

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: Darin Bergquist
FROM: Karla L. Engle
DATE: May 20, 2020
RE: May 28, 2020 Commission Meeting

The Department of Transportation asks the Transportation Commission to approve amendments to the following administrative rules:

- 70:01:02:00 – Interstate Highways speed zone rule; and
- 70:01:02:49 – Meade County speed zone rule.

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

1. The proposed rules;
2. The Rules Presentation Format Form, listing the procedural steps that have been taken so far in the rule adoption process;
3. A memo from the Department's Rapid City Region traffic engineer, explaining the purpose and effect of the proposed speed zone changes;
4. Approval of Rule form (to be signed by commission members if rules are approved);
5. Certificate of Compliance form (to be signed by the Chair if rules are approved);
and
6. Resolution (to be signed by the Chair if rules are approved).

Documents for signature will also be mailed and e-mailed to commission members and the Chair prior to the hearing. Any written comments that are timely received will be provided to the commission prior to its meeting on May 28, 2020. Thank you.

KLE
Enclosures

70:01:02:00. Interstate highways. The following are the maximum speed limits on certain portions of the interstate highway system:

(1) Interstate Highway 90 beginning at milepost ~~0~~ 0.0 and ending at milepost 55.02, 75 miles per hour; then beginning at milepost 55.02 and ending at milepost 67.8 and beginning at milepost 394.6 and ending at milepost 400.95, 65 miles per hour;

(2) Interstate Highway 29 beginning at milepost 0.0 and ending at milepost 04.7, then beginning at milepost 72.72 and ending at milepost 85.25, 65 miles per hour;

(3) Interstate Highway 190 beginning at its intersection with State Trunk Highway 44, then north for 0.2 mile, 45 miles per hour; then north for 1.3 miles to the intersection with Interstate Highway 90, 60 miles per hour;

(4) Interstate Highway 229 northbound lanes beginning at milepost 0.0 (the junction with Interstate 29), then north to a point 0.5 miles south of the centerline of Interstate 90, 65 miles per hour;

(5) Interstate Highway 229 southbound lanes beginning at milepost 0.0, (the junction with Interstate 29), then north to the centerline of Interstate 90, 65 miles per hour; then north 0.25 mile to Minnehaha County Road 125, 55 miles per hour.

~~From~~ Each year from the Thursday preceding the first ~~full-weekend~~ Friday in August ~~to~~ through the second Sunday of the second full-weekend after the first Friday in August, ~~inclusive,~~ ~~each year,~~ the maximum speed limit is 65 miles per hour on the portion of Interstate Highway 90 beginning at milepost 28.9 and ending at milepost 55.02.

Source: 13 SDR 196, effective June 28, 1987; 17 SDR 12, effective July 30, 1990; 8 SDR 15, effective August 1, 1991; 21 SDR 81, effective October 31, 1994; 22 SDR 165, effective June 2, 1996; 30 SDR 89, effective December 7, 2003; 38 SDR 8, effective August 3, 2011; 40 SDR

197, effective May 27, 2014; 41 SDR 217, effective June 29, 2015; 42 SDR 174, effective June 23, 2016; 43 SDR 131, effective April 19, 2017; 46 SDR 26, effective September 2, 2019.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:01:02:49. Meade County. The following are the maximum speeds on certain highways in Meade County:

(1) State Trunk Highway 34 beginning 0.3 mile east of the southeast corner of section 8, township 7 north, range 13 east of the Black Hills meridian in Enning and ending 0.2 mile west of that corner, 45 miles per hour;

(2) State Trunk Highway 34 beginning at the northeast corner of section 21, township 7, range 12 east of the Black Hills meridian near Union Center, then west for 0.5 mile, 45 miles per hour;

(3) State Trunk Highway 34 beginning at its junction with Interstate Highway 90 on the west edge of Sturgis, then easterly to its intersection with Blanche Street, 35 miles per hour; then easterly for 2.3 miles, 45 miles per hour. ~~However, Each year from the Thursday preceding the first full weekend Friday in August to through the second Sunday of the second full weekend after the first Friday in August, inclusive, of each year~~ from Blanche Street easterly for 3.8 miles, 35 miles per hour;

(4) U.S. Highway 212 beginning 0.2 mile west of the junction of U.S. Highway 212 and State Trunk Highway 73 at the west edge of Faith, then east for 0.20 mile, 45 miles per hour; then east for 0.20 mile, 35 miles per hour; then east for 0.31 mile, 25 miles per hour; then east for 0.12 mile, 35 miles per hour; then east for 0.15 mile, 45 miles per hour;

(5) Interstate Highway 90 service road (Black Hawk Road) on the west side of Interstate Highway 90 beginning at the junction with Interstate Highway 90 Maintenance Route 231 located 0.25 mile north of the Pennington-Meade county line, then north to the junction with Peaceful Pines Road, 35 miles per hour;

~~(6) Transferred to subdivision (5) of this section;~~

~~——(7) Repealed;~~

~~——(8) State Trunk Highway 73 beginning 0.49 mile south of the junction of State Trunk Highway 73 and U.S. Highway 212 at the west edge of Faith, then north for 0.27 mile, 45 miles per hour; then north for 0.22 mile, 35 miles per hour;~~

~~(9) Interstate Highway 90, eastbound lane off-ramp into the Tilford Port of Entry, beginning 600 feet north of the scale and ending 600 feet south of the scale, 20 miles per hour;~~

~~(10) U.S. Highway 14A beginning at the junction with Interstate Highway 90 in Sturgis, then west for 0.4 mile, 35 miles per hour; then west for 3.64 miles, 45 miles per hour;~~

~~(11) The crossroad over Interstate Highway 90 at Exist 37 (Meade County Road 8) beginning 0.1 mile southwesterly of the centerline of Interstate Highway 90, then northeasterly 0.25 mile, 25 miles per hour;~~

~~(12) The crossroad over Interstate Highway 90 at Exit 46 (Meade County Road 4) beginning at the intersection with the service road 0.08 mile west of the centerline of Interstate Highway 90, then east 0.16 mile, 15 miles per hour;~~

~~(13) State Highway Maintenance Route 231 beginning at the north Pennington County line, then north 1.05 mile to Peaceful Pines Road, 55 miles per hour, then east 0.6 mile to Norman Avenue, 45 miles per hour;~~

(1412) Interstate Highway 90 Service Road on the west side of Interstate Highway 90 beginning at Exit 40, then southeasterly to Exit 44, 45 miles per hour;

(1513) ~~From~~ Each year from the Thursday preceding the first full weekend Friday in August to through the second Sunday of the second full weekend after the first Friday in August, inclusive, of each year, State Trunk Highway 79 beginning at the junction of State Trunk Highway 34 east of Sturgis, then north for 1.75 miles, 45 miles per hour, then beginning 0.05 mile south of the intersection with Bighorn Road, then north for 0.8 mile, 45 miles per hour;

(16) Interstate Highway 90 service road (Sturgis Road) on the west side of Interstate Highway 90 beginning at Peaceful Pines Road, then north 0.62 mile, 55 miles per hour; then north 5.2 miles to the crossroad over Interstate Highway 90 at Exit 46, 45 miles per hour; then northwest to the junction with the Exit 44 crossroad, 35 miles per hour;

(17) Interstate Highway 90 frontage road (Captain Soelzer Street) on the west side of Sturgis Road beginning at Peaceful Pines Road, then north 0.40 mile, 35 miles per hour; then north 0.56 mile, 45 miles per hour.

Source: SL 1975, ch 16, § 1; 7 SDR 25, effective September 22, 1980; 9 SDR 35, effective September 19, 1982; 9 SDR 76, effective December 23, 1982; 9 SDR 132, effective April 24, 1983; 10 SDR 93, effective March 5, 1984; 11 SDR 62, effective November 4, 1984; 11 SDR 112, effective February 25, 1985; 12 SDR 44, effective September 23, 1985; subdivision (10) transferred from subdivision 70:01:02:09(3), 13 SDR 129, 13 SDR 134, effective July 1, 1987; 15 SDR 142, effective March 26, 1989; 16 SDR 169, effective April 25, 1990; 17 SDR 127, effective March 3, 1991; 18 SDR 107, effective December 29, 1991; 22 SDR 165, effective June 2, 1996; 28 SDR 181, effective July 4, 2002; 31 SDR 26, effective September 6, 2004; 35 SDR 61, effective September 22, 2008; 36 SDR 44, effective September 30, 2009; 40 SDR 58, effective October 9,

2013; 41 SDR 217, effective June 29, 2015; 42 SDR 174, effective June 23, 2016; 44 SDR 17, effective August 8, 2017; 44 SDR 184, effective June 25, 2018.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

FORM 15

Rules Presentation Format

Department/Board/Commission Name: **South Dakota Transportation Commission**

Please complete 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 **X** No _____ Date **April 22, 2020**

- Date of public hearing **May 28, 2020**

- Date proposed rules and supporting documents submitted to the LRC and the Bureau of Finance and Management **April 24, 2020**
 - any publication incorporated by reference;
 - the fiscal note;
 - the impact statement on small business; and
 - the notice of hearing.

- Date and name of newspapers in which the notice of public hearing was published:
 - Date **April 28, 2020** Newspaper **Pierre Capital Journal**
 - Date **April 29, 2020** Newspaper **Rapid City Journal**
 - Date **April 29, 2020** Newspaper **Aberdeen American News**
 - Date **April 29, 2020** Newspaper **Sioux Falls Argus Leader**

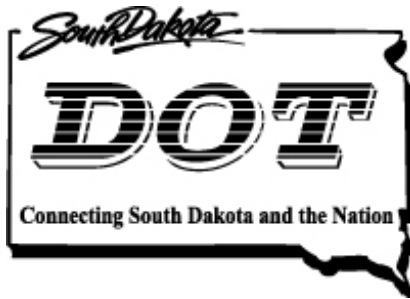
- Summary of how, when, and number of interested persons, if any, were contacted.

On April 27, 2020, copies of the hearing notice and proposed rules were mailed to the twelve individuals or entities who have requested mail notification of rule-making by the commission. On April 24, 2020, electronic copies of the hearing notice and proposed rules were sent to the three individuals who have requested electronic notification of rule-making. On the same date, the hearing notice, proposed rules, small business impact statement, and fiscal notes were posted on the Open SD website for the State of South Dakota. On April 27, 2020, copies of the hearing notice and proposed rules were mailed to the sheriffs of Pennington County and Meade County and the mayors and finance officers of Rapid City and Sturgis.

- Page numbers in the minutes where the agency considered amendments, data, opinions, or arguments regarding the proposed rules, along with any changes and final action.

- For any rule implementing a bill from the preceding session, the number of the bill:

-
- Date final rules and supporting documents submitted to the LRC and the Committee
-



Department of Transportation

Rapid City Office
2300 Eglin St
Rapid City, South Dakota 57709
PHONE: 605/394-2695
FAX: 605/394-1904

DATE: April 1, 2020

TO: Christina Bennett
Operations Traffic Engineer

FROM: Jon Suomala
Rapid City Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change
Interstate Highway 90

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on Interstate Highway 90 between Sturgis and Rapid City during the Sturgis Motorcycle Rally.

PROPOSED AMENDMENT:

70:01:02:00. Interstate Highways. The following are the maximum speeds on certain portions of the interstate highway system:

From the Thursday preceding the first ~~full-weekend Friday~~ Friday in August to the second Sunday ~~of the second full-weekend after the first Friday~~ in August, inclusive, each year, the maximum speed limit is 65 miles per hour on the portion of Interstate Highway 90 beginning at milepost 28.9 and ending at milepost 55.02.

COST

There is no cost to make the proposed speed limit administrative rule changes. The signing for the reduced speed limits exists and are installed and removed by Department of Transportation staff for the time frame of the Sturgis Motorcycle Rally each year. There will be no additional cost to make the time frame changes proposed.

EXPLANATION OF THE PROPOSAL:

The dates of the Sturgis Motorcycle Rally have changed from beginning on the Monday after the first full weekend in August to beginning on the first Friday in August. Therefore, when August 1 is a Saturday, like it is this year, the Rally takes place in a different week than it would have under the old design, so the change in wording of the speed rule is needed. The Rapid City Region Traffic Office supports this change.



Department of Transportation

Rapid City Office
2300 Eglin St
Rapid City, South Dakota 57709
PHONE: 605/394-2695
FAX: 605/394-1904

DATE: April 1, 2020

TO: Christina Bennett
Operations Traffic Engineer

FROM: Jon Suomala
Rapid City Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change
SD Highway 79 & SD Highway 34

Attached for the Transportation Commission's consideration are speed limit administrative rule changes during the Sturgis Motorcycle Rally on SD Highway 79 between the junctions with SD Highway 34 and US Highway 212 and on SD Highway 34 from Blanche Street east in Sturgis.

PROPOSED AMENDMENT:

70:01:02:49. Meade County. The following are the maximum speeds on certain highways in Meade County:

(3) State Trunk Highway 34 beginning at its junction with Interstate Highway 90 on the west edge of Sturgis, then easterly to its intersection with Blanche Street, 35 miles per hour; then easterly for 2.3 miles, 45 miles per hour. However, from the Thursday preceding the first ~~full weekend~~ Friday in August to the ~~second~~ second Sunday ~~of the second full weekend~~ after the first Friday in August, inclusive, of each year from Blanche Street easterly for 3.8 miles, 35 miles per hour;

(15) From the Thursday preceding the first ~~full weekend~~ Friday in August to the ~~second~~ second Sunday ~~of the second full weekend~~ after the first Friday in August, inclusive, of each year, State Trunk Highway 79 beginning at the junction of State Trunk Highway 34 east of Sturgis, then north for 1.75 miles, 45 miles per hour, then beginning 0.05 mile south of the intersection with Bighorn Rd, then north for 0.8 miles, 45 miles per hour;

COST

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

Install new sign: 6 @ \$100.00 per sign = \$ 600.00

- To install two Reduced Speed Limit Ahead (45) signs, two SPEED LIMIT 45 signs, and two SPEED LIMIT 65 signs on SD Highway 79

TOTAL: \$ 600.00

EXPLANATION OF THE PROPOSAL:

The dates of the Sturgis Motorcycle Rally have changed from beginning on the Monday after the first full weekend in August to beginning on the first Friday in August. Therefore, when August 1st is a Saturday, like it is this year, the Rally takes place in a different week than it would have under the old design, so the change in wording of the speed rule is needed.

A 45 MPH speed zone is also being created for 0.8 miles on SD Highway 79. This area encompasses the entrances to the Full Throttle Saloon and Pappy Hoel Campground on the east side of the highway and the Drag Pipe Saloon on the west side of the highway. The 45 MPH speed limit would be in effect only in the time frame of the Sturgis Motorcycle Rally. During the Sturgis Motorcycle Rally, there is a drastic increase in the number of turning movements at these approaches. In previous years, we drew attention to this by installing intersection warning signs with 45 MPH advisory speed plaques as well as a radar speed feedback signs in each direction in advance of this area. The 45 MPH speed zone is being proposed at the request of the SDDOT Belle Fourche Area Engineer and the SDDOT Rapid City Region Engineer. The Rapid City Region Traffic Office supports the change. Captain Ketterling of the South Dakota Highway Patrol District Three and Sherriff Ron Merwin of the Meade County Sheriff's Office concur with the change.

SPEED STUDY:

A speed study was conducted on August 8, 2018 near the Full Throttle entrance for northbound traffic.

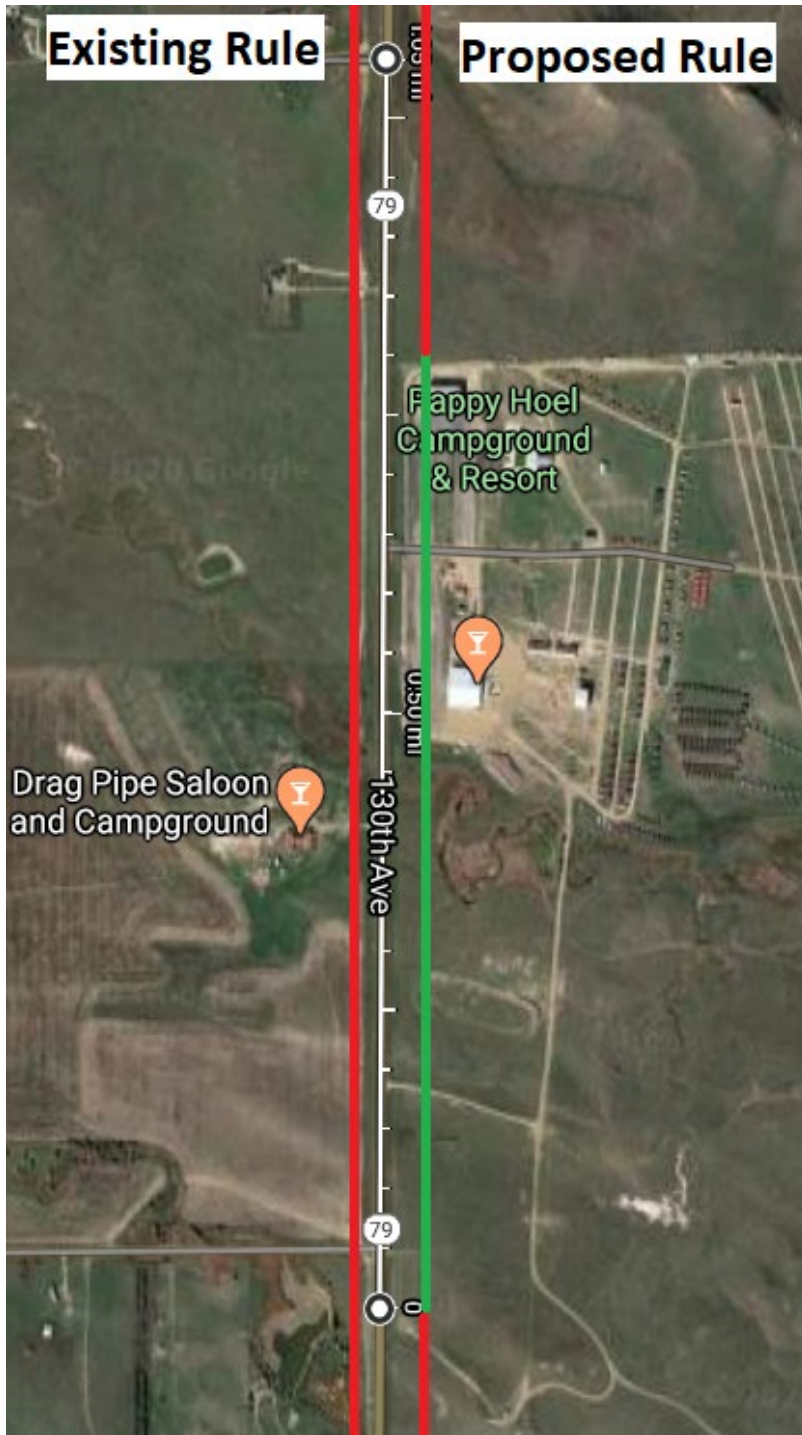
Speed Study Results:

| | |
|---|----------|
| NUMBER OF VEHICLES CHECKED | 224 |
| AVERAGE SPEED IN MPH | 46.7 |
| PERCENT EXCEEDING THE SPEED LIMIT | 0.4% |
| PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH | 0.0% |
| PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH | 0.0% |
| 85 PERCENTILE SPEED | 52 |
| TEN MILE PACE | 42 TO 51 |
| PERCENT WITHIN THE PACE | 65.3% |
| MEDIAN SPEED | 44 |
| FASTEST SPEED RECORDED | 68 |
| SLOWEST SPEED RECORDED | 36 |

A speed study was conducted on August 8, 2018 near the Full Throttle entrance for southbound traffic.

Speed Study Results:

| | |
|---|----------|
| NUMBER OF VEHICLES CHECKED | 239 |
| AVERAGE SPEED IN MPH | 50.6 |
| PERCENT EXCEEDING THE SPEED LIMIT | 3.8% |
| PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH | 0.8% |
| PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH | 0.8% |
| 85 PERCENTILE SPEED | 58 |
| TEN MILE PACE | 46 TO 55 |
| PERCENT WITHIN THE PACE | 49.7% |
| MEDIAN SPEED | 48 |
| FASTEST SPEED RECORDED | 76 |
| SLOWEST SPEED RECORDED | 36 |



IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULE

Following a public hearing held on May 28, 2020, the following rules, a copy of which is attached, are approved and will become effective twenty days after filing with the Office of the Secretary of State:

- 70:01:02:00 – Interstate Highways speed zone rule
- 70:01:02:49 – Meade County speed zone rule

DATE: May 28, 2020

SOUTH DAKOTA TRANSPORTATION COMMISSION

Donald L. Roby

Jafar Karim

Rodney Fouberg

Mike Vehle

Bruce Cull

Ronald Rosenboom

Kathleen Zander

Larry A. Nelson

Benjamin Stoick

Date _____

LEGISLATIVE RESEARCH COUNCIL

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

CERTIFICATE

I, Mike Vehle, hereby certify that I am a duly appointed member and the duly elected chair of the South Dakota Transportation Commission and that the attached instrument is a full, true, and correct copy of the following rules adopted or amended by the South Dakota Transportation Commission on May 28, 2020:

- 70:01:02:00 – Interstate Highways speed zone rule; and
- 70:01:02:48 – Meade County speed zone rule.

I further certify that SDCL 1-26-4 and 1-26-6 were complied with in the amendment or adoption of the rules. The rules will become effective twenty days after filing with the Secretary of State.

Chair
South Dakota Transportation Commission

STATE OF SOUTH DAKOTA)
 :
COUNTY OF HUGHES)

On this the _____ day of _____, 2020, before me, Kari Kroll, a Notary Public for the State of South Dakota and while located within said State, appeared Mike Vehle, Chair of the South Dakota Transportation Commission, by means of communication technology and remotely located at _____, known to me through personal knowledge of his identity through dealings sufficient to provide reasonable certainty that he is the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained and in the capacity so stated. I was further able to reasonably confirm that the document before me is the same document on which he executed his signature.

In witness whereof I hereunto set my hand and official seal.

Notary Public – South Dakota

My Commission expires: _____

(SEAL)

RESOLUTION NO. _____
BEING A RESOLUTION FOR
ADOPTION OF RULES

WHEREAS, the South Dakota Transportation Commission of the South Dakota Department of Transportation has met by teleconference on the 28th day of May, 2020; and

WHEREAS, pursuant to notice duly given, as required by law, in such case made and provided, a hearing was duly held at the hour of 9:00 a.m. (Central Time) on May 28, 2020, by teleconference for the purpose of considering and taking information, testimony and oral or written arguments concerning the following rules:

- 70:01:02:00 Interstate Highways speed zone rule; and
- 70:01:02:49 Meade County speed zone rule.

WHEREAS, all persons were afforded an opportunity prior to and at the time of hearing to present oral or written arguments for or against the proposed rules as will be more particularly shown by the minutes of the South Dakota Transportation Commission; and

WHEREAS, the Commission has given the matter of the above referred to rules hereto attached, due and deliberate consideration and is satisfied that the adoption or amending of said rules would be in the best interest of all parties concerned.

THEREFORE, BE IT RESOLVED that the following rules are hereby amended or adopted:

- 70:01:02:00 Interstate Highways speed zone rule; and
- 70:01:02:49 Meade County speed zone rule.

The rules contain all changes recommended by the Legislative Research Council.

Dated this 28th day of May, 2020.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
SOUTH DAKOTA TRANSPORTATION COMMISSION

Chair, Transportation Commission