

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 Bergquist
FROM: Karla L. Engle
DATE: July 15, 2020
RE: July 23, 2020 Commission Meeting

The Department of Transportation asks the Transportation Commission to approve 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;
- 70:04:06:02 – 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;
- 70:04:06:09 – Area of right-of-way which may be mowed;
- 70:04:06:11 – Removal of hay – Restrictions on baled hay.

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. Memos from the Department's traffic engineers, explaining the purpose and effect of the proposed speed zone changes; and
4. A written comment from the South Dakota Farm Bureau.

Any other written comments that are timely received will be provided to the Commission at the meeting on July 23, 2020. Thank you.

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.~~ United States Army 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.~~ United States Army 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.~~ United States Army 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.~~ United States Army 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.~~ United States Army 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.~~ United States Army 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.~~ United States Army 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.~~ United States Army Corps of Engineers roads within the ~~U.S.~~ United States 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.

70:04:06:02. 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 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) the area from the right-of-way line up to the nearest edge of the shoulder at interstate rest areas, adjacent to cemeteries, within municipalities, and in developed areas up to one mile outside of municipal boundaries.

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.

70:04:06:09. 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~~ may 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.

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 **June 24, 2020**

- Date of public hearing **July 23, 2020**

- Date proposed rules and supporting documents submitted to the LRC and the Bureau of Finance and Management **June 30, 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 **6/30/2020** Newspaper **Rapid City Journal**
 - Date **6/30/2020** Newspaper **Sioux Falls Argus Leader**
 - Date **6/30/2020** Newspaper **Aberdeen American News**
 - Date **6/30/2020** Newspaper **Pierre Capital Journal**
 - Date **7/1/2020** Newspaper **Native Sun News**

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

On June 26, 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. Also on June 26, 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 June 26, 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 June 29, 2020, to an official for the Yankton Sioux Tribe and to officials for the Cheyenne River Sioux Tribe. The hearing notice, proposed rules, small business impact statement, and fiscal notes were also posted on the Open SD website for the State of South Dakota.

- 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:
__**N/A**__

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



Department of Transportation

Mitchell Office

1300 South Ohlman

Mitchell, South Dakota 57301

PHONE: 605/995.8129

FAX: 605/995.8135

DATE: 06 February, 2020

TO: Christina Bennett
Operations Traffic Engineer

FROM: Corey Pinkley
Mitchell Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change
State Trunk Highway 46

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on State Trunk Highway 46 in Wagner.

EXISTING RULE:

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 miles west of the junction of State Trunk Highway 46 and State Trunk Highway 50, 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;

PROPOSED AMENDMENT:

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

(1) State Trunk Highway 46 beginning 1.2 miles west of 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; then east 0.25 mile, 45 miles per hour;

EXPLANATION OF THE PROPOSAL:

This rule change is necessary because of the realignment of State Trunk Highway 50 with a construction project currently underway. Upon completion of the project, State Trunk Highway 50 will be realigned to intersect with State Trunk Highway 46 at 392nd Avenue west of Wagner rather than in Wagner. Therefore, the change redefines the starting point of the speed zones on State Trunk Highway 46 through Wagner. The rule does not change any of the existing speed zones through town. The rule also eliminates the speed zone on State Trunk Highway 50 through Wagner, since State Trunk Highway 50 will no longer enter the city limits and thus, will no longer have a reduced speed zone here.

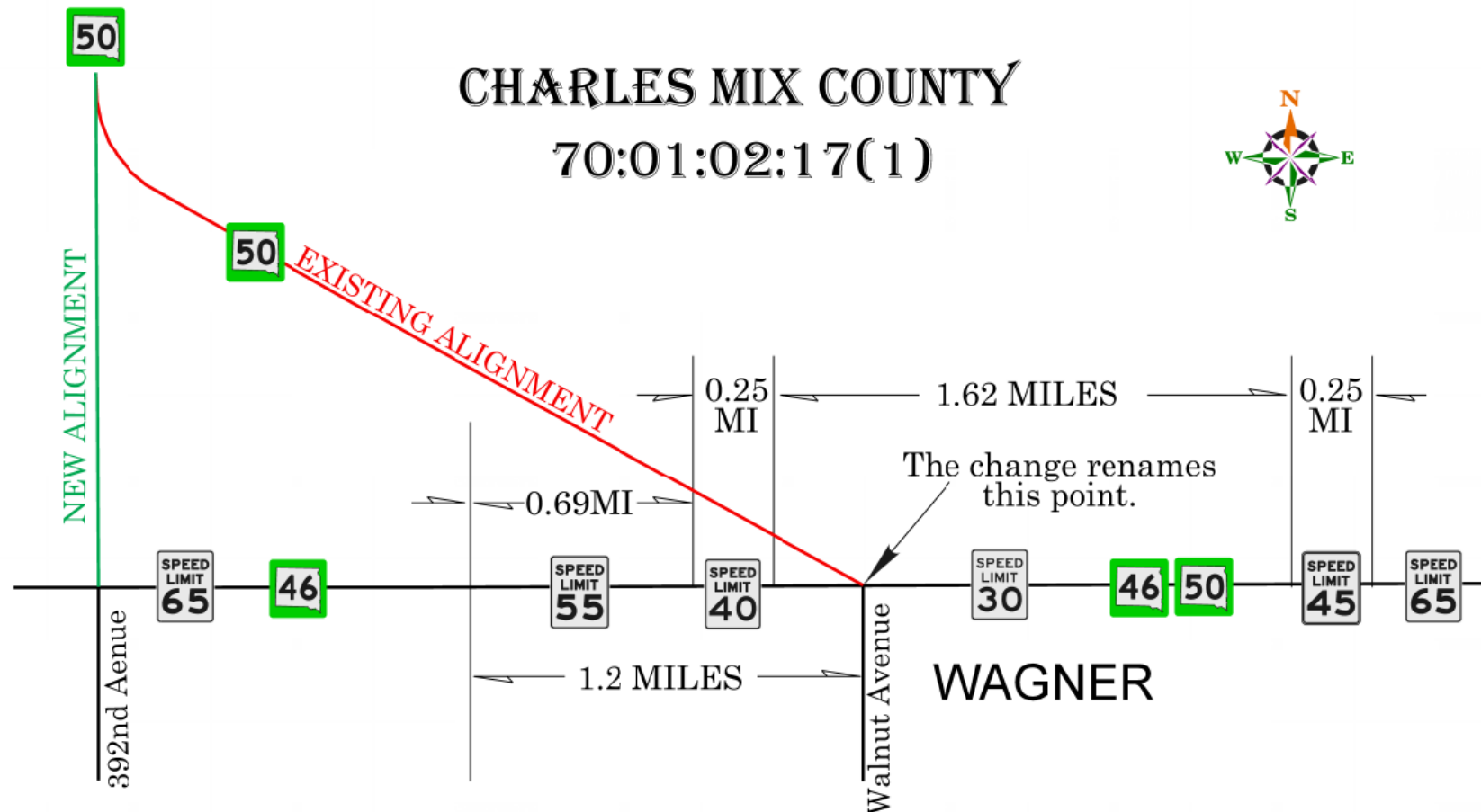
The department is proposing this speed limit administrative rule change to ensure the location references for speed zones on State Trunk Highway 46 in Wagner are correct and the existing speed zone on State Trunk Highway 50 in Wagner is eliminated.

SPEED STUDY:

Due to the nature of the revision, no speed study was conducted.

COST

There is no cost to the department. The speed zones through Wagner are not being changed.



Realignment of SD50





Department of Transportation

Rapid City Office

2300 Eglin St

Rapid City, South Dakota 57709

PHONE: 605/394-2695

FAX: 605/394-1904

DATE: April 1, 2020

TO: Christina Bennett
Operations Traffic Engineer

FROM: Jon Suomala
Rapid City Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change
US Hwy 16

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on US Highway 16 between the Wyoming state line and Custer.

PROPOSED AMENDMENT:

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

(14) U.S. Highway 16 beginning ~~44.5~~ 11.0 miles east of the South Dakota-Wyoming border, then easterly for ~~3.5~~ 0.5 miles, ~~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;

COST

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

Remove sign: 4 @ \$20.00 per sign = \$ 80.00

- To remove two existing Reduced Speed Limit Ahead (35) signs and two existing SPEED LIMIT 35 signs

Relocate sign: 4 @ \$75.00 per sign = \$ 300.00

- To relocate two existing SPEED LIMIT 35 signs and two existing SPEED LIMIT 65 sign

Install new sign: 6 @ \$100.00 per sign = \$ 600.00

- To install two Reduced Speed Limit Ahead (45) signs and four SPEED LIMIT 45 signs

TOTAL: \$905.00



65 mph

45 mph

35 mph

Existing

Proposed

Mt. Rushmore

Jewel Cave
National
Monument
Temporarily
closed

16

16

EXPLANATION OF THE PROPOSAL

This proposal is for U.S. Highway 16 beginning 11 miles east of the South Dakota-Wyoming border, then continuing easterly for 4.1 miles. The current situation involves a drastic change in speed from 65 miles per hour to 35 miles per hour for both eastbound and westbound traffic. The proposal is to shorten the 35 miles per hour zone and introduce a 45 mile per hour zone on each end of the 35 mile per hour zone.

The speeds in this section are lower than the standard 65 miles per hour due to sharp horizontal curves in the roadway. The new 35 mph and 45 mph zones were recommended based on the 85th percentile speeds from speed studies conducted by the department, so the posted speed limit will be closer to the speeds that drivers feel comfortable driving through this section.

This change was initiated by the SDDOT Rapid City Region Traffic Office and the SDDOT Custer Area Office. The Custer County Sheriff's Office, Jewel Cave National Monument, and Captain Jason Ketterling with the South Dakota Highway Patrol concur with the change.

SPEED STUDY

Speed studies were performed in several locations. The results of these speed studies are as follows:

A speed study was conducted on May 3, 2017 at a location 15.4 miles east of they SD-WY border on US Highway 16 in both directions.

Speed Study Results:

NUMBER OF VEHICLES CHECKED	119	
AVERAGE SPEED IN MPH	42.3	
PERCENT EXCEEDING THE SPEED LIMIT	89.1%	
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	55.5%	
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	33.6%	
85 PERCENTILE SPEED	48	
TEN MILE PACE	40	TO 49
PERCENT WITHIN THE PACE	53.0%	
MEDIAN SPEED	40	
FASTEST SPEED RECORDED	66	
SLOWEST SPEED RECORDED	30	

Another speed study was conducted on May 3, 2017 at a location 14.4 miles east of the SD-WY border on US Highway 16 in both directions.

Speed Study Results:

NUMBER OF VEHICLES CHECKED	119
AVERAGE SPEED IN MPH	37.1
PERCENT EXCEEDING THE SPEED LIMIT	68.9%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	16.8%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	3.4%
85 PERCENTILE SPEED	40
TEN MILE PACE	32 TO 41
PERCENT WITHIN THE PACE	74.1%
MEDIAN SPEED	36
FASTEST SPEED RECORDED	48
SLOWEST SPEED RECORDED	28

Another speed study was conducted on May 9, 2017 at a location 13.5 miles east of the SD-WY border on US Highway 16 in both directions.

Speed Study Results:

NUMBER OF VEHICLES CHECKED	115
AVERAGE SPEED IN MPH	43.6
PERCENT EXCEEDING THE SPEED LIMIT	93.0%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	64.3%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	38.3%
85 PERCENTILE SPEED	48
TEN MILE PACE	42 TO 51
PERCENT WITHIN THE PACE	57.8%
MEDIAN SPEED	42
FASTEST SPEED RECORDED	56
SLOWEST SPEED RECORDED	26

Another speed study was conducted on May 9, 2017 at MRM 12.5 on US Highway 16 in both directions.

Speed Study Results:

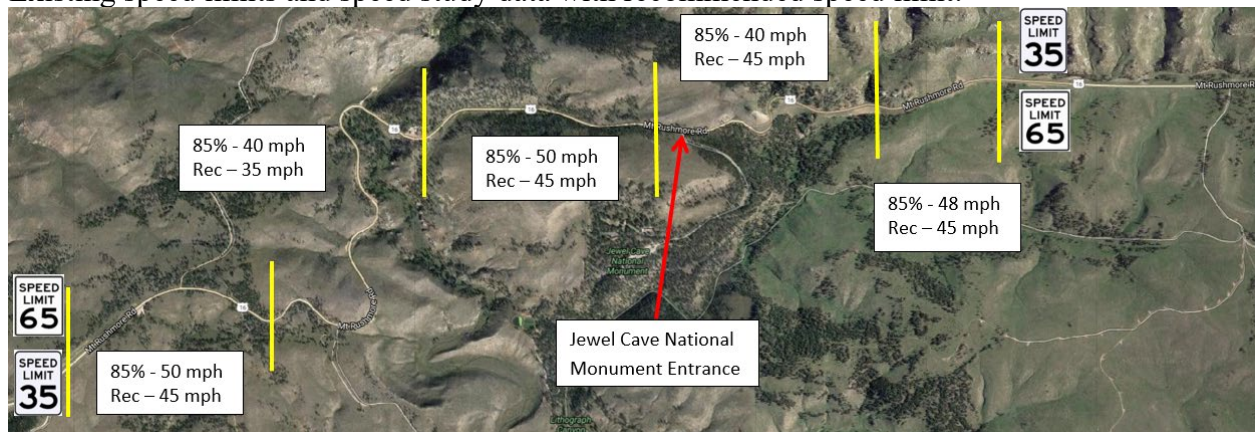
NUMBER OF VEHICLES CHECKED	113
AVERAGE SPEED IN MPH	38.1
PERCENT EXCEEDING THE SPEED LIMIT	78.8%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	23.0%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	4.4%
85 PERCENTILE SPEED	40
TEN MILE PACE	34 TO 43
PERCENT WITHIN THE PACE	79.4%
MEDIAN SPEED	36
FASTEST SPEED RECORDED	48
SLOWEST SPEED RECORDED	26

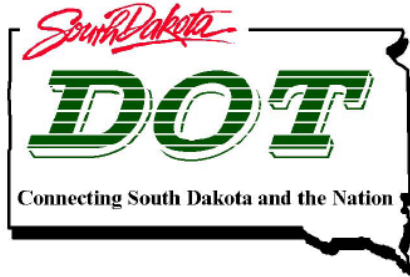
Another speed study was conducted on May 16, 2017 at a location 11.5 miles east of the SD-WY border on US Hwy 16 in both directions.

Speed Study Results:

NUMBER OF VEHICLES CHECKED	157
AVERAGE SPEED IN MPH	41.5
PERCENT EXCEEDING THE SPEED LIMIT	82.2%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 5 MPH	44.6%
PERCENT EXCEEDING THE SPEED LIMIT BY MORE THAN 10 MPH	28.0%
85 PERCENTILE SPEED	50
TEN MILE PACE	34 TO 43
PERCENT WITHIN THE PACE	52.1%
MEDIAN SPEED	40
FASTEST SPEED RECORDED	62
SLOWEST SPEED RECORDED	26

Existing speed limits and speed study data with recommended speed limit:





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: February 25, 2020

TO: Christina Bennett
Operations Traffic Engineer

FROM: Dan Martell
Aberdeen Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change
US Highway 212

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on US Highway 212 in Faulk County.

PROPOSED AMENDMENT:

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

(2) U.S. Highway 212 beginning ~~0.3~~ 0.46 mile east of ~~the railroad crossing at 8th Ave 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;

COST

There is no cost to make the changes. Speed limit signs will remain in place. The reference to the beginning of the speed zone was amended because the railroad tracks no longer exist.

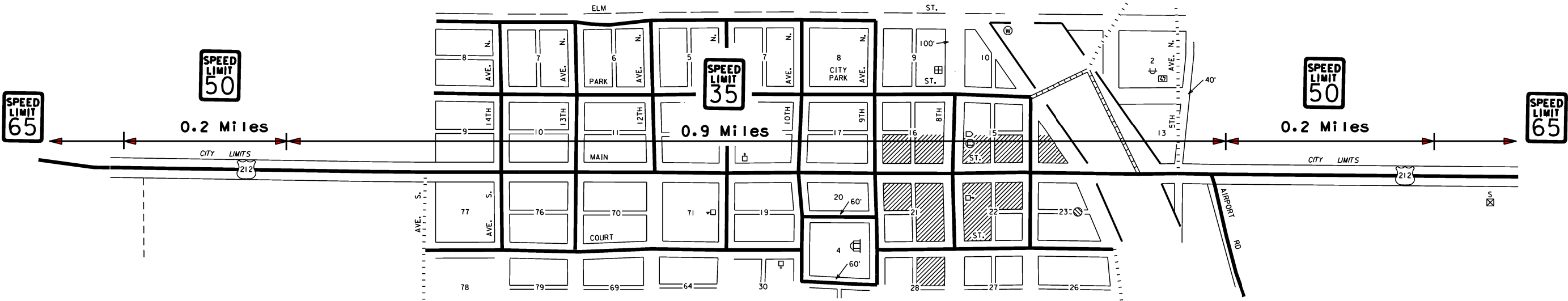
EXPLANATION OF THE PROPOSAL:

The proposed speed limit administrative rule change will correct the reference for the beginning of the speed zones through Faulkton, SD. The current rule refers to the railroad crossing in Faulkton which no longer exists. No changes are being made to the length of speed zones or to any speed limit signs in Faulkton.

SPEED STUDY:

A speed study was not conducted. There is no change to the existing speed zones, just a change to the reference for the beginning of the speed zone.

FAULKTON





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: March 24, 2020

TO: Christina Bennett
Operations Traffic Engineer

FROM: Dan Martell
Aberdeen Region Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Change
US Highway 14

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on US Highway 14 in Highmore, SD.

PROPOSED AMENDMENT:

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

(2) U.S. Highway 14 in Highmore, beginning ~~0.46~~ 0.30 mile west of the junction with State Trunk Highway 47, then east for ~~0.67~~ 0.81 mile, 45 miles per hour.

COST

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

Relocate sign: 3 @ \$75.00 per sign = \$ 225.00

- To relocate the existing SPEED LIMIT 65, SPEED LIMIT 45, and Reduced Speed Limit Ahead (45) signs.

TOTAL: \$ 225.00

EXPLANATION OF THE PROPOSAL:

The change is recommended in the interest of highway safety due to large trucks and farm machinery entering and exiting Titan Machinery on the west side of Highmore on US Highway 14.

Titan Machinery is located on the south side of US Highway 14 approximately 0.27 miles west of SD Highway 47. US Highway 14 is a two-lane highway without turn lanes at this location.

A speed study was conducted approximately 1,000 feet west of the existing SPEED LIMIT 45 sign. The 85th-percentile speed was 63 mph. The speed limit administrative rule change was requested by the Hyde County Sheriff's Department for concerns about close calls with vehicles traveling 65 mph and the turning trucks and equipment moving slowly when entering or exiting Titan Machinery.

There is a project this year to install radar speed feedback signs within this segment of US Highway 14. This location was identified because of the crash rate at the intersection of US Highway 14 and SD Highway 47 in Highmore. Moving the 45-mph zone west will allow the radar speed feedback sign to be installed at least 300 feet inside the 45-mph zone and still be 1,200 feet in advance of the intersection of SD Highway 14 and SD Highway 47.

Lieutenant Caleb Walters of the South Dakota Highway Patrol and Sheriff Mike Volek have been contacted and both concur with the recommended speed reduction.

Existing



Proposed





July 14, 2020

South Dakota Transportation Commission
700 E. Broadway Ave
Pierre, SD 57501

RE: Proposed rules change to ARSD 70:04:06:06

Dear Transportation Commission members,

South Dakota Farm Bureau (SDFB) appreciates the opportunity to provide comments on the South Dakota Transportation Commission's proposed rule change to ARSD 70:04:06:06. SDFB is opposed to the proposed rule change and requests that the Commission not move forward with the proposal.

SDFB policy states, "We support eliminating S.D. DOT regulations which restricts mowing of state highway rights-of-way before a certain date to improve highway safety, weed control, and hay quality." This rule change would add three additional counties to the list of counties where mowing of rights-of-way, unless done by the South Dakota Department of Transportation (DOT), is restricted until June 15th.

While we understand the desire to maintain habitat within rights-of-way during the nesting season, many producers in South Dakota rely on adjacent rights-of-way as a feed source for livestock, particularly in dry years where hay production is limited. Especially during dry years, early access to this feed source is critical to maximize quality. The June 15th start date of any mowing activity not conducted by the DOT places additional burden on producers in these areas at a time when they are least equipped to shoulder that burden.

For this reason, we would ask the Commission to not move forward with this proposed change to ARSD 70:04:06:06. Additionally, we would ask the Commission to consider the ways in which current administrative rules establish different requirements for producers and the DOT when it comes to use of feedstuffs in rights-of-way. The current practice of allowing the DOT to destroy feed by mowing during the period when producers are not allowed to hay the rights-of-way has long been a source of frustration for all in the agriculture community and merits consideration.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads 'Scott VanderWal'.

Scott VanderWal, President
South Dakota Farm Bureau

A handwritten signature in blue ink that reads 'Krystil Smit'.

Krystil Smit, Executive Director
South Dakota Farm Bureau