



**South Dakota Department of Transportation**

Office of Legal Counsel

700 East Broadway Avenue

Pierre, South Dakota 57501-2558

Phone: 605.773.3262 Fax: 605.773.4442

**MEMORANDUM**

TO: Joel Jundt

FROM: Karla L. Engle

DATE: May 20, 2021

RE: May 27, 2021 Commission Meeting

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

- 70:01:02:07 – Yankton County speed zone rule
- 70:13:01:10 – Project requirements

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. A memo from the Department's Mitchell Region traffic engineer, explaining the purpose and effect of the proposed speed zone changes in Yankton County.

Any written comments that are timely received will be provided to the commission at the meeting on May 27, 2021.

Thank you.

KLE  
Enclosures

**70:01:02:07. Yankton County.** The following are the maximum speeds on certain highways in Yankton County:

(1) State Trunk Highway 52 beginning at the west junction with State Trunk Highway 50, then south and east for 3.37 miles, 55 miles per hour; then east for 6.41 miles, 50 miles per hour; then east for 0.23 mile to 0.04 mile west of West City Limits Road in Yankton, 40 miles per hour; then east along West Eighth, Summit, and West Fourth Streets for 1.33 miles to the junction with U.S. Highway 81 and State Trunk Highway 50, 30 miles per hour;

(2) State Trunk Highway 314 beginning at the intersection with State Trunk Highway 50 west of Yankton, then southeasterly 3.68 miles, 55 miles per hour; then southeasterly 0.09 mile to the end of the route, 45 miles per hour;

(3) State Trunk Highway 46 beginning 0.25 mile west of the east Yankton County line, then east for 0.15 mile, 40 miles per hour; then east for 0.1 mile to the east Yankton County line at Irene, 25 miles per hour;

(4) U.S. Highway 81 beginning at the north end of the Missouri River Bridge in Yankton and ending at the south end of the bridge, ~~both the lower and upper decks~~, 35 miles per hour;

(5) U.S. Highway 81 beginning at the north end of the Missouri River Bridge in Yankton, then north to the south junction of U.S. Highway 81 and State Trunk Highway 50, 30 miles per hour; then north on U.S. Highway 81 and State Trunk Highway 50 for 1.89 miles, 30 miles per hour; then north 0.7 mile to the north junction of U.S. Highway 81 and State Trunk Highway 50, 45 miles per hour; then north on U.S. Highway 81 for 0.42 mile, 45 miles per hour; then north for 1.96 miles, 55 miles per hour;

(6) State Trunk Highway 50 beginning at the south junction with U.S. Highway 81 in Yankton, then east for 0.83 mile, 30 miles per hour; then east for 1.19 miles, 35 miles per hour;

then east for 1.24 miles, 45 miles per hour; then east for 0.78 mile, 55 miles per hour; then east to the Clay County line, 70 miles per hour.

(7) State Trunk Highway 50 beginning 0.86 mile west of the north junction of U.S. Highway 81 and State Trunk Highway 50, then east 0.86 mile to that junction, 45 miles per hour; and

(8) State Trunk Highway 153 beginning at the intersection with State Trunk Highway 52 near Gavin's Point Dam, then north for 0.9 mile, 45 miles per hour; then north to the intersection of State Trunk Highway 50 northwest of Yankton, 55 miles per hour.

**Source:** SL 1975, ch 16, § 1; 4 SDR 77, effective March 2, 1978; 5 SDR 51, 5 SDR 53, effective January 3, 1979; 6 SDR 109, effective May 29, 1980; 7 SDR 25, effective September 22, 1980; 7 SDR 117, effective June 21, 1981; 11 SDR 112, effective February 25, 1985; 12 SDR 7, effective July 28, 1985; 13 SDR 77, effective December 28, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 19 SDR 128, effective March 8, 1993; 22 SDR 165, effective June 2, 1996; 23 SDR 132, effective February 27, 1997; 25 SDR 83, effective December 20, 1998; 26 SDR 110, effective March 6, 2000; 28 SDR 101, effective January 17, 2002; 28 SDR 181, effective July 4, 2002; 32 SDR 53, effective October 10, 2005; 33 SDR 189, effective May 15, 2007.

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

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

**70:13:01:10. Project requirements.** For preservation, rehabilitation and replacement projects, the department shall review plans and provide letting authorization prior to bid letting. For preservation, rehabilitation, and replacement grants, all reimbursable eligible expenses shall be incurred within four years from the date of notice of BIG award. For preliminary engineering

grants, all ~~reimbursable~~ eligible expenses shall be incurred within three years from the date of notice of BIG award. The department may extend the deadline for any BIG, before or after the expiration of the deadline.

**Source:** 42 SDR 52, effective October 13, 2015; 43 SDR 57, effective October 17, 2016; 44 SDR 42, effective September 11, 2017; 45 SDR 142, effective May 28, 2019.

**General Authority:** SDCL 32-11-39.

**Law Implemented:** SDCL 32-11-38, 32-11-39.

## 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 February 23, 2021
- Date of public hearing March 25, 2021
- Date proposed rules and supporting documents submitted to the LRC and the Bureau of Finance and Management February 26, 2021
  - 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 **March 4, 2021** Newspaper **Selby Record**
  - Date **March 3, 2021** Newspaper **Mobridge Tribune**
  - Date **March 3, 2021** Newspaper **Gregory Times-Advocate**
  - Date **March 2, 2021** Newspaper **Pierre Capital Journal**
  - Date **March 3, 2021** Newspaper **Moody County Enterprise**
- Summary of how, when, and number of interested persons, if any, were contacted.
 

**On February 26, 2021, 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. On the same date, electronic copies of the hearing notice and proposed rules were sent to the individuals who have requested electronic notification of rule-making. Also on February 26, 2021, 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 Dallas, Egan and Selby. 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.
 

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
 

March 25, 2021



## Department of Transportation

Mitchell Region Office

PO Box 1206

Mitchell, South Dakota 57301-7206

PHONE: 605/995-8129

FAX: 605/995-8135

DATE: 04/16/2021

TO: Christina Bennett  
Operations Traffic Engineer

FROM: Corey Pinkley  
Mitchell Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change  
SD Highway 153

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on SD 153 in Yankton, South Dakota.

### EXISTING RULE:

**70:01:02:07. Yankton County.** The following are the maximum speeds on certain highways in Yankton County:

(8) State Trunk Highway 153 beginning at the intersection with State Trunk Highway 52 near Gavin's Point Dam, then north to the intersection of State Trunk Highway 50 northwest of Yankton, 55 miles per hour.

### AMENDED RULE:

**70:01:02:07. Yankton County.** The following are the maximum speeds on certain highways in Yankton County:

(8) State Trunk Highway 153 beginning at the intersection with State Trunk Highway 52 near Gavin's Point Dam, then north for 0.90 mile, 45 miles per hour; then north to the intersection of State Trunk Highway 50 northwest of Yankton, 55 miles per hour.

COST

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

Remove sign: 1 @ \$20.00 per sign = \$ 20.00

- To remove one existing SPEED LIMIT 55 sign.

Install new sign: 4 @ \$100.00 per sign = \$ 400.00

- To install one Reduced Speed Limit Ahead (45) signs, two SPEED LIMIT 45 signs, and one SPEED LIMIT 55 sign.

TOTAL: \$ 420

EXPLANATION OF THE PROPOSAL:

Curtis Oliver requested a speed reduction on SD Highway 153 just west of Yankton, SD. Upon completion of the study performed by Mitchell Region Traffic it was recommended to lower the speed limit to 45 MPH for a portion of SD Highway 153 from the intersection with SD Highway 52 to just north of the intersection with Kaiser Road.

This recommendation is based on a combination of roadway geometrics, sight distance concerns, and planned development in the area. The roadway geometrics that are of concern include a hilly roadway in which drivers at intersecting roads have less than desirable sight distance for the current 55 MPH speed limit. Future development in this area is anticipated to add traffic volumes and turning movements that could exacerbate the issue.

Captain DeVaney with the South Dakota highway Patrol District 2 concurred with reducing the speed at this location.

Sherriff Jim Vlahakis with the Yankton County Sheriff's office was in concurrence with lowering the speed limit to 45 MPH on this portion of SD Highway 153.

SPEED STUDY:

A speed study was conducted on SD Highway 153 on November 4, 2020 between Kaiser Drive and SD Highway 52. The 85<sup>th</sup> percentile was 58 MPH for northbound traffic and 59 MPH for southbound traffic.

CRASH HISTORY

The five-year crash history (2105 – 2019) for SD Highway 153 included 6 crashes with wild animals, and one rear end crash at the intersection of SD Highway 50. All crashes were property damage only.

# Proposed

