

NEW JERSEY FOREST FIRE SERVICE

FEDERAL EXCESS PERSONAL PROPERTY COOPERATOR HANDBOOK



DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF PARKS AND FORESTRY

IN COOPERATION WITH THE

USDA FOREST SERVICE

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Introduction

The Federal Excess Personal Property (FEPP) Program refers to the United States Forest Service owned property that is loaned to State Foresters through a cooperative agreement for the purpose of wildland and rural firefighting. That equipment may then be further loaned by the State Forester, through the New Jersey Forest Fire Service, to local fire companies. Local fire companies must have a written cooperative agreement in place with the New Jersey Forest Fire Service in order to receive any equipment. State Foresters and the United States Forest Service have mutually participated in this program since 1956.

Since this is a loan program, ownership of all Federal Excess Personal Property transferred to and used by local fire companies remains with the federal government. Equipment obtained through this program is on loan for as long as the local Fire Company has a need for it. Federal Excess Personal Property that is no longer useful or economical to maintain must be returned to the New Jersey Forest Fire Service for disposal by the federal government.

This handbook has been developed for local fire companies that have or would be interested in obtaining Federal Excess Personal Property through the New Jersey Forest Fire Service and United States Forest Service. Additionally, this handbook will provide a brief background on the overall program and explain how Federal Excess Personal Property could be a benefit to your community.

Legal Authority

Through specific public laws enacted by the United States Congress and a signed cooperative agreement between the United States Forest Service and the State Forester, the New Jersey Forest Fire Service is authorized to provide Federal Excess Personal Property to local fire companies, department and fire districts.

Program authorities include the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C.483) and the Cooperative Forestry Assistance Act of 1978, (16 U.S.C.2101 (note)). Other references and regulations include the United States Department of Agriculture Organic Act of 1944, (16U.S.C.580a) and the Federal Property Management Regulations 101-43.309-1; 101-43.313; and 101-43.314; found in (40 U.S.C.483).

Note: Section 10(C) of the Cooperative Forestry Act of 1978 (P.L.95-313), directs the Secretary of Agriculture to encourage the use of Federal Excess Personal Property by states and local fire forces. This was reaffirmed in a 1991 memorandum from Kenneth E. Cohen, Assistant General Counsel, United States Department of Agriculture to L.A. Amicarella, United States Forest service Fire Director.

General Guidelines

The New Jersey Forest Fire Service administers the Federal Excess Personal Property Program for the State of New Jersey through a cooperative agreement between the State Forester and the United States Forest Service.

Locally, a Division Forest Firewarden administers the program at the three division administrative offices of the New Jersey Forest Fire Service.

Local fire companies, fire departments and fire districts are eligible to participate in the program.

Federal Excess Personal Property routinely available includes trucks, water tanks and trailers.

A cooperative agreement must be in place with the New Jersey Forest Fire Service before a fire company receiving any equipment.

The Federal government retains title and ownership of all equipment loaned to local fire companies through the Federal Excess Personal Property Program.

All equipment that is no longer useful must be returned to the Federal government through the New Jersey Forest Fire Service.

The receiving Fire Company cannot transfer Federal Excess Personal Property to another Fire Company without prior written permission of the Forest Fire Service.

The Federal Excess Property Program is a low cost program, it is not totally free. There are no costs associated with receiving equipment with the exception of New Jersey Division of Motor Vehicle fees for registering vehicles.

The receiving Fire Company assumes all costs associated with modifying, repairing, insuring and operating all Federal Excess Personal Property.

Acquiring Federal Excess Personal Property

All fire company requests for Federal Excess Personal Property must be made in writing to the New Jersey Forest Fire Service. Letters should be addressed to the Division Forest Firewarden at the appropriate Forest Fire Service division administrative office.

All Federal Excess Personal Property that is requested must be solely acquired for wildland and rural firefighting.

If a fire company is determined to be eligible, the Division Forest Firewarden will notify the fire company that their request will be honored. Suitable Federal Excess Personal Property equipment may not be immediately available. The Fire Company will be notified when requested equipment becomes available.

A signed cooperative agreement must be executed between the New Jersey Forest Fire Service and local Fire Company before the loan of any Federal Excess Personal Property.

Cooperative agreements are valid for a period of five years. At the end of five years, a new agreement must be executed between the Fire Company and Forest Fire Service.

The New Jersey Forest Fire Service will initiate and coordinate the processing of New Jersey Division of Motor Vehicle documents for all vehicles on loan to local fire companies. Proof of liability insurance or self-coverage will be required.

Federal Excess Personal Property equipment may remain on loan for as long as the fire company has need for the equipment.

Vehicles and equipment on loan to local fire companies must be placed in service within one year of receiving them from the Forest Fire Service.

Federal Excess Personal Property Identification

All Federal Excess Personal Property on loan to local fire companies must be clearly identified. The Forest Fire Service will supply data plates, labels and tags with assigned property management data that should be plainly visible.

All vehicles on loan will be provided with vinyl decals that state: "In Cooperation with the USDA – Forest Service and NJ Forest Fire Service". These decals must be affixed to the exterior of the vehicle in a visible location.

All military and manufacturer serial number plates, data tags and inventory labels should not be removed and must remain on the Federal Excess Personal Property at all times.

Accountability

All Federal Excess Personal Property on loan to local fire companies is maintained on both state and federal inventories.

The Forest Fire Service is responsible for accounting for all Federal Excess Personal Property on loan to local fire companies from the date of acquisition by the State of New Jersey to the date of disposal. All transactions must be appropriately documented.

Physical inspections by the New Jersey Forest Fire Service and United States Forest Service are required on a routine basis.

Use of Federal Excess Personal Property

The primary use of all Federal Excess Personal Property assigned to local fire companies must be for rural and wildland firefighting.

Ninety percent of the total use of Federal Excess Personal Property in a calendar year must be for fire use (rural and wildland firefighting).

Incidental unplanned non-fire use of Federal Excess Personal Property is allowed as long as it does not exceed ten percent of the equipment total use for a calendar year. Non fire uses include hazardous materials and emergency medical service responses.

For emergencies that are non-fire in nature (floods, storms, searches, etc.), where loss of life and property is imminent, Federal Excess Personal Property may be used. This type of emergency use will not be included in the incidental unplanned ten percent rule.

Absolutely no personal use of Federal Excess Personal Property is allowed.

Federal Excess Personal Property is not to be assigned to emergency organizations whose primary mission is not rural and/or wildland firefighting.

Modification of Equipment and Vehicles

Most vehicles and equipment obtained through the Federal Excess Personal Property Program were not manufactured or designed for wildland or rural firefighting.

Modification of equipment and vehicles is authorized within certain limiting factors. The safety of the operator and crew as well as that of the public must not be compromised.

The United States Forest Service and New Jersey Forest Fire Service have a responsibility to see that all Federal Excess Personal Property vehicles are modified in a safe manner.

When modifying vehicles for fire fighting duties, **under no circumstances is the manufacturer's gross vehicle weight rating to be exceeded.**

Organizations such as the National Fire Protection Association (NFPA) and the Roscommon Equipment Center (REC) can provide information on the safe modification of Federal Excess Personal Property Program vehicles and equipment.

The Roscommon Equipment Center has developed guidelines for designing wildland and rural fire engines. These guidelines are available free to local fire companies.

All Federal Excess Personal Property vehicles must be appropriately painted, maintained and stored to avoid excessive deterioration

Safety and Operator Training

Federal Excess Personal Property equipment and vehicle operators shall be trained and qualified on the safe operation of the vehicle and/or equipment they are assigned.

Local fire company firefighters that use Federal Excess Personal Property to fight wildfires should be trained to current wildland firefighting standards approved by the New Jersey Forest Fire Service.

Federal Excess Personal Property vehicles must be equipped with safety equipment required for all commercial vehicles such as hazard warning devices, fire extinguisher and first aid kit.

Vehicles should be inspected on a routine basis for wear and tear and mechanical defects.

Program Reviews

All Federal Excess Personal Property on loan to local fire companies will be inspected annually by a representative of the New Jersey Forest Fire Service.

Motor vehicle accidents involving Federal Excess Personal Property vehicles on loan to local fire companies must be reported to the appropriate Division office of the Forest Fire Service as soon as possible.

Major or repeated violations of the Federal Excess Personal Property guidelines outlined in the signed cooperative agreement may result in the return of loaned equipment and termination of the cooperative agreement.

Turn In / Disposal

All Federal Excess Personal Property on loan to local fire companies must be returned to the Forest Fire Service when no longer useful or economical to operate.

All serial number and data plates must remain on the vehicle or equipment.

Any equipment installed by the local Fire Company may be removed before turn in.

No parts or components of the original Federal Excess Personal Property vehicle or equipment may be removed, transferred or sold before turn in.

Vehicles or equipment returned to the Forest Fire Service in good condition and with a useful service life remaining may be loaned to another local fire company.

Local fire companies with a vehicle on loan may request and upgrade or new unit when their current vehicle is no longer useful or economical to maintain.

Contact Information

New Jersey Forest Fire Service

State Headquarters

Mail Code: 501-04 P.O. Box 420 , Trenton, New Jersey 08625-0420
609 292 2977 fax 609 984 0378

Division A Headquarters

(Mercer, Hunterdon, Somerset, Morris, Sussex, Passaic, Sussex, and Warren Counties)

240 Main Street, Andover, New Jersey 07821
973 786 6350 fax 973 786 6107

Division B Headquarters

(Middlesex, Monmouth, Ocean and Burlington Counties)

P.O. Box 239, New Lisbon, New Jersey 08064
609 726 9010 fax 609 726 1624

Division C Headquarters

(Cape May, Cumberland, Salem, Gloucester, Camden and Atlantic Counties)

5555 Atlantic Avenue, Mays Landing, New Jersey 08330
609 625 1121 fax 609 625 0254

Roscommon Equipment Center

Roscommon Equipment Center (REC) is a cooperative program between the National Association of State Foresters and the Michigan Department of Natural Resources. REC develops and tests equipment for wildland fire control. They are located at the Forest Fire Experiment Station in Roscommon, Michigan. Founded in 1972, REC specializes in the conversion of military vehicles to wildland and rural fire suppression units and focuses on the equipment development needs of state and local wildfire forces.

www.roscommonequipmentcenter.com

USDA - Forest Service

Federal Excess Personal Property Program Information

www.fs.fed.us/fire/partners/fepp/

NIOSH

Preventing Death and Injuries of Fire Fighters Operating Modified
Excess/Surplus Vehicles

<http://www.cdc.gov/niosh/docs/wp-solutions/2011-125/>

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF PARKS AND FORESTRY
FOREST FIRE SERVICE
COOPERATIVE AGREEMENT**

**FOR FEDERAL EXCESS PERSONAL PROPERTY
ON LOAN TO RURAL FIRE DEPARTMENTS**

This COOPERATIVE AGREEMENT made this ____ day of _____, in the year _____, by and between the State of New Jersey, Department of Environmental Protection, Forest Fire Service (hereinafter referred to as the Forest Fire Service)

and

Cooperative Organization

Address

(hereinafter referred to as the Cooperator)

is entered into the purpose of:

1. Enhancing the organization of fire protection on forested, wildland/urban interface and rural lands throughout the state.
2. Providing the closest possible mutual aid cooperation in suppressing wildfires and rural fires.
3. Defining responsibilities of the respective agencies involved with this cooperative agreement.

SECTION I - AUTHORITY

Certain types of vehicles and equipment can be provided for the purpose of wildfire and rural fire suppression as authorized under the Federal Property and Administrative Services Act of 1994, as amended (40 U.S.C. 483), and the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) that allows the loan of federal excess personal property (FEPP) by the State Forester to rural fire departments. (Ref. USDA/USFS Handbook FSH 3109.12 Chap.23).

SECTION II - SUBJECT OF AGREEMENT

1. The control of wildfires and rural fires in and adjacent to forested, wildland/urban interface and rural areas is essential to an effective forest fire control program.
2. The cooperator is actively engaged in the prevention and suppression of fires in and adjacent to forested, wildland/urban interface and rural areas.
3. The cooperator can more adequately carry out this function if additional equipment is available.
4. It has been determined to be advantageous to the Forest Fire Service in the proper discharge of its responsibilities to make certain Federal Excess Personal Property available to qualified cooperators.

SECTION III - RESPONSIBILITIES OF THE FOREST FIRE SERVICE

The FOREST FIRE SERVICE agrees:

1. To provide reasonable basic protection from wildfires occurring in natural cover fuels through an aggressive suppression, presuppression and prevention program.
2. To dispatch a response to any known wildfire or to any fire of unknown character.
3. Having knowledge of same, immediately advise the cooperator of any burning or threatened structures within the area.
4. To make available and provide training programs in basic forest fire suppression, incident management, fire protection operations in the wildland/urban interface and off-road wildland engine operations.

SECTION IV - RESPONSIBILITIES OF THE COOPERATOR

The COOPERATOR Agrees:

1. To dispatch a response to any known structure, rural or wildfire or to any fire of unknown character.
2. That, having knowledge of same, to immediately advise the Forest Fire Service of any burning or threatened natural cover fuels within the area.

3. To accept the following vehicle and/or equipment.

Vehicle Type	_____
Manufacturer	_____
Year	_____
Model	_____
Serial Number	_____
SF 122 Number	_____
NFC I.D. Number	_____

4. To make any and all necessary repairs and install necessary firefighting equipment for its conversion into a _____ firefighting resource.
5. To modify the vehicle in accordance with acceptable engineering practices and standards such as developed by the Society of Automotive Engineers, National Fire Protection Association and Roscommon Equipment Development Center. It is recommended that a professionally designed and engineered conversion plan be used. Under no circumstances will the manufacturer's gross vehicle weight limitations (GVW) be exceeded. All expenses for the vehicle conversion will be paid by the Cooperator.
6. The vehicle is required to be painted and have affixed to each side a decal identifying the Forest Fire Service and United States Forest Service as cooperators. Decals will be supplied by the Forest Fire Service. Federal, state and manufacturer identification markings or plates shall not be removed or painted over.
7. The vehicle and or equipment shall be serviceable as a firefighting resource within one year of assignment or this agreement will become null and void and the vehicle shall be returned to the Forest Fire Service.
8. Maintain the vehicle in a safe operating condition. All State of New Jersey Motor Vehicle laws, rules, and regulations pertaining to inspection and operation must be complied with. The vehicle title shall be encumbered to the Forest Service and fees for processing the title and registration shall be paid by the cooperator.
9. The vehicle must be insured for liability protection coverage as mandated by New Jersey State Law. A certificate of insurance or other acceptable proof of coverage shall be provided annually to the Forest Fire Service.
10. Provide a copy of the vehicle's current and valid registration to the Forest Fire Service.

11. Indemnify and hold harmless the State of New Jersey for any and all claims and against any liability for damage to person and property arising out of the misuse of said vehicle by said cooperator.
12. Notify the Forest Fire Service of any reportable motor vehicle accident that the vehicle is involved with.
13. To provide the vehicle with radio equipment that has the capability of two-way communication with the Forest Fire Service on a designated inter-agency coordination frequency. The Cooperator shall inform the Forest Fire Service of the vehicle assigned radio call sign and shall provide lettering with a minimum height of 12 inches that indicates the call sign on top of the vehicle as approved by the Forest Fire Service.
14. Establish and maintain a list of cooperator approved vehicle operators.
15. To furnish personal protective equipment of firefighters that operate the vehicle when assigned to rural fires or wildfires in accordance with appropriate National Fire Protection Association and/or Forest Fire Service standards.
16. To make the vehicle available to the Forest Fire Service for inspection on an annual basis.
17. When no longer needed for firefighting service by the cooperator, the loaned vehicle may not be sold, traded or scrapped, but must be returned within six(6) months of termination of service to the Forest Fire Service for final disposition. Firefighting equipment and all accessories added to the vehicle at the expense of the cooperator during conversion may be removed prior to returning the vehicle.

SECTION V - MUTUAL AGREEMENT

IT IS MUTUALLY AGREED:

1. When both agencies respond to the same fire, the overall supervisory authority (incident commander) for wildfires shall be with the Forest Fire Service. (reference state statutes Title 13 Chapter 9 Forest Fire Laws of New Jersey). If only structures, buildings, or improved property is involved, the supervisory authority (incident commander) shall be with the cooperator.
2. If both types of objects are on fire simultaneously, each agency shall perform its normal fire suppression functions and/or perform a supporting role to the other based on a judgement decision as to the values involved or threatened. Command and liaison between the Cooperator and Forest Fire Service will be provided by the Incident Commanders from the respective agencies, pursuant to the Incident Command System. When appropriate to an emergency situation, the

respective Incident Commanders shall mutually agree to the establishment of a Unified Command type of organization.

- 3. Each agency agrees to attend, participate, and assist in those portions of the other agency's training programs which have a bearing on the individual agency's efficiency. Additionally, for off-road wildland engines that may be involved in direct wildfire suppression, all personnel assigned to the operation of this engine will meet the current wildland firefighter training standards as established by the Forest Fire Service for this function.
- 4. Vehicles that are operated as off-road wildland engines during wildfire suppression operations that are under the direct control of the Forest Fire Service, shall be subject to the direction and control of the Forest Fire Service Incident Commander when the Cooperator is assigned to such an operation. The Cooperator shall provide accountability for the vehicle and its assigned personnel to the Forest Fire Service during such operation.

SECTION VI - PERIOD OF AGREEMENT

This agreement will be effective from the date of execution by the State Firewarden and will continue to be binding for a period of five years unless terminated by either party within thirty (30) days written notice to the other, provided that all of the provisions in this agreement are complied with.

In witness whereof, the parties by and through their duly qualified and acting officials have affixed their signatures.

COOPERATOR

Witness, Title

BY: _____, _____
Yr.

Witness, Title

Official Title

FOREST FIRE SERVICE

Division Firewarden

State Firewarden

Date Approved

Yr.

State Forester