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**IDAPA 39
TITLE 04
CHAPTER 02**

39.04.02 - RULES GOVERNING MARKING OF HAZARDS TO AIR FLIGHT

000. LEGAL AUTHORITY.

Under the authority of Section 21-519, Idaho Code, the Idaho Transportation Board adopts this rule. (11-28-90)

001. TITLE AND SCOPE.

01. Title. This rule shall be known as IDAPA 39.04.02 "Rules Governing Marking of Hazards to Air Flight," IDAPA 39, Title 04, Chapter 02. (4-11-06)

02. Scope. This rule establishes the requirements for marking of hazards to air flight through the airspace of and over the state of Idaho in order to protect and ensure the general public safety, and the safety of persons operating, using or traveling in aircraft pursuant to Section 21-515, Idaho Code. (4-11-06)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (4-11-06)

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01. "Idaho Rules of Administrative Procedure of the Attorney General." (4-11-06)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (4-11-06)

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise, ID 83707-1129. The Division of Aeronautics offices are located at 3483 Rickenbacker Street, Boise, ID 83707-1129. (4-11-06)

02. Office Hours. Daily office hours are 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (4-11-06)

03. Telephone and FAX Numbers. The Aeronautics offices may be contacted during office hours at 208-334-8775 or by fax at 208-334-8789. (4-11-06)

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (4-11-06)

007. -- 099. (RESERVED).

100. REQUIREMENTS.

01. Hazardous Structures. Any structure which obstructs the airspace more than two hundred (200) feet above the ground or water level, or at any height near an established airport as defined by Section 21-101(c), Idaho Code, when determined by the Transportation Board or the Aeronautics Division Administrator acting in behalf of the Board, to be a hazard or a potential hazard to the safe flight of aircraft shall be plainly marked, illuminated, painted, lighted, or designated in a manner approved by the Board. (4-11-06)

02. Lines, Wires, and Cables. Power lines, communication lines, wires, or cable more than two hundred (200) feet above the terrain crossing canyons, rivers, navigable bodies of water, terrain undulations, or guy structures or any height where such wire, cable or obstruction cross navigable bodies of water near established seaplane bases, if determined by the Board to be a hazard to air navigation, shall be marked at two hundred (200) feet

intervals of spacing by sphere-type markers having a minimum diameter of thirty-six (36) inches. Said sphere to be of the split-sheet, clamp-on type which are to be alternated in three (3) contrasting solid colors of gloss white, gloss yellow, and international orange and may be constructed of recommended light-weight materials such as fiberglass, aluminum, or foam. (4-11-06)

03. Spans Between Support Piers. Long spans that exceed lengths of one-half (1/2) mile between support piers, each pier shall be marked with flashing strobe or beacon lights of a type and brilliance acceptable to the Board if such is deemed pertinent to safety and recognition of obstructions. (4-11-06)

04. Construction. Any construction sponsor is required to submit a notice to the Aeronautics Division Administrator if his construction exceeds one (1) or more of the following conditions: (1-2-93))

a. Greater than two hundred (200) feet in height. If the proposed object would be more than two hundred (200) feet above ground level at its location. (4-11-06)

b. Near an established airport or seaplane base. If the proposed object would be within twenty thousand (20,000) feet of an airport (*) or seaplane base with more than three thousand two hundred (3,200) feet in length; and would exceed one (1) foot in height for each one hundred (100) feet (100:1) horizontally from the nearest point of the nearest runway. * To qualify, an airport as defined in Section 21-101(c), Idaho Code, must be listed in the Idaho Airport Facilities Directory, or in the Airport /Facility Directory published by the US-DOT, National Charting Office or operated by a public entity. (4-11-06)

c. If the proposed object would be within ten thousand (10,000) feet of an airport having no runway more than three thousand two hundred (3,200) feet in length; and would exceed one (1) foot in height for each fifty (50) feet (50:1) horizontally from the nearest runway. (11-28-90)

d. Near a Heliport. If the proposed object would be within five thousand (5,000) feet of a heliport listed in the "Airport Facilities Directory" or operated by a public entity; and would exceed one (1) foot in height for each twenty-five (25) feet (25:1), horizontally from the nearest landing and take-off area of that heliport. (4-11-06)

e. Highways and Railroads. If the proposed object is a traverse way which would exceed at least one (1) of the standards listed in Subsections 100.04.a. through 100.04.c. above, after its height is adjusted upward seventeen (17) feet for an Interstate Highway, fifteen (15) feet for any other public roadway, ten (10) feet (or the height of the highest mobile objects that would normally traverse the road) for a private road, twenty-three (23) feet for a railroad, or an amount equal to the height of the highest mobile objects that would traverse a waterway or any other thoroughfare not previously mentioned. (11-28-90)

05. Notice Submittal. The notice required under Subsection 100.04 of this rule must be submitted: (1-2-93))

a. At least thirty (30) days before the construction or alteration is to begin; or the application for construction permit is to be filed. (11-28-90)

b. Immediately by telephone or other expeditious means, with written notification submitted within five (5) days thereafter, if immediate construction or alteration is required as in cases involving public services, health, or safety. (1-2-93))

06. Notice of Proposed Construction. A notice of proposed construction or alteration is required so that the State Transportation Board may: (11-28-90)

a. Depict obstructions on aeronautical charts. (11-28-90)

b. Recommend appropriate markings as required by Section 21-515, Idaho Code. (11-28-90)

c. Be made aware of potential aeronautical hazards in order to minimize their danger to the flying public. (11-28-90)

d. Protect the lives and property of persons in the air and on the ground. (11-28-90)

07. Submittal of Notice. Notice must be given in writing of intended construction or alteration to the Aeronautics Division Administrator, 3483 Rickenbacker Street, Boise, ID 83705. (1-2-93)

101. -- 199. (RESERVED).

200. EXCEPTIONS.

No person is required to notify the Division Administrator for any of the following construction or alteration: (1-2-93)

01. Shielded. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. (1-2-93)

02. Antennas. Any antenna structure of twenty (20) feet or less in height except one that would increase the height of another antenna structure. (11-28-90)

03. Air Navigation. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device of a type approved by the Division Administrator, the location and height of which is fixed by its functional purpose. (1-2-93)

201. -- 999. (RESERVED).

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