

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

Pursuant to the authority vested in the South Dakota Transportation Commission by SDCL 1-26, the 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 Thursday, **July 27, 2017**, at 9:30 am (Central Time) to consider the proposed changes to the following rules:

70:12:02:01 – The requirements for highway and bridge improvement plans are being changed to state that the format of annual plan updates must substantially conform to the department's guidelines. This rule is also being changed to state that annual plan updates may be submitted electronically or by hard copy. These changes make clear that not only initial highway and bridge improvement plans, but also annual plan updates, must comply with the department's guidelines. These changes also clarify that annual plan updates may be submitted in the same manner as initial highway and bridge improvement plans.

70:12:02:07 – This rule is being revised to state that annual plan updates must contain up-to-date information about the five-year project list from the previous year's plan or update. The purpose of this revision is to clarify the requirements for annual plan updates.

70:12:02:08 – This rule change eliminates the deadline of December 16, 2015, which applied to county bridge improvement grant applications considered in 2016. The rule is also being revised to make clear that county grant applicants must submit highway and bridge improvement plans, or plan updates, by October 15 of the calendar year preceding the grant application deadline. These changes clarify submission deadlines that apply to county bridge improvement grant applicants. This clarification will facilitate administration of the bridge improvement grant program.

70:12:02:09 – This rule is being amended to clarify that bridge improvement grant recipients must submit highway and bridge improvement plan updates by October 15 of each year. The revised rule also explicitly allows counties to make amendments to highway and bridge improvement plans at any time. These changes will facilitate administration of the bridge improvement grant program by clarifying the process for submitting plan updates and making plan amendments.

70:12:02:12 – This rule, which establishes a process for making emergency changes to bridge improvement plans, is being repealed. The rule is being repealed because proposed changes to ARSD 70:12:02:09 would allow plan amendments to be made at any time, and for reasons that may or may not involve an emergency. Repeal of this rule will facilitate administration of the bridge improvement grant program by simplifying the process for amending bridge improvement plans.

70:13:01:02 – This rule is being amended to replace the reference to an "approved" county highway and bridge improvement plan with an "accepted" county highway and bridge improvement plan. This grammatical change will result in the consistent use of the term "accepted" in the rules dealing with the bridge improvement grant program and the highway and bridge improvement plan requirements.

70:13:01:04 – This rule addresses application and approval periods for the bridge improvement grant program. The proposed rule change sets an October 30 deadline for the Transportation Commission to consider preliminary engineering grant applications that have been submitted by August 1 of that year. This change is being made to facilitate administration of the bridge improvement grant program.

70:13:01:10 – This rule sets deadlines for bridge improvement grant project activities. Under the existing rule, any request for a deadline extension must be submitted by a grant recipient prior to the deadline. The rule is being revised to eliminate this requirement. Because the department may extend project deadlines before or after expiration of the deadlines, the existing requirement for deadline extension requests is not necessary. The rule change will facilitate administration of the grant program by eliminating this unnecessary requirement.

At the hearing, interested persons will be given reasonable opportunity to submit amendments, data, opinions, and arguments, either orally or in writing, or both. Interested persons may mail amendments, data, opinions, and arguments to the South Dakota Department of Transportation, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586 or transmit the information by e-mail to Darin.Bergquist@state.sd.us. Information submitted by mail or e-mail must reach the Department of Transportation on or before **July 21, 2017**, 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).

A copy 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

The proposed rules are also posted on the following website: <http://open.sd.gov>

Published at the approximate cost of \$_____.