

**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 P. Bergquist

FROM: Karla L. Engle

DATE: October 28, 2020

RE: October 29, 2020 Commission Meeting Supplement to Attachment #2—  
Consideration of Amendment to Dewey, Lincoln and Spink County speed zone rules

Copies of the following additional documents are enclosed with this memo for the Commission's consideration in connection with proposed speed limit changes in Dewey, Lincoln and Spink Counties:

1. The Department's proposed amendments to the rules;
2. Three affidavits from officials of the Cheyenne River Sioux Tribe relating to the proposed speed zone change in Dewey County;
3. A memo from the Department's Operations traffic engineer, explaining the purpose and effect of the speed zone change proposed by the Department in Dewey County.

Thank you.

KLE  
Enclosures

**70:01:02:24. Dewey County.** The following are the maximum speeds on certain highways in Dewey County:

(1) U.S. Highway 212 beginning 0.65 mile west of the intersection of U.S. Highway 212 and the Main Street of Eagle Butte, then east for 0.25 mile, 45 miles per hour; then east for 0.82 mile, 35 miles per hour; then east for 0.5 mile, 45 miles per hour;

(2) State Trunk Highway 20 beginning 3.79 miles east of the east junction with State Trunk Highway 63, then east for 0.2 mile, 45 miles per hour; then east for 0.45 mile, 35 miles per hour; then east for 0.2 mile, 45 miles per hour;

(3) State Trunk Highway 20 beginning 2.87 miles west of the west junction with State Trunk Highway 63, then southwesterly for 0.44 mile, 55 miles per hour;

(4) State Trunk Highway 20 and State Trunk Highway 63 beginning 6.80 miles east of the west junction with State Trunk Highway 63 South, then easterly for 0.2 mile, 45 miles per hour; then easterly for 0.5 mile, 35 miles per hour; then easterly and northerly for 0.4 mile, 45 miles per hour;

(5) State Trunk Highway 20 beginning 2.58 miles east of the west junction with State Trunk Highway 65, then east for 0.44 mile, 45 miles per hour; then northeasterly for 0.63 mile, 35 miles per hour; then east for 0.2 mile, 45 miles per hour;

(6) U.S. Highway 212 beginning ~~0.4~~ 0.29 mile west of its junction with Minnesota Avenue in LaPlant, then east ~~0.92~~ 1.11 mile, ~~55~~ 45 miles per hour;

(7) U.S. Highway 212 beginning 0.25 mile west of its junction with Bureau of Indian Affairs Road 3, then west 0.65 mile, 55 miles per hour;

(8) U.S. Highway 212 beginning 0.1 mile west of its junction with Main Street in Lantry, then east 0.65 mile, 55 miles per hour.

**Source:** SL 1975, ch 16, § 1; 2 SDR 86, effective June 24, 1976; 5 SDR 91, effective April 29, 1979; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 14 SDR 65, effective November 5, 1987; 22 SDR 165, effective June 2, 1996; 25 SDR 48, effective October 4, 1998; 29 SDR 160, effective June 2, 2003; 33 SDR 43, effective September 19, 2006.

**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. 13<sup>th</sup> 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

69<sup>th</sup> Street in Sioux Falls, 55 miles per hour; then north to the Lincoln County Line at 57<sup>th</sup> 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 Exit 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)~~ (16) 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.

**70:01:02:57. Spink County.** The following are the maximum speeds on certain highways in Spink County:

(1) ~~Repealed;~~

~~(2)~~ U.S. Highway 212 beginning at the east city limits of Redfield, then west to the intersection of Fourth Street and Seventh Avenue, 35 miles per hour; then west to a point 0.2 mile east of the west city limits, 30 miles per hour; then west for 0.4 mile, 45 miles per hour;

~~(3)~~ (2) State Trunk Highway 20 beginning 0.1 mile east of the northwest corner of section 5, township 120 north, range 64 west of the fifth principal meridian in Northville and ending 0.4 mile west of that corner, 50 miles per hour;

~~(4)~~ (3) State Trunk Highway 26 beginning at the section line common to sections 7 and 18, township 115 north, range 65 west of the fifth principal meridian, then northeast 3 miles, 45 miles per hour;

~~(5)~~ (4) U.S. Highway 281 beginning at the south city limits of Redfield, then north to the intersection with Ninth Avenue, 35 miles per hour; then north and east to the east junction with U.S. Highway 212, 30 miles per hour; then north to the intersection with Second Avenue, 35 miles per hour; then north 0.75 mile, 50 miles per hour;

~~(6)~~ (5) U.S. Highway 212 and State Trunk Highway 37 beginning 0.33 mile west of the east junction of U.S. Highway 212 and State Trunk Highway 37 at Doland, then east 0.2 mile, 50 miles per hour; then east 0.13 mile, 35 miles per hour; then east on U.S. Highway 212, 0.44 mile, 35 miles per hour; then east 0.2 mile, 50 miles per hour; then north on State Trunk Highway 37, 0.5 mile, 35 miles per hour; then north 0.2 mile, 50 miles per hour;

~~(7)~~ (6) U.S. Highway 281 at Tulare beginning at Spink County Highway 24, then north 0.55 mile, 50 miles per hour;

~~(8)~~ (7) Beginning 0.2 mile south of the north junction of State Trunk Highway 20 and State Trunk Highway 37, then north on State Trunk Highway 20 and State Trunk Highway 37, 0.2 mile, 55 miles per hour; then north on State Trunk Highway 37, 0.6 mile, 55 miles per hour;

~~(9)~~ ~~Repealed;~~

~~(10)~~ (8) U.S. Highway 281 beginning 0.4 mile north of the junction of U.S. Highway 281 and State Trunk Highway 20, then north to the Brown County line, 70 miles per hour.

(9) State Trunk Highway 20 beginning 0.52 mile east of U.S. Highway 281, then east 0.58 mile, 50 miles per hour.

Source: SL 1975, ch 16, § 1; 4 SDR 20, effective October 3, 1977; 7 SDR 25, effective September 22, 1980; 7 SDR 100, effective April 27, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 19 SDR 61, effective October 26, 1992; 22 SDR 165, effective June 2, 1996; 22 SDR 183, effective June 30, 1996; 23 SDR 64, effective November 4, 1996; 32 SDR 53, effective October 10, 2005; 39 SDR 172, effective April 29, 2013.

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

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

STATE OF SOUTH DAKOTA, acting by  
and through its Department of  
Transportation,

Plaintiff,

v.

HAROLD FRAZIER, individually and as  
CHAIRMAN OF THE CHEYENNE  
RIVER SIOUX TRIBE,

and

CHEYENNE RIVER SIOUX TRIBE,

Defendants.

Case No. 3:20-CV-03018-RAL

AFFIDAVIT OF DAKOTA  
LONGBRAKE IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS

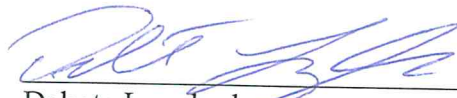
I, Dakota Longbrake, hereby certify the following to be true:

1. My name is Dakota Longbrake and I am the Director of the Cheyenne River Transportation Department. I have held that position since 2015.
2. I graduated with a degree in Civil Engineering from the South Dakota School of Mines and Technology in 2003.
3. Before I worked for the Tribe, I worked at Kadrmas, Lee & Jackson, Inc. from 2006 to 2010. Then I joined the Cheyenne River Sioux Tribe's Tribal Projects office as a project engineer before I became the Director of Transportation.
4. I conducted an informal traffic study in La Plant in the area of the LTM on October 13,

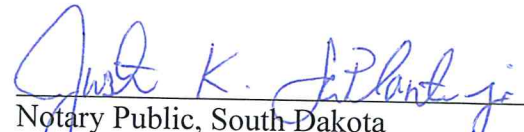
2020 that confirmed local reports of increased pedestrian and bicycle traffic in the area,  
as well as an increased number of vehicles turning off of and onto U.S. 212.

5. Our office is currently performing a full traffic study on the area.

Dated this 14 day of October, 2020

  
\_\_\_\_\_  
Dakota Longbrake  
Director, Cheyenne River Sioux Tribe  
Department of Transportation

Subscribed and sworn to before me this 14 day of October, 2020.

  
\_\_\_\_\_  
Notary Public, South Dakota  
My Commission Expires:  
May 3, 2024  
(SEAL)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION**

**STATE OF SOUTH DAKOTA**, acting by and  
through its **Department of Transportation**,

Plaintiff,

v.

**HAROLD FRAZIER**, individually and as  
**CHAIRMAN OF THE CHEYENNE RIVER  
SIOUX TRIBE**,

and

**CHEYENNE RIVER SIOUX TRIBE**,

Defendants.

**Case No. 3:20-CV-03018-RAL**

**AFFIDAVIT OF OFFICER CLIFTON  
MARTELL IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS**

I, Clifton Martell, hereby certify the following to be true:

1. My name is Clifton Martell and I am an officer with the Cheyenne River Sioux Tribe. I am a veteran police officer with the Cheyenne River Sioux Tribe Police Department.
2. U.S. Highway 212 through La Plant is a two-lane road with no sidewalks, and the shoulders are very narrow.
3. As a patrol officer assigned to that area, I have observed increased pedestrian and vehicle traffic around the clock since the La Plant LTM opened.
4. Tribal law enforcement and public safety officers that patrol the area have also observed significant increases in pedestrian and vehicle traffic both day and night. Tribal law enforcement and public safety officers—including myself—have also witnessed near misses involving pedestrian and bicycle traffic to and from the La Plant LTM and drivers

on 212.

5. This traffic includes adults and children walking along the roadway, the shoulder, and crossing the highway, as well as children using bikes on the roadway and shoulder to access the store.
6. Once schools reopen, the La Plant LTM's proximity to the nearby Tiospaye Topa School, a Kindergarten through 12th Grade school, child traffic will only increase because more children will be close to the shop, further increasing the risk of a pedestrian accident.
7. The Tribal Police Department agrees that the actions taken by the Chairman and Tribal Council to change the speed limit are necessary safety measures to protect those trying to go to the Lakota Thrifty Mart because it gives drivers more time to react, which will in turn save the lives of pedestrians and cyclists.

Dated this 14<sup>th</sup> day of October, 2020

  
\_\_\_\_\_  
Clifton Martell  
Officer, Cheyenne River Sioux Tribal Police Dept.

Subscribed and sworn to before me this 14<sup>th</sup> day of October, 2020.

  
\_\_\_\_\_  
Notary Public, South Dakota  
My Commission Expires:

7-10-24  
\_\_\_\_\_  
(SEAL)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

STATE OF SOUTH DAKOTA, acting by  
and through its Department of  
Transportation,

Plaintiff,

v.

HAROLD FRAZIER, individually and as  
CHAIRMAN OF THE CHEYENNE  
RIVER SIOUX TRIBE,

and

CHEYENNE RIVER SIOUX TRIBE,

Defendants.

Case No. 3:20-CV-03018-RAL

AFFIDAVIT OF CHAIRMAN HAROLD  
FRAZIER IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS

I, Harold Frazier, hereby certify the following to be true:

1. My name is Harold Frazier and I am the Chairman of the Cheyenne River Sioux Tribe. I was first elected Chairman in 2002 and I held that office until 2006. I was re-elected as Chairman in 2014 and have remained in office since then.
2. The Cheyenne River Sioux Tribe is governed by a Constitution and By-Laws ("CRST Const.") first adopted by the Tribe on December 27, 1935 and approved by the Secretary of the Interior pursuant to 25 U.S.C. § 5123, and as most recently amended and approved by the Secretary of the Interior on July 17, 1992. The Constitution and By-Laws of the Cheyenne River Sioux Tribe are attached hereto as **Exhibit A**.

3. In its Constitution and By-Laws, the Cheyenne River Sioux Tribe has set forth the various rights, privileges, and immunities of the Cheyenne River Sioux Tribal government. Our Constitution and By-Laws created the present-day Tribal governing body, which includes the elected Tribal Chairman, Tribal Secretary, Tribal Treasurer, and fifteen Tribal Councilmen. CRST Const. Art. III.
4. The Tribal Constitution and By-Laws also set forth the Tribe's powers of self-government, delegating to the Tribal Council and Executive Committee governmental powers that include, but are not limited to: (1) government-to-government interaction with state, federal, and local governments; (2) consultation with the United States concerning appropriations set aside for Tribal governments; (3) disposition of Tribal trust land; (4) powers to appropriate and distribute funds within Tribal control; and (5) power to establish courts to enforce civil and criminal laws of the Cheyenne River Sioux Tribe." CRST Const. Art. IV
5. The most important of these in the instant case is the power "to promulgate ordinances for the purpose of safe-guarding the peace and safety of residents of the Cheyenne River Indian Reservation." CRST Const. Art. IV Section 1(k).
6. The Cheyenne River Sioux Tribe has its own longstanding Traffic Code ("CRST Traffic Code"), in which it regulates the safety requirements drivers must follow on the Reservation. This Code includes a chapter on speed limits and restrictions.
7. Section 6-1-1 of our Traffic Code recognizes that "specific, well-tailored traffic laws and regulations can combat the dangers of transportation on the Reservation roadways and thereby promote the health, safety and welfare of the members of the Cheyenne River Sioux Tribe and other Reservation residents who use the roadways. *See* CRST Traffic

Code Section 6-1-1, attached hereto as **Exhibit B**.

8. The Traffic Code further specifies that “[t]he Cheyenne River Sioux Tribe will regulate the roadways within the reservation to ensure the efficient and safe use of these roadways for the members of the Tribe and other Reservation residents.” CRST Traffic Code Section 6-1-1(f).
9. One of my duties as Chairman of the Cheyenne River Sioux Tribe is to ensure that the Resolutions of the Tribal Council are implemented.

**THE OPENING OF THE LA PLANT THRIFTY MART**

10. The Cheyenne River Reservation consists of 2,833,158 acres of trust land in an area close to 60 miles long and 90 miles wide. Of the Tribe’s 21, 965 enrolled members, about 10,000 of them live on the Reservation in 22 scattered communities.
11. The community of La Plant is a small census-designated place located in the eastern portion of the Reservation with about 200 residents, most if not all of whom are Tribal members.
12. The nearest grocery store to La Plant is 30 to 40 miles in either direction.
13. It is also a poor community, like many on the Reservation, and many residents do not have vehicles.
14. On August 14, 2020, the Tribe opened the La Plant Lakota Thrifty Mart (“La Plant LTM”), a tribally-owned and operated convenience store and gas station that provides a wide range of food stuffs and other essentials to the residents of La Plant and other Reservation residents on the east end of the Cheyenne River Sioux Indian Reservation.
15. Prior to the opening of the La Plant Lakota Thrifty Mart (“La Plant LTM”), the

community did not have any sort of store, and was in fact a food desert.

16. Reservation residents rely on this new asset for necessary items such as diapers, food (including fresh produce), and the cleaning supplies essential to mitigating COVID-19 transmission.
17. The opening of the La Plant LTM helps protect the nearby residents, who no longer have to travel an hour to larger communities like Eagle Butte for basic needs. Reducing travel and reducing time in more densely populated areas helps keep the residents of La Plant and the surrounding area safe from COVID exposure.
18. The opening of the La Plant LTM exponentially increased pedestrian traffic in the area because many people in the surrounding area must walk there. It has also greatly increased the number of turning vehicles. This poses a risk of danger to pedestrian because there are no sidewalks and the shoulder is narrow in the La Plant community.


#### **THE TRIBE'S REGULATORY ACTIONS AND THE STATE'S RESPONSE**

19. Anticipating changes in conditions along the road through the area from the La Plant LTM's opening, the Tribal Council passed Resolution 175-2020-CR on July 14, 2020, which approved the Roads Committee's motion to lower the speed limit through La Plant.
20. The Tribal Council was "concerned about the safety of the traveling public and pedestrians within the reservation" because the Council knew that the La Plant LTM's opening was a new and life-changing development for the community. ECF 5-5. The Tribal Council passed the lower speed limit for the area surrounding the La Plant Lakota Thrifty Mart in response to an appreciable threat to human life and bodily safety.
21. We have the authority as a Tribal government to take the steps necessary and appropriate


to protect our pedestrians. **Ex. A.**

22. Acting in my official capacity as Chairman, and executing the law as instructed by Council, I instructed Tribal Roads employees around August 31, 2020 to remove the 55 mph speed limit signs located at mile markers 187 eastbound and 188 westbound, and to replace them with 45 mph signs.
23. Since September 1, 2020, the South Dakota Department of Transportation (SDDOT) has been wrongfully changing the signs back to 55 miles per hour under the premise that the Tribe is allegedly required to submit an application to have SDDOT go through the rulemaking process to change the speed limit.
24. In response, I have acted in my official capacity to correct the signs back.
25. SDDOT rulemaking process for speed limit changes is not expedient, and the Tribal Council was responding to an urgent change in the road environment.
26. The Tribal Council passed the lower speed limit recommended by the Roads Department for the area surrounding the La Plant Lakota Thrifty Mart because we knew that foot traffic would increase once the shop opened, and we wanted to take every precaution to protect our people.
27. The previous ten mile per hour decrease from 65 to 55 miles per hour not significant enough to alert drivers of the risk of pedestrian traffic.
28. All of these actions I have taken to lower the speed limit in and around La Plant were in accordance with Resolution 175-2020-CR, this area immediately is necessary to protect the safety and were performed in my official capacity as welfare of our Reservation's residents from the hazards of cars travelling at highway speeds near an essential community resource.

Dated this 14<sup>th</sup> day of October, 2020

  
\_\_\_\_\_  
Harold Frazier  
Chairman of the Cheyenne River Sioux Tribe

Subscribed and sworn to before me this 14<sup>th</sup> day of October, 2020.

  
\_\_\_\_\_  
Notary Public, South Dakota  
My Commission Expires: 5/15/2023

\_\_\_\_\_  
(SEAL)



**Department of Transportation**  
**Operations Support Office**  
700 E Broadway Ave  
Pierre, South Dakota 57501  
PHONE: 605/773-3571  
FAX: 605/773-2893

DATE: October 28, 2020

TO: Christina Bennett  
Operations Traffic Engineer

FROM: Karla Engle  
Chief Legal Counsel

SUBJECT: Proposed Speed Limit Administrative Rule Change  
US Highway 212 at La Plant

Attached for the Transportation Commission's consideration is a speed limit administrative rule change on US Highway 212 at La Plant.

PROPOSED NEW RULE:

**70:01:02:24. Dewey County.** The following are the maximum speeds on certain highways in Dewey County:

(6) U.S. Highway 212 beginning ~~0.1~~ 0.29 mile west of its junction with Minnesota Avenue in LaPlant, then east ~~0.92~~ 1.11 mile, ~~55~~ 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 (55) signs and two existing SPEED LIMIT 55 signs

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

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

TOTAL: \$480.00

## EXPLANATION OF THE PROPOSAL:

DOT staff conducted an engineering study of the segment of US Highway 212 through La Plant, SD. The engineering study included a speed study, a crash history analysis, and an examination of the roadway, roadside, and traffic characteristics of this area.

This segment of US Highway 212 is a rural principal arterial with two 12-foot lanes and 5-foot shoulders. There is a ditch section on either side of the highway. The approximately one-mile segment through La Plant contains intersecting roads and entrances to businesses and residences.

One of the businesses with an approach to US Highway 212 in this area is a new convenience store, the La Plant Lakota Thrifty Mart, that provides gas, general store amenities, and essential items to through and local traffic. The nearest grocery store is 30 to 40 miles from La Plant in either direction.

There was one crash within the last five years. This was a single vehicle crash in which speed was not a contributing factor.

A speed study was conducted on October 27, 2020. The 85<sup>th</sup>-percentile speed determined from the data was 58 MPH. The Manual on Uniform Traffic Control Devices recommends speed limits be set within 5 MPH of the 85<sup>th</sup>-percentile speed. However, adjustments below the 85<sup>th</sup>-percentile speed may be made based on engineering judgment that includes consideration of the roadway, roadside, and traffic characteristics.

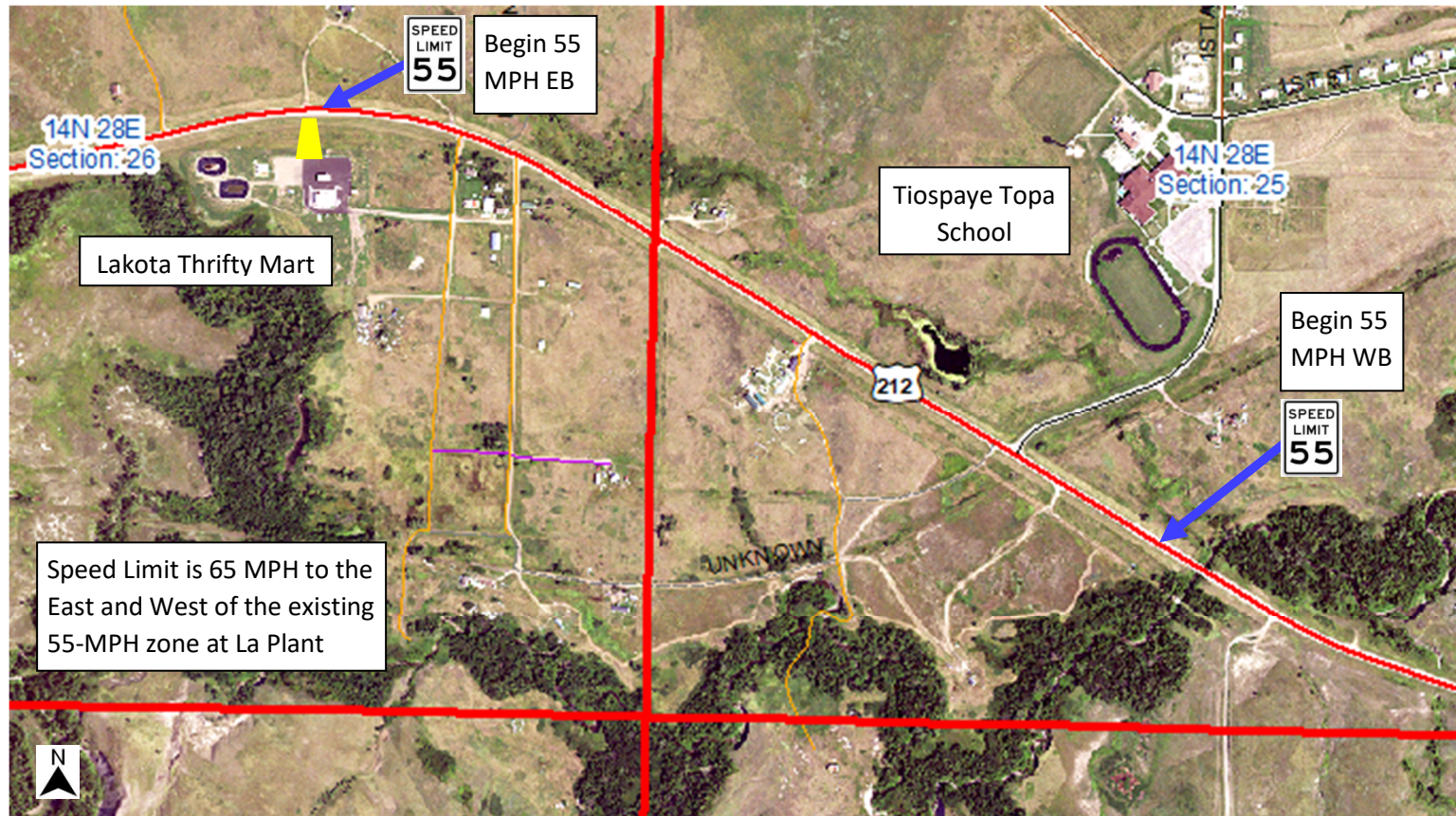
One of the characteristics for which an adjustment below the 85<sup>th</sup>-percentile speed may be made is the amount of pedestrian activity. The opening of the Lakota Thrifty Mart has increased pedestrian activity along US Highway 212 in La Plant. Many residents rely on walking as their mode of transportation to access this business. There are no existing sidewalks or pedestrian paths in this area, so pedestrians would need to use the shoulder of the highway or the ditch.

The Tiospaye Topa School is also located in La Plant, accessed via one of the intersecting roadways in this area. There are currently 146 students registered in the K-12 school with a large share of the students living in the housing area north of US Highway 212. Representatives of the Tiospaye Topa School state that they see a lot of pedestrian activity walking along US Highway 212, especially in the summer months.

Based on the engineering study of the segment of US Highway 212 through La Plant, SD, the department recommends a speed limit of 45 MPH. This segment of highway passes through a rural residential area with a higher potential for pedestrian activity.

Captain Jason Ketterling of the South Dakota Highway Patrol has been contacted and concurs with the proposed 45-MPH speed limit.

## Map of Current Speed Limit Administrative Rule on US Highway 212 at La Plant



## Map of Proposed Speed Limit Administrative Rule Amendment on US Highway 212 at La Plant

