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IDAPA 39
TITLE 04
CHAPTER 02

39.04.02 - RULES GOVERNING MARKING OF HAZARDS TO AIR FLIGHT

000. LEGAL AUTHORITY.
This rule is adopted under the authority of Section 21-519. (4-4-13)

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 through 21-517, Idaho Code. (4-4-13)

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 physically located at 3483 Rickenbacker Street, Boise, ID. (4-4-13)

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 Title 74, Chapter 1, Idaho Code. (4-11-06)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Guyed Tower. A tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself, towers used for military purposes excepted. (4-4-13)

02. Height. The distance measured from the original grade at the base of the tower to the highest point of the tower. (4-4-13)

03. Temporary or Permanent Guyed Tower. A guyed tower erected and standing for any period of time whatsoever. (4-4-13)

04. **Marking**. Shall include illuminating, painting, lighting, or designating in a manner to be approved by the department. (4-4-13)

011. -- 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 Department to be an aviation hazard or a potential aviation hazard, as defined in Section 21-101(n), Idaho Code, to the safe flight of aircraft shall be plainly marked, illuminated, painted, lighted, or designated in a manner approved by the Department. (4-4-13)

02. **Guyed Towers**. Any temporary or permanent guyed tower fifty (50) feet or more in height that is located outside the boundaries of an incorporated city or town on land that is primarily rural or undeveloped or used for agricultural purposes, or that is primarily desert, and where such guyed tower's appearance is not otherwise governed by state or federal law, rule or regulation, shall be lighted, marked and painted or otherwise constructed to be visible in clear air during daylight hours from a distance of not less than two thousand (2,000) feet. (4-4-13)

a. Guyed towers shall be painted in seven (7) equal alternating bands of aviation orange and white. Such alternating bands shall begin with orange at the top of the tower and end with orange at the base. (4-4-13)

b. Guyed towers shall have one flashing obstruction light at the top of the tower. Such light shall meet the technical requirements of medium intensity flashing white obstruction light systems as specified in Federal Aviation Administration Advisory Circular AC 70/7460-1K. (4-4-13)

c. For guyed towers the surface area under the footprint of the tower and six (6) feet beyond the outer tower anchors shall have a contrasting appearance with any surrounding vegetation. (4-4-13)

d. Guyed towers shall have two (2) marker balls, having a minimum diameter of twenty (20) inches attached to and evenly spaced on each of the outside guy wires. Said spheres to be of the split-sheet, clamp-on type which are to be alternated in two (2) contrasting solid colors of gloss yellow and international orange, and may be constructed of recommended light-weight materials such as fiberglass, aluminum, or foam. (4-4-13)

e. Guyed towers shall have a seven (7) foot long safety sleeve colored to contrast with background vegetation at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point. (4-4-13)

f. Any guyed tower that was erected prior to July 1, 2012 shall be marked as required by the provisions of Section 100 before July 1, 2013. Any guyed tower that is erected on or after July 1, 2012 shall be marked as required by the provisions of Section 100 at the time it is erected. (4-4-13)

g. The provisions of this Subsection 100.02, shall not apply to power poles or structures owned and operated by an electric supplier as defined in Section 61-332A(4), Idaho Code, to facilities used by a federal power marketing agency to serve public utilities or consumer-owned utilities, or any structure whose primary purpose is to support telecommunications equipment, including citizens band (CB) radio towers and all other amateur radio towers. (3-20-14)

03. **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 Department 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. (4-4-13)

04. 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 Department if such is deemed pertinent to safety and recognition of obstructions. (4-4-13)

05. Construction. Any construction sponsor is required to submit a notice to the Aeronautics Division Administrator if his construction meets one (1) or more of the following conditions: (4-4-13)

a. If the proposed object will be more than two hundred (200) feet above ground level at its location. (4-4-13)

b. If the proposed object will be within twenty thousand (20,000) feet of an airport (*) or seaplane base with a runway of more than three thousand two hundred (3,200) feet in length; and will penetrate an imaginary surface that is 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. (4-4-13)

c. If the proposed object will 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 will penetrate an imaginary surface that is one (1) foot in height for each fifty (50) feet (50:1) horizontally from the nearest runway. (4-4-13)

d. If the proposed object will be within five thousand (5,000) feet of a heliport listed in the "Airport Facilities Directory" or operated by a public entity; and will penetrate an imaginary surface that is 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. (4-4-13)

e. If the proposed object is a traverse way which will exceed at least one (1) of the standards listed in Subsections 100.05.a. through 100.05.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. (4-4-13)

06. Notice Submittal. The notice required under Subsection 100.05 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)

07. Notice of Proposed Construction. A notice of proposed construction or alteration is required so that the Department may: (4-4-13)

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

b. Identify appropriate markings as required by Section 21-515, Idaho Code. (4-4-13)

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)

08. Submittal of Notice. Written notice of intended construction or alteration must be submitted by mail or hand-delivered to the Aeronautics Division Administrator using the contact information in Section 005 of this rule. (4-4-13)

09. Intent. It is the intent that the resultant markings required in this rule be compatible with FAA policies and directives in order to maintain consistency of object marking and lighting. (4-4-13)

101. -- 199. (RESERVED)

200. EXCEPTIONS.
No person is required to notify the Aeronautics Division Administrator for any of the following construction or alteration: (4-4-13)

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 Aeronautics Division Administrator, the location and height of which is fixed by its functional purpose. (4-4-13)

201. -- 999. (RESERVED)

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