

# Table of Contents

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## **39.03.43 – Rules Governing Utilities on State Highway Right-of-Way**

000. Legal Authority. ....	2
001. Title And Scope. ....	2
002. Written Interpretations. ....	2
003. Administrative Appeals. ....	2
004. Incorporation By Reference. ....	2
005. Office -- Office Hours -- Mailing And Street Address -- Phone Numbers. ....	2
006. Public Records Act Compliance. ....	2
007. -- 999. (Reserved).....	2

**IDAPA 39  
TITLE 03  
CHAPTER 43**

**39.03.43 – RULES GOVERNING UTILITIES ON STATE HIGHWAY RIGHT-OF-WAY**

**000. LEGAL AUTHORITY.**

Under authority of Sections 40-312(3) and 67-5229, Idaho Code, the Idaho Transportation Board adopts this rule. (3-20-04)

**001. TITLE AND SCOPE.**

**01. Title.** This rule is titled IDAPA 39, Title 03, Chapter 43, “Rules Governing Utilities On State Highway Right-of-Way.” (3-20-04)

**02. Scope.** The purpose of the policy is to regulate the location, design and methods for installing, relocating, adjusting and maintaining utilities on State highway right-of-way when such use and occupancy is legal, in the public interest and will not adversely affect the highway or its users. The policy applies to new utility installations, to existing utility installations to be retained, relocated, maintained or adjusted because of highway construction or reconstruction, and to the relocation of utility facilities which are found to constitute a definite hazard to the traveling public. (3-20-04)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (3-20-04)

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter will be governed by Section 2.4 “Administrative Appeal” of the “Utility Accommodation Policy” incorporated by reference. (3-20-04)

**004. INCORPORATION BY REFERENCE.**

The Idaho Transportation Department incorporates by reference the July 2003 Edition of “Utility Accommodation Policy.” This publication is available for public inspection and copying at the Office of the Utilities/Railroad Engineer at the Idaho Transportation Department central office, or the District offices, or the Idaho Transportation Department Website at <http://itd.idaho.gov>. (3-30-07)

**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. (3-20-04)

**02. Office Hours.** Daily office hours are 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (3-20-04)

**03. Telephone and FAX Numbers.** The central office may be contacted during office hours by phone at 208-332-7894 or by fax at 208-334-8025. (3-20-04)

**04. Idaho Transportation Department District Offices.** District office addresses can be found at <https://itd.idaho.gov/> (3-30-07)

**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. (3-20-04)

**007. -- 999. (RESERVED)**

# ***Subject Index***

**I**  
Idaho Transportation Department  
District Offices 2

APPROVED