



## **COOPERATIVE AGREEMENT FOR CONSTRUCTION OF STATE HIGHWAYS**

### **Purpose**

The purpose of this policy is to establish guidelines to prepare and finalize construction cooperative agreements between the Department and other involved entities on state highway projects.

### **Legal Authority**

- Idaho Code 40-310(4) – Board authority to locate, design, construct and maintain state highways when in the public interest.
- Idaho Code 40-310(5) – Establish standards for locating, designing, constructing and maintaining highways. May enter into agreement with local jurisdictions for maintenance.
- Idaho Code 40-310(7) – Board to approve final plans, specifications, and estimates for state highways and cause contracts to be let.
- Idaho Code 40-312(3) – Make reasonable regulations for the installation, construction, maintenance, repair, renewal and relocation of utilities in or along the right-of-way of state highways.
- Idaho Code 40-317(2) - Contract jointly with local jurisdictions for the construction and improvement of state highways.
- Idaho Code 40-317(3) - Cooperate with federal government and local governments for the construction, improvement and maintenance of secondary or feeder highways not in the state highway system.
- Idaho Code 40-502 – State highways to be maintained at state expense.
- Idaho Code 40-505 – Under the supervision of the Board the Director shall have general supervision of all functions and activities set forth in law and related to the Department.

The Director is authorized to develop cooperative agreement guidelines to ensure that construction costs associated with State Highway projects are equitably distributed between the Department, the local jurisdictions, and utility companies. Construction cooperative agreements shall contain assignment of costs, designation of maintenance responsibilities, provision for legal clearances, and requirements for final inspection and acceptance.

The Director or Director's delegate may act for the Idaho Transportation Board in ordering utility companies to move their service facilities when they are affected by a transportation project.

If required, a public hearing for utilities shall be held in accordance with Idaho Code, 40-312(3).

Approved by the Board on:

Signed \_\_\_\_\_  
Jerry Whitehead  
Board Chairman

Date: September 19, 2013