

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 P. Bergquist

FROM: Karla L. Engle

DATE: October 21, 2020

RE: October 29, 2020 Commission Meeting

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

- ARSD 70:01:02:24 – Dewey County speed zone rule;
- ARSD 70:01:02:44 -- Lincoln County speed zone rule; and
- ARSD 70:01:02:57 -- Spink 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. Resolution from the Cheyenne River Sioux Tribal Council, dated July 14, 2020, relating to the proposed speed zone change in Dewey County;
4. Memo from the Department's Operations traffic engineer, explaining the purpose and effect of the proposed speed zone change in Lincoln County;
5. Memo from the Department's Aberdeen Region traffic engineer, explaining the purpose and effect of the proposed speed zone change in Spink County; and
6. Written comment from Max Williams relating to proposed speed zone change in Spink County.

Additional written comments that are timely received will be provided to the commission at the meeting on October 29, 2020. Thank you.

KLE
Enclosures

70:01:02:24. Dewey County. The following are the maximum speeds on certain highways in Dewey County:

(1) U.S. Highway 212 beginning 0.65 mile west of the intersection of U.S. Highway 212 and the Main Street of Eagle Butte, then east for 0.25 mile, 45 miles per hour; then east for 0.82 mile, 35 miles per hour; then east for 0.5 mile, 45 miles per hour;

(2) State Trunk Highway 20 beginning 3.79 miles east of the east junction with State Trunk Highway 63, then east for 0.2 mile, 45 miles per hour; then east for 0.45 mile, 35 miles per hour; then east for 0.2 mile, 45 miles per hour;

(3) State Trunk Highway 20 beginning 2.87 miles west of the west junction with State Trunk Highway 63, then southwesterly for 0.44 mile, 55 miles per hour;

(4) State Trunk Highway 20 and State Trunk Highway 63 beginning 6.80 miles east of the west junction with State Trunk Highway 63 South, then easterly for 0.2 mile, 45 miles per hour; then easterly for 0.5 mile, 35 miles per hour; then easterly and northerly for 0.4 mile, 45 miles per hour;

(5) State Trunk Highway 20 beginning 2.58 miles east of the west junction with State Trunk Highway 65, then east for 0.44 mile, 45 miles per hour; then northeasterly for 0.63 mile, 35 miles per hour; then east for 0.2 mile, 45 miles per hour;

(6) U.S. Highway 212 beginning 0.1 mile west of its junction with Minnesota Avenue in LaPlant, then east 0.92 mile, ~~55~~ 35 miles per hour;

(7) U.S. Highway 212 beginning 0.25 mile west of its junction with Bureau of Indian Affairs Road 3, then west 0.65 mile, 55 miles per hour;

(8) U.S. Highway 212 beginning 0.1 mile west of its junction with Main Street in Lantry, then east 0.65 mile, 55 miles per hour.

Source: SL 1975, ch 16, § 1; 2 SDR 86, effective June 24, 1976; 5 SDR 91, effective April 29, 1979; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 65, effective November 5, 1987; 22 SDR 165, effective June 2, 1996; 25 SDR 48, effective October 4, 1998; 29 SDR 160, effective June 2, 2003; 33 SDR 43, effective September 19, 2006.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:01:02:44. Lincoln County. The following are the maximum speeds on certain highways in Lincoln County:

(1) U.S. Highway 18 beginning ~~0.85 mile~~ 1.42 miles west of West Street in Canton, then east to West Street, 45 miles per hour; then east to Blair Street, 35 miles per hour; then east to Milwaukee Street, 25 miles per hour; then east to Lawler Street, 35 miles per hour; then east to a location 100 feet east of Noid Street, 45 miles per hour; then east 2.51 miles to the Iowa border, 55 miles per hour;

(2) State Trunk Highway 44 beginning 0.19 mile west of the intersection of Lincoln County Highway 117, then easterly through Worthing for 0.63 mile, 35 miles per hour;

(3) State Trunk Highway 46 beginning 0.45 mile west of the centerline of Interstate Highway 29, then east for 0.3 mile, 45 miles per hour; then east for 0.65 mile, 35 miles per hour; then east for 1 mile through Beresford to E. 13th St. (472 Ave.), 30 miles per hour; then east for 0.25 mile, 45 miles per hour;

(4) State Trunk Highway 17 beginning at the intersection with State Trunk Highway 44, then north for 1.4 miles past Lennox, 45 miles per hour;

(5) State Trunk Highway 115 beginning at a point 0.53 mile south of Lincoln County Road 110 (Harrisburg corner), then north 4.25 miles to a point 0.28 mile south of the intersection with

69th Street in Sioux Falls, 55 miles per hour; then north to the Lincoln County Line at 57th Street in Sioux Falls, 40 miles per hour;

(6) State Trunk Highway 44 beginning 0.25 mile west of the centerline of Interstate 29, then east 0.5 mile, 40 miles per hour;

(7) The crossroad over Interstate Highway 29 at Exit 50 beginning at a point 0.25 mile west of the centerline of Interstate Highway 29, then east 0.5 mile, 30 miles per hour;

(8) The crossroad over Interstate Highway 29 at Exit 53 beginning at a point 0.2 mile west of the centerline of Interstate Highway 29, then east 0.4 mile, 25 miles per hour;

(9) The crossroad over Interstate Highway 29 at Exit 56 beginning at a point 0.2 mile west of the centerline of Interstate Highway 29, then east 0.4 mile, 40 miles per hour;

(10) U.S. Highway 18 and the Lincoln County road over Interstate Highway 29 at Exit 59 beginning at a point 0.25 mile west of the centerline of Interstate Highway 29, then east 0.1 mile, 45 miles per hour; then east 0.4 mile, 35 miles per hour;

(11) U.S. Highway 18 over Interstate Highway 29 at Exit 62 beginning at a point 0.17 mile west of the centerline of Interstate Highway 29, then east 0.53 mile, 55 miles per hour;

(12) The crossroad over Interstate Highway 29 at Exit 68 beginning at a point 0.15 mile west of the centerline of Interstate Highway 29, then east 0.3 mile, 25 miles per hour;

(13) The crossroad over Interstate Highway 29 at Exit 71 beginning at a point 0.15 mile west of the centerline of Interstate Highway 29, then east 0.3 mile, 25 miles per hour;

(14) The crossroad over Interstate Highway 29 at Exit 73 beginning at a point 0.15 mile west of the centerline of Interstate Highway 29, then east 0.3 mile, 25 miles per hour;

~~(15) Repealed;~~

~~(4615)~~ State Trunk Highway 44 at Lennox beginning 1.05 miles west of the junction with State Trunk Highway 17 at Lennox, then east for 0.55 mile to a point 200 feet west of Elm Street, 45 miles per hour; then east for 0.5 mile, 30 miles per hour; then south for 0.28 mile, 45 miles per hour;

~~(4716)~~ State Trunk Highway 11 beginning 0.95 mile south of the Minnehaha - Lincoln County line, then north for 0.95 mile to the Minnehaha - Lincoln County line, 55 miles per hour.

Source: SL 1975, ch 16, § 1; 5 SDR 91, effective April 29, 1979; 6 SDR 109, effective May 29, 1980; 7 SDR 1, effective July 20, 1980; 8 SDR 154, effective May 26, 1982; 13 SDR 52, effective November 6, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 15 SDR 185, effective June 4, 1989; 16 SDR 169, effective April 25, 1990; 17 SDR 127, effective March 3, 1991; 19 SDR 30, effective August 30, 1992; 20 SDR 183, May 9, 1994; 22 SDR 165, effective June 2, 1996; 26 SDR 44, effective October 4, 1999; 26 SDR 85, effective December 29, 1999; 28 SDR 24, effective August 29, 2001; 30 SDR 171, effective May 11, 2004; 33 SDR 43, effective September 19, 2006; 33 SDR 125, effective January 29, 2007; 37 SDR 182, April 20, 2011; 44 SDR 65, effective October 16, 2017.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:01:02:57. Spink County. The following are the maximum speeds on certain highways in Spink County:

~~(1) Repealed;~~

(21) U.S. Highway 212 beginning at the east city limits of Redfield, then west to the intersection of Fourth Street and Seventh Avenue, 35 miles per hour; then west to a point 0.2 mile east of the west city limits, 30 miles per hour; then west for 0.4 mile, 45 miles per hour;

(32) State Trunk Highway 20 beginning 0.1 mile east of the northwest corner of section 5, township 120 north, range 64 west of the fifth principal meridian in Northville and ending 0.4 mile west of that corner, 50 miles per hour;

(43) State Trunk Highway 26 beginning at the section line common to sections 7 and 18, township 115 north, range 65 west of the fifth principal meridian, then northeast 3 miles, 45 miles per hour;

(54) U.S. Highway 281 beginning at the south city limits of Redfield, then north to the intersection with Ninth Avenue, 35 miles per hour; then north and east to the east junction with U.S. Highway 212, 30 miles per hour; then north to the intersection with Second Avenue, 35 miles per hour; then north 0.75 mile, 50 miles per hour;

(65) U.S. Highway 212 and State Trunk Highway 37 beginning 0.33 mile west of the east junction of U.S. Highway 212 and State Trunk Highway 37 at Doland, then east 0.2 mile, 50 miles per hour; then east 0.13 mile, 35 miles per hour; then east on U.S. Highway 212, 0.44 mile, 35 miles per hour; then east 0.2 mile, 50 miles per hour; then north on State Trunk Highway 37, 0.5 mile, 35 miles per hour; then north 0.2 mile, 50 miles per hour;

(76) U.S. Highway 281 at Tulare beginning at Spink County Highway 24, then north 0.55 mile, 50 miles per hour;

(87) Beginning 0.2 mile south of the north junction of State Trunk Highway 20 and State Trunk Highway 37, then north on State Trunk Highway 20 and State Trunk Highway 37, 0.2 mile, 55 miles per hour; then north on State Trunk Highway 37, 0.6 mile, 55 miles per hour;

~~(9) Repealed;~~

(408) U.S. Highway 281 beginning 0.4 mile north of the junction of U.S. Highway 281 and State Trunk Highway 20, then north to the Brown County line, 70 miles per hour.

(9) State Trunk Highway 20 beginning 0.52 mile east of U.S. Highway 281, then east 0.58 mile, 50 miles per hour.

Source: SL 1975, ch 16, § 1; 4 SDR 20, effective October 3, 1977; 7 SDR 25, effective September 22, 1980; 7 SDR 100, effective April 27, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 19 SDR 61, effective October 26, 1992; 22 SDR 165, effective June 2, 1996; 22 SDR 183, effective June 30, 1996; 23 SDR 64, effective November 4, 1996; 32 SDR 53, effective October 10, 2005; 39 SDR 172, effective April 29, 2013.

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

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

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.

page 2
- 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
June 25, 2020

RESOLUTION NO. 175-2020-CR

WHEREAS, the Cheyenne River Sioux Tribe of South Dakota is an unincorporated Tribe of Indians having accepted the provision of the Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the Tribe in order to establish its tribal organization, to conserve its tribal property, to develop its common resources, and to promote the general welfare of its people, has ordained and established a Constitution and By-Laws; and

WHEREAS, Cheyenne River Sioux Tribe cares about the safety of the traveling public and pedestrians on the roadways within the reservation; and

WHEREAS, the Tribe opened a new convenience store in LaPlant which is anticipated to create a higher number of turning vehicles as well as increased pedestrians crossing US Highway 212; and

WHEREAS, the CRST Roads Committee met on July 8, 2020 and voted unanimously to request a motion by resolution to lower the speed limit through the community of LaPlant and install lighted flashing warning signs to alert drivers of pedestrians crossing the roadway; now

THEREFORE BE IT RESOLVED, that the Cheyenne River Sioux Tribal Council does hereby approve the Roads Committee motion which improves the safety and well-being of not only the highway traffic but also the pedestrians on the roadway; and

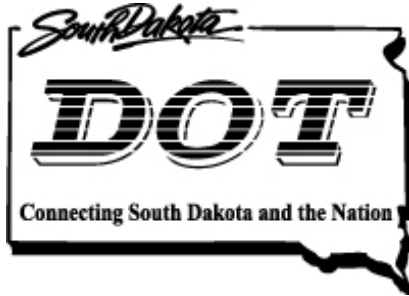
BE IT FINALLY RESOLVED that nothing in this resolution diminishes, divests, alters, or otherwise affects any inherent, treaty, statutory or other rights of the Cheyenne River Sioux Tribe over the property or activities described herein. The Cheyenne River Sioux Tribe expressly retains all rights and authority over the property and activities described herein, including but not limited to legislative, regulatory, adjudicatory, and taxing powers.

CERTIFICATION

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members of whom 13, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 14th day of July, 2020, Regular Session; and that the foregoing resolution was duly adopted at such meeting by a roll call vote of 13 yes, 0 no, 0 abstaining and 2 absent.




Ev Ann White Feather, Secretary
Cheyenne River Sioux Tribe



Department of Transportation

Mitchell Office

P.O. Box 1206

Mitchell, South Dakota 57301

PHONE: 605/995-8129

FAX: 605/605-995-3185

DATE: March 17, 2020

TO: Karla Engle
Chief Legal Counsel

FROM: Christina Bennett
Operations Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Amendment
US Highway 18 west of Canton, South Dakota

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on US Highway 18 west of Canton, South Dakota.

AMENDED RULE:

70:01:02:44. Lincoln County. The following are the maximum speeds on certain highways in Lincoln County:

(1) U.S. Highway 18 beginning ~~0.85~~ 1.42 mile west of West Street in Canton, then east to West Street, 45 miles per hour; then east to Blair Street, 35 miles per hour; then east to Milwaukee Street, 25 miles per hour; then east to Lawler Street, 35 miles per hour; then east to a location 100 feet east of Noid Street, 45 miles per hour; then east 2.51 miles to the Iowa border, 55 miles per hour;

EXPLANATION OF THE PROPOSAL:

The department has received several complaints about the 65-mph speed limit coming into Canton from the west, primarily between the SD Highway 11 junctions. Currently, the speed limit drops to 45 mph east of the east SD Highway 11 junction. Drivers traveling west feel the 65-mph speed limit is too fast considering all the accesses and businesses west of SD Highway 11. The roadway transitions from a four-lane highway to a five-lane section between the SD Highway 11 intersections, just prior to the business accesses here.

The proposed speed limit administrative rule change would extend the 45-mph speed zone 0.57 miles west of the existing beginning of the 45-mph zone. The new 45-mph speed zone would

encompass the roadway transition from a four-lane to a five-lane section and the eight entrances to highway located just west of the east intersection with SD Highway 11.

SPEED STUDY:

The department performed a speed study for both direction of travel on US Highway 18 between the intersections of SD Highway 11. The study was done on June 14, 2017. The 85th percentile speed was 63 mph. The pace was 58 mph – 67 mph and the average speed was 58 mph.

CRASH HISTORY:

The department has examined the crashes for this segment and found the crash rate is higher than average. The weighted average crash rate for this location is 2.4 and the average for a rural principal arterial is 1.47. Between 2015 and 2019 there was a total of 25 crashes on this segment (7 of these were deer hits). Of these crashes, three involved multi-vehicle crashes on mainline with a vehicle driving at or above 65 MPH. One of those three involved injuries.

RECOMMENDATION:

Based on the crash rate and density of the entrances within this segment, it is the recommendation of the department that the 45-mph speed zone be extended to the west to encompass the transition from four lanes to five lanes and the business area just west of the east intersection with SD Highway 11.

Captain Jeff DeVaney of the South Dakota Highway Patrol and Lincoln County Sheriff Steve Swenson have been contacted and agree with the recommendation to extend the 45-mph speed zone on US Highway 18 west of Canton.

COST

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

Install new sign: 1 @ \$100 per sign = \$100

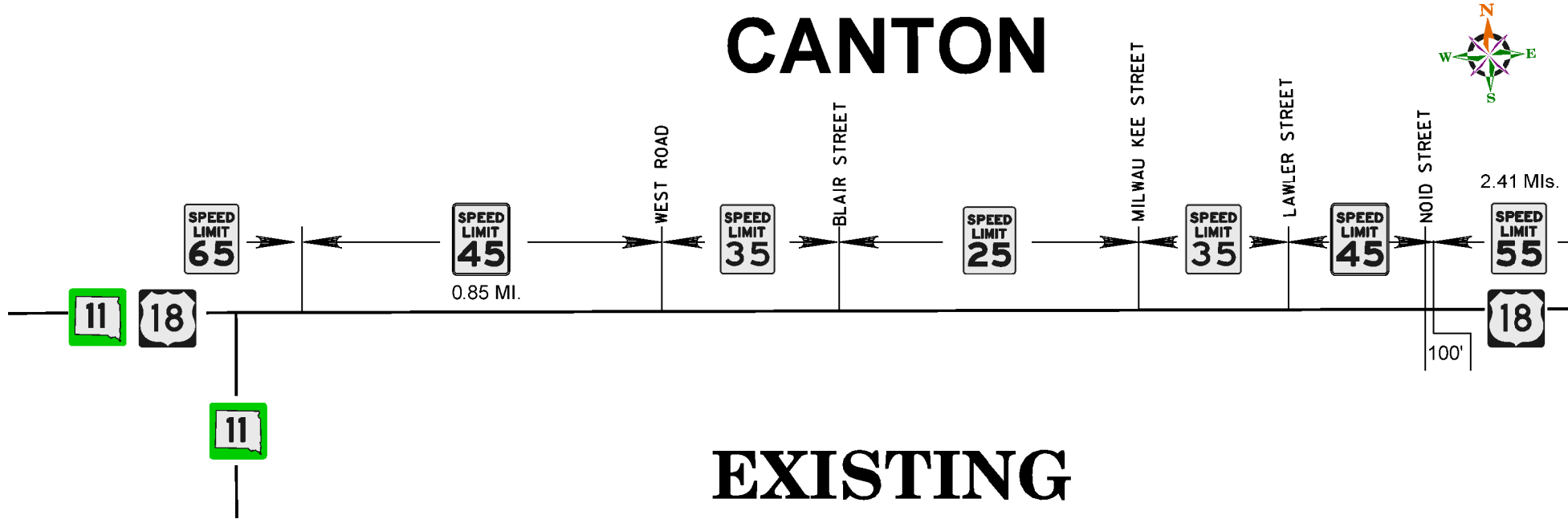
- To install a new Reduced Speed Limit Ahead (45) sign

Relocate sign: 2 @ \$75 per sign = \$150

- To relocate one existing SPEED LIMIT 45 sign and one existing SPEED LIMIT 65 sign

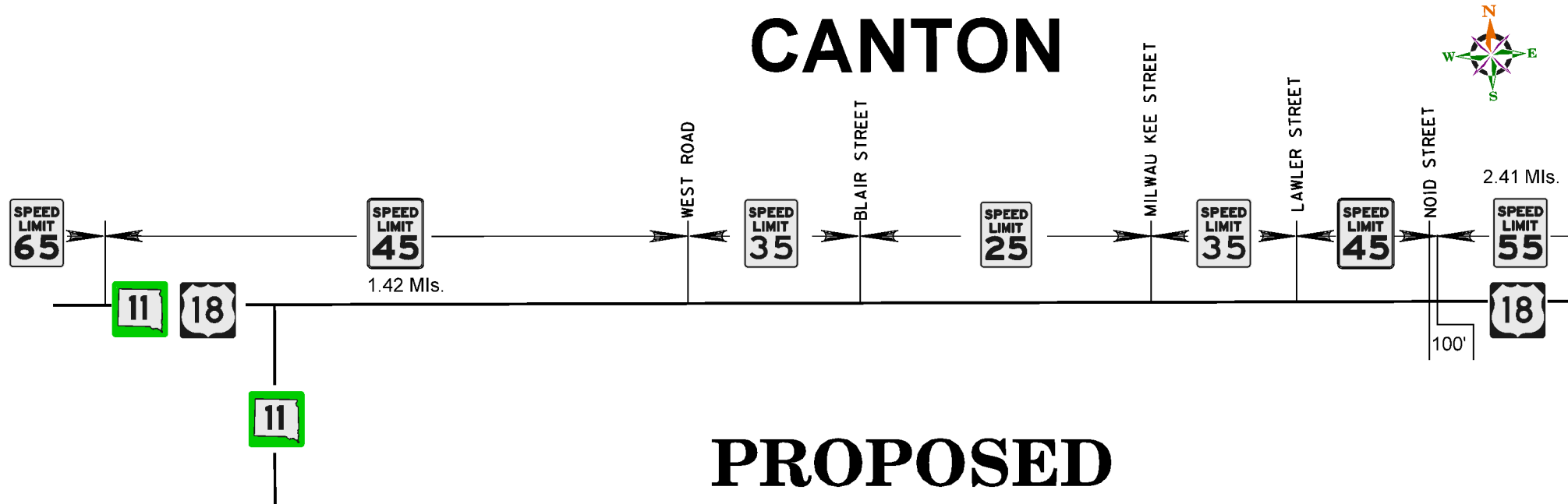
TOTAL: \$250

CANTON



EXISTING

CANTON



PROPOSED

Aerial View:



Area of proposed 45 mph speed zone:





Department of Transportation

Aberdeen Region Office

West Highway 12

PO Box 1767

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

FAX: 605/626-7875

DATE: September 10, 2020

TO: Christina Bennett
Operations Traffic Engineer

FROM: Dan Martell
Aberdeen Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change
SD20

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on SD Highway 20 by Mellette.

PROPOSED NEW RULE:

70:01:02:57. Spink County. The following are the maximum speeds on certain highways in Spink County:

(9) State Trunk Highway 20 beginning 0.52 mile east of U.S. Highway 281, then east 0.58 mile, 50 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 (50) signs, two SPEED LIMIT 50 signs, and two SPEED LIMIT 65 signs

TOTAL: \$ 600.00

EXPLANATION OF THE PROPOSAL:

An engineering study of the segment of SD Highway 20 on the north side of Mellette was conducted to determine the appropriate speed limit. The 85th-percentile speed for this segment of highway past Mellette was 53 MPH. The roadside environment was also examined. The town of Mellette lies along the south side of SD Highway 20. There are no approaches onto the highway between the intersecting city streets. SD Highway 20 is currently a two-lane highway without any turn lanes through town. Adequate sight distance exists for this section of SD Highway 20. There were no crashes on SD Highway 20 within the city limits of Mellette.

The department is recommending a speed limit of 50 MPH through Mellette. The 50 MPH speed limit would begin west of the intersection of 4th Ave to east of the intersection of Sunshine Rd on the north side of Mellette.

The speed limit change was initiated by the former Spink County Sheriff and public concerns.

Captain Randi Erickson of the South Dakota Highway Patrol and Spink County Sheriff Frank Krumm have been contacted and concur with the recommended speed reduction.

SPEED STUDY:

Speed study was conducted on December 16th of 2019 at the intersection of SD Highway 20 and 2nd Ave.

Speed Study Results:

NUMBER OF VEHICLES CHECKED		159
AVERAGE SPEED MPH		46
PER CENT EXCEEDING SPEED LIMIT		1.9
PER CENT EXCEEDING LIMIT BY MORE THAN 5 MPH		0.0
PER CENT EXCEEDING LIMIT BY MORE THAN 10 MPH		0.0
85 th PERCENTILE SPEED MPH		53.0
TEN MILE PACE MPH	44.0 TO	53.0
PER CENT WITHIN THE PACE		48.7
MEDIAN SPEED MPH		45.0
FASTEST SPEED RECORDED MPH		68.0
SLOWEST SPEED RECORDED MPH		26.0

Propose Speed Limit
SD20
Mellette



-----Original Message-----

From: Max & Heidi Williams <williams@nvc.net>

Sent: Tuesday, October 13, 2020 11:36 AM

To: Bergquist, Darin <Darin.Bergquist@state.sd.us>

Subject: [EXT] Speed limit in Spink County by Mellette

I am responding for the DOT committee's Oct. 29th meeting. I agree with slowing traffic as proposed but still would propose the speed limit be 45 mph. This is in consideration of the school zone and railroad crossing involved. The crossing is generally very rough as the 15 mph sign there indicates.

Max Williams

Brentford, SD

Sent from my iPad