

TITLE 40
HIGHWAYS AND BRIDGES

CHAPTER 5
IDAHO TRANSPORTATION DEPARTMENT

40-501. TRANSPORTATION DEPARTMENT. An Idaho transportation department is established, and for the purposes of section 20, article IV of the constitution of the state of Idaho, is an executive department of state government. The department shall have as its head the Idaho transportation board, established by [chapter 3, title 40](#), Idaho Code.

[40-501, added 1985, ch. 253, sec. 2, p. 613.]

40-502. MAINTENANCE OF STATE HIGHWAYS. All state highways shall be maintained by the department at state expense, including sections of state highways located within local highway jurisdictions, except that in local highway jurisdictions where state highway sections are built to local highway jurisdictions standards, such as with curbs, sidewalks and areas available for parking and bus stops, the department shall maintain at state expense only the width of traveled way required for the movement of through highway traffic. The width of traveled way to be maintained at state expense shall not exceed the width of the traveled way of the state highways approaching the incorporated areas.

[40-502, added 1985, ch. 253, sec. 2, p. 613; am. 1998, ch. 258, sec. 2, p. 861.]

40-503. OFFICES -- APPOINTMENT -- QUALIFICATIONS -- COMPENSATION. (1) An office of the director of the Idaho transportation department is established, and the board shall appoint a director having knowledge and experience in transportation matters. The director shall serve at the pleasure of the board. The director shall not hold any other public office, nor any office in any political committee or organization, and shall devote full time to the performance of his official duties. The director shall receive compensation as the board may determine and shall be reimbursed for all actual and necessary travel and expenses incurred by him in the discharge of his official duties, not to exceed a sum approved by the board. Subject to the approval of the board, the director shall appoint a chief engineer of the department who shall serve at the pleasure of the director and the board, and who shall be exempt from the provisions of [chapter 53, title 67](#), Idaho Code.

(2) An office of the chief engineer of the department is established, and the chief engineer shall be a registered professional engineer, holding a current certificate of registration in accordance with the laws of this state, or who, having those qualifications shall within nine (9) months after his appointment, qualify as a registered professional engineer in accordance with the laws of Idaho. The chief engineer shall also have had five (5) years of actual experience in highway engineering, at least three (3) of which shall have been in an administrative capacity involving the direction of a substantial technical engineering staff. The chief engineer shall not hold any other public office, nor any office in any political committee or organization, and shall devote full time to the performance of his official duties under the control and direction of the director. The chief engineer

shall receive compensation and reimbursement for travel and expenses as may be established by the director.

[40-503, added 1985, ch. 253, sec. 2, p. 613; am. 2016, ch. 53, sec. 1, p. 149.]

40-504. DIRECTOR -- BOND. Before entering upon the duties of his office, the director shall swear or affirm that he holds no other public office, nor any position under any political committee or organization. The affirmation shall be filed in the office of the secretary of state. The director shall be bonded to the state of Idaho in the time, form and manner prescribed by [chapter 8, title 59](#), Idaho Code. The premium on the bond shall be a charge against the state, to be audited, allowed and paid as are other claims, out of the state highway and state aeronautics accounts.

[40-504, added 1985, ch. 253, sec. 2, p. 614.]

40-505. DIRECTOR -- DUTIES AND POWERS. The director shall be the technical and administrative officer of the board and under the board's control, supervision and direction, shall have general supervision and control of all activities, functions and employees of the department. He shall enforce all provisions of the laws of the state relating to the department, the rules and regulations of the board, and shall exercise all necessary incidental powers.

[40-505, added 1985, ch. 253, sec. 2, p. 614.]

40-506. COMPENSATION FOR TAKING CERTAIN PROPERTY. (1) The department is authorized to acquire by purchase, gift or condemnation, all advertising displays and any property rights pertaining to them, when those advertising displays are required to be removed under the provisions of [chapter 19, title 40](#), Idaho Code.

(2) In any appropriation for this purpose the department shall pay compensation under existing eminent domain law only for the following:

- (a) The taking from the owner of a sign, display, or device of all right, title, leasehold, and interest in the sign, display or device; and
- (b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain signs, displays and devices on that property. Where setback easements restricting the erection of structures or advertising displays have been recorded by the state on land where those structures have been erected, the landowner of the land shall be deemed to have been fully compensated for them.

(3) In any action at law instituted by the department under this section the state shall not be required, as a prerequisite, to the taking of or appropriation to comply with section [7-704](#) 2. or section [7-707](#) 7., Idaho Code.

[40-506, added 1985, ch. 253, sec. 2, p. 614; am. 1997, ch. 156, sec. 2, p. 452; am. 2006, ch. 450, sec. 2, p. 1340.]

40-507. CONSTRUCTION AND MAINTENANCE OF INFORMATION CENTERS. (1) The department may design, erect, authorize, supervise and maintain information centers at safety rest areas in a number and at locations as it may determine

to be necessary to meet the need of safety and effectively provide information of specific interest to the traveling public.

(2) Outdoor advertising placed within information centers shall be subject to all provisions of this title and all regulations promulgated by the board pursuant to the provisions of this title.

(3) Application for a permit to place outdoor advertising within an information center shall be made on a form prescribed by the department, and all permits shall be issued for a period of at least one (1) year. The department shall charge or authorize fees for the permit and for renewal sufficient to amortize the cost of the structure within an information center upon which the outdoor advertising is placed within the expected life of the structure, and sufficient to pay for the maintenance of the structure.

(4) The department will allow posters and signs to be placed by nonprofit anti-human trafficking organizations in or around safety rest areas. The posters and signs must be at least eight and one-half by eleven inches (8 1/2" x 11") in size, must be mounted as tamper and vandalism resistant, and must contain toll-free telephone numbers and/or emergency contact numbers for victims of human trafficking, including the number for the "National Human Trafficking Resource Center" and the number for the Idaho state office of crime victims advocacy. The posters and signs may include text in a variety of languages. The posters and signs will be covered by a permit if the safety rest area or turnout is part of the highway right-of-way. Posters and signs containing the aforementioned contact numbers shall have all costs for the sign, installation, and/or maintenance provided by the aforementioned nonprofit anti-human trafficking organization(s). Temporary installation permits can include a memorandum of understanding (MOU), and encroachment permit, or a special event permit. The cost of poster and sign installment and maintenance shall be covered in the permit or MOU normally at the expense of the requestor.

(5) As used in subsection (4) of this section:

(a) "Emergency contact numbers" means a hotline that is: available twenty-four (24) hours a day, seven (7) days a week; toll-free; operated by a nonprofit, nongovernmental organization; anonymous and confidential; and able to provide help, referral to services, training and general information;

(b) "Human trafficking" means the illegal movement of people, typically for the purposes of forced labor or commercial sexual exploitation;

(c) "Safety rest area" means a roadside area with restrooms and other facilities for the use of motorists.

[40-507, added 1985, ch. 253, sec. 2, p. 614; am. 2015, ch. 207, sec. 1, p. 635.]

40-508. TRAFFIC SAFETY COMMISSION CREATED -- MEMBERSHIP. (1) An Idaho traffic safety commission is established within the department.

(2) The commission shall be composed of not more than fifteen (15) members appointed by the director, who shall include the chairman of the transportation and defense committee of the house of representatives of the state and the chairman of the transportation committee of the senate of the state, plus the director or his representative who shall act as chairman. Members shall be representative of state and local traffic oriented agencies, the legislature, the judiciary, and private organizations and citizen groups.

(3) The director shall employ necessary personnel, shall have general supervision and control of all activities, functions and employees, and shall enforce all provisions of the laws of the state relating to highway safety programs and administer any other activities as may be required by the federal highway safety act of 1966 and any amendments to it, and the rules and regulations of the board pertaining to it.

[40-508, added 1985, ch. 253, sec. 2, p. 615.]

40-509. DUTIES OF TRAFFIC SAFETY COMMISSION. The commission shall:

(1) Periodically review traffic safety problems in Idaho and develop effective plans for additional local-state cooperative activities;

(2) Recommend to the director those agency programs and political subdivision programs to receive federal aid for highway safety in accordance with uniform federal standards;

(3) Advise and recommend to the director future traffic accident prevention activities; and

(4) Carry out any other activities as may be required by the federal highway safety act of 1966 and any amendments to it.

[40-509, added 1985, ch. 253, sec. 2, p. 615.]

40-510. PORTS OF ENTRY OR CHECKING STATIONS ESTABLISHED -- MOTOR VEHICLE INVESTIGATOR ACTIVITIES -- AUTHORITY OF THE BOARD TO EMPLOY INDIVIDUALS. (1) To augment and help make more efficient and effective the enforcement of certain laws of the state of Idaho, the Idaho transportation department is hereby authorized and directed to establish from time to time temporary or permanent ports of entry or checking stations upon any highways in the state of Idaho, at such places as the Idaho transportation department shall deem necessary and advisable.

(2) The board is authorized to appoint and employ individuals who shall have limited peace officer authority for the enforcement of such motor vehicle related laws as are herein specified:

(a) Sections [18-3906](#) and [18-8001](#), Idaho Code;

(b) Sections [25-1105](#) and [25-1182](#) (2), Idaho Code;

(c) Sections [40-510](#) through [40-512](#), Idaho Code;

(d) Chapters 1 through 5, 9, 10, 15 through 19, 22 and 24, [title 49](#), sections [49-619](#), [49-660](#), [49-1407](#), [49-1418](#) and [49-1427](#) through [49-1430](#), Idaho Code;

(e) Authorized use of motor fuel on the highways and international fuel tax agreement (IFTA) provisions of [chapter 24, title 63](#), Idaho Code; and

(f) Section [67-2901A](#), Idaho Code.

(3) Motor vehicle investigators shall have the authority to access confidential vehicle identification number information.

(4) Any employee so appointed shall have the authority to issue misdemeanor traffic citations in accordance with the provisions of section [49-1409](#), Idaho Code, and infraction citations in accordance with the provisions of [chapter 15, title 49](#), Idaho Code.

(5) No employee of the department shall carry or use a firearm of any type in the performance of his duties unless specifically authorized in writing by the director of the Idaho state police to do so.

(6) The board is authorized to extend the authority as provided in this section to authorized employees of contiguous states upon approval of a bilateral agreement according to the provisions of section [40-317](#), Idaho Code.

[(40-510) 67-2926, added 1950 (E.S.), ch. 15, sec. 1, p. 26; am. 1953, ch. 218, sec. 1, p. 333; am. 1974, ch. 27, sec. 193, p. 811; am. 1982, ch. 95, sec. 140, p. 275; am. and redesignated 1991, ch. 288, sec. 6, p. 746; am. 1999, ch. 383, sec. 2, p. 1053 am. 2000, ch. 303, sec. 1, p. 1034; am. 2000, ch. 469, sec. 103, p. 1557; am. 2006, ch. 31, sec. 1, p. 94; am. 2015, ch. 38, sec. 17, p. 88.]

40-511. STOPPING AND INSPECTION. (1) Wherever by the laws of the state of Idaho any vehicle with a maximum gross weight or registered gross weight, or operated at a gross weight of twenty-six thousand one (26,001) pounds or more, excepting those transporting livestock or placardable quantities of hazardous materials, is used to transport any merchandise, product or commodity within the state, within the state to without the state, or from without the state to within the state, the owner or operator of either the motor vehicle or trailer, as defined in [chapter 1, title 49](#), Idaho Code, used to transport such merchandise, product or commodity is hereby required to stop at such ports of entry or checking stations established by the Idaho transportation department and submit to inspection, grading or weighing, for compliance with the laws of the state of Idaho.

(2) Vehicles or combinations of vehicles with a maximum gross weight of ten thousand (10,000) pounds or more transporting livestock or placardable quantities of hazardous materials are required to stop at all ports of entry or checking stations established by the Idaho transportation department.

(3) It shall be the duty of such owner or operator of every motor vehicle or trailer to drive the motor vehicle or trailer upon any state owned stationary or portable scale or private scale, certified by the state of Idaho when requested to do so by any peace officer, excepting fish and game officers, or authorized employees of the Idaho transportation department.

(4) Authorized employees of the transportation department may stop any vehicle with a maximum gross weight of eighteen thousand (18,000) pounds or more by displaying a flashing red light if the authorized employee has probable cause to believe the vehicle bypassed a weighing or inspection station or proceeded through the station without regard for the directional signals. Authorized employees may direct a vehicle which has bypassed a weighing or inspection station or has proceeded through the station without regard for the directional signals, to return to the bypassed inspection or weighing station and may issue a citation for failure to stop as required in this section. The operator of a vehicle shall bring the vehicle to a stop, pulling off the traveled portion of the highway when directed to do so by an authorized employee of the transportation department by use of emergency lights or siren.

[(40-511) 67-2927, added 1950 (E.S.), ch. 15, sec. 2, p. 26; am. 1970, ch. 54, sec. 1, p. 133; am. 1974, ch. 27, sec. 194, p. 811; am. 1982, ch. 95, sec. 141, p. 275; am. 1988, ch. 265, sec. 583, p. 878; am. and redesignated 1991, ch. 288, sec. 7, p. 746; am. 1992, ch. 111, sec. 1, p. 341; am. 1997, ch. 233, sec. 1, p. 682; am. 1999, ch. 393, sec. 1, p. 1091; am. 2006, ch. 31, sec. 2, p. 94.]

40-512. PENALTIES. Any person failing to stop at any port of entry or checking station when so required by the provisions of section [40-511](#), Idaho Code, or, failing to submit to the inspection, grading or weighing required by any law of the state of Idaho, shall be guilty of a misdemeanor.

[(40-512) 1950 (E.S.), ch. 15, sec. 3, p. 26; am. 1970, ch. 54, sec. 2, p. 133; am. and redesignated 1991, ch. 288, sec. 8, p. 747.]

40-513. VETERANS MEMORIAL CENTENNIAL BRIDGE ESTABLISHED. The Bennett Bay bridge located on interstate highway I-90 in Kootenai county shall be designated as the "Veterans Memorial Centennial Bridge" to honor those persons who served in the armed forces during periods of wartime as defined by congress. The transportation department shall erect suitable signs so designating the bridge as the veterans memorial centennial bridge.

[40-513, added 1992, ch. 105, sec. 1, p. 327.]

40-513A. DESIGNATION OF THE I.B. PERRINE BRIDGE. The bridge spanning the Snake River Canyon on U.S. Highway 93 south of Interstate Highway 84 near the city of Twin Falls, Idaho, shall be designated as the "I.B. Perrine Bridge" to honor I.B. Perrine for his part as founder and father of the Twin Falls area. His dream for agriculture and his efforts to bring water to the valley set in motion the development we see today. The transportation department shall erect suitable signs so designating the bridge as the "I.B. Perrine Bridge."

[40-513A, added 2000, ch. 197, sec. 1, p. 489.]

40-513B. PORTION OF U.S. HIGHWAY 95 DESIGNATED AS STU DOPF MEMORIAL HIGHWAY. That portion of United States Highway 95 through the canyon between Midvale and Cambridge shall be known and designated as the "Stu Dopf Memorial Highway" in honor of the journalist who was interested in increasing the ease and safety of travel along U.S. Highway 95. The Idaho transportation department shall identify areas suitable for posting markers along that portion of U.S. Highway 95 indicating its designation as the Stu Dopf Memorial Highway.

[40-513B, added 2001, ch. 352, sec. 1, p. 1234.]

40-513C. DESIGNATION OF PURPLE HEART TRAIL. That portion of interstate highway I-90 located in Idaho is the Idaho portion of the national purple heart trail. The Idaho transportation department shall design and construct signs indicating the highway number, the designation as the purple heart trail, and any other appropriate information. The department shall erect a sign at each end of the highway and markers at intermediate sites along the highway that the department determines are appropriate. The department is required to design, construct, and erect the signs and markers only to the extent that moneys are provided for this purpose through private donations, grants, awards or other moneys.

[40-513C, added 2008, ch. 215, sec. 1, p. 671.]

40-513D. STATE HIGHWAY 3 DESIGNATED AS NORTH IDAHO MEDAL OF HONOR HIGHWAY. State highway 3, connecting U.S. highway 12 near Spalding with interstate 90 near Rose Lake, shall be designated as the "North Idaho Medal of Honor Highway" to honor Idahoans awarded the congressional medal of honor for their service in our armed forces. The Idaho transportation department shall identify areas suitable for posting markers along state highway 3 indicating its designation as the "North Idaho Medal of Honor Highway."

[40-513D, added 2011, ch. 48, sec. 1, p. 114.]

40-513E. DESIGNATION OF VIETNAM VETERANS MEMORIAL HIGHWAY. That portion of interstate highway I-84 located in Idaho is designated as the Vietnam veterans memorial highway. The Idaho transportation department shall design and construct signs indicating the highway number, the designation as the Vietnam veterans memorial highway and any other appropriate information. The department shall erect a sign at each end of the highway and markers at intermediate sites along the highway that the department determines are appropriate. The department is required to design, construct and erect the signs and markers only to the extent that moneys are provided for this purpose through private donations, grants, awards or other moneys.

[40-513E, added 2014, ch. 19, sec. 1, p. 26.]

40-513F. DESIGNATION OF THE IDAHO MEDAL OF HONOR HIGHWAY. That portion of U.S. highway 20 located in Idaho shall also be known as the "Idaho Medal of Honor Highway." The Idaho transportation department shall design and construct signs indicating the designation as the "Idaho Medal of Honor Highway" and any other appropriate information. The department shall erect a sign at each end of the highway and markers at intermediate sites along the highway that the department determines are appropriate. The department is required to design, construct, and erect the signs and markers only to the extent that less than thirty thousand dollars (\$30,000) of existing dedicated funds are provided for this purpose as determined by the transportation board. Design of the signs should be similar to the signs currently erected on U.S. highway 20 at the time of enactment of this legislation. Signs shall identify the highway as the "Idaho Medal of Honor Highway" and include the three (3) different designs of the medal of honor.

[40-513F, added 2019, ch. 65, sec. 1, p. 157.]

40-514. PUBLIC TRANSPORTATION SERVICES -- PUBLIC TRANSPORTATION SERVICES ADVISORY COUNCIL CREATED -- INTERAGENCY WORKING GROUP CREATED -- DEPARTMENT SUPPORT. (1) All state agencies except the department of education, and all public entities that use public funds to provide public transportation services within the state shall report not less often than semiannually to the department the amount of funding expended, audits conducted, the number of passengers carried, the agency vehicles used and the vehicle miles driven to provide transportation for Idaho citizens. Upon receipt of such information, the department shall:

- (a) Develop a uniform data collection and reporting system; information from said system shall be submitted annually to the joint finance-appropriations committee of the Idaho legislature; and as public information, it shall also be available upon request;
- (b) In cooperation with other state agencies and public entities, develop a comprehensive plan for public transportation; and
- (c) Provide assistance to operators of local and regional transportation systems that are consistent with public program objectives of the state plan.

(2) There is hereby created the public transportation advisory council to advise the Idaho transportation department on issues and policies regarding public transportation in Idaho. The council shall participate in planning activities, identify transportation needs, and promote coor-

dinated transportation systems. Before setting programs and priorities, the council shall seek pertinent information, facts and data from local governments, agencies and providers regarding rural public transportation issues.

The advisory council shall be composed of six (6) members appointed by the Idaho transportation board. Appointed members shall be representatives of local governments and agencies, private organizations, citizen groups and private providers that have an interest in public transportation, and people with disabilities and the elderly who utilize public transportation. The board shall appoint said members from recommendations submitted by said organizations, groups, providers, users and state agencies in each district. One (1) member shall be appointed from each of the six (6) transportation department director districts as provided in section [40-303](#), Idaho Code. The term of each member shall be three (3) years and the initial appointments to the council shall be such that two (2) members shall be appointed each year thereafter.

The council is authorized to meet three (3) times per year with additional meetings as authorized by the board.

Members of the advisory council shall be reimbursed according to the provisions of section [59-509](#) (g), Idaho Code.

(3) The director of the Idaho transportation department together with the directors of the affected state agencies shall establish an interagency working group to advise and assist the department in analyzing public transportation needs, identifying areas for coordination, and developing strategies for eliminating procedural and regulatory barriers to coordination at the state level. The group shall undertake detailed work assignments related to transportation services which promote cooperation and collaboration among systems.

The working group shall be composed of a representative from the office of the governor and one (1) staff representative from each of the following agencies which expend public funds for transportation services or associations representing public transportation interests:

- (a) Idaho commission on aging;
- (b) Idaho head start association;
- (c) Two (2) representatives from the Idaho department of health and welfare, one (1) of whom shall represent the division of medicaid;
- (d) Idaho department of education;
- (e) Idaho transportation department;
- (f) Community transportation association;
- (g) Idaho council on developmental disabilities;
- (h) Division of vocational rehabilitation; and
- (i) Idaho department of labor, workforce development council.

Ex officio members may be appointed to the group as deemed necessary. Members of the working group representing state agencies shall be reimbursed by their respective agencies according to the provisions of section [59-509](#) (b), Idaho Code.

(4) The interagency working group established in subsection (3) of this section shall:

- (a) Meet at least once in each calendar quarter; and
- (b) Discuss all agenda items submitted to it by any member of the group; and
- (c) Provide notice of each meeting at least two (2) weeks in advance of the meeting; and

(d) Annually elect a chairman from among its members; such person shall not serve consecutive terms as chairman.

(5) The department shall provide the administrative support required by the council and the interagency working group.

[40-514, added 1992, ch. 149, sec. 4, p. 449; am. 1996, ch. 35, sec. 2, p. 89; am. 2000, ch. 417, sec. 2, p. 1329.]

40-528. FEDERAL TRANSIT ADMINISTRATION AUTHORITY. (1) The Idaho transportation department and its director are the designated recipients for the federal transit administration funding for the rural transit program and the small urban transit program within the state of Idaho.

(2) Notwithstanding the provisions of subsection (1) of this section:

(a) The department is not the designated recipient for large urbanized areas as determined and defined by the United States department of commerce, bureau of the census; and

(b) The department is not the designated recipient for any qualifying urbanized area identified by the governor prior to July 1, 2011.

[40-528, added 2012, ch. 22, sec. 1, p. 77; am. 2015, ch. 244, sec. 24, p. 1022.]