



Quick Reference

District 5 Right-of-Way (ROW) Permits Frequently Asked Questions

❖ When do I need a ROW Permit from ITD?

- Any individual, business, or other entity planning to add, modify, change use, relocate, maintain, or remove an encroachment on the state highway or use highway right-of-way for any purpose other than normal travel, shall obtain a permit to use state highway right-of-way. Encroachment permits approved by the Department are required for private and public approaches (driveways and streets), utilities and other miscellaneous encroachments.

❖ Are there permit application fees?

- Yes, Per IDAPA 39.03.42.700.02(a):

Approaches:

Land Use Category	Permit Application Fee
Residential, < 100 units (includes farm and field approaches)	\$50
Residential, ≥ 100 units	\$100
Retail, < 35,000 sq. ft.	\$50
Retail, ≥ 35,000 sq. ft.	\$100
Office, < 50,000 sq. ft.	\$50
Office, ≥ 50,000 sq. ft.	\$100
Industrial, < 70,000 sq.ft.	\$50
Industrial, ≥ 70,000 sq.ft.	\$100
Lodging, < 100 rooms	\$50
Lodging, ≥ 100 rooms	\$100
School (K-12)	\$100

** Encroachments other than approaches: fifty dollars (\$50)*

***Subject to change. Other miscellaneous cost or other fees may be determined by the Department may apply per IDAPA 39.03.42.700.03.*

❖ How long does it take to get a permit?

- Permit applications are processed as they are received. Please allow for a minimum of 30-60 days (subject to change).

❖ How long are permits valid for?

- 1 Year
- Per IDAPA 39.03.42.201: (01) If work does not begin immediately, the permittee shall notify ITD or local highway agency five working days prior to commencing such work. (03) All



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permitted work shall be completed and available for final inspection within thirty days.

❖ What documents do I need to include with a permit application?

- Non-refundable application fee (please confirm the applicable amount with ITD).
- A copy of the latest deed of record which identifies proper owner and legal description of property abutting the State Highway Right-of-Way (ROW). ****Note. If ownership of the property changes during the permit process, a new form must be submitted with the new ownership documentation.***
- Photographs of the proposed driveway location, including one looking along the highway from the proposed location (digital photographs are acceptable).
- Plans or drawings
- If applicable, a Traffic Impact Study (TIS)
- For full details, please refer to the corresponding application form, IDAHO, or the Department website. <https://itd.idaho.gov/d5>

❖ What are some of the reasons for disapproval for a permit?

- Void Application – Once application is submitted, if the permitting process is not completed within one year because of inactivity on the applicant's part, the application shall be considered void (IDAPA 39.03.42.12).
- Denial of Application – Applications for encroachments not allowed shall be verbally denied. If the applicant insists on proceeding with the application, the non-refundable fee shall be accepted, and a permit denial issued by certified letter. Upon receipt of the denial letter, the applicant can appeal the Department's action.

❖ What are other resources available to me?

- [Sign & Right-of-Way Construction Permits](#)
- [Idaho 511](#)
- [811 "Call Before You Dig"](#)
- [IDAPA Website](#)
- [Idaho Parcels](#)

❖ Can't find an answer to your question(s) or special circumstances?

- Check out the District 5 Website: <https://itd.idaho.gov/d5>
- Non-Permit related? Check out Idaho Transportation Department Website: <https://itd.idaho.gov/>
- Permit Coordinator: (208) 239-3300