



STATE HIGHWAY SYSTEM ADJUSTMENTS

Purpose

The purpose of this policy is to implement Board Policy 4061 authorizing the Director to set forth the procedure to make adjustments to the State Highway System that serves statewide economic interests, movement of products and materials, and statewide mobility.

Legal Authority

- Idaho Code 40-120(5) - "State Highway System" means the principal highway arteries in the state, including connecting arteries and extensions through cities, and includes roads to every county seat in the state.
- Idaho Code 40-203(B) - Abandonment or Assuming Control of a Highway. Whenever the Idaho Transportation Department is either planning to abandon any section or all of a state highway to a county, a city or a highway district or assume control of a section or all of a highway which is under the jurisdiction of a county, city or a highway district, the transportation department shall first obtain the consent of the applicable local highway jurisdiction before it may abandon or assume control of the highway. Consent shall be obtained by passage of a resolution by the local highway jurisdiction assenting to the proposed action of the transportation department. Prior to consenting to an abandonment or assumption of the applicable highway, the local highway jurisdiction may conduct a public hearing and also provide notice to any impacted property owners, businesses, industries and enterprises. If consent is not obtained as provided in this section, the action by the transportation department regarding the abandonment of a state highway or assumption of control of a local jurisdiction highway shall be null, void, and of no force and effect.
- Idaho Code 40-310 - Powers and Duties - State Highway System. The board shall:
 - (1) Determine which highways in the state, or sections of highways, shall be designated and accepted for the purpose of this title as a part of the state highway system.
 - (a) In determining which highways or section of highways shall be a part of the state highway system, the board shall consider the relative importance of each highway to cities, existing business, industry and enterprises and to the development of cities, natural resources, industry and agriculture and be guided by statistics on existing and projected traffic volumes. The board shall also consider the safety and convenience of highway users, the common welfare of the people of the state, and of the cities within the state and the financial capacity of the state of Idaho to acquire rights-of-way and to construct, reconstruct and maintain state highways. In making a determination, the board must, before it can abandon, relocate, or replace by a new highway, any highway serving or traversing any city, or the area in which the city is located, specifically find and determine that the benefits to the state of Idaho are greater than the economic loss and damage to the city affected. No highway serving or traversing any city shall be abandoned, relocated or replaced by a new highway serving the area in which a city is located without the board first holding a public hearing in that city. The abandonment shall proceed as set forth in Idaho Code section 40-203(B).

- Idaho Code 40-607 – A county or highway district shall have jurisdiction, with the full authority to construct, maintain and control, over an extension of a rural major collector highway eligible for federal highway funds within a city, when the city population is less than five thousand (5,000). The Department should take this into account and ensure that they are communicating with the appropriate local authority when abandoning or assuming a highway.

Adjustments to the State Highway System

Adjustments necessary to the State Highway System shall fall under one or more of the following categories:

- Additions – The adding of new segments of highway to the State Highway System
- Deletions – The removal of highways from the State Highway System
- Realignments – The designation of an existing State Highway to a different segment of highway

The responsibility to bring appropriate requests for system adjustments to the Board Subcommittee on State Highway System Adjustments is delegated to the Chief Engineer and the applicable District Engineer as outlined in this policy. However, the Chief Engineer and District Engineer may delegate these duties to staff. A District Engineer may request system adjustments on behalf of the department or a local highway jurisdiction.

New highway construction projects that are anticipated to require system adjustments shall be brought to the Board Subcommittee on State Highway System Adjustments prior to inclusion in the Idaho Transportation Improvement Program (ITIP). The Chief Engineer or Subcommittee Chair may exempt adjustment requests for new highway construction from evaluation and reporting steps if the Board receives presentations or reports during the planning, scoping or design phase of the project.

The Chief Engineer will request a Subcommittee meeting to consider requests at the appropriate milestones, maintain a record of all requests, studies and results for any adjustment proposals for the State Highway System.

State Highway System Adjustments: Evaluation and Application

The District Engineer shall initiate the System Adjustment process by completing the application provided by the Chief Engineer. The application will outline the benefits of the proposed action on the criteria of safety, mobility and economic opportunity. The District Engineer is granted the flexibility in the engineering and evaluation methods that best demonstrate the benefits to the evaluation criteria.

The Chief Engineer reviews the adjustment application. If the Chief Engineer concurs, a meeting to present the findings to the Board Subcommittee shall be requested.

ITD Staff Procedures for State Highway Adjustment Action

After successful evaluation by the Chief Engineer, staff will take the following actions:

Request Subcommittee Preliminary Review to Approve Negotiation between Parties

1. The District Engineer shall present the requested system adjustment to the Subcommittee. The District Engineer is encouraged to provide details on the requested action that demonstrate the benefits outlined in the application. The Subcommittee shall act by delegating authority to the District Engineer to negotiate terms required to complete the requested action, request further information or deny the requested action.
2. The District Engineer contacts the appropriate local jurisdiction(s) to further negotiations to reach an agreement on the action. The District Engineer considers all feasible options, including monetary appropriations and maintenance assistance such as snowplowing, striping, and discussing the date of the system action to assure minimal revenue and budget impact.
3. The District Engineer prepares the draft agreements with the consultation of the Contracting Services Engineer and sends to the Chief Engineer and Deputy Attorney General for review.

Request Subcommittee Review and Approval of Negotiated Draft Agreement: Direction to Proceed to a Final Agreement/Hearing if Required

4. After the coordinated review, the Chief Engineer requests a Subcommittee meeting to review the draft agreement. The District Engineer shall provide Subcommittee Board members with financial information broken out by who pays (payment agreements), how much is to be paid (detailed by stakeholder party) and how ITD funding responsibilities are to be met (i.e. ITIP, Unobligated Funds, Project Re-programming, etc.). Critical milestones in requested highway system adjustments will be specifically identified in contract language and/or established ITD process. The Subcommittee will either approve the terms of the agreement, or ask the District Engineer to further negotiate the terms of the draft agreement.
5. No highway serving or traversing any city, or area in which the city is located, shall be abandoned, relocated or replaced by a new highway without the board first holding a public hearing in that city as required in Idaho Code 40-310. The ITD Office of Communications coordinates a public hearing with the involved parties, provides news releases and other assistance. After completion of the proceedings and consideration of all related information, the Subcommittee shall decide whether the highway should be, abandoned, relocated or replaced. The decision of the Subcommittee shall be written, shall address the issues raised at the public hearing, and shall be supported by findings of fact and conclusions of law.

If the Subcommittee finds that such a highway should be abandoned, relocated or replaced, the District Engineer will work with the local highway jurisdiction and develop an agreement that seeks the local highway jurisdiction's consent to assume the abandoned highway pursuant to Idaho Code 40-203B. The District Engineer will follow the above procedures for negotiating and drafting an agreement with the local highway jurisdiction. The local highway jurisdiction must accept the agreement with a resolution passed by the governing body of the jurisdiction before proceeding.

6. At the direction of the Subcommittee, the District Engineer presents a final agreement to the affected local highway jurisdiction for signature. All negotiations, terms and conditions will

be concluded promptly and not exceed a 2-year timeframe, unless otherwise approved by the Board.

Request Subcommittee Review of Final Agreement and Recommendation to the Idaho Transportation Board

7. All of these elements are necessary components for adequate Subcommittee review prior to making recommendations to the full Board. After these components are completed, the Chief Engineer will request a Subcommittee meeting for a final review of the requested action. The agreement, approved by the local jurisdiction, together with the resolution of acceptance passed by the local jurisdiction, and a draft Official Minute shall be included in this review. The Subcommittee will then determine if all actions have been completed and make a recommendation to take the requested action to the Idaho Transportation Board for final determination.
8. The District Engineer shall provide Subcommittee members with a preliminary motion for the desired outcome of each requested action. The preliminary motion shall be included as part of the Subcommittee meeting packet distributed to Subcommittee Board members by the Executive Assistant to the Board.

Idaho Transportation Board Review / Final Decision

9. The Official Minute and agreement approved by the local jurisdiction, together with the resolution of acceptance passed by the local jurisdiction, shall be presented to the Idaho Transportation Board for a system action determination. Upon Board approval they shall sign the Official Minute, and the appropriate persons from the Department shall sign the Agreement.
10. If financial payment is agreed to, the District Engineer shall ensure that the paperwork is completed and payment made to the local highway jurisdiction.

Official Minute

The appropriate District Engineer prepares the Official Minute in concurrence with the Board Subcommittee for all system action determinations that are presented to the Idaho Transportation Board. The Official Minute provides the reason for action, describes the changes to the State Highway System, and establishes an effective date. The Official Minute is also the basis for title transfer of the real property to the proper owners. The Executive Assistant to the Board files the original Official Minute in the exhibit book and approval/disapproval is noted in the minutes of the Idaho Transportation Board meeting. The Division of Highways, Planning Services Section shall send copies of the approved Official Minute to the affected district, local highway jurisdiction, city officials (when involved), the Port of Entry section in headquarters, and others as appropriate.



Brian W. Ness
Director

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