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**IDAPA 39
TITLE 03
Chapter 47**

**39.03.47 - RULES GOVERNING CERTIFICATION
OF LOCAL IMPROVED ROAD MILEAGE**

000. LEGAL AUTHORITY.

Under authority of Sections 40-312 and 40-709, Idaho Code, the Idaho Transportation Board hereby adopts the following rule concerning the annual certification of county and highway district improved road mileage for the apportionment of highway user revenues. (12-26-90)

001. TITLE AND SCOPE.

This rule sets out standards to be followed in determining which roads in counties are improved roads. (12-26-90)

002. -- 009. (RESERVED).

010. DEFINITIONS.

01. Graded and Drained Earth Road. A traveled way of natural earth, aligned and graded to permit reasonable convenient use by a motor vehicle, and drained by longitudinal and transverse systems, natural or artificial, sufficiently to prevent serious impairment of the roadway by surface water. (12-26-90)

02. Improved Road. A graded and drained earth road or better. (12-26-90)

011. -- 099. (RESERVED).

100. DETERMINATION OF AN IMPROVED ROAD.

01. Status of Improvement. Highways laid out and marked to include four (4) or more travel lanes shall be considered as two (2) roadways and mileage for each roadway will be eligible for inclusion in the inventory dependent on Status of Improvement as provided below. (12-26-90)

02. Road Inventory Determination of an Improved Road. The "Road Inventory Determination of an Improved Road" sets forth standards for an improved road and gives examples and illustrations of roadways that are eligible and are not eligible for inclusion in the inventory. (A copy of "The Road Inventory Determination of an Improved Road" can be obtain at the Idaho Transportation Department.) (12-26-90)

101. -- 199. (RESERVED).

200. GATED ROADS.

Section 40-2320, Idaho Code, specifies that "No gates shall be allowed on any public highway, except on highways running through land subject to overflow to an extent as to remove the fences." If local officials choose not to remove gate obstructions from locally administered roads on which there is no overflow of water, the road cannot be classified as an "improved road," and the mileage cannot be included in certification to the State Auditor.(12-26-90)

201. BORDER LINE ROADS.

01. City Boundaries. If city corporate boundaries follow the centerline of an approved improved roadway, one-half (1/2) the mileage for each roadway surface along the length of said city boundary shall be included in county or highway district certification. (12-26-90)

02. County or Highway District Boundaries. If county or highway district boundaries follow the centerline of an approved improved roadway, mileage will be determined by agreement of the entities or if there is no agreement, then one-half (1/2) shall be attributed to each entity. (12-26-90)

202. -- 999. (RESERVED).