

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
SOUTH DAKOTA TRANSPORTATION COMMISSION
NOTICE OF PUBLIC HEARING

Pursuant to the authority vested in them by SDCL 1-26, the South Dakota Transportation Commission will hold a public hearing in the Commission Room of the Becker Hansen Building at 700 East Broadway Avenue in Pierre, South Dakota on **August 28 2014**, at 9:05 am (CDT) to consider the following proposed new rules concerning the location, operation and maintenance of newspaper vending machines at interstate rest areas:

70:11:01:01 – This rule would establish definitions of terms used throughout Art. 70:11.

70:11:01:02 – This rule would authorize the permitting of newspaper vending devices at interstate rest areas as approved by the department of transportation.

70:11:01:03 – This rule would set the maximum number of vending devices per rest area at 6.

70:11:01:04 - This rule would require a separate application for each vending device at each rest area be submitted to the Region Engineer for consideration.

70:11:01:05 - This rule would describe the information that must be contained in a permit application for a newspaper vending device.

70:11:01:06 – This rule would require approval within 30 days of an application meeting all requirements.

70:11:01:07 – This rule would prescribe the issuance of permits be on a first-come first-served basis, and the period for which a permit is valid

70:11:01:08 – This rule would require the vending device owner to indemnify the state against any liability arising out of the location, operation and maintenance of a newspaper vending device at an interstate rest area.

70:11:02:01 - This rule would establish the condition and maintenance requirements for newspaper vending devices.

70:11:02:02 – This rule would require that the department of transportation approve the location at which newspaper vending devices may be maintained and operated at rest areas, so as not to interfere with or be a danger to facility users.

70:11:02:03 – This rule would require the contact information for a person responsible for maintaining the vending device be displayed on the device so as to be readily observable.

70:11:02:04 – This rule would require that the current issue of the publication be dispensed in the vending device, and would prohibit the disposal of unsold issues anywhere within the right-of-way.

70:11:02:05 – This rule would place the risk of loss or damage to a newspaper vending device on the owner of the device, unless caused by the department's negligence.

70:11:03:01 – This rule would establish noncompliance with any requirement as grounds for revocation of a permit

70:11:03:02 – This rule would provide for the notification required to be given by the department in the event of revocation of a permit.

70:11:03:03 – This rule sets the time frame for the removal by the owner of a device whose permit has been revoked, or is otherwise not in compliance with the requirements of this article.

70:11:03:04 – This rule would prohibit an applicant whose permit has been previously been revoked from reapplying for a period of 90 days, and prohibits granting a permit to an applicant who has had a newspaper vending device permit revoked three times within a five-year period.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Department of Transportation, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the Department of Transportation by **August 27, 2014**, to be considered.

After the hearing, the commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should submit a request to the department's ADA Coordinator at 605-773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

Copies of the proposed rules may be obtained without charge from:

Secretary of Transportation
Becker-Hansen Building
700 East Broadway Avenue
Pierre, South Dakota 57501-2586

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