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**IDAPA 39
TITLE 04
Chapter 04**

39.04.04 - RULES GOVERNING IDAHO AIRPORT AID PROGRAM

000. LEGAL AUTHORITY.

The Idaho Transportation Board adopts this rule under the authority of Sections 21-105 and 21-111, Idaho Code. (1-1-90)

001. TITLE AND SCOPE.

This rule is for the discretionary allocation of the Idaho Airport Aid Program 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 approved by the Board subject to restrictions the Board may impose. (1-1-90)

002. -- 099. (RESERVED).

100. 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)

101. -- 199. (RESERVED).

200. ALLOCATION CRITERIA, ELIGIBILITY, AND LIMITATIONS.

The allocation program is designed to provide the greatest and best utilization of limited Idaho Aid to Airport Funds. The primary goal of the allocation program is to further the proper development of 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 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. 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 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. For towns of less than five thousand (5,000) but more than one thousand (1,000) population, a State financial participation grant of seventy-five percent (75%) of project cost may be approved. (1-1-90)

c. All other projects, whether new or reconstruction of existing facilities, may be considered up to fifty percent (50%) state aid for the project. Participation for any project shall be considered at a maximum of half the sponsor's share if using Federal aid. 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. (1-1-90)

03. Face Value Contributions. Labor and equipment contributions may be approved at face value in force-account financial evaluation as matching funds. However, allowance will not be made for: (1-1-90)

a. Land values previously acquired. (1-1-90)

b. Buildings or improvements. (1-1-90)

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 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. (1-2-93)

05. Application for Aid. Each project received for consideration will be presented in a written application for aid which outlines economic capability and source of funds. 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)

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 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 planning 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 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 zones. (1-1-90)
 - h. Original installation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration. (1-1-90)
 - i. Original installation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment. (1-1-90)
 - j. Original erection 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. (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)

201. -- 999. (RESERVED).