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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.

01. Title. This rule shall be cited as IDAPA 39.04.04 "Rules Governing Idaho Airport Aid Program," IDAPA 39, Title 04, Chapter 04. (5-8-09)

02. Scope. This rule is for the discretionary allocation of airport development funds by the Idaho Transportation Board. Allocations must meet high priority needs and achieve maximum benefit and use of available funds. Allocations may require matching financial participation and are reimbursable as approved by the Board subject to restrictions the Board may impose. (5-8-09)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (5-8-09)

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." (5-8-09)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (5-8-09)

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

01. Street and Mailing Address. The Idaho Transportation Department Division of Aeronautics maintains a central office in Boise at 3483 Rickenbacker with a mailing address of P O Box 7129, Boise ID 83707-1129. (5-8-09)

02. Office Hours. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (5-8-09)

03. Telephone and FAX numbers. The central office may be contacted during office hours by phone at 208-334-8775 or by fax at 208-334-8789. (5-8-09)

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 Title 74, Chapter 1, Idaho Code. (5-8-09)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Airport Service Area Population. The airport service area population is the number of people within the service area boundary based upon the most recent approved census data. An airport's service area is the geographic locale within a thirty (30) minute average drive time from the airport. (3-20-14)

02. Adjusted Service Area Population. The adjusted service area population is the subject airports service area population reduced by the population within the service area of a nearby 'more developed' airport(s) that overlaps the subject airports service area. The adjusted service area population is used to determine the match rate for Community airport grants. (3-20-14)

011. -- 099. (RESERVED)

100. AIRPORT SPONSOR ELIGIBILITY.

The Idaho Airport Aid Program is available only to public entities that own or lease and operate a landing facility that is open to the public without use restrictions. Allocation may be made only on facilities that are not under exclusive lease or monopoly control of private individuals or corporations. The Idaho Airport Aid Program consists of grants, small projects, and maintenance and safety supplies. The grants (for scheduled projects) and small projects (for unscheduled or emergency projects) are available to municipal entities such as a city, county, airport authority, political subdivision, or public corporation, hereinafter referred to as the airport sponsor, but not to facilities operated by divisions of the state of Idaho or the Federal government. The maintenance and safety supplies are available to all public entities that own or lease and operate a landing facility that is open to the public without use restrictions.

(5-8-09)

101. -- 199. (RESERVED)

200. PROJECT ALLOCATION PRIORITY PRINCIPLES.

The discretionary allocation programs will be based on six (6) important principles. These principles are: (3-20-14)

01. Aircraft Operations Safety. Priority will be given to projects involving safety of aircraft operations. (1-1-90)

02. Priority Will Be Given to Projects Which Protect Prior Public Investments. (1-1-90)

03. Federal Funds. Priority will be given to assuring maximum use and benefit of available federal funds. (1-1-90)

04. 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)

05. 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)

06. 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)

201. -- 299. (RESERVED)

300. PROGRAM CRITERIA AND LIMITATIONS.

The allocation program is designed to provide the greatest and best utilization of limited Idaho Airport Aid Program Funds. The primary goal of the allocation program is to further the proper development of a statewide system of airports and fair distribution of aviation tax money. This policy requires: (5-8-09)

01. Master Plan. Each city, county, airport authority, political subdivision, or public corporation, hereinafter referred to as airport sponsor, should 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. (5-8-09)

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. Airport sponsors not eligible for Federal funding assistance that have an adjusted service area population of less than five thousand (5,000), may receive up to seventy-five percent (75%) of project cost for maintenance and upgrade of an airport. 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. (3-20-14)

b. Airport sponsors not eligible for Federal funding assistance that have an adjusted service area population of five thousand (5,000) or more may receive up to fifty percent (50%) of the cost for maintenance and upgrade of an airport. 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. (3-20-14)

c. Airport sponsors eligible for Federal funding assistance, may be considered for State funding assistance up to fifty percent (50%) of the sponsor's share when using Federal aid for the cost of maintenance and upgrade of existing facilities. 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. (5-8-09)

d. All airport sponsors eligible for funding under IDAPA 39.04.04, "Rules Governing Idaho Airport Aid Program," may apply to participate in the maintenance and safety supplies program. This is part of the discretionary allocation program that provides at no charge or a reduced charge for the following such items: (5-8-09)

i. Runway and taxiway light fixtures, bulbs, and parts; (5-8-09)

ii. Rotating beacon fixtures; (5-8-09)

iii. Windsocks, windsock frames and standards; (5-8-09)

iv. Tie-down chain sets; (5-8-09)

v. Utility light bulbs; and (5-8-09)

vi. Taxiway reflectors. (5-8-09)

e. All municipal airport sponsors eligible for funding under IDAPA 39.04.04, may apply to participate in the small projects program which provides grant funding assistance of less than two thousand dollars (\$2,000) for unscheduled or emergency improvements, with approval from the aeronautics administrator, from the current years allocation. (5-8-09)

03. Face Value Contributions. Labor and equipment contributions by the airport sponsor may be approved at face value in force-account financial evaluation as matching funds. The following items will not be eligible for force-account contribution: (5-8-09)

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

b. Previous building construction or improvements. (5-8-09)

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 or lease of all land upon which any project is proposed, and require that the airport be zoned to prevent incompatible land uses and the creation or establishment of structures or objects of natural growth which would constitute hazards or obstructions to aircraft operating to, from, on, or in the vicinity of the subject airport. (3-20-14)

05. Applications for Aid. (5-8-09)

a. Each project submitted for funding consideration from airport sponsors not eligible for Federal funding assistance will be presented in a written application for aid which outlines economic capability and source of

funds. The application form will be supplied by the Division of Aeronautics. Eligibility and priority will be determined by an annual revision of a State allocation program for airport improvement. (5-8-09)

b. Each project application submitted for funding consideration from airport sponsors that are eligible for Federal funding assistance will consist of a full and complete copy of the federal application for assistance. (5-8-09)

c. Each request for participation in the maintenance and safety supplies program or the small projects program must be made through written, telephone, or electronic request. (5-8-09)

d. Projects deemed by the Board to require special legislative appropriations will be submitted for legislative support and consideration. (5-8-09)

06. Projects Other Than Allocation Plan. All projects 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 support to keep the airport in good repair. (5-8-09)

07. Granted Allocation Items. Allocations may be granted for the following items: (1-1-90)

a. Development of required airport planning, land ownership, airspace, land use compatibility, and land use zoning documents. (5-8-09)

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 protection zones" as defined in current regulations of the Federal Aviation Administration. (5-8-09)

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 protection zones. (5-8-09)

h. Installation or rehabilitation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration. (5-8-09)

i. Installation or rehabilitation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment. (5-8-09)

j. Erection or rehabilitation of appropriate security fencing around the perimeter of an aircraft landing facility. (5-8-09)

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. New building construction of public use facilities such as storage hangars, pilot lounge, rest rooms, etc., that are owned by the airport sponsor. (5-8-09)

301. -- 999. (RESERVED)

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