



Eric Milstead
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

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

FROM: Matt Drake - Legislative Drafting Attorney

DATE: April 07, 2021

SUBJECT: Temporary Rule

IDAPA 39.03.43 - Rules Governing Utilities on State Highway Right-of-Way - Adoption of Temporary Rule - Docket No. 39-0343-2101

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Matt Drake at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.43 – RULES GOVERNING UTILITIES ON STATE HIGHWAY RIGHT-OF-WAY
DOCKET NO. 39-0343-2101
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is the *sine die* adjournment of the 1st Regular Session of the 66th Idaho Legislature.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 40-312, 49-201, and 67-5229 Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rulemaking reinstates the administrative appeals language that was mistakenly removed. This rulemaking corrects that technical error.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The administrative appeals section that was inadvertently deleted identifies the authority Department customers and partners use for the appeals process under this chapter.

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, please contact Ramón Hobdey-Sánchez at (208) 334-8810.

DATED this 18th Day of March, 2021.

Ramón S. Hobdey-Sánchez, J.D.
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 39-0343-2101
(Only Those Sections With Amendments Are Shown.)

002. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by Section 2.4 “Administrative Appeal” of the “Utility Accommodation Policy” incorporated by reference. (SD 2021)T

0023. INCORPORATION BY REFERENCE.

The Idaho Transportation Department incorporates by reference the July 2003 Edition of “Utility Accommodation Policy.” This publication is available for public inspection and copying at the Office of the Utilities/Railroad Engineer at the Idaho Transportation Department central office, or the District offices, or the Idaho Transportation Department Website at <http://itd.idaho.gov>. (3-30-07)

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