

TITLE 49
MOTOR VEHICLES

CHAPTER 29
RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM

49-2901. RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM. (1) The Idaho rural economic development and integrated freight transportation program is hereby established. The Idaho department of agriculture is designated and authorized to administer the rural economic development and integrated freight transportation program.

(2) State funding for rural freight transportation service projects shall benefit the state's interest by assisting businesses and industries to develop and expand their operations in shipping freight and products to market. The state's interest is served by maintaining competitive transportation services for Idaho freight shippers, reducing public roadway maintenance and repair costs, increasing economic development opportunities, increasing domestic and international trade, creating and preserving jobs, and enhancing safety. State funding for projects is contingent upon appropriate private sector partnerships with state and local governments, participation and cooperation. Before recommending the spending of these dedicated state moneys on intermodal projects, the Idaho department of agriculture shall seek federal, local and private funding and participation to the greatest extent possible. Whenever possible, the department shall seek to assist a private sector solution for the implementation of this chapter.

[49-2901, added 2001, ch. 348, sec. 2, p. 1225; am. 2006, ch. 413, sec. 2, p. 1252; am. 2007, ch. 339, sec. 1, p. 990; am. 2007, ch. 360, sec. 15, p. 1075.]

49-2902. INTERAGENCY WORKING GROUP CREATED. (1) An interagency working group is hereby created to advise the department of agriculture on issues and policies in support of the department of agriculture's administration of the rural economic development and integrated freight transportation program established in section [49-2901](#), Idaho Code. The interagency working group shall participate in planning and identifying program needs and shall carry out its duties specified in section [49-2903](#), Idaho Code. Before recommending state funding, using state dedicated funds, and recommending priorities, the interagency working group shall seek pertinent information, facts and data from state and local governments, and agencies regarding rural freight transportation issues.

(2) The interagency working group shall be composed of eight (8) members:

(a) Four (4) members shall be appointed by the director of the Idaho transportation department, two (2) of whom shall be employees of the Idaho transportation department with a working knowledge of rail and truck freight transportation and intermodal entities, one (1) member, not a state employee, shall represent freight shipping interests, and one (1) member shall be a representative from the local highway technical assistance council;

(b) Three (3) members shall be appointed by the director of the department of agriculture, two (2) of whom shall be employees of the department of agriculture with a working knowledge of economic develop-

ment issues, and one (1) member, not a state employee, shall represent business development and financing interests; and

(c) One (1) member shall be appointed by the director of the department of commerce and shall be an employee with knowledge of rural economic development issues.

(d) At the beginning of each state fiscal year, the director of the Idaho transportation department shall designate one (1) of his appointees as cochairman, and the director of the department of agriculture shall designate one (1) of his appointees as cochairman.

(e) Each member appointed shall serve at the pleasure of the appointing authority, provided however, the service of state employee members shall run concurrently with their state employment. Nonstate employee members shall serve one (1) term of five (5) years, but may be appointed to serve nonconsecutive terms, and shall be reimbursed according to the provisions of section [59-509](#)(b), Idaho Code.

(f) The interagency working group shall meet at such times as necessary and appropriate to review applications for funds distributed pursuant to the provisions of this chapter, but not less frequently than annually.

(3) The department of agriculture shall determine and provide for amounts appropriated to the fund, from interest only an annual amount not to exceed three percent (3%) of total assets for planning and operating expenses and staff assistance and support from the department of agriculture and the Idaho transportation department in order to administer the program, and to administer the fund established in section [49-2904](#), Idaho Code.

[49-2902, added 2006, ch. 413, sec. 3, p. 1252; am. 2007, ch. 339, sec. 2, p. 991; am. 2007, ch. 360, sec. 16, p. 1075; am. 2008, ch. 27, sec. 11, p. 51; am. 2008, ch. 153, sec. 1, p. 443; am. 2009, ch. 198, sec. 1, p. 635.]

49-2903. DUTIES OF THE INTERAGENCY WORKING GROUP. (1) The interagency working group shall provide recommendations to the department of agriculture in order for that department to establish criteria for evaluating intermodal projects of significance to the state, and the interagency working group shall continue to monitor projects for which it provides assistance to the department of agriculture.

(2) The interagency working group shall provide recommendations to the department of agriculture in order for the department to develop criteria for prioritizing freight rail and intermodal projects that meet the minimum eligibility requirements for state financial support from the revolving loan fund created in section [49-2904](#), Idaho Code. Project criteria should consider the level of local financial commitment to the project as well as the cost/benefit ratio. Railroads, shippers, intermodal commerce authorities as defined in [chapter 22, title 70](#), Idaho Code, and others who benefit from the project should participate financially to the greatest extent practicable.

(3) The interagency working group shall provide the assistance necessary for the department to ensure that the state maintains a contingent interest in any equipment, property, rail line, or facility that has outstanding grants or loans. The owner of a qualified line as defined in section [49-2904](#), Idaho Code, shall not use the line as collateral, remove track, bridges or associated elements for salvage, or use it in any other manner subordinating the state's interest until any loan made to the owner pursuant

to this chapter has been repaid in full. As the state is not a primary lender of money, it is understood the state may need to take a subordinate position for its contingent interest.

[(49-2903) 49-2902, added 2001, ch. 348, sec. 2, p. 1225; am. and re-desig. 2006, ch. 413, sec. 4, p. 1253; am. 2007, ch. 339, sec. 3, p. 992; am. 2007, ch. 360; sec. 17, p. 1076; am. 2008, ch. 27, sec. 12, p. 52.]

49-2904. RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION REVOLVING LOAN FUND. (1) The rural economic development and integrated freight transportation revolving loan fund is hereby created in the state treasury. The department of agriculture is authorized to administer the rural economic development and integrated freight transportation revolving loan fund. Moneys in the fund shall be used only for the purposes specified in this chapter. Surplus moneys in the fund shall be invested by the state treasurer in the same manner as provided under section [67-1210](#), Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the rural economic development and integrated freight transportation revolving loan fund.

(2) Moneys in the fund are subject to appropriation and may consist of appropriations, grants, repayment of loans and other revenues from any other sources.

(3) Moneys in the fund may be used for loans or grants for qualified rural projects for the development and preservation of intermodal rail and truck services and facilities upon terms and conditions to be determined by the department of agriculture with the assistance and advice of the interagency working group as appropriate, for the purpose of:

- (a) Rehabilitating, or improving rail lines to preserve essential local rail service;
- (b) Purchasing or rehabilitating railroad equipment necessary to maintain essential rail service;
- (c) Construction of loading or reloading facilities or other capital improvements including building or improving local transportation infrastructure, to increase business and commerce, and to improve shipping service; or
- (d) Coordinating intermodal truck and rail traffic for integrated rural freight transportation.

(4) For the purposes of this chapter, "qualified lines" means class III short lines, branch lines of class I railroads leased or operated by a class III railroad, branch lines of class II railroads, and lines owned by public entities including port districts and intermodal commerce authorities. Definitions of class I, II and III railroads shall be as defined by the federal railroad administration.

(5) Moneys received by the department of agriculture from loan payments or other revenues shall be redeposited in the rural economic development and integrated freight transportation fund. Repayment of loans made under this chapter shall occur within a period as set by the department, but no repayment which exceeds fifteen (15) years shall be allowed. The repayment schedule and rate of interest shall be determined before the moneys are distributed.

(6) Moneys distributed under the provisions of this chapter shall be provided as loans to qualified lines or shippers.

(7) As interest funds allow, authorize matching grants not to exceed one hundred thousand dollars (\$100,000) per grant for planning and development of intermodal commerce authorities as provided in [chapter 22, title 70](#), Idaho Code, upon conditions established in subsection (3) of this section.

[(49-2904) 49-2903, added 2001, ch. 348, sec. 2, p. 1226; am. and re-desig. 2006, ch. 413, sec. 5, p. 1254; am. 2007, ch. 339, sec. 4, p. 992; am. 2007, ch. 360, sec. 18, p. 1077; am. 2008, ch. 154, sec. 1, p. 444; am. 2009, ch. 92, sec. 1, p. 268.]

49-2905. STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN. (1) The Idaho transportation department shall prepare and periodically update a state rail and intermodal facility system plan, a primary objective of which is to identify, evaluate and encourage the development and preservation of essential rail and truck intermodal services. The plan shall:

- (a) Identify and describe the state's rail system;
- (b) Prepare state rail system maps;
- (c) Identify and evaluate mainline capacity issues in cooperation with the railroads;
- (d) Identify and evaluate rail access and congestion issues;
- (e) Identify and evaluate rail commodity flows and traffic types;
- (f) Identify lines and corridors that have been rail banked or preserved;
- (g) Identify and evaluate other rail and intermodal issues affecting the state's freight transportation system and regional and local economies;
- (h) Identify and evaluate those rail freight lines that are potentially subject to abandonment in the future because of unmet capital needs or other reasons, or have recently been approved for abandonment but the track improvements are still in place;
- (i) Whenever possible provide priorities for determining which rail lines or intermodal commerce authorities should receive state support, and provide to the interagency working group supporting information used in establishing such priorities for use by the interagency working group. The priorities should include:
 - (i) The anticipated benefits to the state and local economy;
 - (ii) Coordinated freight transportation system including the anticipated cost of road and highway improvements necessitated by the proposed project;
 - (iii) Establishment of an intermodal facility, if indicated;
 - (iv) The likelihood the qualified line receiving funding can meet operating costs from freight charges, surcharges on rail traffic and other funds; and
 - (v) The impact of abandonment or capacity constraints if the project does not obtain state support; and
- (j) Identify and describe the state's intermodal rural rail and truck freight system by:
 - (i) Preparing state intermodal and regional freight transfer station system maps;
 - (ii) Identifying and evaluating intermodal and truck and rail freight transfer capacity and coordination issues in cooperation with local government and the railroad and truck interests;
 - (iii) Identifying and evaluating intermodal and freight transfer access and highway capacity issues; and

(iv) Identifying and evaluating major freight commodity origins, destinations and traffic flows by mode and corridor.

(2) The Idaho transportation department shall provide information to the interagency working group related to the status of the state's mainline, short line and branch line common carrier railroads through the state rail planning process and various analyses. In addition, the Idaho transportation department shall submit to the interagency working group, its evaluation of alternatives to abandonment prior to federal surface transportation board proceedings, where feasible.

(3) The state rail and intermodal facility system plan may be prepared in conjunction with any rail plan currently prepared by the Idaho transportation department pursuant to other federal rail assistance programs, or which may be enacted, including if applicable, the federal local rail freight assistance program.

(4) The Idaho transportation department shall determine the amount of moneys necessary to prepare and periodically update the state rail plan required by subsection (1) of this section, and communicate that amount to the department of agriculture who shall annually provide to the transportation department moneys in an amount not to exceed one percent (1%) of the total assets in the fund established by section [49-2904](#), Idaho Code, to prepare and periodically update the state rail plan. The Idaho transportation department is hereby authorized to accumulate these funds not to exceed an aggregate amount of seventy-five thousand dollars (\$75,000) for preparing and periodically updating the state rail plan.

[(49-2905) 49-2904, added 2001, ch. 348, sec. 2, p. 1226; am. and redesign. 2006, ch. 413, sec. 6, p. 1255; am. 2007, ch. 339, sec. 5, p. 993; am. 2007, ch. 360, sec. 19, p. 1078; am. 2008, ch. 27, sec. 13, p. 53; am. 2012, ch. 318, sec. 1, p. 872; am. 2013, ch. 78, sec. 1, p. 192.]

CHAPTER 30
IDENTIFICATION CARDS -- [REDESIGNATED]