

IDAHO TRANSPORTATION BOARD

Exhibits #268 - #283

2003

EXHIBIT NUMBER	DATE	DESCRIPTION
268	1/2003	Charter for Board Audit Committee
269	2/03	Final decision on construction claim, 1-84 Regina to Cleft
270	2/03	Final decision on City of Eagle's appeal for right-of-way use permit (signalized intersection on SH-44/Eagle Alternate Route)
271	3/03	FY03 public transportation grant funding
272	4/03	FY03-08 Forest Highway Program
273	5/03	FY04-06 Idaho Airport Aid Program
274	5/03	Federal FY03 Third Quarter Plan: Advances and Delays
275	5/03	FY03 State-Funded Highway Program End of Year Plan
276	6/03	2010 Statewide Rural Functional Classification System Map
277	6/03	Rest Area Planning Map: January 2003
278	7/03	Official minute relinquishing US-95B to Bonners Ferry
279	7/03	2004 Proposed Legislative Ideas
280	8/03	FY03 Federal Highway Program prioritized project advances and projects requested for redistribution of obligation authority
281	8/03	FY05 Budget: Summary and Certification
282	11/03	FY03 Certification of revenue and disbursement
283	12/03	Final Decision: claim on District 4 Bridge Repair project

1/3/2003 Draft

Idaho Transportation Department

ITD Board

Audit Committee Charter

Pursuant to the decision of the Idaho Transportation Department (ITD) Board at its meeting of January 16, 2003, an Audit Committee was established and charged with interacting with internal and external auditors and performing specific financially related assignments as the Committee and Board deem appropriate, and with providing periodic reports to the Board.

1. The Audit Committee is a standing committee composed of not less than one Board Member, appointed by the Chairman of the ITD Board, to serve for such term as agreed to by the Chairman and the member/s of the Audit Committee.
2. The Audit Committee shall be responsible for the following:
 - a. Meet with the Legislative Auditor to review the results of the independent audit, including the auditor's recommendations for improvements and management's responses. Management should be included in these meetings if deemed appropriate.
 - b. Periodically meet with the Internal Review Manager to review the results of internal audits and other reviews/audits performed by entities other than the Legislative Auditors, including management's responses. Management should be included in these meetings if deemed appropriate.
 - c. Meet at least annually or more often as the Committee desires with the Administrative Services Division Administrator and Controller for a briefing and analysis of the department's financial statements, system of internal controls and briefing of financial policies and issues.
 - d. Report the results of Audit Committee meetings to the Board.
 - e. Review peer reviews reported on the Office of Internal Review.
 - f. Perform other duties as appropriate.

BEFORE THE IDAHO TRANSPORTATION BOARD

STATE OF IDAHO

In the Matter of the Appeal of the Claim of :)

Nelson Construction Co.,)

v.)

The Idaho Transportation Department.)

FINAL DECISION

Claim for the Plant Mix Pavement)

Removal and Replacement,)

Ada/Elmore County,)

Project IM-84-2(049)73, Contract No. 6269)

I. PRIOR PROCEEDINGS

This matter involves an administrative appeal from the decision of the Chief Engineer denying the above mentioned claim. This appeal is taken to the Board under the Idaho Transportation Department (ITD) Standard Specification §105.17, which is a part of the contract for the construction of this project. The Board received this appeal from Nelson Construction Company (Claimant) on March 22, 2002. The Board approved the use of the Claims Review Board (CRB) under the ITD Standard Specifications to receive evidence from Claimant and ITD on the claim, and submit findings and recommendations to the Board. A hearing was held before the CRB on November 19, 2002. The CRB issued its findings and recommendations on January 27, 2003, and transmitted the recommended decision to the parties.

This matter came before the Board for review and issuance of a final decision on the date noted below at a regularly scheduled meeting of the Board. The Board having reviewed the findings and recommendations of the CRB, and being fully advised in the matter now renders its final decision on the appeal of this claim.

II. FACTUAL FINDINGS

The Board adopts as its own the findings of the CRB as set forth in its findings and recommendations dated January 27, 2003, a copy of which decision is attached as Exhibit A and incorporated herein by this reference.

III. CONCLUSIONS OF LAW

Based upon the foregoing findings, it is the Conclusion of the Board that:

1. Claimant has established partial entitlement to additional compensation for the cost of the extra work performed by the Claimant in the removal and replacement of the unacceptable plant mix.
2. The specific amount of the payment due under the foregoing conclusion is \$25,281.58.

VI. DECISION

ITD shall pay to the Claimant the sum of \$25,281.58 which has been determined to be due under the above findings for the cost of the extra work performed by the Claimant in the removal and replacement of the unacceptable plant mix.

DATED this 19th day of February, 2003.


CHARLES L. WINDER
Chairman, Idaho Transportation Board

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 21st day of February, 2003, I caused a true and correct copy of the above and within FINAL DECISION to be mailed by first class mail, postage prepaid , to:

Nelson Construction Company
P.O. Box 16550
Boise, Idaho 83715

Idaho Transportation Department
P.O. Box 7129
Boise Idaho 83707-1129

Dee D Higgins

EXHIBIT NO.

A



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ENNIS & HAWLEY LLP**
ATTORNEYS AT LAW

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P. CRAIG STORTI

ADMITTED TO PRACTICE LAW IN IDAHO, CALIFORNIA

EMAIL: PCS@HTEH.COM

RECEIVED

JAN 27 2003

January 27, 2003

I.T.D.
CONSTRUCTION

VIA FEDERAL EXPRESS

Doug McAtee
Assistant Claims Engineer
Idaho Transportation Department
3311 W. State Street
Boise, ID 83703

Jim Nelson and
Robert Woodall
Nelson Construction Co.
P. O. Box 16550
Boise, ID 83715

Re: Regina to Cleft, Project No. IM-84-2 (049)73; Contract No. 6269
Key No. 62544 - Claim - Plant Mix Removal and Replacement

Gentlemen:

I have enclosed the findings and Recommendation of the Claim Review Board (CRB) relative to the above-referenced claim. The findings and recommendations are based upon all of the evidence submitted by the parties during the hearing and post hearing processes. These findings and recommendations were unanimously adopted by the CRB.

The CRB appreciates your professional presentations in this matter.

Sincerely yours,

HAWLEY TROXELL ENNIS & HAWLEY LLP

P. Craig Storti
Chairman, Claim Review Board

PCS/tsul

cc: C. W. Anderson (w/encl)
Clayton Sullivan (w/encl)

CONSTRUCTION ROUTING SLIP		
	ACTION	INFO
ALL		
CONST ENGR		✓
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CLAIMS ENGR	✓	✓
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RECOMMENDATION OF THE CLAIM REVIEW BOARD

Project: Regina to Cleft,
Project Number IM-84-2(049)73

Re: Unresolved Contract Claim by Nelson Construction Company (NCC)
with the Idaho Transportation Department (ITD) Concerning Plant
Mix Removal and Replacement

Hearing Date: November 19, 2002

Recommendation Date: January 27, 2003

1. THE CLAIM

NCC filed a claim on June 11, 2001 for payment of removal and replacement of asphalt-deficient plant mix pavement placed by NCC within the trafficked portion of the roadway near the western terminal of the Regina - Cleft Project. That claim was denied by the ITD Regional Engineer in charge of the project on July 2, 2001. NCC appealed the claim to the ITD Chief Engineer on July 26, 2001. The Chief Engineer denied the claim for removal and replacement of the subject asphalt-deficient plant mix pavement on March 5, 2002. NCC and ITD subsequently agreed to have the claim reviewed by the Claim Review Board (CRB). The CRB hearing was held on November 11, 2002 where both NCC and ITD presented their cases and provided supporting information in the form of explanations, data and photographs. Following that hearing, each party was given until December 2, 2002 to submit any additional pertinent information and until December 9, 2002 to submit any rebuttals regarding that additional information by the other party. Each party made two additional submittals within the designated time frames. Thereafter, one additional submittal was requested and allowed by January 3, 2003. Only ITD provided a rebuttal. The hearing was deemed closed on January 4, 2003.

2. BACKGROUND

Paving on this Interstate Highway project is predominately Portland cement concrete (PCC) for travel way and shoulders. However, the western terminal of this 12.2 mile west-bound land lane project was extended approximately 178 meters to the west after award of the contract. In the negotiation of a change order to extend the project, it was decided to pave that extension with asphalt plant mix (PMIX) in lieu of PCC to enable completion of the project prior to winter shut-down of the project.

Fall completion (or substantial completion) was considered critically necessary for the safety of the public who would otherwise be required to travel all winter long on occasionally snow covered/icy road-surface conditions, under two-way, two-lane operation on the eastbound lanes of the interstate highway.

The asphalt paving was specified by ITD to meet current Federal Highway Administration requirements including the use of performance graded asphalt, designation PG 76-28 a.c.

All paving was completed on the project prior to winter shut down. It was discovered, however, that the plant mix paving on the western terminal of the project contained an inadequate amount of asphalt and that the travelway paving would need to be removed and replaced the following spring. ITD required the removal of and replacement of that asphalt paving at NCC's expense. That work was completed the spring of the next year. The work associated with the removal and replacement of the unacceptable PMIX is the subject of NCC's claim.

3. SUMMARY OF NCC'S POSITION

- The PMIX came from the NCC plant in Boise which was also providing PMIX to the Wye Project. The Wye Project was using PG 70-28a.c. asphalt and it was NCC's position that it should work okay on this project.
- NCC would have preferred to have utilized PG 70-28 a.c. asphaltic cement as opposed to the more viscous PG 76-28 a.c., but reluctantly accepted the change order specifying the latter grade.
- PMIX was completed in November, beyond the original paving cut-off date and during typical cold November temperatures.
- The surface course of the travelway-PMIX was replaced the spring of 2001 due to insufficient amount of asphalt at NCC's expense.
- NCC believes that the cold weather somehow was responsible for the asphalt pump serving the PG 76-28 a.c. storage tank delivering less than the programmed amount of asphaltic cement into the mixing plant.
- NCC claims that the mixing plant was properly calibrated to provide the specified percentage of asphalt to the mix. But, samples from the completed paving proved the mix to be significantly short of asphalt. NCC blames the low asphalt contents on the combination of cold weather and the more viscous asphaltic cement they were required to use.

4. SUMMARY OF ITD'S POSITION

- ITD states that PMIX paving with PG76-28 a.c. asphalt concrete has been successfully done in cold weather.
- ITD points to the specifications, which gave NCC the responsibility to perform quality control/quality analysis on this project.

- ITD indicates that neither NCC nor the ITD fails files contain any information on a mixing plant calibration document for the dates that PMIX was utilized on the project extension. It is apparently ITD's conclusion that the plant was never calibrated for the PG76-28 a.c. asphalt.
- NCC was fully responsible for the deficiency of asphalt in the PMIX, which NCC was required to remove and replace the spring of 2001. Therefore, the NCC claim for payment is not accepted.

5. CLAIM REVIEW BOARD DISCUSSION/ANALYSIS

The CRB has reviewed the information supplied by and orally presented by both NCC and ITD. The CRB convened for the hearing held November and met on two occasions since the hearing. The CRB is aware that NCC had the responsibility to perform quality control/quality analysis on this project. The CRB also realizes that ITD has placed major emphasis on that point in rebuttal information supplied to the CRB since the 11/11/02 hearing.

The CRB also understands that ITD has a responsibility to see that the project is constructed in reasonably close conformity to the plans and specifications. That means providing oversight to the contractor's QC/QA programs and efforts. The ITD Construction Manual indicates that it is standard practice for ITD staff to require and to monitor calibration of asphalt mix hot plants prior to the delivery of the PMIX products to the roadway.

According to records presented at the hearing and subsequent to the hearing, no documents exist which would indicate that such calibration procedures were followed by the Contractor when the asphalt grade was changed, nor were there any records indicating that ITD had required or reviewed such recalibration of the plant.

6. CLAIM REVIEW BOARD RECOMMENDATIONS

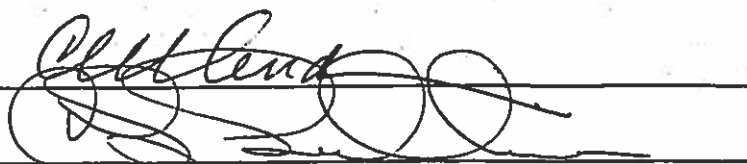
Because it appears that standard practice requires asphalt mix hot plants to be calibrated and that standard practice requires perusal of such calibration by both the contractor and ITD, both parties to the contract have a shared responsibility to see that such calibration is accomplished, approved and documented. Because no records have been produced which would indicate that the calibration was conducted with the change in asphalt binder specifications to PG 76-28 a.c., both parties to the contract have failed to meet an industry standard. Therefore it is the recommendation of the CRB that both parties should share equally in the cost of the extra work involved in the removal and replacement of the unacceptable PMIX.

Respectfully submitted,

Date: 1/23/2003

Date: 1/24/2003

Date: 1/27/2003


Robert J. Storti

**BEFORE THE IDAHO TRANSPORTATION BOARD
IDAHO TRANSPORTATION DEPARTMENT
STATE OF IDAHO**

In the matter of the application of:)

THE CITY OF EAGLE)

For an Idaho Transportation Department)
Right-of-Way Use Permit.)

FINAL ORDER

This case is an appeal to the Idaho Transportation Board ("Board") by the City of Eagle ("City") from the denial by the Chief Engineer of the Idaho Transportation Department ("ITD") of the City's application for a Right-of-Way Use Permit. The City's application requests a permit to construct an intersection for a local city street to be constructed in the future at a location one-half mile east of State Highway 55 (Eagle Road) on that portion of State Highway 44/55 known as the Eagle Alternate Route, herein the "Alternate".

**I. ANALYSIS OF THE STATUTES, RULES AND POLICIES
APPLICABLE TO THE BOARD'S DECISION**

A. Idaho Statutes. In the management of the operation of the state highway system, the Board's authority and responsibilities are established in Title 40 of the Idaho Code.

1. Title 40, Idaho Code

a. Idaho Code, Section 40-301 provides:

There is established the Idaho transportation board, which is vested with authority, control, supervision and administration of the department created and established by this title.

b. Idaho Code, Section 40-310 provides in pertinent part:

Powers and duties - State highway system. - The board shall:

...

(4) Locate, design, construct, reconstruct, alter, extend, repair, and maintain state highways, and plan, design, and develop statewide transportation systems when determined by the board to be in the public interest.

(5) Establish standards for the location, design, construction, reconstruction, alteration, extension, repair and maintenance of state highways, provided that standards of state highways through local highway jurisdictions shall be

coordinated with the standards in use for the systems of the respective local highway jurisdictions. ...

(9) Designate state highways, or parts of them, as controlled-access facilities and regulate, restrict or prohibit access to those highways to serve the traffic for which the facility is intended.

...(Emphasis added.)

c. Idaho Code, Section 40-312(1) provides in pertinent part:

Powers and duties - Rules and Regulations. - The board shall:

(1) Prescribe rules and regulations affecting state highways and turnpike projects, and enforce compliance with those rules and regulations.

d. Idaho Code Section 40-503(2) provides in pertinent part:

An office of the chief engineer of the department is established, and the chief engineer shall be a registered professional engineer, holding a current certificate of registration in accordance with the laws of this state... The chief engineer shall also have had five (5) years of actual experience in highway engineering, at least three (3) of which shall have been in an administrative capacity involving the direction of a substantial technical engineering staff. ...

B. IDAPA 39. Pursuant to the Board's rule-making authority under §40-312(1) Idaho Code, the Board has adopted Department rules found at IDAPA 39.03.42 entitled "Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way". These rules govern the granting of public and private approaches on to state highways and appeals of departmental decisions on applications for permits.

1. At the time of the City's application for a permit for the proposed intersection, IDAPA 39.03.42.500.02 provided in pertinent part¹:

Approach Locations. Approaches shall be located where they do not create undue interference with or hazard to the free movement of normal highway or pedestrian traffic and so that areas of congestion shall not be created on the highway.

2. At the time this appeal was filed, the appeal process² established under IDAPA 39.03.42.700 provided:

APPEAL PROCESS.

Applicants denied permits by the District Engineer, may appeal to the State

¹ IDAPA 39.03.42 was changed significantly in March of 2001 while this appeal was pending. The Board has determined that the standards established by the rule in place at the time the appeal was filed shall govern the Board's decision on this appeal. However, the Board's review of the new rule reveals that while some detail has been added to the standards governing the proposal for the new intersection, the substance of the standards has not changed significantly, and the changes would not change this decision.

² See Footnote 1, above. The appeal process under the new rule has eliminated the Board level of review, and implemented contested case review by an administrative hearing officer.

Highway Administrator (i.e. the Chief Engineer). If further arbitration is required, the Department Director will be consulted and, if necessary, the appeal may be presented to the Idaho Transportation Board for final decision.

C. Board and Department Policy. Pursuant to the Board's authority under §40-312(1) Idaho Code to make rules and regulations affecting state highways, the Board has adopted policies, designated "B" policies, which establish general rules and regulations regarding the operation of the state highway system. The Board's "B" policies are implemented by more detailed departmental administrative or "A" policies which are signed by the Director of ITD. The standards that governed the granting of access permits at the time of the City's application and appeal were contained in Board Policy B-12-15 and Administrative Policy A-12-15³.

Following are the pertinent parts of these policies. All underlining for emphasis is intended to identify those portions of the policies that the Board has determined set the standards for the Board's review under the facts in this case.

1. Board Policy B-12-15

HIGHWAY ACCESS CONTROL

It is the Board's policy to provide safe, regulated highway operations with minimum traffic interference from adjacent properties while also providing appropriate service. Access will be regulated to preserve the integrity of the highway system and protect the investment in highway improvements.

The Board has approved an access control plan for the rural State Highway System and has caused a map to be prepared for use as a guide in approving and maintaining public and private access to the State Highway System.

The Idaho Transportation Board retains the right to change access control, reconstruct or widen the roadway, and arrange for necessary modifications or closure of approaches and/or points of access. Types of access control purchased prior to adoption of this policy shall remain in effect...

Urban access control will be developed in coordination with local jurisdictions and will consider the same criteria established for the rural portion of the State Highway System.

Approved by the Board on: 8-20-81

³ Policies B-12-15 and A-12-15 were amended while this appeal was pending and after the adoption of the amendments to IDAPA 39.03.42 described in Footnote 1 above. The Board has determined that the standards established by the policies in place at the time the appeal was filed will govern the Board's decision on this appeal. A review of the new policies reveals that while some detail has been added to the standards governing the proposal for the new intersection, the substance of the standards has not changed significantly under the new rule and the changes would not affect this decision. The changes in the policies relating to the minimum standards for the spacing of public road intersections in areas of Type IV access control is discussed later in this decision.

2. Administrative Policy A-12-15

HIGHWAY ACCESS CONTROL

Rural

An access control plan for the rural portion of the State Highway System has been established by the Transportation Board in consideration of these criteria: type of facility, functional classification, highway safety, vehicle operations, preservation of highway utility, zoning, and route consistency...

Control of access on existing highways shall be maintained according to the type of access control purchased and established for each specific land parcel. Types of access control purchased prior to adoption of this policy shall remain in effect.

Types of access control are shown below in Figure 1. Numbers in parenthesis refer to supplemental data on the next page.

TYPE OF ACCESS CONTROL

METHOD OF ACCESS	FULL CONTROL	PARTIAL CONTROL			
	Type V	Type IV	Type III	Type II	Type I
<u>Public Road Connections</u>	Via Interchange ramps only (5)	<u>As shown on project plans or determined to be in the public interest (1)</u>			
Existing Approaches	Access Road Service Only	Access Road Service Only (3)	Maximum of four per side per mile (3) *See below	As shown on project plans with no spacing restrictions	
New Approaches	Access Road Service Only	Access Road Service Only (3) and (6)	Access Road Service Only, except in extreme cases (3) and (6) * Maximum of 3 per side per mile if located in mile-grid local road system.	Prohibited except that isolated parcels shall be served (2)	Permitted at not less than six hundred and sixty (660) foot spacing between approaches, (4), except that isolated parcels shall be served (2)

Supplemental data:

(1) For Type IV, partial access control, existing public road connections shall be shown on the project plans with future public road intersections limited to one (1) per mile on each side of the highway.

(2) Isolated parcels are those land units adjacent to the highway right of way that have no access due to canals, streams, terrain, other barriers or were created by property sale or exchange before the original access purchase.

- (3) Adequate right of way for access roads may be obtained under Type III and Type IV partial access control. Access roads shall be provided when economically justified.
- (4) The minimum six hundred sixty (660) foot approach spacing for the Type I partial access control may be increased and will be considered in the initial approval of that type of access.
- (5) Full control of access prohibits all at-grade intersections, including those with railroads.
- (6) Right of way for frontage roads will be provided when appropriate and will be obtained in the name of the entity having jurisdiction.

Urban

Urban access control will be developed in coordination with local jurisdictions and will use the same criteria employed to establish rural access control.

The Districts and the Transportation Planning and Programming Section will be responsible for communicating the Department's controlled access policy to representatives of planning units and local jurisdictions. Access control plans for urban areas will be reviewed by the Transportation Planning and Programming Section.

Urban and Rural

Changes in Functional Classification of routes will include consideration of appropriate level of access control for proposed functional usage.

Adopted: 10/17/91

D. United States Code and Regulations. In the administration and management of those highways that are a part of the National Highway System (NHS) or where federal funds have been used to construct or improve the highways, the Board is obligated to comply with federal statutory law under Title 23 of the United States Code, as well as the regulations promulgated under the statutes which are found in Title 23 of the Code of Federal Regulations.

1. 23 USC §103. The federal statute which establishes the NHS and defines its purpose is found at 23 USC §103, which reads, in pertinent part:

(a) In general.--For the purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

(b) National Highway System.--

(1) Description.--The National Highway System consists of the highway routes and connections to transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled "Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals"

and dated May 24, 1996. The system shall--

(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

(B) meet national defense requirements; and

(C) serve interstate and interregional travel.

(2) Components.--The National Highway System described in paragraph (1) consists of the following:

(A) The Interstate System described in subsection (c).

(B) Other urban and rural principal arterial routes.

(C) Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

(D) A strategic highway network consisting of a network of highways that are important to the United States strategic defense policy and that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime. The highways may be highways on or off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

(E) Major strategic highway network connectors consisting of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network. The highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.
... (Emphasis added.)

2. 23 CFR §620.203. This regulation contains requirements that state highway agencies must meet in dealing with highway facilities and relinquishing property rights previously acquired for highway purposes and provides in pertinent part:

Relinquishment of Highway Facilities. Procedures.

...

(h) No change may be made in control of access, without the joint determination and approval of the SHA (State Highway Agency) and FHWA. This would not prevent the relinquishment of title, without prior approval of the FHWA, of a segment of the right-of-way provided there is an abandonment of a section of highway inclusive of such segment.

3. 23 CFR §625.2(c) This regulation which deals with design standards for federal aid highways contains a statement of the FHWA policy and goals regarding safety requirements that state highway agencies must meet in dealing with highway facilities and provides:

An important goal of the FHWA is to provide the highest practical and feasible level of safety for people and property associated with the Nation's highway transportation systems and to reduce highway hazards and the resulting number and severity of

accidents on all the Nation's highways.

II. THE COURSE OF THE PROCEEDINGS

A. In September 2000, the City filed an application for a Right-of-Way Use Permit with ITD's District Three Office located in Boise, Idaho. The City's application requested a permit for access for an intersection with a local street to be located one-half mile east of Eagle Road on that portion of State Highway 44/55 known as the Eagle Alternate Route. (Eagle Exhibit 1.) The ITD District Three Engineer denied the application on October 4, 2000. (Eagle Exhibit 1.) The City appealed the District's decision to the Chief Engineer. The Chief Engineer denied the application on November 20, 2000. (Eagle Exhibit 1.) The City appealed the Chief Engineer's decision to the Board on November 30, 2000. (Eagle Exhibit 1.)

B. An evidentiary hearing was held before the Board on January 19, 2001 in Boise, Idaho, at which the representatives of the City, those in support of the City's application, and representatives of ITD staff appeared and presented oral and documentary evidence. Mr. Barry Marcus, a representative of Eagle Gravel, Inc., one of the landowners at the site of the proposed intersection, appeared in support of the City's application, testified at the hearing, and submitted a significant amount of documentary evidence which has been included in the record as "Marcus Exhibits". At the close of the hearing, the Board granted the parties until February 2, 2001 to submit any additional documentary evidence that they wished the Board to consider prior to closing the record and taking the matter under advisement. The Board also encouraged the parties to meet in an attempt to settle the matter. The deadline for submittal of additional documentary evidence was extended to March 2, 2001 at the request of the City and ITD staff. Further extensions of the deadline for submittal of final documentary evidence and continuation of the date for closure of the record and deliberations were granted at the request of the parties while they attempted to negotiate a settlement of the dispute.

C. In March of 2002, after settlement negotiations had failed, the City requested that the evidentiary hearing be reopened and that the parties be given an opportunity to submit additional documentary evidence and testimony in support of their position. The Board granted the parties an opportunity to submit additional documentary evidence prior to December 10, 2002, and a continuation of the evidentiary hearing was scheduled before the Board on December 12, 2002. The City representatives, Mr. Marcus, and the ITD staff representatives again appeared and testified before the Board on that date. At the request of the Board, a representative of FHWA appeared at the hearing and presented evidence related to its role and general responsibilities regarding access control on highways which are a part of the National Highway System.

D. The City and Mr. Marcus objected to the evidence offered by the representative of FHWA on the grounds that FHWA's evidence was prejudicial and would taint the Board's decisional process. They argued that FHWA has no role in the decision making process on an application for a Right-of-Way Use Permit on an NHS highway until after the Department has approved such an application, and after an application is approved, the FHWA would be required to make an independent decision to concur with the decision or not based upon federal law and regulatory standards. The participation of FHWA in the hearing before the Board, argued the City and Mr. Marcus, amounted to "pre-decisional speculation" by the same officials who would later be

required to make a decision on whether to concur if the permit was granted. The Board noted the City's objections, but upon review, chose to admit the FHWA evidence over the objections of the City.

Idaho Code § 67-5251 provides in pertinent part:

Evidence - Official notice. - (1) The presiding officer may exclude evidence that is irrelevant, unduly repetitious, or excludable on constitutional or statutory grounds, or on the basis of any evidentiary privilege provided by statute or recognized in the courts of this state. All other evidence may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of their affairs.

...

The City's arguments ignore the nature of the evidence offered by the FHWA representative. The FHWA evidence was general in nature and outlined the agency's views on the importance of stewardship of transportation facilities and assets on the National Highway System, of which the Alternate is a part. The evidence also dealt with the broad perspective of the National Highway System and the need to consider the broader purposes of the transportation system as well as local needs and purposes. At no point did the FHWA representative opine on the appropriateness of approval or denial of the application in question in this case, nor did he speculate about what success the application, if approved, would meet in seeking FHWA concurrence. It is the Board's finding that the FHWA evidence is not barred on constitutional or statutory grounds, nor is it privileged. It is relevant in that the Alternate, where the intersection is proposed, is a part of the National Highway System and thus, the impacts of the intersection must be viewed from a statewide and national perspective as well as a local perspective. Additionally, it is prudent for the Board to recognize and understand the federal standards and the potential effect of the approval on the Department's compliance with its obligations to the federal highway agency. In the view of the Board, the evidence offered by FHWA is evidence of a type commonly relied upon by prudent persons in the conduct of their affairs, and is admissible before the Board in this appeal.

E. At the close of the December 12, 2002 evidentiary hearing, the Board closed the record. In addition to the oral testimony submitted at the hearings, the record at that point contained thirty-six exhibits submitted by the City, six exhibits submitted by Mr. Marcus on behalf of Eagle Gravel, Inc., one exhibit submitted by FHWA, and four exhibits submitted by ITD staff. All of the proffered exhibits were admitted into evidence by the Board and considered in reaching this decision.

The Board now proceeds to its findings of fact based upon the evidence submitted.

III. FINDINGS OF FACT

A. Planning for and Construction of the Eagle Alternate

1. State Highway 44 (SH 44) runs east and west through the Treasure Valley from Exit 25 on Interstate 84 through Middleton, Star and Eagle to Boise. In the mid to late 1970's,

the Idaho Transportation Department and officials from the City were concerned with the traffic congestion that was occurring on SH 44 as it ran through the central business district of the City. Traffic volumes on the highway had increased significantly and were projected to increase even more in future years, and the routing of the highway forced traffic through the City at reduced speeds amidst the distraction of local traffic and business activity. Proposed routes for a bypass or alternate route around the City of Eagle to remedy the situation were studied beginning in 1978. In 1989, City officials approached ITD with a request that it proceed quickly to develop a solution to the congestion. In 1991, the environmental assessment for the Alternate route was approved. The alignment finally selected for the construction of the Alternate route was located south of the City along a route preferred by the City officials. (ITD Exhibit A.)

2. The Alternate was constructed in 1996 at a cost of \$16.2 million dollars. The total costs included construction costs of \$6.1 million and right-of-way acquisition costs of \$7.7 million. The majority of the funds used for design, construction and right-of-way acquisition for the highway were federal highway funds. From milepost 16.26 to milepost 19.00, the Alternate was constructed on a new alignment where no public highway had previously existed. The project called for the retention of "Type IV" access control⁴ along that portion of the highway located between MP 16.26 and MP 19.00. No access rights were granted by ITD to the owners of the properties abutting the portion of the Alternate that was part of the new alignment. Access points for signalized public intersections were granted at the intersection with Eagle Road, and at the intersection with Edgewood Drive approximately one mile east of the SH 55/SH 44 intersection. (ITD Exhibit A.)

3. The portion of the Alternate that lies east of Eagle Road is now designated as SH 55/SH 44, and is a multi-lane principal arterial highway, which is part of the National Highway System (NHS) within Idaho. (FHWA Exhibit 1.) The average daily traffic volume on the Alternate for 2002 is 17,000 vehicles per day. The projected average daily traffic on the Alternate in the year 2020 is 27,500 vehicles per day. (ITD Exhibit D, p. 2.)

B. Planning for the Proposed Intersection

1. The City of Eagle is a member of a municipal planning organization (MPO) that has been established under 23 USC §134⁵ for the Ada County area. The MPO of which the

⁴ "Type IV" access control consists of partial access control on major arterial highways. (A-12-15.)

⁵ The federal statute referred to by the City relating to ITD's obligation to participate in the local planning process with metropolitan planning organizations provides in pertinent part as follows:

§ 134. Metropolitan planning

(a) General requirements.--

(1) Findings.--It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

(2) Development of plans and programs.--To accomplish the objective stated in paragraph (1),

City is a member is the Community Planning Association of Southwest Idaho ("COMPASS" formerly known as the Ada Planning Association "APA"). ITD as a state highway agency participates with the local governmental agency members in COMPASS in the transportation planning process.⁶ (23 USC §134; Marcus Exhibit 2.)

2. The City takes the position in this appeal that as a result of its participation in the MPO planning process, ITD is bound by the planning decisions of COMPASS. As authority for this position, the City references the U.S. Code section that outlines the MPO planning process.⁷ This section of federal law recognizes the importance of cooperative planning for and development of safe and efficient highways in urbanized areas to (1) serve the mobility needs of people and freight; (2) foster economic growth and development; and (3) minimize fuel consumption and air pollution. It does not, however, conflict with the stated purposes of the NHS, or require that local interests in community cohesion or economic growth and development take precedence over the broader national and regional purposes of the NHS on highways located within the geographical limits of the MPO. (Eagle Exhibit 8, August 26, 2002 letter, p. 3; Marcus Exhibit 6, p. 5, question 4; ITD Exhibit B.)

3. COMPASS adopted its first major transportation plan in 1982. That plan was updated in 1992. The 1992 plan was updated in 1996, the same year the Eagle Alternate was built. The functional street classification map for the Eagle planning area adopted November 18, 1996 showed no plans for an intersection on the Alternate between Eagle Road and Edgewood Drive. (Marcus Exhibit 2, Ch. 1, pp. 2-3, and Ch. 4, p. 8).

4. In October 1998, the City of Eagle included a proposed intersection on the north side of the Alternate in proposed amendments to its comprehensive plan. ITD objected in writing to the inclusion of the proposed intersection in the plan, and pointed out that access on SH 44 was limited to existing points of access, and that the proposed intersection would not be allowed. (ITD Exhibit A, p. 6.)

5. The COMPASS 1996 Destination 2015 Plan was updated with the issuance of the Destination 2020 Plan on July 19, 1999. That plan was revised on April 16, 2000. The 2000 revisions to the Destination 2020 Plan, for the first time, include a new road on the north side of the Alternate at the location of the proposed intersection on the list of

metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

(3) Contents.--The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

(4) Process of development.--The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed. (Emphasis added.)

⁶ ITD also participates in a statewide planning process under 23 USC §135.

⁷ 23 USC §134, see Footnote 5 above.

proposed functional street classification changes, as well as a map of the Eagle planning area that shows a stub road on the north side only of the Alternate at the location of the intersection now proposed. This plan also contains the statement that, "SH 44 from the east leg of SH 55 west to the City of Star is a limited access arterial roadway that shall be given special consideration for access control." (Marcus Exhibit 2, Ch. 4, pp. 12, 15, and 25.)

6. The COMPASS Destination 2020 Plan was updated during the course of this appeal by the Destination 2025 Plan dated July 15, 2002 which includes a map of the Eagle planning area dated July 19, 1999. This map shows an intersection on the north side of the Alternate which is linked to Plaza Drive. Plaza Drive is shown on the map as a collector road that runs from Eagle Road north of the intersection with SH 44 through to State Street in Eagle (the old alignment of SH 44). (Eagle Exhibit 29, Ch 4, p. 55.)

7. Since the construction of the Alternate in 1996, there has been a significant amount of new development within the City in the areas located between the Alternate and the old alignment of SH 44, and between the Alternate and the Boise River. (Eagle Exhibit 1, pp. 1-3.) ITD was approached by the Ada County Highway District (ACHD) in 1997 with an application to construct a signalized intersection at a location on the Alternate approximately one-half mile east of the Eagle Road intersection. That request was denied. (ITD Exhibit A, p. 6.)

C. The Proposed Intersection

1. In September of 2000, the City filed an application for a Right-of-Way Use Permit with ITD's District Three Office. The City's application requested a permit for access for an intersection with a local street to be located on the Alternate approximately one-half mile east of Eagle Road. The application requested a Right-of-Way Use Permit to construct a fully signalized four way intersection. (Eagle Exhibit 1, p. 6.) The application was supported by a letter dated September 5, 2000 from ACHD, which is the highway agency having jurisdiction over the local road that would cross the Alternate at the location of the proposed intersection. The letter outlined ACHD's support for the City's application, and outlined the conditions that ACHD believed should govern the approval of the permit. (Eagle Exhibit 3, p. 2 and Eagle Exhibit 31, p. 3.)

2. The City described the proposed project as involving the construction of a new two lane local road to be named Parkway Boulevard between Plaza Drive north of the Alternate and Riverside Drive south of the Alternate. The new intersection would be located approximately halfway between Eagle Road and Edgewood Drive, and would be constructed with no restrictions on turning movements. Left and right turn lanes in both directions would be added to the Alternate as well as crosswalks. Four-phase operation signals would be added on mast arms with pedestrian heads. The proposed new road and the intersection improvements would be paid for by the owners/developers of the properties abutting the Alternate at the location of the proposed intersection. (Eagle Exhibit 10, p. 4.)

3. The area surrounding the proposed intersection was described by the City as having one major development called the Rocky Mountain Business Park which is located north of the Alternate and west of Edgewood Drive. The Eagle River development is located south of the proposed intersection, and the Eagle Gravel development will be located on the northwest quadrant of the proposed intersection. (Eagle Exhibit 10, p. 4 and Eagle Exhibit 33, pp. 4-6.)

4. The purpose of the proposed intersection as outlined by the City would be to provide a new access to and from the Eagle River development and a new City park south of the Alternate to the City, and to provide an alternative route for local north-south traffic in the City. It was stated that it would also act as a replacement access for emergency vehicles stationed at the fire station north of the Alternate, and to the planned hospital to be built south of the Alternate. (Eagle Exhibit 33, p. 4.)

5. The need for the proposed intersection as outlined by the City is to: address traffic issues and poor levels of service that are occurring at the intersection of Eagle Road and the Alternate; alleviate traffic north of the Eagle Road/SH 44 intersection; reduce delays to traffic on Eagle Road and SH 44; reduce delays for emergency vehicles; and reduce "safety issues". (Eagle Exhibit 33, pp. 4-5.)

6. The City proposed to provide certain measures, at the expense of the landowners/developers of the properties abutting the Alternate, to mitigate the impacts of the proposed intersection. The mitigation measures proposed include:

- a. Install full signalization at the proposed intersection. (Eagle Exhibit 7, p. 23.)
- b. Eagle Gravel would be required to complete the construction of Plaza Drive. (Eagle Exhibit 7, p. 23.)
- c. Eagle River would be required to construct the spine road from Eagle Road to Edgewood Drive. (Eagle Exhibit 7, p. 23.)
- d. Eagle Gravel would close two existing access points: one on SH 44 east of the proposed intersection and one on Eagle Road south of the intersection with SH 44. (Eagle Exhibit 8, p. 14.)
- e. Coordination of the existing signals at Eagle Road and Edgewood Drive with the new signal. (Eagle Exhibit 8, p. 13.)
- f. Installation of an advanced "Dilemma Zone Detection" system to prevent accidents. (Eagle Exhibit 8, p. 13.)

D. ITD Standards for Granting a Permit for a New Urban Public Intersection on Controlled Access Highway

1. Does the proposed intersection comply with the Board's policy to regulate access in order to provide safe regulated highway operations? (ITD Board Policy B-12-15.)

- a. Construction of the proposed intersection would result in an increase in accidents on the Alternate. Most accidents which would occur as a result of the proposed intersection would be rear-end collisions, however, the proposed intersection would create up to thirty-six points of conflict for traffic. (Eagle Exhibit 8, p. 1; Eagle Exhibit 27, p. 1.)

b. The proposed intersection would cause accidents to take place in a location where no accidents are currently taking place thereby reducing safety on the Alternate. Statistical accident data shows that a typical urbanized intersection has an average of 6.2 accidents per year; 24% involve injuries, 1% are fatal. The engineering analysis provided by the parties shows that coordination of the signals at the existing Eagle Road and Edgewood Drive intersections (which could be done without the proposed intersection) would reduce accidents, but adding the proposed intersection would result in a net increase of accidents, even with coordination. (ITD Exhibit B, p. 3.)

c. The proposal to mitigate the safety impacts through the installation of a dilemma zone detection system has not been shown by the evidence to be adequate or effective in the situation of the proposed intersection. The system has been used experimentally for isolated intersections that are not part of a coordinated signal system. There has been no study or explanation offered as to how such a system would work effectively at an urban intersection that is part of a coordinated system of three signals located within a one-mile stretch of highway. The Board finds that the dilemma zone prevention system cannot be relied upon as a mitigating factor to reduce the number of accidents that would occur at the proposed intersection. (ITD Exhibit B, p. 3.)

d. The City's traffic study does not adequately address safety issues relating to pedestrian and bicycle traffic at the proposed intersection. Such traffic, which would be significant at the proposed intersection, presents special safety concerns which have not been addressed. (ITD Exhibit B, p. 4.)

e. In relation to the safety factors impacted by the proposed intersection, the City has offered evidence that if the proposed intersection is constructed, emergency vehicles that are stationed north of the Alternate would have quicker response times to emergencies in the area south of the Alternate. (Eagle Exhibits 17, 21, 25, 26, and 34, p. 11). The Board finds that response times to emergency calls to the area immediately south of the Alternate in the vicinity of the proposed intersection would be reduced to some degree by the construction of the proposed intersection, however, the geographical area that would be likely to experience reduced emergency vehicle response times is limited. The Board further finds that the benefits of reduced emergency vehicle response times for this limited geographical area are outweighed by other negative impacts of the proposed intersection upon traffic safety on the Alternate.

f. The Board further finds that other highway construction alternatives exist to meet the public's interest in reduced emergency vehicle response times that would not negatively impact traffic safety on the Alternate. (ITD Exhibit B, p. 12; ITD Exhibit C, p. 2.) Such alternatives include those listed under Findings of Fact 3.f., as well as a right-in, right-out, intersection on the north side of the Alternate.

2. Does the proposed intersection comply with the IDAPA Rule and Board Policy which require intersections to be located where they do not cause undue

interference with the free flow of traffic and minimize traffic interference from adjacent properties? (IDAPA 39.03.42.500.02; ITD Board Policy B-12-15.)

a. The construction of the proposed intersection would result in an increase in interference on the Alternate from traffic off of adjacent properties because it would create a point of access and intersection of traffic where there is now none. (Eagle Exhibit 33, p. 6.)

b. The City's plans to mitigate the impacts of the proposed intersection through the closure of the two existing access points owned by Eagle Gravel, Inc. onto SH 44 and Eagle Road in this vicinity as part of this project will reduce traffic interference from adjoining properties at the locations of the two access points. (Eagle Exhibit 8 Letter, p.2; Eagle Exhibit 34, pp. 2 and 8.)

c. The existing access points that would be closed are unsignalized field approaches located outside the area of Type IV access control on the Alternate that have never been used for public access. The Board finds that the detriment to the free flow of traffic on the Alternate and interference from the proposed intersection outweigh any benefit that would be gained from closing the two existing approaches. (ITD Exhibit B, p. 8.)

d. The Board further finds that alternatives exist to meet the City's needs and primary purposes for the proposed intersection that would not impact the free flow of traffic on the Alternate or create traffic interference on the Alternate from adjoining properties. (ITD Exhibit B, p. 12; ITD Exhibit C, p. 2.) Such alternatives include those listed under Findings of Fact 3.f.

3. Does the proposed intersection comply with the Board's policy to regulate access to preserve the integrity of the highway system? (ITD Board Policy B-12-15.)

a. The signals at the SH 44 intersections with Eagle Road and Edgewood Drive are not currently coordinated. In analyzing the effect of the proposed intersection on the traffic on the Alternate, it is not proper to compare the delays in the current uncoordinated signalization system to the calculated delays after the construction of the proposed intersection and coordination of the signalized system. The impacts of the proposed intersection and of the coordination of the signalization system should be analyzed separately. The evidence shows that the construction of the proposed intersection, analyzed independently of the coordination of the signals, would increase delay for east-west bound traffic on SH 44 from 142.00 seconds to 157.1 seconds per vehicle. This does not take into account additional delays that may result from turning movements or pedestrian/bicycle traffic at the proposed intersection. (ITD Exhibit B, p. 11.)

b. Considering the 2002 average daily traffic volume of 17,000 vehicles per day, this results in a cumulative daily vehicle delay of approximately 71.3 hours per day on the Alternate. This additional delay from the proposed intersection would undermine the integrity of the highway system of which the Alternate is a part. (ITD Exhibit B, p. 11; ITD Exhibit D, p. 2.)

c. SH 44 is part of the NHS and was designed and constructed as an arterial highway that is expected to provide a high degree of mobility. (ITD Exhibit B, p. 5; FHWA Exhibit 1, pp. 7-10.)

d. The primary purposes of the proposed intersection for the City is to improve flow and circulation of local traffic and local access, and to act as replacement access for emergency vehicles. (Eagle Exhibit 1, p. 3; Eagle Exhibit 10, p. 3; Eagle Exhibit 33, p. 4.)

e. The purposes of the NHS are set out in 23 USC §103 as follows: “The system shall-- (A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations; (B) meet national defense requirements; and (C) serve interstate and interregional travel.” (23 USC §103; FHWA Exhibit 1, pp. 7-10.) The Board finds that to preserve the integrity of the state highway system, the City’s local purposes for the intersection must yield to the broader statewide and interstate public purposes for which the Eagle Alternate was funded and constructed as part of the NHS when the two purposes are in conflict.

f. Other alternatives exist to meet the City’s local needs and the primary purposes for the proposed intersection that would not undermine or conflict with the broader public purposes of the NHS. The alternatives include things such as an overpass, the extension of Plaza Drive, the realignment of Edgewood Drive and Ballantyne Road to improve north-south connectivity in the City, or a new collector roadway system from Beacon Light Road south to the Alternate between Eagle Road and Ballantyne Road. (ITD Exhibit B, p. 12; ITD Exhibit C, p. 2.)

4. Does the proposed intersection comply with the Board’s policy that access should be regulated to preserve the investment in highway improvements? (ITD Board Policy B-12-15.)

a. The Board finds that ITD owns all rights of access to the portion of the Alternate where the intersection is proposed, since the route was a new highway alignment and no access rights were created in abutting properties. (ITD Exhibit A, pp. 18-19.)

b. ITD has an obligation to preserve the public investment in access control on the Alternate. (23 CFR §710.403⁸; FHWA Exhibit 1, pp. 2-26.)

c. If access rights were to be created by ITD through the grant of access to the Alternate at the location of the proposed intersection, ITD would be responsible to obtain reimbursement from the owners of the property abutting the Alternate for the fair market value of the rights created, and use those funds to improve the federally participating transportation system. (23 CFR §710.403⁹; ITD Exhibit A, pp. 20-21.)

⁸ See Footnote 9 infra.

⁹ 23 CFR 710.403 defines the procedures a State Transportation Department (STD) must follow in disposing of real property interests (including access rights) within the boundaries of federally-aided highway facilities such as the

d. ACHD is the local highway agency having jurisdiction over the local road that would be created to intersect with the Alternate at the location of the proposed intersection. ACHD, in its September 5, 2000 letter of support for the City's application, stipulated that if the application was approved, ITD should be fully compensated by the owners of the abutting properties for the value of the property rights created. (Eagle Exhibit 3, p. 2.)

e. Neither the City nor the owners of the property abutting the Alternate at the location of the proposed intersection have offered as part of the proposal or the mitigation of the impacts of the proposed intersection to compensate ITD for the value of the access rights created. The City and Mr. Marcus have taken the position that ITD did not acquire exclusive access rights on the Alternate because no reservation of the rights was contained in the deeds to the abutting property owners. (Eagle Exhibit 36, pp. 12-13; Marcus Exhibit 4, pp. 2-3; Marcus Exhibit 6., p 4.)

f. The Board finds that ITD owns all access rights to the portion of the Alternate that lies between milepost 16.26 and milepost 19.00, and that creation of access rights through the approval of the City's application without requiring compensation for the fair market value of the rights from the abutting property owners would constitute a failure to preserve the public's investment in highway improvements. (ITD Exhibit A, pp. 18-21.)

5. Does the Board's policy providing for coordination with local jurisdictions in urban access control require ITD to approve the City's application? (ITD Board Policy B-12-15; ITD Administrative Policy A-12-15.)

Alternate. This regulation provides in pertinent part:

(a) The STD must assure that all real property within the boundaries of a federally-aided facility is devoted exclusively to the purposes of that facility and is preserved free of all other public or private alternative uses, unless such alternative uses are permitted by Federal regulation or the FHWA...

(c) The STD shall evaluate the environmental effects of disposal and leasing actions requiring FHWA approval as provided in 23 CFR part 771.

(d) Acquiring agencies shall charge current fair market value or rent for the use or disposal of real property interests, including access control, if those real property interests were obtained with title 23 of the United States Code funding, except as provided in paragraphs (d)(1) through (5) of this section. Since property no longer needed for a project was acquired with public funding, the principle guiding disposal would normally be to sell the property at fair market value and use the funds for transportation purposes. The term fair market value as used for acquisition and disposal purposes is as defined by State statute and/or State court decisions. Exceptions to the general requirement for charging fair market value may be approved in the following situations:

(1) With FHWA approval, when the STD clearly shows that an exception is in the overall public interest for social, environmental, or economic purposes; nonproprietary governmental use; or uses under 23 U.S.C. 142(f), Public Transportation... The STD shall submit requests for such exceptions to the FHWA in writing...

(e) ...Where project income derived from the sale or lease of excess property is used for subsequent title 23 projects, use of the income does not create a Federal-aid project...

(g) Highway facilities in which Federal funds participated in either the right-of-way or construction may be relinquished to another governmental agency for continued highway use under the provisions of 23 CFR 620, subpart B. (Emphasis added.)

a. The City takes the position that since ITD is required to coordinate with the local jurisdictions in establishing access controls and has participated in the COMPASS planning process under which a "T" intersection at the location of the proposed intersection is included in the Destination 2020 and 2025 plans, ITD is obligated to approve the City's application. (Marcus Exhibit 1; Marcus Exhibit 4; Marcus Exhibit 5; Eagle Exhibit 1; Eagle Exhibit 4; Eagle Exhibit 8 Letter; Eagle Exhibit 14.)

b. ITD informed the City in 1998, when the City included an intersection at the location of this proposal in the amendments to its comprehensive plan, of the fact that the Alternate was a limited access highway on the NHS, and that an intersection at the proposed location would not be permitted. (ITD Exhibit B, p.18.)

c. The intersection shown in the COMPASS plan is not a through intersection as now proposed, but rather a "T" intersection for a road to be located on the north side of the Alternate only. It is not clear from the COMPASS plan if the intersection is intended to be a signalized intersection or a "right-in, right-out", unsignalized intersection, which would have significantly different impacts than the City's proposal. (Marcus Exhibit 2, Ch. 4, p. 15.)

d. The Board finds that the evidence throughout the documents and testimony submitted in this case establish that although the City and ITD have coordinated with each other, they have not come to an agreement. The Board finds that there is nothing in the MPO transportation planning process mandated under 23 USC §134, the State transportation planning process mandated under 23 USC §135, or the coordination process required by Board Policies B-12-15 and A-12-15, which compels ITD at the City's insistence to give up the access control the State has acquired for the Alternate. (23 USC §134; 23 USC §135; ITD Exhibit A.)

6. Is the proposed intersection in the "public interest"? (ITD Administrative Policy A-12-15.)

a. Several local public agencies including ACHD and COMPASS as well as various public and private officials have concurred in the City's proposal. There has been no evidence of opposition by the general public to the proposal submitted to the Board. (Eagle Exhibits 5-26; Marcus Exhibit 6, p. 5.)

b. The connectivity of the north and south parts of the City which would be provided by the proposed intersection would promote the local public interest in cohesion and integration of the City. (Eagle Exhibit 9, p. 21.)

c. In evaluating a proposed intersection on a state highway where access control has been acquired through the use of public funds, the "public interest" must be evaluated from a broader perspective than what is best for the City. (ITD Policy A-12-15; FHWA Exhibit 1.) On the NHS, the "public interest" must be looked at in a regional and statewide perspective. (23 USC §103; FHWA Exhibit 1; ITD Exhibit A; ITD Exhibit D.)

The Board finds that the broader "public interest" is served by protecting and preserving the asset of access control on main urban highway arterials where it exists.

d. There are only three main east-west arterial highway routes through the Treasure Valley to carry increasing volumes of traffic. They are SH 44, US 20-26 and I-84. The Alternate is part of SH 44. The addition of an intersection in a location on the Alternate where full access control has been acquired and protected would impair the mobility and free flow of traffic on this arterial highway. The Board finds that the broader "public interest" is best served by protecting and preserving the mobility of traffic on each of these three routes by limiting new access points wherever possible. (ITD Exhibit A; ITD Exhibit D; FHWA Exhibit 1.)

7. Does the proposed intersection comply with the Department's policy to provide new public intersections at intervals of no less than one per mile? (ITD Administrative Policy A-12-15.)

a. The proposed intersection would be an urban intersection located within the jurisdictional limits of the City. (Eagle Exhibit 33, pp. 1-6.)

b. ITD Policy A-12-15 requires one-mile spacing between rural intersections and makes the same standards applicable to urban intersections. (ITD Policy A-12-15.)

c. ACHD, COMPASS, and the City of Eagle all have a one-half mile spacing requirement for urban intersections on major collectors. (Eagle Exhibit 4; Eagle Exhibit 9.)

d. ITD changed its policy during the course of this appeal in August 2001, and now requires a minimum one-half (.5) mile spacing for intersections of this type. (ITD Exhibit B, p. 10; Marcus Exhibit 5; Marcus Exhibit 6.)

e. ITD's position is that if greater spacing can be achieved through purchase or retention of access control, then the greater spacing should be maintained. (ITD Exhibit B, p. 10.)

f. The proposed intersection's apparent lack of compliance with the one-mile spacing requirement of the ITD policy in place at the time of the City's application was not raised as a basis for denial of the application by ITD in the appeal. This was apparently due to the fact that the ITD policy was in the process of change and was in fact changed during the course of the appeal. Accordingly, the Board finds that the location of the intersection approximately one-half mile from both the existing signalized intersections at Eagle Road and that at Edgewood Drive is not a factor upon which the Board relies in its decision in this appeal. (ITD Exhibit B, p. 10.)

IV. CONCLUSIONS OF LAW

1. ITD is not compelled by either the MPO transportation planning process mandated under 23 USC §134, the State transportation planning process mandated under 23 USC §135, the

coordination process required by Board Policies B-12-15 and A-12-15, or the City's insistence, to give up the access control the State has acquired for the Alternate.

2. Decisions made by COMPASS relating to planning for future additions to or modifications of the highways on the national or state highway system are not binding upon ITD.

3. Approval of the City's application for a Right-of-Way Use Permit to construct the proposed intersection would not comply with Board Policy B-12-15 requiring the Board to regulate access in order to provide safe regulated highway operations.

4. Approval of the City's application for a Right-of-Way Use Permit to construct the proposed intersection would not comply with IDAPA Rule 39.03.42.500.02 or Board Policy B-12-15 in effect at the time of the application, which require new intersections to be located where they do not cause undue interference with the free flow of traffic and minimize traffic interference from adjacent properties.

5. Approval of the City's application for a Right-of-Way Use Permit to construct the proposed intersection would not comply with Board Policy B-12-15 which requires the Board to regulate access to preserve the integrity of the highway system.

6. ITD owns all legal rights of access to the portion of the Alternate where the intersection is proposed, since the route was a new highway alignment and no access rights have been granted to the owners of the properties abutting that portion of the Alternate.

7. Approval of the City's application for a Right-of-Way Use Permit to construct the proposed intersection would not comply with Board Policy B-12-15 in effect at the time of the application, which requires that access should be regulated to preserve the investment in highway improvements.

8. ITD has coordinated with the City regarding its application for a Right-of-Way Use Permit to construct the proposed intersection, and denial of the City's application under the facts and circumstances of this case does not violate Board Policy B-12-15 or ITD Administrative Policy A-12-15 providing for coordination with local jurisdictions in administering urban access control.

9. Approval of the City's application for a Right-of-Way Use Permit to construct the proposed intersection would not be in accord with the "public interest" in maintaining the free flow of traffic and a high degree of mobility on highways which are a part of the National Highway System.

10. Approval of the City's application for a Right-of-Way Use Permit to construct the proposed intersection would not violate the Department's new Administrative Policy A-12-01 providing for access permits for new public intersections at intervals of a minimum of .5 mile.


V. DECISION

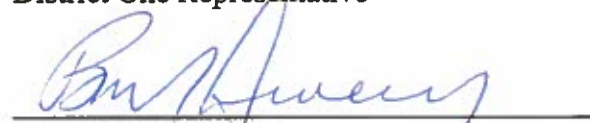
NOW THEREFORE, IT IS HEREBY ORDERED, that the application of the City of Eagle to the Idaho Transportation Department for a Right-of-Way Use Permit for access for an intersection with a local street to be located one-half mile east of Eagle Road on that portion of State Highway 44/55 known as the Eagle Alternate Route is denied.

DATED this 19th day of February, 2003.


CHARLES L. WINDER
Chairman of the Board


JOHN X. COMBO
Vice-Chairman of the Board
District Six Representative



JOHN McHUGH
District One Representative


BRUCE SWEENEY
District Two Representative


MONTE C. McCLURE
District Three Representative

(Seal of the Board)

Attest:


Sue Higgins
Secretary to the Board


GARY BLICK
District Four Representative


NEIL MILLER
District Five Representative

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21ST day of February, 2003, I caused a true and correct copy of the above and within FINAL ORDER to be served upon:


Mayor Nancy Merrill
City of Eagle
P. O. Box 1520
Eagle, Idaho 83616

Barry L. Marcus
Marcus Merrick Christian & Hardee
737 N. 7th St.
Boise, Idaho 83702-5575

Pamela Lowe
District Three Engineer
Idaho Transportation Department
P.O. Box 8028
Boise, Idaho 83707-2028

Susan E. Buxton
Moore Smith Buxton & Turcke
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Steve Hutchinson
Acting Chief Engineer
Idaho Transportation Department
P.O. Box 7129
Boise, Idaho 83707-1129



Sue Higgins
Secretary to the Board

FY 2003 Recommended Program of Projects

District	Recipient	FTA Section 5311 Rural Public Transportation		FTA Section 5310 Elderly & Persons with Disabilities		State Funding VIP	Total
		Base	Intercity	Purchase of Service	Capital		
District 1	North Idaho Community Express	\$123,094	\$48,181				\$171,275
	Senior Hospitality Center	\$10,000					\$10,000
	Coeur d' Alene Tribe	\$20,000			\$124,663		\$144,663
	Valley Vista Care Corp - St Maries	\$40,000					\$40,000
	Totals	\$193,094	\$48,181		\$124,663		\$365,938
District 2	Valley Transit	\$129,855			\$35,000	\$137,344	\$302,199
	Valley Transit (Category B)		\$45,790				\$45,790
	Totals	\$129,855	\$45,790		\$35,000	\$137,344	\$347,989
District 3	Treasure Valley Transit	\$311,855			\$57,648	\$64,004	\$433,507
	Eagle Senior Citizens Center				\$40,000		\$40,000
	Totals	\$311,855			\$97,648	\$64,004	\$473,507
District 4	Ketchum /Sun Valley Transit	\$50,000					\$50,000
	Blaine County	\$60,000			\$17,762	\$25,252	\$103,014
	CSI - TRANS IV Buses	\$193,045	\$70,000		\$36,560		\$263,045
	Gooding Mem. Hospital Foundation	\$303,045	\$70,000		\$54,322	\$25,252	\$36,560
	Totals						\$452,619
District 5	City of Pocatello Public Transit Dept	\$170,763	\$42,000				\$212,763
	Franklin City/Assn Handicapped Citizens			\$20,000	\$27,781	\$24,870	\$52,651
	New Day Products (SWIFT)			\$20,000	\$27,781	\$24,870	\$20,000
	Totals	\$170,763	\$42,000				\$285,414
District 6	C.A.R.T. Inc	\$179,252	\$70,000		\$49,049	\$40,400	\$338,701
	Totals	\$179,252	\$70,000		\$49,049	\$40,400	\$338,701
	Totals	\$1,287,864	\$275,971	\$20,000	\$388,463	\$291,870	\$2,264,168
	Unallocated VIP Funds -- Potential Holdback					\$20,130	\$20,130
	PROGRAM TOTALS		\$1,563,835	\$408,463		\$312,000	\$2,284,298

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April 7, 2003

IDAHO
FOREST HIGHWAY PROGRAM
FY 2003 - 2008
FY 03 Final

FH NO	PROJECT NAME & TERMINI	LNTH KM (MI)	TYPE OF WORK	STATUS AND COST (\$1,000's)						FUTURE	RECON	SPONSOR AGENCY	REMARKS	KEY NUMBER
				2003	2004	2005	2006	2007	2008					
	PROJECTS STATEWIDE		Preliminary Engineering	1,900	1,900	1,900	1,900	1,900	1,900					
			Construction Engineering	1,250	1,250	1,250	1,250	1,250	1,250					
63	COUNCIL - CUPRUM (2) MP 11.2 - MP 29.1 (4) MP 11.2 - MP 29.1	28.8 (17.9)	RECONSTRUCT, PAVE	750								ITD		5865
			OVERLAY	450										
60	SALMON RIVER ROAD RIGGINS - SPRING BAR UTILITIES	16.7 (10.4)	GRADE, DRAIN BASE, PAVE		15,000 250 ST							FS ITD	ITD COMPANION PROJECT	5866 6655 8071
55	KAMIAH - PIERCE KAMIAH - YAKUS CR MP 113.9 - 117.5 PETERSON'S CORNER to MUSSELSHELL FLAT	5.8 (3.6) 6.1 (3.8)	RECONSTRUCT, PAVE BASE, PAVE	165								FS ITD		6133
82	ATLANTA ROAD MP 0.0 - 5.86	(4.6)	BASE, PAVE	439								FS		6658
26	KETCHUM-CHALLIS HIGHWAY (WARM SPRINGS)	4 (2.5)	RECONSTRUCTION				6,700 3300 ST					ITD		6656
56	BUNCO ROAD MP 107.67 - 110.09 AND MP 100.00 - 100.97	5.5 (3.4)	MINOR RECONSTRUCTION	(72)								FS		6653
76	GRAND TARGHEE ROAD (OFLHD)	6.4 (4.0)	RECONSTRUCTION									FS ITD		6660
80	FERMAN LAKE ROAD MP 0.0 - 5.3	5.3 (3.3)	RECONSTRUCTION			2,000	2,800	9,600				FS	05 \$'s	6654
22	CASCADE WARM LAKE ROAD CRAWFORD TO WARM LAKE (10) MP 2.85 - MP 10.75 (11) MP 10.75 - MP 16.85 (12) MP 16.85 - MP 24.43 (13) MP 24.43 - MP 27.6	39.8 (24.8)	OVERLAY			3,400			2,500 3,200 1,200				POTENTIAL PARTNER WITH COUNTY FY05 Backup FY05 Backup FY05 Backup FY05 Backup	
	TEE FORK 0 - 3.0	4.8 (3.0)	OVERLAY						2,500					
74	MEADOW CREEK ROAD MOYIE RIVER BRIDGE		REPLACE BRIDGE			2,450 5000								
67	GRANGEAUNT ROAD MP 16.0 - 20.0	6.4 (4.0)	SR	820										
96	CLARK FORK RIVER BRIDGE		REPLACE BRIDGE									ITD		
97	WARM SPRINGS ROAD		RECONSTRUCTION	1,100								FS	Match with \$1,100,000 FS Funds	
61	PINE ROAD		SANION BASKET FIX	310								ITD		
9	BUMBLEBEE RD TO OLD RIVER RD										X			
50	GOLD CREEK ASPHALT REHAB										X			
60	MANNING CREEK BRIDGE REPLAT										X			
94	COUNTY ROAD 34 - MEADOW CREEK										X			
65	KILGORE-YALE										X			
55	BROWN'S CREEK ROAD													
	MISCELLANEOUS PROJECTS		OVER/UNDERBURNS EXTRA WORK	238	1,000	1,000	1,000	1,000	1,000					
			TOTAL	7,750	19,150	12,000	13,650	13,750	13,550					
			FUNDS AVAILABLE	9,675	15,736	12,305	12,305	12,305	12,305					
			BALANCE	1,925	(3,414)	305	(1,345)	(1,445)	(1,245)					

FY 03 FUNDS AVAILABLE INCLUDE:

FY 03 ALLOCATION	\$12,304,626.00
FY 02 AUGUST REDISTRIBUTION	\$800,000.00
FY 02 ROLLUP	\$1,148.29
FY 03 AUGUST REDISTRIBUTION	\$0.00
FY03 ROLL-UP	\$0.00
FY 04 HOLDBACK	-\$3,431,038.00
RABA	\$0.00
FY 02 TOTAL	\$9,674,736.29

FY 02 FUNDS AVAILABLE INCLUDE:

TEA-21 ALLOCATION	\$12,616,957.00
FY 01 AUGUST REDISTRIBUTION	\$650,000.00
FY 01 TEA-21 ROLLUP	\$349.00
REPAYMENT FROM CENTRAL	\$2,300,000.00
LOAN FROM MONTANA	\$2,300,000.00
FY 02 AUGUST REDISTRIBUTION	-\$800,000.00
FY02 ROLL-UP	-\$866,305.48
RABA	\$1,926,571.00
FY 02 TOTAL	\$18,128,171.52

21 Allocation includes Sec 1102(f)
 tion Limitation reduction of:

FY 00	12.9%
FY 01	12.1%
FY 02	9.6%
FY 03	14.25%

APPROVED:

Ronald W. Carmichael
 RONALD W. CARMICHAEL, DIVISION ENGINEER
 WESTERN FEDERAL LANDS HIGHWAY DIVISION
 FEDERAL HIGHWAY ADMINISTRATION

Date

4/7/03

**IDAHO TRANSPORTATION DEPARTMENT - DIVISION OF AERONAUTICS
IDAHO AIRPORT AID PROGRAM - 2004-2006
FY 2004**

PRIMARY SERVICE AIRPORTS

LOCATION	IMPROVEMENT DESCRIPTION	TOTAL	FAA	LOCAL	STATE
Boise	Security enhancements/terminal modifications for bulk EDS equipment - Acquire security equipment radio system communications required by Part 107 - Expand/modify terminal building phase 2 - Acquire land for approaches - Construct air carrier apron/rev as-built ALP - Acquire snow removal equipment - Relocate roadway outside OFZ runway - Rehabilitate air carrier apron PC17 in 2002 - Rehabilitate taxiway "J" phase PCI-15 in 2002 - Rehabilitate runway electrical vault.	\$ 7,634,244	\$ 6,870,820	\$ 710,924	\$ 52,500
Hailey	Improve terminal building	\$ 1,111,111	\$ 1,000,000	\$ 98,111	\$ 15,000
Idaho Falls	Rehabilitate north & south apron and taxiway "B" - rehabilitate runway 17/35 - Remove obstruction, runway 35 approach	\$ 5,011,244	\$ 4,510,120	\$ 478,624	\$ 22,500
Lewiston	Rehabilitate runway 6/28 PCI 40 in 2003	\$ 3,200,000	\$ 2,880,000	\$ 305,000	\$ 15,000
Moscow-Pullman	Terminal improvement and modifications for EDS equipment - security equipment - fencing - taxiway lighting - rehab runway and Master Plan.	\$ 2,149,000	\$ 1,934,100	\$ 199,900	\$ 15,000
Pocatello	Construct taxiway hold apron runway 3/21 phase 1 - Construct taxiway E rev as-built	\$ 1,738,889	\$ 1,565,000	\$ 158,889	\$ 15,000
Twin Falls	Extend taxiway D revised as-built ALP - Construct hanger taxiways - Improve	\$ 1,111,111	\$ 1,000,000	\$ 98,111	\$ 15,000
SUBTOTAL		\$ 21,955,800	\$ 19,760,040	\$ 2,045,560	\$ 150,000

GENERAL AVIATION (NPIAS) AIRPORTS

LOCATION	IMPROVEMENT DESCRIPTION	TOTAL	FAA	LOCAL	STATE
Aberdeen	Rehabilitate taxiway	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Arco	Rehabilitate entrance rd - Acquire snow blower loader mount - Rehabilitate	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Bear Lake	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Blackfoot	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Bonnars Ferry	Acquire land & Avigation Easements for approaches, including exhibit A - Remove & light obstructions - Construct parallel taxiway; Revise as-built ALP	\$ 614,333	\$ 552,900	\$ 39,932	\$ 21,502
Buhl	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Burley	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Caldwell	Install signs - Construct midfield connecting taxiway/revised as-built ALP -	\$ 1,162,014	\$ 1,045,813	\$ 75,531	\$ 40,671
Cascade	Construct parallel taxiway (acquire land) rev as built ALP & exh. "A" - Rehabilitate runway including taxiway and apron	\$ 100,000	\$ 90,000	\$ 6,500	\$ 3,500
Challis	Acquire development land, rev as-built ALP & exh. "A"	\$ 5,556	\$ 5,000	\$ 361	\$ 194
Coeur d'Alene	Construct t-hanger taxiways	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Driggs	Rehabilitate runway including aprons & taxiways	\$ 450,556	\$ 405,500	\$ 29,286	\$ 15,769
Gooding	Install fence - Construct parallel taxiway & widen center taxiway, including taxiway reflectors/revised as-built ALP - Construct t-hanger taxiways - Improve runway 7 safety area & primary SFC - Install MIRL - Rehabilitate general aviation apron - Rehabilitate runway, including taxiway and apron	\$ 1,445,802	\$ 1,301,222	\$ 93,977	\$ 50,603
Grangeville	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Jerome	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
McCall	Construct access road/revised as-built ALP - update airport master plan	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Mountain Home	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Nampa	Acquire land south runway for building restriction line - Acquire RPZ land, runway 11 rev as-built ALP & exh "A" -	\$ 651,111	\$ 586,000	\$ 42,322	\$ 22,789
Orofino	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Rexburg	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Salmon	Rehabilitate runway	\$ 333,889	\$ 300,500	\$ 21,703	\$ 11,686
Sandpoint	Land acquisition (terminal & east expansion areas)	\$ 650,000	\$ 585,000	\$ 42,250	\$ 22,750
St. Maries	Rehabilitate runway	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
	Anticipated AIP Funding - Not yet Programmed	\$ 1,364,517	\$ 1,228,065	\$ 88,694	\$ 47,758
SUBTOTAL		\$ 9,111,111	\$ 8,200,000	\$ 592,222	\$ 318,889

GENERAL AVIATION (NON-NPIAS) AIRPORTS

LOCATION	IMPROVEMENT DESCRIPTION	TOTAL	MATCH %	LOCAL	STATE
Downey	Runway Crack Seal & Seal Coat - Pavement Marking	\$ 9,556	90%	\$ 956	\$ 8,600
Mackay	Runway & Apron Rehabilitation - Tiedowns - Helipad	\$ 41,556	90%	\$ 4,156	\$ 37,400
Malden City	Runway Rehabilitation - E/W Runway Maintenance and Helipad.	\$ 141,333	75%	\$ 35,333	\$ 106,000
Various	Inventory Restock/Small Projects				\$ 20,111
SUBTOTAL		\$ 192,444		\$ 40,444	\$ 172,111

NOTES

*	The projects and amounts presented here are based on an annual FAA-AIP funding level estimate of \$ 8,200,000 and a total Aeronautics (IAAP) program of \$ 641,000.
**	Specific projects and amounts are dependant upon the availability of funds at all levels and specific development needs.
***	Idaho has 20 GA Airports that qualify for FAA-AIP Non-Primary Entitlement funds assuming that this program is included in the Reauthorization legislation. The State of Idaho plans to assist with the local match. Some of the listed projects may carried-over funds to a subsequent year to allow for a larger, more appropriate project.

	TOTAL	FAA	LOCAL	STATE
GRAND TOTALS	\$ 31,259,156	\$ 27,960,040	\$ 2,678,227	\$ 641,000

IDAHO TRANSPORTATION DEPARTMENT - DIVISION OF AERONAUTICS
IDAHO AIRPORT AID PROGRAM - 2004-2006
FY 2005

PRIMARY SERVICE AIRPORTS

LOCATION	IMPROVEMENT DESCRIPTION	TOTAL	FAA	LOCAL	STATE
Boise	Rehabilitate Taxiway A-5 - Security enhancements terminal modifications to accommodate bulk EDS equipment - Expand SRE building - Acquire land for development/relocation parcels/rev as-built ALP & exn "A" - Expand air carrier apron - Construct air carrier apron - Acquire snow removal equipment - Rehabilitate taxiway "J" phase 2 PCI 5 in 2002 - Acquire Part 107.14 security equipment	\$ 5,934,244	\$ 5,340,820	\$ 540,924	\$ 52,500
Hailey	Apply friction course runway 13/31	\$ 2,540,000	\$ 2,286,000	\$ 239,000	\$ 15,000
Idaho Falls	Expand southwest general aviation apron/revise ALP	\$ 2,144,578	\$ 1,930,120	\$ 191,958	\$ 22,500
Lewiston	Acquire SRE - Rehabilitate taxiways	\$ 1,111,111	\$ 1,000,000	\$ 96,111	\$ 15,000
Moscow-Pullman	Security equipment - Perimeter fence - Rehab GAMP	\$ 1,335,556	\$ 1,202,000	\$ 118,556	\$ 15,000
Pocatello	Rehabilitate runway 16/34 - Rehabilitate aircraft rescue & fire fighting building	\$ 2,611,111	\$ 2,350,000	\$ 246,111	\$ 15,000
Twin Falls	Extend taxiway D / Revised as-built ALP - Construct hanger taxiways - Improve runway 12 safety area	\$ 3,333,333	\$ 3,000,000	\$ 318,333	\$ 15,000
SUBTOTAL		\$ 19,009,933	\$ 17,108,940	\$ 1,750,993	\$ 150,000

GENERAL AVIATION (NPIAS) AIRPORTS

LOCATION	IMPROVEMENT DESCRIPTION	TOTAL	FAA	LOCAL	STATE
Aberdeen	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Arco	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Bear Lake	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Blackfoot	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Bonnets Ferry	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Buhl	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Burley	Expand Apron with 10 tie-downs - Install 3 wind cones - Taxiway Reflectors - Medium Intensity Taxiway Lights - Construct Taxiway - As Built ALP	\$ 400,088	\$ 360,061	\$ 28,004	\$ 14,002
Caldwell	Rehabilitate runways, taxiways, and aprons - Acquire land for approach, rev as-built ALP & exn "A" - Rehabilitate runway 12/30, including parallel taxiway	\$ 1,453,476	\$ 1,306,128	\$ 94,476	\$ 50,872
Coeur d'Alene	Acquire land for development, rev as-built ALP & exn "A" - Extend parallel taxiway F - Rehabilitate portion of taxiway "D"	\$ 1,016,667	\$ 915,000	\$ 66,083	\$ 35,583
Driggs	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Gooding	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Grangeville	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Jerome	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
McCall	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Mountain Home	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Nampa	Acquire miscellaneous land OFA, rev as-built ALP & exn "A" - Acquire land north parallel taxiway	\$ 610,518	\$ 549,466	\$ 39,684	\$ 21,368
Orofino	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Rexburg	Extend/improve runway 17 safety area or declared distances, revised as-built ALP - Rehabilitate runway 17	\$ 772,222	\$ 695,000	\$ 50,194	\$ 27,028
Salmon	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Sandpoint	Land acquisition (Terminal & east expansion areas)	\$ 550,000	\$ 495,000	\$ 35,750	\$ 19,250
St. Maries	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,667	\$ 150,000	\$ 10,833	\$ 5,833
Welser	Install perimeter fencing - Install PAPI Runway 30 & REILs Runways 12/30, rev as-built ALP - Rehabilitate tie-down apron	\$ 784,200	\$ 705,780	\$ 50,973	\$ 27,447
	Anticipated AIP Funding - Not Yet Programmed	\$ 1,023,961	\$ 921,565	\$ 68,557	\$ 35,839
SUBTOTAL		\$ 9,111,111	\$ 8,200,000	\$ 592,222	\$ 318,889

GENERAL AVIATION (NON-NPIAS) AIRPORTS

LOCATION	IMPROVEMENT DESCRIPTION	TOTAL	MATCH %	LOCAL	STATE
Carey	Fencing	\$ 4,444	90%	\$ 444	\$ 4,000
Emmett	Taxiway and Runway Rehabilitation	\$ 298,000	50%	\$ 149,000	\$ 149,000
Various	Inventory Restock/Small Projects				\$ 19,111
SUBTOTAL		\$ 302,444		\$ 149,444	\$ 172,111

NOTES

*	The projects and amounts presented here are based on an annual FAA-AIP funding level estimate of \$ 8,200,000 and a total Aeronautics (IAAP) program of \$ 641,000.
**	Specific projects and amounts are dependant upon the availability of funds at all levels and specific development needs.
***	Idaho has 20 GA Airports that qualify for FAA-AIP Non-Primary Entitlement funds assuming that this program is included in the Reauthorization legislation. The State of Idaho plans to assist with the local match. Some of the listed projects may be carried-over funds to a subsequent year to allow for a larger, more appropriate project.

	TOTAL	FAA	LOCAL	STATE
GRAND TOTALS	\$ 28,423,489	\$ 25,308,940	\$ 2,492,660	\$ 641,000

IDAHO TRANSPORTATION DEPARTMENT - DIVISION OF AERONAUTICS
IDAHO AIRPORT AID PROGRAM - 2004 - 2006
FY 2006

PRIMARY SERVICE AIRPORTS

LOCATION	IMPROVEMENT DESCRIPTION	TOTAL	FAA	LOCAL	STATE
Boise	Expand & Modify Terminal Buildings - Acquire Noise Land - Rehabilitate Taxiways J, C & E in 2002	\$ 8,282,731	\$ 7,454,456	\$ 775,773	\$ 52,500
Hailey	Construct South Parallel Taxiway Phase 1 / Rev as-Built ALP	\$ 2,570,000	\$ 2,313,000	\$ 242,000	\$ 15,000
Idaho Falls	Construct SRE equipment building	\$ 2,144,578	\$ 1,930,120	\$ 191,958	\$ 22,500
Lewiston	Construct midfield taxiway, including apron, rev as-built ALP	\$ 1,555,558	\$ 1,400,000	\$ 140,558	\$ 15,000
Moscow-Pullman	Master Plan study	\$ 350,000	\$ 315,000	\$ 20,000	\$ 15,000
Pocatello	Construct parallel taxiway 16/34, revised as-built ALP	\$ 1,888,867	\$ 1,500,000	\$ 151,867	\$ 15,000
Twin Falls	Project Undefined	\$ 1,111,111	\$ 1,000,000	\$ 98,111	\$ 15,000
SUBTOTAL		\$ 17,880,842	\$ 15,912,578	\$ 1,818,064	\$ 150,000

GENERAL AVIATION (NPIAS) AIRPORTS

LOCATION	IMPROVEMENT DESCRIPTION	TOTAL	FAA	LOCAL	STATE
Aberdeen	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	150,000	\$ 10,833	\$ 5,833
Arco	Construct west apron - Extend hanger taxiway 25' x 1000', rev as-built ALP - construct hanger taxiways - Rehabilitate parallel taxiway	\$ 875,000	787,500	\$ 56,875	\$ 30,625
Beer Lake	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Blackfoot	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Bonniers Ferry	Extend runway - Extend runway (MIRL 600' to runway 2) - Extend runway 2 phase 1, revised ALP	\$ 345,000	\$ 310,500	\$ 22,425	\$ 12,075
Buhl	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Burley	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Caldwell	Acquire land for east side development/relocation parcel, rev as-built ALP & exh "A"	\$ 1,111,111	\$ 1,000,000	\$ 72,222	\$ 38,889
Coeur d'Alene	Construct large aircraft apron, rev as-built ALP - Acquire SRE	\$ 1,188,000	\$ 1,087,400	\$ 77,080	\$ 41,510
Driggs	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Gooding	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Grangeville	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Jerome	Acquire land for approaches, rev as-built ALP & exhibit "A"	\$ 283,700	\$ 255,330	\$ 18,441	\$ 9,930
McCall	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Mountain Home	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Nampa	Rehabilitate rotating beacon - Install distance-to-go signs - Construct hanger taxiways, rev as-built ALP - Install runway end identifier lights	\$ 885,000	\$ 778,500	\$ 56,225	\$ 30,275
Orofino	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Rexburg	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
Salmon	Install perimeter fence - Rehabilitate runway 17/35	\$ 1,175,000	\$ 1,057,500	\$ 76,375	\$ 41,125
Sandpoint	Widen/extend parallel taxiway	\$ 810,000	\$ 729,000	\$ 52,850	\$ 28,350
St. Maries	Non-Primary Entitlement - Scope of Work Under Development	\$ 168,867	\$ 150,000	\$ 10,833	\$ 5,833
	Anticipated AIP Funding - Not Yet Programmed	\$ 293,833	\$ 284,270	\$ 19,086	\$ 10,277
SUBTOTAL		\$ 9,111,111	\$ 8,200,000	\$ 592,222	\$ 318,889

GENERAL AVIATION (NON-NPIAS) AIRPORTS

LOCATION	IMPROVEMENT DESCRIPTION	TOTAL	MATCH %	LOCAL	STATE
Midvale	Pave Runway	\$ 168,889	90%	\$ 16,889	\$ 152,000
Various	Inventory Restock/Small Projects				\$ 20,111
SUBTOTAL		\$ 168,889		\$ 16,889	\$ 172,111

NOTES

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**	Specific projects and amounts are dependant upon the availability of funds at all levels and specific development needs.
***	Idaho has 20 GA Airports that qualify for FAA-AIP Non-Primary Entitlement funds assuming that this program is included in the Reauthorization legislation. The State of Idaho plans to assist with the local match. Some of the listed projects may carry-over funds to a subsequent year to allow for a larger, more appropriate project.

GRAND TOTALS		\$ 26,980,842	\$ 24,112,578	\$ 2,227,175	\$ 641,000
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IDAHO TRANSPORTATION DEPARTMENT - DIVISION OF AERONAUTICS
IDAHO AIRPORT AID PROGRAM - 2004-2008
UNFUNDED PROJECTS

GENERAL AVIATION AIRPORTS

LOCATION	PROJECT DESCRIPTION	TOTAL	MATCH %	STATE	LOCAL
Carey	Install MIRL System	\$ 30,000	90%	\$ 27,000	\$ 3,000
Carey	Land Acquisition with Relocation	\$ 100,000	90%	\$ 90,000	\$ 10,000
Carey	Runway Pavement	\$ 180,000	90%	\$ 162,000	\$ 18,000
Craigmont	Install Tiedowns	\$ 4,000	90%	\$ 3,600	\$ 400
Craigmont	Pave Parking & Ramp	\$ 20,000	90%	\$ 18,000	\$ 2,000
Craigmont	Runway Maintenance	\$ 14,000	90%	\$ 12,600	\$ 1,400
Downey	Weed Spraying	\$ 600	90%	\$ 540	\$ 60
Kamiah	Install Fuel Pumps	\$ 30,000	75%	\$ 22,500	\$ 7,500
Kamiah	Install Runup Pads	\$ 2,000	75%	\$ 1,500	\$ 500
Kamiah	Pilot Lounge Repair	\$ 10,000	75%	\$ 7,500	\$ 2,500
Kamiah	Repair/Replace Runway Lights	\$ 30,000	75%	\$ 22,500	\$ 7,500
Kamiah	Security Fence	\$ 60,000	75%	\$ 45,000	\$ 15,000
Malad City	PAPI	\$ 19,600	75%	\$ 14,700	\$ 4,900
Malad City	Runway Turn-around	\$ 18,800	75%	\$ 14,100	\$ 4,700
Mountain Home	Terminal Building Expansion	\$ 40,000	50%	\$ 20,000	\$ 20,000
Parma	Parking Apron Construction	\$ 165,000	75%	\$ 123,750	\$ 41,250
Payette	Perimeter Fencing	\$ 45,000	50%	\$ 22,500	\$ 22,500
Priest Lake	Install MIRL System	\$ 60,000	90%	\$ 54,000	\$ 6,000
Priest Lake	Pave Runway	\$ 260,000	90%	\$ 234,000	\$ 26,000
Rockford	Runway Rehabilitation	\$ 24,000	90%	\$ 21,600	\$ 2,400
Rockford	Tiedown Rehabilitation	\$ 4,000	90%	\$ 3,600	\$ 400
St. Anthony	Install Card Fuel System	\$ 45,000	75%	\$ 33,750	\$ 11,250
St. Anthony	Install Visual Glide Slope	\$ 10,000	75%	\$ 7,500	\$ 2,500
St. Anthony	Seal Coat Runway and Taxiways	\$ 35,000	75%	\$ 26,250	\$ 8,750
Weiser	Expand & Pave Utility Apron	\$ 10,500	50%	\$ 5,250	\$ 5,250
Weiser	Unicom Radio	\$ 2,600	50%	\$ 1,300	\$ 1,300

	TOTAL	STATE	LOCAL
STATEWIDE TOTALS	\$ 1,220,100	\$ 995,040	\$ 225,060

BOARD AGENDA ITEM



FY 2003 Congressional Earmarked Projects (Amounts in \$millions)

<u>Funding Category</u>	<u>Project Description</u>	<u>Amount Requested</u>	<u>FY02 Earmarks</u>	<u>Dollar Variance</u>	<u>Federal Ratio</u>
Federal Lands	City of Rocks, Stg. 2	\$ 3.0	\$ 1.0	\$ (2.0)	100%
Surface Transp., Sec. 330	US95, Worley to Mica, Stg. 2	26.0	7.0	(19.0)	80%
Corridor & Borders	US95, MP536, Stg. 2	7.7	1.0	(6.7)	80%
Scenic Byways	Scenic Byways Signing	0.4	0.4	0.0	80%
Intelligent Transp. Systems	CVISN	<u>2.0</u>	<u>0.7</u>	<u>(1.3)</u>	80%
TOTAL		\$39.1	\$10.1	\$(29.0)	

FY 2003 Federal Highway Development Program Changes

At the April 2003 Board Meeting, the Acting Chief Engineer requested Board concurrence to develop a proposal for Board approval to bring forward, into FY 2003, Federal projects in future years of the Program which are sufficiently developed to be obligated and advertised in June 2003. Other FY 2003 projects which may not be obligated and advertised until late summer or early fall would be delayed to FY 2004 with the expectation that they would be obligated and advertised in the 1st quarter of FY 2004.

The proposed project changes are shown below. Those projects advanced to FY 2003 may be advertised and even awarded well before October 1, 2003. The proposed delays will not change the expected contract award dates for these projects. However, their delay will enable timely end of the year obligation of FY 2003 Federal funds by minimizing the need for special conditional obligation approvals from the Federal Highway Administration and by avoiding last minute submittal and review of the project plans needed for obligation.

Federal FY03 Third Quarter Plan Advances to FY03

<i>Fund</i>	<i>KeyNo</i>	<i>From</i>	<i>Location</i>	<i>FY03 Cost \$(000's)</i>	<i>Removed \$(000's)</i>
IM	7127	FY04	I-90, GOVERNMENT WAY U'PASS, CDA	3,065	
IM	8391	FY04	I-90, SHERMAN AVE TO WOLF LODGE, KOOTENAI CO	3,715	
IM	3711	PD	I-84, BLISS RA, GOODING CO	7,850	200 PC
IM	7796	FY05	I-84, GLENNS FERRY TO KING HILL, WB	13,650	
NHS	8929	FY04	US-95, COCOLALLA TO WESTMOND	1,386	
NHS	8357	FY05	US-12, OROFINO CL TO OROFINO BR	1,390	
NHS	8899	PD	STATE, DIST 4 SEALCOATS	2,300	90 PC
STP-State	7700	FY05	US-20, GLENWOOD TO 44 TH ST, GARDEN CITY	2,300	90 PC
BR-State	7838	FY05	US-91, BLACKFOOT CNL BR	581	
				36,237	380 PC

BOARD AGENDA ITEM



Delays from FY03

<i>Fund</i>	<i>KeyNo</i>	<i>To</i>	<i>Location</i>	<i>FY03 Cost \$(000's)</i>	<i>Removed \$(000's)</i>
IM	7771	FY04	I-15, SUNNYSIDE IC TO I 15B, IDAHO FALLS ¹	18,995	
NHS	7721	PD	US-12, KAMIAH TO MP 70	4,771	
STP-State	6645	FY04	SH-75, BASIN CR BR, CUSTER CO	512	
STP-State	7750	FY04	US-91, UTAH ST LN TO PRESTON	13,815	
BR-State	6508	FY04	US-95, LOWER EASTPORT MOYIE RV BR	1,864	
				39,957	

Adjustments to FY 2004 through FY 2007 of the Federal Highway Development Program resulting from the above changes will be shown to the Board in the Draft Highway Development Program Workshop in June, 2003.

As of April 11, 2003 there was a balance of \$ 5.5 million in Federal formula funding (including match) in FY 2003. The above changes free up an additional \$ 4.1 million in funding, bringing the total estimated funding balance to \$ 9.6 million.

It is expected that the end of the year plan that will be reviewed by the Board in August 2003 may include other advances to utilize the current Program funding balance. District 1 expects to advance a portion of the **US-95, Setters to Belgrove** project to utilize the above FY 2003 \$ 7.0 million dollar earmark under the Corridor to Border Infrastructure Program. District 3 staff believes they can complete the development of the **SH-55, Marsing to Sunnyslope** project before the end of the year as well.

Footnote 1:

This revision reflects a change in budgeted fiscal year while actually accelerating the expected time of construction and completion. Funding for the full cost of the total project on Sunnyside from the new Interchange on I-15 to I-15 Business (US-91) will be provided in FY 2004. Identifying full funding of the project in FY 2004 allows the entire project to be built with one contract and avoids previous proposals to complete the project over multiple years and two separate construction contracts. The fully funded project will be included in the FY 2004-2008 Draft Statewide Transportation Improvement Program made available for public comment in July, 2003.

FY 2003 STATE-FUNDED HIGHWAY PROGRAM
END OF YEAR PLAN
 (As of 4/11/03)

DIST KEY NO	ROUTE	LOCATION	MR	TYPE OF WORK	CURRENT PROGRAM		FY 2003		
					CN YEAR	SCHEDULED	ESTIMATE	INCREASE	FUNCTION
PROPOSED ADVANCES									
2	9073	STATE FY04 DISTWIDE SEALCOATS		Seal Coats	2004	700	700	700	CN
3	8565	STATE ROOSEVELT AVE TO JCT I84B, NAMPA	MR	Resurface	2004	670	670	670	CN
6	9077	STATE FY04 DISTWIDE SEALCOATS		Seal Coats	2004	550	1,313	1,313	CN
							TOTAL	\$	2,683
OTHER POSSIBLE PROJECTS									
1	8559	SH 97 HARRISON TO ARROW RD, STG 1		Resurface	2004	1,000	1,724	1,724	CN
1	9078	SH 97 HARRISON TO ARROW RD, STG 2		Resurface	2005	1,000	652	652	CN
5	7730	US 30 BANKS VALLEY RD TO PEGRAM RD, BEAR LAKE CO		Metal Guard Rail	2004	850	760	760	CN
							TOTAL	\$	3,136
							GRAND TOTAL	\$	5,819

Key: CH=Construction, CE=Const Engineer, UT=Utilities, PC=Consultant Design, PE=Preliminary Engineering, RW=Right of Way

EXHIBIT 275

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 FY03 ADVANCES

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 Prepared by J. Finch

FY 2003 STATE-FUNDED HIGHWAY PROGRAM
END OF YEAR PLAN
(As of 4/11/03)

Anticipated Increases/Decreases

FY 2003										
DIST	KEY NO	Route	LOCATION	PROGRAM		SCHEDULED	OBLIGATED	ESTIMATE	INCREASE / (DECREASE)	
				YEAR	FUNCTION					
(\$000)										
								District 1 Total	0	
2	6134	US 12	LEWISTON/CLARKSTON BR, STG 2	1996	CN	0	0	-134	-134	
2	7904	US 95	ROCK FALL STABILIZATION, MP 306, NEZ PERCE CO	2003	CN	140	86	176	36	
2	8218	US 95	ROCK FALL STABILIZATION, MP 316, NEZ PERCE CO	2003	CN	123	114	141	18	
2	8792	US 12	SNAKE RV BR PAINTING, LEWISTON/CLARKSTON	2002	CN	0	0	25	25	
2	7549	US 12	SNAKE RV BR, LEWISTON/CLARKSTON	2001	CN	0	0	303	303	
								District 2 Total	248	
3	9055	SH 55	INT ISLAND WOOD DR, EAGLE	2003	CN	97	97	127	30	
3	8572	US 95	FY03 REGION 2 SEALCOATS	2003	CN	1,696	1,525	1,986	290	
3	8765	US 95	ELK LAKE RD TURN BAY, ADAMS CO	2002	CN	0	0	85	85	
								District 3 Total	405	
4	8681	SH 75	INT FOX ACRE RD, HAILEY	2003	CN	380	380	480	100	
								District 4 Total	100	
								District 5 Total	0	
								District 6 Total	0	
Total Project Increases \$									753	

Key: CN=Construction, CE=Const.Engineer, UT=Utilities, PC=Consultant Design, PE=Preliminary Engineering, RW=Right of Way

FY 2003 STATE-FUNDED HIGHWAY PROGRAM

END OF YEAR PLAN

(As of 4/11/03)

Anticipated Delays and Removals

DIST	KEY NO	ROUTE	LOCATION	TYPE OF WORK	SCHEDULED	CN YEAR	FUNCTION	ACTION
2	7905	SH 8	JOEL OPASS STRUCTURE REMOVAL	Reconstruct/Realign	1,228	2003	CN	Delay
2	7906	SH 9	FLAT CR, LATAH CO	Resurface	158	2003	CN	Delay
2	9083	SH 8	WASH ST LN TO JACKSON ST; MOSCOW, ROAD ARMOR	Resurface	150	2003	CN	Delay
2	9084	US 12	DIKE ROUTE; LEWISTON, ROAD ARMOR	Resurface	105	2003	CN	Delay
3	7054	US 20	INT US 20 & LOCUST GROVE RD, W OF BOISE	Safety/Traffic Signal	204	2003	CN	Delay
3	7923	US 95	FORT HALL HILL, ADAMS CO	Reconstruct/Realign	406	2003	CN	Delay
3	8241	SH 55	MP 89, VALLEY CO	Reconstruct/Realign	229	2003	CN	Delay
3	9071	I 84 B	CALDWELL SIGNAL DETECTION REPAIR	Safety/Traffic Signal	20	2003	CN	Delay
6	7183	US 20	HOLMES AVE/ANDERSON ST to IONA RD, ID FALLS	Major Widening	2,100	2003	CN	Delay
2	8797	STATE	FY03 DIST2 SEALCOATS	Sealcoats	194	2002	CN	Removal

TOTAL \$ 4,794

Key: CN=Construction, CE=Const.Engineer, UT=Utilities, PC=Consultant Design, PE=Preliminary Engineering, RW=Right of Way

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FY03-DELAYS

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Prepared by J. Finch

EXHIBIT 275



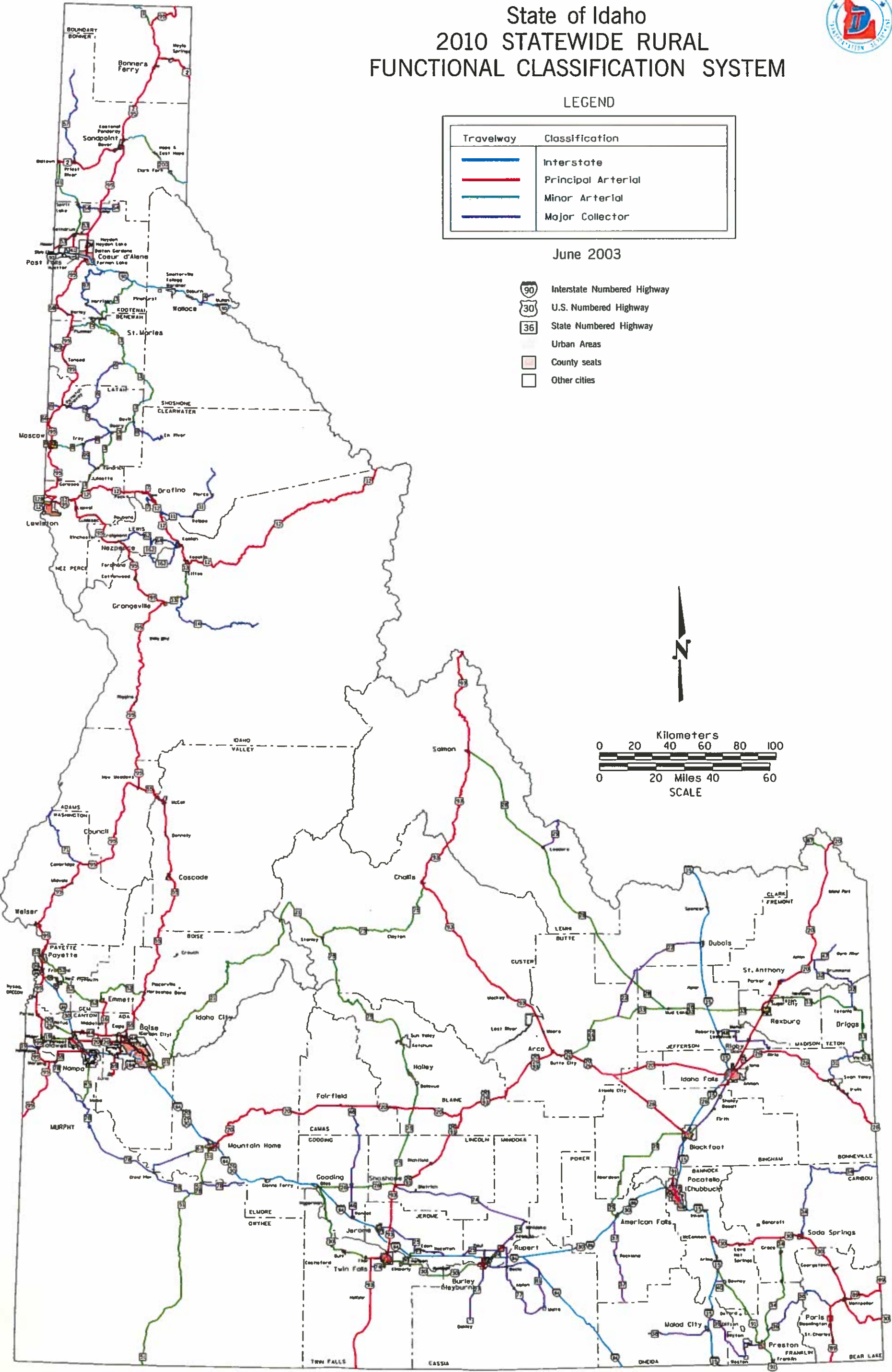
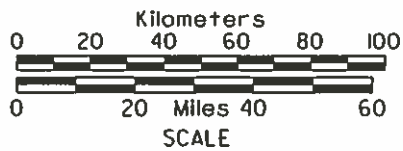
State of Idaho 2010 STATEWIDE RURAL FUNCTIONAL CLASSIFICATION SYSTEM

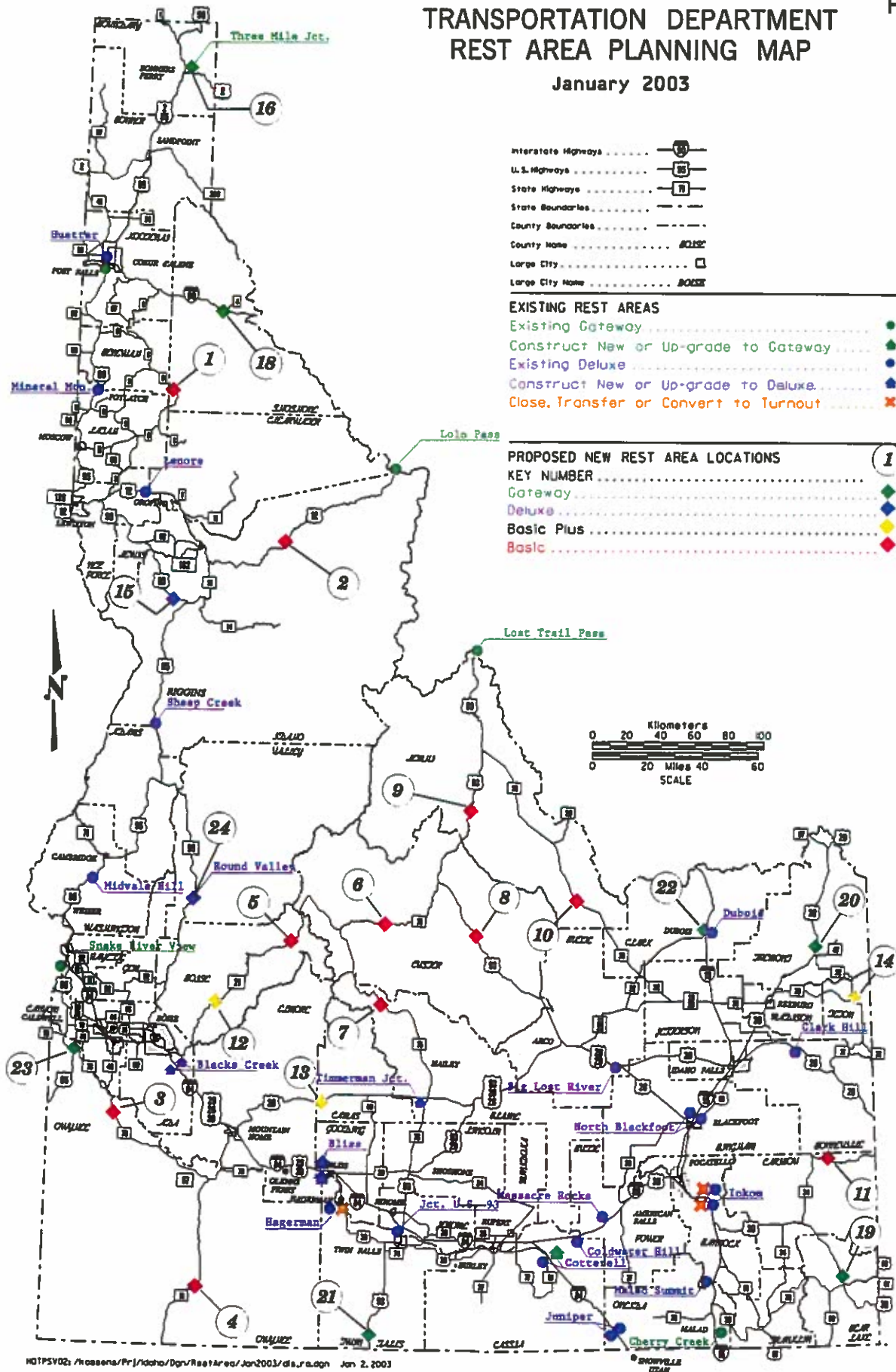
LEGEND

Travelway	Classification
	Interstate
	Principal Arterial
	Minor Arterial
	Major Collector

June 2003

- Interstate Numbered Highway
- U.S. Numbered Highway
- State Numbered Highway
- Urban Areas
- County seats
- Other cities



January 2003

OFFICIAL MINUTE

Transfer of Real Property to the City of Bonners Ferry

WHEREAS, the US 95 Business Route in the city of Bonners Ferry is no longer considered essential as a part of the State Highway System; and

WHEREAS, the city of Bonners Ferry did agree to assume control, jurisdiction of, and responsibility for, in full and every respect US 95 Business from Milepost 0.00 to Milepost 0.229 all as shown in Exhibit "A" attached hereto as a part of the Road Closure and Maintenance Agreement dated July 1, 2003; and

THEREFORE BE IT RESOLVED, that the former portion of US 95 Business from Milepost 0.00 to Milepost 0.229 be removed from the State Highway System and relinquished to the city of Bonners Ferry, effective July 1, 2004. Coincident with said removal, all jurisdiction, control, and interest of the state in and to said sections of former US 95 Business including rights-of-way appurtenant thereto, all as shown on Exhibit "A" attached hereto, are relinquished to the city of Bonners Ferry as its interest may appear.

RECOMMEND:

CCN.RT
TPA

APPROVED:

Steven C. Hutchinson
State Highway Administrator

APPROVED AS TO FORM:

[Signature]
Legal Counsel

7/1/03

Date

IDAHO TRANSPORTATION BOARD

Charles L. Blinder
Chairman

John W. Bombo
Vice-Chairman

[Signature]
Member

[Signature]
Member

[Signature]
Member

Neil Miller
Member

Relinquishment of US-95B Bonners Ferry, Idaho



ITD 2004 PROPOSED LEGISLATIVE IDEAS

Pending Board Approval

July 1, 2003

Priority #	Description	Contact Person
1	PATRIOT ACT – HAZMAT CDL: This legislation would amend Sections 49-303 and 49-313, Idaho Code, to implement Section 1012 of the federal USA Patriot Act which prohibits a state from issuing or renewing a Commercial Driver's License to operate a motor vehicle transporting hazardous materials unless the US DOT has first determined that the applicant does not pose a security risk. Requires fingerprinting and background check of the applicant. Non-compliance by the state would result in withholding of federal-aid highway funds.	Ed Pemble 332-7830
2	ITD – STC AUDIT UNIT TRANSFER: The ITD Motor Carrier Services audit unit is being transferred to the State Tax Commission under a Memorandum of Understanding in FY04. This legislation would permanently transfer the four audit unit employees and the appropriation for related operating expenses to the STC starting in FY05 and also align the appeal and collection processes of the two departments.	Jennifer Finke 334-8608
3	DRIVER SERVICES CLEAN-UP: This legislation would "clean up" several minor driver-related statutes to: a) specify if a driver's license is seized, it does not need to be returned once the license is re-instated; b) add the word "jurisdiction" to 49-434 and 49-326, I.C., so that actions in the District of Columbia can be considered in relation to driver's license suspensions and other actions; c) amend 49-319, I.C., to clarify that a physician assistant of licensed advanced practice professional nurse can provide permanent disability certification for driver's license purposes; d) amend 18-8306(4) regarding notification of sex offender registration requirements; and e) clarify the enforcement provisions of driving on an expired license.	Ed Pemble 332-7830
4	ADMINISTRATIVE REMEDY FOR BID DISPUTES: Amend Section 40-902, Idaho Code, to provide for an administrative remedy to resolve disputes over whether a low bid on a major highway project is responsive, due to a defect in the bid. A Department Hearing Officer would hear and resolve cases (instead of court litigation) where the project is time sensitive and delay could cause the project to be rebid.	Steve Bywater 334-8811

**FY 2003 Federal Highway Program Prioritized Project Advances and
Projects Requested for August 4, 2003 Redistribution of Federal Formula Obligation Authority
(\$000's)**

Attachment D

DIST KEY NO	ROUTE	LOCATION	TYPE OF WORK	YEAR	PROGRAM	SCHEDULED	ESTIMATE	FY 2003			TOTAL	FUNCTION
								INDIRECT				
								CN	INCREASE	COST		
PRIORITIZED ADVANCES												
1	8070	US 95	Setters Rd to Bellgrove, Kootenai Co	2007	NHS	0	9,015	9,015			9,015	CE/CN
1	1509	US 95	Sandpoint to Kootenai Cutoff	PREL	NHS	0	8,500	8,500			8,500	UT/CE/CN
REDISTRIBUTION REQUESTS												
5	8049	STC-1753	Mink Cr Rd; Phase 2 & 3, Bannock Co	PREL	STP-LR	0	937	937		N/A	937	PE/CN
4	8493	STC-2837	Yale Rd, Cassia Co, Stage 2	2006	STP-LR	0	2,400	2,400		N/A	2,400	CE/CN
4	8107	I 84	JCT I84/US93 IC, Stage 2	PREL	IM	0	13,900	13,900		2,385	16,285	CE/CN
9	NEW		Public Transportation Systems Pilot	2003	ITS	0	196	196		N/A	196	
Total Advance Projects								\$ 17,515				
Total Redistribution Requested Projects								\$ 19,818				
Grand Total								\$ 37,333				

Key: CN=Construction, CC=Consultant Engineering, CE=Const.Engineering, UT=Utilities, PE=Prel. Engineering, PC=Consultant Design, RW=Right of Way

EXHIBIT 280

Agency Summary And Certification

290 -- Transportation Department, Idaho

Page ____ of ____ Pages

FY 2005 Request

Original Submission ____ or Rev No. ____

In accordance with 67-3503, Idaho Code, I certify the attached forms properly state the receipts and expenditures of the department (agency, office, or institution) for the fiscal years indicated. The summary of expenditures by major program, fund source, and standard class is indicated below.

Signature of Department Director Gus K. Simmons Date 8/29/03

Function/Activity	FY 2003 Total Appropriation	FY 2003 Total Expenditures	FY 2004 Original Appropriation	FY 2004 Estimated Expenditures	FY 2005 Total Request
Management and Support	21,492,600	19,759,600	20,104,400	20,104,400	20,769,600
Planning	3,606,400	3,315,600	3,624,900	3,624,900	3,683,900
Motor Vehicles	17,457,600	16,129,600	17,882,300	17,882,300	17,493,100
Highway Operations	128,412,300	113,572,600	125,148,100	126,792,300	128,734,700
Capital Facilities	2,800,000	2,799,800	2,150,000	2,150,000	3,850,000
Contract Construction & Right of Way Acquisition	394,799,300	257,436,500	253,360,500	392,389,100	243,523,100
Aeronautics	4,030,000	2,495,500	3,333,100	4,909,100	3,650,600
Public Transportation	4,192,700	3,995,700	4,198,200	4,198,200	4,214,600
Total	576,790,900	419,504,900	429,801,500	572,050,300	425,919,600
By Fund Source	Total Appropriation	Actual Expenditures	Original Appropriation	Estimated Expenditures	Total Request
D 0221-02 State Aeronautics - Dedicated	3,490,100	1,681,200	2,084,500	3,660,500	2,288,500
D 0260-02 State Highway: Dedicated	254,737,500	200,969,300	203,075,100	237,695,800	197,926,300
D 0260-06 State Highway: Disaster	2,635,700	938,900	0	1,696,400	0
F 0221-03 State Aeronautics - Federal	264,600	394,200	1,052,900	1,052,900	1,262,100
F 0260-03 State Highway: Federal	306,653,400	209,704,500	216,885,700	317,573,100	217,189,200
F 0263-00 Highway Safety Fund	2,000,000	1,483,900	2,000,000	2,000,000	2,000,000
O 0221-04 State Aeronautics - Billing	275,300	420,100	195,700	195,700	150,000
O 0260-04 State Highway: Billing	654,800	277,800	504,200	504,200	580,200
O 0260-05 State Highway: Local	6,079,500	3,635,000	4,003,400	7,671,700	4,523,300
Total	576,790,900	419,504,900	429,801,500	572,050,300	425,919,600

EXHIBIT 281

Agency Summary And Certification

290 -- Transportation Department, Idaho

Page ____ of ____ Pages

FY 2005 Request

Original Submission ____ or Rev No. ____

By Object	Total Appropriation	Actual Expenditures	Original Appropriation	Estimated Expenditures	Total Request
Personnel Costs	97,246,500	89,754,800	98,975,200	98,975,200	99,605,000
Operating Expenditures	58,847,300	50,414,900	54,634,500	56,278,700	56,243,000
Capital Outlay	405,797,700	273,242,800	265,127,700	403,275,100	261,831,900
Trustee And Benefit Payments	14,899,400	6,092,400	11,064,100	13,521,300	8,239,700
Lump Sum	0	0	0	0	0
Total	576,790,900	419,504,900	429,801,500	572,050,300	425,919,600
FTP Total	1,838.00	1,838.00	1,838.00	1,838.00	1,833.50

STATE OF IDAHO
IDAHO TRANSPORTATION DEPARTMENT
STATE HIGHWAY FUND
CERTIFICATION OF RECEIPTS AND DISBURSEMENTS CASH BASIS
JULY 1, 2002 - JUNE 30, 2003

Cash Balance - July 1, 2002			\$23,996,675
Receipts			
Transfer From Highway Distribution Account	165,710,360		
Miscellaneous Receipts	<u>25,101,843</u>		
Total State Receipts	190,812,203		
Federal Aid	209,821,700		
City & County Contributions	<u>4,765,700</u>		
Total Receipts		405,399,603	
Disbursements			
Expenditures	413,845,147		
Transfers Out	<u>421,300</u>		
Total Disbursements		<u>414,266,447</u>	
Net Change in Cash Balance			<u>(8,866,844)</u>
Cash Balance - June 30, 2003			15,129,831
Long Term Investment Account Balance - July 1, 2002	55,475,883		
Less: Partial Redemption - Long Term Investment Acct	<u>(5,500,000)</u>		
Interest Earned on Long Term Investment Account	<u>2,673,097</u>		
Long Term Investment Account Balance - June 30, 2003			<u>52,648,980</u>
Total Cash & Investments - June 30, 2003			\$67,778,811
Less: Outstanding Encumbrances		(14,163,311)	
ST Program Obligations	28,032,501		
State Match on Federal Program Obligations	5,702,500		
Rural Secondary Exchange/Material Source Prog	<u>885,689</u>		
Total State Funds for Highway Program Obligations		<u>(34,620,690)</u>	
Total Encumbrances & Obligations as of June 30, 2003			(48,784,001)
Sales Tax Liability	58,780		
Deferred Revenue	4,624,335		
Deposits from Locals	294,059		
Railroad Crossing	53,177		
Contractor Retained %	<u>776,497</u>		
Total Liabilities			<u>(5,806,848)</u>
Net Resources Available - June 30, 2003			<u>\$13,187,962</u>

Prepared By:



David O Tolman, Controller
Idaho Transportation Department

Certified:

Idaho Transportation Board



Charles L Winder
Chairman

BEFORE THE IDAHO TRANSPORTATION BOARD

STATE OF IDAHO

In the Matter of the Appeal of the Claim of :)	
)	
Concrete Placing Company, Inc. and)	
Safety Corporation, Inc.,)	
v.)	
The Idaho Transportation Department.)	FINAL DECISION
)	
Claim for the Traffic Control Maintenance)	
and Drums on the District Four Bridge)	
Repair, Project IM-004 (111)121,)	
Contract 6412)	

I. PRIOR PROCEEDINGS

This matter involves an administrative appeal from the decision of the Chief Engineer denying the above mentioned claim. This appeal is taken to the Board under the Idaho Transportation Department (ITD) Standard Specification §105.17, which is a part of the contract for the construction of this project. The Board received an appeal from Concrete Placing Company, Inc. and Safety Corporation, Inc. (Claimants), dated October 11, 2002. Under the Board's prior resolution, the parties agreed to the use of a one-member Claims Review Board (CRB) under the ITD Standard Specifications to receive evidence from Claimants and ITD on the claim, and submit findings and recommendations to the Board. Presentations were held before the CRB on October 31, 2003. The CRB issued its findings and recommendations on November 18, 2003, and transmitted the recommended decision to the parties and the Board.

This matter came before the Board for review and issuance of a final decision on December 12, 2003 at a regularly scheduled meeting of the Board. The Board having reviewed the findings and recommendations of the CRB, and being fully advised in the matter now renders its final decision on the appeal of this claim.

II. FACTUAL FINDINGS

The Board adopts as its own the findings of the CRB as set forth in its letter of findings and recommendations dated November 18, 2003, and its additional clarification letter dated November 21, 2003, copies of which letters are attached as Exhibit A and incorporated herein by this reference.

III. CONCLUSIONS OF LAW


Based upon the foregoing findings, it is the Conclusion of the Board that:

1. Claimants are not entitled to additional compensation for the damaged drums or the additional time denied for maintaining the drums after October 17, 2001 when they were directed by ITD to add the second ring to the drums.
2. Claimants are not entitled to the cost of furnishing additional weights to the traffic drums.

IV. DECISION

Claimants' entitlement to additional compensation or additional time shall be determined in accordance with the above findings and conclusions.

DATED this 12th day of December, 2003.


CHARLES L. WINDER
Chairman, Idaho Transportation Board

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 15th day of December, 2003, I caused a true and correct copy of the above and within FINAL DECISION to be mailed by first class mail, postage prepaid , to:

Safety Corporation, Inc.
c/o Concrete Placing Company, Inc.
6451 W. Gowen Rd.
Boise, Idaho 83709

Idaho Transportation Department
P.O. Box 7129
Boise Idaho 83707-1129