

39.04.01 – RULES GOVERNING AERONAUTICS AND AVIATION

000. LEGAL AUTHORITY.

Under authority of Sections 21-105, 21-111, 21-114, 21-142(9), 21-142(15) and 21-519, Idaho Code, the Idaho Transportation Board adopts this rule. Violators of state law and these rules are subject to the penalties specified in Sections 18-7031, 18-7033 and 21-121, Idaho Code. (3-31-22)

001. ~~TITLE AND SCOPE~~ **PURPOSE.**

~~01. — Title. This rule is titled IDAPA 39.04.01, “Rules Governing Aeronautics and Aviation.” (3-31-22)~~

02. Scope. This rule implements the provisions of Title 21, Idaho Code, related to aeronautics and aviation, including rules governing aircraft registration, marking of hazards to air flight, restriction of flight in designated emergency areas, commercial and through-the-fence operations, aerial search and rescue, operations at state airports, Federal Aviation Regulations and the Idaho Airport Aid Program. ~~Where feasible, all rules and regulations regarding navigation of aircraft within the airspace about the state of Idaho will be kept in conformance with the current federal aviation regulations.~~ (3-31-22)

002. INCORPORATION BY REFERENCE.

These rules incorporate the current Federal Aviation Regulations, 14 CFR Parts 1-191, where they are not inconsistent with existing rules or regulations that may, from time to time, be adopted by the Idaho Transportation Board. Copies of Federal Aviation Regulations, 14 CFR parts 1-191, may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402 or electronically at the Electronic Code of Federal Regulations, at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>. This rule also incorporates the Idaho Airport Aid Program, Implementation Manual (~~3rd Edition, September 2019~~ May 2023), and the Department’s Aerial Search and Rescue Manual. (3-31-22)

007. – 009. (RESERVED)

010. DEFINITIONS.

~~01. — Adjusted Service Area Population. The adjusted service area population is the subject airports service area population reduced by the population within the service area of a nearby 'more developed' airport(s) that overlaps the subject airports service area. The adjusted service area population is used to determine the match rate for Community airport grants.~~ (3-31-22)

02. Aerial Search and Rescue Volunteer. One who volunteers services for humanitarian relief. When accepted in support of SAR missions, SAR volunteer ~~shall~~ will become quasi-state employee and be protected by state workman’s compensation insurance. (3-31-22)

03. Aerial Search and Rescue Volunteer Aircraft. A civil aircraft voluntarily made available to be used in aerial search and rescue operations. (3-31-22)

04. Aerial Search and Rescue Volunteer Pilot/Observer. A pilot/observer qualified in accordance with the Idaho Transportation Department Aerial Search and Rescue Manual. (3-31-22)

05. AFRCC. Air Force Rescue Coordination Center, the single agency through which federal SAR missions will be prosecuted and federal assistance requested for SAR in the inland region. It is a coordinating agency only. (3-31-22)

06. Aircraft Parking Area. A designated site constructed on an airport with or without aircraft tiedown chains or ropes for the purpose of parking unattended aircraft. (3-31-22)

~~07. **Airman/Airmen.** Any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while underway. For the purpose of this regulation, search shall be conducted for airmen and passenger(s) of lost aircraft. (3-31-22)~~

~~08. **Airport.** Any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon. For the purposes of this chapter, the term "airport" refers to a publicly owned and managed facility that is open for public use without operational restrictions on its use. For the purposes of Subchapter B of this rule, this is limited to airports that are owned, leased or permitted by the owner of the land and are under the control of, and operated by the Idaho Transportation Department's Division of Aeronautics. (3-31-22)~~

~~09. **Airport Service Area Population.** The airport service area population is the number of people within the service area boundary based upon the most recent approved census data. An airport's service area is the geographic locale within a thirty (30) minute average drive time from the airport. (3-31-22)~~

~~10. **Camping Area.** Any site designated for camping and identified by the placement of picnic tables, fire pits, barbecue stoves or appropriate signing. (3-31-22)~~

11. **Civil Aircraft.** Aircraft other than public aircraft. (3-31-22)

~~12. **Department.** Idaho Transportation Department. (3-31-22)~~

~~13. **Director.** Director of the Idaho Transportation Department. (3-31-22)~~

14. **Deputy District Aerial Search and Rescue Coordinator.** A designated representative of the State Search and Rescue Coordinator. (3-31-22)

~~15. **Division.** The Division of Aeronautics of the Idaho Transportation Department, including its officers and employees. (3-31-22)~~

~~16. **Fueling.** Any procedure which involves the addition or removal of fuel from aircraft fuel tanks or the transfer of fuel from or into tanks, barrels, or bladders. (3-31-22)~~

17. **Guyed Tower.** A tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself, towers used for military purposes excepted. (3-31-22)

18. **Hazardous Material.** Any material or substance as defined by Sections 49-109(3), 39-4403(7) and (14), 39-4407, or 39-6203(9), Idaho Code. (3-31-22)

~~19. **Height.** The distance measured from the original grade at the base of the tower to the highest point of the tower. (3-31-22)~~

20. **International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual.** A manual establishing the international standards for search and rescue.

21. **Land SAR Addendum.** Addendum to the National Search and Rescue Supplement to the IAMSAR manual that governs land search procedures for lost personnel, vehicles, or aircraft. This document governs how the ground component of SAR conducts operations.

20. **Loading Area.** A site designated on an airport for the purpose of loading or unloading passengers and cargo and facilitating the access of designated vehicles. (3-31-22)

21. **Marking.** ~~Shall~~ Will include illuminating, painting, lighting, or designating in a manner to be approved by the department. (3-31-22)

~~22. **National Search and Rescue Manual.** That manual for guidance of U.S. Federal Forces, military or civil, participating in search and rescue (SAR) operations. (3-31-22)~~

23. **National Search and Rescue (SAR) Plan of the United States.** This plan covers interagency agreements that govern federal search and rescue response. ~~Aerospace Rescue and recovery Service Operations Plan Number 9506, entitled, "Inland Search and Rescue."~~ It coordinates the SAR efforts among the states and federal agencies. (3-31-22)

24. **National Search and Rescue Supplement to the IAMSAR Manual.** Federal guidelines on implementing Search and Rescue within the United States.

24. **Office of Emergency Management (OEM).** State agency in charge of preparing for and/or providing assistance during and after natural or man-made disasters. (3-31-22)

25. **Runway.** An airport surface designed specifically for the takeoff and landing of aircraft. (3-31-22)

26. **Aeronautical Search and Rescue (SAR).** (SAR) Operations involving the search for aircraft overdue, missing, or in distress. Use of aircraft to assist in other types of search and rescue operations. (3-31-22)

~~a. **Search** An investigative act to determine the location of lost aircraft or airman. (3-31-22)~~

~~b. **Rescue** Deliver from danger, to save. (3-31-22)~~

27. **SAR Agreements.** SAR agreements involving federal, state, local, and private agencies, and/or individual(s). (3-31-22)

~~28. **Search Districts.** Those six (6) areas throughout the State which are designated as aerial search and rescue districts by the Idaho aerial search and rescue plan. These areas are the same as the states six (6) highway districts. (3-31-22)~~

29. **State Aeronautical SAR Search and Rescue Coordinator.** Director, Idaho Transportation Department, or his duly appointed representative, responsible for directing, coordinating and supervising all phases of aerial search and rescue operations in accordance with the National Search and Rescue Plan of the United States. (3-31-22)

30. **State Aerial Search and Rescue Plan.** Those plans, policies, and procedures set forth in the Department Aerial Search and Rescue Manual. (3-31-22)

31. **Temporary or Permanent Guyed Tower.** A guyed tower erected and standing for any period of time whatsoever. (3-31-22)

~~32. **Vehicle.** Any motorized vehicle excluding aircraft and including, but not limited to, highway automobile, truck, bus, van, trailer, motorcycle, ATV, recreational vehicle, or snowmobile. (3-31-22)~~

011. -- 099. (RESERVED)

SUBCHAPTER A – RULES GOVERNING AIRCRAFT REGISTRATION

100. AIRCRAFT TO BE REGISTERED.

Every resident of this State who operates an aircraft or who owns an aircraft holding a currently valid airworthiness certificate and a currently valid annual inspection or progressive inspection system issued by the Federal government, or a resident or nonresident operating an aircraft for hire, spraying, dusting, seeding, or operated in the transportation of persons or property, shall will register such aircraft with the ~~Idaho~~ Division ~~of Aeronautics hereinafter referred to as Division.~~ (3-31-22)

101. REGISTRATION PERIOD.

01. Annual Period. The period for the registration of aircraft in the state of Idaho runs from January 1 through December 31 of each year. (3-31-22)

02. Annual Registration Closing Date. The closing date for the annual registration is the first Monday of November in each year. A list of unregistered aircraft, as of that date, ~~shall will~~ be forwarded to the proper county assessor for inclusion in personal property assessment due on the fourth Monday in November, as ~~required directed~~ by Section 63-301, Idaho Code. (3-31-22)

102. APPLICATIONS FOR AIRCRAFT REGISTRATION.

01. Current Registration Certificate. An owner who holds a currently effective registration certificate for an aircraft issued by the Federal government ~~shall will~~ make application for an aircraft registration upon appropriate forms to be prescribed and furnished by the Division that contain the applicant's title and the names and addresses of all persons having any interest therein. (3-31-22)

02. Application Information. Every application for an aircraft registration ~~shall will~~ contain: The name of the manufacturer, model, year, the aircraft identification number and serial number, ~~engine type~~, and aircraft manufacturer's certified maximum gross weight. (3-31-22)

103. FEES. Annual aircraft registration fees are set forth in Section 21-114, Idaho Code. (3-31-22)

104. REGISTRATION TO BE CARRIED AND DISPLAYED.

The certificate of registration issued by the Division ~~shall will~~ be carried at all times in said aircraft and ~~must will~~ be made available for examination upon reasonable request by any person charged with the duty of enforcing the aviation laws of this state. (3-31-22)

105. TRANSFER OF TITLE OR INTEREST IN AIRCRAFT.

01. Previous Owner Responsibility. The owner of an aircraft registered by the Division under Section 21-114, Idaho Code, who transfers or assigns his title or interest in such aircraft, ~~shall will~~: (3-31-22)

a. Within 15 days, ~~notify the Division~~ provide a copy of the FAA bill of sale in writing of such transfer or assignment; and (3-31-22)

b. Furnish the Division with the name, ~~and~~ address, phone number, and email address (if available) of the person to whom such transfer or assignment was made; and (3-31-22)

c. Remove or obliterate the decal so as to indicate its cancellation prior to delivery of the aircraft to the transferee or assignee; and (3-31-22)

d. Request the Division to cancel the registration. (3-31-22)

02. New Owner Responsibility. The new owner, if a resident of Idaho, ~~or~~ a non-resident qualifying under Section 100 of this rule, or a non-resident who flies in this state for ninety (90) days or more within a registration year shall will register the aircraft with the Division. (3-31-22)

106. EXEMPTIONS.

This rule does not apply to aircraft exempted from registration by Section 21-114(d), Idaho Code. (3-31-22)

107 – 199. (RESERVED)

SUBCHAPTER B – RULES GOVERNING OPERATIONS AT STATE AIRPORTS

200. SPECIAL OPERATING RESTRICTIONS ON AIRPORTS.

The Division may establish special operating restrictions on an airport to assure the safety and convenience of users and the general public when special events or temporary or seasonal factors warrant. Such special restrictions ~~shall~~ will be issued in writing at least ten (10) days prior to their effective date and published as a NOTAM (Notice to Airman ~~Mission~~) and be conspicuously posted on the airport. When practical, the Division may advise principal users of the airport of the special restrictions. (3-31-22)

201. AIRCRAFT PARKING, LOADING, AND TIEDOWN.

Aircraft that are loading and unloading on state airports ~~shall~~ will be parked in the available designated aircraft parking or loading areas. In the event such designated areas are fully occupied, pilots ~~shall~~ will park so as to remain clear of the defined runway. All unattended aircraft ~~shall~~ will be tied down when tiedowns are available. Persons parking their aircraft where tiedowns are not available ~~shall~~ will secure their aircraft with portable tiedown devices, or use other positive means of restraining their aircraft which will assure that their aircraft will not damage other aircraft or property. Aircraft will not remain tied down on an airport in excess of one (1) month without the approval of the Division. (3-31-22)

202. VEHICLES, DOMESTIC ANIMALS, ~~AND~~ BAGGAGE.

01. Parking. No person will operate or park any vehicle on an airport without prior approval of the Division and may only park in designated parking areas. Vehicles authorized on an airport will not be operated on the runway or parked so as to occupy or block designated tiedowns or loading areas, except that temporary parking necessary for actual loading or unloading of baggage or objects is allowed if no hazard is thus created. ~~Vehicles shall be parked only in designated parking areas.~~

~~02. Domestic Animals.~~ No person will allow any domestic animal on an airport, taxiway or adjacent camping area without its being on a leash beyond the minimum time necessary for the loading or unloading of such animal into or from an aircraft without prior approval of the Division. (3-31-22)

~~03. Livestock.~~ No person will allow livestock to graze on airport property without permission from the Division. (3-31-22)

~~04. Domestic Animal Droppings.~~ No person will allow domestic animal droppings to be left on an airport, a loading area or in an adjacent camping area. (3-31-22)

05. Unattended Objects or Baggage. No person will place any unattended objects or baggage in a tiedown area when such placement creates a hazard, or restricts aircraft parking in such a way that displaced aircraft create a hazard. (3-31-22)

203. CAMPING, ~~TRASH,~~ AND ~~REFUSE.~~

~~01. Camping.~~ No person will camp on an airport except in designated camping areas without prior approval of Division employees. (3-31-22)

02. Camping Limits. No person is permitted to use a camping area adjacent to an airport for more than fourteen (14) consecutive days, however this time limit may be extended by Division employees when existing camp area vacancies exist. (3-31-22)

03. Fires. No campfires or open flame camp stoves are allowed within fifty (50) feet of aircraft. (3-31-22)

~~04. Trash and Refuse.~~ All persons on an airport shall place their trash, garbage, and refuse in designated containers or shall otherwise remove it from the airport. (3-31-22)

~~05. Trash Disposal.~~ No person will deposit their trash on an area adjacent to an airport. (3-31-22)

204. AIRCRAFT FUELING, AGRICULTURAL OPERATIONS, AND HAZARDOUS MATERIAL.

01. Fueling Procedures. Any person performing aircraft fueling on an airport ~~shall~~ will obtain and

read a copy of the refueling procedures published by the Division and ~~shall~~will conduct fueling in accordance with these procedures. All persons ~~shall~~will comply with any airport restrictions issued by the Division in connection with recognized fire danger conditions. (3-31-22)

02. Aerial Application Operations. No person will perform aerial spraying, dusting, or other aerial chemical application operations from an airport without making formal application to and receiving an approved operational agreement from the Division. Any person spilling, dumping, or disposing of any hazardous, toxic, or otherwise dangerous or offensive substance on an airport ~~shall~~will be responsible for the full cost of the cleanup, disposal, and administrative costs to the Division necessitated by removal of the substance. (3-31-22)

205. COMMERCIAL OPERATIONS.

01. Operational Agreement. No person will conduct any commercial or business operations from an airport without making formal application to and receiving an approved operational agreement issued by the Division. (3-31-22)

02. Airport Use. No approved commercial operation on an airport by persons or firms engaged in business ~~shall~~will be deemed to have priority over any public or other commercial use of such airport. (3-31-22)

206. -- 299. (RESERVED)

SUBCHAPTER C – RULES GOVERNING COMMERCIAL AND THROUGH-THE-FENCE OPERATIONS AND HANGAR CONSTRUCTION AT STATE AIRPORTS

300. APPLICATION.

Any individual, company, or corporation wishing to establish any aviation facility, private or commercial, on or adjacent to any state airport ~~shall~~will make formal application to the ~~Idaho~~ Division ~~of Aeronautics~~ that contained, at a minimum, a sketch showing the location of proposed facilities; a description, sketch, manufacturer's brochure, etc. of the proposed facilities; and a description of the operation proposed. (3-31-22)

301. OPERATIONAL AGREEMENT.

01. Negotiation and Approval. Subsequent to Board approval of the application, the Division ~~of Aeronautics~~ will negotiate an operational agreement with the applicant. The terms of the agreement ~~must~~ will be approved by the Board prior to ratification of the agreement by any agent of the state. (3-31-22)

02. Information ~~Required~~ Needed. The agreement will include, but not be limited to, lease fee, term, any operational limitations deemed appropriate, etc. (3-31-22)

302. SAFETY AND ACCESS.

Aviation safety will be of paramount importance in consideration of any application. Special emphasis will be placed upon developing means of controlling the number of access points for through-the-fence operations, defined as operations which require aircraft to taxi across the airport property boundary. (3-31-22)

303. -- 399. (RESERVED)

SUBCHAPTER D – RULES GOVERNING MARKING OF HAZARDS TO AIR FLIGHT

400. REQUIREMENTS.

01. Hazardous Structures. Any structure which obstructs the airspace more than two hundred (200) feet above the ground or water level, or at any height near an established airport as defined by Section 21-101(c), Idaho Code, when determined by the Department to be an aviation hazard or a potential aviation hazard, as defined in Section 21-101(n), Idaho Code, to the safe flight of aircraft ~~shall~~will be plainly marked, illuminated, painted, lighted, or designated in a manner approved by the Department. (3-31-22)

02. Guyed Towers. Any temporary or permanent guyed tower fifty (50) feet or more in height that is located outside the boundaries of an incorporated city or town on land that is primarily rural or undeveloped or used for agricultural purposes, or that is primarily desert, and where such guyed tower's appearance is not otherwise governed by state or federal law, rule or regulation, ~~shall~~will be lighted, marked and painted or otherwise constructed to be visible in clear air during daylight hours from a distance of not less than two thousand (2,000) feet. (3-31-22)

a. Guyed towers ~~shall~~will be painted in seven (7) equal alternating bands of aviation orange and white that begin with orange at the top of the tower and end with orange at the base. (3-31-22)

b. Guyed towers ~~shall~~will have one flashing obstruction light at the top of the tower that meets the technical requirements of medium intensity flashing white obstruction light systems as specified in Federal Aviation Administration Advisory Circular AC 70/7460-1~~K~~M or current edition. (3-31-22)

c. For guyed towers the surface area under the footprint of the tower and six (6) feet beyond the outer tower anchors ~~shall~~will have a contrasting appearance with any surrounding vegetation. (3-31-22)

d. Guyed towers ~~shall~~will have two (2) marker balls, having a minimum diameter of twenty (20) inches attached to and evenly spaced on each of the outside guy wires. Said spheres to be of the split-sheet, clamp-on type which are to be alternated in two (2) contrasting solid colors of gloss yellow and international orange, and may be constructed of recommended light-weight materials such as fiberglass, aluminum, or foam. (3-31-22)

e. Guyed towers ~~shall~~will have a seven (7) foot long safety sleeve colored to contrast with background vegetation at each anchor point and extend from the anchor point along each guy wire attached to the anchor point. (3-31-22)

f. The provisions of this Subsection 400.02, do not apply to power poles or structures owned and operated by an electric supplier as defined in Section 61-332A(4), Idaho Code, to facilities used by a federal power marketing agency to serve public utilities or consumer-owned utilities, or any structure whose primary purpose is to support telecommunications equipment, including citizens band (CB) radio towers and all other amateur radio towers. (3-31-22)

03. Lines, Wires, and Cables. Power lines, communication lines, wires, or cable more than two hundred (200) feet above the terrain crossing canyons, rivers, navigable bodies of water, terrain undulations, or guy structures or any height where such wire, cable or obstruction cross navigable bodies of water near established seaplane bases, if determined by the Department to be a hazard to air navigation, ~~shall~~will be marked at two hundred (200) feet intervals of spacing by sphere-type markers having a minimum diameter of thirty-six (36) inches. Said sphere to be of the split-sheet, clamp-on type which are to be alternated in three (3) contrasting solid colors of gloss white, gloss yellow, and international orange and may be constructed of recommended light-weight materials such as fiberglass, aluminum, or foam. (3-31-22)

04. Spans Between Support Piers. Long spans that exceed lengths of one-half (1/2) mile between support piers, each pier ~~shall~~will be marked with flashing strobe or beacon lights of a type and brilliance acceptable to the Department if such is deemed pertinent to safety and recognition of obstructions. (3-31-22)

05. Construction. Any construction sponsor ~~is required~~ needs to submit a notice to the Aeronautics Division Administrator if his construction meets one (1) or more of the following conditions: (3-31-22)

a. If the proposed object will be more than two hundred (200) feet above ground level at its location. (3-31-22)

b. If the proposed object will be within twenty thousand (20,000) feet of an airport (*) or seaplane base with a runway of more than three thousand two hundred (3,200) feet in length; and will penetrate an imaginary surface that is one (1) foot in height for each one hundred (100) feet (100:1) horizontally from the nearest point of

the nearest runway.

* To qualify, an airport as defined in Section 21-101(c), Idaho Code, **must will** be listed in the Idaho Airport Facilities Directory, or in the Airport /Facility Directory published by the US-DOT, National Charting Office or operated by a public entity. (3-31-22)

c. If the proposed object will be within ten thousand (10,000) feet of an airport having no runway more than three thousand two hundred (3,200) feet in length; and will penetrate an imaginary surface that is one (1) foot in height for each fifty (50) feet (50:1) horizontally from the nearest runway. (3-31-22)

d. If the proposed object will be within five thousand (5,000) feet of a heliport listed in the “Airport Facilities Directory” or operated by a public entity; and will penetrate an imaginary surface that is one (1) foot in height for each twenty-five (25) feet (25:1), horizontally from the nearest landing and take-off area of that heliport. (3-31-22)

e. If the proposed object is a traverse way which will exceed at least one (1) of the standards listed in Subsections 400.05.a. through 400.05.c. above, after its height is adjusted upward seventeen (17) feet for an Interstate Highway, fifteen (15) feet for any other public roadway, ten (10) feet (or the height of the highest mobile objects that would normally traverse the road) for a private road, twenty-three (23) feet for a railroad, or an amount equal to the height of the highest mobile objects that would traverse a waterway or any other thoroughfare not previously mentioned. (3-31-22)

06. Notice Submittal. The notice specified in Subsection 400.05 of this rule **must will** be submitted: (3-31-22)

a. At least thirty (30) days before the construction or alteration is to begin; or the application for construction permit is to be filed. (3-31-22)

b. Immediately by telephone or other expeditious means, with written notification submitted within five (5) days thereafter, if immediate construction or alteration is needed as in cases involving public services, health, or safety. (3-31-22)

07. Notice of Proposed Construction. A notice of proposed construction or alteration is **required needed** so that the Department may: (3-31-22)

a. Depict obstructions on aeronautical charts. (3-31-22)

b. Identify appropriate markings as promulgated by Section 21-515, Idaho Code. (3-31-22)

c. Be made aware of potential aeronautical hazards in order to minimize their danger to the flying public. (3-31-22)

d. Protect the lives and property of persons in the air and on the ground. (3-31-22)

08. Submittal of Notice. Written notice of intended construction or alteration **must will** be submitted by mail, **email**, or hand-delivered to the **Aeronautics** Division Administrator. (3-31-22)

09. Intent. It is the intent that the resultant markings **required established** in this rule be compatible with FAA policies and directives in order to maintain consistency of object marking and lighting. (3-31-22)

401. EXCEPTIONS.

No person needs to notify the **Aeronautics** Division Administrator for any of the following construction or alteration: (3-31-22)

01. Shielded. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so

shielded will not adversely affect safety in air navigation. (3-31-22)

02. Antennas. Any antenna structure of twenty (20) feet or less in height except one that would increase the height of another antenna structure. (3-31-22)

03. Air Navigation. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device of a type approved by the [Aeronautics](#) Division Administrator, the location and height of which is fixed by its functional purpose. (3-31-22)

402. -- 499. (RESERVED)

SUBCHAPTER E – RULES GOVERNING RESTRICTION OF FLIGHT IN DESIGNATED EMERGENCY AREAS

500. GENERAL.

~~01. **Level of Flight for Non-Search Pilot.** No aircraft shall fully fly below one thousand (1,000) feet above ground level over or through any designated search and rescue area, or any designated emergency area unless officially flying as an assigned search pilot in an assigned search area, or authorized by the official Search and Rescue Headquarters, or in direct official support of a designated emergency area. This flight restriction will remain in effect within the designated area until rescinded by the Aeronautics Division Administrator.~~ **Airspace Restrictions for Emergencies.** To facilitate emergency response, state and federal agencies may need to restrict the presence of manned or unmanned aircraft. Common examples would include Search and Rescue (SAR) Operations or fighting wildfires. The primary mechanism for state and federal agencies to restrict airspace is a Temporary Flight Restriction (TFR). Non-participating manned or unmanned aircraft will remain clear of TFRs to protect the safety of responding aircraft. All published TFRs contain contact information for the agency controlling that airspace. Violations of a TFR are governed by Federal Law, and penalties may apply (3-31-22)

~~02. **Level of Flight for Non-Assistance Persons.** Aircraft not officially involved in rendering emergency assistance to persons and property may not fly below two thousand (2,000) feet above ground level over any emergency area created by fire, flood, earthquake, or other natural disasters.~~ **Notice to Air Missions (NOTAM).** In cases where ongoing emergency operations require airfield closures or where emergency airborne activity increases traffic but does not require airspace closure, the NOTAM system will be used to pass information to the flying public. (3-31-22)

501 – 599. (RESERVED)

SUBCHAPTER F – RULES GOVERNING AERIAL SEARCH AND RESCUE OF LOST AIRCRAFT AND AIRMEN

600. SEARCH NOTIFICATION.

~~01. **Notification System.** The Department shall maintain a twenty-four (24) hour per day search and rescue notification system. (3-31-22)~~

~~02. **Notification Sources.** The Department normally receives initial notification of lost, missing, overdue, or suspected downed aircraft from the Federal Aviation Administration flight service station(s), the Air Force Rescue Coordination Center, law enforcement, and/or concerned individuals. (3-31-22)~~

01. Notification Sources. The Division receives initial notification of lost, missing, overdue, or suspected downed aircraft from the Federal Aviation Administration (FAA) flight service station(FSS), the Air Force Rescue Coordination Center (AFRCC), law enforcement, and/or concerned individuals.

02. Notification System. The Division will maintain a twenty-four (24) hour-per-day search and rescue notification system.

601. SEARCH INITIATION.

When notification is received from agencies, or individual(s) which constitute reasonable probability that an aircraft or airman is down, lost, or missing, a search ~~shall~~will be initiated as described in the National SAR Plan, the ~~Department~~Division SAR Manual and/or upon mutual agreement between the ~~Department~~Division and the ~~BHS Office of Emergency Management~~(OEM). Safety, weather, darkness, and other operational factors may influence the conduct of the search including time of initiation, duration, and suspension. (3-31-22)

~~602. ORGANIZATION.~~

~~01. Staff. The Division of Aeronautics will maintain a qualified staff capable of implementing the state aerial search and rescue plan. (3-31-22)~~

~~02. Designated Search Districts. The Department's Aerial Search and Rescue Manual (Plan) designates six (6) search districts. Within each district one (1) or more qualified District Aerial Search and Rescue Coordinator(s) shall be designated based on knowledge, experience, and training. They, along with other SAR volunteers, will function under the direction of the State Aerial SAR Coordinator. (3-31-22)~~

603. RESOURCES.

~~Normally, state volunteer airmen and their aircraft shall be used for aerial search and rescue. State Division of Aeronautics aircraft and crews may also be utilized. In addition to the use of volunteer airmen and aircraft, the Department may request through and under the direct control of respective county sheriffs, the use/assistance of ground search and rescue agencies, organizations, and/or individual(s). (3-31-22)~~

- ~~01. Division staff, aircraft, vehicles and crews may be utilized.~~
- ~~02. State volunteer airmen and their aircraft may be used for aerial search and rescue.~~
- ~~03. The Division will coordinate with respective county sheriffs for the use/assistance of ground search and rescue agencies, organizations, and/or individual(s).~~
- ~~04. Additional State resources will be coordinated through OEM, ISP or the Idaho ANG.~~
- ~~05. The Division will coordinate through the AFRCC for requests to neighboring states or Canada or for access to Federal resources like Civil Air Patrol.~~

604. PROCEDURE.

~~01. Search and Rescue Guideline Plan. The Department's Aerial Search and Rescue Manual (Plan) ~~shall~~will provide guidelines for effectively conducting aerial search and rescue operations. The manual will and establish requirements for crew qualification, adequacy of volunteer search aircraft performance, and ~~Deputy~~District Aerial SAR Coordinator qualifications. In order to effectively implement the State SAR Plan, the State Aerial SAR Coordinator may make SAR agreements as necessary with other agencies/organization(s)/individual(s). They may be either informal verbal agreements or they may be formal written documents. Agreements ~~shall~~will provide for the maximum practicable cooperation of such agencies/organization(s)/individual(s) and the use and coordination of facilities committed to SAR missions. Written agreements will normally involve officials of comparable levels in their respective agencies. Written agreements should be as brief as possible, covering only those specific items for which the agreement is deemed necessary. They should not be repetitious or contradictory of matters contained in the National SAR Plan. (3-31-22)~~

~~02. Deputy~~istrict~~ Aerial SAR Coordinators. The State Aerial SAR Coordinator ~~shall~~may assign District Aerial SAR Coordinators who act under the direction of the State Aerial SAR Coordinator. Tasks may include organizing the volunteer personnel and resources of his assigned search ~~district~~ area for maximum efficiency, safety, and economy. Said ~~Deputy~~District Coordinator may be either a volunteer, state employee or other individual as assigned by the State Aerial SAR Coordinator. (3-31-22)~~

03. Designations by State Aerial SAR Coordinators. The State Aerial SAR Coordinator will designate airports of primary operational support as necessary in the aerial search effort. The State Aerial SAR Coordinator may designate Temporary Flight Restrictions (TFR) under Federal Aviation Regulation (FAR) 91.137 as ~~required~~ needed for safety of search aircraft. Normally the State Aerial SAR Coordinator will function in the Division ~~of Aeronautics~~ facilities but the option to dispatch state coordinator to the airport(s) of primary support, State EOC, or other location as necessary, may be exercised. ~~State~~ Division ~~of Aeronautics~~ aircraft may be used as necessary with state crews or with state pilot in command and volunteer pilot/observer(s). Volunteer aircraft and crews ~~shall~~ will be screened by the ~~Deputy~~ istriet Aerial SAR Coordinator for availability, qualification, and willingness to participate in the search. Flight logs and mission records ~~shall~~ will be maintained and all pertinent information will be screened and recorded and forwarded to the State Aerial SAR Coordinator or the Incident Command Staff (ICS) at the close of the mission or as requested. (3-31-22)

04. Interstate or International Coordination. On some occasions the aerial search and rescue effort may need to extend into bordering states or Canada. Interstate coordination with other states/Canada ~~shall~~ will be ~~achieved as necessary~~ accomplished by the ~~Department~~ Division through the AFRCC for SAR mission needs. ~~Coordination with other search and rescue organization(s)/ individual(s) may be developed as needed or necessary. Such considerations as weather, time, no flight plan, no emergency locator transmitter signals, no availability, or limited search resources near the objective search area(s) may dictate extending Idaho resources into bordering states/Canada. In a like manner, it may sometime become necessary for bordering states/Canada to extend their resources into Idaho.~~ (3-31-22)

05. Funds. ~~Aerial~~ State Aeronautical (SAR) search and rescue funds ~~shall~~ will be used solely in support of ~~aeronautical~~ SAR efforts. Financial support of ~~aeronautical~~ SAR volunteers includes, but is not limited to, SAR training, education, equipment, coordinating efforts, communications, and aircraft fuel and oil expenses. (3-31-22)

06. Official Mission Report. A report ~~shall~~ will be made to the State Aerial SAR Coordinator by the ~~Deputy~~ istriet Aerial SAR Coordinator at the termination of daily search activity. The State Aerial SAR Coordinator ~~SAR~~ shall will consolidate all necessary report information and relay it to AFRCC. All mission working papers which are accumulated during the course of the search mission will be analyzed for meaningful content upon which to base operational decisions ~~and the final official mission report.~~ (3-31-22)

07. Time Period of Searches. Aerial searches ~~shall~~ will be continued until either successful or until ~~all reasonable leads are exhausted and/or~~ passage of time has drastically reduced the possibility of survival. If search is unsuccessful and all leads have been exhausted, the search may be suspended upon mutual agreement between the ~~Department~~ Division and the county sheriff, the Incident Commander or BHS OEM until either new leads are received or conditions have changed which increases the probability of detection. (3-31-22)

08. Completion of Search. ~~Searches will be closed when the search and rescue objective has been located, the respective county sheriff notified, it is certain that authorized ground personnel gain access to the search objective for positive identification of missing or downed aircraft and assistance to possible survivors, and post mission procedures are completed. The search phase will end when the search and rescue objective has been located and confirmed. Division staff will assist the responding county sheriff of Incident Commander as needed until the rescue phase is complete.~~ (3-31-22)

09. Required Reports. Upon completion of the mission, all cooperating/participating agencies ~~shall~~ will be advised as promptly as possible. News releases ~~shall~~ will be coordinated through the incident command staff or made as deemed appropriate by the State Aerial SAR Coordinator. ~~It shall be ascertained that all search aircraft are accounted for. All SAR resources will be accounted for prior to closing the mission.~~ A report of mission activity ~~shall~~ will be made to AFRCC. A synopsis of the entire mission ~~shall~~ will be developed by the State Aerial SAR Coordinator with the following forms attached to the synopsis using forms and guidance in the SAR manual, unless other requirements are established by the Incident Commander. (3-31-22)

~~a. Search and Rescue Information Sheet (2600). (3-31-22)~~

- ~~b. Search and Rescue Action Report (2601). (3-31-22)~~
- ~~c. Air Search and Rescue Fuel and Oil Record (2602). (3-31-22)~~
- ~~d. Mission Authorization, Personnel Register (2604). (3-31-22)~~
- ~~e. Mission Flight Plan Briefing and Debriefing Log (2605) (3-31-22)~~
- ~~f. Search and Rescue (SAR) Mission Report (2606A). (3-31-22)~~
- ~~10. Final Report. The synopsis and attachments constitute the final official search and rescue mission report. (3-31-22)~~

605. -- 699. (RESERVED)

SUBCHAPTER G – RULES GOVERNING IDAHO AIRPORT AID PROGRAM

700. PROJECT ALLOCATION PRIORITY PRINCIPLES.

For the discretionary allocation programs priority will be given to: (3-31-22)

- 01. **Aircraft Operations Safety.** Projects involving safety of aircraft operations. (3-31-22)
- 02. **Projects Which Protect Prior Public Investments.** (3-31-22)
- 03. **Federal Funds.** Assuring maximum use and benefit of available federal funds. (3-31-22)
- 04. **Aircraft Landing Projects.** Projects at existing aircraft landing facilities where need is demonstrated. Projects ~~must~~ will provide benefits associated with aircraft landing facility utilization on a statewide basis. (3-31-22)
- 05. **Preservation and Acquisition.** The preservation and acquisition of existing aircraft landing facilities in danger of being lost. (3-31-22)
- 06. **Aircraft Landing Development.** The development of new, additional aircraft landing facilities in areas of greatest need: (3-31-22)
 - a. Large geographical areas with no “air accessibility.” (3-31-22)
 - b. Additional new sites in urban areas where landing sites are rapidly becoming non-existent. (3-31-22)
 - c. ~~Recreational area development where land availability is becoming difficult to obtain.~~ (3-31-22)

701. PROGRAM CRITERIA AND LIMITATIONS.

The allocation program is designed to provide the greatest and best utilization of limited Idaho Airport Aid Program Funds. The primary goal of the allocation program is to further the proper development of a statewide system of airports and fair distribution of aviation tax money. This policy requires: (3-31-22)

- 01. **Master Plan.** To be eligible each city, county, airport authority, political subdivision, or public corporation, hereinafter referred to as airport sponsor, should have a master plan or an airport or heliport layout plan that is ~~approved~~ accepted by the Division ~~of Aeronautics~~. (3-31-22)
- 02. **Face Value Contributions.** Labor and equipment contributions by the airport sponsor may be approved at face value in force-account financial evaluation as matching funds. The following items will not be eligible for force-account contribution: (3-31-22)

- a. Land values previously acquired. (3-31-22)
- b. Previous building construction or improvements. (3-31-22)
- c. Previous State or FAA grants. (3-31-22)

03. Public Funds Protection. In order to protect the investment of public funds, the Idaho Transportation Board may require proof of ownership or lease of all land upon which any project is proposed, and require that the airport be zoned to prevent incompatible land uses and the creation or establishment of structures or objects of natural growth which would constitute hazards or obstructions to aircraft operating to, from, on, or in the vicinity of the subject airport. (3-31-22)

04. Projects Other Than Allocation Plan. All projects other than the annual allocation plan will be individually considered and acted upon at a regular meeting of the Board. All projects will be resolved by eligibility and priorities established by each year's review of the total State need. The availability of funds, or legislative appropriations, is the final determination of grant approvals. Consideration of all factors, including relative needs and priorities involved in an airport construction project will be considered. Attention will be given to effort made at the sponsor's level to assure availability of continuing financing and management support to keep the airport in good repair. (3-31-22)

~~702. PERCENTAGES OF COST.~~

~~Matching percentages not to exceed the following guidelines, are subject to the approval of the Idaho Transportation Board: (3-31-22)~~

~~01. Airport Maintenance and Upgrade Funds (Up to 75%). Airport sponsors not eligible for Federal funding assistance that have an adjusted service area population of less than five thousand (5,000), may receive up to seventy five percent (75%) of project cost for maintenance and upgrade of an airport. Acceptable assurance of continuing operation and maintenance over a twenty (20) year period under the guidance of a Citizen's Advisory Council shall will be provided. (3-31-22)~~

~~02. Airport Maintenance and Upgrade Funds (Up to 50%). Airport sponsors not eligible for Federal funding assistance that have an adjusted service area population of five thousand (5,000) or more may receive up to fifty percent (50%) of the cost for maintenance and upgrade of an airport. Acceptable assurance of continuing operation and maintenance over a twenty (20) year period under the guidance of a Citizen's Advisory Council shall will be provided. (3-31-22)~~

~~03. State Funding Assistance. Airport sponsors eligible for Federal funding assistance, may be considered for State funding assistance up to fifty percent (50%) of the sponsor's share when using Federal aid for the cost of maintenance and upgrade of existing facilities. If no Federal participation, each such project will be considered on its merit. The amount of State financial aid will be negotiated in each case. (3-31-22)~~

04. Maintenance and Safety Supplies Program. All airport sponsors eligible for funding may apply to participate in the maintenance and safety supplies program. This is part of the discretionary allocation program that provides at no charge or a reduced charge for the following such items: (3-31-22)

- a. Runway and taxiway light fixtures, bulbs, and parts; (3-31-22)
- b. Rotating beacon fixtures; (3-31-22)
- c. Windsocks, windsock frames and standards; (3-31-22)
- d. Tie-down chain sets; (3-31-22)
- e. Utility light bulbs; and (3-31-22)

f. Taxiway reflectors. (3-31-22)

g. All municipal airport sponsors eligible for funding may apply to participate in the small projects program which provides grant funding assistance of less than two thousand dollars (\$2,000) for unscheduled or emergency improvements, with approval from the aeronautics administrator, from the current years allocation. (3-31-22)

703. GRANTED ALLOCATION ITEMS.

Allocations may be granted, but not limited to, for the following items: (3-31-22)

01. Development of required airport planning, land ownership, airspace, land use compatibility, and land use zoning documents. (3-31-22)

02. Land acquisition for development and improvement of aircraft landing facilities. (3-31-22)

03. Grading and drainage necessary for construction or reconstruction of runways or taxiways. (3-31-22)

04. Construction or reconstruction of runways or taxiways. (3-31-22)

05. Acquisition of “runway protection zones” as defined in current regulations of the federal aviation administration. (3-31-22)

06. Acquisition of easements through or other interests in airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an aircraft landing facility. (3-31-22)

07. Removal of natural obstructions from runway protection zones. (3-31-22)

08. Installation or rehabilitation of “segmented circle airport marker systems” as defined in current regulations of the federal aviation administration. (3-31-22)

09. Installation or rehabilitation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment. (3-31-22)

10. Erection or rehabilitation of appropriate security fencing around the perimeter of an aircraft landing facility. (3-31-22)

11. Grading and drainage necessary to provide for parking of transient general aviation aircraft. (3-31-22)

12. Air navigation facilities. (3-31-22)

13. Such other capital improvements as may be designated by the board. (3-31-22)

14. New building construction of public use facilities such as storage hangars, pilot lounge, rest rooms, etc., that are owned by the airport sponsor. (3-31-22)

704. AIRPORT SPONSOR ELIGIBILITY.

The Idaho Airport Aid Program is available only to public entities that own or lease and operate a landing facility that is open to the public without use restrictions. Allocation may be made only on facilities that are not under exclusive lease or monopoly control of private individuals or corporations. The Idaho Airport Aid Program consists of grants, small projects, and maintenance and safety supplies. The grants (for scheduled projects) and small projects (for unscheduled or emergency projects) are available to municipal entities such as a city, county, airport authority, political subdivision, or public corporation, hereinafter referred to as the airport sponsor, but not to facilities operated by divisions of the state of Idaho or the Federal government. The maintenance and safety supplies are available to all public entities that own or lease and operate a landing facility that is open to the public without use restrictions. (3-31-22)

705. APPLICATIONS FOR AID.

01. Non-Federal Funding Eligibility. Each project submitted for funding consideration from airport sponsors not eligible for Federal funding assistance will be presented in a written application for aid ~~which that~~ outlines economic capability and source of funds. The application form will be supplied by the Division of Aeronautics. ~~Eligibility and priority will be determined by an annual revision of a State allocation program for airport improvement.~~ (3-31-22)

02. Completed Applications. Each project application submitted for funding consideration from airport sponsors that are eligible for Federal funding assistance will consist of a full and complete copy of the federal application for assistance. (3-31-22)

03. Via Written, Telephone, or Electronic Request. Each request for participation in the maintenance and safety supplies program or the small projects program ~~must~~ **will** be made through written, telephone, or electronic request. (3-31-22)

04. Legislative Support and Consideration. Projects deemed by the Board to require special legislative appropriations will be submitted for legislative support and consideration. (3-31-22)

706. IAAP IMPLEMENTATION METHOD.

~~**01. Calculation of Adjusted Service Area Population.** Upon collecting the most recent Census Data, calculate the Service Area Population (SAP) for all eligible airports. Relative to Community Airports, reduce the SAP, of the Community Airport, by the amount of population overlying the Community SAP by the population of a 'more developed' airport. The remainder is the amount used to calculate the Adjusted Service Area Population (ASAP) of the Community Airport.~~ (3-31-22)

02. Project Prioritization. Each project gets a priority value based upon number of based aircraft, purpose of the project, component of the airport of the project, pavement condition index (number) of the project and age of the most recent plan. Determine the values for each of the above element and calculate the priority number of each project for future use. (3-31-22)

~~**03. Community Airport Five Year Funding Cycle.** Each Community Airport gets ranking number by based aircraft, adjusted service area population and number of IAAP grants accepted. Assign the value to each airport and list such that there are five groups identified for funding in each of the next five years.~~ (3-31-22)

04. Selection of Eligible Projects. The FAA, ~~through the ISICIP process,~~ identifies the NPIAS airport projects. ~~Aeronautics lists each community airport project by priority value for the current year.~~ (3-31-22)

05. Selection Guidelines for Projects. A set of guidelines directs the selection and order of projects. These guidelines allow latitude in selection of projects to create a 'level playing field.' (3-31-22)

~~**06. Allocation of Funding for Projects.** Aeronautics developed a five step process to allocate funds to each project. The process builds funding, for each project, through each step until almost all available funds are allocated.~~ (3-31-22)

07. Appendix for Aeronautics Advisory Board and Idaho Transportation Board Approval. ~~Upon the completion of the above six items, a~~ An annual appendix is compiled, for use by the AAB, to review, ~~modify~~ and ~~approve~~ **accept** the program. Aeronautics ~~modifies the appendix, as directed, and~~ presents it to the ITB for final review, approval, and funding. (3-31-22)

707. -- 999. (RESERVED)