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MEMORANDUM

TO: Patricia Saukel
FROM: Karla L. Engle
DATE: June 20, 2017
RE: June 29, 2017 Commission Meeting

The Department of Transportation requests the Transportation Commission propose a hearing date to consider amendments to administrative rules found in:

- ARSD Chapter 70:12:02, Highway Bridge Improvement Plan Requirements;
- ARSD Chapter 70:13:01, Local Bridge Improvement Grant Requirements.

A copy of the proposed rule revisions is attached.

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Attachments

CHAPTER 70:12:02

HIGHWAY AND BRIDGE IMPROVEMENT PLAN REQUIREMENTS

Section

- 70:12:02:01 Eligibility for bridge improvement grant fund.
- 70:12:02:02 Inventory of roads.
- 70:12:02:03 Inventory of bridges.
- 70:12:02:04 Maps.
- 70:12:02:05 Statement of financial resources.
- 70:12:02:06 Five-year project list.
- 70:12:02:07 Current project status list.
- 70:12:02:08 Time of submission of plan.
- 70:12:02:09 Annual plan updates and plan amendments.
- 70:12:09:10 Revision of plan upon request of department.
- 70:12:02:11 Review and acceptance of plan.
- ~~70:12:02:12 Emergency declaration. Repealed.~~

70:12:02:01. Eligibility for bridge improvement grant fund. To be eligible to apply to the department to receive a grant from the bridge improvement grant fund established by SDCL 32-11-38, a county shall submit to the department a county highway and bridge improvement plan and annual updates to that plan in accordance with the provisions of this chapter. The county shall include with the plan and each annual update, a written certification of adoption of the plan subscribed by the chairperson of the board of county commissioners. The format for a county highway and bridge improvement plan and annual updates shall substantially conform to the department's guidelines. The county may submit the highway and bridge improvement plan

and annual updates to the department in an electronic format acceptable to the department or by hard copy.

70:12:02:07. Current project status list. The annual update of a county highway and bridge improvement plan shall include the five-year project list from the previous year's county highway and bridge improvement plan or update with a brief description of the status of each project, any revision of a project, and the cost estimate for each project.

Source: 42 SDR 52, effective October 13, 2015.

General Authority: SDCL 1-44-7.5.

Law Implemented: SDCL 1-44-7.5, 32-11-38.

70:12:02:08. Time of submission of plan. ~~A county highway and bridge improvement plan shall be submitted to the secretary before December 16, 2015, to have the plan approved before the bridge improvement grant applications are due. A~~ To be eligible to apply for and receive a grant award from the bridge improvement grant fund established by SDCL 32-11-38, a county shall submit a county highway and bridge improvement plan ~~before or~~ annual update to the secretary by October 15 of ~~each subsequent~~ the calendar year preceding the grant application deadline.

Source: 42 SDR 52, effective October 13, 2015.

General Authority: SDCL 1-44-7.5, 32-11-39.

Law Implemented: SDCL 1-44-7.5, 32-11-38, 32-11-39.

70:12:02:09. Annual plan updates and plan amendments. A county receiving a grant from the bridge improvement grant fund established by SDCL 32-11-38 shall update the highway and bridge improvement plan annually and submit the plan update to the secretary by October 15 of each year. In addition to plan updates, a county may make amendments to its

highway bridge improvement plan at any time, including but not limited to adding, deleting or revising proposed highway or bridge projects.

Source: 42 SDR 52, effective October 13, 2015.

General Authority: SDCL 1-44-7.5.

Law Implemented: SDCL 1-44-7.5, 32-11-38.

~~70:12:02:12. **Emergency declaration.** If a disaster or emergency occurs and a bridge is damaged or destroyed and it is not listed as a project in the current approved plan, the county may declare an emergency. The county may then request in writing that the commission waive the requirement in § 70:12:02:06 that the bridge be shown as a project in the plan to be eligible for a bridge improvement grant. The commission may approve or deny the request. Repealed.~~

~~**Source:** 42 SDR 52, effective October 13, 2015.~~

~~**General Authority:** SDCL 1-44-7.5, 32-11-39.~~

~~**Law Implemented:** SDCL 1-44-7.5, 32-11-38, 32-11-39.~~

CHAPTER 70:13:01

LOCAL BRIDGE IMPROVEMENT GRANT REQUIREMENTS

70:13:01:02. Eligibility and compliance. Any LPA of this state may apply for a BIG pursuant to this chapter for the purposes described in SDCL 32-11-38. To be eligible to apply to the department and to receive a grant from the BIG fund, a county shall have a wheel tax and a department ~~approved~~ accepted county highway and bridge improvement plan as specified in chapter 70:12:02.

The LPA shall file the application with the department as required by §§70:13:01:03 and 70:13:01:04 and shall comply with the procedures, requirements, conditions, restrictions, and limitations referred to in this chapter.

Source: 42 SDR 52, effective October 13, 2015; 43 SDR 57, effective October 17, 2016.

General Authority: SDCL 32-11-39.

Law Implemented: SDCL 32-11-38, 32-11-39.

70:13:01:04. Application and approval periods. ~~The commission shall consider applications by April 30 of each year. A~~ An LPA shall submit any applications for bridge preservation, rehabilitation, and replacement grants no later than January 2 of each year, except that after January 2, 2017, applications for preliminary engineering grants shall be submitted no later than August 1 of each year, and the commission shall consider those applications by April 30 of each year. An LPA shall submit any applications for preliminary engineering grants no later than August 1 of each year, and the commission shall consider those applications by October 30 of each year.

Source: 42 SDR 52, effective October 13, 2015; 43 SDR 57, effective October 17, 2016.

General Authority: SDCL 32-11-39.

Law Implemented: SDCL 32-11-38, 32-11-39.

70:13:01:10. Project requirements. For preservation, rehabilitation and replacement projects, the department shall review plans and provide letting authorization prior to bid letting. Preservation, rehabilitation, and replacement projects shall be under construction within three years from the date of notice of BIG award. For preliminary engineering grants, all reimbursable expenses shall be incurred within two years from the date of notice of BIG award. The

department may extend the deadline for any BIG, before or after the expiration of the deadline.

~~Any LPA's request for a deadline extension shall be made prior to the deadline.~~

Source: 42 SDR 52, effective October 13, 2015; 43 SDR 57, effective October 17, 2016.

General Authority: SDCL 32-11-39.

Law Implemented: SDCL 32-11-38, 32-11-39.