



Department of Transportation
Office of Legal Counsel
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Pierre, South Dakota 57501-2586 605/773-3262
FAX: 605/773-4442

MEMORANDUM

TO: Darin Bergquist
FROM: Karla L. Engle
DATE: June 17, 2020
RE: June 25, 2020, Commission Meeting

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

- 70:01:02:17 – Charles Mix County speed zone rule;
- 70:01:02:21 – Custer County speed zone rule;
- 70:01:02:28 – Faulk County speed zone rule;
- 70:01:02:38 – Hyde County speed zone rule;
- 70:01:02:44 -- Lincoln County speed zone rule;
- 70:04:06:02 – Mowing permits or contracts required;
- 70:04:06:03.01 – Contract for median mowing – Bid proposal – Minimum bid;
- 70:04:06:06 – Start of Mowing;
- 70:04:06:07 – Restrictions on mowing of newly constructed right-of-way;
- 70:04:06:08 – Liability insurance required;
- 70:04:06:09 – Area of right-of-way which may be mowed;
- 70:04:06:11 – Removal of hay – Restrictions on baled hay;
- 70:04:06:14 – Liability of permittee.

I enclose a copy of the proposed rule revisions and the resolution that may be signed by the Chair if the commission sets these rules for hearing. Thank you.

KLE
Enclosure

70:01:02:17. Charles Mix County. The following are the maximum speeds on certain highways in Charles Mix County:

(1) ~~State Trunk Highway 50 beginning 0.5 mile northwest of the junction of State Trunk Highway 50 and State Trunk Highway 46 in Wagner, then southeast for 0.5 mile, 40 miles per hour; then east on State Trunk Highway 46 beginning 1.20~~ 1.2 miles west of the junction of State Trunk Highway 46 and State Trunk Highway 50 Walnut Avenue in Wagner, then east 0.69 mile, 55 miles per hour; then east 0.25 mile, 40 miles per hour; then east 1.62 miles, 30 miles per hour; the east 0.25 mile, 45 miles per hour;

(2) State Trunk Highway 50 beginning one-half mile east of the intersection with Charles Mix County Highway GL29BM and ending at the intersection, 35 miles per hour;

(3) U.S. Highway 18 and U.S. Highway 281 from the west Charles Mix County line, then east for 1.75 miles past Pickstown to the junction with State Trunk Highway 46, 45 miles per hour;

(4) State Trunk Highway 44 through Platte beginning 0.6 mile west of the junction with State Trunk Highway 45, then east for 0.25 mile, 45 miles per hour; then east for 0.95 mile, 30 miles per hour; then east for 0.43 mile, 45 miles per hour;

(5) State Trunk Highway 45 through Platte beginning at the junction of State Trunk Highway 44 and State Trunk Highway 45, then north for 0.32 mile, 20 miles per hour; then north for 0.46 mile, 30 miles per hour; then north for 0.55 mile, 45 miles per hour;

(6) U.S. Corps of Engineers roads located in the Fort Randall Dam Tailrace Area, beginning at U.S. 18-281 in the northwest quarter of section 8, township 95 north, range 65 west of the fifth principal meridian, extending southerly throughout the entire area, 35 miles per hour, as posted;

(7) U.S. Corps of Engineers roads located in the Fort Randall Dam Spillway Area, beginning at U.S. 18-281 in the northwest quarter of section 9, township 95 north, range 65 west

of the fifth principal meridian, extending southerly to and throughout the entire area, 35 or 25 miles per hour, as posted;

(8) U.S. Corps of Engineers roads located in the Fort Randall Dam North Point Area, bounded on the south by Lake Francis Case, on the east by U.S. 18-281, on the north and west by the U.S. government boundary, extending to and throughout the entire area, 15, 20, 25, 30, 35, and 45 miles per hour, as posted;

(9) U.S. Corps of Engineers roads located in the Fort Randall Dam White Swan Area, beginning approximately 3,290 feet south of the northwest corner of section 33, township 96 north, range 66 west of the fifth principal meridian, extending southerly toward Lake Francis Case, 25 miles per hour;

(10) U.S. Corps of Engineers roads located in the Fort Randall Dam Pease Creek Area, beginning at the west line of section 11, township 96 north, range 67 west of the fifth principal meridian, extending westerly and southerly throughout the entire area, 15 and 20 miles per hour, as posted;

(11) U.S. Corps of Engineers roads located in the Fort Randall Dam North Wheeler Area, beginning at the north line of section 1, township 96 north, range 68 west of the fifth principal meridian, extending southerly throughout the entire area, 25 miles per hour;

(12) U.S. Corps of Engineers roads located in the Fort Randall Dam Turgeon Wells Area, beginning at the U.S. government boundary line in the northwest quarter of section 25, township 100 north, range 71 west of the fifth principal meridian, extending southerly toward Lake Francis Case, 25 miles per hour;

(13) U.S. Corps of Engineers roads within the U.S. government townsite of Pickstown, located in sections 4 and 9, township 95 north, range 65 west of the fifth principal meridian, 25 miles per hour;

(14) U.S. Highway 18 and U.S. Highway 281, beginning 0.75 mile southwesterly of Third Avenue in Lake Andes, then north and easterly for 0.5 mile, 50 miles per hour; then easterly for 0.75 mile, 40 miles per hour; then east for 0.4 mile, 50 miles per hour;

(15) State Trunk Highway 50, beginning 0.45 mile west of Third Avenue in Lake Andes, then east 0.2 mile to Pickstown Avenue, 50 miles per hour; then for 0.35 mile through Lake Andes to the intersection of U.S. Highway 18 and U.S. Highway 281, 35 miles per hour;

(16) Pickstown Avenue in Lake Andes from State Trunk Highway 50 south 0.43 mile to U.S. Highway 18 and U.S. Highway 281, 50 miles per hour;

(17) State Trunk Highway 1804 beginning at milepost 86.01, then north 3.79 miles to the end of State Trunk Highway 1804 at the intersection with State Trunk Highway 50, 55 miles per hour;

(18) State Trunk Highway 1804 beginning at the resume of State Trunk Highway 1804 at milepost 112.13, then north 8.04 miles to the end of State Trunk Highway 1804 at the intersection with State Trunk Highway 44, 55 miles per hour;

(19) State Trunk Highway 46, beginning at the intersection with U.S. Highway 18 at Pickstown, then east 0.23 mile, 45 miles per hour.

Source: SL 1975, ch 16, § 1; 3 SDR 10, effective August 11, 1976; 7 SDR 25, effective September 22, 1980; 8 SDR 45, effective October 28, 1981; 8 SDR 154, effective May 26, 1982; 10 SDR 7, effective July 31, 1983; 13 SDR 179, effective June 1, 1987; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 85, effective December 23, 1987; 18 SDR 134, effective February

24, 1992; 22 SDR 165, effective June 2, 1996; 28 SDR 24, effective August 29, 2001; 28 SDR 129, effective March 24, 2002; 30 SDR 22, effective August 25, 2003; 34 SDR 135, effective November 19, 2007; 44 SDR 184, effective June 25, 2018.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:01:02:21. Custer County. The following are the maximum speeds on certain highways in Custer County:

(1) State Trunk Highway 36 beginning at the junction of U.S. Highway 16A near the east gate of Custer State Park, then northeasterly for 0.7 mile, 35 miles per hour; then northeasterly for 8.51 miles to the State Trunk Highway 79 junction, 50 miles per hour;

(2) U.S. Highway 16 beginning 1.08 miles west of the junction with U.S. Highway 385 in the city of Custer, then east for 0.3 mile, 45 miles per hour; then east for 0.78 mile to the junction with U.S. Highway 385, 35 miles per hour;

(3) U.S. Highway 16A beginning at the junction with U.S. Highway 16-385 in Custer, then easterly for 0.37 mile, 25 miles per hour; then easterly for 0.25 mile, 35 miles per hour; then easterly for 0.49 mile, 45 miles per hour; then easterly for 2.8 miles to the west border of Custer State Park, 55 miles per hour;

(4) U.S. Highway 16A commencing at the Pennington-Custer county line, then southeasterly along a circuitous route in Custer County to a point 2.9 miles northwest of the north boundary of Custer State Park, 25 miles per hour; then southeasterly for 2.9 miles to the north boundary of Custer State Park, 35 miles per hour;

(5) U.S. Highway 16A and State Trunk Highway 87 within the boundary of Custer State Park, 35 miles per hour;

(6) State Trunk Highway 89 beginning at the junction with State Highway 87 near Sylvan Lake, then south 3.8 miles, 35 miles per hour, then south to the junction with U.S. Highway 16A near Custer, 45 miles per hour;

(7) U.S. Highway 385 within the boundaries of Wind Cave National Park, 45 miles per hour;

(8) State Trunk Highway 40 beginning at the north junction of State Trunk Highway 79 at the west edge of Hermosa, then east for 0.7 mile, 35 miles per hour; then east for 0.2 mile, 50 miles per hour;

(9) State Trunk Highway 87 beginning at the north boundary line of Custer County to the west boundary of Custer State Park, 45 miles per hour;

(10) U.S. Highway 385 and State Trunk Highway 89 beginning at the junction with U.S. Highway 16 in Custer, then south for 0.2 mile, 35 miles per hour, then south for 0.23 mile, 45 miles per hour;

(11) U.S. Highway 385 beginning 0.3 mile north of the junction with State Trunk Highway 89 by Pringle, then south and east 6.37 miles, 45 miles per hour;

(12) U.S. Highway 16 and U.S. Highway 385 beginning at the junction of U.S. Highway 16 and 385 in the west part of the city of Custer, then easterly to the intersection of Fifth Street, 25 miles per hour; then northerly for 0.5 mile, 25 miles per hour; then northerly for 0.5 mile, 35 miles per hour; then north for 0.2 mile, 45 miles per hour; then northerly for 5.91 miles to the Pennington County line, 60 miles per hour;

(13) State Trunk Highway 40 beginning at the Pennington-Custer county line, then southeast for 6.48 miles, 55 miles per hour;

(14) U.S. Highway 16 beginning ~~11.5~~ 11.0 miles east of the South Dakota-Wyoming border, then easterly for ~~3.5 miles~~ 0.5 mile, ~~35~~ 45 miles per hour, then easterly for 1.5 miles, 35 miles per hour, then easterly for 2.1 miles, 45 miles per hour;

(15) State Trunk Highway 79 beginning at the Fall River County line, then north to a point 0.50 mile south of the junction with State Trunk Highway 36, 70 miles per hour for those segments of highway which are four lane divided sections; then north for 1.25 miles, 65 miles per hour; then north for 0.90 mile through Hermosa, 55 miles per hour; then north to the Pennington County line, 70 miles per hour;

(16) State Trunk Highway 87 within the boundaries of the Wind Cave National Park, 35 miles per hour.

Source: SL 1975, ch 16, § 1; 7 SDR 100, effective April 27, 1981; 11 SDR 22, effective August 12, 1984; 13 SDR 52, effective November 6, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 16 SDR 152, effective March 28, 1990; 21 SDR 171, effective April 2, 1995; 22 SDR 165, effective June 2, 1996; 23 SDR 132, effective February 27, 1997; 27 SDR 15, effective August 30, 2000; 32 SDR 109, effective December 26, 2005; 36 SDR 163, effective May 3, 2010; 40 SDR 58, effective October 9, 2013; 43 SDR 87, effective December 13, 2016; 44 SDR 17, effective August 8, 2017; 46 SDR 26, effective September 2, 2019.

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

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

70:01:02:28. Faulk County. The following are the maximum speeds on certain highways in Faulk County:

(1) U.S. Highway 212 beginning 0.1 mile west of the Main Street intersection in Zell and ending 0.4 mile east of the Main Street intersection, 45 miles per hour;

(2) U.S. Highway 212 beginning ~~0.3~~ 0.46 mile east of ~~the railroad crossing at~~ 8th Avenue in Faulkton, then west 0.2 mile, 50 miles per hour; then west 0.9 mile, 35 miles per hour; then west 0.2 mile, 50 miles per hour;

(3) State Trunk Highway 20 beginning at the south city limits of Hoven, then south 0.2 mile, 50 miles per hour.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:01:02:38. Hyde County. The following are the maximum speeds on certain highways in Hyde County:

(1) State Trunk Highway 47 beginning 0.2 mile north of the junction of U.S. Highway 14, then south 0.2 mile, 45 miles per hour; then south for 0.3 mile, 40 miles per hour; then south for 0.7 mile, 30 miles per hour; then south for 0.2 mile, 45 miles per hour;

(2) U.S. Highway 14 in Highmore, beginning ~~0.46~~ 0.3 mile west of the junction with State Trunk Highway 47, then east for ~~0.67~~ 0.81 mile, 45 miles per hour.

Source: SL 1975, ch 16, § 1; 7 SDR 25, effective September 22, 1980; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 15 SDR 185, effective June 4, 1989; 22 SDR 165, effective June 2, 1996; 26 SDR 124, effective April 2, 2000; 31 SDR 89, effective December 28, 2004; 44 SDR 184, effective June 25, 2018.

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 Exist 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;~~

~~(16)~~ 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;

~~(17)~~ 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.

70:04:06:02. Mowing permits or contracts required. ~~A-Except for department mowing operations,~~ a person may not mow or remove any grass from the right-of-way unless the person has first been issued a permit or contract ~~by the region engineer of the department or an authorized representative~~ as provided by this chapter.

Source: 2 SDR 33, effective November 9, 1975; transferred from § 70:01:10:02, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 14, effective August 2, 1987.

General Authority: SDCL 31-5-21.

Law Implemented: SDCL 31-5-21.

70:04:06:03.01. Contract for median mowing - Bid proposal -- Minimum bid.

Mowing of a state highway median may only be done by the department or by a contractor under a contract with the department. The department shall announce in at least three newspapers when it will accept bid proposals for mowing, processing, and removing hay from a state highway median.

Bidders shall identify the areas for which they are submitting a bid by entering the beginning and ending milepost numbers to the tenth of a mile. Areas for which the bidder is an abutting landowner must be identified separately from other areas on which the bidder wishes to bid. Bids shall be submitted on a per mile basis for each area bid. The minimum acceptable bid is \$20 \$30 per mile.

Source: 14 SDR 14, effective August 2, 1987.

General Authority: SDCL 31-5-21.

Law Implemented: SDCL 31-5-21.

70:04:06:06. Start of mowing. No mowing of the right-of-way may begin in the west river counties of Dewey, Jones, Stanley, Gregory, Lyman, or Tripp before June 15 and east of the Missouri River before July 10. All mowing by permit must be completed by September 1 each year, unless an extension is granted in writing by the department.

Mowing of the median by contract may begin on the date the contract is approved and must be performed during the hours between sunrise and sunset. The contractor shall notify the department 24 hours before beginning mowing.

~~The~~ Prior to July 10 in all counties east of the Missouri River and prior to June 15 in the counties of Dewey, Jones, Stanley, Gregory, Lyman and Tripp, the department may mow medians and areas within the rights-of-way prior to July 10 to control noxious weeds and provide increased safety to the traveling public. conduct mowing operations in the following right-of-way locations:

- (1) the median of divided highways up to fifteen feet from the nearest edge of the shoulder;
- (2) in-slopes up to eight feet from the nearest edge of the shoulder;
- (3) areas where mowing will enhance sight distance and other safety factors;

(4) areas where mowing will enhance noxious weed control or promote grass growth; and
 (5) at interstate rest areas, adjacent to cemeteries, within municipalities, and in developed areas up to one mile outside of municipal boundaries, the area from the right-of-way line up to the nearest edge of the shoulder.

Source: 2 SDR 33, effective November 9, 1975; 2 SDR 71, effective May 1, 1976; transferred from § 70:01:10:06, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 14, effective August 2, 1987; 30 SDR 171, effective May 11, 2004.

General Authority: SDCL 31-5-21.

Law Implemented: SDCL 31-5-21.

70:04:06:07. Restrictions on mowing of newly constructed right-of-way. ~~Mowing~~
Except for department mowing operations to enhance safety, control noxious weeds, or promote grass growth, mowing on newly constructed sections of highway is not allowed for a period of three years or until the grass has become permanently established.

Source: 2 SDR 33, effective November 9, 1975; transferred from § 70:01:10:07, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL 31-5-21.

Law Implemented: SDCL 31-5-21.

70:04:06:08. Liability insurance required. Each permittee or contractor mowing within the right-of-way must carry liability insurance in the minimum amount of ~~\$50,000~~ \$500,000 for property damage and ~~\$100,000~~ \$1,000,000 for ~~personal liability~~ bodily injury.

Source: 2 SDR 33, effective November 9, 1975; transferred from § 70:01:10:08, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 14, effective August 2, 1987.

General Authority: SDCL 31-5-21.

Law Implemented: SDCL 31-5-21.

70:04:06:09. Area of right-of-way which may be mowed. The area of the highway right-of-way which may be mowed by permit is limited to the area from the right-of-way line up to the nearest edge of the roadway shoulder and the areas inside interchanges if access to interchange areas is made by other than the main highway.

The medians of divided highways may be mowed by contract.

Source: 2 SDR 33, effective November 9, 1975; transferred from § 70:01:10:09, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 14, effective August 2, 1987.

General Authority: SDCL 31-5-21.

Law Implemented: SDCL 31-5-21.

70:04:06:11. Removal of hay -- Restrictions on baled hay. All hay harvested under a permit must be removed from the right-of-way within 30 days after being processed or by October 1, whichever is earlier, unless an extension of time is granted in writing by the department. All hay harvested by contract must be removed within 10 days after being processed or by October 1, whichever is earlier, unless an extension of time is granted in writing by the ~~region engineer~~ department. Baled hay shall not be left within the right-of-way during the specified timeframe closer than 30 feet from the painted shoulder stripe. Any hay not removed

within the time limits set in this section ~~or by October 1~~ may be removed and disposed of by the department.

Source: 2 SDR 33, effective November 9, 1975; transferred from § 70:01:10:11, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 14, effective August 2, 1987; 30 SDR 171, effective May 11, 2004.

General Authority: SDCL 31-5-21.

Law Implemented: SDCL 31-5-21.

70:04:06:14. Liability of permittee. The permittee or contractor is responsible for any damage to persons or property ~~fences, signs, landscape planting, or other highway features~~ resulting from mowing and haying operations by the permittee or contractor. The permittee or contractor shall hold the department, its officers, or employees harmless from any claims or actions brought by any person against the department, its officers, or employees as a result of the acts or omissions ~~negligence~~ of the permittee or contractor or agents or employees of the permittee or contractor.

Source: 2 SDR 33, effective November 9, 1975; transferred from § 70:01:10:14, effective November 1, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 14, effective August 2, 1987.

General Authority: SDCL 31-5-21.

Law Implemented: SDCL 31-5-21.

RESOLUTION NO. _____
BEING A RESOLUTION FOR
PROPOSED RULES

WHEREAS, the South Dakota Transportation Commission of the South Dakota Department of Transportation, was in session on the 25th day of June, 2020; and

WHEREAS, the South Dakota Transportation Commission has taken under consideration the amendment of rules pertaining to limited speed zones and mowing of rights of way; and

WHEREAS, the rule changes are at the request of the Office of Operations Support;

THEREFORE, BE IT RESOLVED as follows:

The South Dakota Transportation Commission declares its intent to consider amending rule numbers:

- 70:01:02:17 – Charles Mix County speed zone rule;
- 70:01:02:21 – Custer County speed zone rule;
- 70:01:02:28 – Faulk County speed zone rule;
- 70:01:02:38 – Hyde County speed zone rule;
- 70:01:02:44 -- Lincoln County speed zone rule;
- 70:04:06:02 – Mowing permits or contracts required;
- 70:04:06:03.01 – Contract for median mowing – Bid proposal – Minimum bid;
- 70:04:06:06 – Start of Mowing;
- 70:04:06:07 – Restrictions on mowing of newly constructed right-of-way;
- 70:04:06:08 – Liability insurance required;
- 70:04:06:09 – Area of right-of-way which may be mowed;
- 70:04:06:11 – Removal of hay – Restrictions on baled hay; and
- 70:04:06:14 – Liability of permittee.

as attached and incorporated in and made a part of this resolution.

That notice of the South Dakota Transportation Commission's intention to amend said rules shall be given pursuant to SDCL 1-26-4 and the time and place for said hearing shall be on the 23rd day of July, 2020, at the hour of 9:00 a.m. (Central Time) in the Commission Room of the Becker-Hansen Building at 700 East Broadway Avenue in Pierre, South Dakota.

That members of the public will be permitted to listen to and provide comments at the hearing by appearing in person or by calling the Intercall dial-in number 1-(866)410-8397 and entering conference code 1289182255.

That notice of the hearing shall be given by publishing the same once in at least three (3) newspapers of general circulation at least twenty (20) days prior to the hearing and by posting notice as required by law.

Dated this 25th day of June, 2020.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
SOUTH DAKOTA TRANSPORTATION COMMISSION

Chair, Transportation Commission