

**HIGHWAY SAFETY SMOKE MANAGEMENT
INTERAGENCY AGREEMENT**

FDACS CONTRACT #

014763

HSMF-1028-09

An AGREEMENT made pursuant to Section 163.01, Florida Statutes (F.S.), by the STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY ("DOF"), the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("DOT"), and the STATE OF FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, HIGHWAY PATROL ("FHP") providing for cooperative efforts in WARNING and INFORMING Florida's public concerning roadway visibility hazards/distractions resulting from wildfire and prescribed burning. Representatives from these agencies will collectively be identified as the Highway Safety Smoke Management Task Force.

WITNESSETH

WHEREAS DOF, DOT, and FHP, having mutual concerns, responsibilities, and duties relating to smoke intrusions from wildfire and prescribed burning on Florida's state highways, these agencies desire to enter into an AGREEMENT to accomplish their mutual objectives and to cooperate in protecting the lives and property of the citizens of Florida:

STATUTORY RESPONSIBILITIES

- 1.1 DOF has the primary responsibility for prevention, detection, and suppression of wildland fires wherever they may occur. DOF shall provide leadership and direction in the evaluation, coordination, allocation of fire suppression resources, and monitoring of wildfire management and protection, in accordance with Sections 590.01 - 590.125, F.S.
- 1.2 DOT has sole authority and responsibility for the placement of all traffic control devices on Florida's state highways to warn motorists of the presence of hazards in accordance with Section 316.006(1), F.S.
- 1.3 FHP has the authority and responsibility to patrol the state highways and regulate, control, and direct the movement of traffic thereon in accordance with Section 321.05(1), F.S.

NOW, THEREFORE, in consideration of the mutual benefits flowing to each party hereto and the state of Florida, the parties agree as follows:

- 2.1 DOF will notify FHP whenever DOF has knowledge that smoke may impact traffic on the state highway system. The information supplied by DOF will include the DOF contact person, state road number, the location of the hazard (which should include visible landmarks, e.g., "south of toll plaza X", or "north of mile marker Y"), and the extent to which visibility is or may be restricted.
- 2.2 FHP will respond to smoke hazards on Florida's state highways, and evaluate the need for precautions necessary to minimize loss of life and property. DOT will assist as requested by FHP.
- 2.3 DOT has supplied to DOF, and will continue to supply as needed, 48" x 48" temporary

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orange mesh warning signs or incident management pink retroreflective "REDUCE SPEED" temporary signs for use during smoke emergencies. In accordance with state standards, the temporary traffic control warning signs (orange signs) read as follows: "REDUCE SMOKE SPEED". DOT will maintain specifications for smoke on the highway signs. All signs placed on rights-of-way will comply with DOT policy.

- 2.4 DOF is authorized, but not required, by this AGREEMENT to place orange signs or incident management pink retroreflective "REDUCE SPEED" temporary signs (pink signs) to warn motorists of an existing smoke hazard. When in possession of orange or pink signs, and when there is adequate time DOF may place these signs at appropriate locations along the state highway system. When DOF posts the orange or pink signs, the FHP will be notified when and where these temporary signs have been placed, so that FHP can immediately review the conditions to determine whether additional assistance and signage is necessary by FHP and DOT. DOF will coordinate the removal of the temporary traffic control warning signs (orange or pink) with FHP.
- 2.5 DOF will distribute specifications for 48" x 48" temporary warning signs that will be made of yellow reflective roll-up vinyl (yellow signs), in accordance with DOT specifications, that may be used as a precautionary measure by prescribed fire practitioners, including DOF, when burning in the vicinity of public roadways. The yellow signs read as follows: "PRESCRIBED BURN" and "FIRE SMOKE AREA". Although use of these yellow signs is optional, the DOT, DOF, and FHP will strongly encourage prescribed fire practitioners to use the yellow signs along non-limited access public roadways. Prescribed fire practitioners may **not** place yellow signs on limited access public roadways. With at least 48 hours notice and delivery of the yellow signs from the prescribed fire practitioner, the DOT will place the signs along limited access public roadways prior to ignition of prescribed fires, and remove signs after completion of the burn. Additionally, DOF will advise prescribed fire practitioners on the conditions of use and placement of these signs.
- 2.6 The orange mesh "REDUCE SMOKE SPEED" warning signs, pink retroreflective "REDUCE SPEED" temporary signs, yellow "PRESCRIBED BURN" signs and yellow "FIRE SMOKE AREA" signs referenced in the AGREEMENT are depicted in ATTACHMENT 1 thereto.
- 2.7 DOF will ensure that the contents of this AGREEMENT are reviewed in the Florida Certified Burner Program, dealing with the mitigation of smoke on Florida public roadways. This will include information on contracting with off duty law enforcement personnel to assist during prescribed fires.
- 2.8 The Highway Safety Smoke Management Task Force will be responsible for the developing and updating a pamphlet and website that describes the signs and their meaning. The primary purpose of this pamphlet is to instruct motorists as to what they should do in the event they are confronted with a smoke hazard on Florida's public roadways. This information will reflect the information in the Department of Highway Safety and Motor Vehicles drivers' manual.

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- 2.9 The Highway Safety Smoke Management Task Force will meet as necessary and review concerns that may develop during the implementation of this AGREEMENT, and suggest changes that will improve overall efficiency. A meeting may be called by any of the agencies included in this AGREEMENT. Modifications to this AGREEMENT shall be valid only upon execution of a formal written amendment to the AGREEMENT.
- 2.10 This AGREEMENT supersedes all previous Highway Safety Smoke Management Interagency Agreements between DOF, DOT and FHP. This AGREEMENT embodies the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein.
- 2.11 This AGREEMENT is effective and shall begin upon signing by all the parties and will remain in effect until terminated. This AGREEMENT may be canceled at any time by the parties involved. The party desiring to effect cancellation will give the other parties at least ninety (90) days written notice.

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IN WITNESS WHEREOF, DOF, DOT, and FHP execute this AGREEMENT

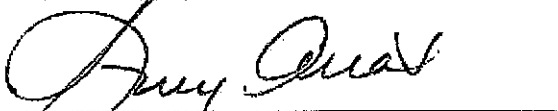
FOR THE FLORIDA DEPARTMENT OF
AGRICULTURE AND CONSUMER
SERVICES



Mike Gresham, Director
Division of Administration

8 Day of May, 2009

FOR THE FLORIDA DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES



Stacy Arias, Chief
Purchasing and Contracts

22nd Day of May, 2009

FOR THE FLORIDA DEPARTMENT
OF TRANSPORTATION



Stephanie Kopelousos, Secretary
Department of Transportation

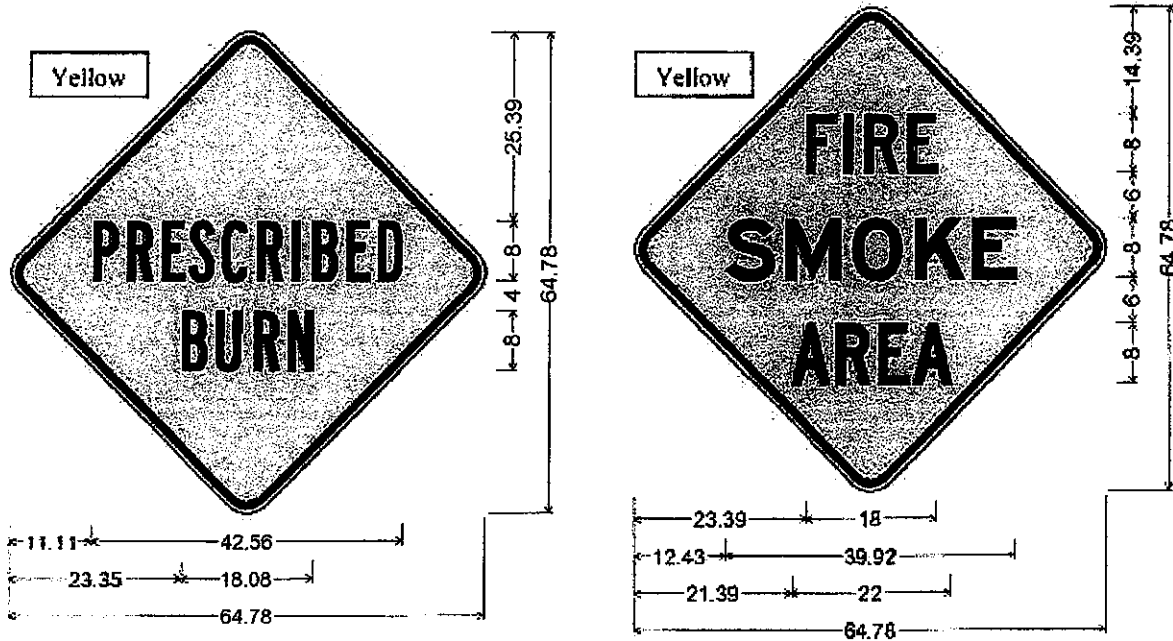
6th Day of June, 2009



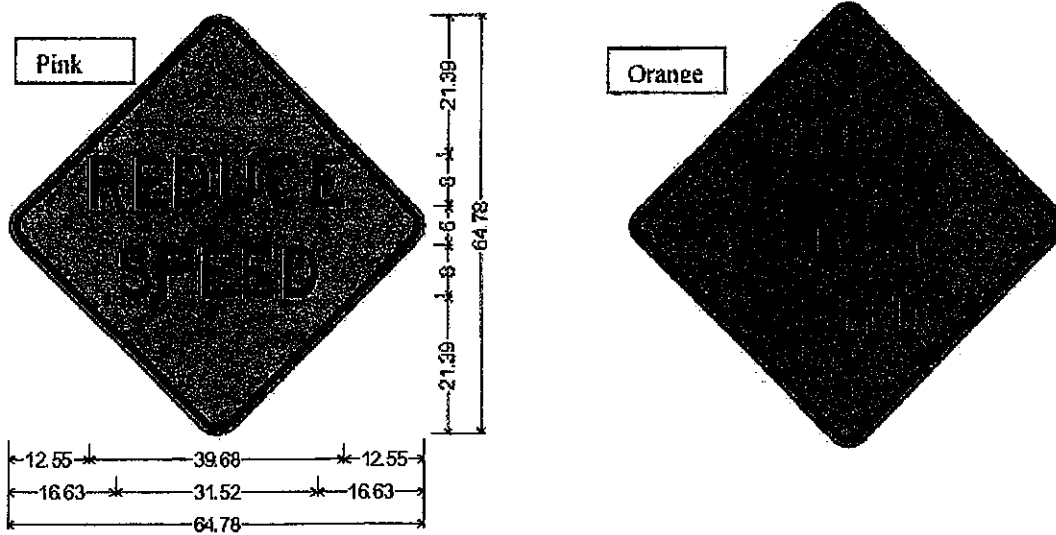
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ATTACHMENT 1

Temporary Retroreflective Yellow Roll-up Warning signs (yellow signs) to be used by Prescribed Burn Practitioners to inform the public about a burn in progress.



Temporary Traffic Control Warning signs to be used when roadway visibility has been restricted by smoke. A roll up REDUCE SPEED sign made of retroreflective incident management pink roll up vinyl may be used now, as it will eventually replace the REDUCE SMOKE SPEED orange mesh sign. No new mesh signs are to be manufactured.





Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0458

STEPHANIE C. KOPELOUSOS
SECRETARY

DELEGATION OF AUTHORITY

I, Stephanie C. Kopelousos, Secretary of the Florida Department of Transportation, delegate to Kevin J. Thibault, as the Assistant Secretary for Engineering and Operations, Deborah L. Hunt, as the Assistant Secretary for Intermodal Systems Development, and William F. Thorp, as the Interim Assistant Secretary for Finance and Administration, the authority and responsibility to take action on my behalf at anytime during my absence from the Department headquarters in Tallahassee. I also rescind any prior delegations to the contrary.

Handwritten signature of Stephanie C. Kopelousos in black ink.

Stephanie C. Kopelousos, Secretary
Florida Department of Transportation

May 28, 2008

Date