

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### Division of Highways

#### 39.03.48 – Rules Governing Routes Exempt From Local Plans and Ordinances

##### **Who does this rule apply to?**

*This rule applies to local jurisdictions including cities, counties and highway districts.*

##### **What is the purpose of this rule?**

*The purpose of this rule is to follow-up on a provision contained within Idaho's Local Planning Act concerning the designation of transportation systems of statewide importance which are exempt from local plans and ordinances. The legislative intent is to prevent local control over improvements to transportation systems of statewide importance. However, it is recognized by the Idaho Transportation Board that local regulations are necessary to achieve the future location, relocation, realignment and other improvements to the state highway system in accordance with the Idaho Transportation Board's plans.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Highways and Bridges -

Idaho Transportation Board:

- [40-310, Idaho Code](#) – Powers and Duties — State Highway System
- [40-312, Idaho Code](#) – Powers and Duties — Rules and Regulations

State Government and State Affairs -

Local Land Use Planning:

- [67-6528, Idaho Code](#) – Applicability of Ordinances

##### **Who do I contact for more information on this rule?**

Idaho Transportation Department

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**39.03.48 – RULES GOVERNING ROUTES EXEMPT FROM LOCAL PLANS AND ORDINANCES**

**000. LEGAL AUTHORITY.**

The Idaho Transportation Board is authorized by Section 40-312, Idaho Code, to prescribe and enforce rules and regulations affecting state highways; by Section 40-310, Idaho Code, to determine which highways or sections of highways shall be part of the state highway system; and by Section 67-6528, Idaho Code, to identify the major transportation systems of statewide importance which would be exempt from local plans and ordinances as adopted according to Chapter 65, Title 67, Idaho Code. (3-31-22)

**001. TITLE AND SCOPE.**

This rule is titled IDAPA 39.03.48, “Rules Governing Routes Exempt from Local Plans and Ordinances.” The purpose of this rule is to follow-up on a provision contained within Idaho’s Local Planning Act concerning the designation of transportation systems of statewide importance which are exempt from local plans and ordinances. The intent of this legislative provision is to prevent local control over improvements to transportation systems of statewide importance. However, it is recognized by the Idaho Transportation Board that local regulations are necessary to achieve the future location, relocation, realignment and other improvements to the state highway system in accord with the Idaho Transportation Board’s plans. (3-31-22)

**002. -- 099. (RESERVED)**

**100. STATE HIGHWAY SYSTEM DESIGNATION.**

The state highway system consists of those major highway transportation routes designated by the Idaho Transportation Board pursuant to Section 40-310, Idaho Code, and is hereby determined to be part of the “transportation systems of statewide importance” for the purposes of Section 67-6528, Idaho Code. (3-31-22)

**101. -- 199. (RESERVED)**

**200. LOCAL AGENCIES.**

This rule is not intended to discourage state/local agreements or to preclude the cities and counties from adopting and implementing: Zoning Ordinances (Section 67-6511, Idaho Code); Special Use Permits (Section 67-6512, Idaho Code); Subdivision Ordinances (Section 67-6513, Idaho Code); Planned Unit Developments (Section 67-6515, Idaho Code); Future Acquisition Maps (Section 67-6517, Idaho Code); Standards (Section 67-6518, Idaho Code); and Permit Granting Processes (Section 67-6519, Idaho Code). The Idaho Transportation Board supports a continued cooperative relationship with cities and counties concerning local ordinances pursuant to Section 67-6511 through Section 67-6519, Idaho Code, where such ordinances are beneficial to the state highway system. (3-31-22)

**201. -- 299. (RESERVED)**

**300. EXISTING STATE HIGHWAY SYSTEM.**

The state highway system is not a permanent configuration or mileage because of additions or deletions over time. The official system description is kept current in the Department’s records and is available to the public upon request. (3-31-22)

**301. -- 999. (RESERVED)**