



Division of Secretariat
Office of Legal Counsel
700 E. Broadway Avenue
Pierre, South Dakota 57501
Phone: 605 – 773 – 4396

MEMORANDUM

TO: Joel Jundt

FROM: Karla L. Engle

DATE: August 7, 2026

RE: August 13, 2026 Commission Meeting

The Department of Transportation requests the Transportation Commission set a hearing date to consider amendments to the following administrative rules:

- 70:01:02:01 – Minnehaha County speed zone rule;
- 70:01:02:39 – Jackson County speed zone rule;
- 70:01:02:59 – Sully County speed zone rule;
- 70:07:01:01 – Definitions;
- 70:07:04:09 – Reasons for debarment;
- 70:07:04:10.02 – Hearing request;
- 70:07:04:15 – Term of debarment;

I enclose a copy of the proposed rule revisions with this memo.

Thank you.

KLE
Enclosure

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

(1) State Trunk Highway 42 beginning ~~2.17 miles east of the intersection with State Trunk Highway 11 going south at its junction with Six Mile Road~~, then east for ~~2.79~~ 3.6 miles, ~~55~~ fifty-five miles per hour; then east for ~~0.15~~ 0.2 mile, ~~45~~ forty-five miles per hour; then east for ~~0.37~~ 0.4 mile through Rowena, ~~30~~ thirty miles per hour; then east for ~~0.18~~ 0.2 mile, ~~45~~ forty-five miles per hour; then east ~~for 2.54 miles~~ to the South Dakota/Iowa border, ~~55~~ fifty-five miles per hour;

(2) State Trunk Highway 38 beginning 0.2 mile west of Western Avenue then east to Western Avenue, ~~45~~ forty-five miles per hour; then southeasterly through Hartford for ~~1.31~~ 1.3 miles, ~~35~~ thirty-five miles per hour; then southeasterly for ~~0.53~~ 0.5 mile, ~~50~~ fifty miles per hour;

(3) State Trunk Highway 38 beginning at a point 0.2 mile west of the west junction with State Trunk Highway 19, then east for 0.9 mile to west of Washington Street in Humboldt, ~~55~~ fifty-five miles per hour; then east for 0.4 mile, ~~35~~ thirty-five miles per hour; then east for 0.2 mile, ~~55~~ fifty-five miles per hour;

(4) ~~Repealed;~~

~~—— (5) Repealed;~~

~~—— (6)~~ State Trunk Highway 11 beginning at ~~the~~ its intersection with Aspen Boulevard ~~at in~~ Brandon, then north for ~~0.63~~ 0.6 mile through Brandon to Needles Drive, ~~30~~ thirty miles per hour; then north ~~0.78~~ 0.8 mile to the centerline of Interstate Highway 90, ~~45~~ forty-five miles per hour;

~~—— (7) Repealed;~~

~~—— (8) Repealed;~~

~~——(9)(5)~~ State Trunk Highway 11 beginning at the centerline of Interstate Highway 90, then north ~~0.32~~ 0.3 mile, ~~45~~ forty-five miles per hour; then north through Corson for ~~0.55~~ 0.6 mile, ~~35~~ thirty-five miles per hour; then north 0.1 mile, ~~45~~ forty-five miles per hour;

~~(10)(6)~~ State Trunk Highway 115 beginning ~~1.56~~ 1.6 mile southeasterly of the intersection with Fourth Street in Dell Rapids, then northwesterly for ~~1.08~~ 1.1 miles, ~~55~~ fifty-five miles per hour; then northwesterly for ~~0.48~~ 0.5 mile to Fourth Street, ~~35~~ thirty-five miles per hour; then west for ~~0.66~~ 0.7 mile, ~~35~~ thirty-five miles per hour; then west for 0.2 mile, ~~50~~ fifty miles per hour;

~~(11)(7)~~ State Trunk Highway 115 beginning at the Lincoln County Line, ~~57th Street in Sioux Falls~~, then north to Interstate 229, ~~40~~ forty miles per hour; then north to Russell Street, ~~30~~ thirty miles per hour; then northeasterly ~~via North Drive~~ to Cliff Avenue, ~~35~~ thirty-five miles per hour; then north to a point ~~0.35~~ 0.4 mile north of the junction ~~of with~~ Interstate 90, ~~40~~ forty miles per hour; then north to a point 0.6 mile north of the intersection with Minnehaha County ~~road~~ Highway 130 (also known as Renner Corner), ~~55~~ fifty-five miles per hour;

~~——(12)~~ State Trunk Highway 42 beginning at its junction with Minnehaha County Highway 139 (Ellis Road), then east to the Skunk Creek Bridge, 45 miles per hour; then east to Kiwanis Avenue in Sioux Falls, 35 miles per hour; then east to the end of State Trunk Highway 42 at its junction with State Trunk Highway 38 at West Avenue, 30 miles per hour;

~~——(13)~~ State Trunk Highway 42 beginning at the intersection with West Avenue in Sioux Falls, then east to Spring Avenue, 30 miles per hour; then east to Second Avenue, 20 miles per hour; then east to Cleveland Avenue, 30 miles per hour; then east to a point 0.5 mile east of the intersection with Sycamore Avenue, 35 miles per hour; then east to the junction with State Trunk Highway 11 South, 45 miles per hour; then east 2.17 miles, 55 miles per hour;

~~(14)~~(8) State Trunk Highway 11 beginning at ~~the~~ its intersection with Aspen Boulevard ~~at~~ in Brandon, then southwesterly for 0.3 mile, ~~30~~ thirty miles per hour; then southwesterly 0.9 mile, ~~45~~ forty-five miles per hour; then south to the junction ~~of~~ with State Trunk Highway 42, ~~55~~ fifty-five miles per hour;

~~(15) Repealed;~~

~~(16)~~(9) The crossroad over Interstate Highway 90 at Exit 402 beginning at a point 0.2 mile north of the centerline of Interstate Highway 90, then south 0.4 mile, ~~40~~ forty miles per hour;

~~(17)~~(10) The crossroad over Interstate Highway 90 at Exit 410 beginning at a point 0.2 mile north of the centerline of Interstate Highway 90, then south 0.4 mile, ~~25~~ twenty-five miles per hour;

~~(18)~~(11) State Trunk Highway 11 beginning ~~0.78~~ 0.8 mile south of Dows Street in Garretson, then north ~~0.58~~ 0.6 mile, ~~55~~ fifty-five miles per hour; then north ~~0.56~~ 0.6 mile, ~~45~~ forty-five miles per hour; then north ~~0.46~~ 0.5 mile, ~~55~~ fifty-five miles per hour; and

~~—— (19) State Trunk Highway 11 beginning at the Minnehaha – Lincoln County line, then north for 1.66 miles, 55 miles per hour, then north for 1.4 miles to Arrowhead Parkway in Sioux Falls, 45 miles per hour;~~

~~(20)~~(12) State Trunk Highway 42 beginning 0.9 mile west of ~~the~~ its intersection with Minnehaha County Highway 139, then east for 0.8 mile, ~~55~~ fifty-five miles per hour, then east for 0.1 mile, ~~45~~ forty-five miles per hour.

Source: SL 1975, ch 16, § 1; 2 SDR 86, effective June 24, 1976; 4 SDR 20, effective October 3, 1977; 4 SDR 26, effective October 31, 1977; 4 SDR 77, effective March 2, 1978; 5 SDR 31, effective October 30, 1978; 6 SDR 63, effective December 30, 1979; 6 SDR 109, effective May 29, 1980; 7 SDR 1, effective July 20, 1980; 8 SDR 45, effective October 28, 1981; 9 SDR 7,

effective July 27, 1982; 11 SDR 112, effective February 25, 1985; 13 SDR 52, effective November 6, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 14, effective August 2, 1987; 14 SDR 65, effective November 5, 1987; 15 SDR 158, effective April 26, 1989; 16 SDR 40, effective September 7, 1989; 17 SDR 127, effective March 3, 1991; 19 SDR 154, effective April 11, 1993; 20 SDR 183, effective May 9, 1994; 22 SDR 165, effective June 2, 1996; 22 SDR 183, effective June 30, 1996; 23 SDR 132, effective February 27, 1997; 24 SDR 15, effective August 10, 1997; 26 SDR 85, effective December 29, 1999; 26 SDR 110, effective March 6, 2000; 28 SDR 181, effective July 4, 2002; 29 SDR 43, effective October 8, 2002; 29 SDR 160, effective June 2, 2003; 34 SDR 303, effective June 9, 2008; 36 SDR 27, effective August 20, 2009; 37 SDR 182, effective April 20, 2011; 38 SDR 8, effective August 3, 2011; 38 SDR 172, effective April 24, 2012; 41 SDR 34, effective September 2, 2014; 41 SDR 173, effective May 11, 2015; 44 SDR 65, effective October 16, 2017; 44 SDR 95, effective December 5, 2017.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:01:02:39. Jackson County. The following are the maximum speeds on certain highways in Jackson County:

(1) ~~Interstate South Dakota Highway 90 Business Loop 248~~ beginning ~~at the west city limits of Kadoka~~ 1.3 miles west of its intersection with Thirteenth Avenue in Kadoka, then east 0.1 mile, forty-five miles per hour; then east 1.2 miles to its intersection with Thirteenth Avenue, thirty miles per hour; then east 0.2 mile ~~and ending at the east city limits~~, 45 miles per hour;

(2) State Trunk Highway 73 beginning 0.5 mile north of its junction with State Trunk Highway 248, then south 0.8 mile, ~~30~~ thirty miles per hour; then south 0.2 mile, ~~45~~ forty-five miles per hour;

(3) State Trunk Highway 63 beginning at its intersection with Railway Street in Belvidere, then south 0.35 mile, ~~30~~ thirty miles per hour;

(4) State Trunk Highway 44 beginning at its junction with State Trunk Highway 73, then southwesterly 7.7 miles, ~~55~~ fifty-five miles per hour; then south 0.6 mile, ~~30~~ thirty miles per hour; then west to the junction of State Trunk Highway 44 and State Trunk Highway 377, ~~55~~ fifty-five miles per hour; then westerly ~~0.43~~ 0.4 mile, ~~40~~ forty miles per hour; then westerly 0.2 mile, ~~55~~ fifty-five miles per hour;

(5) State Trunk Highway 73 beginning ~~500~~ five hundred feet south of the southeast corner of section 6, township 40 north, range 35 west of the sixth principal meridian and ending ~~800~~ eight hundred feet north of the southeast corner of section 6, township 40 north, range 35 west of the sixth principal meridian, ~~45~~ forty-five miles per hour;

(6) State Trunk Highway 377 beginning at the south Badlands National Park boundary, then south for 0.2 mile, ~~45~~ forty-five miles per hour; then southwesterly ~~1.03 miles~~ one mile, ~~55~~ fifty-

five miles per hour; then southwesterly to its junction with State Trunk Highway 44, ~~40~~ forty miles per hour;

(7) State Trunk Highway 240 beginning at the north Badlands National Park boundary, then north for 0.2 mile, ~~45~~ forty-five miles per hour; then north to its junction with Interstate Highway 90, ~~55~~ fifty-five miles per hour;

(8) State Trunk Highway 248 beginning at its junction with State Trunk Highway 240, then east ~~18.61 miles~~ to the west city limits of Kadoka, ~~55~~ fifty-five miles per hour;

(9) State Trunk Highway 248 beginning at the east city limits of Kadoka, then east to the Jackson-Jones county line, ~~55~~ fifty-five miles per hour; and

(10) State Trunk Highway 63 beginning at the Jackson-Mellette county line, then north to 0.35 mile south of its intersection with Railway Street in Belvidere, ~~55~~ fifty-five miles per hour;

~~——(11) Repealed.~~

Source: SL 1975, ch 16, § 1; 3 SDR 62, effective March 15, 1977; subdivisions (6) and (7) transferred from § 70:01:02:66, 12 SDR 138, effective February 23, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 19 SDR 154, effective April 11, 1993; 21 SDR 111, effective December 18, 1994; 22 SDR 165, effective June 2, 1996; 23 SDR 132, effective February 27, 1997; 25 SDR 48, effective October 4, 1998; 40 SDR 102, effective December 3, 2013; 42 SDR 31, effective September 8, 2015.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:01:02:59. Sully County. The following are the maximum speeds on certain highways in Sully County:

~~(1) Federal Aid Secondary Highway 651 beginning at the its intersection with U.S. Highway 83 west of Agar, then east for 0.3 mile, 50 fifty miles per hour; then east for 0.3 mile, 25 twenty-five miles per hour; then east for 0.2 mile, 50 fifty miles per hour;~~

~~—— (2) Okobojo Point Lake Access Area Road beginning at the U.S. Army Corps of Engineers take line and extending west and southwesterly throughout the entire Okobojo Point Lake Access Area within the limits of the take line, 35 miles per hour or 25 miles per hour, as posted;~~

~~—— (3) Little Bend Recreation Area Roads beginning at the U.S. Army Corps of Engineers take line or boundary and extending northwesterly and southwesterly throughout the entire recreation area, 45 miles per hour or 20 miles per hour, as posted;~~

~~—— (4) Cow Spring Creek Recreation Area Roads beginning at the U.S. Army Corps of Engineers take line or boundary and extending throughout the entire recreation area, 35 miles per hour or 20 miles per hour, as posted;~~

~~—— (5) Federal Aid Secondary Highway 31 beginning at the southwest corner of section 1, township 114 north, range 76 west of the fifth principal meridian, then north 13 miles to the northwest corner of section 1, township 116 north, range 76 west of the fifth principal meridian on to the Potter and Sully county line, 40 forty miles per hour;~~

~~(6) State Trunk Highway 26 in Onida beginning at its junction with U.S. Highway 83, then east for 0.4 mile, 45 forty-five miles per hour; then east for 0.6 mile, 30 miles per hour;~~

~~(7) U.S. Highway 83 beginning 0.3 mile south of its junction with Federal Aid Secondary Highway 6026 (Court Avenue) west at its intersection with 186th Street south of Onida, then north 0.6 mile, 45 fifty-five miles per hour; then north 0.6 mile, forty-five miles per hour; and~~

~~(8) Repealed;~~

~~(9)(2)~~ U.S. Highway 83 beginning 0.2 mile south of the northwest corner of section 26, township 116 north, range 77 west, then north 0.4 mile, ~~55~~ fifty-five miles per hour.

Source: SL 1975, ch 16, § 1; 2 SDR 29, effective October 16, 1975; 5 SDR 91, effective April 29, 1979; 7 SDR 25, effective September 22, 1980; 9 SDR 132, effective April 24, 1983; 10 SDR 7, effective July 31, 1983; 10 SDR 30, effective October 4, 1983; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 15 SDR 6, effective July 27, 1988; 16 SDR 137, effective February 28, 1990; 22 SDR 165, effective June 2, 1996; 34 SDR 279, effective May 8, 2008.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:07:01:01. Definitions. Terms used in chapters 70:07:01 to 70:07:04 mean:

- (1) "Awarding authority" a public or private authority that awards construction contracts;
- (2) "Business" a natural person or sole proprietorship that performs work as a contractor or subcontractor or a partnership, association, corporation, or other entity formed for the purpose of performing work as a contractor or subcontractor;
- (3) "Commission" the South Dakota Transportation Commission;
- (4) "Committee" the classification and rating committee established by § 70:07:02:01;
- (5) "Construction contract" the written agreement between the department and the contractor setting forth the obligations of the parties for the performance of the prescribed work, including the invitation for bids, proposal, contract form, contract bond, standard specifications, supplemental specifications, special provisions, general and detailed plans, and notice to proceed and any addendum, change order and agreement that is required to complete construction of the work, including any authorized extension of the contract, all of which constitute one instrument, for the improvement of the highway system;
- (6) "Contract crime" a violation of a state law, a federal law, or a rule, regulation, or order of a federal or state department or agency pertaining to the construction, maintenance, repair, or supervision of highways or to fraud, theft, embezzlement, bribery, forgery, misrepresentation, making false statements, falsification or destruction of records, or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public or private contract or subcontract;
- (7) "Contractor" a business to whom the commission has awarded a department construction contract;
- (8) "Conviction" any of the following accepted and recorded by a court:

- (a) A plea of guilty;
 - (b) A verdict of guilty by a jury or a finding of guilt by a court; or
 - (c) A civil verdict or civil judgment against a person or business in which a civil penalty is imposed on the person or business as a result of a contract crime;
- (9) "Current bidding capacity" the maximum dollar amount of work for which a prospective bidder may receive contract awards at any given bid letting;
- (10) "Debar" to disqualify from entering into or being awarded a department construction contract or from serving as a contractor or subcontractor under a department construction contract;
- (11) "Department" the South Dakota Department of Transportation;
- (12) "Maximum bidding capacity rating" the maximum dollar amount of work a contractor may have under contract at any one time, either as principal or subcontractor, regardless of whom the work is for or where it is located, as authorized by the committee;
- (13) "Person" a natural person;
- (14) "Prequalified" possessing the requisite classification and bidding capacity rating to bid on a department construction contract;
- (15) "Principal" an officer, director, or partner of a business or an employee or shareholder engaged in management of the business;
- (16) "Prospective bidder" a ~~person~~ business proposing to bid or bidding on a department construction contract;
- (17) "Secretary" the secretary of the South Dakota Department of Transportation;
- (18) "Suspend" to temporarily disqualify from entering into or being awarded a department construction contract or from serving as a contractor or subcontractor under a department construction contract;

(19) "Working capital" the difference between a contractor's current assets and current liabilities as classified on the contractor's audited financial statement plus 80 percent of the book value of the construction equipment listed in the contractor's prequalification statement and financial statement, plus committee-approved lines of credit.

Source: SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:01, 19 SDR 154, effective April 11, 1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014; 47 SDR 38, effective October 6, 2020; 49 SDR 47, effective November 21, 2022.

General Authority: SDCL 31-5-10.

Law Implemented: SDCL 31-5-10, 31-5-10.1, 31-5-10.2, 31-5-10.3.

70:07:04:09. Reasons for debarment. The commission may debar a business for the following reasons:

(1) The business employs a debarred or suspended person or a former principal of a debarred or suspended business ~~or person~~ as an officer, director, or manager or in another significant decision-making capacity while the ~~former principal person~~ or business is debarred or suspended;

(2) The business is owned by or associated in a joint venture with a debarred or suspended business or person or is controlled by a principal or former principal of a debarred or suspended business; or

(3) A former principal of a debarred or suspended business has a significant financial interest in the business and the principal has the authority to or will control, direct, manage, or influence activities of the business concerned with the department contract in question.

Source: 19 SDR 154, effective April 11, 1993; 47 SDR 38, effective October 6, 2020.

General Authority: SDCL 31-5-10.

Law Implemented: SDCL 31-5-10.

70:07:04:10.02. Hearing request. To request a hearing, the ~~person~~ business shall submit a written request to the secretary. A mailed hearing request must be postmarked or an electronic hearing request must be received within twenty days following the date of the notice to suspend or debar. Upon receipt of a request for hearing, the secretary shall issue a notice of hearing pursuant to SDCL chapter 1-26.

Source: 47 SDR 38, effective October 6, 2020.

General Authority: SDCL 31-5-10.

Law Implemented: SDCL 31-5-10.

70:07:04:15. Term of debarment. The commission shall establish the term of debarment, based on the following:

- (1) The seriousness of the offense;
- (2) Whether restitution has been made;
- (3) Whether the debarred person or business cooperated in civil or criminal lawsuits;
- (4) The state's need to preserve the competitive bidding process; and
- (5) Whether the business is debarred or has been debarred in another jurisdiction or in this

state.

Source: 19 SDR 154, effective April 11, 1993; 40 SDR 121, effective January 6, 2014.

General Authority: SDCL 31-5-10.

Law Implemented: SDCL 31-5-10.