

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

462T0479

## SENATE TRANSPORTATION ENGROSSED NO. **SB 116** - 2/8/2012

Introduced by: Senators Fryslie, Begalka, Frerichs, Hansen (Tom), Hundstad, and Vehle and  
Representatives Rozum, Hickey, Kirkeby, Rausch, Scott, Sigdestad, and  
Street

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the township road  
2 system.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-13-1 be amended to read as follows:

5 31-13-1. The board of township supervisors shall construct, repair, and maintain all of the  
6 secondary township roads within the township. ~~The board shall, at its annual meeting, designate~~  
7 ~~which secondary roads are full maintenance roads and which are minimum maintenance roads.~~  
8 ~~The board of township supervisors shall publish any resolution designating a secondary road as~~  
9 ~~minimum maintenance if such road is a school route. The designation shall be final, after a lapse~~  
10 ~~of thirty days, unless appealed as provided in chapter 31-3. The township road system consists~~  
11 ~~of section line roads; judicially declared roads; roads impliedly accepted by the township~~  
12 ~~through routine performance of certain maintenance activities, such as grading, graveling and~~  
13 ~~snow removal, and accepting funds from the county pursuant to §§ 32-11-4.1, 32-11-6, and 32-~~  
14 ~~22-35 for a period of at least fifteen years; and any other roads designated by resolution of the~~



1 board as being on the township road system. A road may only be vacated through the process  
2 specified in chapter 31-3. Before a road may be added to the township road system, it shall meet  
3 the minimum requirements specified in §§ 31-18-2 and 31-13-4, unless the board, by resolution,  
4 waives this requirement.

5 Section 2. That § 31-13-1.1 be amended to read as follows:

6 31-13-1.1. The board of township supervisors may designate a ~~secondary~~ township road  
7 within the township as a minimum maintenance road if the board determines that the road or  
8 a segment of the road is used only occasionally or intermittently for passenger and commercial  
9 travel. The board shall identify the beginning and end points of the road designated as minimum  
10 maintenance. A minimum maintenance road may be maintained at a level less than the  
11 minimum standards for full maintenance roads, but shall be maintained at the level required to  
12 serve the occasional or intermittent traffic.

13 Section 3. That chapter 31-13 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 The board shall, at its annual meeting, designate which township roads are full maintenance  
16 roads and which are minimum maintenance roads. The board of township supervisors shall  
17 publish any resolution designating a township road as minimum maintenance if the road is a  
18 school route. The designation is final, after a lapse of thirty days, unless appealed as provided  
19 in chapter 31-3. Following its annual meeting, the board shall submit to the county auditor an  
20 official map showing each road on the township road system, including any road designated as  
21 a minimum maintenance road.

22 Section 4. That § 31-13-13 be amended to read as follows:

23 31-13-13. The board of supervisors of any township may jointly contract with the county of  
24 which ~~such~~ the township is a part, and also with any municipality within or adjoining ~~such~~ the

1 township, for the laying out, construction, graveling, hard surfacing, or maintenance of  
2 designated township roads. The agreement shall designate the governing board to be charged  
3 with contracting for performance of the work, provide for supervision of the work and allocate  
4 the costs between the units of government participating. The board of township supervisors may  
5 also contract with any other political subdivision, homeowners' association, or rural subdivision  
6 developer to perform maintenance work on any road that is not on the township road system.  
7 Maintenance work performed on a road under contract does not imply dedication or acceptance  
8 of the road to the township road system.