

West Virginia Division of Highways Policy: Reimbursement Agreements Between the DOH and Volunteer or Combination Fire Departments

Issued by the Commissioner of Highways

Policy No: DOH 5.1

Issue Date: 03/01/2021

Revised: 08/19/2022

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1.0 PURPOSE

The Commissioner of the Division of Highways (Commissioner) is authorized to reimburse volunteer and part volunteer fire departments for tree and debris removal in limited circumstances pursuant to W. Va. Code §17-2A-8d.

The purpose of this guidance document is to establish the circumstances under which a volunteer or part volunteer fire department may seek reimbursement for tree and debris removal.

The West Virginia Division of Highways (WVDOH) will not reimburse any fire department for tree or debris removal unless the department is certified by and in good standing with the State Fire Commission and meets other requirements of this policy.

2.0 DEFINITIONS

As determined by the State Fire Marshal:

- 2.1 **“Combination Fire Department”** is a department where one or more of the firefighters receive compensation for working as a firefighter on a full-time, “per call”, or an hourly basis. In addition to paid firefighters, the department also employs volunteer members.
- 2.2 **“Fiscal year”** means the 12-month period, beginning July 1, and ending on June 30, used by the state for the purposes of accounting for, collecting and disbursing funds.
- 2.3 **“Project”** means the work performed by the VFD under the agreement with WVDOH, primarily including tree cutting, removal of cut or uncut trees, limbs and other debris VFD determines to allow safe travel along WVDOH roadway.
- 2.4 **“Tree or debris removal”** means clearing the tree or debris that are obstructing the state highway due to a flood, other natural disaster, or similar event. It does not mean clearing a state highway of debris or obstructions that are the result of a traffic accident.
- 2.5 **“VFD”** for purposes of this policy, means a volunteer or combination fire department.
- 2.6 **“Volunteer Fire Department”** is a department which provides fire protection services to a specific geographical area under the authority having jurisdiction. The "authority having jurisdiction" may be a private corporation, company, public corporation, or municipal, county, state, or federal level of government. A

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Volunteer Fire Department is one in which the members donate their time without compensation.

- 2.7 “WVDOH” means the West Virginia Division of Highways, which is an agency within the West Virginia Department of Transportation.

3.0 REGISTRATION OF VOLUNTEER FIRE DEPARTMENT WITH OASIS

- 3.1 All VFDs must register in the OASIS system prior to submitting an invoice for tree and debris removal. The VFD may create an account in the OASIS system by going to www.wvoasis.gov, selecting Vendor Self Service (VSS), and following the prompts to create an account.
- 3.2 The WVDOH is prohibited by law from paying an invoice from a VFD, who is not properly registered in the OASIS system.

4.0 REIMBURSEMENT AGREEMENTS

- 4.1 The Commissioner may enter into master reimbursement agreements with a VFD if the following conditions are met:
- A. the VFD is a registered vendor with the Division of Purchasing,
 - B. the VFD is certified and in good standing with the State Fire Marshal,
 - C. the VFD complies with all applicable environment laws and rules,
 - D. the VFD complies with all the Division’s safety requirements,
 - E. the VFD provides proof of current workers’ compensation insurance, if applicable and required by law; and
 - F. the VFD agrees to maintain liability insurance coverage in the amount of one million dollars (\$1,000,000) and agrees to indemnify and hold the Division harmless for acts or omissions caused by the VFD.
 - G. VFD shall not request of Division reimbursement for any work associated with Project for which VFD is seeking or intends to seek, reimbursement or payment from any other source for the same work.
 - H. If VFD receives reimbursement from both Division and another source for the same Project, VFD agrees to reimburse Division the full amount paid to VFD by Division under this agreement.

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5.0 REQUIREMENTS FOR TREE AND DEBRIS REMOVAL

- 5.1 The VFD shall notify the WVDOH of trees or debris impeding normal traffic flow.
- 5.2 The WVDOH may direct the VFD will remove the tree or debris from the roadway to the right-of-way in order to allow the public to safely travel upon the road. Or the WVDOH may direct the VFD to wait until someone from the WVDOH arrives; or wait for any affected utility. The WVDOH is responsible for the final disposal of the tree or debris and will not reimburse the VFD should it decide to dispose of the of the tree or debris on its own.
- 5.3 Under no circumstance may the removed tree or debris be placed where it will obstruct traffic; in a ditch within the right-of-way; on any property access or driveway; or in any river, stream, or creek.
- 5.4 A VFD may be reimbursed for tree or debris removal without prior request of the WVDOH if:
 - A. the VFD is a first responder, and the tree or debris must be removed to allow the public to safely travel upon the road; and
 - B. the VFD requests approval for the removal as soon as possible after the event and enters into an agreement with the WVDOH that complies in all respects, except for being requested by Highways, to clear the state highway.
- 5.5 The WVDOH will reimburse a VFD only for the actual costs incurred in removing the tree or debris. This reimbursement does not include costs associated with responding to the event that caused the tree or debris to be on a state highway.
- 5.6 The WVDOH will not reimburse a VFD for services contracted out by the VFD.

6.0 REQUIRED DOCUMENTATION AND AUDITING REQUIREMENTS

- 6.1 In addition to entering into an agreement with the WVDOH, the VFD must submit a detailed invoice for the removal services, including without limitation, the following:
 - A. the date and time the WVDOH requested the VFD to clear the highway, or if the removal was completed without prior request of the WVDOH, the date and time the VFD responded to the scene,
 - B. the location of the debris by state highway designation,
 - C. the number of VFD personnel responding,
 - D. the amount of time the removal took, excluding any activity other than tree or debris removal,

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- E. any equipment or material used in the removal; and
 - F. any other information requested by the WVDOH.
- 6.2 In no event may the WVDOH reimburse a VFD more than a total amount of 5,000) in any fiscal year for tree or debris removal.
- 6.3 All invoices are subject to random audit by the WVDOH.

7.0 FEE SCHEDULE

- 7.1 The WVDOH will authorize payment for labor at the hourly wage rate for VFD personnel associated with project, for the time actively engaged in tree or debris removal and traffic management
- 7.2 The WVDOH will authorize payment for equipment used in tree or debris removal in accordance with Federal Emergency Management Agency's (FEMA) SCHEDULE OF EQUIPMENT RATES in effect on the date the VFD is authorized to conduct tree or debris removal.

8.0 RELEVANT MATERIALS/DOCUMENTS

- 8.1 [West Virginia Department of Transportation, Division of Highways Agreement Tree and Debris Removal Statewide](#)

9.0 CHANGE LOG

August 19, 2022 –

- Updated policy formatting.
- Updated Section 8.0 with link to agreement template.

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Effective Date of Policy: 08/19/2022

Approved by:



Jimmy D. Wriston, P.E.
Secretary of
Transportation
Commissioner of
Highways



Date

*The Secretary of the West Virginia Department of Transportation or the Commissioner of Highways may, pursuant to the authority vested with the Secretary and Commissioner in W. Va. Code §5F-2-2, §17-2A-1 *et seq.*, and §17-2-1 *et seq.*, waive the requirements of this policy if the circumstances, in the Secretary or Commissioner's sole discretion, warrant such action.