

Dear Senators DEN HARTOG, Woodward, Nelson, and
Representatives PALMER, DeMordaunt, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Idaho Transportation Department:

IDAPA 39.03.44 - Rules Governing Highway Relocation Assistance for Persons Displaced by Public
Programs (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 39-0344-2201).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 09/02/2022. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/30/2022.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Transportation Committee and the House Transportation & Defense Committee

FROM: Senior Legislative Drafting Attorney - Matt Drake

DATE: August 12, 2022

SUBJECT: Idaho Transportation Department

IDAPA 39.03.44 - Rules Governing Highway Relocation Assistance for Persons Displaced by Public Programs (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 39-0344-2201)

Summary and Stated Reasons for the Rule

The Idaho Transportation Department submits notice of proposed rulemaking at IDAPA 39.03.44 - Rules Governing Highway Relocation Assistance for Persons Displaced by Public Programs. The Department states that it is rewriting this chapter pursuant to the Governor's Red Tape Reduction Initiative, the Zero-Based Regulation E.O. 2020-01, and the Department's 5-year review schedule. The Department states that the goals of this rulemaking are to remove obsolete language, to eliminate unnecessary restrictions, to provide clarity, and to update the chapter. There appear to be no substantive changes.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no fiscal impact associated with this rulemaking.

Statutory Authority

The proposed rule changes appear to be within the statutory authority granted pursuant to Sections 40-312 and 49-201, Idaho Code.

cc: Idaho Transportation Department
Ramon Hobdey-Sanchez

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.44 – RULES GOVERNING HIGHWAY RELOCATION ASSISTANCE FOR
PERSONS DISPLACED BY PUBLIC PROGRAMS
DOCKET NO. 39-0344-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 17, 2022.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In support of the Governor's Red Tape Reduction Initiative, eight chapters under IDAPA Title 39 were up for review this year per the [Zero-Based Regulation E. O. 2020-01](#) and the [Department's 5-year review schedule](#). The goal of these rulemakings is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, provide clarity and update the respective chapters.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2023 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under docket 39-ZBRR-2201. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 4, 2022, Idaho Administrative Bulletin, [Vol. 22-5, pages 88-89](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

These Federal citations ensure compliance with the regulations associated with relocation assistance and the acquisition of real property that may be related to a project.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, please contact Ramón S. Hobdey-Sánchez at (208) 334-8810.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2022.

DATED this 7th Day of July, 2022.

Ramón S. Hobdey-Sánchez, J.D.
Office of Governmental Affairs
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
ramon.hobdey-sanchez@itd.idaho.gov
208.334.8810

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0344-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

39.03.44 – RULES GOVERNING HIGHWAY RELOCATION ASSISTANCE FOR
PERSONS DISPLACED BY PUBLIC PROGRAMS

000. LEGAL AUTHORITY.

Chapters 1 and 20, Title 40, and Chapter 11, Title 58, Idaho Code.

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001. SCOPE.

The purpose of this rule is to ensure that persons displaced as a result of all state, federal or federally assisted projects are treated fairly, consistently and equitably, so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole and further that displaced persons are dealt with in a manner that is efficient and cost effective.

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002. INCORPORATION BY REFERENCE.

01. Regulations Incorporated. 49 CFR Part 24 Uniform Relocation Assistance and Real Property Acquisition Regulations dated March 2, 1989 and amendments thereto.

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02. Availability of Records. Copies of the 49 CFR Part 24 Uniform Relocation Assistance and Real Property Acquisition Regulations can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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003. -- 999. (RESERVED)