

CHAPTER 70:04:05

UTILITY ACCOMMODATIONS ON NONINTERSTATE RIGHTS-OF-WAY

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70:04:05:01. Definitions. Words used in this chapter have the following meanings:

(1) "ADT," "average daily traffic," the average volume of traffic for a 24-hour period;

(2) "Appurtenances," features of utility facilities such as vents, drains, fire hydrants, manholes, poles, or markers;

(3) "Clear zone," the distance from the outside edge of the outer driving lane to a ground-mounted obstacle;

(4) "Region engineer," the engineer assigned to a geographical portion of the state by the Department of Transportation;

(5) "Department," South Dakota Department of Transportation;

(6) "Traveled way," that portion of the roadway used for the movement of vehicles exclusive of shoulders;

(7) "P.s.i.g.," pounds per square inch gauge;

(8) "Urban areas," an area including or adjacent to a municipality or other urban place with a population of 5,000 or more.

(9) "Wireless infrastructure," utility equipment that transmits messages, data, communications and other information via a wireless signal rather than a cable connection.

Source: SL 1975, ch 16, § 1; 11 SDR 22, effective August 12, 1984; transferred from § 70:01:08:01, 11 SDR 112, effective February 25, 1985; transferred from § 70:01:08:22, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 15 SDR 185, effective June 4, 1989.

General Authority: SDCL 31-26-22.

Law Implemented: SDCL 31-26-3, 31-26-22.

70:04:05:02.01. Wireless infrastructure prohibited. Installation of wireless infrastructure in the noninterstate highway right-of-way is prohibited.

Source:

General Authority: SDCL 31-26-22.

Law Implemented: SDCL 31-26-22.

70:04:05:01:01. Construction and maintenance of utility facilities within interstate right-of-way. Installation of wireless infrastructure in the interstate right-of-way is prohibited. All longitudinal installations within the interstate right-of-way are prohibited except for longitudinal installations of fiber-optic telecommunications cable if the facility is located as near the right-of-way line as practicable. However, the department may approve longitudinal utility attachments to structures over major bodies of water where other utility crossings are impractical, result in excessive costs, or are otherwise unique and unusual. The department may also approve longitudinal installations if the permittee is a governmental entity, the utility facility is a gravity flow sewer line or a water line, and other locations would result in excessive costs or are impractical as determined by the region engineer.

No access from the main roadway of the interstate highway is permitted for construction or maintenance of utility facilities in the interstate right-of-way except as follows:

(1) Motor vehicles and equipment may use frontage roads and the unsurfaced portions of the right-of-way to construct and maintain utility facilities provided they obtain ingress and egress from other than the main roadway of the interstate highway;

(2) In time of disaster or emergency, where ingress or egress as described in subdivision (1) of this section is temporarily impossible, the surfaced area of the right-of-way may be used to approach the distressed facilities and the surfaced shoulder may be used for temporary parking, provided the region engineer receives prior notification and provisions for the safety of the general traveling public are made;

(3) Where damaged utility lines or facilities are a danger to the life or property of the general traveling public, access to them may be had by the most expeditious route. The repair must be done in a manner that will provide the traveling public with maximum possible safety. The utility shall give notice of the situation to the highway patrol and the region engineer as soon as possible under the circumstances.

Source: SL 1975, ch 16, § 1; 11 SDR 22, effective August 12, 1984; transferred from § 70:01:08:18, 11 SDR 112, effective February 25, 1985; transferred from § 70:01:08:31, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:04:05:10, 15 SDR 185, effective June 4, 1989; 21 SDR 61, effective September 19, 1994; 23 SDR 180, effective May 1, 1997; 24 SDR 24, effective September 3, 1997.

General Authority: SDCL 31-26-22.

Law Implemented: SDCL 31-26-3, 31-26-22.

70:04:05.01:02. Applicable standards. In addition to the requirements in § 70:04:05.01:01, the definition in § 70:04:05.01(9) and the standards in §§ 70:04:05.01; 70:04:05.03; 70:04:05.04(1) to (5), inclusive; 70:04:05.05(3) to (5), inclusive; 70:04:05.06(3) to (5), inclusive; 70:04:05.08 to 70:04:05.08.03, inclusive; 70:04:05.09; 70:04:05.11 to 70:04:05.17, inclusive, and in "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way," February 1989, apply to construction and maintenance of all public and private utility installations on interstate rights-of-way.

Source: 15 SDR 185, effective June 4, 1989; 20 SDR 159, effective April 3, 1994.

General Authority: SDCL 31-26-22.

Law Implemented: SDCL 31-26-22.

Reference: "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way," American Association of State Highway and Transportation Officials, 1989. Copies may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001. Cost: \$3.