



South Dakota Department of Transportation

Office of Legal Counsel

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MEMORANDUM

TO: Joel Jundt
FROM: Karla L. Engle
DATE: August 17, 2021
RE: August 26, 2021 Commission Meeting

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

- 70:01:02:07 – Fall River County speed zone rule

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 statewide traffic engineer, explaining the purpose and effect of the proposed speed zone changes in Fall River County.

Any written comments that are timely received will be provided to the commission at the meeting on August 26, 2021.

Thank you.

KLE
Enclosures

70:01:02:27. Fall River County. The following are the maximum speeds on certain highways in Fall River County:

~~(1) U.S. Highway 18 beginning at the junction with U.S. Highway 18 Truck Route at the west edge of Hot Springs, then east for 1 mile to the junction with U.S. Highway 385 at Chicago Street, 25 miles per hour;~~

~~(2) Truck U.S. Highway 18 beginning at the junction of Truck U.S. Highway 18 and with U.S. Highway 18 and 385 at the east edge of Hot Springs, then westerly for 0.4 mile, 35 miles per hour; then westerly for 0.5 mile, 45 miles per hour; then westerly for 0.6 mile, 50 miles per hour; then westerly for 0.2 mile to the junction of Truck U.S. Highway 18 and U.S. Highway 18 with University Avenue, 40 miles per hour;~~

~~(3) (2) State Trunk Highway 71 beginning at the Nebraska state line, then north for 1.11 miles, 55 miles per hour; then northerly for 0.9 mile, 40 miles per hour; then northeasterly for 32.8 miles, 55 miles per hour; then northeasterly for 0.34 mile to the intersection of U.S. Highway 18 Truck Route, 45 miles per hour;~~

~~(4) State Trunk Highway 89 beginning at milepost 29.75, then northerly to milepost 30.10, 45 miles per hour;~~

~~(5) (3) State Trunk Highway 471 beginning at its intersection with State Trunk Highway 71, then northwesterly for 13.24 miles, 55 miles per hour; then northwesterly for 0.59 mile, 35 miles per hour; then northerly for 6.48 miles, 55 miles per hour; then northerly for 0.63 mile, 35 miles per hour; then northerly for 1.14 miles to the intersection with U.S. Highway 18, 25 miles per hour;~~

~~(6)~~ (4) U.S. Highway 18 beginning 3.0 miles west of the junction with ~~U.S. Highway 18 truck route~~ University Avenue at the west edge of Hot Springs, then east for 2.8 miles, 55 miles per hour; then east for 0.2 mile, 35 miles per hour;

~~—— (7) Truck speed for trucks equipped with dual tires on the driver axle on Truck U.S. Highway 18 beginning at the junction of Truck U.S. Highway 18 and U.S. Highway 18 and 385 at the east edge of Hot Springs, then westerly 1.7 miles, 35 miles per hour;~~

~~—— (8) Truck speed for eastbound trucks with dual tires on the driver axle on U.S. Highway 18 beginning 1.9 mile west of the junction of U.S. Highway 18 and Truck U.S. Highway 18 at the west edge of Hot Springs, then east for a distance of 1.9 mile, 35 miles per hour;~~

~~_____ (9) U.S. Highway 385 and (5) U.S. Highway 18 beginning at the junction with State Trunk Highway 79, then westerly for 1.68 miles, 55 miles per hour; then westerly for 2.11 miles, 50 miles per hour; then westerly for 0.63 mile to the junction with U.S. Highway 385, 35 miles per hour; ~~then westerly for 0.57 mile to the junction of U.S. Highway 385 and U.S. Highway 18 in Hot Springs, 25 miles per hour;~~~~

~~_____ (6) U.S. Highway 385 beginning at the junction with U.S. Highway 18 in Hot Springs, then northerly for 0.32 miles, 35 miles per hour; then northerly ~~on U.S. Highway 385 for 1.24~~ 1.81 miles, 25 miles per hour; then northerly for 0.47 mile, 35 miles per hour; then northerly for 0.19 mile, 45 miles per hour;~~

~~(10)~~ (7) U.S. Highway 385 beginning at the Nebraska border, then north to a point 0.69 mile south of the junction with U.S. Highway 18, 70 miles per hour for those segments of highway which are four lane divided sections; then north to the junction with U.S. Highway 18 ~~junction~~, 55 miles per hour;

~~(11)~~ (8) U.S. Highway 18 ~~and 385~~ beginning at the junction ~~of these two highways~~ with U.S. Highway 385 near Oelrichs, then ~~north~~ westerly for 0.15 mile, 55 miles per hour; then ~~north~~ westerly to a point 0.26 mile south of the intersection with State Trunk Highway 79, 70 miles per hour for those segments of highway which are four lane divided sections; then north to the junction with State Trunk Highway 79, 55 miles per hour;

~~(12)~~ (9) State Trunk Highway 79 beginning at the junction with U.S. ~~Highways~~ Highway 18 ~~and 385~~, then north for 0.35 mile, 55 miles per hour; then north to the Custer County line, 70 miles per hour for those segments of highway which are four lane divided sections;

(10) U.S. Highway 18 beginning 0.60 mile west of the junction with State Trunk Highway 471, then east 0.74 mile, 55 miles per hour;

(11) U.S. Highway 18P beginning at its west junction with U.S. Highway 18, then easterly to the west junction with State Trunk Highway 471 in Edgemont, 25 miles per hour;

(12) U.S. Highway 18P beginning at its east junction with U.S. Highway 18, then westerly for 0.4 mile, 45 miles per hour, then westerly to the east junction with State Trunk Highway 471 in Edgemont, 25 miles per hour.

Source: SL 1975, ch 16, § 1; 6 SDR 5, effective July 30, 1979; 6 SDR 109, effective May 29, 1980; 11 SDR 112, effective February 25, 1985; 12 SDR 7, effective July 28, 1985; 12 SDR 138, effective February 23, 1986; 13 SDR 9, effective August 3, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 111, effective February 28, 1988; 16 SDR 102, effective December 20, 1989; 22 SDR 165, effective June 2,

1996; 23 SDR 132, effective February 27, 1997; 24 SDR 165, effective May 31, 1998; 25 SDR 108, effective March 1, 1999; 32 SDR 109, effective December 26, 2005; 44 SDR 95, effective December 5, 2017.

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

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

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 July 29, 2021
- Date of public hearing August 26, 2021
- Date proposed rules and supporting documents submitted to the LRC and the Bureau of Finance and Management August 3, 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 **August 5, 2021** Newspaper **Fall River County Herald-Star**
 - Date **August 3, 2021** Newspaper **Pierre Capital Journal**
 - Date **August 4, 2021** Newspaper **Rapid City Journal**
 - Date **August 4, 2021** Newspaper **Mitchell Republic**
- Summary of how, when, and number of interested persons, if any, were contacted.

On August 3, 2021, copies of the hearing notice and proposed rules were sent to the individuals or entities who have requested notification of rule-making by the Transportation Commission. Also on August 3, 2021, copies of the hearing notice and proposed rules were mailed to the sheriff of Fall River County and the mayors and finance officers of Edgemont and Hot Springs. 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:

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



Department of Transportation

Operations Support Office

700 E Broadway Ave
Pierre, South Dakota 57501
PHONE: 605/773-3571
FAX: 605/773-2893
<https://dot.sd.gov/>

DATE: July 30, 2021

TO: Karla Engle
Chief Legal Counsel

FROM: Christina Bennett
Operations Traffic Engineer

SUBJECT: Proposed Speed Limit Administrative Rule Changes
Fall River County

Attached for the Transportation Commission's consideration is a speed limit administrative rule changes to 70:01:02:27. Fall River County.

PROPOSED CHANGES AND EXPLANATION OF THE CHANGES:

70:01:02:27. Fall River County. The following are the maximum speeds on certain highways in Fall River County:

~~—— (1) U.S. Highway 18 beginning at the junction with U.S. Highway 18 Truck Route at the west edge of Hot Springs, then east for 1 mile to the junction with U.S. Highway 385 at Chicago Street, 25 miles per hour;~~

70:01:02:27 (1) is proposed to be repealed. This segment of US Highway 18 has been transferred by agreement to the City of Hot Springs. This segment of US Highway 18 is no longer on the State Trunk Highway system.

~~(2) Truck (1) U.S. Highway 18 beginning at the junction of Truck U.S. Highway 18 and with U.S. Highway 18 and 385 at the east edge of Hot Springs, then westerly for 0.4 mile, 35 miles per hour; then westerly for 0.5 mile, 45 miles per hour; then westerly for 0.6 mile, 50 miles per hour; then westerly for 0.2 mile to the junction of Truck U.S. Highway 18 and U.S. Highway 18 with University Avenue, 40 miles per hour;~~

70:01:02:27 (2) is proposed to be revised. The current US Highway 18B (truck route) through Hot Springs is now designated US Highway 18 on the State Trunk Highway system. This will be renumbered to rule (1) in this Chapter.

~~(3)~~ (2) State Trunk Highway 71 beginning at the Nebraska state line, then north for 1.11 miles, 55 miles per hour; then northerly for 0.9 mile, 40 miles per hour; then northeasterly for 32.8 miles, 55 miles per hour; then northeasterly for 0.34 mile to the intersection of U.S. Highway 18 ~~Truck Route~~, 45 miles per hour;

70:01:02:27 (3) is proposed to be revised. The current US Highway 18B (truck route) through Hot Springs is now designated US Highway 18 on the State Trunk Highway system. This will be renumbered to rule (2) in the Chapter.

~~(4) State Trunk Highway 89 beginning at milepost 29.75, then northerly to milepost 30.10, 45 miles per hour;~~

70:01:02:27 (4) is proposed to be repealed. This had been a speed zone at the intersection of State Trunk Highway 89 and US Highway 18 that no longer exists.

~~(5)~~ (3) State Trunk Highway 471 beginning at its intersection with State Trunk Highway 71, then northwesterly for 13.24 miles, 55 miles per hour; then northwesterly for 0.59 mile, 35 miles per hour; then northerly for 6.48 miles, 55 miles per hour; then northerly for 0.63 mile, 35 miles per hour; then northerly ~~for 1.14 miles to the intersection with U.S. Highway 18~~, 25 miles per hour;

70:01:02:27 (5) is proposed to be revised. The mileage is being replaced with the intersection reference for ease of determining the end of the speed zone. This will be renumbered to rule (3) in the Chapter.

~~(6)~~ (4) U.S. Highway 18 beginning 3.0 miles west of the junction with ~~U.S. Highway 18 truck route University Avenue~~ at the west edge of Hot Springs, then east for 2.8 miles, 55 miles per hour; then east for 0.2 mile, 35 miles per hour;

70:01:02:27 (6) is proposed to be revised. The current US Highway 18B (truck route) through Hot Springs is now designated US Highway 18 on the State Trunk Highway system. What was formerly the intersection of US Highway 18 and US Highway 18B (truck route) is now the junction of US Highway 18 and University Avenue. University Avenue is the City street that formerly was US Highway 18 through Hot Springs. This will be renumbered to rule (4) in the Chapter.

~~—— (7) Truck speed for trucks equipped with dual tires on the driver axle on Truck U.S. Highway 18 beginning at the junction of Truck U.S. Highway 18 and U.S. Highway 18 and 385 at the east edge of Hot Springs, then westerly 1.7 miles, 35 miles per hour;~~

~~—— (8) Truck speed for eastbound trucks with dual tires on the driver axle on U.S. Highway 18 beginning 1.9 mile west of the junction of U.S. Highway 18 and Truck U.S. Highway 18 at the west edge of Hot Springs, then east for a distance of 1.9 mile, 35 miles per hour;~~

70:01:02:27 (7) and (8) are proposed to be repealed. The department is longer posting separate truck speed limits.

~~_____ (9) U.S. Highway 385 and (5)~~ U.S. Highway 18 beginning at the junction with State Trunk Highway 79, then westerly for 1.68 miles, 55 miles per hour; then westerly for 2.11 miles, 50 miles per hour; then westerly ~~for 0.63 mile to the junction with U.S. Highway 385~~, 35 miles per hour; ~~then westerly for 0.57 mile to the junction of U.S. Highway 385 and U.S. Highway 18 in Hot Springs, 25 miles per hour;~~

70:01:02:27 (9) is proposed to be revised. As defined in codified law for the State Trunk Highway system, this segment is US Highway 18. The mileage is being replaced with the intersection reference for ease of determining the end of the speed zone. The last portion of the rule is being deleted as US Highway 18B (truck route) is now US Highway 18 from the intersection with US Highway 18 and US Highway 385. This will be renumbered to rule (5) in the Chapter.

(6) U.S. Highway 385 beginning at the junction with U.S. Highway 18 in Hot Springs, then northerly for 0.32 miles, 35 miles per hour; then northerly ~~on U.S. Highway 385 for 1.24~~ 1.81 miles, 25 miles per hour; then northerly for 0.47 mile, 35 miles per hour; then northerly for 0.19 mile, 45 miles per hour;

70:01:02:27 (6) is a proposed new rule for US Highway 385 at Hot Springs. It uses some of the language from current rule (9) that described speed zones on US 385, with the addition of the segment that used to be US Highway 18 along the east side of Hot Springs, which is now US Highway 385 on the State Trunk Highway system.

~~(10)~~ (7) U.S. Highway 385 beginning at the Nebraska border, then north to a point 0.69 mile south of the junction with U.S. Highway 18, 70 miles per hour for those segments of highway which are four lane divided sections; then north to the junction with U.S. Highway 18 ~~junction~~, 55 miles per hour;

70:01:02:27 (10) is proposed to be revised to correct an editorial mistake. This will be renumbered to rule (7) in the Chapter.

~~(11)~~ (8) U.S. Highway 18 ~~and 385~~ beginning at the junction ~~of these two highways with U.S. Highway 385~~ near Oelrichs, then ~~north~~ westerly for 0.15 mile, 55 miles per hour; then ~~north~~ westerly to a point 0.26 mile south of the intersection with State Trunk Highway 79, 70 miles per hour for those segments of highway which are four lane divided sections; then north to the junction with State Trunk Highway 79, 55 miles per hour;

70:01:02:27 (11) is proposed to be revised. As defined in codified law for the State Trunk Highway system, this segment is US Highway 18. This will be renumbered to rule (8) in the Chapter.

~~(12)~~ (9) State Trunk Highway 79 beginning at the junction with U.S. ~~Highways Highway 18 and 385~~, then north for 0.35 mile, 55 miles per hour; then north to the Custer County line, 70 miles per hour for those segments of highway which are four lane divided sections-;

70:01:02:27 (12) is proposed to be revised. As defined in codified law for the State Trunk Highway system, the junction is with US Highway 18. This will be renumbered to rule (9) in the Chapter.

(10) U.S. Highway 18 beginning 0.60 mile west of the junction with State Trunk Highway 471, then east 0.74 mile, 55 miles per hour;

70:01:02:27 (10) is a proposed new rule for US Highway 18 through Edgemont. A detailed explanation for this proposed new rule can be found later in this document.

(11) U.S. Highway 18P beginning at its west junction with U.S. Highway 18, then easterly to the west junction with State Trunk Highway 471 in Edgemont, 25 miles per hour;

(12) U.S. Highway 18P beginning at its east junction with U.S. Highway 18, then westerly for 0.4 mile, 45 miles per hour, then westerly to the east junction with State Trunk Highway 471 in Edgemont, 25 miles per hour.

70:01:02:27 (11) and (12) are proposed new rules for US Highway 18P through Edgemont. When creating a new rule for a speed zone on US Highway 18 at Edgemont and putting together a map of the changes, it was determined that administrative rules were missing for the segments of US Highway 18P in Edgemont. The "P" designation is for a spur route. These are state owned, but not on the State Trunk Highway system. SDCL 32-25-7 Establishment of speed zones grants the Transportation Commission authority to promulgate rules for a maximum speed limit less than that established by SDCL 32-25-1.1 and SDCL 32-25-4 upon "any highway or portion of highway under the jurisdiction of the Department of Transportation..."

COST

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

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

- To remove the four TRUCK SPEED LIMIT signs on US Highway 18 at Hot Springs.

Relocate sign: 2 @ \$75.00 per sign = \$ 150.00

- To relocate the existing SPEED LIMIT 65 signs along US Highway 18 at Edgemont

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

- To install two Reduced Speed Limit Ahead (55) signs and four SPEED LIMIT 55 signs along US Highway 18 at Edgemont

There is no cost for the other rule changes. Speed zones were not changed through Hot Springs, just the highway designations were changed. The speed limit signing on the segment of US Highway 18 that was transferred to the City will become property of the City. The speed limit signing on State Trunk Highway 89 had been removed some time ago. The speed zones were not changed on the segments of US Highway 18P in Edgemont, rules were just being added to address these sections of state-owned highway.

TOTAL: \$ 830.00

EXPLANATION OF THE PROPOSED NEW RULE FOR US HIGHWAY 18 AT EDGEMONT:

US Highway 18 along the NW side of Edgemont currently has no speed reduction from 65 mph. Located along this segment of US Highway 18 is the Edgemont Fire Station and the two intersecting roads into town. Turning volumes have also increased with the addition of a Dollar General store on the north side of Edgemont. Installing a reduced speed zone on US Highway 18 between a point 500' west of the west Fire Station entrance and a point 500' east of the intersection of US Highway 18 and SD Highway 471/6th Ave would better accommodate the increased number of turning vehicles and help the safety of the traveling public.

The Mayor of Edgemont, Carla Schepler, initiated the request for reduced speed on US Highway 18 on the northwest edge of Edgemont. The Department of Transportation Rapid City Region Traffic Office investigated the location and is in support of the proposed change.

South Dakota Highway Patrol Captain Jason Ketterling and Fall River Sherriff Robert Evans are in support of the proposed speed rule on US Highway 18 from 65 mph to 55 mph.

Proposed speed limit changes are based on roadside development, turning movements, and crash history.

SPEED STUDY:

A speed study for US Highway 18 at Edgemont was conducted on June 7, 2021 at MRM 12, near the current Dollar General Location. The 85th percentile speed for westbound traffic was 62 mph. The 85th percentile speed for eastbound traffic was 60 mph. The proposed 55 mph speed limit would be within the

recommended 5 mph of the 85th percentile speed for eastbound traffic, which is the traffic traveling through city limits past the intersecting roadways.

CRASH HISTORY:

In 5-year crash history (from 2016 – 2020) for the segment of US Highway 18 along Edgemont there have been 5 non-animal crashes and 7 crashes involving animals. The weighted crash rate is slightly above the state average. This is attributed to the presence of curves, guardrail, and intersections in this segment, combined with an annual daily traffic volume of 2,370 vehicles.

The following pages contain maps depicting the speed limits and segments of highways described in the Fall River County administrative rules.



**State Highway
Routes in Edgemont**

The segment highlighted in pink is SD 471
US 18P picks up on either side between US
18 & SD 471







