

TITLE 70

DEPARTMENT OF TRANSPORTATION

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CHAPTER 70:15:01

PLATOONING

Section

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70:15:01:01. Definitions. Terms used in this chapter mean:

- (1) "Crash," any vehicle accident that triggers an obligation to provide information or make a report to law enforcement pursuant to SDCL 32-34-3, 32-34-3.1, 32-34-4, 32-34-6 or 32-34-7;
- (2) "Department," the South Dakota Department of Public Safety;
- (3) Interstate highway system," all highways on the national system of interstate highways;

(4) "Motor carrier," any person, corporation, lessee, trustee, or receiver operating any motor vehicle, trailer, or semitrailer on any public highway in this state for the transportation of agricultural or commercial goods or merchandise;

(5) "Permit-issuing authority," any highway patrol trooper, highway patrol supervisor, motor carrier inspector, or highway patrol district office personnel;

(6) "Permit vehicle," a vehicle operating under the authority of a permit issued under this chapter;

(7) "Platoon," or "platooning," two vehicles traveling in a unified manner at electronically coordinated speeds and distance intervals that are closer than otherwise allowed under §§ 32-26-40 to 32-26-42, inclusive;

(8) "Secretary," the Secretary of the South Dakota Department of Transportation;

(9) "Trip," a single directional movement of a permit vehicle from origin to destination; and

(10) "Vehicle," a motor vehicle with a gross vehicle weight rating of 26,000 pounds or more and operating without a trailer or with only a single trailer.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:02. Permit application. A permit is required to test or operate platoons. Applications for authorization to test or operate platoons must be submitted to the department on a form and in a manner approved by the department.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:03. Permit issuance. A permit-issuing authority may issue an annual permit authorizing the testing and operation of platooning for a fleet of vehicles operated by a single motor carrier. Permit issuance is at the discretion of the issuing authority, and an application for a permit does not assure permit approval. In exercising its discretion, the permit-issuing authority shall be guided by the rules in this chapter.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:04. Permit fee. A permit fee of \$60 must be paid to the department with the application. If the permit is denied, the department shall refund the fee. The department shall deposit fees in the state highway fund.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:05. Permit exemptions. No permit is required for platooning of vehicles by employees, officials or personnel of the federal government, of any state government, or of any political subdivision of this state.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:06. Reporting requirements. For the duration of each permit period, platooning permit holders shall keep records of the following information for each permit vehicle:

- (1) Number of platooning miles traveled;
- (2) Number of trips where platooning occurred for all or part of the trip;
- (3) Routes where platooning occurred; and

(4)A copy of any crash report generated by law enforcement.

Within 15 days of a written request from the department, permit holders shall submit such information to the department in the format and manner requested by the department.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:07. Authorized routes. Platooning is permitted on the interstate highway system only. From the Thursday preceding the first full weekend in August to the Sunday of the second full weekend in August, inclusive, each year, platooning is prohibited on the portion of Interstate Highway 90 beginning at milepost 0 and ending at milepost 67.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:08. Limitations due to visibility, weather, traffic and road conditions. A platooning permit is not valid when visibility is reduced to one-half mile or less by weather, dust, or smoke. A platooning permit is not valid when the road surface is slippery because of snow, ice, slush, or frost. Law enforcement officers may further restrict or prohibit platooning under any permit during periods when, in their judgment, weather, traffic or road conditions make platooning unsafe.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:09. Limitations in highway work zones. Platooning is not allowed in any highway work zone posted for restricted use pursuant to § 31-4-14.2 or limited speed pursuant to § 32-25-19.1.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:10. Proof of permit required. The driver of the permit vehicle shall provide written evidence of the permit to any law enforcement officer when the officer requests it. A legible and complete paper or electronic copy is considered written evidence of a permit.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:11. Suspension of operations. A law enforcement officer may prohibit a vehicle from platooning under a permit for any of the following reasons:

- (1) A violation of any requirement, condition or limitation contained in this chapter;
- (2) Platooning with equipment deficiencies that render the vehicle out-of-service pursuant to the enforcement criteria adopted in § 61:23:01:04; or
- (3) Failure to lawfully operate the permit vehicle during platooning.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:12. Permit revocation. The department may revoke a permit for multiple violations of one or more of the grounds for suspension set out in 70:15:01:11.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.

70:15:01:13. Appeals. Any person aggrieved by the denial, suspension, or revocation of a permit may appeal in writing to the Secretary within 10 business days after the denial, suspension or revocation. The written notice of appeal shall contain the name and address of the appellant, a copy of the denied application or the suspended or revoked permit, and the grounds for the appeal. The Secretary shall set a time and place for hearing the appeal. The hearing may not be later than 60 days after the filing of the appeal. The notice of the time and place of the hearing shall be sent by first-class mail to the appellant at least 10 days prior to the date set for hearing. The hearing shall be conducted in accordance with the provisions of SDCL chapter 1-26.

General Authority: SDCL 32-26-50.

Law Implemented: SDCL 32-26-50.