



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: Kellie Beck and Kari Kroll

FROM: Karla L. Engle

DATE: September 16, 2019

RE: September 25, 2019, Commission Meeting

In the 2019 legislative session, the Legislature authorized the Transportation Commission to adopt administrative rules regarding the testing and operation of platooning vehicles, *i.e.* vehicles traveling in a unified manner at electronically coordinated speeds and distance intervals that are closer than otherwise allowed under South Dakota Codified Laws 32-26-40 to 32-26-42, inclusive. Pursuant to this rulemaking authority, the Department requests that the Transportation Commission set a hearing date to consider adoption of the following administrative rules:

Article 70:15 – Automated Vehicles.

The Department of Transportation also requests that the Transportation Commission set a hearing date to consider amendments to the following administrative rules:

- 70:01:02:32 – Hamlin County speed zone rule; and
- 70:03:01:65 – Longer combination vehicles – approved routes and access restrictions.

I enclose a copy of all the proposed rules with this memo. Thank you.

KLE
Enclosure

70:01:02:32. Hamlin County. The following are the maximum speeds on certain highways in Hamlin County:

(1) State Trunk Highway 28 beginning 0.33 mile east of State Trunk Highway 21; then east 0.29 mile, 50 miles per hour; then east 1.54 miles, 55 miles per hour;

(2) State Trunk Highway 28 beginning 0.22 mile west of the southeast corner of section 24, township 113 north, range 51 west of the fifth principal meridian, then west for 0.3 mile, 45 miles per hour; then west for 0.57 mile, 35 miles per hour; then west for 0.2 mile, 45 miles per hour;

(3) State Trunk Highway 28 in Bryant beginning ~~1,033 feet~~ 0.35 mile west of ~~the southeast corner of section 18, township 113 north, range 55 west of the fifth principal meridian,~~ the junction with South Broadway Street then east ~~1,000 feet~~ 0.2 mile, 45 miles per hour; then east ~~2,400 feet~~ 0.83 mile, 35 miles per hour; then east ~~1,000~~ 0.2 mile, 45 miles per hour;

(4) U.S. Highway 81 beginning at the Hamlin and Brookings county line, then north for 1.25 miles, 40 miles per hour;

(5) State Trunk Highway 21 beginning at the junction of State Trunk Highway 21 and State Trunk Highway 28, then north 5.0 miles to a point 1,500 feet south of Third Avenue in Hayti, 55 miles per hour; then north 1,000 feet, 45 miles per hour; then north to Third Avenue, 25 miles per hour; then east on Third Avenue to Fourth Street, 25 miles per hour; then north on Fourth Street from Third Avenue to First Avenue, 25 miles per hour; then east on First Avenue 900 feet, 25 miles per hour; then east 1,000 feet, 45 miles per hour;

(6) State Trunk Highway 28 beginning 2.6 miles east of the junction of U.S. Highway 81, then east for 1.6 miles, 55 miles per hour;

(7) State Trunk Highway 22 beginning 0.38 mile west of the junction of State Trunk Highway 22 and County Road "C", then east for 0.59 mile, 55 miles per hour;

(8) State Trunk Highway 22 beginning 0.1 mile west of the junction with 450th Avenue, then east through Thomas for 0.47 mile, 55 miles per hour.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:03:01:65. Longer combination vehicle -- Approved routes and access restrictions. A LCV granted a permit pursuant to § 70:03:01:60 may travel over the interstate highway system and shall enter and exit the interstate highway system only on routes approved by the Department of Transportation. In addition to the interstate routes, a LCV may travel over the following routes:

(1) U.S. Highway 281 from the North Dakota border to the easternmost intersection of U.S. Highway 281 and U.S. Highway ~~42~~ 212 in Redfield;

(2) State Trunk Highway 50 from Interstate 29 to the intersection of State Trunk Highway 50 and Burleigh Street in the east part of Yankton;

(3) U.S. Highway 85 from the North Dakota border to Interstate 90 north of Spearfish;

(4) The U.S. Highway 14 bypass from Interstate Highway 29 to the intersection of U.S. Highway 14 and the U.S. Highway 14 bypass on the west side of Brookings;

(5) U.S. Highway 14 from ~~the~~ its intersection ~~of~~ with the U.S. Highway 14 bypass ~~and U.S. Highway 14~~ on the west side of Brookings to the intersection ~~south of Wolsey~~

~~of U.S. Highway 281~~ of the U.S. Highway 14 bypass and U.S. Highway 14 on the north side of Pierre; and

(6) U.S. Highway 281 from Interstate Highway 90 to the intersection south of Wolsey of U.S. Highway 281 and U.S. Highway 14;

(7) U.S. Highway 12 from the North Dakota border to Interstate Highway 29;

(8) U.S. Highway 14 from its intersection with U.S. Highway 83 in Fort Pierre to the intersection of the U.S. Highway 14 bypass and U.S. Highway 14 on the north side of Pierre;

(9) The U.S. Highway 14 bypass from its intersection with U.S. Highway 14 on the west side of Pierre to the intersection of U.S. Highway 14 and the U.S. Highway 14 bypass on the north side of Pierre;

(10) The U.S. Highway 16 bypass from Interstate Highway 90 to the intersection of State Trunk Highway 79 and the U.S. Highway 16 bypass on the south side of Rapid City;

(11) U.S. Highway 18 from its intersection with the U.S. Highway 18 bypass on the southeast side of Hot Springs to the intersection of U.S. Highway 385 and U.S. Highway 18 at Oelrichs;

(12) The U.S. Highway 18 bypass from its intersection with U.S. Highway 18 on the west side of Hot Springs to the intersection of U.S. Highway 18 and the U.S. Highway 18 bypass on the southeast side of Hot Springs;

(13) U.S. Highway 212 from the Wyoming border to the intersection of U.S. Highway 85 and U.S. Highway 212 in Belle Fourche;

(14) U.S. Highway 212 between its two intersections with U.S. Highway 83 west of Gettysburg;

(15) U.S. Highway 212 between its two intersections with U.S. Highway 281 in Redfield;

(16) U.S. Highway 281 from its intersection with U.S. Highway 14 north of Wolsey to the westernmost intersection of U.S. Highway 212 and U.S. Highway 281 in Redfield;

(17) U.S. Highway 83 from Interstate Highway 90 near Vivian to the intersection of U.S. Highway 14 and U.S. Highway 83 in Fort Pierre;

(18) U.S. Highway 83 from its intersection with U.S. Highway 14 east of Pierre to the westernmost intersection of U.S. Highway 212 and U.S. Highway 83 west of Gettysburg;

(19) U.S. Highway 83 from its easternmost intersection with U.S. Highway 212 west of Gettysburg to the intersection of U.S. Highway 12 and U.S. Highway 83 south of Selby;

(20) U.S. Highway 83 from the North Dakota border to the intersection of U.S. Highway 12 and U.S. Highway 83 west of Selby;

(21) State Trunk Highway 34 from its intersection with State Trunk Highway 37 west of Forestburg to the intersection of State Trunk Highway 37 and State Trunk Highway 34 east of Forestburg;

(22) State Trunk Highway 37 from Interstate Highway 90 in Mitchell to the intersection of State Trunk Highway 34 and State Trunk Highway 37 east of Forestburg;

(23) State Trunk Highway 37 from its intersection with State Trunk Highway 34 west of Forestburg to the intersection of U.S. Highway 14 and State Trunk Highway 37 at Huron;

(24) State Trunk Highway 79 from its intersection with U.S. Highway 18 north of Oelrichs to the intersection of the U.S. Highway 16 bypass with State Trunk Highway 79 on the south side of Rapid City.

General Authority: SDCL 32-22-42, 32-22-42.14.

Law Implemented: SDCL 32-22-42.14.

TITLE 70

DEPARTMENT OF TRANSPORTATION

Article

70:01	Administration – Highway safety
70:02	Aeronautics
70:03	Oversize, overweight vehicles
70:04	Highway signs and rights-of-way
70:05	State railroad board
70:06	Transportation assistance
70:07	Highway construction contracts
70:08	Railroad’s exercise of eminent domain
70:09	Access management
70:10	Utility corridor management
70:11	Rest area newspaper vending devices
70:12	County highway and bridge improvement plan

70:13	Local bridge improvement grant fund
70:14	State highway fund loans for local governments
<u>70:15</u>	<u>Automated Vehicles</u>

ARTICLE 70:15

AUTOMATED VEHICLES

Chapter

70:15:01	Platooning.
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CHAPTER 70:15:01

PLATOONING

Section

70:15:01:01	Definitions.
70:15:01:02	Permit application.
70:15:01:03	Permit issuance.
70:15:01:04	Permit fee.
70:15:01:05	Permit exemptions.
70:15:01:06	Reporting requirements.
70:15:01:07	Authorized routes.
70:15:01:08	Limitations due to visibility, weather, traffic and road conditions.
70:15:01:09	Limitations in highway work zones.
70:15:01:10	Proof of permit required.
70:15:01:11	Suspension of operations.
70:15:01:12	Permit revocation.
70:15:01:13	Appeals.

70:15:01:01. Definitions. Terms used in this chapter mean:

(1) "Crash," any vehicle accident that triggers an obligation to provide information or make a report to law enforcement pursuant to SDCL 32-34-3, 32-34-3.1, 32-34-4, 32-34-6 or 32-34-7;

(2) "Department," the South Dakota Department of Public Safety;

(3) Interstate highway system," all highways on the national system of interstate highways;

(4) "Motor carrier," any person, corporation, lessee, trustee, or receiver operating any motor vehicle, trailer, or semitrailer on any public highway in this state for the transportation of agricultural or commercial goods or merchandise;

(5) Permit-issuing authority," any highway patrol trooper, highway patrol supervisor, motor carrier inspector, or highway patrol district office personnel;

(6) "Permit vehicle," a vehicle operating under the authority of a permit issued under this chapter;

(7) "Platoon," or "platooning," two vehicles traveling in a unified manner at electronically coordinated speeds and distance intervals that are closer than otherwise allowed under §§ 32-26-40 to 32-26-42, inclusive;

(8) "Secretary," the Secretary of the South Dakota Department of Transportation;

(9) "Trip," a single directional movement of a permit vehicle from origin to destination; and

(10) "Vehicle," a motor vehicle with a gross vehicle weight rating of 26,000 pounds or more and operating without a trailer or with only a single trailer.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:02. Permit application. A permit is required to test or operate platoons. Applications for authorization to test or operate platoons must be submitted to the department on a form and in a manner approved by the department.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:03. Permit issuance. A permit-issuing authority may issue an annual permit authorizing the testing and operation of platooning for a fleet of vehicles operated by a single motor carrier. Permit issuance is at the discretion of the issuing authority, and an application for a permit does not assure permit approval. In exercising its discretion, the permit-issuing authority shall be guided by the rules in this chapter.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:04. Permit fee. A permit fee of \$60 must be paid to the department with the application. If the permit is denied, the department shall refund the fee. The department shall deposit fees in the state highway fund.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:05. Permit exemptions. No permit is required for platooning of vehicles by employees, officials or personnel of the federal government, of any state government, or of any political subdivision of this state.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:06. Reporting requirements. For the duration of each permit period, platooning permit holders shall keep records of the following information for each permit vehicle:

- (1) Number of platooning miles traveled;
- (2) Number of trips where platooning occurred for all or part of the trip;
- (3) Routes where platooning occurred; and
- (4) A copy of any crash report generated by law enforcement.

Within 15 days of a written request from the department, permit holders shall submit such information to the department in the format and manner requested by the department.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:07. Authorized routes. Platooning is permitted on the interstate highway system only. From the Thursday preceding the first full weekend in August to the Sunday of the second full weekend in August, inclusive, each year, platooning is prohibited on the portion of Interstate Highway 90 beginning at milepost 0 and ending at milepost 67.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:08. Limitations due to visibility, weather, traffic and road conditions. A platooning permit is not valid when visibility is reduced to one-half mile or less by weather, dust, or smoke. A platooning permit is not valid when the road surface is slippery because of snow, ice, slush, or frost. Law enforcement officers may further

restrict or prohibit platooning under any permit during periods when, in their judgment, weather, traffic or road conditions make platooning unsafe.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:09. Limitations in highway work zones. Platooning is not allowed in any highway work zone posted for restricted use pursuant to § 31-4-14.2 or limited speed pursuant to § 32-25-19.1.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:10. Proof of permit required. The driver of the permit vehicle shall provide written evidence of the permit to any law enforcement officer when the officer requests it. A legible and complete paper or electronic copy is considered written evidence of a permit.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:11. Suspension of operations. A law enforcement officer may prohibit a vehicle from platooning under a permit for any of the following reasons:

- (1) A violation of any requirement, condition or limitation contained in this chapter;
- (2) Platooning with equipment deficiencies that render the vehicle out-of-service pursuant to the enforcement criteria adopted in § 61:23:01:04; or
- (3) Failure to lawfully operate the permit vehicle during platooning.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:12. Permit revocation. The department may revoke a permit for multiple violations of one or more of the grounds for suspension set out in 70:15:01:11.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:13. Appeals. Any person aggrieved by the denial, suspension, or revocation of a permit may appeal in writing to the Secretary within 10 business days after the denial, suspension or revocation. The written notice of appeal shall contain the name and address of the appellant, a copy of the denied application or the suspended or revoked permit, and the grounds for the appeal. The Secretary shall set a time and place for hearing the appeal. The hearing may not be later than 60 days after the filing of the appeal. The notice of the time and place of the hearing shall be sent by first-class mail to the appellant at least 10 days prior to the date set for hearing. The hearing shall be conducted in accordance with the provisions of SDCL chapter 1-26.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.