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**IDAPA 39
TITLE 04
CHAPTER 06**

**39.04.06 - RULES GOVERNING COMMERCIAL AND THROUGH-THE-FENCE OPERATIONS
AND HANGAR CONSTRUCTION AT STATE AIRPORTS**

000. LEGAL AUTHORITY.

Under the authority of Section 21-142(9), Idaho Code, the Idaho Transportation Board has promulgated this rule. (11-28-90)

001. TITLE AND SCOPE.

This rule concerns commercial and through-the-fence operations at state-owned and/or operated airports. This rule outlines guidelines for establishment of commercial or through-the-fence operations at state airports with each case subject to approval by the Board and any conditions the Board may impose. (11-28-90)

002. -- 009. (RESERVED).

010. DEFINITIONS.

01. Board. The Idaho Transportation Board. (11-28-90)

02. Commercial Operation. Those operations which offer a facility, service, or commodity for sale, hire, or profit. (11-28-90)

03. State. The state of Idaho. (11-28-90)

04. Through-the-Fence Operation. Those operations which require aircraft to taxi across the airport property boundary. (11-28-90)

011. -- 099. (RESERVED).

100. APPLICATION.

01. Establishment of Aviation Facility. Any individual, company, or corporation wishing to establish any aviation facility, private or commercial, on or adjacent to any state airport shall make formal application to the Idaho Division of Aeronautics. (1-2-93)

02. Application Requirements. This application shall contain, as a minimum, a sketch showing the location of proposed facilities; a description, sketch, manufacturer's brochure, etc. of the proposed facilities; and a description of the operation proposed. (11-28-90)

101. -- 199. (RESERVED).

200. OPERATIONAL AGREEMENT.

01. Negotiation and Approval. Subsequent to Board approval of the application, the Division of Aeronautics will negotiate an operational agreement with the applicant. The terms of the agreement must be approved by the Board prior to ratification of the agreement by any agent of the state. (1-2-93)

02. Information Required. The agreement will include, but not be limited to, lease fee, term, any operational limitations deemed appropriate, etc. (11-28-90)

201. -- 299. (RESERVED).

300. SAFETY AND ACCESS.

Aviation safety will be of paramount importance in consideration of any application. Special emphasis will be placed upon developing means of controlling the number of access points for through-the-fence operations. (11-28-90)

301. -- 999. (RESERVED).

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