

Dear Senators MCGEE, Hammond & Langhorst, and  
Representatives WOOD (35), Hart & Mary Lou Shepherd (2):

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

**IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes,  
Modular Buildings and Office Trailers (Docket No. 39-0317-0801)**  
**IDAPA 39.03.22 - Rules Governing Overlegal Permits for Extra-Length  
Vehicle Combinations (Docket No. 39-0322-0801)**  
**IDAPA 39.04.04 - Rules Governing Idaho Airport Aid Program  
(Docket No. 39-0404-0801)**

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  
10-13-08. 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 11-10-08.

\_\_\_\_\_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 334-2475, or send a written request to the  
address or FAX number indicated on the memorandum enclosed.

## **MEMORANDUM**

**TO:** Germane Subcommittees for Administrative Rules Review of the Senate Transportation Committee and the House of Representatives Transportation and Defense Committee

**FROM:** Mike Nugent, Principal Legislative Research Analyst

**DATE:** September 24, 2008

**SUBJECT:** Proposed Rules of the Idaho Transportation Department

1. IDAPA 39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings and Office Trailers
2. IDAPA 39.03.22 - Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations
3. IDAPA 39.04.04 - Rules Governing Idaho Airport Aid Program

The Idaho Transportation Department is proposing to promulgate three sets of proposed rules with two of those rules also being proposed as temporary rules.

### **IDAPA 39.03.17**

This first set of rules being promulgated as temporary and proposed rules would allow manufactured homes, modular buildings and office trailers to be hauled when wind speeds are up to thirty miles per hour. Under existing rules, transport is prohibited when wind speeds exceed twenty miles per hour. The Department indicates the weight and construction of these structures has improved sufficiently to withstand greater wind speeds while in transit. The rules also eliminate the wind velocity exemption for hauling these structures on a five axle truck tractor or semi-trailer combination.

### **IDAPA 39.03.22**

This second set of rules being promulgated as temporary and proposed rules would implement statutory changes that allow permitted, longer combination vehicles with multiple axle configurations, such as tandem and tri-axles to operate with single tires on those multiple axles as long as 600 pounds per inch of tire width is not exceeded. The statutes being implemented are HB 561 of 2006 and SB1051 of 2007.

#### **IDAPA 39.04.04**

This third set of rules being promulgated as proposed rules are in response to a finding by the Legislative Audits section. The Legislative Audits October, 2007, letter to the Department states:

“Formal Application for Idaho Airport Aid grants are not received as required. Administrative rules (IDAPA 39.04.04) require a formal written application to the Division of Aeronautics for each project proposed for Idaho Airport Aid grant funds. However, written applications are not received or available for all grant projects funded. Up to \$2,000 in supply distributions are issued to Idaho airports without a formal grant application being completed or approved as outlined in administrative rules. Rules for governing this program outlined in administrative rules do not make provisions for the supply program in its current format.”

#### Recommendation:

We recommend that the Department follow administrative governing the Idaho Airport Aid Program or make rule revisions to include the supply program.

The proposed rules provide new application provisions for airport maintenance and safety supplies and small projects and revise requirements for the distributions of Idaho Airport Aid Program grant funds.

It appears that all three sets of rules have been promulgated within the scope of statutory authority granted to the Transportation Department.

cc: Linda Emry, Administrative Rules Coordinator  
Idaho Department of Transportation  
Regina Phipps, Vehicle Size and Weight Specialist  
Bill Statham, Aeronautics Program Manager

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.03.17 - RULES GOVERNING PERMITS FOR MANUFACTURED HOMES, MODULAR BUILDINGS AND OFFICE TRAILERS

DOCKET NO. 39-0317-0801

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is September 1, 2008.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 40-312 and 49-1004, Idaho Code, and Section 49-1010, Idaho Code, which establishes the vehicle sizes allowed for transport.

**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 October 15, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making: This change will allow industry to haul manufactured homes, modular buildings, and office trailers when wind speeds are up to 30 miles per hour. Previously, transport was prohibited when wind speeds exceeded 20 miles per hour. The restriction was established for the safety of the operator and the traveling public. The weight and construction of these structures has improved sufficiently to withstand greater wind speeds while in transit. This change also eliminates the wind-velocity exemption for hauling these structures on a five-axle truck tractor or semi-trailer combination which provides consistency for the industry and compliance personnel.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rule change confers a benefit on the industry by relaxing a restriction on hauling. It was initiated at the request of industry and makes the restriction consistent with that of surrounding states.

**FEE SUMMARY:** Pursuant to Section 67-5226, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: Not applicable.

**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: There is no fiscal impact on the state general fund.

**NEGOTIATED RULEMAKING:** In compliance with 67-5220, Idaho Code, negotiated rulemaking was not conducted because this change confers a benefit on the regulated industry and is being promulgated at their request.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Regina Phipps, Vehicle Size and Weight Specialist at 334-8418.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 22<sup>nd</sup> day of August, 2008.

Linda L. Emry, Administrative Rules Coordinator  
Office of Governmental Affairs  
Idaho Transportation Department  
3311 West State Street  
P O Box 7129  
Boise ID 83707-1129  
Phone - 208-334-8810  
FAX - 208-332-4107

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0317-0801**

**400. GENERAL PROVISIONS.**

**01. Paneling of Open Sides of Multi-Section Modular Buildings, Manufactured Homes or Office Trailers.** Shall be rigid material, or six (6) mil plastic sheathing (or stronger) backed by a grillwork to prevent billowing and fully enclose open sides of section in transit. (8-23-98)

**02. Interior Loading.** If the manufactured home or office trailer is to transport furnishings or other loose objects they shall be secured in position for safe travel. (8-25-94)

**03. Construction.** Modular buildings shall be constructed in accordance with the Uniform Building Code as applies to design and construction requirements that will affect overall structural strength and roadability. Manufactured homes and offices shall be constructed in accordance with Federal HUD Manufactured Home Construction and Safety Standards. (8-25-94)

**04. Oversize Manufactured Homes or Office Trailers.** Oversize manufactured Homes or Office Trailers must be transported under authority of the rule. IDAPA 39.03.16, "Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads," does not apply to the transport or Manufactured Homes or Office Trailers. (4-5-00)

**05. Manufactured Homes and Office Trailers.** This rule applies only to Manufactured Homes and Office Trailers and does not apply to individual componets utilized in the manufacturing of Manufactured Homes. Permits may be issued to authorize transport of components for Manufactured Homes or Office Trailers under IDAPA 39.03.16, "Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads." (4-5-00)

**06. Signs.** All manufactured homes, modular buildings and office trailers whether hauled or towed shall be required to display an oversize load sign, even if no pilot/escort vehicle is required. The sign shall meet the following dimensions: eighteen (18) inches high by seven (7) feet wide, letter height ten (10) inches, letter type standard series C, stroke width one and five-eighths (1 5/8) inch, black letters on yellow background. (4-5-00)

**07. Warning Flags.** All manufactured homes, modular buildings and office trailers whether hauled or towed shall be required to display flags on all four (4) corners. The flags may be red or fluorescent orange. (3-23-98)

**08. Permits.** Annual permits will allow travel on the following routes at the following dimensions:

Route	Base Width	Overall Width	Height	Overall Length
Red		12' 6"	15' 6"	110'
Black	14'	18'	15' 6"	110'
Double Black	16'	18'	15' 6"	110'

Route	Base Width	Overall Width	Height	Overall Length
<p>**The double black routes are the interstate and 4 lane highways.</p> <p>**The routes referred to above are on the Pilot/Escort Vehicle and Travel Time Requirements Map.</p> <p>**When exceeding the above maximum dimensions allowed for a route, movement will be allowed only by single trip permit.</p> <p>**Manufactured homes, modular buildings and offices exceeding sixteen (16) feet overall width being towed on their own axles on two lane highways, will be required to submit for approval a traffic control plan, that lists at a minimum the following information: date of move, routes of travel, turnouts for traffic relief, and dimensions of load.</p>				

(4-5-00)

**09. Hazardous Travel Conditions Restrictions.** Extreme caution in the operation of vehicle combinations shall be exercised when hazardous conditions exist. The movement by overlegal permit of manufactured homes, modular buildings and office trailers shall be prohibited and otherwise valid permits shall automatically become invalid enroute when travel conditions become hazardous due to ice, snow or frost; when visibility is restricted to less than five hundred (500) feet by fog, dust, smoke or smog or other atmospheric condition; or when wind velocity exceeds ~~twenty thirty (230)~~ thirty (30) miles per hour. ~~The wind velocity limitation shall not apply to manufactured homes, modular buildings or office trailers transported on five (5) axle truck tractor and semi-trailer combinations similar in weight and construction to those used in general trucking operations.~~ (4-5-00)(8-1-08)T

**10. Time of Travel Requirements.** Manufactured homes, modular buildings, and office trailers exceeding ten (10) feet in width, will have daylight travel only. When less than ten (10) feet wide, twenty-four (24) hour travel will be allowed, and must meet the following requirements: (4-5-00)

- a. The lights must be visible from five hundred (500) feet; (4-5-00)
- b. The lights shall be steady burning; (4-5-00)
- c. The color of the lights shall be as follows: (4-5-00)
  - i. Lights visible from the front of the load and the extremities in the middle or near the front of the load shall be amber. (4-5-00)
  - ii. Lights visible from the back of the load and the extremities near the back of the load shall be red. (4-5-00)

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.03.22 - RULES GOVERNING OVERLEGAL PERMITS FOR EXTRA-LENGTH VEHICLE COMBINATIONS

DOCKET NO. 39-0322-0801

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is December 1, 2007.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 40-312 and 49-1004, 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 October 15, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making: Changes to this rule provide consistency with changes to statute which clarify that permitted, longer combination vehicles, with multiple axle configurations, such as tandem and tri-axles, may operate with single tires on those multiple axles as long as the 600 pounds per inch of tire width is not exceeded, per Section 49-1002, Idaho Code.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rulemaking provides consistency with statute changes in House Bill 561, 2006, and Senate Bill 1051, 2007.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: Not applicable.

**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: Not applicable.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because this rulemaking is necessary for consistency with statute.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Regina Phipps, Vehicle Size and Weight Specialist, 334-8418.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 22nd day of August, 2008.

Linda L. Emry, Administrative Rules Coordinator  
Office of Governmental Affairs  
Idaho Transportation Department  
3311 West State Street  
P O Box 7129  
Boise ID 83707-1129  
Phone – 208-334-8810  
FAX – 208-332-4107

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0322-0801**

**200. CONDITIONS AND REQUIREMENTS FOR EXTRA-LENGTH.**

Extra-length vehicle combinations shall be subject to the following conditions, limitations, and requirements:

(10-2-89)

**01. Extra-Length Vehicle Combinations.** Vehicle combinations operating with an overall length in excess of the limits imposed in Section 49-1010, Idaho Code, shall consist of not more than four (4) units, shall not exceed one hundred fifteen (115) feet overall and no such vehicle combination shall include more than three (3) cargo units except that a full truck and full trailer may have an overall length in excess of seventy-five (75) feet but not in excess of eighty-five (85) feet including load overhang. (3-20-04)

**02. Routes for Extra-Length Operations.** Shall be designated in four (4) categories: (9-4-91)

**a.** Routes for combinations not exceeding ninety (90) feet in overall length including load overhang (blue-coded routes). An extra-length combination operating on routes designated for ninety (90) foot combinations shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed five point five zero (5.50) feet on a one hundred sixty-five (165) foot radius when computed by the equation developed by Western Highway Institute (WHI) for computation of maximum vehicular off-track. (3-22-00)

**b.** Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (red-coded routes). An extra-length combination operating on routes designated for one hundred fifteen (115) foot combinations shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty-five (165) foot radius when computed by the WHI equation referred to above. (3-20-04)

**c.** Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black-coded routes). An extra-length combination operating on routes in this category shall be designed and assembled in such a manner that its off-tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seventy-five (8.75) feet when computed by the WHI equation referred to above. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off-tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off-tracking, but not in excess of seven (7) feet off-tracking, or for combinations in excess of seven (7) feet off-tracking but not in excess of eight point seventy-five (8.75) feet off-tracking. (3-22-00)

**d.** Selected state highway routes (green coded routes) for operation of an extra-length combination whereby its maximum off-tracking will not exceed three (3) feet on a one hundred sixty-five (165) foot radius when computed by the WHI equation and its overall length including load overhang does not exceed eighty-five (85) feet. Route approval shall be subject to analysis of pavement condition, bridge capacity, safety considerations, pavement width, curvature, traffic volumes and traffic operations. (8-25-94)

**03. Power Unit.** The power unit of extra-length combinations shall have adequate power and traction to maintain a minimum of fifteen (15) miles per hour under normal operating conditions on any up-grade over which the combination is operated. (10-2-89)

**04. Connecting Devices.** Fifth wheel, drawbar, and other coupling devices shall be as specified by Federal Motor Carrier Safety Regulations, Part 393, which shall be considered to be a part of this rule. (10-2-89)

**05. Weather Restrictions.** Extreme caution in the operation of an extra length vehicle combination shall be exercised when hazardous conditions such as those caused by snow, ice, sleet, fog, mist, rain, dust, or smoke adversely affect visibility or traction. Speed shall be reduced when such conditions exist. When conditions become sufficiently dangerous, the company or the operator shall discontinue operations and operations shall not be resumed until the extra length vehicle combination can be safely operated. The state may restrict or prohibit operations during periods when in the state's judgment traffic, weather, or other safety conditions make such operations unsafe or



inadvisable. (8-25-94)

**06. Trailer Weight Sequence.** In any extra-length combination, the respective loading of any trailer shall not be substantially greater than the weight of any trailer located ahead of it in the vehicle combination. (Substantially greater shall be defined as more than four thousand (4,000) pounds heavier.) (10-2-89)

**07. Operating Restrictions.** Operators of all vehicle combinations governed by this rule shall comply with the following operating restrictions: (8-25-94)

**a.** A minimum distance of five hundred (500) feet shall be maintained between combinations of vehicles except when overtaking and passing. (10-2-89)

**b.** Except when passing another vehicle traveling in the same direction, the combination shall be driven so as to remain at all times on the right hand side of the centerline of a two (2) lane, two (2) way highway, or on the right hand side of a lane stripe or marker of a highway of four (4) or more lanes. (1-1-90)

**c.** Be in compliance with all Federal Motor Carrier Safety Regulations. (3-22-00)

**08. Insurance Requirements.** Every combination operated under this rule shall be covered by insurance of not less than five hundred thousand dollars (\$500,000) combined single limit. The permittee or driver of the permitted vehicle combination shall carry in the vehicle evidence of insurance written by an authorized insurer to certify that insurance in this minimum amount is currently in force. (8-25-94)

**09. Tire Limitations.** ~~All~~ Single axles on extra-length vehicle combinations shall be equipped with four (4) tires except on the steering axle, variable load suspension axles (VLS-lift axles), ~~or axles unless~~ equipped with fifteen (15) inch wide or wider single tires. Multiple axle configurations may be equipped with single tires on each of the axles as long as the pounds-per-inch width of tire does not exceed the limits as listed in Section 49-1002, Idaho Code. (~~3-30-07~~)(12-1-07)T

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**

**39.04.04 - RULES GOVERNING IDAHO AIRPORT AID PROGRAM**

**DOCKET NO. 39-0404-0801**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rule-making procedures. The action is authorized pursuant to Sections 21-105 and 21-111, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

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 rule-making:

New application provisions for airport maintenance and safety supplies and small projects are based on recommendations from the Legislative Services Office Audit Team Memo, dated October 26, 2007. Language has been reorganized and refined to clarify requirements for the distribution of Idaho Airport Aid Program grant funds.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Not applicable.

**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 resulting from this rulemaking:

There is no impact on the state general fund.

**NEGOTIATED RULE-MAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because this action was initiated in response to a Legislative Audit. Changes were for the purpose of clarification for the benefit of the program applicants.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Bill Statham, Aeronautics Program Manager, 334-8784.

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 October 22, 2008.

DATED this 22nd day of August, 2008.

Linda L. Emry  
Administrative Rules Coordinator  
Office of Governmental Affairs  
Idaho Transportation Department  
3311 West State Street  
P O Box 7129  
Boise ID 83707-1129  
Phone - 208-334-8810  
FAX - 208-332-4107

THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0404-0801

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.04.04 "Rules Governing Idaho Airport Aid Program." IDAPA 39, Title 04, Chapter 04. ( )

02. Scope. This rule is for the discretionary allocation of ~~the Idaho Airport Aid Program~~ airport development funds by the Idaho Transportation Board. Allocations must meet high priority needs and achieve maximum benefit and use of available funds. ~~All aid projects may be~~ Allocations may require matching financial participation and are reimbursable as approved by the Board subject to restrictions the Board may impose. (+1-90)( )

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. ( )

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ( )

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. ( )

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department Division of Aeronautics maintains a central office in Boise at 3483 Rickenbacker with a mailing address of P O Box 7129, Boise ID 83707-1129. ( )

02. Office Hours. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. ( )

03. Telephone and FAX numbers. The central office may be contacted during office hours by phone at 208-334-8775 or by fax at 208-334-8789. ( )

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. ( )

007. -- 099. (RESERVED).

100. AIRPORT SPONSOR ELIGIBILITY.

The Idaho Airport Aid Program is available only to public entities that own or lease and operate a landing facility that is open to the public without use restrictions. Allocation may be made only on facilities that are not under exclusive lease or monopoly control of private individuals or corporations. The Idaho Airport Aid Program consists of grants, small projects, and maintenance and safety supplies. The grants (for scheduled projects) and small projects (for unscheduled or emergency projects) are available to municipal entities such as a city, county, airport authority, political subdivision, or public corporation, hereinafter referred to as the airport sponsor, but not to facilities operated by divisions of the state of Idaho or the Federal government. The maintenance and safety supplies are available to all public entities that own or lease and operate a landing facility that is open to the public without use restrictions. ( )

101. -- 199. (RESERVED).

200. PROJECT ALLOCATION PRIORITIES.

The discretionary allocation programs will be based on six (6) important principles. These principles are: (1-1-90)

**01. Preservation and Acquisition.** Priority will be given to the preservation and acquisition of existing aircraft landing facilities in danger of being lost. (1-1-90)

**02. Aircraft Landing Projects.** Priority will be given to projects at existing aircraft landing facilities where need is demonstrated. Projects must provide benefits associated with aircraft landing facility utilization on a statewide basis. (1-1-90)

**03. Aircraft Landing Development.** Priority will be given to the development of new, additional aircraft landing facilities in areas of greatest need: (1-1-90)

a. Large geographical areas with no "air accessibility." (1-1-90)

b. Additional new sites in urban areas where landing sites are rapidly becoming non-existent. (1-1-90)

c. Recreational area development where land availability is becoming difficult to obtain. (1-1-90)

**04. Aircraft Operations Safety.** Priority will be given to projects involving safety of aircraft operations. (1-1-90)

**05. Federal Funds.** Priority will be given to assuring maximum use and benefit of available federal funds. (1-1-90)

**06. Priority Will Be Given to Projects Which Protect Prior Public Investments.** (1-1-90)

**2300. ALLOCATION PROGRAM CRITERIA, ELIGIBILITY, AND LIMITATIONS.**

The allocation program is designed to provide the greatest and best utilization of limited Idaho ~~Aid to~~ Airport Aid Program Funds. The primary goal of the allocation program is to further the proper development of a statewide system of airports and fair distribution of aviation tax money. This policy requires: ~~(1-2-93)~~( )

**01. Master Plan.** Each city, county, airport authority, political subdivision, or public corporation ~~must,~~ hereinafter referred to as airport sponsor, should have a master plan or an airport or heliport layout plan to be eligible for participation in the allocation program. The plan must be approved by the Division of Aeronautics. ~~(1-2-93)~~( )

**02. Percentages of Cost.** Matching percentages must be determined not to exceed the following guidelines, subject to the approval of the Idaho Transportation Board: (1-1-90)

a. Municipal governments not eligible for Federal funding assistance that are supporting towns with a population of less than one thousand (1,000), which do not have an airport, may receive up to one hundred percent (100%) of the cost for a minimum standard airport to serve towns of less than one thousand (1,000) population which do not have an airport. The ~~community or county~~ airport sponsor shall provide the land required. Acceptable assurance of continuing operation and maintenance over a twenty (20) year period under the guidance of a Citizen's Advisory Council shall be provided. ~~(1-1-90)~~( )

b. Airport sponsors not eligible for Federal funding assistance that are supporting towns with a population of less than one thousand (1,000) may receive up to ninety percent (90%) of the cost for maintenance and upgrade of a minimum standard airport. Acceptable assurance of continuing operation and maintenance over a twenty (20) year period under the guidance of a Citizen's Advisory Council shall be provided. ( )

b.c. For Airport sponsors not eligible for Federal funding assistance that are supporting towns with a population of less than one thousand up to five thousand (5,000), but more than one thousand (1,000) population, a State financial participation grant of may receive up to seventy-five percent (75%) of project cost may be approved for maintenance and upgrade of a minimum standard airport. Acceptable assurance of continuing operation and maintenance over a twenty (20) year period under the guidance of a Citizen's Advisory Council shall be provided. ~~(1-1-90)~~( )

d. Airport sponsors not eligible for Federal funding assistance that are supporting towns with a population of more than five thousand (5,000) may receive up to fifty percent (50%) of the cost for maintenance and upgrade of a minimum standard airport. Acceptable assurance of continuing operation and maintenance over a twenty (20) year period under the guidance of a Citizen's Advisory Council shall be provided. ( )

ee. ~~All other projects, whether new or reconstruction of existing facilities~~ Airport sponsors eligible for Federal funding assistance, may be considered for State funding assistance up to fifty percent (50%) ~~state aid for the project. Participation for any project shall be considered at a maximum of half of the sponsor's share if when using Federal aid for the cost of maintenance and upgrade of existing facilities.~~ If no Federal participation, each such project shall be considered on its merit. The amount of State financial aid will be negotiated in each case. (+-1-90)( )

f. All airport sponsors eligible for funding under IDAPA 39.04.04, "Rules Governing Idaho Airport Aid Program," may apply to participate in the maintenance and safety supplies program. This is part of the discretionary allocation program that provides at no charge or a reduced charge for the following such items: ( )

- i. Runway and taxiway light fixtures, bulbs, and parts; ( )
- ii. Rotating beacon fixtures; ( )
- iii. Windsocks, windsock frames and standards; ( )
- iv. Tie-down chain sets; ( )
- v. Utility light bulbs; and ( )
- vi. Taxiway reflectors. ( )

g. All municipal airport sponsors eligible for funding under IDAPA 39.04.04, may apply to participate in the small projects program which provides grant funding assistance of less than two thousand dollars (\$2,000) for unscheduled or emergency improvements, with approval from the aeronautics administrator, from the current years allocation. ( )

**03. Face Value Contributions.** Labor and equipment contributions by the airport sponsor may be approved at face value in force-account financial evaluation as matching funds. ~~However, allowance~~ The following items will not be ~~made~~ eligible for force-account contribution: (+-1-90)( )

- a. Land values previously acquired. (1-1-90)
- b. ~~Previous~~ Buildings construction or improvements. (+-1-90)( )
- c. Previous State or FAA grants. (1-1-90)

**04. Public Funds Protection.** In order to protect the investment of public funds, the Idaho Transportation Board may require proof of ownership or lease of all land upon which any project is proposed, and that the airport be zoned to prevent the creation or establishment of structures or objects of natural growth which would constitute hazards or obstructions to aircraft operating to, from, or in the vicinity of the subject airport. (+-2-93)( )

**05. Applications for Aid.** ( )

a. Each project ~~received~~ submitted for funding consideration from airport sponsors not eligible for Federal funding assistance will be presented in a written application for aid which outlines economic capability and source of funds. The application form will be supplied by the Division of Aeronautics. Eligibility and priority will be determined by an annual revision of a State allocation program for airport improvement. ~~Projects deemed by the~~

~~Board to require special legislative appropriations will be submitted for legislative support and consideration.~~  
(1-1-90)( )

**b.** Each project application submitted for funding consideration from airport sponsors that are eligible for Federal funding assistance will consist of a full and complete copy of the federal application for assistance. ( )

**c.** Each request for participation in the maintenance and safety supplies program or the small projects program must be made through written, telephone, or electronic request. ( )

**d.** Projects deemed by the Board to require special legislative appropriations will be submitted for legislative support and consideration. ( )

**06. Projects Other Than Allocation Plan.** All projects ~~considered~~ other than the annual allocation plan will be individually considered and acted upon at a regular meeting of the Board. All projects will be resolved by eligibility and priorities established by each year's review of the total State need. The availability of funds, or legislative appropriations, shall always be the final determination of grant approvals. Consideration of all factors, including relative needs and priorities involved in an airport construction project will be considered. Attention will be given to effort made at the sponsor's level to assure availability of continuing financing and management support to keep the airport in good repair. (1-1-90)( )

**07. Granted Allocation Items.** Allocations may be granted for the following items: (1-1-90)

**a.** Development of required airport planning, land ownership, airspace, land use compatibility, and land use zoning documents. (1-1-90)( )

**b.** Land acquisition for development and improvement of aircraft landing facilities. (1-1-90)

**c.** Grading and drainage necessary for construction or reconstruction of runways or taxiways. (1-1-90)

**d.** Construction or reconstruction of runways or taxiways. (1-1-90)

**e.** Acquisition of "runway ~~clear~~ protection zones" as defined in current regulations of the Federal Aviation Administration. (1-1-90)( )

**f.** Acquisition of easements through or other interests in airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an aircraft landing facility. (1-1-90)

**g.** Removal of natural obstructions from runway ~~clear~~ protection zones. (1-1-90)( )

**h.** ~~Original~~ Installation or rehabilitation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration. (1-1-90)( )

**i.** ~~Original~~ Installation or rehabilitation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment. (1-1-90)( )

**j.** ~~Original~~ Erection or rehabilitation of appropriate security fencing around the perimeter of an aircraft landing facility. (1-1-90)( )

**k.** Grading and drainage necessary to provide for parking of transient general aviation aircraft. (1-1-90)

**l.** Air navigation facilities. (1-1-90)

**m.** Such other capital improvements as may be designated by the Board. (1-1-90)

~~n. Allocation may be made only on publicly owned/public use facilities. Allocations will not be made on airport or heliport facilities under exclusive lease or monopoly control of private individuals or corporations. New building construction of public use facilities such as storage hangars, pilot lounge, rest rooms, etc., that are owned by the airport sponsor. (1-1-90)( )~~

~~08. **Eligibility.** Only public entities are eligible to participate in the Idaho Airport Aid Program. Any county, as described in Title 31, Chapter 1, Idaho Code, legal subdivisions thereof; cities, villages, or agencies designated in Sections 21-105 and 21-142 (10), Idaho Code, shall be deemed eligible public entities for the purpose of participation in the Idaho Airport Aid Program. (1-2-93)~~

~~2301. -- 999. (RESERVED).~~