



Division of Secretariat  
Office of Legal Counsel  
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## MEMORANDUM

TO: Joel Jundt  
FROM: Karla L. Engle  
DATE: August 15, 2023  
RE: August 24, 2023 Commission Meeting

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

- 70:01:02:49 – Meade County speed zone rule;
- 70:01:02:62 – Union County speed zone rule; and
- 70:06:03:02 – Audits.

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. Memos from the Department's traffic engineers, explaining the purpose and effect of the proposed speed zone changes; and
4. A written comment from Phil Aaker dated August 13, 2023.

Any additional written comments that are timely received will be provided to the Commission at the meeting on August 24, 2023.

Thank you.

KLE  
Enclosures

**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~~ forty-five 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~~ forty-five 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~~ thirty-five miles per hour; then easterly for 2.3 miles, ~~45~~ forty-five miles per hour. Each year from the Thursday preceding the first Friday in August through the second Sunday after the first Friday in August from Blanche Street easterly for 3.8 miles, ~~35~~ thirty-five 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~~ forty-five miles per hour; then east for 0.20 mile, ~~35~~ thirty-five miles per hour; then east for 0.31 mile, ~~25~~ twenty-five miles per hour; then east for 0.12 mile, ~~35~~ thirty-five miles per hour; then east for 0.15 mile, ~~45~~ forty-five miles per hour;

(5) Interstate Highway 90 service road ~~(, commonly known as~~ 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~~ thirty-five miles per hour;

(6) 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~~ forty-five miles per hour; then north for 0.22 mile, ~~35~~ thirty-five miles per hour;

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

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

(9) The crossroad over Interstate Highway 90 at Exit 37 ~~(, commonly known as~~ Meade County Road 8), beginning 0.1 mile southwesterly of the centerline of Interstate Highway 90, then northeasterly 0.25 mile, ~~25~~ twenty-five miles per hour;

(10) The crossroad over Interstate Highway 90 at Exit 46 ~~(, commonly known as~~ 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~~ fifteen miles per hour;

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

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

(13) Each year from the Thursday preceding the first Friday in August through the second Sunday after the first Friday in August State Trunk Highway 79 beginning at the junction of State Trunk Highway 34 east of Sturgis, then north for ~~1.75~~ 1.90 miles, ~~45~~ forty-five miles per hour,

then beginning 0.05 mile south of the intersection with Bighorn Road, then north for 0.8 mile, ~~45~~  
forty-five miles per hour;

(14) Interstate Highway 90 service road ~~(, commonly known as Sturgis Road),~~ on the west side of Interstate Highway 90 beginning at Peaceful Pines Road, then north 0.62 mile, ~~55~~ fifty-five miles per hour; then north 5.2 miles to the crossroad over Interstate Highway 90 at Exit 46, ~~45~~ forty-five miles per hour; then northwest to the junction with the Exit 44 crossroad, ~~35~~ thirty-five miles per hour;

(15) Interstate Highway 90 frontage road ~~(, commonly known as Captain Soelzer Street),~~ on the west side of Sturgis Road beginning at Peaceful Pines Road, then north 0.40 mile, ~~35~~ thirty-five miles per hour; then north 0.56 mile, ~~45~~ forty-five 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; 46 SDR 146, effective June 30, 2020.

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

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

**70:01:02:62. Union County.** The following are the maximum speeds on certain highways in Union County:

(1) ~~State Trunk Highway 48 beginning 0.2 mile west of the intersection with Union County Highway 21, then east 0.5 mile through Spink, 45 miles per hour;~~

~~—(2)—~~ Interstate Highway 29 Business Loop beginning 0.1 mile south of the centerline of Interstate Highway 29 at Exit 15, then northwesterly for 1.28 miles, ~~35~~ thirty-five miles per hour; then northwesterly through Elk Point for 0.94 mile, ~~25~~ twenty-five miles per hour; then northwesterly for 0.61 mile, ~~35~~ thirty-five miles per hour;

~~(3)(2)~~ State Trunk Highway 11 beginning 0.2 mile north of the intersection with Union County Highway 13, then north 0.3 mile, ~~45~~ forty-five miles per hour; then north 0.6 mile, ~~30~~ thirty miles per hour; then north 0.3 mile, ~~45~~ forty-five miles per hour;

~~(4) Repealed;~~

~~—(5)— Repealed;~~

~~—(6)(3)—~~ The Elk Point Port of Entry by-pass beginning 0.36 mile north of the beginning of the main by-pass at northbound Interstate 29 mile post 12.67, then northwesterly for 0.70 mile, ~~35~~ thirty-five miles per hour; the Elk Point Port of Entry scale road beginning 0.71 mile north of the beginning of the main by-pass at northbound Interstate 29 mile post 12.67, then northwesterly for 0.35 mile, ~~20~~ twenty miles per hour;

~~(7) Repealed;~~

~~—(8)(4)—~~ The crossroad over Interstate Highway 29 at Exit 38 beginning at a point 0.2 mile west of the centerline of Interstate Highway 29, then east 0.4 mile, ~~30~~ thirty miles per hour;

~~(9)(5)~~ State Trunk Highway 11 beginning at its intersection with Franklin Street in Elk Point, then northwesterly 0.06 mile, ~~25~~ twenty-five miles per hour; then northwesterly and north 0.38 mile, ~~40~~ forty miles per hour;

~~(10)(6)~~ State Trunk Highway 50 beginning at the Clay County line, then east to a point 0.6 mile west of the centerline of Interstate 29, ~~70~~ seventy miles per hour; then east for 0.2 mile, ~~60~~ sixty miles per hour; then east-southeasterly for 0.96 mile, ~~45~~ forty-five miles per hour;

~~(11)(7)~~ State Trunk Highway 105 beginning at a point 0.06 mile west of the west ramps of Interstate 29 at Exit 2, then east and northwesterly 1.99 miles through North Sioux City, ~~30~~ thirty miles per hour; then northwesterly for 0.3 mile, ~~45~~ forty-five miles per hour; then northwesterly 5.09 miles, ~~55~~ fifty-five miles per hour; then northwesterly for 0.2 mile, ~~45~~ forty-five miles per hour; then northwesterly for 0.8 mile through Jefferson, ~~25~~ twenty-five miles per hour; then west for 0.14 mile to the west ramps of Interstate Highway 29 at Exit 9, ~~45~~ forty-five miles per hour.

**Source:** SL 1975, ch 16, § 1; 2 SDR 71, effective May 1, 1976; 2 SDR 86, effective June 24, 1976; 3 SDR 10, effective August 11, 1976; 4 SDR 26, effective October 31, 1977; 5 SDR 91, effective April 29, 1979; 7 SDR 89, effective March 30, 1981; 8 SDR 89, effective January 24, 1982; 9 SDR 132, effective April 24, 1983; 13 SDR 52, effective November 6, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 15 SDR 158, effective April 26, 1989; 17 SDR 12, effective July 30, 1990; 17 SDR 127, effective March 3, 1991; 20 SDR 96, effective December 29, 1993; 22 SDR 165, effective June 2, 1996; 28 SDR 24, effective August 29, 2001; 31 SDR 165, effective May 11, 2005; 32 SDR 53, effective October 10, 2005; 37 SDR 18, effective August 16, 2010.

**General Authority:** SDCL 32-25-7, 32-25-7.1.

**Law Implemented:** SDCL 32-25-7, 32-25-7.1.

**70:06:03:02. Audits.** ~~State~~ Each state matching fund ~~grantees~~ grantee shall meet all auditing requirements related to their primary federal transit grants. ~~State~~ Each state matching fund ~~grantees~~ grantee shall transmit to the department a copy of all audits performed by an independent certified public accountant for that grantee for ~~any each~~ time ~~periods~~ period covered by state matching fund grants. ~~State~~ Each state matching fund grantee shall permit auditors of the department to obtain and review all expenditure records related to state matching grants.

**Source:** 19 SDR 155, effective April 11, 1993.

**General Authority:** SDCL 1-44-7.3.

**Law Implemented:** SDCL ~~1-44-7.2,~~ 1-44-7.3.

**FORM 15****Rules Presentation Format**

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

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 **July 27, 2023**
- Date of public hearing **August 24, 2023**
- Date proposed rules and supporting documents submitted to the LRC and the Bureau of Finance and Management **August 2, 2023**
  - 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 **8/2/2023** Newspaper **Sioux Falls Argus Leader**
  - Date **8/2/2023** Newspaper **Black Hills Pioneer**
  - Date **8/3/2023** Newspaper **Rapid City Journal**
  - Date **8/3/2023** Newspaper **Elk Point Southern Union Co. Leader-Courier**
- Summary of how, when, and number of interested persons, if any, were contacted.

**On July 27, 2023, copies of the hearing notice and proposed rules were e-mailed to the five individuals or entities who have requested e-mail notification of rulemaking. On July 28, 2023, copies of the hearing notice and proposed rules were mailed to the individuals or entities who have requested mail notification of rulemaking. Also on July 28, 2023, copies of the hearing notice and proposed rules were mailed to the mayor and finance officer of Sturgis and the sheriffs of Union County and Meade County.**

- 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 a 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 57702

PHONE: 605/394-2244

FAX: 605/394-1904

DATE: June 9, 2023

TO: Jon Suomala  
Operations Traffic Engineer

FROM: Steve Kamarainen  
Rapid City Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change  
70:01:02:49

Attached for the Transportation Commission's consideration is a speed limit administrative rule change in Meade County.

### PROPOSED AMENDMENT:

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

(13) Each year from the Thursday preceding the first Friday in August through the second Sunday after the first Friday in August State Trunk Highway 79 beginning at the junction of State Trunk Highway 34 east of Sturgis, then north for 1.~~75~~.90 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;

### COST

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

This work will consist of removing existing speed limit signs and reinstalling them in a new location.

Relocate 2 signs @ \$75.00 each.

TOTAL: \$ 150.00

EXPLANATION OF THE PROPOSAL:

The SD 79 speed limit will be reduced from 65 mph to 45 mph from the junction of SD 34 north 1.90 miles (north of Iron Horse Campground). This is 750 feet further to the north than the current rule.

The extension of the 45mph reduced speed limit is for safety in an area with high traffic volumes and turning movements during the Sturgis Motorcycle Rally.



In the last three years there has been one crash in this section of highway during the rally timeframe. It was a speed related crash.

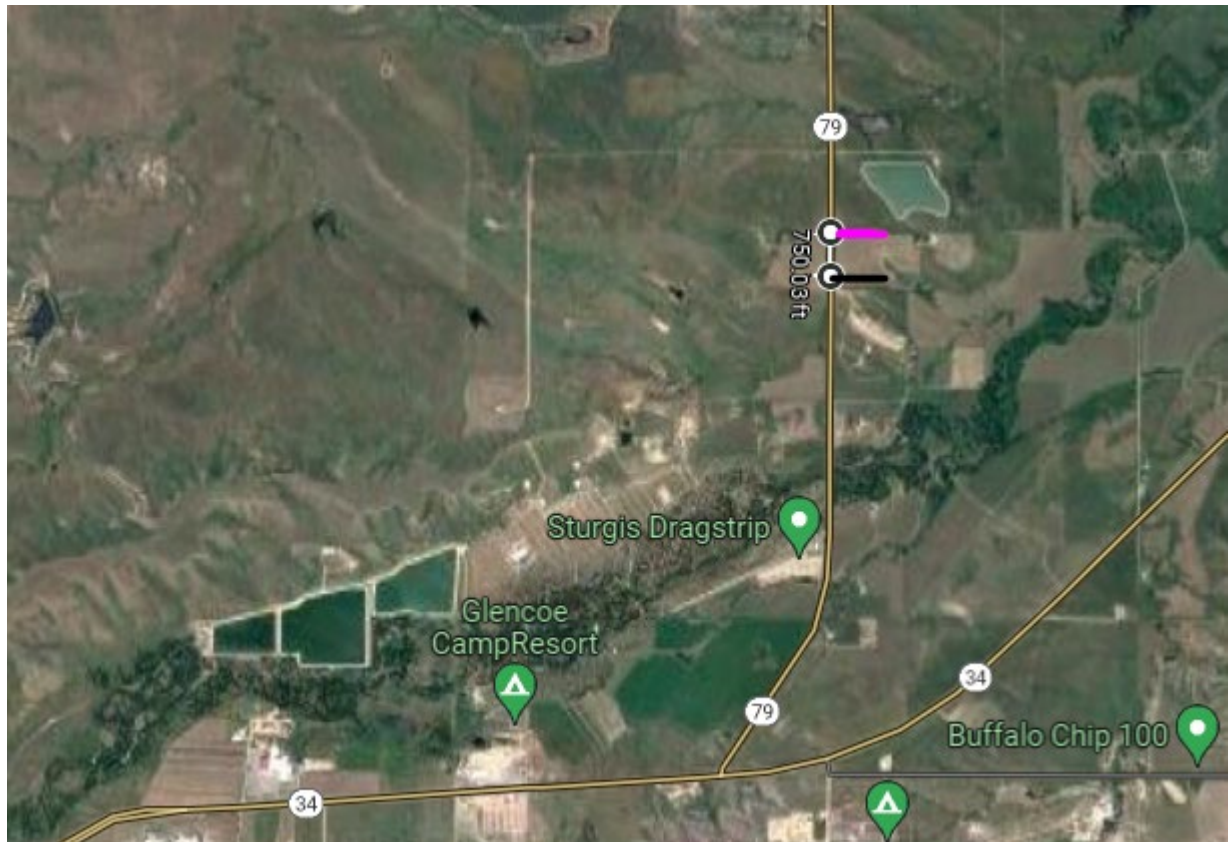
The change is being implemented by Rapid City DOT traffic office.

Lt. Bader with the South Dakota Highway Patrol confirmed support for the change.

SPEED STUDY:

A current speed study was not conducted.

Existing north limit of 45mph      
Proposed north limit of 45mph    





## Department of Transportation

Mitchell Office  
PO Box 1206  
Mitchell, South Dakota 57301  
PHONE: 605/995-8129  
FAX: 605/995-8135

DATE: July 7, 2023

TO: Jon Suomala  
Operations Traffic Engineer

FROM: Corey Pinkley  
Mitchell Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change  
South Dakota Highway 48

Attached for the Transportation Commission's consideration is a speed limit administrative rule deletion on South Dakota Highway 48 through Spink.

### PROPOSED AMENDMENT:

#### **70:01:02:62. Union County**

~~(1) State Trunk Highway 48 beginning 0.2 mile west of the intersection with Union County Highway 21, then east 0.5 mile through Spink, 45 miles per hour;~~

### COST

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

Remove sign: 4@ \$20.00 per sign = \$ 80.00

- To remove the existing SPEED LIMIT 45 signs, and the two advance SPEED ZONE AHEAD 45 signs.

TOTAL: \$ 80.00

EXPLANATION OF THE PROPOSAL:

The existing speed rule is being proposed to be deleted returning this section of roadway to 65 mph. Spink used to be a functioning town with a café and other businesses. These businesses are no longer operating, and Spink is an unincorporated community. There are currently only 3 or 4 houses clustered in this area that are occupied.

Due to the lack of activity and the roadway geometrics, we are seeing higher speeds through this section of highway as people tend to drive what feels comfortable unless there is constant enforcement. This is a safety concern as speed differentials can increase crashes. Larger speed differentials add to the possibility of rear-end crashes and make it harder for vehicles entering the highway to properly judge gaps and enter the highway safely. The 85<sup>th</sup> percentile speed suggests that drivers feel comfortable driving at typical highway speed through this area so we are confident deleting the speed rule and allowing vehicles to travel at 65 mph will decrease the speed differentials making for a safer and more efficient highway. No other engineering judgement indicates that we should deviate from setting the speed limit near the 85<sup>th</sup> percentile at this location.

In the last three years, there has been one crash in this section of the highway, which was a wild animal hit.

The speed limit changes were initially requested by Jerry Miller, Union County States Attorney. The Mitchell Region Traffic Engineer concurs with Jerry Miller's request.

Captain Robert Whisler of District Two of the South Dakota Highway Patrol concurs with the request.

SPEED STUDY:

A speed study was conducted on May 12, 2023 on SD 48 near County Highway 21. The 85<sup>th</sup> percentile speed for eastbound traffic was 62 mph, and westbound traffic had an 85<sup>th</sup> percentile of 66 mph.

## Speed Study Results:

Eastbound:

Number of Vehicles Checked:	24
Average Speed (mph):	55
Percent Exceeding Speed Limit:	96%
Percent Exceeding Speed Limit By More Than 5 mph:	66.7%
Percent Exceeding Speed Limit By More Than 10 mph:	45.8%
85 <sup>th</sup> Percentile Speed (mph):	62
Ten Mile Pace (mph):	52 to 62
Percent Within the Pace:	46
Median Speed (mph):	54
Fastest Speed Recorded (mph):	70
Slowest Speed Recorded (mph):	45

Westbound:

Number of Vehicles Checked:	19
Average Speed (mph):	56
Percent Exceeding Speed Limit:	84%
Percent Exceeding Speed Limit By More Than 5 mph:	73.6%
Percent Exceeding Speed Limit By More Than 10 mph:	52.6%
85 <sup>th</sup> Percentile Speed (mph):	66
Ten Mile Pace (mph):	51 to 61
Percent Within the Pace:	42
Median Speed (mph):	56
Fastest Speed Recorded (mph):	70
Slowest Speed Recorded (mph):	40

# EXISTING:



**From:** Philip Aaker <[pdaaker@earthlink.net](mailto:pdaaker@earthlink.net)>  
**Sent:** Sunday, August 13, 2023 2:38 PM  
**To:** Jundt, Joel <[Joel.Jundt@state.sd.us](mailto:Joel.Jundt@state.sd.us)>  
**Subject:** [EXT] 70:01:02:62 - Union County speed zone rule

Hello from Spink, SD! I am writing you to encourage keeping the current slower speed limit on State Highway 48 as it passes through the town of Spink.

There are several reasons for this. Spink is a farming community and has a high amount of Slow Moving equipment that uses the highway intersection that

lays in the center of town. The speed limit sign makes people think, "why should I slow down"? As they are looking for a reason to slow down they may well

see a tractor pulling out from a side road or driveway. Or children walking along the highway, Or myself crossing the highway to check my mailbox. Without

a speed limit, there is little to encourage drivers to be vigilant as they drive through town on cruise control at 65 MPH. The inconvenience of "letting

off the gas" is a very small and short price to pay for the safety it affords all parties involved. There are also two ag businesses providing spraying services that heavily depend on Hwy 48 for their slow machines as they drive to neighboring farms. And a new house is currently being built on the SE corner of the

intersection.

Let me close by admitting that we are a small community, but for that very reason a speed limit is very important to making Spink a safe place to live and drive through.

Thank you for your consideration!

Phil Aaker

47302

SD 48

(Spink) Elk Point SD 57025