



South Dakota Department of Transportation

Office of Legal Counsel

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MEMORANDUM

TO: Joel Jundt
FROM: Karla L. Engle
DATE: February 15, 2023
RE: February 23, 2023 Commission Meeting

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

- 70:03:01:20 – Escort vehicles; and
- 70:03:01:65 – Longer combination vehicle – Approved routes and access restrictions.

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; and
3. Maps showing how amendment of the existing rule, 70:03:01:20, would change the routes that require escort vehicles.

Any written comments that are timely received will be provided to the Commission at the meeting on February 23, 2023.

Thank you.

70:03:01:20. Escort vehicles. Escort vehicles are required in front on two-lane highways or in the rear on divided highways as follows:

(1) Vehicles over ~~46~~ sixteen feet wide traveling on the interstate highway system require an escort.

(2) Vehicles over ten feet wide traveling on the following highways require a front escort:

(a) U.S. Highway 14A from its intersection with Colorado Boulevard in Spearfish to its south junction with U.S. Highway 85;

(b) U.S. Highway 85 from the Wyoming state line to its southernmost junction with U.S. Highway 14A and from its junction with U.S. Highway 14A in Lead to its junction with U.S. Highway 14A in Deadwood;

(c) U.S. Highway 385 from its north junction with U.S. Highway 16 to its junction with U.S. Highway 85 and from its junction with U.S. Highway 18 in Hot Springs to its junction with State Trunk Highway 89 in Pringle;

(d) State Trunk Highway 44 from its junction with U.S. Highway 385 to its junction with U.S. Highway 16B;

(e) State Trunk Highway 231;

(f) U.S. Highway 16A;

(g) State Trunk Highway 244;

(h) State Trunk Highway 87;

(i) State Trunk Highway 89 from its junction with U.S. Highway 16A in Custer to its junction with State Trunk Highway 87;

(j) State Trunk Highway 36;

(k) State Trunk Highway 40 from its junction with U.S. Highway 16A to its junction with State Trunk Highway 79; and

(l) State Trunk Highway 473.

(3) Vehicles over 16 feet wide traveling on the following highways require a front escort:

(a) U.S. Highway 16 from its east junction with U.S. Highway 16A at the Keystone Wye to the Wyoming border;

(b) U.S. Highway 14A from its south junction with U.S. Highway 85 to its junction with Interstate 90 at Exit 30;

(c) U.S. Highway 385 from its junction with State Trunk Highway 89 to its junction with U.S. Highway 16;

(d) State Trunk Highway 89 from its junction with U.S. Highway 18 to its junction with U.S. Highway 385 at Pringle;

(e) State Trunk Highway 85 from its north junction with U.S. Highway 14A in Deadwood to its junction with Interstate 90 at Exit 17;

(f) State Trunk Highway 71 from its junction with U.S. Highway 18 in Hot Springs to the Nebraska border; and

(g) State Trunk Highway 471 from its junction with State Trunk Highway 71 to its junction with U.S. Highway 18 at Edgemont.

(4) ~~Vehicles~~ For all other highways on the state trunk highway system, vehicles over 20 ~~twenty~~ feet wide ~~traveling on the state highway system~~ require an escort. The permit-issuing authority may also require escort vehicles because of route limitations, traffic conditions, or unusual permit vehicle configuration conditions.

~~Except on U.S. Highway 16 from Rapid City to the Keystone Wye and on U.S. Highway 18, a vehicle that exceeds a width of 10 feet must be accompanied by a front escort when operating on state highways in the Black Hills area. The Black Hills area is that area south and west of Interstate Highway 90 from the Wyoming state line to Rapid City, west of State Trunk Highway 79 from Rapid City to the junction of State Trunk Highway 79 and U.S. Highway 18, west of U.S. Highway 18 from the junction of State Trunk Highway 79 and U.S. Highway 18 to Oelrichs, and west of U.S. Highway 385 from Oelrichs to the Nebraska state line.~~

A local highway patrol trooper may waive the front escort requirement for a specified period of time on any section of state trunk highway ~~in the Black Hills area~~ if the highway has adequate geometrics to provide for the safe operation of the vehicle.

Source: SL 1975, ch 16, § 1; 1 SDR 66, effective April 15, 1975; 4 SDR 91, effective July 11, 1978; 10 SDR 7, effective July 31, 1983; 11 SDR 33, effective September 3, 1984; transferred from § 70:01:04:21, effective November 1, 1986; 13 SDR 179, effective June 1, 1987; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 16 SDR 49, effective September 19, 1989; 17 SDR 151, effective April 8, 1991.

General Authority: SDCL 32-22-42.

Law Implemented: SDCL ~~32-22-42~~; 31-4-14; 32-22-41.

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 212 in Redfield;

(2) State Trunk Highway 50 from Interstate Highway 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 Highway 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 its intersection with the U.S. Highway 14 bypass on the west side of Brookings to the intersection of the U.S. Highway 14 bypass and U.S. Highway 14 on the north side of Pierre;

(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~~ University Avenue on the west 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)~~(13) U.S. Highway 212 between its two intersections with U.S. Highway 83 west of Gettysburg;

~~(15)~~(14) U.S. Highway 212 between its two intersections with U.S. Highway 281 in Redfield;

~~(16)~~(15) 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)~~(16) 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)~~(17) 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)~~(18) 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)~~(19) 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)~~(20) 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)~~(21) 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)~~(22) 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; and

~~(24)~~(23) 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.

Source: 11 SDR 33, effective September 3, 1984; transferred from § 70:01:04:61, effective November 1, 1986; 13 SDR 179, effective June 1, 1987; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 15 SDR 37, effective September 4, 1988; 16 SDR 49, effective September 19, 1989; 17 SDR 151, effective April 8, 1991; 32 SDR 183, effective May 10, 2006; 46 SDR 64, effective November 25, 2019.

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

Law Implemented: SDCL 31-4-14; 32-22-41; 32-22-42.14.

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 **January 25, 2023**

- Date of public hearing **February 23, 2023**

- Date proposed rules and supporting documents submitted to the LRC and the Bureau of Finance and Management **January 30, 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 **2/1/2023** Newspaper **Sioux Falls Argus Leader**
 - Date **2/1/2023** Newspaper **Black Hills Pioneer**
 - Date **2/1/2023** Newspaper **Pierre Capital Journal**
 - Date **2/1/2023** Newspaper **American News**
 - Date **2/3/2023** Newspaper **Rapid City Journal**

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

On January 27, 2023, and January 30, 2023, electronic copies of the hearing notice and proposed rules were sent to the individuals who have requested electronic notification of rule-making. On January 30, 2023, copies of the hearing notice and proposed rules were mailed to the individuals or entities who have requested mail notification of rule-making by the commission. The hearing notice, proposed rules, and supporting documents were also posted on the Open SD website.

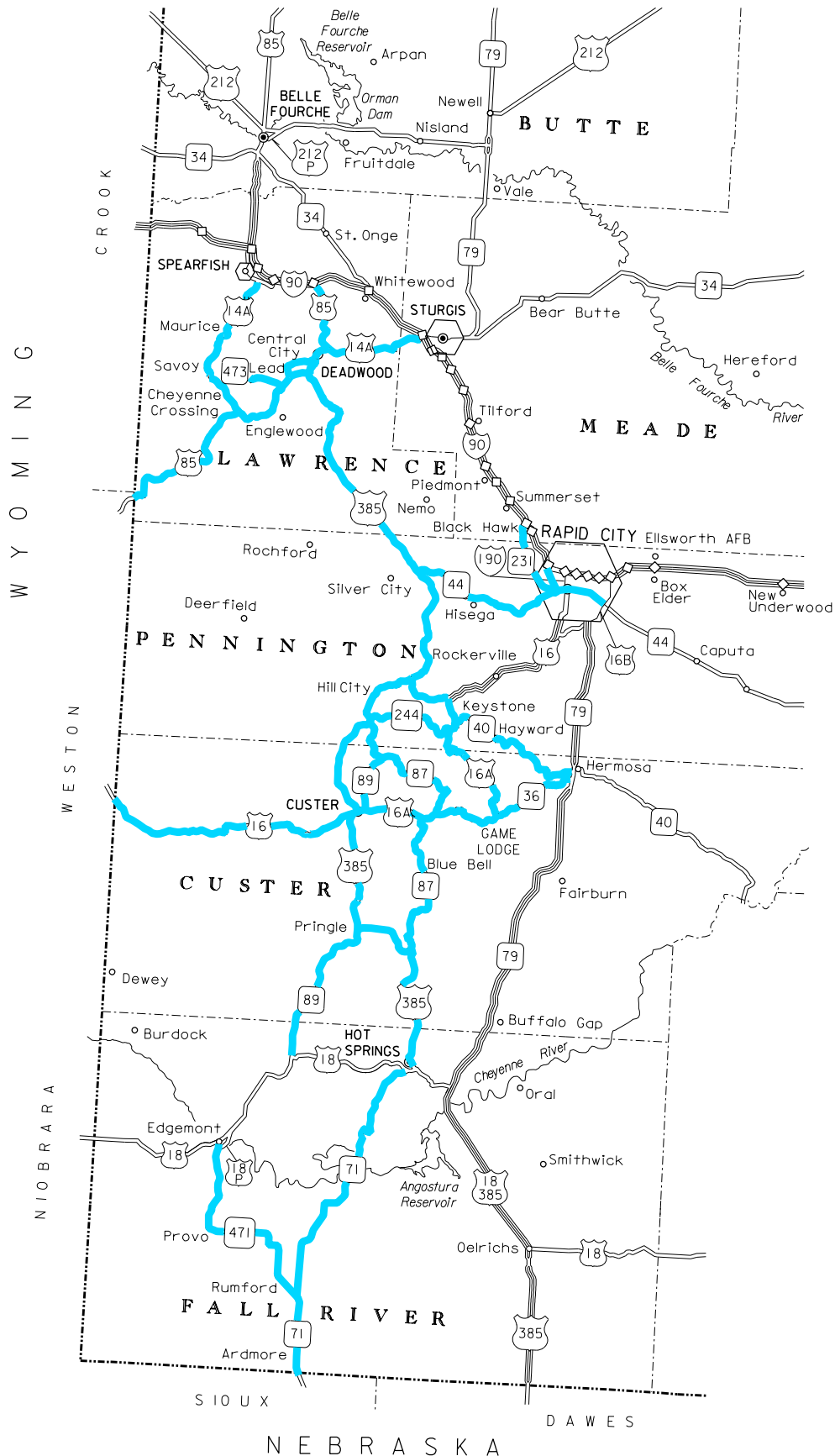
- Page numbers in the minutes where the agency considered amendments, data, opinions, or arguments regarding the proposed rules, along with any changes and final action.

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

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

Black Hills Region Escort Vehicles Required Existing - 70:03:01:20

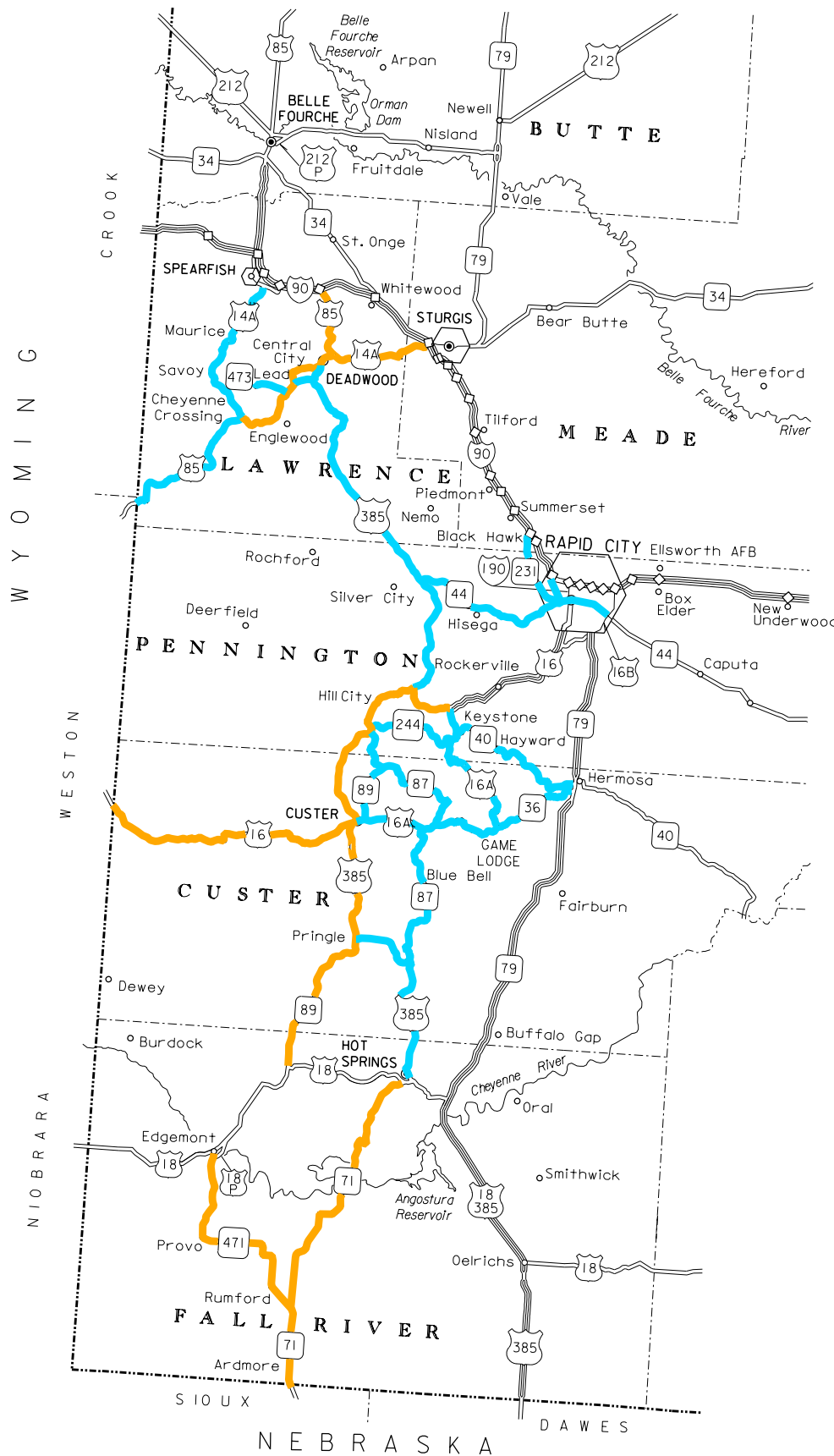
Attachment #3



- Vehicle that exceeds a width of 10 feet escort vehicle required

Black Hills Region Escort Vehicles Required Proposed - 70:03:01:20

Attachment #3



- - Vehicle that exceeds a width of 10 feet escort vehicle required
- - Vehicle that exceeds a width of 16 feet escort vehicle required