

MEMORANDUM OF UNDERSTANDING

Between  
Idaho Department of Lands  
And the  
Idaho Transportation Department

This Memorandum of Understanding 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. Temporary Traffic Control work zones shall conform to the Manual on Uniform Traffic Control Devices as adopted by the State of Idaho.
- B. **AUTHORITY:** Citation of the legal authority for the MOU including Sections 67-2326 through 67-2333 and 67-2339, Idaho Code, and any other provisions of state or federal law or regulation directly pertaining to the memorandum.

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

IDL is responsible for managing wildland fires on lands under its protection.

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

- D. **LIMITATIONS:** "Nothing in this Memorandum of Understanding between ITD and IDL shall be construed as limiting or expanding the statutory or regulatory responsibilities of any involved individual in performing functions granted to them by law; or as requiring either entity to expend any sum in excess of its respective appropriation. Each and every provision of this memorandum is subject to the laws and regulations of the state of Idaho and of the United States."  
"Nothing in this Memorandum of Understanding 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."

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

**C. IDL SHALL:**

1. Assume responsibility for the creation and management of TTC work zones made necessary by fire management activities beyond the initial ITD response and throughout the duration of any such response. Examples include providing TTC

measures in the vicinity of incident command posts (ICP's), helibases, controlled burn areas or drop points along state highways.

2. Notify and coordinate with ITD when fire activities such as air operations, back burns affect ITD's highway system or when situations warrant the need for regulatory signing,
3. Provide ITD with a contact or list of contacts responsible for wildfire activities. This list is to be updated and sent to ITD when any changes in staff occur.

**D. ITD SHALL:**

1. Install initial temporary traffic controls 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 Maintenance Engineer/Foreman contact information
- ITD routes with route numbers and reference points
- Location of RWIS (Remote Weather Information System) sites
- Permanent variable 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 list of vendors qualified to create and manage TTC work zone activities.
4. 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, during the duration of the incident.
5. Authorize IDL to install to create and manage TTC work zones necessary in accordance with the Manual on Uniform Traffic Control Devices.
6. Make available the State Highway Advisory Radio (HAR) system and fixed and portable variable message signs from 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 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.

**E. 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.
  2. This agreement is made in the state of Idaho, and Idaho law shall govern all aspects of the agreement.
  3. All personnel and devices associated with TTC shall comply with the standards and guidelines of the MUTCD, as adopted by Idaho Code. Traffic control flaggers shall be certified to conduct flagging operations on State Highways.
  4. ITD and IDL will cooperatively accept the USDA Incident Sign Installation Guide, as TTC plans in order to determine appropriate fiscal responsibility.
1. **AMENDMENTS**. Amendments to this memorandum shall become effective upon mutual agreement and written approval by the Director of ITD and the signing authority of the Idaho Department of Lands.
  2. **COMMENCEMENT/EXPIRATION DATE**. The MOU is executed upon signature and will remain valid for five years as of the date of the last signature.
  3. **TERMINATION**. Either party may terminate the MOU in whole or in part at any time before the date of expiration with 30 days written notice.
  4. **PRINCIPAL CONTACTS**. The principal contacts for this instrument are:  
The District (1-6) Maintenance/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 Dispatch (208)-846-7610 (State Communications)

**SIGNATURES:**


THE PARTIES HERE TO have executed this instrument:

IDAHO TRANSPORTATION DEPARTMENT

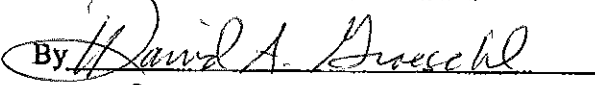
By  Date 3/11/2010  
Director

By  Date 3/11/10  
Division Administrator


Approved as to form:

By  Date 3/9/10  
Legal Counsel

IDAHO DEPARTMENT OF LANDS

By  Date 4/15/10  
(Title) Division Administrator, Forestry; Fire

Approved as to form:

By  Date 4/15/10  
Legal Counsel