IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

Division of Highways

39.03.42 – Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way

Who does this rule apply to?
The rule applies to landowners seeking direct access to state highways.

- Individual property owners;
- Developers; and
- Business owners

What is the purpose of this rule?
The purpose of this rule is to regulate the access to the State Highway System, so the access matches the intended traffic function designation of each highway and corridor. The rule establishes standards and guidelines for encroachments on state highway rights-of-way; including but not limited to: definitions, safety, maintenance, applications, permits, access spacing, design standards, turnouts and unauthorized/nonstandard encroachments.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

Highways and Bridges -
Idaho Transportation Board:
- 40-310, Idaho Code – Powers and Duties — State Highway System
- 40-311, Idaho Code – Powers and Duties — Property
- 40-312, Idaho Code – Powers and Duties — Rules and Regulations
- 40-313, Idaho Code – Powers and Duties — Beautification and Information

Motor Vehicles -
General:
- 49-221, Idaho Code – Removal of Traffic Hazards

Who do I contact for more information on this rule?

Idaho Transportation Department
Monday – Friday 8:00 am to 5:00 pm
P.O. Box 7129
Boise, ID 83707-1129
3311 West State Street
Phone: (208) 334-8000
itd.idaho.gov

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000. LEGAL AUTHORITY.
The Idaho Transportation Board adopts this rule under the authority of Sections 40-310, and 40-312, and per the requirements of Sections 40-311, 40-313, 49-202(19), (23) and (28), and 49-221, Idaho Code. (3-27-13)

001. TITLE AND SCOPE.

01. Title. This rule shall be known as IDAPA 39.03.42, "Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way," IDAPA 39, Title 03, Chapter 42. (3-30-01)

02. Scope. It is the purpose of this rule to establish standards and guidelines for encroachments on state highway rights-of-way. (3-30-01)

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Shall/Will, Should, May. The use of "shall" or "will," "should," and "may" denote the following conditions: (3-30-01)

a. Shall/Will. A mandatory condition or requirement. (3-27-13)

b. Should. An advisory or recommended condition, or usage, but not mandatory. (3-27-13)

c. May. A permissive condition. No requirement is mandated. (3-27-13)

02. Access. The ability to enter or leave a public highway or highway right-of-way from an abutting private property or another public highway or public highway right-of-way. (3-27-13)

03. ADT. Average Daily Traffic. The total volume of traffic during a given time period in whole days greater than one (1) day and less than one (1) year divided by the number of days within that time period. (3-30-01)

04. Applicant. Agency, owner, or an authorized representative of the property owner, or utility facility applying for a permit to encroach within state highway rights-of-way. (3-27-13)

05. Appraisal. A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of monetary value for a specific property based on a specific use, as of a specific date, supported by the presentation and analysis of relevant market information. (3-27-13)

06. Approach. A connection between the outside edge of the shoulder or curb line and the abutting property at the highway right-of-way line, intended to provide access to and from said highway and the abutting property. An approach may include a driveway, alley, street, road or highway. (3-30-01)

07. Approach Flare. The approved radius connecting the edge of the approach to the edge of the highway. The term "approach radius" is interchangeable with "approach flare." (3-30-01)

08. Approach Transition. The area from the edge of an urban approach sloped to match the curb and border area elevations. The term "approach apron" is interchangeable with "approach transition." (3-30-01)

09. Approach Skew Angle. For all approaches, the angle of deflection between a line perpendicular to the highway centerline and the approach centerline. (3-30-01)

10. Approach Width. The distance between the outside edges of the approach measured perpendicular to the approach centerline along the curb line or the edge of pavement, excluding flares, transitions and radii. (3-30-01)

11. Authorized Representative. Any applicant, other than the property owner, having notarized written verification signed by the owner giving authorization to act on the owner's behalf. (3-27-13)

12. Auxiliary Lane. The portion of the roadway adjoining the traveled way used for speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through-traffic movement. (3-30-01)

13. **Board**. The Idaho Transportation Board, as established by Title 40, Chapter 3, Idaho Code. (3-30-01)

14. **Border Area**. The area between the outside edge of the shoulder or back of curb and the highway right-of way line. (3-30-01)

15. **Boulevard Approach**. A two-way approach intended for high ADT volumes of large commercial vehicles, having a maximum width of eighty-four (84) feet in which opposing traffic is separated by a raised four (4) foot wide non-traversible median. (3-27-13)

16. **Capacity**. The maximum number of vehicles that can reasonably be expected to travel along a lane of a highway during a given time period under prevailing roadway and traffic conditions. (3-30-01)

17. **Clear Zone**. An area outside the traveled way, auxiliary lanes and shoulders that is constructed and maintained as free from physical obstructions as practical, for use as a recovery area by errant vehicles. (3-30-01)

18. **Commercial Approach**. An approach serving a business or businesses. (3-30-01)

19. **Conduit**. A tube or trough for receiving and protecting utility-related structures including, but not limited to, electrical wires, fiber optic cable, and fluids. (3-27-13)

20. **Construction**. The building of new facilities or the modification of existing facilities. Does not include maintenance. (3-27-13)

21. **Corner Clearance**. The distance along the curb line or outside edge of the shoulder measured from the beginning or end of the intersecting roadway flare to the nearest edge of the adjacent approach, excluding flares or transitions. (3-30-01)

22. **Department**. The Idaho Transportation Department (ITD). (3-30-01)

23. **Distance Between Approaches**. The distance measured along the curb line or outside edge of the shoulder between the nearest edges of adjacent approaches, excluding the flares, transitions or radii. (3-30-01)

24. **District**. An administrative and maintenance subdivision of the Idaho Transportation Department encompassing a particular geographical region of the state of Idaho, per Section 40-303, Idaho Code. (3-27-13)

25. **District Engineer**. The administrator of an Idaho Transportation Department administrative district, or a delegated representative. (3-30-01)

26. **District Route**. A state highway that accommodates trips of limited mobility and provides high levels of access to communities, to include distributing trips to geographical areas and serving major commercial and industrial districts. District routes may provide intra-community continuity and connection, to include local bus routes, but should not be used to provide direct access to residential lots. (3-27-13)

27. **Economic Opportunity**. Facilitate the increase in Idaho Gross Domestic Product, job creation, increased business, revenue; improve the efficiency in which goods are transported; and reduction in travel times for commuting, commerce, recreation, and tourism. (3-27-13)

28. **Emergency**. Any unscheduled work required to correct or prevent a hazardous situation that poses an imminent threat to life or property. (3-30-01)

29. **Encroachment**. Any authorized or unauthorized use of highway right-of-way or the air space immediately above the highway right-of-way. (3-27-13)

30. **Encroachment Permit**. Written authorization from the Department to use state highway right-of-way or the airspace above it under the conditions set forth in the permit. (3-27-13)

31. **Expressway**. A segment of a highway designated by the Idaho Transportation Board for use as a through highway, with partially controlled access, accessible only at locations specified by the Idaho Transportation Department, and characterized by medians, limited at-grade intersections, and high speeds. An existing segment of state highway may only be designated as an expressway if payment is made to adjacent property owners for the restriction of existing access rights. (3-27-13)

32. **Farming**. Any activity associated with crops, including seed. (3-30-01)

33. **FHWA**. The Federal Highway Administration, a division of the U. S. Department of Transportation. (3-30-01)

34. **Fiber Optic Cable**. A cable containing one (1) or more glass or plastic fibers that has the ability to transmit light along its axis. (3-30-01)

35. **Field Approach**. An approach that serves only non-residential agricultural property, including farmyards. (3-30-01)

36. **Flare Tangent Distance**. The distance of the approach radius measured along the edge of pavement. (3-30-01)

37. **Freeway**. A segment of a highway designated by the Idaho Transportation Board for use as a through highway, with fully controlled access, accessible only by interchanges (ramps), and characterized by medians, grade separations at cross roads, and ramp connections for entrance to and exit from the traveled way. An existing non-Interstate segment of state highway may only be designated as a freeway if payment is made to adjacent property owners for the restriction of existing access rights. (3-27-13)

38. **Frontage Road**. A road auxiliary to and located to the side of the highway for service to abutting properties and adjacent areas for the purpose of controlling access to the highway. (3-30-01)

39. **Frontage Boundary Line**. A line perpendicular to the highway centerline that begins at the point of intersection of the abutting property line and the highway right-of-way line. (3-30-01)

40. **Full Control of Access**. Any section of a highway system where access is prohibited except for interchange connections. (3-30-01)

41. **Government Agency**. As used in these rules, the term includes federal, state, county, city, or local highway jurisdictions. (3-27-13)

42. **Highway Right-of-Way**. Property used for highway purposes, open to the public, and under the jurisdiction of a government agency. Such property may be owned by the government agency in fee simple or be subject to an easement for highway purposes. (3-27-13)

43. **Imminent Threat**. Includes major traffic control deficiencies or safety situations that are likely to result in serious injury or loss of life. (3-30-01)

44. **Interstate Highway**. As identified by federal code, a segment of the Dwight D. Eisenhower National System of Interstate and Defense Highways consisting of an FHWA-approved freeway. (3-27-13)

45. **Joint-Use Approach**. An approach constructed at a common boundary between adjacent properties that abut the highway. A joint-use approach is equally owned and shared as common access by both property owners. (3-30-01)

46. **Landscaping**. Any action taken to change the features or appearance of the highway right-of-way or abutting property with plants, soil, rock and related material. (3-30-01)

47. **Loaded Payroll Rate**. A rate of compensation that includes hourly wages plus the associated

employer overhead and benefit costs. (3-27-13)

48. **Local Highway Agency**. Any city, county, highway district or other local board or body having authority to enact regulations, resolutions, or ordinances relating to traffic on the highways, highway rights-of-way and streets within their respective jurisdiction. (3-30-01)

49. **Local Road**. A city, county or highway district highway whose primary function is to provide access to adjacent properties. (3-30-01)

50. **Median**. The portion of a divided highway or approach that separates opposing traveled ways. Medians may be raised, flush, or depressed relative to the roadway surface, and may be landscaped or paved. (3-30-01)

51. **Median Opening**. A paved area bisecting opposite directions of a divided roadway that is designed to permit traffic to cross at least one (1) direction of travel. (3-30-01)

52. **MUTCD**. The Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, as adopted by the Idaho Transportation Board in accordance with Section 49-201(3), Idaho Code. A manual written by the Federal Highway Administration that sets national minimum standards for signing, striping, and traffic control devices. (3-30-01)

53. **Non-Standard Approach**. Any approach that does not meet Department standards. (3-30-01)

54. **Performance Bond**. A statutory bond, issued by a surety company authorized to do business in the state of Idaho, that guarantees performance of work in accordance with permit requirements. (3-30-01)

55. **Permittee**. Person or persons, utility facilities, and other agencies granted permission to encroach within the highway right-of-way for authorized purposes other than normal travel. (3-30-01)

56. **Private Approach**. Every privately owned traveled way that is used for ingress to and egress from the highway right-of-way and an abutting property. (3-30-01)

57. **Property Line Clearance**. The distance measured along the curb line or outside shoulder edge from the frontage boundary line to the nearest edge of the approach width, excluding flares, transitions and radii. (3-30-01)

58. **Public Approach**. Any approach that serves the public without restriction and is maintained by a government agency. (3-27-13)

59. **Public Highway**. Any highway open to public use and maintained by a government agency. (3-27-13)

60. **Public Highway Agency**. The state transportation department, any city, county, highway district, or any other state agency, or any federal or Indian reservation, which has jurisdiction over public highway systems and highway rights-of-way. (3-30-01)

61. **Regional Route**. A state highway that accommodates trips of moderate length with a lower level of mobility than a Statewide Route and that provides moderate access to communities, to include providing mobility for people and freight through and between communities and major activity centers of the region. (3-27-13)

62. **Roadside**. Any area beyond the main traveled way that may or may not be within the highway right-of-way. (3-30-01)

63. **Roadway**. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and other portions of the rights-of-way. (3-30-01)

64. **Rural**. State highway rights-of-way and right-of-way corridors outside the limits of Urban and

Transitional areas. (3-27-13)

65. **Setback**. The horizontal distance between the highway right-of-way line and permanent fixtures, including but not limited to gas pump islands, signs, display stands and buildings, measured at right angles to the highway centerline. (3-30-01)

66. **Shoulder**. The portion of the right-of-way contiguous with the traveled way that accommodates stopped vehicles, emergency use, and lateral support of the sub-base, base, and surface courses. (3-27-13)

67. **Signal Spacing**. The distance between signalized intersections measured from the center of intersection to the center of intersection. (3-30-01)

68. **Slope**. Slope is expressed as a non-dimensional ratio between vertical and horizontal distance. For side slopes, the vertical component is shown first, then the horizontal. (3-30-01)

69. **Speed**. The rate of vehicular travel as measured in miles per hour. All speeds used in this document shall be the eighty-fifth percentile speed as determined by an engineering study. (3-27-13)

70. **State Highway System**. The principal highway corridors in the state, including connections and extensions through cities and roads to every county seat in the state, as approved by the Idaho Transportation Board and officially designated as a state highway. (3-30-01)

71. **Statewide Route**. A state highway that provides the highest level of mobility and speeds over long distances. Access from a statewide route to communities and major activity centers should be by way of public roads with spacing that supports mobility and speed. (3-27-13)

72. **Stopping Sight Distance**. The sum of: (3-27-13)

a. The brake reaction distance, which is the distance traveled by the vehicle from the instant the driver perceives an object necessitating a stop, to the moment the brakes are applied; and (3-27-13)

b. The braking distance, which is the distance the vehicle travels from the moment the brakes are applied until the vehicle comes to a complete stop. (3-27-13)

73. **Structure**. Includes, but is not limited to, bridges, culverts, siphons, headwalls, retaining walls, buildings and any incidental construction not otherwise defined herein. (3-27-13)

74. **Subdivision**. A division of real property into three (3) or more separately platted parcels. (3-30-01)

75. **Temporary Encroachment**. Any encroachment that is not approved as a permanent placement within the highway right-of-way. (3-30-01)

76. **Traffic**. Pedestrians, bicycles, animals, vehicles, streetcars, buses and other conveyances, either singly or together, that use the highway right-of-way for the purpose of travel. (3-30-01)

77. **Traffic Control Device**. Any marking or device whether manually, electronically, or mechanically operated, placed or erected by an authority of a government agency or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (3-27-13)

78. **Traffic Impact Study**. A comprehensive analysis of the anticipated transportation network conditions with and without an applicant's proposed new or modified access, including an analysis of mitigation measures. (3-27-13)

79. **Transitional**. State highway rights-of-way and right-of-way corridors within the area of city impact of any incorporated city, or areas designated as an area of city impact by city or county comprehensive plans. (3-27-13)

80. **Traveled Way**. The portion of the roadway for the movement of vehicles, exclusive of shoulders. (3-30-01)

81. **Travel Lane**. That portion of the traveled way designated for use by a single line of vehicles. (3-30-01)

82. **Trenching**. A method in which access is gained by excavation from ground level to the required underground depth for the installation, maintenance, removal, or inspection of a cable, casing, conduit or pipe. The excavation is then back filled with approved material and the surface is then returned to a condition specified by the Department. (3-27-13)

83. **Turnouts**. Roadside areas immediately adjacent to highways which may be utilized by vehicles for purposes of short-term parking or turning. They are extensions of the traveled way. (3-27-13)

84. **Unauthorized Encroachment**. Any encroachment that has been placed, modified, or maintained, or removed within the highway right-of-way without authorization by the Department. (3-27-13)

85. **Urban**. State highway rights-of-way and right-of-way corridors within the limits of any incorporated city. (3-27-13)

86. **Utility Facility**. All privately, publicly or cooperatively owned systems used for the production, transmission, or distribution of communications, cable television, power, electricity, light, heat, petroleum products, ore, water, steam, waste, irrigation, storm water not connected with highway drainage, and other similar items, including communication towers, guy wires, fire and police signal systems, and street lighting systems, that directly or indirectly serve the public or comprise part of the distribution systems which directly or indirectly serve the public. (3-30-01)

87. **Utility Locating Service**. Any locally or regionally recognized service that locates and maintains records of existing utility facilities. (3-30-01)

88. **Vehicle**. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon rails or tracks. (3-30-01)

89. **Vision Triangle**. An area delineated by extending perpendicular lines along the face of curb or edge of pavement from their point of intersection forty (40) feet in either direction and by a height between three (3) feet and ten (10) feet above the existing centerline highway elevation. (3-27-13)

90. **Volume**. The number of vehicles estimated to use a certain type of travel lane during a twelve-month period. A highway with "high" volumes is at or near capacity; a highway with "medium" volumes is at or near fifty percent (50%) of capacity. (3-27-13)

91. **Warrant**. An evaluation of need based on an engineering study. (3-30-01)

92. **Working Day**. Any day except for Saturday, Sunday and any holiday as defined in Section 67-5302(15), Idaho Code. (3-27-13)

011. -- 099. **(RESERVED)**

100. **GENERAL.**

01. **Access Control**. (3-30-01)

a. The Department shall retain the authority to issue all encroachment permits on the State Highway System. (3-27-13)

b. No change may be made to the control of access on any Interstate Highway without the approval of the Idaho Transportation Board and FHWA. (3-27-13)

02. Safety Requirements. (3-30-01)

a. It is the permittee's responsibility to provide for safe, efficient passage and protection of vehicles, pedestrians, and workers during any permitted work within the highway right-of-way. (3-30-01)

b. The permittee shall submit, for Department approval, a traffic control plan for the installation, maintenance, or removal of any state highway right-of-way encroachment. The permittee shall provide advance notification to the Department prior to implementing any traffic control. (3-30-01)

c. During the progress of the work, barricades, signs and other traffic control devices shall be erected and maintained by the permittee in conformance with the current "Manual on Uniform Traffic Control Devices." The permittee shall be required to meet the minimum requirements of the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the Department. (3-30-01)

d. All flaggers working on the State Highway System shall be certified in or recognized by the state of Idaho. They shall carry on their person a current flagger identification card that is recognized by the state of Idaho. All traffic control devices used on the State Highway System shall comply with current FHWA crash criteria. (3-30-01)

e. When required, a striping plan for the placement of temporary and permanent pavement markings shall accompany the approved permit to use the right-of-way. Materials, placement, and removal of all pavement markings shall conform to current Department specifications and standards. (3-30-01)

03. Maintenance of Encroachments. Once an encroachment has been constructed by the permittee to Department standards, maintenance of the encroachment, unless otherwise provided, shall be as follows: (3-30-01)

a. Paved public approach - State maintains to the right-of-way line. (12-26-90)

b. Paved private approach - State maintains to end of radii, permittee maintains beyond the radii. (12-26-90)

c. Gravel public approach. State installs an asphalt wedge sufficient to protect the roadway pavement edge (three (3) to six (6) feet back from the edge of road for the width of the approach). It is desirable to pave the approach to the right-of-way line when the road is reconstructed. State maintains to the right-of-way line. (3-30-01)

d. Gravel private approach. The permittee maintains beyond the wedge. (3-30-01)

e. Gravel turnouts. State maintains turnouts, other than mailbox turnouts, to the right-of-way line. The permittee maintains mailbox turnouts. (3-30-01)

f. Maintenance of all other encroachments shall be the responsibility of the permittee. (3-30-01)

101. -- 199. (RESERVED)

200. APPLICATIONS AND PERMITS.

01. Required. To help preserve the highways as constructed and provide responsible growth where allowed, any individual, business, or other entity planning to add, modify, change use, relocate, maintain, or remove an encroachment on the state highway or use highway right-of-way for any purpose other than normal travel, shall obtain a permit to use state highway right-of-way. Encroachment permits approved by the Department are required for private and public approaches (driveways and streets), utilities and other miscellaneous encroachments. (3-27-13)

02. Work Prior to Approval. No activities shall be allowed on State highway rights-of-way until an approved permit has been issued by the Department or a delegated local highway agency. In an emergency, that effects highway operations and motorist safety, approval may be given by the Department or a delegated highway agency in advance of processing the permit. (3-30-01)

03. Local Highway Agency Authority. The department may delegate authority to a local highway agency to issue permits to use state highway rights-of-way if adequate local ordinances are in place and are enforceable. The Department shall retain final approval for all permits issued by a local highway agency on the State Highway System. (3-15-02)

04. Administration. Permitting process shall be administered by the Department or their delegated representative, within the representative's respective jurisdiction. Department District offices are located in Coeur d'Alene, Lewiston, Boise, Shoshone, Pocatello and Rigby. (3-27-13)

05. Application Forms. All applications to use State highway right-of-way shall be made on approved Department forms. (3-30-01)

06. Applicant to Be Informed. Applicants shall be informed of Department policies and regulations concerning encroachments. (3-27-13)

07. Payment for Impacted Highway Features. Applicants shall pay for any changes or adjustments of highway features or fixtures brought about by actions, operations or requirements caused by the applicant. (3-27-13)

08. Encroachment Conflicts. Conflicts between proposed encroachments and highway maintenance or construction projects, utilities or other encroachments shall be resolved before an application is approved. (3-27-13)

09. Review Process. The review process shall commence on the day the applicant submits the signed application and makes payment of the initial application fee(s). If the Department determines there is insufficient documentation to process the application, the process will be placed on hold until such documentation has been received. All applications for encroachment permits shall be reviewed and evaluated for current access control requirements, deed restrictions, safety and capacity requirements, design and location standards, or an approved variance of these standards, environmental impacts, location conflicts, long-range planning goals, and the need for an appraisal. A time table for the review process is available at the Idaho Transportation Department Headquarters Office or any District Office. (3-27-13)

10. Department Held Harmless. In accepting an approved permit, the permittee, their successors and assigns, shall agree to hold harmless and defend, regardless of outcome, the state from the expenses of and against all suits or claims, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the permittee or its contractor in the design, construction, maintenance or operation of the encroachment. (3-30-01)

11. Permit Requirements. All permits shall specify approach location and use, and be accompanied by approved traffic control plans, design details and specifications that address dust control, site reclamation, environmental protection and work site safety. The applicant shall be required to submit construction plans stamped by an engineer licensed in the state of Idaho to the Department for approval. (3-27-13)

12. Void Application. Once an application is submitted, if the permitting process is not completed within one (1) year as a result of inactivity on the applicant's part, the application shall be considered void. (3-30-01)

13. Denial of Application. Applications for encroachments not allowed shall be verbally denied. If the applicant insists on proceeding with the application, the non-refundable fee shall be accepted and a permit denial issued by certified letter. Upon receipt of the denial letter, the applicant can appeal the Department's action.(3-30-01)

201. PERMIT COMPLIANCE AND EXPIRATION.

01. Permitted Work. If work does not begin immediately, the permittee shall notify the Department or local highway agency five (5) working days prior to commencing such work. Local highway agency shall promptly notify the Department, when applicable. (3-30-01)

02. Work Site Documents. The permittee or contractor for the permittee, shall maintain a copy of the approved permit, all special provisions and any related documents, at the work site while work is in progress. (3-30-01)

03. Completion of Work. All permitted work shall be completed and available for final inspection within thirty (30) days after construction begins, unless otherwise stated in the special provisions of the permit. If the permitted work is not completed within one (1) year of permit issuance, the permit shall be considered void. At the discretion of the Department, a one-time extension not to exceed six (6) months may be granted if requested in writing by the permittee prior to permit expiration. New applications shall be required for additional work following permit expiration. (3-30-01)

04. Temporary Encroachments. Temporary encroachment permits shall have an effective time period not to exceed one (1) calendar year and shall be removed within ten (10) days following permit expiration. (3-30-01)

202. -- 299. (RESERVED)

300. GENERAL REGULATIONS FOR APPROACHES.

01. Required. All new or additional approaches, or the modification in design or use, relocation or removal of existing approaches require an approved State highway right-of-way use permit and shall meet all access control requirements that correspond to the state highway being affected. (3-27-13)

02. General. Requests for approaches shall be reviewed and considered for approval based on the needs of the total development, regardless of the number of individual parcels it contains. (3-30-01)

03. Joint-Use Approach. Only an owner of property abutting the state highway right-of-way, or their designated representative, can apply for access. Applications for a joint-use approach that serves two (2) or more abutting properties sharing common boundary lines shall be accompanied by a legal recorded joint-use access agreement and shall be signed by all deeded owners or authorized representatives. (3-30-01)

04. Applicable Standards. The location, design, and construction of all approaches shall comply with Department standards. Information regarding applicable standards is available at Department headquarters and all District offices listed in Subsection 003.01. (3-30-01)

05. Approach Locations. Approaches shall be located where the highway alignment and profile meet approved geometric standards, where they do not create undue interference with or hazard to the free movement of normal highway or pedestrian traffic, and where they do not restrict or interfere with the placement or proper function of traffic control signs, signals, lighting or other devices. (3-30-01)

06. Denial of Approach Application. Failure to comply with these requirements may be sufficient cause for the Department to deny an approach application, prohibit specific approach usage, or remove an existing approach. (3-30-01)

07. New Approaches in Highway Construction. Applications for an encroachment located within a state highway construction project shall be processed by the Department. (3-27-13)

08. Modification of Approaches by Department. The Department reserves the right to make any modifications, additions, repairs, relocations, or removals to any approach or its appurtenances within the highway right-of-way, when necessary for maintenance, rehabilitation, reconstruction or relocation of the highway and/or to provide proper protection of life and property on, or adjacent to, the highway. (3-30-01)

09. Modification of Approaches by Permittee. Modifications of approach use, construction, or design shall include but not be limited to width, grade, surface type, landscaping, and drainage. Such modifications by the permittee require Department approval. (3-27-13)

301. -- 399. (RESERVED)

400. LOCATION AND DESIGN STANDARDS FOR APPROACHES.

01. Required. Location, design, construction and operations of all approaches shall comply with current Department geometric standards and design principles. (3-30-01)

02. Guidelines. The following access management guidelines shall be considered on all approach applications: (3-30-01)

a. Design approaches for current and future property access requirements; and (3-30-01)

b. Reduce conflicts associated access points through the application of channelization, auxiliary lanes, joint-use approaches, frontage and other local roads, restricted on-street parking and off-street traffic circulation. (3-30-01)

03. Signal and Approach Spacing. In order to maintain system capacity, safety and efficiency, maximize signal progression and minimize delays to the traveling public, all approaches and signals shall be spaced in accordance with the following standards: (3-27-13)

a. All traffic signal locations shall meet Department signal warrant requirements and a signal operational analysis; (3-30-01)

b. Location preference shall be given to State highways that meet or may be reasonably expected to meet signal warrants within five (5) years; and (3-30-01)

c. Minimum recommended distances between approaches and signals are as follows:

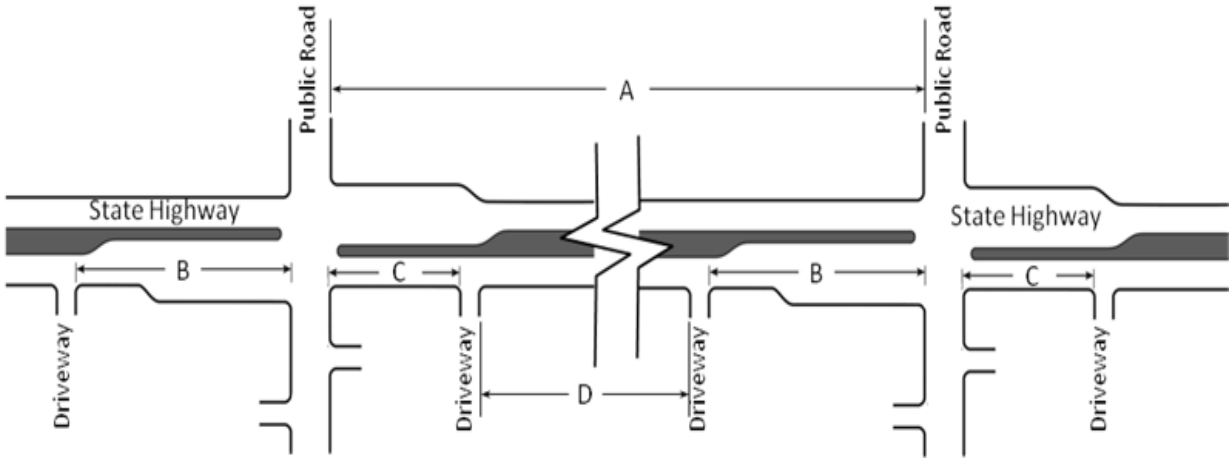
TABLE 1 – ACCESS SPACING*

HIGHWAY TYPE	AREA TYPE	Signalized Road Spacing	Public Road Spacing (A)	Driveway Distance Upstream From Public Road Intersection (B)	Driveway Distance Downstream From Unsignalized Public Road Intersection (C)	Distance Between Unsignalized Accesses Other Than Public Roads (D)
Interstate	All	Accessible only by interchanges (ramps) and requires approval by the Board and Federal Highway Administration.				
Freeway	All	Accessible only by interchanges (ramps).				
Expressway	All	Accessible only at locations specified by the Department.				
Statewide Route	Rural	5,280 ft	5,280 ft	1,000 ft	650 ft	650 ft
	Transitional	5,280 ft	2,640 ft	760 ft	500 ft	500 ft
	Urban >35 mph	2,640 ft	1,320 ft	790 ft	500 ft	500 ft
	Urban ≤35 mph	2,640 ft	1,320 ft	790 ft	250 ft**	250 ft**
Regional Route	Rural	5,280 ft	2,640 ft	1,000 ft	650 ft	650 ft
	Transitional	2,640 ft	1,320 ft	690 ft	360 ft**	360 ft**
	Urban >35 mph	2,640 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban ≤35 mph	2,640 ft	660 ft	660 ft	250 ft**	250 ft**

TABLE 1 – ACCESS SPACING*						
HIGHWAY TYPE	**AREA TYPE**	**Signalized Road Spacing**	**Public Road Spacing (A)**	**Driveway Distance Upstream From Public Road Intersection (B)**	**Driveway Distance Downstream From Unsignalized Public Road Intersection (C)**	**Distance Between Unsignalized Accesses Other Than Public Roads (D)**
District Route	Rural	2,640 ft	1,320 ft	760 ft	500 ft	500 ft
	Transitional	2,640 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban >35 mph	1,320 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban ≤35 mph	1,320 ft	660 ft	660 ft	250 ft**	250 ft**
*Distances in table are minimums based on optimal operational and safety conditions such as adequate sight distance and level grade. Definitions of spacing designated by (A), (B), (C), and (D) are represented on Figure 1.						
** Where the public road intersection or private access intersection is signalized, the distances in the table are for driveways restricted to right-in/right-out movements only. For unrestricted driveways the minimum distance shall be 500 feet from a signalized intersection.						

(3-27-13)

Figure 1:



(3-27-13)

d. The District Engineer shall have the authority to deny an encroachment permit or require the applicant to provide a Traffic Impact Study when an on-site review indicates that the optimal conditions (such as sight distance and queue length) assumed in Table 1 do not exist, and that operational or safety problems may result from the encroachment spacing. (3-27-13)

e. The District Engineer shall have the authority to approve a decrease in the minimum access spacing distances set forth in Table 1, provided that the basis for any exception is justified and documented. The basis for the exception may include overriding economic opportunity considerations. For any exception that would result in a decrease in access spacing of more than ten percent (10%) of the distances set forth in Table 1, a Traffic Impact Study

will be required in order to determine whether auxiliary lanes or other appropriate mitigation must be included in the permit's conditions. (3-27-13)

f. Unless the requirement is waived by the District Engineer, a Traffic Impact Study shall also be required when a new or expanded development seeks direct access to a state highway, and at full build out will generate one hundred (100) or more new trips during the peak hour, the new volume of trips will equal or exceed one thousand (1000) vehicles per day, or the new vehicle volume will result from development that equals or exceeds the threshold values in Table 2. If the District Engineer waives the requirement for a Traffic Impact Study, the basis for such waiver shall be justified and documented. (3-27-13)

g. When required, the Traffic Impact Study shall document access needs and impacts and whether any highway modifications are necessary to accommodate the new traffic volumes generated by the development. Such modifications could include, for example, turn lanes, additional through lanes, acceleration or deceleration lanes, medians, traffic signals, removal and/or consolidation of existing approaches, approaches limited to right-in/right-out access only, etc. (3-27-13)

h. If a District Engineer denies an encroachment permit application and the denial is appealed to the board, the board or its delegate shall have the authority to approve exceptions to the access and signal spacing distances in Table 1 if, in the judgment of the board, overriding economic considerations cause the exceptions to be in the best interests of the public. (3-27-13)

Table 2

LAND USE TYPE	THRESHOLD VALUE
Residential	100 Dwelling Units
Retail	35,000 square feet
Office	50,000 square feet
Industrial	70,000 square feet
Lodging	100 rooms
School (K-12)	All (Sections 67-6508 & 67-6519, Idaho Code)

(3-27-13)

04. Corner Clearance. (3-30-01)

a. Approaches should be located as far as practical from intersections: to preserve visibility at the intersection, to permit safe vehicle movement, and to accommodate the installation of traffic signs, signals and lighting where required. (3-30-01)

b. Approach transitions or flares shall not encroach upon curbs or pavement edges forming the corner radii of the intersection. (3-30-01)

c. Minimum corner clearances between signalized and unsignalized urban and rural intersections shall comply with current Department standards. (3-30-01)

05. Approach Alignment. Whenever possible, all new or relocated approaches shall intersect the state highway at right angles and shall be aligned on centerline with existing approaches to facilitate highway safety and the development and use of turn lanes and/or signals. Approach skew angles shall be in conformance with current Department standards. (3-30-01)

06. Width and Radius. (3-30-01)

a. An approach shall be wide enough to properly serve the anticipated type and volume of traffic. Minimum widths should be used only when space limitations apply. (3-30-01)

b. An approach that is adjacent to a public alley may include the alley as part of the approach if approved by the local jurisdiction, however, the width of the combined approach shall not exceed forty (40) feet. (3-27-13)

c. Commercial approaches with volumes exceeding fifty (50) vehicles per hour during a total of any four (4) hours per day should be designed to public road standards. (3-30-01)

d. A Boulevard Approach may be required to improve operation and/or aesthetics of commercial approaches and some public highways, when warranted, by a combination of vehicle length and higher traffic volumes. The approach shall be designed to serve the traffic with a right-turn lane, a left-turn lane, a median, and one (1) or more entrance lanes. (3-30-01)

e. Minimum and maximum recommended approach widths and radii are as follows:

APPROACH USE	< 35 MPH		≥ 35 MPH		RADII	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Single Residential, Farmyard, Field	12ft	40ft	20ft	40ft	20ft	30ft
Multiple Residential	28ft	40ft	28ft	40ft	20ft	30ft
Commercial (One-Way)	15ft	30ft	20ft	30ft	30ft	40ft
Commercial (Two-Way)	25ft	40ft	25ft	40ft	30ft	40ft
Boulevard Approach	84ft	84ft	84ft	84ft	Contact Department	
Joint-Use Residential/Farm	25ft	40ft	25ft	40ft	20ft	30ft
Joint-Use Commercial	12ft	40ft	20ft	40ft	30ft	40ft
Public Highways	28ft	N/A	28ft	N/A	30ft	50ft

(3-27-13)

07. Property Line Clearance. (3-30-01)

a. In curbed sections, there shall be a minimum property line clearance of six (6) feet to accommodate approach transitions. Approaches shall be constructed so that all approach flares and any extensions of the approach remain within applicant's property. (3-27-13)

b. In rural or uncurbed sections, property line clearances shall be equal to approach radius. Approaches shall be constructed so that all approach radii remain within applicant's property. (3-30-01)

c. Approach transitions or radii may be allowed to abut the adjacent property line when required for proper utilization of property. Joint-use approaches shall be required whenever property frontage is insufficient to include full width of the approach, including both radii. (3-30-01)

08. Setback. (3-30-01)

a. Improvements intended to serve patrons on private property adjacent to state highway right-of-way shall be setback from the highway right-of-way line so that stopping, standing, parking or maneuvering of vehicles on the right-of-way is not necessary. A minimum setback of fourteen (14) feet from state highway right-of-way line is recommended, unless a greater minimum is established by an engineering study. When an ordinance requires a certain number of parking spaces per square footage of building, the parking spaces shall not be included within state highway right-of-way. (3-27-13)

b. Traffic movements into and out of a business shall be designed, whenever possible, to utilize existing local roads. Existing approaches along traveled way should serve as exits only from the business onto the state highway. Entrance to the property should be made from a local road. (3-30-01)

09. Sight Distance. Any encroachment, including but not limited to hedges, shrubbery, fences, walls, or other sight obstructions of any nature, that constitutes a traffic hazard within the "vision triangle" of vehicle operators at the intersection of roads with other roads, private approaches, alleys, bike or pedestrian paths, or railroad crossings shall be removed. (3-30-01)

10. Transitions and Flares. (3-30-01)

a. In curb and gutter sections, the transition connecting the edge of the approach to the curb shall meet minimum Department standards. (3-30-01)

b. In sections not having a curb and gutter, approach flares should connect the outside edge of the approach to the outside edge of the roadway shoulders and shall meet minimum Department standards. The approach flare tangent distance should not exceed twenty (20) feet unless a larger radius is warranted by an engineering study. (3-27-13)

c. The distance between approaches shall be such that the curb approach transition or radii of the one (1) approach does not encroach upon the transition or radii of the adjacent approach. (3-30-01)

11. Grade. (3-30-01)

a. If the maximum allowable slope is not great enough to bring the approach to the level of the sidewalk or back of curb, a depressed sidewalk should be installed, when required. If sidewalks exist, the connection between the original sidewalk and the depressed sidewalk shall be made through a transition area with a slope no steeper than twelve horizontal to one vertical (12:1) from the longitudinal grade of the original sidewalk. All new curbs or sidewalks should be constructed to the line and grade of the existing curb or sidewalk with every effort to construct a sidewalk that is uniformly graded and free of dips. (3-27-13)

b. To accommodate emergency service vehicles, the Department recommends a maximum approach grade of plus or minus ten percent (±10%). (3-30-01)

12. Border Area. (3-30-01)

a. Border area work (including grading, seeding and landscaping) shall insure that adequate sight distance, proper drainage, desirable slopes for maintenance operations, and a pleasing appearance are provided. The border area shall be free of encroachments and designed as needed to prevent vehicular use through the incorporation of appropriate methods such as ditching, special grading, use of concrete or bituminous curbs, fencing, guard rail, and guide posts. The design or devices should not impair adequate sight distance or constitute a hazard to pedestrians, bicycles, or vehicles. (3-30-01)

b. The maximum slope beyond the outside edge of shoulder, back of curb, or back of sidewalk to the right-of-way line shall meet minimum Department standards. The creation of ponds, pools, or drainage/evaporation swales within the highway right-of-way shall be prohibited. (3-30-01)

13. Drainage. (3-30-01)

a. All approaches shall be graded so that private properties abutting the highway right-of-way do not drain onto the traveled way, do not impair the drainage within the right-of-way, alter the stability of the roadway subgrade or materially alter the drainage of areas adjacent to the right-of-way. Post-development drainage flows shall not exceed predevelopment drainage flows. (3-30-01)

b. Culverts and drop inlets shall be installed where required and shall be the type and size specified by the Department. Where the border area is regraded, landscaped or reclaimed (seeded), it shall have sufficient slope, ditches, culverts, and drop inlets for adequate drainage. Slopes, where practical, should be a six-horizontal-to-one vertical (6:1) maximum. (3-27-13)

14. Base and Surfacing. (3-30-01)

a. It shall be the responsibility of the permittee to supply, place and properly compact the approach fill and base material. All base and surfacing materials and compaction requirements shall meet minimum Department design and construction standards. (3-30-01)

b. All rural private, commercial and public approaches shall be paved to the right-of-way line or to the back of the approach radius. Farmyard and field gravel approaches that are occasionally used shall be paved a minimum of five (5) feet from the edge of pavement. (3-27-13)

c. In curb and gutter areas, approaches shall be paved to the right-of-way line. (3-30-01)

401. MEDIANS.

01. Median Placement. The placement of medians shall meet the following considerations: (3-30-01)

a. Where a traffic engineering study indicates that medians would be beneficial to control access, maintain street capacity, and improve traffic safety. (3-30-01)

b. When medians are selected, non-traversable medians are the preferred median type; however, traversable medians in urban areas may be considered to accommodate emergency vehicles. (3-30-01)

c. Pedestrian/bicycle safety shall be given consideration in the choice and design of medians in areas that are frequently used by pedestrians/bicycles. (3-30-01)

d. construction requirements for all new or modified public approaches to the state highway right-of-way, including private approaches to subdivisions and businesses, shall be reviewed for the need to place medians on the state highway. (3-30-01)

e. Channelization formed by raised curbs, solid painted islands, left turn lanes, or other traffic control installations may be required to create a mandatory right-in/right-out and/or left-in/left-out approach condition. (3-30-01)

02. Median Openings. Median openings shall be as follows: (3-30-01)

a. Placed on multi-lane state highways at all signalized intersections, at locations which currently meet the criteria for a signal warrant and fulfill traffic signal coordination requirements, at locations that are anticipated to meet future traffic signal considerations, and at locations where there will be no significant reduction in safety or operational efficiency. (3-30-01)

b. Designed with a left turn lane and sufficient storage for left turning traffic. (3-30-01)

c. Median openings allowing U-turns shall be provided only at locations having sufficient roadway width. (3-30-01)

402. AUXILIARY LANES.

Review Required. Reviews shall be conducted to determine the need to provide turn lanes, deceleration lanes and acceleration lanes on the state highway prior to issuing an approach permit. Consideration of auxiliary lanes shall meet the following conditions: (3-30-01)

01. **Traffic Engineering Study**. A traffic engineering study shall be made that considers highway operating speed, traffic volumes, projected turning movement volumes, availability of passing opportunities, sight distance, and collision history. (3-27-13)

02. **Auxiliary Lanes to Enhance Roadside Business**. Auxiliary lanes shall not be constructed to enhance a new roadside business, unless the applicant is willing to pay the full cost. (3-30-01)

03. **Auxiliary Lanes Required by Planned Development**. Auxiliary lanes required as a result of a planned development, shall be paid for by the developer. When the need for an auxiliary lane exists prior to an application for a planned development, the developer may not be required to pay for the lane unless such construction precedes the Department's construction schedule. (3-30-01)

403. -- 499. (RESERVED)

500. LOCATION AND DESIGN STANDARDS FOR UTILITIES.

01. Approved Permit Required. An approved right-of-way encroachment permit shall be required for all utility encroachments, including new utility installation and the relocation, maintenance, modification, or removal of existing utility facilities prior to the initiation of any work within the state highway right-of-way. (3-30-01)

02. Utility Locations. Final utility locations shall be identified on the appropriate roadway and bridge plans. (3-30-01)

03. Interstate Highways. As addressed in the 1996 Telecommunications Act, longitudinal placement of telecommunication utilities in any Interstate right-of-way shall require a permit approved by the Department for the installation of utilities. Longitudinal placement of all other utilities in Interstate right-of-way shall require a utility permit approved by both the Department and the FHWA. (3-27-13)

04. Utility Maintenance and Emergency Repair. Right-of-way encroachment permits, approved annually by the Department, shall be required for all maintenance or emergency repairs of utility facilities. The utility shall notify the Department in advance of any work that affects the traveling public. (3-15-02)

05. Conduits Under the Roadway. (12-26-90)

a. Conduits crossing under highways that carry utility structures including, but not limited to, water, sewage, chemicals, electrical wire, and communications cables, shall be installed by jacking, driving or boring unless trenching can be justified. Acceptable justification would only be poor soil conditions, such as rock or boulders, inadequate room for a boring pit, or conflicts with other utility lines which cannot be located accurately (gas lines, multiple telephone conduits). If gravel or boulders prevent boring or jacking on the first attempt, at least two (2) other documented attempts should be made at different locations before contacting the District about an alternate installation method, unless the utility can provide documentation from a qualified agency or engineer that indicates the strata is not conducive to boring, driving or jacking. Normally installation of conduit twenty-four (24) inches or less outside diameter should be attempted by jacking, driving or boring before consideration of trenching as an alternative. (3-27-13)

b. The applicant is required to submit for review and approval, a set of construction plans stamped by an engineer licensed in the state of Idaho. The plans shall show all details on casing, conduits, bulkheads and placement, vertical and horizontal dimensions of the pit and shoring, method of installing the conduit, drainage, void filling, and traffic control devices. Sluicing or jetting shall not be allowed. If required by the engineer, casings should be installed from highway right-of-way line to highway right-of-way line to allow for servicing of the utility facility with minimal disruption to traffic flows. Casings should be installed wherever feasible to allow for placement of multiple conduits. (3-15-02)

c. Conduits under interstate highways shall not be installed by cutting through the pavement under any circumstance. (3-30-01)

06. Conduits Attached to Structure. Conduits attached to any structure shall meet the following requirements: (3-30-01)

a. A set of construction plans showing all details and calculations of a crossing or proposed attachments, stamped by an engineer licensed in the state of Idaho, shall be submitted to the Department for review and approval at the time of permit application. A copy of the existing structure plans shall also be submitted that are marked to show the proposed structure modifications. (3-30-01)

b. Reinforcement shall be located prior to the placement of threaded inserts to suspend utilities using a method approved by the Department. (3-30-01)

c. All attaching hardware shall be galvanized or coated as directed by the Department. (3-30-01)

d. Bolts for the attachment clamps shall be a minimum of one-half (1/2) inch in diameter. (3-27-13)

e. Slip joints shall be installed as directed by the Department. (3-30-01)

f. Drilling of any bridge structural element shall be prohibited without approval from the Department. (3-30-01)

g. Utilities shall be attached to bridges in an interior bay, unless interior attachment is not practical due to the bridge diaphragm or end beam construction. (3-30-01)

h. Placing brackets along or around the structure rail is prohibited. (3-30-01)

i. The installing utility shall relinquish exclusive rights to future use of a hanger system, once installed. However, the responsibility for required maintenance shall remain with the installing utility until the hangar system is placed into a joint-use system. At that time, the responsibility for maintenance shall become a shared responsibility. (3-30-01)

j. A set of "as-built" plans for all conduit or utility crossings and structure attachments shall be submitted to the Department and the local utility locating service with all details of construction within thirty (30) days of the work completion. All "as-built" plans are required to be stamped by an engineer licensed in the state of Idaho. (3-30-01)

501. -- 599. (RESERVED)

600. LOCATION AND DESIGN STANDARDS FOR OTHER ENCROACHMENTS.

01. Approved Permit Required. An approved right-of-way encroachment permit shall be required for all portable objects or signs, memorials, urban improvements, landscaping, farming, irrigation or drainage, mailbox stands or turnouts, recreational parking facilities, park-and-ride lots, school bus turnouts, or structures within the state highway right-of-way other than those authorized or installed by the Department, or those which the government entity deems necessary for regulating, warning, and guiding of traffic. (3-30-01)

02. Benches, Planters, and Other Urban Structures. Structures, including protrusions and overhangs, shall be a minimum of eighteen (18) inches behind the face of curb. When a structure is within a sidewalk area, at least four (4) feet of unobstructed space shall be available for pedestrians. (3-27-13)

03. Overhanging Displays, Canopies and Marquees. In a curb section, encroachments shall not extend closer than eighteen (18) inches behind face of curb. In a non-curb section, encroachments supported by a building shall not extend more than twelve (12) inches into right-of-way. Signs or displays shall be no lower than twelve (12) feet above the sidewalk or ground level. Canopies and marquees shall be no lower than eight (8) feet. (3-27-13)

04. Landscaping, Farming and Associated Irrigation. Repair of landscaping in the state highway right-of-way shall be the responsibility of the permittee, and the Department will not be responsible for, or participate in, any repair or maintenance costs. All requests for landscaping, farming and irrigation shall require a review of current access control records for restrictive covenants. Applications may be approved provided the following conditions are met: (3-30-01)

a. Landscaping, farming, and irrigation systems shall maintain the structural integrity of the state highway right-of-way. No undercutting of the present highway fill and ballast section nor shall access to a state highway from unprotected bare soil be allowed. (3-27-13)

b. Unless otherwise specified, the degree of landscaping will be limited to what is necessary to insure that the appearance of the state highway right-of-way is compatible with the appearance of the surrounding area and shall not interfere with public safety and overall maintenance operations. (3-30-01)

c. Landscaping, farming, and irrigation systems shall not disturb, obstruct, or add to the normal drainage patterns of the state highway right-of-way. No new ditches shall be constructed without prior approval. (3-30-01)

d. Landscaping, farming, and irrigation systems shall not interfere with utility installations, removals, or operations. (3-30-01)

e. Provisions shall be established for the responsibility of future maintenance. (3-30-01)

f. Only planting of forage plants, grasses, flowers, and shrubs with a mature height not to exceed three (3) feet will be allowed within the clear zone of the state highway right-of-way. Type and size of grasses, flowers, and shrubs will be determined by the Department. (3-27-13)

g. No trees shall be allowed within the clear zone of the state highway right-of-way. (3-15-02)

h. All work within the highway right-of-way shall be required to return the right-of-way to either original condition or to the requirements of the encroachment permit as approved by the Department. (3-27-13)

i. Irrigation systems shall be no closer than five (5) feet from the pavement edge and shall be adjusted so water does not cover any portion of the highway pavement. (3-27-13)

j. No grading, excavation or other ground disturbing activities will be performed during rainy periods. If work cannot be avoided during rainy periods, the permittee will install check dams or other approved device(s) or structure(s) in drainage channels and provide a sediment retention basin to avoid discharging sediment containing runoff into the drainage system, or any wetlands, or water bodies (streams, rivers, lakes and ponds). No work shall be performed in or adjacent to any wetland or water body without providing the Department with copies of the appropriate permits from the Army Corps of Engineers, Idaho Department of Water Resources, and the Idaho Division of Environmental Quality. (3-30-01)

k. All areas within the state highway right-of-way disturbed by construction shall be returned to its original condition and reclaimed (re-seeded, fertilized and mulched) as directed by the Department or delegated local highway agency. (3-30-01)

l. Appropriate best management practices to temporarily control erosion and resulting sediment shall be used. Typical soil surface protection practices include erosion control blankets, tacified mulches of straw, wood fiber, paper fiber, soil amendments, or rock mulch. Typical sediment control practices may include silt fences, fiber wattles, rock check dams, sediment basins/ponds, inlet culvert risers, and inlet rock filters. For further information on best management practices, contact the Department. (3-30-01)

m. Travel lanes shall be kept reasonably free of dirt, rocks and other debris resulting from construction or maintenance of landscaping, farming, or irrigation. (3-30-01)

05. Recreational Parking and Park-and-Ride Lots. (3-30-01)

a. Parking areas shall be designed to safely accommodate an adequate number of parking spaces as determined by the Department. (3-30-01)

b. Access points shall be located so that adequate sight distance is maintained for the safety of approaching traffic and so that minimal interference with the normal flow of traffic on the traveled way results. (3-30-01)

c. Approaches shall be constructed in accordance with Department standards. (3-15-02)

d. Installation of fencing and delineation should be considered to restrict ingress and egress locations and widths. (3-30-01)

e. Unrestricted drainage shall be provided and shall comply with Department standards. (3-15-02)

f. Construction and maintenance of parking areas, including snow removal shall be the responsibility of the permittee. (3-30-01)

06. Mailbox Turnouts. (3-30-01)

a. Mailbox turnouts in rural areas may be combined with an adjacent approach or may be independent of the approach. For safety reasons, the mail carrier should be able to stop out of the traveled way whenever possible. The applicant should be required to construct a mailbox turnout at the same time a mailbox is installed. (3-30-01)

b. Mailbox turnouts and mailbox supports shall be constructed in accordance with Department standards. The box-to-post attachments shall resist separation when struck by a vehicle. No massive metal, concrete, stone or other hazardous supports shall be allowed. Owners of mailboxes that do not meet minimum installation requirements shall be notified that correction is required. (3-15-02)

07. School Bus Turnouts. (3-30-01)

a. School bus turnouts shall be constructed with sufficient length and width to accommodate bus length and turning maneuvers as determined by the Department. (3-30-01)

b. Turnouts shall be located so adequate sight distance is maintained for the safety of approaching traffic and so that minimal interference with the normal flow of traffic on the traveled way results. (3-30-01)

c. All permitted school bus turnouts shall include approved advance warning signs installed at Department expense. (3-30-01)

601. -- 699. (RESERVED)

700. APPLICATION FEES.

01. Fee Administration. Fees for applications for permits shall be based on the Department's cost to produce the permit and administer the program. Fees for permits are not refundable in the event of denial of the permit or in the event the permittee fails to comply with the permit. Applications shall not be processed until all applicable permit fees are received. (3-13-02)

02. Fee Schedule. The permit application fees shall be as follows: (3-13-02)

a. Approaches:

Land Use Category	Permit Application Fee
Residential, < 100 units (includes farm and field approaches)	$50
Residential, ≥ 100 units	$100
Retail, < 35,000 sq. ft.	$50
Retail, ≥ 35,000 sq. ft.	$100
Office, < 50,000 sq. ft.	$50
Office, ≥ 50,000 sq. ft.	$100
Industrial, < 70,000 sq.ft.	$50
Industrial, ≥ 70,000 sq.ft.	$100
Lodging, < 100 rooms	$50
Lodging, ≥ 100 rooms	$100
School (K-12)	$100

(3-27-13)

b. Encroachments other than approaches: fifty dollars ($50). (3-27-13)

c. Utility Permits: (3-13-02)

i. Non-interstate: new, modify, relocate with no prior easement rights, fifty dollars ($50). (3-27-13)

ii. Interstate: fees will be addressed at the time of application. (3-27-13)

iii. Interstate and non-interstate: maintenance or emergency repairs with no prior easement rights - No Charge (3-27-13)

iv. Interstate and non-interstate: new, modify, relocate with prior easement rights within an ITD State highway project) - No Charge. (3-27-13)

03. Miscellaneous Costs. In addition to the application fee, the Department may require payment of costs associated with the following: (3-30-01)

a. Study or appraisal review; or (3-30-01)

b. Appraisal fees required to establish the value of property for new, additional, modification in design or use, or relocation of approaches or other encroachments in a controlled access highway. (3-13-02)

c. Inspection fees may be charged at the discretion of the District Engineer when substantial inspection time will be required to monitor and accept work done within the right-of-way. This includes wages, travel, subsistence and other expenses incurred. The intent is to recover only Department costs. When the inspection fee is to be assessed, it shall be stipulated under the application's special provisions. Travel time in excess of one (1) hour, a loaded payroll rate, vehicle rental cost, subsistence, and other expenses incurred. If additional inspections are required, the permittee will be billed a flat fee as determined by the Department at the time the permit is issued. (3-30-01)

d. A performance bond may be required of an applicant at the discretion of the Department. The purpose of this bond is to guarantee completion of the work in accordance with the requirements of the permit. The bond amount should be large enough to cover costs to correct potential damage that might be caused by the permittee.

The bond shall be executed by a surety company authorized to conduct business in Idaho. (3-30-01)

e. Construction of highway modifications or improvements, including but not limited to signals, illumination, signs, pavement markings, delineation, guardrail, and culverts; (3-30-01)

f. Changes or adjustments made to highway features or fixtures; or (3-30-01)

g. Expenses relating to photocopying highway plans, permits or related documents. (3-30-01)

04. Waivers. Permit fees may be waived and the justification included with the application for: (3-30-01)

a. Approaches resulting from right-of-way negotiations that are included in plans and completed during construction of a highway project. (3-30-01)

b. Government agencies. (3-30-01)

c. Agricultural uses of the right-of-way as included in the right-of-way agreement. (3-30-01)

d. Approaches and other encroachments where direct benefit to the Department is gained. (3-30-01)

e. Utility adjustments or relocations per project utility agreement, or requested by the Department, or utility maintenance and emergency repairs. (3-30-01)

701. – 799. (RESERVED)

800. UNAUTHORIZED AND NONSTANDARD ENCROACHMENTS.

01. Compliance. District Engineers shall ensure compliance with all applicable laws and Department policies relating to the removal or correction of unauthorized and non-standard encroachments in accordance with Department rules and policies. (3-30-01)

02. Prohibition. Approaches and other encroachments on state highway rights-of-way that are installed without an approved state highway right-of-way permit, or not constructed in accordance with the Department requirements as stated in the permit, or are naturally occurring adjacent to the state highway right-of-way line and create a hazard, are prohibited, may be removed or their use may be suspended until corrective action is taken. The application process shall be immediately initiated when applicable or the encroachment removed when such a permit cannot be approved. (3-30-01)

03. Nonstandard Encroachment. When a permitted encroachment does not meet Department standards, the applicant or permittee shall be given one (1) month to upgrade the encroachment to the encroachment standards. Encroachments may be removed by the Department and legal action initiated to collect the removal cost. (Section 40-2319, Idaho Code) The one (1) month period may be shortened if an imminent or immediate threat to the safety of the traveling public is present. Time extensions may be granted by the Department or delegated local highway agency. However, if the permittee does not comply, the permit shall be revoked and the encroachment removed. (3-30-01)

04. Encroachment Removal. Any person or entity maintaining an unauthorized encroachment of any kind upon state highway right-of-way shall be served, according to law, with a notice to remove the same. Failure to remove the encroachment within forty-eight (48) hours shall be followed by a certified letter from the Department requesting removal within ten (10) days. If the encroachment is still not removed, the Department shall institute appropriate legal action to have it removed. The Department may take immediate corrective action if an imminent or immediate threat to the safety of the traveling public is present. (3-27-13)

05. Liability of Applicant. The applicant may be held liable for injury or damages caused by the unauthorized or non-standard encroachment. The Department shall make no reimbursement for removal of unauthorized or non-standard encroachments nor shall compensation be made for any losses that may arise from their

removal. The Department may initiate legal action to recover costs for the removal of unauthorized or non-standard encroachments. (3-30-01)

801. PROHIBITIONS.

01. Prohibited Uses. The use of the highway right-of-way or any portion thereof for any of the following uses or purposes shall be prohibited: (12-26-90)

a. Mobile stores, mobile lunch wagons or similar businesses that stop vehicles to offer for sale or sell their wares. (3-30-01)

b. Solicitation or sale of any goods or services, attempts to serve, distribute, petition or recruit, and all associated stopping, standing or parking of vehicles (except Department-approved vending privileges in safety rest areas. (3-30-01)

c. The storage of any substance, equipment or material, including but not limited to logs, lumber, supplies or aggregates. (3-30-01)

d. The abandonment of vehicles or other large objects. (3-30-01)

e. Servicing, refueling and repairing of vehicles, except for emergencies. (3-30-01)

f. The placement of portable objects or signs (material or copy), displays, or other unapproved highway fixtures. (3-30-01)

g. Permanent, temporary or mobile structures, manned or unmanned. (3-30-01)

h. Any obstruction that creates a traffic hazard, including trees, shrubbery, fences, walls, non-standard mailbox stands, or other appurtenances. (3-30-01)

i. Signs or displays that resemble, hide or because of their color, interfere with the effectiveness of traffic signals and other traffic control devices. (3-30-01)

02. Modification of Rule. The Department may modify this rule for emergency, temporary installations for the benefit to the highway user. (3-30-01)

03. Encroachment Hazards. Encroachments shall not interfere with the safety of the highway or the visibility and effectiveness of traffic control devices, form a wall or building support, obstruct crosswalks or wheelchair ramps, or force pedestrians into the highway. (3-30-01)

04. Board Jurisdiction. The Board, by and through the Department, may consummate agreements with cities and villages whereby they may exercise their police powers on those matters within their jurisdiction. (3-30-01)

802. -- 999. (RESERVED)

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