

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, July 24, 2025 at 9:00 a.m. CDT

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT: Don Roby, Chairman
Mike Vehle
Larry Nelson
Ron Rosenboom
Jaf Karim
Lynn Jensen
Rick Vallery

COMMISSIONER PRESENT
VIA CONFERENCE CALL: Chris Frick

DOT STAFF PRESENT: Joel Jundt, Kellie Beck, Karla Engle, John Keyes, Jack Dokken, Mark
Leiferman, Steve Johnson, Joseph Sestak, Sam Weisgram, Ryan Johnson,
Jon Suomala, and Kari Kroll

DOT STAFF PRESENT
VIA CONFERENCE CALL: Mark Peterson, Scott Rabern, and Christina Bennett

OTHERS PRESENT: Bob Mercer – KELOLAND Media

OTHERS PRESENT
VIA CONFERENCE CALL: Becca Witzke – Association of General Contractors (AGC)

Chairman Roby called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CT. A roll call was taken and a quorum was present.

Roby opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) chapters 3 – 23.

Karla Engle, Office of Legal Counsel, acknowledged the Commission’s receipt of three annual conflict of interest disclosures submitted by Commissioners Jaf Karim, Larry Nelson, and Austin Simons, attached to these minutes as **ATTACHMENT A**, **ATTACHMENT B**, and **ATTACHMENT C**. Engle acknowledged that the disclosures and approved minutes will be filed in accordance with law.

In addition, Engle presented a new waiver request for Commission Larry Nelson related to his firm’s legal representation of the Rapid City Area School District. A copy of the waiver is included in these minutes as **ATTACHMENT D**.

A MOTION WAS MADE by Vehle and seconded by Rosenboom that the matters disclosed in the written waiver request by Commissioner Nelson are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote except Nelson, who abstained. The motion carried.

No other members of the Commission disclosed a conflict or requested a waiver.

Roby asked for a motion to approve the June 26, 2025 Commission meeting minutes.

A MOTION WAS MADE by Jensen and seconded by Karim to approve the June 26, 2025 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Karla Engle, Office of Legal Counsel, announced a public hearing on the Commission's consideration of proposed amendments to Administrative Rules of South Dakota (ARSD) 70:01:02:44 – Lincoln County speed zone rule.

Engle explained the rule adoption process that had been followed to date for the amendments to the rule. Engle noted that state law allows citizens to petition state agencies to initiate rulemaking. Jenny Albers of Sioux Falls submitted a petition on May 15, 2025, requesting the commission lower the speed limit and establish a no passing zone on Highway 11 in Lincoln County between 69th Street and 271st Street, with possible consideration being given to changes further south as well. Engle noted a copy of Ms. Albers' petition, and Secretary Jundt's response granting the petition to initiate rulemaking, were included in the Commission's meeting packet. Engle then explained the effect of the rule changes. The new rule proposed by the Department of Transportation (the "Department") would extend the existing 55 miles per hour speed limit on State Trunk Highway 11 in a southerly direction for .87 mile through Shindler and through the intersection with 270th Street. The proposed rule would also eliminate speed limits for highway segments that are no longer under the jurisdiction and control of the department, specifically the repeal of current Section (2) concerning Highway 44 through Worthing and the amendment of current Section (5) which eliminates a section of Highway 115 that was taken over by the City of Sioux Falls.

Engle reported the purpose of the proposed rule changes is to enhance safety and eliminate provisions that purport to set speed limits on highways that are no longer under the authority of the department.

Engle discussed the speed study results and engineering analysis completed by the department that led to the proposed rule changes. Engle reported the rule changes were supported by the South Dakota Highway Patrol and the Lincoln County Sheriff.

Engle stated the Department received timely written comments on the proposed rule changes from Gary and Joy Griesse, Luke and Jenny Albers, Chris Svanda, Nathan and Celeste Osmanson, Jennifer Raddatz, and Robert Haas, all of whom reside in the vicinity of the affected highway segment. Their comments were included in the Commission packet or as a meeting handout and were posted on the Open SD website. All commenters supported extending the existing speed limit south through Shindler. However,

most commenters (Jenny Albers, Gary and Joy Griesse, Chris Svanda, Jennifer Raddatz, and Robert Haas) asked that the speed limit extend even further south, to include 271st Street (County Road 106). And Gary and Joy Griesse asked that the speed limit be reduced all the way to Highway 18 in Canton. Engle discussed the Department's reasoning for not further extending the speed limit, including differences in the land uses surrounding the highway, reduced crash rates, and concerns about driver compliance.

Roby asked for public testimony in favor of or opposed to the proposed rule amendments. No members of the public offered testimony in support of or in opposition to the rule changes.

A MOTION WAS MADE by Jensen and seconded by Nelson to approve the proposed amendments to ARSD 70:01:02:44 – Lincoln County speed zone rules. Commissioners Frick, Jensen, Nelson, Rosenboom, Vallery, and Roby voted aye and Commissioners Karim and Vehle vote nay by roll call vote. The motion carried.

RESOLUTION #2025 – 7.1 was adopted.

Roby opened the floor to public input.

No members of the public addressed the Commission or offered any input.

Secretary Joel Jundt presented the following items to the Commission in his Secretary's Report:

- **Federal:** The reconciliation bill passed and the results from a highway funding standpoint was neutral. Although the House Transportation & Infrastructure (T&I) Committee had proposed national registration fees for electric vehicles (\$250 per year), hybrid vehicles (\$100 per year), and all other vehicles (\$20 per year), this language did not carry through in the final bill.
- **Federal Annual Appropriations:** Congress is also in the processes of formulating the FFY2026 appropriation bill. The House Committee on Appropriations released its draft FFY2026 Transportation, Housing and Urban Development (THUD) appropriations bill and although there were a number of changes, the most significant change would be elimination of the Federal Highway Administration (FHWA) National Electric Vehicle Formula program (NEVI) program. The THUD bill would transfer \$1.0 billion out and into the Federal Aviation Administration (FAA) Facilities & Equipment. The department anticipates the overall final appropriations bills will not be done by September 30, 2025 and is expecting a Continuing Resolution into December 2025.
- **Award of a federal grant:** The Department received a Better Utilizing Investments to Leverage Development (BUILD) grant program for a US85 Belle Fourche River Bridge Replacement project located in Butte County. The grant is in the amount of \$22,009,000.
- **State:** The Department received a letter from a private citizen on US85 (Deadwood Box) encouraging consideration of a specific type of design for the installation of the structure. At this point in the design process, no structure type determination has been made. Preliminary discussions have included the consideration of cast in place vs. precast box sections as well as a hybrid of both. Several factors will determine structure type, including final roadway alignment and profile, construction impact to adjacent properties, final hydraulic & hydrology analysis and

foundation conditions and traffic considerations. The department will inform the individual of receipt of the letter and status of where we are at with the design.

- **State Budget:** The Department is beginning to formulate its draft budget for Governor Rhoden. Overall, state highway revenues were down from FY2024 by about 1% (\$4.2 million) so we will need to consider this and how it may impact our recommendation to the Governor.
- **Standard Specifications for Road and Bridges, Division 1 General Provisions:** The Commission is responsible for approving any changes to this division. The provision includes definitions and terms, bidding requirements, award and execution of contracts, scope of work, control of the work, control of material, and numerous other sections. The Department has been working on revising these sections for several years with input by Department employees, contracting industry, and national experts who have helped the Department consider other states' provisions.

Ryan Johnson, Office of Operations Support, presented the following informational Construction Change Orders (CCO) to the Commission.

CCOs completed in completed in June contain an increase of \$592,077.95. Over the past 12 months, the overall contract increase is 1.78%.

The following projects have a CCO amounting to a contract change more than \$50,000.

ABERDEEN REGION

1. Project: EM 0295(45)130, Brookings County, PCN 020V
Location: I-29 at 20th Street and from 22nd Avenue S to 34th Avenue S in Brookings
Contractor: Bowes Construction, Inc.
Type of Work: construct interchange, grading, structure, lighting

Original Contract Amount:	\$	15,305,307.53
Change on CCO No. 10:	\$	85,120.11
Net Change to Date:	\$	191,838.02

Explanation of Change on CCO No. 10: This increase is the result of SDDOT adjusting contract quantities to match as built quantities. The largest change was an additional 4,500 tons of base course.

MITCHELL REGION

2. Project: IM 0909(92)387, Minnehaha County, PCN 06G8

Location: I-90 Exit 387 (Hartford)

Contractor: D & G Concrete Construction, Inc

Type of Work: interchange reconstruction, structure, PCC surfacing, sidewalk

Original Contract Amount: \$ 12,614,040.21

Change on CCO No. 1: \$ 56,214.50

Net Change to Date: \$ 56,214.50

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor for three additional portable changeable message signs needed to warn motorists and detour signing for an over-width detour determined necessary during construction due to lane width availability.

3. Project: IM 0909(92)387, Minnehaha County, PCN 06G8

Location: I-90 Exit 387 (Hartford)

Contractor: D & G Concrete Construction, Inc

Type of Work: interchange reconstruction, structure, PCC surfacing, sidewalk

Original Contract Amount: \$ 12,614,040.21

Change on CCO No. 2: \$ 85,819.72

Net Change to Date: \$ 142,034.22

Explanation of Change on CCO No. 2: This increase is the result of SDDOT compensating the contractor for providing concrete barriers and barrier pins. These are normally state provided but a shortage in supply required the contractor to provide these.

4. Project: PH 000S(403), Clay, Lincoln, & Minnehaha County, PCN 06U2

Location: Various locations in the Mitchell region

Contractor: The Truesdell Corporation

Type of Work: high friction surface treatment

Original Contract Amount: \$ 669,669.00

Change on CCO No. 2: \$ 84,935.91

Net Change to Date: \$ 84,935.91

Explanation of Change on CCO No. 2: This increase is the result of SDDOT adjusting contract quantities concrete repair to match as built quantities. Additional repair areas were identified during construction.

5. Project: IM-CR 0291(139)4, Union County, PCN 09E7
 Location: I-29 from North Sioux City to north of Exit 26 (Vermillion)
 from 3 miles south of Exit 38 (Violin) to 1 mile south of Exit 38 (Violin)
 Contractor: Border States Paving, Inc.
 Type of Work: cold milling, asphalt concrete resurfacing of shoulders, ramps, & crossovers,
 durable pavement markings, guardrail

Original Contract Amount:	\$	9,956,002.99
Change on CCO No. 1:	\$	(478,393.77)
Net Change to Date:	\$	(478,393.27)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT removing durable pavement markings and grooving from the contract. The new asphalt shoulders will be chip sealed which could damage the permanent pavement markings. All pavement markings on the project will now be high build waterborne pavement markings.

PIERRE REGION

6. Project: EM 0012(206)112, Corson County, PCN 05HW
 Location: US12 from Morrystown 9 miles east
 Contractor: Martin Construction, Inc
 Type of Work: grading, interim surfacing, replace structures
- | | | |
|---------------------------|----|---------------|
| Original Contract Amount: | \$ | 23,617,916.00 |
| Change on CCO No. 16: | \$ | 109,063.66 |
| Net Change to Date: | \$ | 563,019.97 |

Explanation of Change on CCO No. 16: This increase is the result of SDDOT adjusting the contract quantities of flagging and pilot car hours to match the as built quantities.

7. Project: NH 0083(92)138, Hughes, Potter, & Sully County, PCN 08YD
 Location: US83 from US14 to US212
 Contractor: Border States Paving, Inc
 Type of Work: asphalt concrete surfacing of shoulders

Original Contract Amount:	\$	7,691,454.68
Change on CCO No. 3:	\$	59,039.64
Net Change to Date:	\$	96,009.16

Explanation of Change on CCO No. 3: This increase is the result of SDDOT compensating the contractor for additional work to remove and replace deteriorated delineators along the project.

8. Project: NH EM 0014(194)227, Hughes & Stanley County, PCN 03WN

Location: US14 Missouri River Bridge in Pierre

Contractor: Jensen Construction Company

Type of Work: replace structure, grading, PCC pavement, storm sewer, sanitary sewer, lighting, signals

Original Contract Amount: \$ 49,990,247.46

Change on CCO No. 47: \$ 87,625.00

Net Change to Date: \$ 1,329,510.82

Explanation of Change on CCO No. 47: This increase is the result of SDDOT compensating the contractor for extra work to place an anti-graffiti coating to the bridge abutment and MSE walls.

9. Project: P 1806(23)186, Stanley County, PCN 06QP

Location: SD1806 from US14 to the end of state jurisdiction near Mission Bridge

Contractor: Border States Paving, Inc.

Type of Work: cold milling, asphalt concrete resurfacing, shoulder shaping, pipe work, modify intersection

Original Contract Amount: \$ 11,552,492.07

Change on CCO No. 2: \$ 85,257.82

Net Change to Date: \$ 92,253.22

Explanation of Change on CCO No. 2: This increase is the result of SDDOT paying the contractor for additional material and work to fertilize the grass that was not included in the original contract. A site review of the soil conditions determined fertilization was needed.

10. Project: P 0065(19)164, Corson, Dewey, & Ziebach County, PCN 06L0

Location: SD65 from US212 to the Grand River

Contractor: Lien Transportation Co.

Type of Work: pipe work, erosion control

Original Contract Amount: \$ 1,797,814.28

Change on CCO No. 4F: \$ (125,164.49)

Net Change to Date: \$ (129,981.76)

Explanation of Change on CCO No. 4F: This decrease is the result of SDDOT adjusting the contract quantities to match as built quantities and removing unused items such as flagging and traffic control signs that were not used on the project.

RAPID CITY REGION

11. Project: NH-PH 0385(50)96, Pennington County, PCN 03VD

Location: US385 from 1.5 miles north of US16 east to Pactola Dam & structure over Horse Creek

Contractor: Oftedal Construction, Inc.

Type of Work: grading, interim surfacing, replace structure

Original Contract Amount:	\$	49,081,403.60
Change on CCO No. 4:	\$	58,353.54
Net Change to Date:	\$	917,376.24

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for additional work. Additional work included installing an approach and service road to access the Forest Service Road, removal and replacement of curb and gutter due to a staking error, installing pavement markings on a detour road, and installing concrete pads for mailbox supports.

The Commission requested that the Department identify the percentage change due to construction change orders as part of this informational item. The Department also suggested that the dollar limit (\$50,000) for including construction changes orders as a Commission item may warrant a change.

Joseph Sestak, Mitchell Region Access Management Engineer, presented for Commission consideration a request to reconstruct an access currently located approximately 316 feet east of the northbound I-90 off ramp at Exit 94 on the south side. The shared access location is in the control of access acquired during the original construction of the interchange with I-29 west of Baltic. Sestak discussed the engineering analysis that supports granting the request to relinquish access control to allow reconstruction of the access approach.

A MOTION WAS MADE by Vallery and seconded by Rosenboom to approve the relinquishment of access control as presented by the Department. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2023 – 7.2 was adopted.

Jack Dokken, Program Manager for the Office of Air, Rail and Transit, presented for Commission consideration the request to approve the current recommended scoring procedures for funding public transit with state funds. The procedures include consideration of ridership data from previous federal fiscal year to ensure a fair and performance-based allocation of funds as follows:

Number of rides provided	25%
Number of miles driven	25%
Local funds expended for overall program	20%
Administrative cost expended per ride	5%
Operating costs expended per ride	5%
Local funds expended per ride	5%
Overall grant administration performance	15%

A MOTION WAS MADE by Jensen and seconded by Vehle to approve the procedures for state funding allocations for rural public transit subrecipients for the Federal Funding Fiscal Year 2026 as recommended by the Department. All present voted aye by roll call vote. The motion carried.

Sam Weisgram, Office of Project Development, presented to the Commission the following bid letting results:

July 2, 2025

Structure (109'-3" Continuous Concrete Bridge) & Approach Grading

1	09M4 BRF-B 4266(07)	Codington County
	Grangaard Construction Inc	\$2,026,586.13
	Structure 2 N & 1.2 W of Watertown on 14th Ave N over the Big Sioux Rv, SN 15-178-160	

A MOTION WAS MADE by Frick and seconded by Nelson to approve bid #1. All present voted aye by roll call vote. The motion carried.

July 16, 2025

Structure (2-12x12 Precast RCBC) & Approach Grading

1	09A4 BRO-B 8010(30)	Butte County
	A-G-E Corporation	\$445,577.00
	Structure 8.5 N & 21.8 E of Newell on Old Hwy 212 over a Creek SN 10-537-255	

PCC Shared Use Path

3	08WE P TAPR(51)	McCook County
	Journey Group Companies	\$416,915.35
	Salem - Along Minnesota St fm Essex Ave to Washington Ave, along Washington Ave fm Minnesota St to Existing Sidewalk at the Baseball Sports Complex, along Peck St fm Washington Ave to Jefferson Ave	

Signing & Delineation

5	04JJ PH 8060(10)	Hughes, Sully County
	Hamm Contracting, LLC	\$662,000.45
	Various County, City, & Township Roads in Sully County	

A MOTION WAS MADE by Vallery and seconded by Karim to approve bids #1, 3, and 5. All present voted aye by roll call vote. The motion carried.

Structure (122' Continuous Concrete) & Approach Grading

2	084J BRO-B 8007(212)	Brown County
	Prahm Construction, Inc.	\$4,975,049.15
	Structure 8.5 W & 5 N of Frederick on 102nd St over Elm Lake SN 07-019-020	

Weisgram explained to the Commission that bid #2 is still under advisement and recommended adding a conference call Transportation Commission meeting at 9 a.m. on Tuesday, August 12 to consider this bid along with the August 6 bid awards.

A MOTION WAS MADE by Jensen and seconded by Vehle to defer action on this bid until the August 12, 2025 meeting. All present voted aye by roll call vote. The motion carried.

Pipe Work, Channel Cleanout

4 080A PT 0905(117)261
MORRIS INC.
I90 E, W & L - 1 E of Oacoma

Lyman County
\$19,915,203.40

A MOTION WAS MADE by Rosenboom and seconded by Vehle to reject bid #4. All present voted aye by roll call vote. The motion carried.

Centerline Rumble Stripes

6 09FM PH 0040(357)
Surface Preparation Technologies, LLC
Rapid City Region

Custer, Fall River County
\$1,547,640.00

A MOTION WAS MADE by Vehle and seconded by Nelson to approve bid #6. All present voted aye by roll call vote. The motion carried.

John Keyes, Program Manager for the Office of Right of Way (ROW), presented the following item for Commission consideration.

1. Request Transportation Commission approval to abandon by resolution the following property acquired for DOT highway right of way:

Former SD Hwy 34 right of way remaining after completion of Meade County DOT project P 0034(143)44, PCN 02AB. (see attachments for legal descriptions and locations)

The above property is no longer needed for highway purposes and abandonment is recommended by DOT Rapid City Region and Area Offices.

A MOTION WAS MADE by Frick and seconded by Rosenboom to approve the abandonment in Meade County. All present voted aye by roll call vote. The motion carried.

RESOLUTION 2025 – 7.3 was adopted.

With no further business to come before the Commission, Chairman Roby declared the meeting adjourned at 10:30 a.m. CT.

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member:

JAFAR KARIM

Name of Board, Authority, or Commission:

SD TRANSPORTATION COMMISSION

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority, or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority, or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission; or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority, or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority, or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** – Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23.3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. **Contract in which you have a direct benefit pursuant to SDCL Chapter 3-23** – Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

Attach additional pages, if necessary.

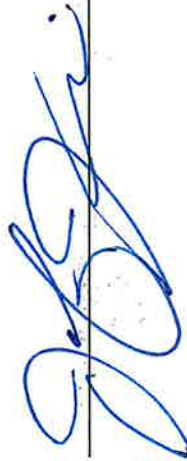
3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3.23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The Member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority, or commission in order for the Member to legally derive a direct benefit.

Signature of Member: _____



Date _____

7.14.2025

July 14, 2025

Don Roby
Chairman, South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway
Pierre, SD 57501

RE: Conflict of Interest Disclosure

This letter is in reference to SDCL § 3-23-1 and § 3-23-2, and is intended to certify that neither I, my spouse, nor any entity in which we have an ownership interest derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation (SDDOT) and my involvement as an active SDDOT Commissioner.

I am employed by Black Hills Service Company, LLC ("BHSC"). While my employer is not party to any agreement that would require disclosure under South Dakota law, an electric utility affiliate of BHSC, Black Hills Power, Inc., may enter into agreements from time to time related to crossing South Dakota highways, or transmission right of way agreements. These agreements would occur in the normal course of business and generally do not involve the exchange of financial consideration.

Please be advised that I will continue to review the agenda items for upcoming SDDOT commission meetings and will be forthcoming in disclosing any potential conflict of interest, including any potential conflicts of interest involving my employer, or an affiliate of my employer.

Sincerely,



Jafar J. Karim
Commissioner
South Dakota Transportation Commission

CC: Joel Jundt, Secretary of Transportation, SDDOT
Karla Engle, Chief Legal Counsel, SDDOT

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: AUSTIN SIMONS

Name of Board, Authority, or Commission: SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
COMMISSION

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority, or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority, or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority, or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority, or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** – Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23.3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
N/A		The company I own, Thorstenson Trucking, hauls hot oil for Jensen Rock & Sand, which occasionally bids on highway construction contract awards that are considered by the South Dakota Transportation Commission	

Attach additional pages, if necessary.

1. **Contract in which you have a direct benefit pursuant to SDCL Chapter 3-23** – Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
N/A			


Attach additional pages, if necessary.

2. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3.23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
N/A		

Attach additional pages, if necessary.

The Member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority, or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date 7/20/25

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Larry A. Nelson

Name of Board, Authority or Commission: Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

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Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	Lincoln County Rural Water Systems, Inc. & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by LCRW for legal services	1996 - Renews yearly
Hired Attorney	City of Canton, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1990 - Renews yearly
Hired Attorney	City of Worthing, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Worthing for legal services	1994 - Renews yearly
Hired Attorney	City of Hartford, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1996 - Renews yearly

Attach additional pages, if necessary.

Please see additional pages attached

2. **Contacts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

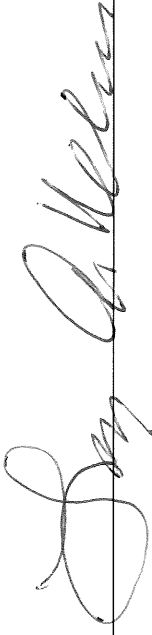
Description of the Contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	City of Beresford, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Beresford for legal services	1992 - Renews yearly
Hired Attorney	City of Alcester, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Alcester for legal services	2018 - Renews yearly
Hired Attorney	City of Wagner, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Wagner for legal services	2014 – Renews yearly
Hired Attorney	City of Wakonda, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Wakonda for legal services	2018 – Renews yearly
Hired Attorney	City of Viborg, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Viborg for legal services	2024 – as needed basis
Legislative Contract Lobbyist	Larry A. Nelson, Samuel J. Nelson, & Economic Development Professionals Association	Hired lobbyist paid by Economic Development Professionals Association for lobbying services.	2020 – original contract date, subsequent yearly renewals.
Counsel for the Disciplinary Board of South Dakota Bar Association	Thomas H. Frieberg and South Dakota Bar Association	Hired by and paid by Disciplinary Board of South Dakota Bar Association, which Association receives money from the Attorney General's office	Hired June 2018 by President of the Board as determined by President of the Board
Hired Attorney	Thomas Frieberg of Frieberg, Nelson & Ask, LLP & Beresford School District	Hired Attorney paid by the Beresford School District	Firm has represented since approximately 1960 – Renews yearly
Legislative Contract Lobbyist	Larry A. Nelson, Samuel J. Nelson & Sioux Falls School District 49-5	Hired lobbyist paid by Sioux Falls School District 49-5 for lobbying services	2014 - original contract date, subsequent yearly renewals
Legislative Contract Lobbyist	Larry A. Nelson, Samuel J. Nelson & Rapid City Area School District	Hired Lobbyist paid by Rapid City Area School District for lobbying services	2024 original contract date, subsequent yearly renewals

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 07/18/2025

FRIEBERG, NELSON & ASK, L.L.P.

ATTORNEYS AT LAW

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AUGUST FRIEBERG (1863-1932)
ROSCOE A. FRIEBERG (1903-1982)
BLAINE O. RUDOLPH (1925-2016)

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EMAIL: lnelson@frieberglaw.com

July 18, 2025

Joel Jundt, Secretary of Transportation
South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501

Re: Conflict of Interest Disclosure

Dear Secretary Jundt:

This letter is in response to SDCL § 3-23-1 and SDCL § 3-23-2, and is intended to address whether I, my wife, or any entity in which we have ownership interests derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner. I have enclosed the completed Annual Disclosure for Commission Member pursuant to SDCL Chapter 3-23.

I am employed with the law firm of Frieberg, Nelson & Ask, L.L.P. The law firm is providing legal services for the municipalities of Hartford, Worthing, Canton, Alcester, Beresford, Wakonda, Viborg, and Wagner, all of which are located in South Dakota. Should a situation arise with a SDDOT contract or transaction with any of these municipalities disclosure of any potential conflict will be made at that time.

I am also providing a Request for State Board Additional Wavier Pursuant to SDCL Chapter 3-23, as our law firm was hired as contract lobbyists for the Rapid City Area School District.

I will continue to review the agenda items for upcoming Transportation Committee meetings and be forthcoming in any potential conflict of interest. Thank you for your consideration.



LARRY A. NELSON

Commissioner

South Dakota Transportation Commission

LAN/src

CC: Karla Engle, Chief of Legal Counsel, SDDOT

STATE OF SOUTH DAKOTA

TRANSPORTATION COMMISSION

REQUEST FOR STATE BOARD
ADDITIONAL WAIVER PURSUANT TO
SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Date: 07/18/2025

Name of Board Member or Former Board Member: Larry A. Nelson

Name of Board, Authority or Commission: Transportation Commission

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract

Samuel J. Nelson, Frieberg, Nelson & Ask, LLP, law firm and Rapid City Area School District

b) Board Member's role in the contract

Larry A. Nelson is an employee in the law firm of Frieberg, Nelson & Ask, LLP

c) Purpose and objective of the contract

Rapid City Area School District is represented and lobbied on behalf of during each South Dakota Legislative Session

d) Consideration or benefit conferred or agreed to be conferred upon each party

Lobbying services are provided in exchange for payment

e) Duration of the contract

2024, until no longer serving as Lobbyist for Rapid City Area School District

Signature of Requesting Party: 

Date 07/18/2025