	<u>3.24.17</u>	LOCATION	<u>MRM 40.66</u>
DAY	<u>fri</u>	SURFACE	<u>concrete</u>
ROUTE	<u>Hwy 14A</u>	CONDITION	<u>dry</u>
COUNTY	<u>lawrence</u>	DIRECTION	<u>EB&WB</u>
TIME	<u>11:30 AM</u>	SPEED LIMIT	<u>30</u>

NUMBER OF VEHICLES CHECKED	201
AVERAGE SPEED IN MPH	24.0
PERCENT EXCEEDING THE SPEED LIMIT	6.5%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	1.0%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	0.0%
85th PERCENTILE SPEED	28
TEN MILE PACE	16 TO 25
PERCENT WITHIN THE PACE	96.9%
MEDIAN SPEED	22
FASTEST SPEED RECORDED	40
SLOWEST SPEED RECORDED	12

VEHICLE SPEED STUDY

DATE	<u>04/10/2018</u>	LOCATION	<u>MRM 41.5</u>
DAY	<u>tues</u>	SURFACE	<u>asphalt</u>
ROUTE	<u>US HWY 14A</u>	CONDITION	<u>dry</u>
COUNTY	<u>lawrence</u>	DIRECTION	<u>EB, WB</u>
TIME	<u>1:30pm-330pm</u>	SPEED LIMIT	<u>35</u>

NUMBER OF VEHICLES CHECKED	218
AVERAGE SPEED IN MPH	35.0
PERCENT EXCEEDING THE SPEED LIMIT	52.3%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	3.2%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	0.5%
85th PERCENTILE SPEED	36
TEN MILE PACE	32 TO 41
PERCENT WITHIN THE PACE	86.0%
MEDIAN SPEED	34
FASTEST SPEED RECORDED	46
SLOWEST SPEED RECORDED	20

VEHICLE SPEED STUDY

DATE	<u>04/10/2018</u>	LOCATION	<u>MRM 41.2</u>
DAY	<u>tues</u>	SURFACE	<u>asphalt</u>
ROUTE	<u>US HWY 14A</u>	CONDITION	<u>dry</u>
COUNTY	<u>lawrence</u>	DIRECTION	<u>EB, WB</u>
TIME	<u>830-1030am</u>	SPEED LIMIT	<u>35</u>

NUMBER OF VEHICLES CHECKED	219
AVERAGE SPEED IN MPH	34.2
PERCENT EXCEEDING THE SPEED LIMIT	38.8%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	2.7%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	0.0%
85th PERCENTILE SPEED	36
TEN MILE PACE	22 TO 31
PERCENT WITHIN THE PACE	91.2%
MEDIAN SPEED	32
FASTEST SPEED RECORDED	44
SLOWEST SPEED RECORDED	26

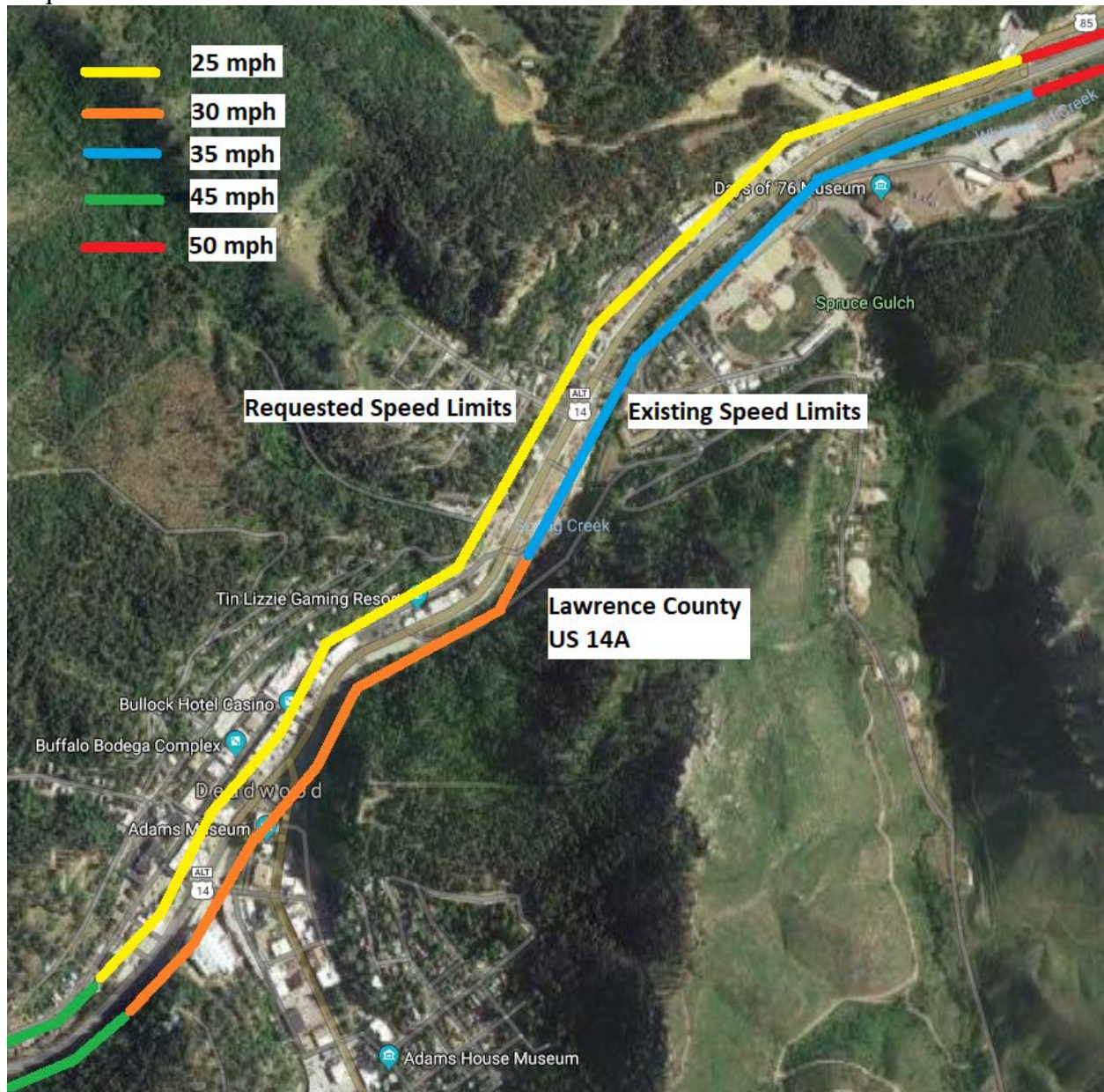
VEHICLE SPEED STUDY

DATE	<u>3.24.17</u>	LOCATION	<u>MRM 41.6</u>
DAY	<u>fri</u>	SURFACE	<u>concrete</u>
ROUTE	<u>hwy 14A</u>	CONDITION	<u>dry</u>
COUNTY	<u>lawrence</u>	DIRECTION	<u>EB&WB</u>
TIME	<u>2pm</u>	SPEED LIMIT	<u>35</u>

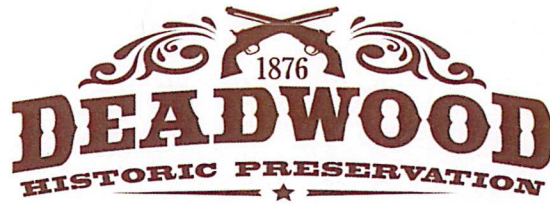
NUMBER OF VEHICLES CHECKED	260
AVERAGE SPEED IN MPH	33.7
PERCENT EXCEEDING THE SPEED LIMIT	37.7%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	1.9%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	0.0%
85th PERCENTILE SPEED	36
TEN MILE PACE	30 TO 39
PERCENT WITHIN THE PACE	80.8%
MEDIAN SPEED	32
FASTEST SPEED RECORDED	44
SLOWEST SPEED RECORDED	24

MAP:

Existing Rule: Right Line
Requested Rule: Left Line



OFFICE OF
 Mayor
 Chuck Turbiville
 102 Sherman Street
 Telephone (605) 578-2082
 Fax (605) 578-2084



DEADWOOD CITY HALL
 102 Sherman Street
 Telephone (605) 578-2600

March 19, 2018

Secretary Darin Bergquist
 South Dakota Transportation Commission
 South Dakota Department of Transportation
 700 East Broadway Avenue
 Pierre, SD 57501-2586
Darin.Bergquist@state.sd.us

Dear Secretary Bergquist and Members of the Commission,

This letter is in reference to the public hearing scheduled on Thursday, March 29, 2018 at 9:00 a.m. in the Becker Hansen Building. The City of Deadwood received notice of the public hearing to consider proposed changes to the Lawrence County Speed Zone Rule 70:01:02:09. The City of Deadwood is not concerned about any of the proposed changes but rather would like your consideration for an additional change to the current speed rule. Specifically section eleven (11) below with the requested changes shown:

(11) U.S. Highway 14A beginning at the junction with U.S. Highway 85 in Lead, then north for 0.36, 25 miles per hour; then northeasterly for 0.24 mile, 35 miles per hour; then northeasterly for 3.13 miles, 45 miles per hour; then northeasterly for 0.68 mile to the junction of Main Street, ~~25~~ 30 miles per hour; then northeasterly for 0.79 mile to the junction of U.S. Highway 85 at the north edge of Deadwood, ~~25~~ 35 miles per hour;

On behalf of the City of Deadwood please consider this a formal request for an amendment to the Lawrence County Speed Rule to reduce the maximum speed limit to 25 miles per hour on U.S. Highway 14A for 1.47 miles within a portion of Deadwood.

In the past, the city staff has informally requested a reduction to the speed limit in this area to no avail. While the City understands the DOT's focus on traffic movement and ease of travel on state highways, we believe the circumstance through Deadwood is unique. Safety is very important and providing a walkable community is vital to the quality of life of our residents and our 2,000,000 visitors as well as the aid it provides in our economic vitality and our tourism based industry.

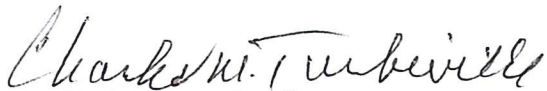
The area proposed for reduction in the speed limit virtually divides the community in half and contains numerous locations with heavily used pedestrian crossings as well as signal lights. The City of Deadwood requests formal consideration to the reduction in speed limit for the safety of pedestrians along this corridor. The multiple lanes of traffic (four and five lanes in areas), with

turning lanes used for both directions, can often be misleading to out-of-town drivers in regards to the identification of crosswalks. Pedestrians often are not seen in these crossings and there have been many near misses throughout this corridor. Unfortunately, drivers often approaching a green signal light will speed up to make it through the signal without stopping causing frequent safety concerns. As a pedestrian attempting to cross at the many locations along this section of road can not only be daunting but frightening when the vehicles are traveling at 35 mph. For these concerns we wish your consideration to reduce the speed limit.

The City of Deadwood is thankful for our relationship with the South Dakota Department of Transportation and the many successful partnerships in the past as well as our day to day working relationship. With that said, we are hopeful your consideration and acknowledgement of our safety concern will allow you to amend the Lawrence County Speed Rule and make Deadwood a safer place to live and visit together.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Charles M. Turbiville".

Charles M. Turbiville
Mayor of Deadwood

OFFICE OF
Mayor
Chuck Turbiville
102 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



ATTACHMENT #3

DEADWOOD CITY HALL
102 Sherman Street
Telephone (605) 578-2600

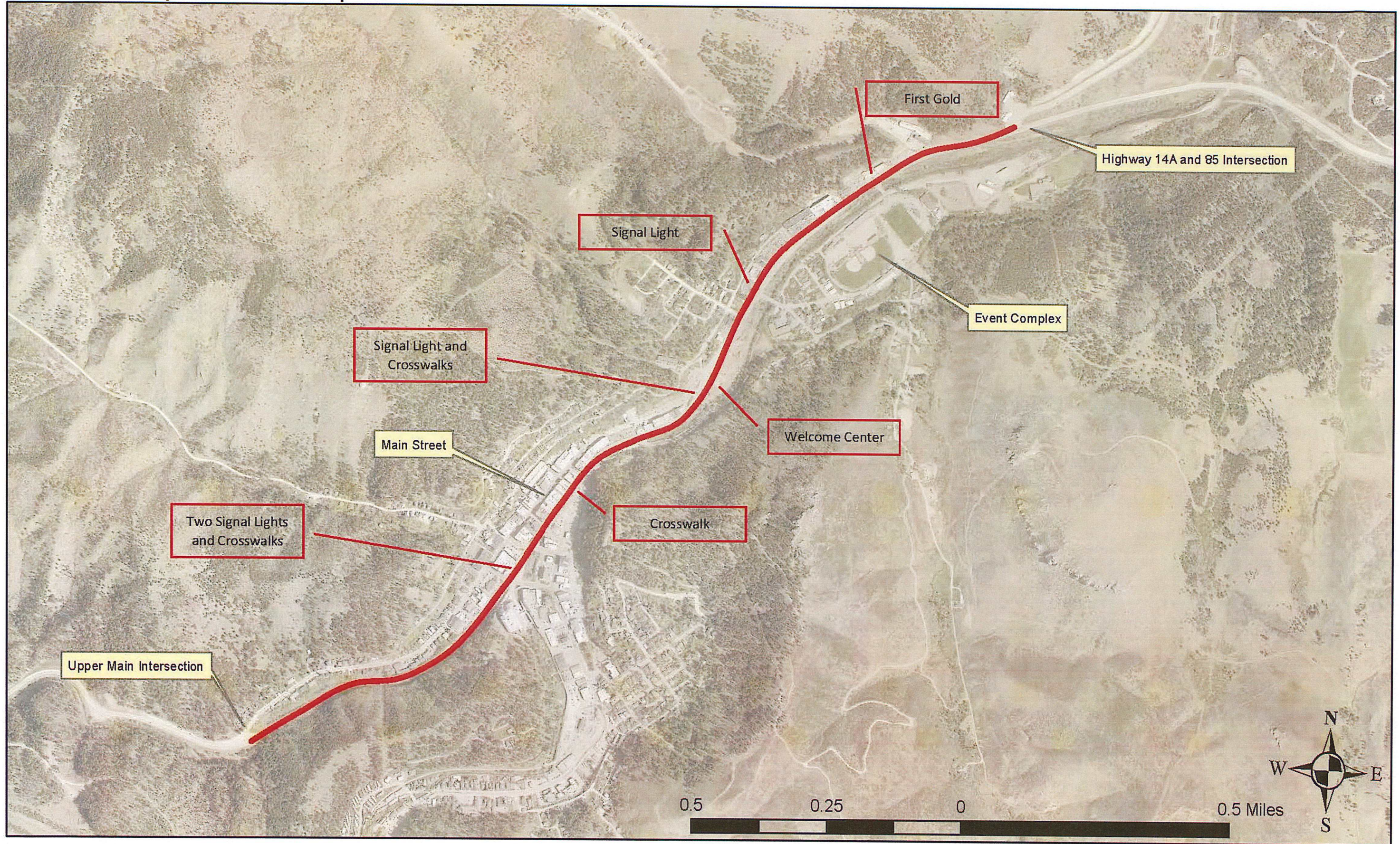
March 20, 2018

Secretary Darin Bergquist
South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501-2586
Darin.Bergquist@state.sd.us

Talking Points

- Safety is important to Deadwood, it is our opinion 35 mph is too fast for vehicular travel given the large amount of pedestrian traffic we experience in this destination community.
- Accidents have been reported at various locations along this stretch of roadway including a pedestrian fatality near the Dunlop Avenue Intersection
- If vehicular travel is not interrupted by pedestrian traffic or signal lights, the time difference in the reduced speed limit would amount to less than one minute of additional travel time. These few seconds of additional travel doesn't seem unreasonable for safety of our community and our visitors.
- Many of the nearly two million visitors to Deadwood are unfamiliar with our community and the slower speed would make it more user-friendly to navigate through Deadwood
- Deadwood being settled in a narrow gulch has created one main corridor of vehicular travel (Highway 85/14A) which divides our community and can be intimidating for vehicular and pedestrian crossings at the current speeds. This corridor creates multiple pedestrian access points as well as adjacent sidewalk.
- Due to the location of the highway next to Whitewood Creek there are often motor vehicle accidents involving wildlife, a reduced speed may prevent some of the accidents. In addition, the Big Horn Sheep often make their way into town via this highway and a lower speed would play a role in the safety of the Big Horn Sheep as well.

Deadwood Speed Limit Request Area



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 April 26, 2018
- The date of your public hearing. Date May 24, 2018
- The date you submitted the proposed rules and the supporting documents to LRC and the Bureau of Finance and Management: Date May 2, 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 5/1/2018 Newspaper Sioux Falls Argus Leader
 - Date 5/1/2018 Newspaper Black Hills Pioneer
 - Date 5/1/2018 Newspaper Rapid City Journal
 - Date 5/1/2018 Newspaper Pierre Capital Journal
- Summarize how and when interested persons, if any, were contacted and how many were contacted. **On May 2, 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 May 2, 2018, copies of the hearing notice and proposed rule were mailed to the Sheriff of Lawrence County and the mayors and finance officers of Deadwood and Lead. 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).