

**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: June 17, 2020  
RE: June 25, 2020 Commission Meeting

The Department of Transportation asks the Transportation Commission to approve amendment or adoption of the following administrative rules:

- 70:01:02:37 – Hutchinson County speed zone rule; and
- 70:01:02:68 – Speed limits in school zones.

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 region operations engineer, explaining the purpose and effect of the proposed amendment to ARSD 70:01:02:37 -- Hutchinson County speed zone rule;
4. A memo from the department's operations traffic engineer, explaining the purpose and effect of the proposed adoption of ARSD 70:01:02:68 – Speed limits in school zones;
5. Written comments received to date;
6. Approval of Rule form (to be signed by commission members if rules are approved);
7. Certificate of Compliance form (to be signed by the Chair if rules are approved); and
8. 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 other written comments that are timely received will be provided to the commission prior to its meeting on June 25, 2020. Thank you.

KLE  
Enclosures

**CHAPTER 70:01:02****SPEED LIMITS**

## Section

70:01:02:00	Interstate highways.
70:01:02:00.01	Interstate Highway 90 -- Sturgis Area -- Temporary.
70:01:02:01	Minnehaha County.
70:01:02:02	Pennington County.
70:01:02:03	Brown County.
70:01:02:04	Beadle County.
70:01:02:05	Codington County.
70:01:02:06	Brookings County.
70:01:02:07	Yankton County.
70:01:02:08	Davison County.
70:01:02:09	Lawrence County.
70:01:02:10	Aurora County.
70:01:02:11	Bennett County.
70:01:02:12	Bon Homme County.
70:01:02:13	Brule County.
70:01:02:14	Buffalo County.
70:01:02:15	Butte County.
70:01:02:16	Campbell County.
70:01:02:17	Charles Mix County.
70:01:02:18	Clark County.
70:01:02:19	Clay County.
70:01:02:20	Corson County.
70:01:02:21	Custer County.
70:01:02:22	Day County.
70:01:02:23	Deuel County.
70:01:02:24	Dewey County.
70:01:02:25	Douglas County.
70:01:02:26	Edmunds County.
70:01:02:27	Fall River County.
70:01:02:28	Faulk County.
70:01:02:29	Grant County.
70:01:02:30	Gregory County.
70:01:02:31	Haakon County.
70:01:02:32	Hamlin County.
70:01:02:33	Hand County.
70:01:02:34	Hanson County.
70:01:02:35	Harding County.
70:01:02:36	Hughes County.
70:01:02:37	Hutchinson County.
70:01:02:38	Hyde County.

70:01:02:39	Jackson County.
70:01:02:40	Jerauld County.
70:01:02:41	Jones County.
70:01:02:42	Kingsbury County.
70:01:02:43	Lake County.
70:01:02:44	Lincoln County.
70:01:02:45	Lyman County.
70:01:02:46	McCook County.
70:01:02:47	McPherson County.
70:01:02:48	Marshall County.
70:01:02:49	Meade County.
70:01:02:50	Mellette County.
70:01:02:51	Miner County.
70:01:02:52	Moody County.
70:01:02:53	Perkins County.
70:01:02:54	Potter County.
70:01:02:55	Roberts County.
70:01:02:56	Sanborn County.
70:01:02:57	Spink County.
70:01:02:58	Stanley County.
70:01:02:59	Sully County.
70:01:02:60	Tripp County.
70:01:02:61	Turner County.
70:01:02:62	Union County.
70:01:02:63	Walworth County.
70:01:02:64	Ziebach County.
70:01:02:65	Oglala Lakota County.
70:01:02:66	Transferred.
70:01:02:67	Todd County.
70:01:02:68	<u>Speed limits in school zones.</u>

**70:01:02:37. Hutchinson County.** The following are the maximum speeds on certain highways in Hutchinson County:

(1) U.S. Highway 18 beginning 0.39 mile west of Hutchinson County Highway 13, then east 0.16 mile, 50 miles per hour; then easterly through Menno and ending 0.42 mile east of Hutchinson County Highway 13, 35 miles per hour; then east 0.2 mile, 50 miles per hour;

(2) U.S. Highway 18 beginning 1.84 miles east of the junction with State Trunk Highway 25 South, then east 0.13 mile, 50 miles per hour; then east 0.39 mile through Olivet, 35 miles per hour; then east 0.11 mile, 50 miles per hour;

(3) State Trunk Highway 37 beginning 0.3 mile south of the intersection with State Trunk Highway 44, then north for 1.3 miles through Parkston, 45 miles per hour;

(4) U.S. Highway 81 beginning 0.42 mile north of the North County Road in Freeman, then south 0.42 mile, 55 miles per hour; then south for 1.05 miles, 45 miles per hour; then south 0.22 mile, 55 miles per hour;

(5) State Trunk Highway 37A beginning 0.65 mile south of the railroad crossing in Tripp, then north for 0.3 mile, 35 miles per hour; then north for 1.15 miles, 25 miles per hour; then north for 0.15 mile, 35 miles per hour;

(6) State Trunk Highway 44 beginning 0.4 mile west of the intersection with State Trunk Highway 37, then east for ~~1.25~~ 1.44 miles through Parkston, 45 miles per hour.

**Source:** SL 1975, ch 16, § 1; 4 SDR 20, effective October 3, 1977; 4 SDR 77, effective March 2, 1978; 5 SDR 91, effective April 29, 1979; 7 SDR 25, effective September 22, 1980; 10 SDR 7, effective July 31, 1983; 13 SDR 141, effective April 5, 1987; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 22 SDR 165, effective June 2, 1996; 23 SDR 20, effective August 11, 1996; 24 SDR 15, effective August 10, 1997; 25 SDR 83, effective December 20, 1998; 27 SDR 15, effective August 30, 2000.

**General Authority:** SDCL 32-25-7.

**Law Implemented:** SDCL 32-25-7.

**70:01:02:68. Speed limits in school zones.** The following are the maximum speed limits when passing a school during a school recess or while children are going to or leaving school during its opening or closing hours:

(1) State Trunk Highway 37 beginning 0.21 mile south of U.S. Highway 12 in Groton, then south for 0.34 mile, 15 miles per hour;

(2) State Trunk Highway 127 beginning 0.42 mile west of Roberts County Highway 7 in Rosholt, then east for 0.17 mile, 15 miles per hour;

(3) U.S. Highway 14 beginning 0.46 mile west of State Trunk Highway 25 in De Smet, then east for 0.29 mile, 15 miles per hour;

(4) U.S. Highway 14 beginning 0.11 mile east of Main Avenue in Lake Preston, then east for 0.22 mile, 15 miles per hour;

(5) U.S. Highway 14 beginning 0.39 mile east of the southernmost junction of U.S. Highway 14 and State Trunk Highway 45 in Miller, then east 0.17 mile, 15 miles per hour;

(6) State Trunk Highway 47 beginning 0.66 mile south of U.S. Highway 14 in Highmore, then south 0.21 mile, 15 miles per hour;

(7) State Trunk Highway 247 beginning 0.21 mile north of U.S. Highway 12 in Roscoe, then north 0.14 mile, 15 miles per hour;

(8) U.S. Highway 212 beginning 0.13 mile west of Eighth Avenue in Faulkton, then west 0.25 mile, 15 miles per hour;

(9) U.S. Highway 12 beginning at West Sixth Avenue in Lemmon, then east 0.2 mile, 15 miles per hour;

(10) U.S. Highway 16 beginning 0.02 mile west of Poplar Street in Hill City, then east 0.2 mile, 15 miles per hour;

(11) U.S. Highway 16B beginning 0.07 mile west of Poplar Street in Hill City, then east 0.3 mile, 15 miles per hour;

(12) State Trunk Highway 40 beginning at Fifth Street in Hermosa, then east 0.15 mile, 15 miles per hour;

(13) U.S. Highway 212 beginning 0.06 mile east of U.S. Highway 85 in Belle Fourche, then east 0.08 mile, 15 miles per hour;

(14) U.S. Highway 212 beginning at Third Avenue in Newell, then east 0.2 mile, 15 miles per hour;

(15) State Trunk Highway 240 beginning 0.07 mile west of West Seventh Avenue in Wall, then west 0.25 mile, 15 miles per hour;

(16) U.S. Highway 18 beginning 0.03 mile east of South Twenty-first Street in Hot Springs, then east 0.5 mile, 15 miles per hour;

(17) Interstate Highway 90 service road beginning at Stagestop Road on the west side of Interstate Highway 90 in Summerset, then north 0.37 mile, 35 miles per hour;

(18) State Trunk Highway 11 beginning 0.04 mile south of Holly Boulevard in Brandon, then south 0.23 mile, 15 miles per hour;

(19) State Trunk Highway 38 beginning 0.17 mile west of Colton Road in Hartford, then west 0.16 mile, 15 miles per hour;

(20) State Trunk Highway 37P beginning 0.61 mile south of Walnut Street in Springfield,  
then south 0.16 mile, 15 miles per hour;

(21) State Trunk Highway 46 beginning 0.16 mile west of Northwest Washington  
Avenue in Wagner, then west 0.21 mile, 15 miles per hour;

(22) State Trunk Highway 25 beginning 0.03 mile south of Main Street in Scotland, then  
south 0.16 mile, 15 miles per hour;

(23) State Trunk Highway 34 beginning 0.03 mile west of Third Avenue in Woonsocket,  
then west 0.14 mile, 15 miles per hour;

(24) US Highway 81 beginning 0.11 mile north of Drake Avenue in Salem, then north  
0.24 mile, 15 miles per hour;

(25) State Trunk Highway 73 beginning 0.06 mile south of U.S. Highway 14 in Philip,  
then south 0.23 mile, 15 miles per hour;

(26) State Trunk Highway 20 beginning at Third Avenue in Hoven, then southerly 0.348  
mile, 15 miles per hour;

(27) State Trunk Highway 1804 beginning 0.03 mile north of U.S. Highway 12 in  
Mobridge, then northerly 0.09 mile, 15 miles per hour;

(28) U.S. Highway 83 beginning at Second Avenue in Herreid, then northerly 0.18 mile,  
15 miles per hour;

(29) State Trunk Highway 63 beginning 0.05 mile south of Third Street in McLaughlin,  
then southerly 0.22 mile, 15 miles per hour;

(30) U.S. Highway 83 beginning 0.13 mile north of Cedar Avenue in Fort Pierre, then northerly 0.27 mile, 15 miles per hour.

Source:

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.

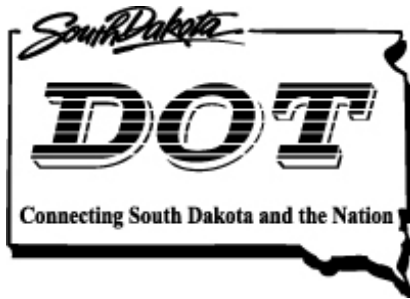
- Approval to proceed? Yes **X** No \_\_\_\_\_ Date **May 31, 2020**
- Date of public hearing **June 25, 2020**
- Date proposed rules and supporting documents submitted to the LRC and the Bureau of Finance and Management **June 1, 2020**
  - any publication incorporated by reference;
  - the fiscal note;
  - 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 **June 2, 2020** Newspaper **Pierre Capital Journal**
  - Date **June 2, 2020** Newspaper **Rapid City Journal**
  - Date **June 2, 2020** Newspaper **Aberdeen American News**
  - Date **June 2, 2020** Newspaper **Sioux Falls Argus Leader**
- Summary of how, when, and number of interested persons, if any, were contacted.
 

**On June 1, 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 May 29, 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 June 1, 2020, copies of the hearing notice and proposed rules were mailed to the sheriffs of each county where a rule change is proposed and the mayors and finance officers of each city or town where a rule change is proposed. Copies of the hearing notice and proposed rules were also sent by e-mail on May 29, 2020, to transportation officials for the Yankton Sioux Tribe and the Standing Rock Sioux Tribe, and on June 9, 2020, to a transportation official for the Sisseton-Wahpeton Oyate Tribe.**
- 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:
 

**N/A**
- Date final rules and supporting documents submitted to the LRC and the Committee
 

\_\_\_\_\_



## Department of Transportation

Mitchell Office

1300 S. Ohlman St.

Mitchell, South Dakota 57301

PHONE: 605/995-8129

FAX: 605/995-8135

DATE: 6/02/2020

TO: Karla Engle  
Chief Legal Counsel

FROM: Christina Bennett  
Traffic Operations Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change  
State Highway 44

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on State Trunk Highway 44 in Parkston, SD.

### PROPOSED AMENDMENT:

#### **70:01:02:37. Hutchinson County.**

(6) State Trunk Highway 44 beginning 0.4 mile west of the intersection with State Trunk Highway 37, then east for ~~1.25~~ 1.44 miles through Parkston, 45 miles per hour.

### COST

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

Relocate sign: 2 @ \$75.00 per sign = \$ 150.00

- To relocate the existing SPEED LIMIT 45 and SPEED LIMIT 65 signs

TOTAL: \$ 150.00

EXPLANATION OF THE PROPOSAL:

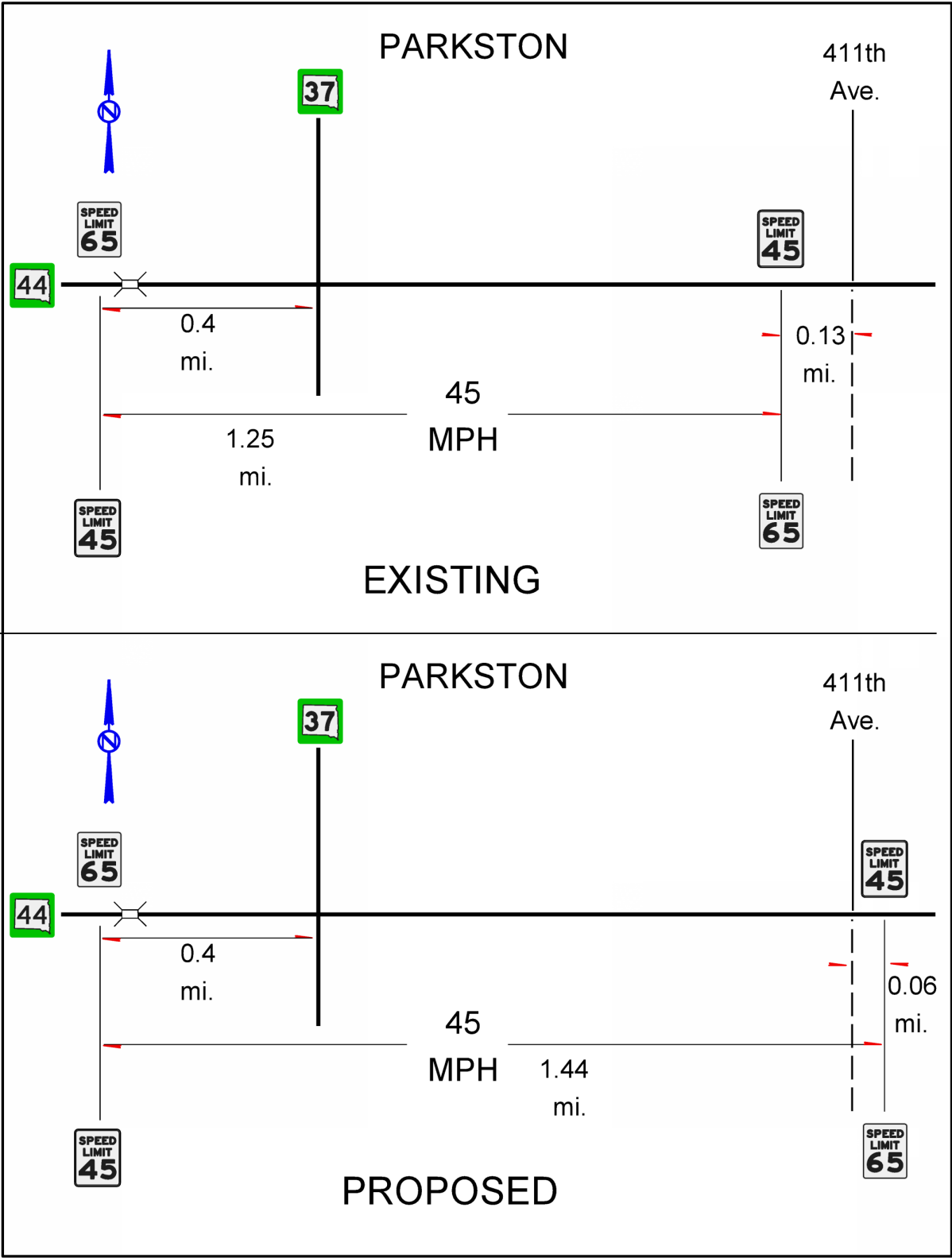
The proposal would amend existing rule to extend the 45-mph speed zone 0.19 miles east to just past the intersection with South Chapman Drive (411<sup>th</sup> Avenue).

South Chapman Drive (411<sup>th</sup> Avenue) is the road leading from the highway to the Parkston Elementary School. The Department of Transportation conducted a traffic study at the intersection and found that during the peak hour, from 7:24 AM to 8:24 AM, 51 eastbound vehicles on State Highway 44 were turning left with an opposing 42 westbound through vehicles.

While there were no crashes reported between October 2014 and October 2019, Police Chief Corrinna Wagner informed the department that there were visible black tire marks from near-miss crashes for eastbound and westbound vehicles turning north on South Chapman Drive (411<sup>th</sup> Avenue) on October 5th, 2019. A speed study was conducted on State Highway 44 in the vicinity of the intersection and found an 85<sup>th</sup>-percentile speed of 65 mph. Most vehicles turning north during the morning peak hour were school-related traffic.

Because the left turn movement to the school during the peak morning hour is greater than the opposing through movement, the SDDOT Mitchell Region staff consented to bring the proposed change before the Transportation Commission to move the 45-mph speed zone east to just past the intersection with South Chapman Drive (411<sup>th</sup> Avenue).

Mayor David Hoffman and Police Chief Corrinna Wagner are in support of the proposed speed rule.





## INFORMATION REGARDING PROPOSED SPEED LIMIT ADMINISTRATIVE RULE CHANGES

The following items are included for the Transportation Commission's consideration of a new chapter in the speed limit administrative rules, 70:01:02:68. School Speed Limits.

All but one of the school speed limits listed in the proposed new chapter exists today. There are currently 15 mph school speed limit signs installed along the state highways for all of these. The department had received a couple of requests for school zone speed limit signing along high-speed state highways. This caused the Region Traffic Engineers to ask if the DOT was only allowed to sign these at 15 mph or if there was any ability to set these higher, for example, 35 mph. This prompted a discussion with the DOT Legal Office and an investigation of the current laws and pertinent court cases. The two state statutes related to school zone speed limits are:

32-25-14. Speed limit in school zones--Violation as misdemeanor. When passing a school during a school recess or while children are going to or leaving school during the opening or closing hours, the maximum lawful speed shall be fifteen miles per hour. A violation of this section is a Class 2 misdemeanor.

32-25-14.1. Posted school zones--Uniform traffic control devices--Failure to obey as misdemeanor. Municipalities and counties may establish posted school zones to regulate the traffic in the proximity of a school area. All traffic control devices used in school zones shall conform to a manual on traffic control for school areas adopted by the Department of Transportation. The manual shall provide a uniform system of warning, regulating, and guiding traffic through a school area. A municipality and county in the placement of traffic control devices as required by this section shall only be required to replace those currently used devices in the normal course of planned maintenance and replacement. Failure to obey such traffic control devices is a Class 2 misdemeanor.

However, a recent court case, *State of South Dakota ex rel. Jackley v. City of Colman*, 2010 SD 81, 790 N.W.2d 941, determined that municipalities do not have jurisdiction to set speed zones on the state trunk highway system; setting those speeds is within the sole purview of the department. Based on this interpretation, the argument could be made that the school statutes, SDCL 32-25-14 and 32-25-14.1, apply only to highways within the jurisdiction of municipalities and counties, and that the authority to set a reduced speed limit for a school zone on a state highway would still lie with the Transportation Commission as granted in SDCL 32-25-7.

32-25-7. Establishment of speed zones--Posting of zones--State or federal roads--Violation as misdemeanor. The Transportation Commission may establish, by rules promulgated pursuant to chapter 1-26, a maximum speed limit of less than that established by §§ 32-25-1.1 and 32-25-4 upon any highway or portion of highway under the jurisdiction of the Department of Transportation, and any portion of highway under the jurisdiction of a state or federal agency if requested by the agency. The speed limit established by the commission is the maximum speed that any person may drive or operate any vehicle or class of vehicle upon that portion of highway. The Department of Transportation shall conspicuously post signs at the beginning and end of a portion of highway to show the maximum speed limit established by the commission on that portion of highway. A violation of any maximum speed limit established by the commission pursuant to this section is a Class 2 misdemeanor.

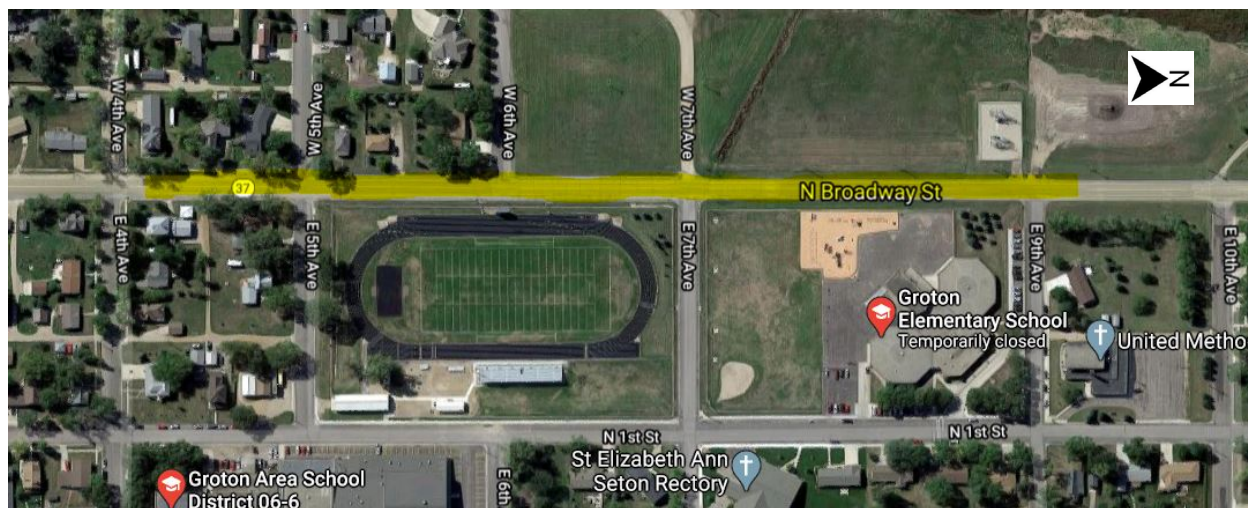
Therefore, the department put together a proposed new chapter for speed limit administrative rules for school speed limits.



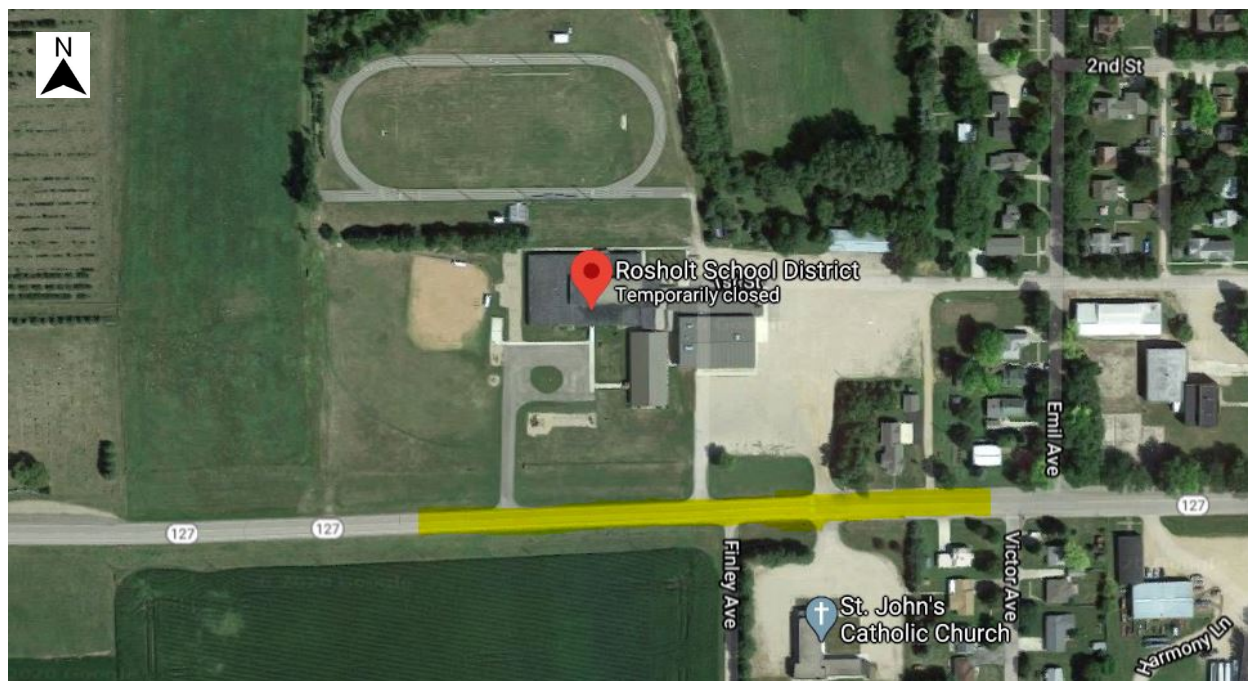
PROPOSED NEW RULE CHAPTER:

**70:01:02:68.** Speed limits in school zones. The following are the maximum speed limits when passing a school during a school recess or while children are going to or leaving school during its opening or closing hours:

- (1) State Trunk Highway 37 beginning 0.21 mile south of U.S. Highway 12 in Groton, then south for 0.34 mile, 15 miles per hour;

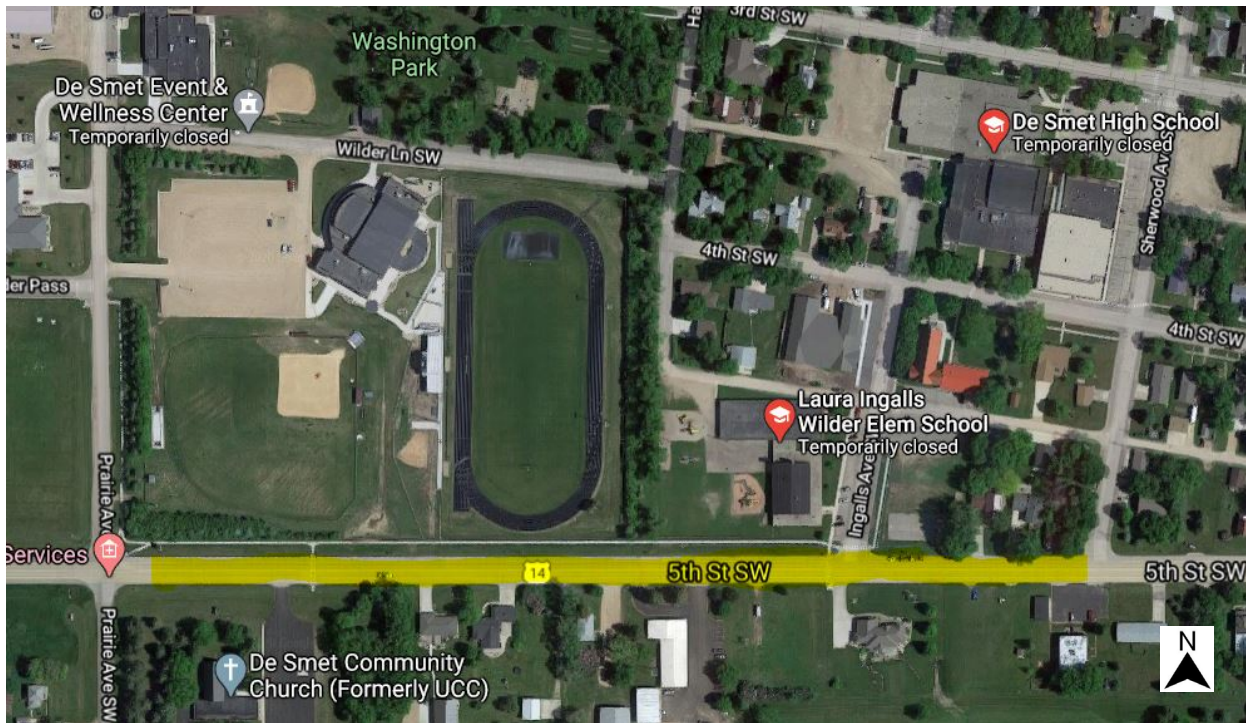


- (2) State Trunk Highway 127 beginning 0.42 mile west of Roberts County Highway 7 in Rosholt, then east for 0.17 mile, 15 miles per hour;

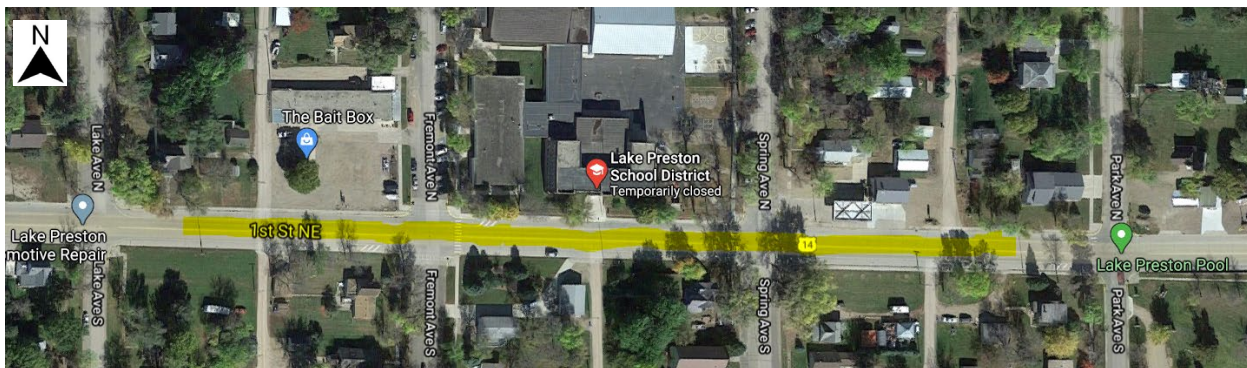




(3) U.S. Highway 14 beginning 0.46 mile west of State Trunk Highway 25 in De Smet, then east for 0.29 mile, 15 miles per hour;

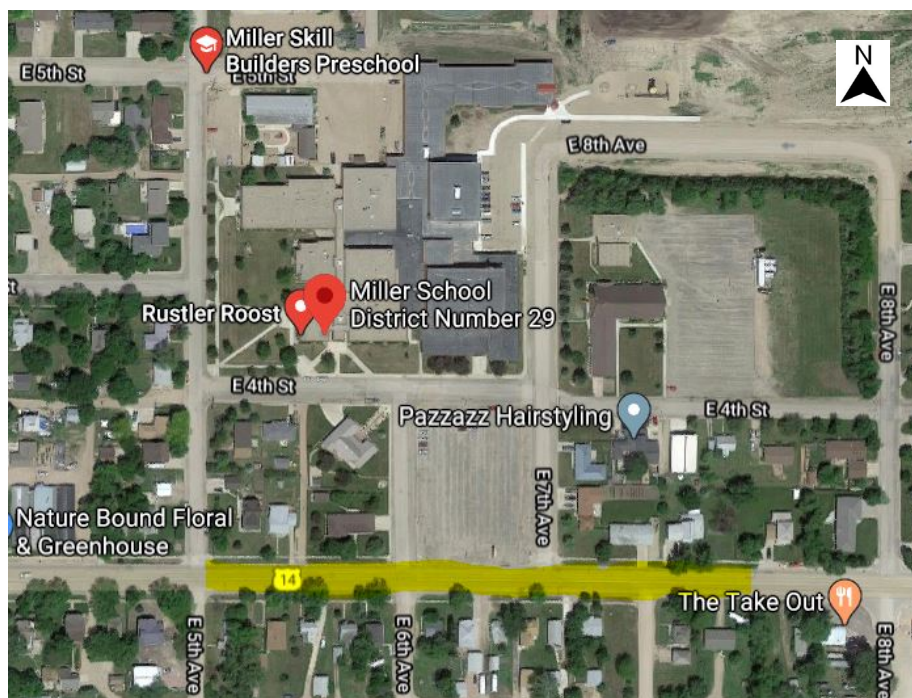


(4) U.S. Highway 14 beginning 0.11 mile east of Main Avenue in Lake Preston, then east for 0.22 mile, 15 miles per hour;





(5) U.S. Highway 14 beginning 0.39 mile east of the southernmost junction of U.S. Highway 14 and State Trunk Highway 45 in Miller, then east 0.17 mile, 15 miles per hour;



(6) State Trunk Highway 47 beginning 0.66 mile south of U.S. Highway 14 in Highmore, then south 0.21 mile, 15 miles per hour;





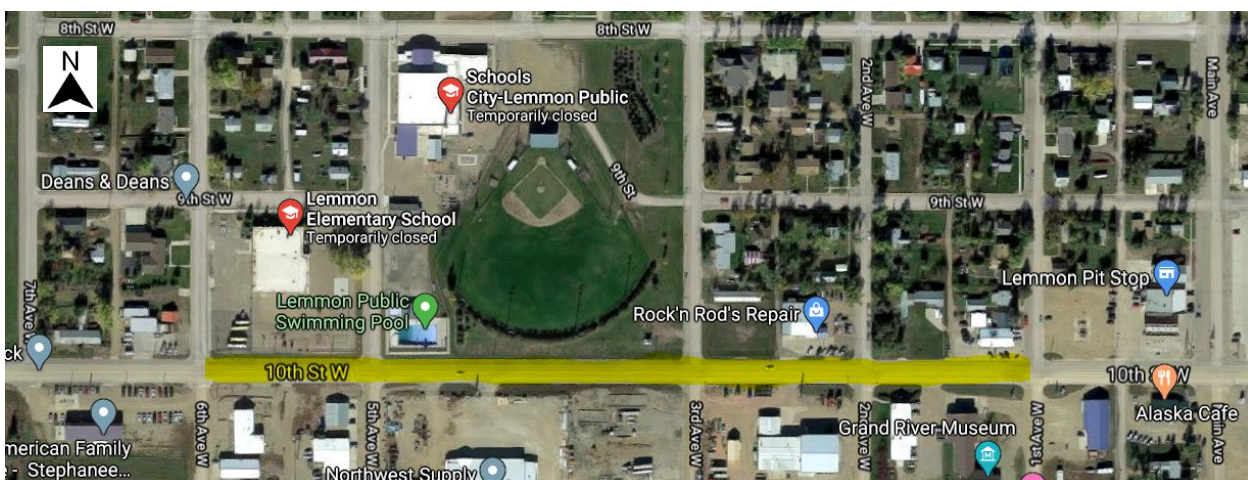
(7) State Trunk Highway 247 beginning 0.26 mile north of U.S. Highway 12 in Roscoe, then north 0.07 mile, 15 miles per hour;



(8) U.S. Highway 212 beginning 0.13 mile west of Eighth Avenue in Faulkton, then west 0.25 mile, 15 miles per hour;



(9) U.S. Highway 12 beginning at West Sixth Avenue in Lemmon, then east 0.2 mile, 15 miles per hour;





(10) U.S. Highway 16 beginning 0.02 mile west of Poplar Street in Hill City, then east 0.2 mile, 15 miles per hour;

(11) U.S. Highway 16B beginning 0.07 mile west of Poplar Street in Hill City, then east 0.3 mile, 15 miles per hour;



(12) State Trunk Highway 40 beginning at Fifth Street in Hermosa, then east 0.15 mile, 15 miles per hour;





(13) U.S. Highway 212 beginning 0.06 mile east of U.S. Highway 85 in Belle Fourche, then east 0.08 mile, 15 miles per hour;



(14) U.S. Highway 212 beginning at Third Avenue in Newell, then east 0.2 mile, 15 miles per hour;

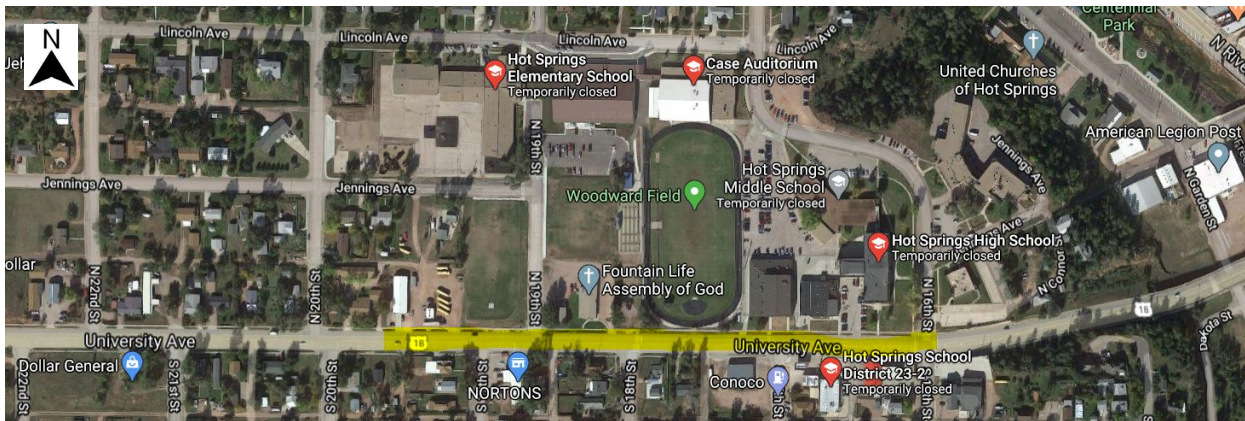




(15) State Trunk Highway 240 beginning 0.07 mile west of West Seventh Avenue in Wall, then west 0.25 mile, 15 miles per hour;



(16) U.S. Highway 18 beginning 0.03 mile east of South Twenty-first Street in Hot Springs, then east 0.5 mile, 15 miles per hour;



(17) Interstate Highway 90 service road beginning at Stagestop Road on the west side of Interstate Highway 90 in Summerset, then north 0.37 mile, 35 miles per hour;

[See photos at the end of this document with explanation]



(18) State Trunk Highway 11 beginning 0.04 mile south of Holly Boulevard in Brandon, then south 0.23 mile, 15 miles per hour;



(19) State Trunk Highway 38 beginning 0.17 mile west of Colton Road in Hartford, then west 0.16 mile, 15 miles per hour;

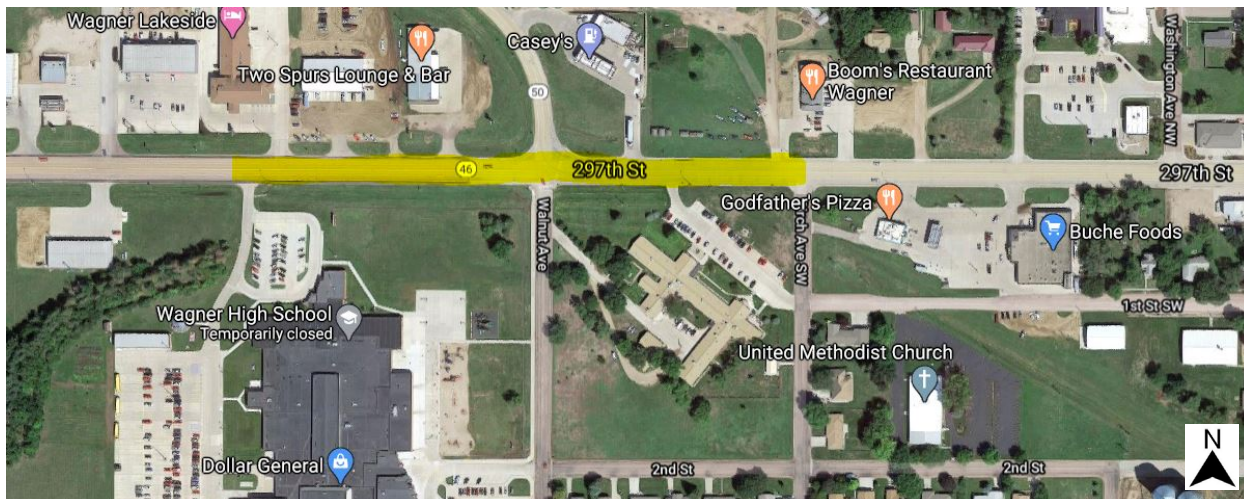




(20) State Trunk Highway 37P beginning 0.61 mile south of Walnut Street in Springfield, then south 0.16 mile, 15 miles per hour;

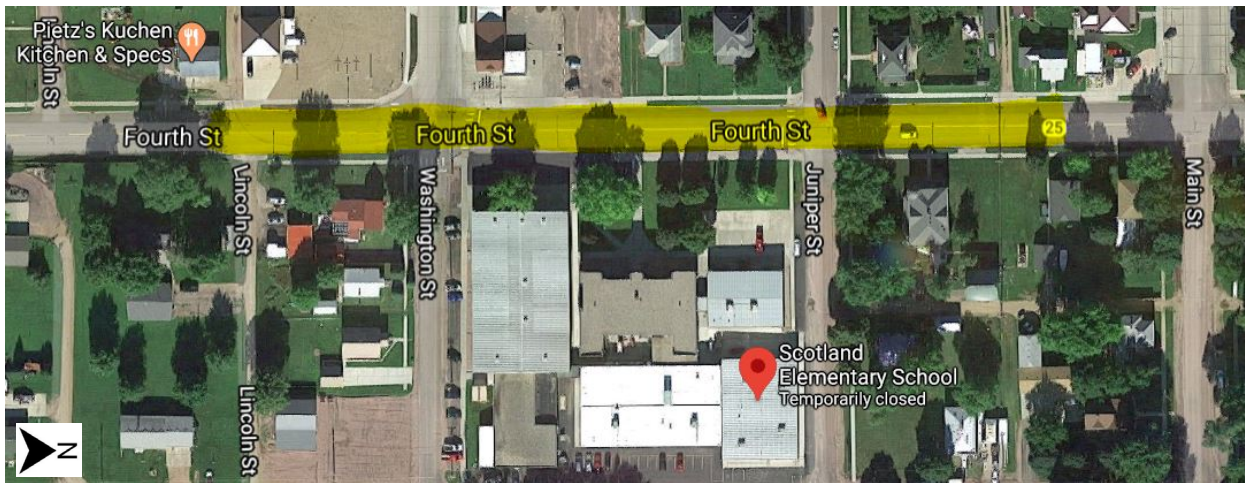


(21) State Trunk Highway 46 beginning 0.16 mile west of Northwest Washington Avenue in Wagner, then west 0.21 mile, 15 miles per hour;





(22) State Trunk Highway 25 beginning 0.03 mile south of Main Street in Scotland, then south 0.16 mile, 15 miles per hour;



(23) State Trunk Highway 34 beginning 0.03 mile west of Third Avenue in Woonsocket, then west 0.14 mile, 15 miles per hour;

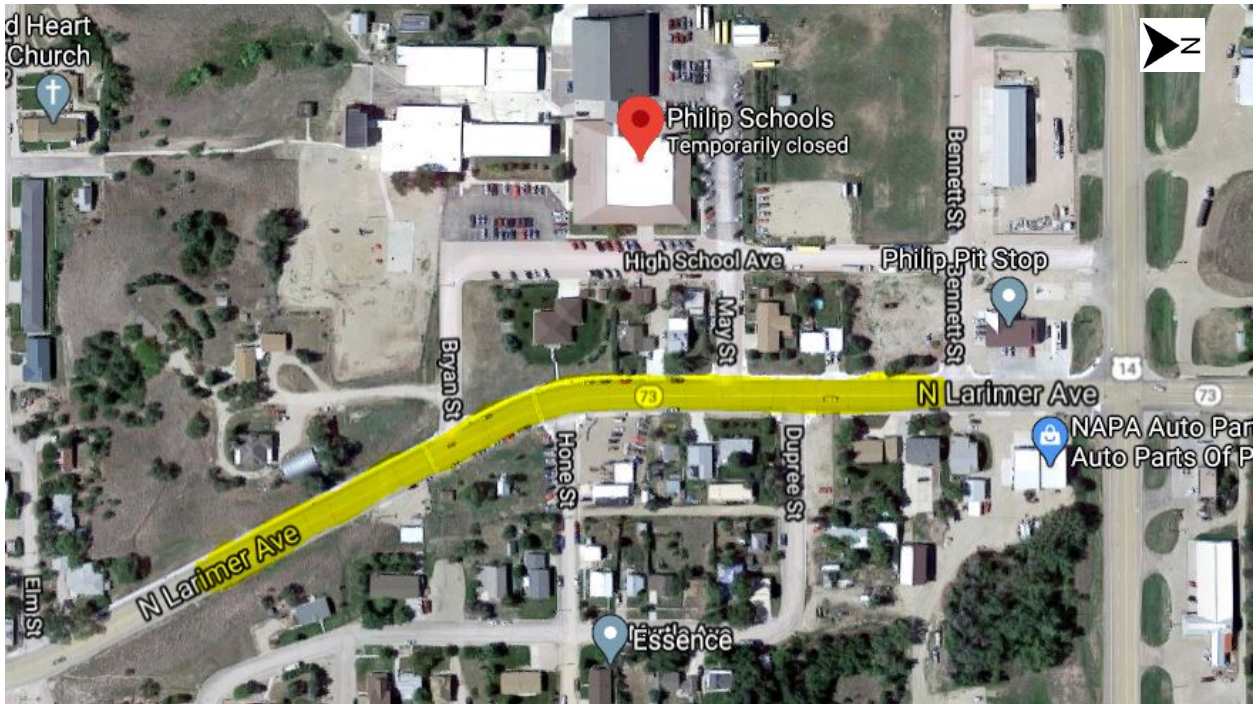


(24) US Highway 81 beginning 0.11 mile north of Drake Avenue in Salem, then north 0.24 mile, 15 miles per hour;

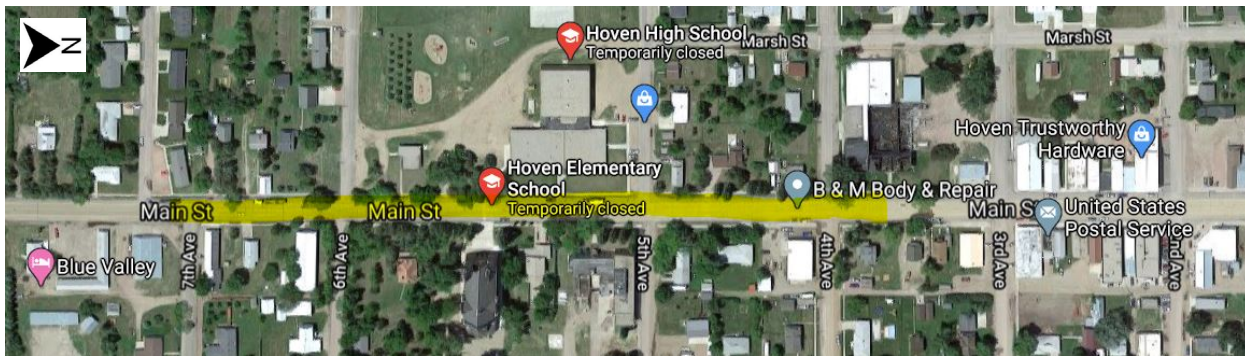




(25) State Trunk Highway 73 beginning 0.06 mile south of U.S. Highway 14 in Philip, then south 0.23 mile, 15 miles per hour;



(26) State Trunk Highway 20 beginning at Third Avenue in Hoven, then southerly 0.35 mile, 15 miles per hour;





(27) State Trunk Highway 1804 beginning 0.03 mile north of U.S. Highway 12 in Mobridge, then northerly 0.09 mile, 15 miles per hour;



(28) U.S. Highway 83 beginning at Second Avenue in Herreid, then northerly 0.18 mile, 15 miles per hour;



(29) State Trunk Highway 63 beginning 0.05 mile south of Third Street in McLaughlin, then southerly 0.22 mile, 15 miles per hour;



(30) U.S. Highway 83 beginning 0.13 mile north of Cedar Avenue in Fort Pierre, then northerly 0.27 mile, 15 miles per hour;



#### COST:

There is one new school speed limit included in the list that does not yet exist today. That is the only school speed limit with a cost associated for installation of the new signing.

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

Remove sign: 2 @ \$20.00 per sign = \$ 40.00

- To remove two existing SPEED LIMIT 45 signs

Relocate sign: 1 @ \$75.00 per sign = \$ 75.00

- To relocate one existing SPEED LIMIT 45 sign

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

- To install two School Speed Limit (35) signs with days and times of speed limit plaque, two School Symbol signs with Fines Higher plaque, and two End School Zone signs

TOTAL: \$ 715.00

Stagebarn Middle School has recently opened adjacent to the I-90 service road (Sturgis Road) in Summerset, SD. Proposed new rule 70:01:02:68 (17) is for a 35-mph school zone at this location. The normal posted speed limit along the I-90 service road (Sturgis Road) here is 45 miles per hour.

The school is set back from the road, so students being dropped off are several hundred feet away from traffic, not right on the shoulder. This is a middle school so there are no K-5th grade students who are smaller and less likely to be seen, as well as more likely to run out into traffic. This segment of I-90 service road (Sturgis Road) is along a more commercial than dense residential area, so there are not a lot of students walking to school. Any students that do walk to school are typically only walking longitudinally along the



roadway or crossing at intersections outside of the school zone. There are no crosswalks or drop off zones on the roadway within this school zone.

The department performed a speed study during the morning drop-off and afternoon pick-up times while school was in session. The 85<sup>th</sup> percentile speed for these was 44 mph. For the temporary school speed reduction condition, it was department traffic engineering staff's judgment that 35 mph was the appropriate speed to have driver compliance, but without creating a large speed differential.

The 35-mph school speed limit would begin at the intersection of Sturgis Road and Stagestop Rd and end 0.37 miles north at Navajo Road. The 35-mph school speed limit would be enforced during drop-off and pickup times (7:00-8:00 AM and 2:30-3:30 PM).

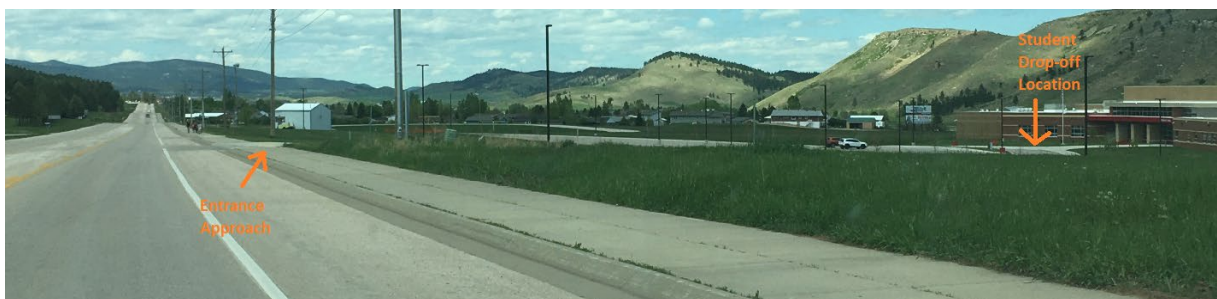
The Meade School District and Summerset Police Department requested the school speed limit and the DOT Rapid City Region Traffic Engineer supported the proposed school speed limit during the times listed above. The department has received concurrence on the 35-mph school speed limit from the South Dakota Highway Patrol, the Summerset Police Department, the Meade County Sheriff's Office, and Stagebarn Middle School.



Note: The school had not been constructed at the time of the last Google aerial imagery (pictured above). The next image shows the existing speed limit, with a drawing to indicate where the actual building is located and the driveway for student drop-off.



The image below is taken from the I-90 Service Road headed north, to show the location of the school entrance and the student drop off location.



**From:** Brittany Smith <cityadmin@philipsd.us>  
**Sent:** Thursday, June 4, 2020 11:26 AM  
**To:** Engle, Karla <Karla.Engle@state.sd.us>  
**Cc:** Bennett, Christina <Christina.Bennett@state.sd.us>; Bergquist, Darin <Darin.Bergquist@state.sd.us>  
**Subject:** RE: [EXT] Speed Limits - School Zone

Thank you!

Brittany Smith  
City Administrator

City of Philip  
140 S. Howard Ave. 4<sup>th</sup> Floor  
Philip, SD 57567  
O (605) 859-2175  
F (605) 859-2266

**From:** Engle, Karla <[Karla.Engle@state.sd.us](mailto:Karla.Engle@state.sd.us)>  
**Sent:** Thursday, June 4, 2020 10:12 AM  
**To:** [cityadmin@philipsd.us](mailto:cityadmin@philipsd.us)  
**Cc:** Engle, Karla <[Karla.Engle@state.sd.us](mailto:Karla.Engle@state.sd.us)>; Bennett, Christina <[Christina.Bennett@state.sd.us](mailto:Christina.Bennett@state.sd.us)>; Bergquist, Darin <[Darin.Bergquist@state.sd.us](mailto:Darin.Bergquist@state.sd.us)>  
**Subject:** FW: Speed Limits - School Zone

Dear Ms. Smith: Thank you for your inquiry and for visiting with me today. In answer to your question, the proposed administrative rule will not change any of the posted speed limit signs that are currently in place in Philip. The department is asking the Transportation Commission to adopt a rule that matches the current posted reduced speed limits for the school zone on Highway 73 in Philip. If you have any additional questions or concerns, please feel free to contact me. Thank you again for your interest in these rules.

Karla L. Engle  
Chief Legal Counsel  
Special Assistant Attorney General  
South Dakota Department of Transportation  
700 E. Broadway Ave.  
Pierre SD 57501-2586  
Office: 605-773-3262  
[karla.engele@state.sd.us](mailto:karla.engele@state.sd.us)

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**From:** Brittany Smith <[cityadmin@philipsd.us](mailto:cityadmin@philipsd.us)>  
**Sent:** Wednesday, June 3, 2020 6:00 PM  
**To:** Bergquist, Darin <[Darin.Bergquist@state.sd.us](mailto:Darin.Bergquist@state.sd.us)>  
**Subject:** [EXT] Speed Limits - School Zone

Darin –

We are in receipt of the attached information relative to changes to the school zone speed limits. Could you please clarify how this changes what is already in place in Philip along SD Hwy 73.

Thanks!

Brittany Smith  
City Administrator

City of Philip  
140 S. Howard Ave. 4<sup>th</sup> Floor  
Philip, SD 57567  
O (605) 859-2175  
F (605) 859-2266



## Engle, Karla

---

**From:** Cermak, Quinton J  
**Sent:** Monday, June 8, 2020 6:28 AM  
**To:** Engle, Karla  
**Subject:** RE: Highmore school zone rule change

Thank you for clarifying that Karla, that answers all of the questions I have.

Quinton Cermak  
Superintendent, 7-12 Principal  
Miller/Highmore-Harrold Rustler Head Football Coach  
Highmore-Harrold School District 34-02  
415 Iowa Ave S  
Highmore, SD 57345  
Phone: 605-852-2275  
Fax: 605-852-2295  
*Go Pirates!*

**From:** Engle, Karla [mailto:Karla.Engle@state.sd.us]  
**Sent:** Friday, June 5, 2020 3:34 PM  
**To:** Cermak, Quinton J <Quinton.Cermak@k12.sd.us>  
**Cc:** Engle, Karla <Karla.Engle@state.sd.us>  
**Subject:** FW: Highmore school zone rule change

Dear Superintendent Cermak:

Thank you for your inquiry. Your e-mail has been forwarded to me for a response. I attempted to call you at your phone number below, but my call was routed to the fax line. In answer to your question, the proposed administrative rule will not change any of the posted speed limit signs that are currently in place on Highway 47 in Highmore, including the signs for reduced speeds in a school zone. The department is asking the Transportation Commission to adopt a rule that matches the current posted reduced speed limits for the school zone on Highway 47 in Highmore. If you have any additional questions or concerns, please feel free to contact me. I would be happy to visit with you. Thank you again for your interest in these rules.

Karla L. Engle  
Chief Legal Counsel  
Special Assistant Attorney General  
South Dakota Department of Transportation  
700 E. Broadway Ave.  
Pierre SD 57501-2586  
605-773-3262  
[karla.engage@state.sd.us](mailto:karla.engage@state.sd.us)

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**From:** Cermak, Quinton J <[Quinton.Cermak@k12.sd.us](mailto:Quinton.Cermak@k12.sd.us)>  
**Sent:** Friday, June 5, 2020 11:19 AM  
**To:** Bergquist, Darin <[Darin.Bergquist@state.sd.us](mailto:Darin.Bergquist@state.sd.us)>  
**Subject:** Highmore school zone rule change



## Attachment #2

Good morning Darin. Mayor Vikki Day shared with me a copy of the agenda for the public hearing to adopt rules changes that will take place on June 25. I am curious how exactly this change would affect Highway 47 near the school? I am under the impression that what is being discussed is already the rule in place for our school zone. Thank you for any clarification you can provide regarding our school zone.

Quinton Cermak  
Superintendent, 7-12 Principal  
Miller/Highmore-Harrold Rustler Head Football Coach  
Highmore-Harrold School District 34-02  
415 Iowa Ave S  
Highmore, SD 57345  
Phone: 605-852-2275  
Fax: 605-852-2295  
*Go Pirates!*

Dear Mr. Dairin Bergquist

This is the Hyde county sheriff office and we have some requests that I would like you to consider, that would make Highmore a safer place.

- The school zone in Highmore are active from 8am to 4pm all school days, because our students have work study and are coming and leaving throughout the day.
- That the speed limit is reduced on Hwy 47 to 25 mph though Highmore instead of 30 mph.
- That the intersection of Hwy 14 and Hwy 47 be turned in to a four way stop, or if not to make the 45 mph signs on Hwy 14 more noticeable to drivers.

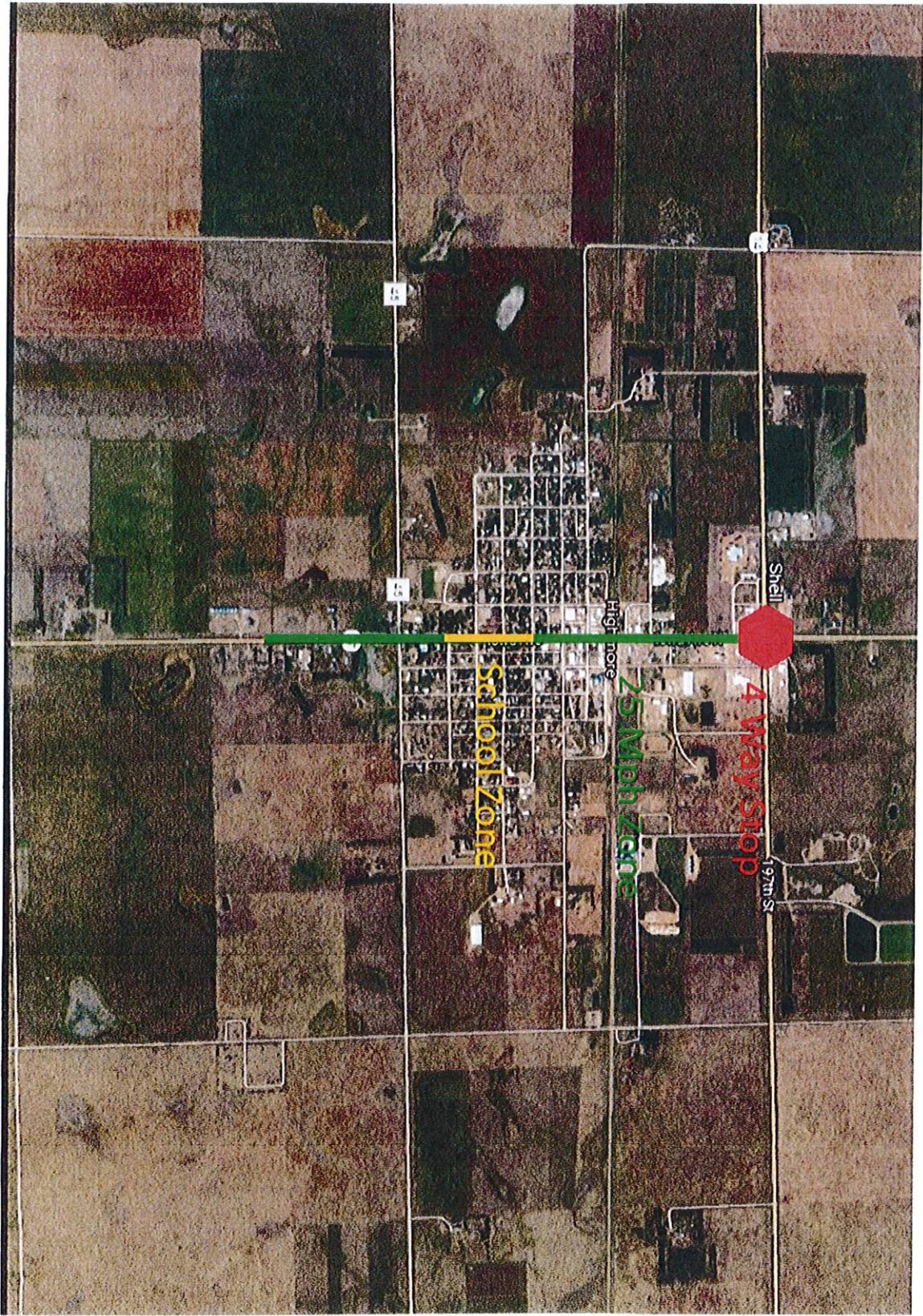
I would like you to come to Highmore with an open mind so we can show you my areas of concern. I have had no luck with the person over hear.

From,

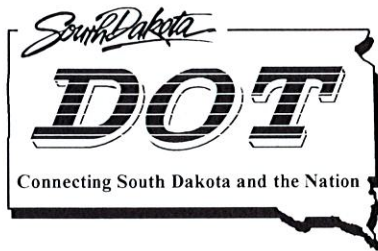
Hyde County Deputy Sheriff

Nathen Brady









## Department of Transportation

### Aberdeen Region Office

West Highway 12

PO Box 1767

Aberdeen, South Dakota 57402-1767 605/626-2244

FAX: 605/626-7875

Attachment #2

June 17, 2020

Hyde County Sheriff's Office  
c/o Deputy Nathen Brady  
P.O. Box 521  
Highmore SD 57345

**RE: SDDOT Requests**

Deputy Sheriff Brady,

Thank you for your requests for DOT consideration for the highways in Highmore.

Your first request was for the school zone in Highmore to be active from 8 AM to 4 PM on all school days because of students having work study so they are coming and leaving throughout the day. This would be the only location in the state where a school zone speed limit was in effect for the entire school day. We do have some school zone speed limits that are in effect around midday for half day kindergarten or preschool start and end times, or for recess periods. These are generally for younger students from preschool through elementary school. Students on work study are generally older and more capable of making appropriate decisions when it comes to crossing the highway. There also would likely be fewer students coming and going at these times than during the start and end of the school day.

Your second request was for the speed limit on SD Highway 47 to be reduced from 30 mph to 25 mph. We would need to do an engineering study to determine whether a change from 30 mph to 25 mph is recommended by the department. The engineering study would examine the current vehicle speeds, roadway characteristics and sight distance, pedestrian activity, and crash history. This could probably be conducted sometime this summer, unless it is preferred that we wait until this fall when more schedules are back to normal and school is in session which may give more accurate data.

Your last request was to turn the intersection of US Highway 14 and SD Highway 47 into a four-way stop condition. If that cannot be done, it is requested that we make the 45 mph signs on US Highway 14 more noticeable to drivers. There is a project this summer to install radar speed feedback signs on the east and west ends of the 45-mph speed zone on US Highway 14 in Highmore. The department is asking the Transportation Commission to hold a public hearing during its meeting on July 23, 2020, to consider extending the 45-mph zone on the west side of Highmore to include the entrance to Titan Machinery. The reason for this speed zone change is to enhance safety by better accommodating the heavy truck turning movements in and out of this approach.

The four-way stop condition would need to meet warrants from the Manual on Uniform Traffic Control Devices, which is the federally approved national standards for all traffic control devices, including the installation of stop signs. The department could analyze this intersection to see if meets warrants for an all-way stop condition, though it is unlikely the volumes here would meet the criteria.

A meeting with the Hyde County Sheriff's Office and the City of Highmore would be welcomed to discuss these items further. The department is committed to hearing out the concerns you have and to work together to come up with viable solutions. To that end, department staff will be reaching out to you to scheduling that meeting soon.

Thank you,  
Sincerely,

**DEPARTMENT OF TRANSPORTATION**



Mark Peterson  
Region Engineer  
Aberdeen Region SDDOT

Cc: File  
Darin Bergquist – Secretary  
Craig Smith – Director of Operations

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 25th day of June, 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 June 25, 2020, by teleconference for the purpose of considering and taking information, testimony and oral or written arguments concerning the following rules:

- 70:01:02:37 Hutchinson County speed zone rule; and
- 70:01:02:68 Speed limits in school zones.

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:

- 70:01:02:37 Hutchinson County speed zone rule; and
- 70:01:02:68 Speed limits in school zones.

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

Dated this 25<sup>th</sup> day of June, 2020.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION  
SOUTH DAKOTA TRANSPORTATION COMMISSION

\_\_\_\_\_  
Chair, Transportation Commission

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 June 25, 2020:

- 70:01:02:37 – Hutchinson County speed zone rule; and
- 70:01:02:68 – Speed limits in school zones.

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

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of June, 2020.

\_\_\_\_\_  
Notary Public - South Dakota

(S E A L)

My Commission Expires:\_\_\_\_\_

IN THE MATTER OF THE  
PROMULGATION OF  
ADMINISTRATIVE RULES

APPROVAL OF RULE

Following a public hearing held on June 25, 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:

- 70:01:02:37 Hutchinson County speed zone rule; and
- 70:01:02:68 Speed limits in school zones.

DATE: June 25, 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