

MEMORANDUM OF UNDERSTANDING

Between the
Idaho Department of Lands
And the
Idaho Transportation Department

This Memorandum of Understanding (MOU) is hereby entered into by the Idaho Department of Lands (IDL) and the Idaho Transportation Department (ITD).

- A. **PURPOSE:** To ensure the safety and efficient passage of motorists, fire fighters and equipment along state highways where fire management activities necessitate the establishment of temporary traffic control (TTC) zones. TTC zones may include flaggers, signage, pilot vehicles, etc. TTC work zones shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the State of Idaho.
- B. **AUTHORITY:** The legal authority for this MOU includes Idaho Code Sections 67-2326 through 67-2333, 67-2339, and Title 38, Chapter 1, which authorizes IDL to enter into agreements for the provision of forest and range fire (collectively "wildfire" or "fire") suppression services; and any other provisions of state or federal law or regulation directly pertaining to this MOU.

C. **STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

IDL is responsible for protecting natural resources in Idaho on state and private forest lands, state rangelands, and federal lands by agreement.

ITD is responsible to ensure the safety and efficient operation upon its highway transportation system.

- D. **LIMITATIONS:** Nothing in this MOU shall be construed as limiting or expanding the statutory or regulatory responsibilities of either party or any involved individual in performing functions granted to them by law; or as requiring either party to expend any sum in excess of its respective appropriation. Every provision of this MOU is subject to the laws and regulations of the State of Idaho.

Nothing in this MOU shall be construed as expanding the liability of either party. In the event of a liability claim, each party shall defend their own interests. Neither party shall be required to provide indemnification of the other party. Any covered third-party tort liability claim, suit or loss arising from this MOU shall be allocated to one or both parties by the Idaho Division of Risk Management for purposes of the respective loss experiences and subsequent allocation of self-insurance assessments.

In consideration of the above, the parties agree as follows:

E. **IDL SHALL:**

1. Work with ITD to determine needs for additional TTC work zones necessary for providing firefighter and public safety when IDL fire management activities extend

beyond ITD's required response and throughout the duration of any such response. Examples include providing TTC measures in the vicinity of an incident command post (ICP), helibase, controlled burn area or drop points along state highways.

2. Notify and coordinate with ITD when fire activities such as air operations and back burns affect ITD's highway system or when situations warrant the need for TTC signage.
3. Provide ITD with a contact or list of contacts responsible for wildfire activities. The incident point of contact will be provided to ITD at the time of the request for assistance.
4. Be responsible for costs of TTC necessary for fire operations adjacent to state highways to ensure firefighter and public safety. Examples include ICP, helibase, controlled burns and backburns, or drop points when along state highways. The intent is that the billings or deficiency warrant for the fire will pay for all costs associated with TTC that are reasonably required above and beyond the statutory duties or budgetary limits of the ITD for wildfire response.

F. ITD SHALL:

1. Install initial TTC zones as necessary, including regulatory and warning signage, flagging, piloting operations, and debris removal for the first 24 to 48 hours of incident management activities. Examples include removal of debris such as rocks and logs that roll into the roadway following passage of a fire and providing pilot vehicles, flaggers, and signage for safe passage while visibility is compromised by smoke.
2. Upon request, provide IDL with the following information:
 - ITD District areas
 - ITD Operations Engineer/Foreman contact information
 - ITD routes with route numbers and reference points
 - Location of Remote Weather Information System (RWIS sites)
 - Permanent dynamic message sign locations.

This list is to be updated and sent to IDL when any changes in staff, routing, or system locations occur.

3. Provide IDL with a statewide list of vendors qualified to create and manage TTC work zones.
4. During the duration of a wildfire incident, be responsible for the establishment and installation of long-term temporary traffic control involving regulatory signage such as speed zones, no stopping, and no parking zones on roads and close roads when necessary, under the jurisdiction of ITD.

5. Authorize IDL to install to create and manage TTC work zones necessary in accordance with the MUTCD.
6. Make available fixed and portable variable message signs from ITD District Management when possible.
7. Grant authority to IDL to initiate temporary emergency blockage of state highways when fire activity or other incident activities significantly compromise safety of roadway users. Blockages expecting to last longer than **two (2) hours** require ITD to make an official road closure.
8. Furnish a liaison officer on incidents where management activities are likely to have a significant impact on state highways.

G. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. IDL shall not be liable for sickness, illness, injury, or death associated with participation in activities associated with this agreement unless gross negligence can be proven. The parties acknowledge that both IDL and ITD participate in the state of Idaho Risk Management Program comprehensive liability plan utilizing the Retained Risk Account ("Risk Program"). Each of the parties is obligated to notify the Idaho Division of Risk Management and the other agency upon receipt of notice or in the event it has knowledge of any claim or damage arising out of this MOU.
2. All personnel and devices associated with TTC shall comply with the standards and guidelines of the MUTCD. Traffic control flaggers shall be certified to conduct flagging operations on state highways.
3. ITD and IDL will cooperatively accept the USDA Incident Sign Installation Guide, as TTC plans in order to determine appropriate fiscal responsibility.

H. BILLING:


1. ITD shall provide to IDL an itemized Invoice along with the Interagency Billing Input Form, including supporting documentation. Supporting documentation includes, vehicle use logs, copy of published vehicle rates and/or policy for vehicle/equipment costs, payroll report for personnel costs, and receipts for all other costs being submitted for reimbursement.
2. IDL will reimburse ITD for actual personnel costs including benefits, when allowed by this MOU.
3. Reimbursement for ITD vehicles and equipment shall be in accordance with ITD policy and current fleet rate.
4. All invoices, including supporting documentation, shall be submitted to the IDL Fire Business Program Specialist, 3284 West Industrial Loop, Coeur d'Alene, ID 83815-6021 no later than **60 days** upon release from the incident.

- I. **AMENDMENTS:** Amendments to this MOU shall become effective upon mutual agreement and written approval by the Director of ITD or delegate and the signing authority of the Idaho Department of Lands.
- J. **COMMENCEMENT/EXPIRATION DATE:** The MOU is effective upon all signatures and will remain valid for five years from the date of the last signature.
- K. **TERMINATION:** Either party may terminate this MOU in whole or in part at any time before the date of expiration with 30 days written notice to the other party.

SIGNATURES:

IN WITNESS THEREOF, the parties have executed this MOU as of the last date shown below:

IDAHO TRANSPORTATION DEPARTMENT

By  Date 6/21/21
Director or Delegate

IDAHO DEPARTMENT OF LANDS

By  Date 6/21/21
Chief, Bureau of Fire Management

ITD PRINCIPAL CONTACTS. The principal contacts for this MOU are:

The district (1-6) Operations Engineer(s):

- ITD District 1 (208)-772-1224
- ITD District 2 (208)-799-4255
- ITD District 3 (208)-334-8347
- ITD District 4 (208)-886-7805
- ITD District 5 (208)-239-3309
- ITD District 6 (208)-745-5686
- ITD Emergency Manager (208) 334-8414

ITD Dispatch (208)-846-7610 (State Communications)

IDL PRINCIPAL CONTACTS. The principal contacts for this MOU are:

IDL Statewide Duty Officer: 208-416-3604

Fire Business Program Manager: 208-666-8648