MEMORANDUM OF UNDERSTANDING
Between

Montana Department of Natural Resources and Conservation
And the
Montana Department of Transportation

This **MEMORANDUM OF UNDERSTANDING** is hereby entered into by and between the Montana Department of Natural Resources and Conservation hereinafter referred to as DNRC, and the Montana Department of Transportation, hereinafter referred to as MDT.

A. PURPOSE: The purpose of this Memorandum of Understanding is to provide a framework for cooperation to provide for the safe and efficient movement of road users through or around temporary traffic control (hereinafter "TTC") zones created by incident management activities, while protecting workers, incident management responders and equipment.

Traffic and congestion problems pose a major threat to the safety of individuals involved in incident management activities, such as wildland fire protection and/or suppression, and to the general public traveling on roads impacted by those incidents. TTC zones present constantly changing conditions that are unexpected by the road user. This creates an even higher degree of vulnerability for the incident management responders on or near the roadway.

Temporary traffic control is a mandatory element of safety required by Part 6, Temporary Traffic Control, of the Manual on Uniform Traffic Control Devices (hereinafter "MUTCD"). Proper use of standard signs and other standard traffic control procedures can help mitigate the threat. This cooperation serves the mutual interest of the parties, cooperators and the public

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

MDT is responsible to own, operate, and maintain the state highway system to promote public safety.

DNRC is responsible for protecting the natural resources of the state, especially the natural resources owned by the state, from destruction by fire, and carries out its wildland fire protection and/or suppression responsibilities in conjunction with local government and federal agencies. Wildland fires occur on intermingled ownerships or adjacent to each ownership and may represent a threat to another ownership. DNRC and federal agencies all maintain wildland fire protection organizations and wish to improve safety, efficiency, effectiveness and limit duplication in wildland fire protection.

MUTCD has been incorporated by reference into 23 CFR § 655.601(a), and has been applied to Title 23 CFR, Part 655, Subpart F, and is, pursuant to 23 CFR § 655.603(a), the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel, all in accordance with 23 U.S.C. §§ 109(d) and 402(a). The U.S. Secretary of Transportation, under authority granted by the Highway Safety Act of 1966, has decreed that traffic control devices on all streets and highways open to public travel in each state, shall be in substantial conformance with the standards issued or endorsed by the Federal Highway Administration ("FHWA").

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

C. DNRC SHALL:

1. Assume responsibility for installing, maintaining, and operating warning and directional signage, flagging, and piloting needed for incident management operations beyond the initial MDT response and throughout the duration of any such incident.

2. Coordinate with the appropriate MDT Maintenance Chief if special circumstances or situations warrant MDT establishing **regulatory** speed zones or other regulatory traffic control, such as "no stopping" and "no parking" zones on roads under MDT jurisdiction. Depending on availability of MDT signs and personnel, cooperators may assist the MDT in providing signage as necessary for incident management operations.

3. Coordinate with the appropriate MDT Maintenance Chief if special circumstances or situations warrant posting **advisory** speeds below posted speeds on roads under MDT jurisdiction.

4. Notify at the earliest time practicable the appropriate MDT Maintenance Chief of planned incident management operations or other activities, such as air operations or back burns, that can impact the traffic on roads under the jurisdiction of MDT, and shall include in its notification to the appropriate MDT Maintenance Chief relevant information such as size and duration of the activity.

5. Provide a catalog of standard signs with approved messages conforming to the MUTCD; and provide standard drawings showing typical layout of the catalog signage for the most common incident situations needing temporary traffic control.

6. Coordinate with MDT when standard sign messages do not meet specific on-site conditions, and when circumstances require the use of messages not identified in the catalog.

7. Remove all TTC devices when no longer appropriate for incident management.

D. MDT SHALL:

1. Install initial TTCs as necessary, including regulatory and warning signage, flagging, and piloting operations for the first 24 to 48 hours of incident management activities, such as the establishment of an incident base, that impact MDT highways.

2. Be responsible for the establishment and installation of long term TTC involving regulatory signage such as speed zones, no stopping, and no parking zones on roads under the jurisdiction of MDT during the duration of the incident.

3. Authorize the DNRC or its cooperator to install all TTC signage necessary for incident management on highways in accordance with the provided catalog and sign placement drawings. Any additional documents or permits such as encroachment permits will not be required under this MOU.

4. Provide the DNRC or its cooperator with an electronic (*pdf*) map that details MDT:

A. Administrative areas;
B. Maintenance Chief names and phone numbers, district office street addresses;
C. Maintained routes with route numbers and reference points;
D. RWIS (Remote Weather Information System) sites;
(Current wind speed, wind gusts, ambient temperature); and,
E. Permanent variable message sign locations.

This map is to be updated by June of each year or as contact information changes.

5. Make available the State HAR (Highway Advisory Radio) system and Fixed and Portable Variable Message signs, if available, for public and/or overall safety messages as appropriate for incident management. Messages will be developed on a case-by-case basis as conditions warrant.

6. Grant limited authority to the Incident Commander of an incident management activity to initiate temporary emergency closures of roads under MDT jurisdiction where incident effects, such as fire behavior, are changing rapidly and may have substantial immediate effects on public safety. The Incident Commander shall notify the MDT Maintenance Chief as soon as feasible to coordinate additional legal closures if warranted.

7. Furnish a liaison officer to the Incident Commander on incidents where substantial impacts from incident management activities are or may occur involving roads under MDT jurisdiction

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

1. All TTC devices and activities, including signage, piloting, and flagging on MDT roads, impacted by incident management activities such as wildland fire protection and/or suppression, shall comply with the standards and guidelines of the MUTCD, MDT Supplements to the MUTCD, and the provided sign catalog and drawings, to the degree practicable.

2. MDT, the Incident Management Team for incident management activities and/or local agencies will cooperatively develop TTC plans where warranted.

3. Traffic control flaggers must be certified to conduct flagging operations on MDT roads. MDT recognizes certification acquired in other states as being valid on MDT roads. All standards in MUTCD Section 6E shall be followed for all flagging operations. Flaggers shall wear safety apparel meeting the requirements of ISEA American National Standard for High Visibility Apparel and labeled as meeting the ANSI 107-1999 standard performance for Class 2 risk exposure, and these requirements are hereby incorporated herein by reference.

4. MDT is the only authority that can establish speed limits on roads under MDT jurisdiction. Advisory and regulatory speed zones will not be allowed below 45 MPH unless special circumstances or situations warrant.

5. MDT is the only authority that can designate and legally close roads under MDT jurisdiction. MDT grants to Incident Commanders of incident management activities limited authority to institute temporary emergency road closures that are necessary for immediate safety concerns under this MOU. MDT will be notified as soon as feasible, typically within the first hour of an emergency closure. The sooner the notification the sooner Traveler Information can be disseminated to the traveling public for alternate routing.

6. All parties will mutually work together within the Incident Command System (ICS).

7. All parties will document information related to TTC decisions, requests, orders, etcetera, in order to determine appropriate fiscal responsibility as needed on a case-by-case basis.

Glossary of Terms

Incident Management Activities – Activities necessary to meet threats (natural or human caused) to life, public safety, property and natural resources.

Traffic Control Devices – Traffic control devices are all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a roadway.

Regulatory Sign – a sign that gives notice to road users of traffic laws or regulations, such as speed or weight limits, and stop or yield intersection control.

Warning Sign – a sign that gives notice to road users of a situation that might not be readily apparent, such as a change in road geometry or road use.

Guide sign – a sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information.

Temporary Traffic Control (TTC) Zone – an area of an highway where road user conditions are changed because of a work zone or incident by the use of temporary traffic control devices, flaggers, uniformed law enforcement officers, or other authorized personnel.

Flagger – a person who provides temporary traffic control.

Piloting – Guidance of vehicles trough a traffic control zone with the use of pilot vehicles where traffic is not allowed through the zone without a pilot vehicle.

Jurisdictional Authority – The right or authority to legislate, interpret, and apply the laws relating to traffic on the roadway.

Incident Management Team
The primary mission of these teams is for wildland fire incident management. Two types of teams exist for national or interagency assignments. Teams typically rotate every 14 days.

National Type 1 Interagency Management Team
Type 2 Geographic Area Team

In addition, local teams may be assembled for larger local fires where a Type 2 Team is not required or unavailable. These are referred to as Type 3 teams.

1. RIGHT TO KNOW. Any information furnished under this instrument is subject to Montana's right to know provision found at Article 2, Section 9 of the 1972 Montana Constitution, and this provision's implementing legislation found in Title 2, Chapter 6 of the Montana Code Annotated.

2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.

3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the DNRC or the Cooperator(s) from participating in similar activities with other public or private agencies, organizations, and individuals.

4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective through calendar year 2016 at which time it will expire unless extended in writing.

5. TERMINATION. Either party may terminate the instrument in whole or in part at any time before the date of expiration by giving 30 days written notice to the other party.

Neither party shall incur any new obligations for the terminated portion of the instrument after the effective date and shall cancel as many obligations as possible. Full credit shall be allowed for each Party's expenses and all non-cancelable obligations properly incurred up to the effective date of termination.

6. PRINCIPAL CONTACTS. The principal contacts for this instrument are:

DNRC Contact	MDT Project Contact
John Monzie	Cheryl Richman
Deputy Chief, Fire Operations	Program Manager
Fire & Aviation Management Bureau	DES Coordinator
Forestry Division	Maintenance Division
Phone:406-542-4220	Phone:406-444-6153
FAX: 406-542-4242	FAX: 406-444-7684
E-Mail: jmonzie@mt.gov	E-Mail: crichman@mt.gov

USDA Forest Service	MDT Administrative Contact
Brenda Christensen	Jon Swartz
Civil Engineer	Maintenance Administrator
Northern Region,	Maintenance Division
Phone:(406)329-3351	Phone: 406-444-6158
Fax: (406)329-3347	FAX:406-444-7684
bchristensen@fs.fed.us	E-Mail: joswartz@mt.gov

7. NON-FUND OBLIGATING DOCUMENT. This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract

or agreement for training or other services must fully comply with all applicable requirements for competition.

THE PARTIES HERE TO have executed this instrument

Montana Department of Transportation

Jim Lynch, Director
Montana Department of Transportation

Montana Department of Natural Resources & Conservation

Robert Harrington, Division Administrator
Montana Department of Natural Resources & Conservation