Forest Service Handbook
National Headquarters - Washington Office
Washington, DC

Forest Service Handbook 7709.59 – Road System Operations and Maintenance Handbook
Chapter 20 - Traffic Management

Amendment: 7709.59-2021-1

Effective date: August 10, 2021

Duration: This amendment is effective until superseded or removed.

Superseded Directive: 7709.59 Chapter 20, Amendment 7709.59-2009-1, February 5, 2009

Approved by: Tina Johna Terrell, Associate Deputy Chief, NFS

Date approved: August 9, 2021

Responsible Staff:

Explanation of changes: Following is an explanation of the changes throughout the directive by section.

24.1: Updates reference to FSM 7731.17.

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20.1 - Authority

20.11 - Laws

1. Act of July 16, 1866 (43 U.S.C. 932). Section, R.S. § 2477, authorized rights of ways for construction of highways by public road authorities over public lands not reserved for public uses. Rights of ways are perpetual unless abandoned by the public authority to which they were granted. The Statute remained in effect until it was repealed by Public Law 94–579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793.

2. The Organic Administration Act of June 4, 1897 (16 U.S.C. 478). Confers statutory right of access over National Forest lands for persons living on private lands within the National Forests and provides for "wagon roads and necessary improvements" across National Forests to access homes and utilize property, subject to rules and regulations of the Secretary.

3. Cooperative Funds Act, Act of June 30, 1914 (16 U.S.C. 498). Authorizes and appropriates contributions toward cooperative work on Forest development roads. Moneys are to be held in a special fund and expended for protection or improvements. Authorizes refunds to contributors of charges in excess of their fair share of costs.

4. Granger-Thye Act, Act of April 24, 1950 (16 U.S.C. 572). Authorizes cooperation and assistance to public and private agencies, organizations, and persons in performing work on land situated within or near National Forests. Moneys deposited are held in special fund for payment of work done by the Forest Service or refunded to cooperator.

5. Multiple Use-Sustained Yield Act, Act of June 12, 1960 (16 U.S.C. 530). Authorizes cooperation with State and local governments and others in development and management of the National Forests.

6. National Forest Roads and Trails Act, Act of October 13, 1964 (43 U.S.C. 1702, 1761, 1764, 1765). Authorizes acquisition, construction, and maintenance of National Forest System roads, to include cooperative financing with public and private agencies and persons. Authorizes Secretary to require users of Forest development roads to maintain roads commensurate with use and to construct/reconstruct roads necessary to accommodate use. Authorizes deposits to cover cost of maintenance and reconstruction.

7. Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701). Requires that the United States receive fair market value for the use of public lands and authorizes the issuance of easements and permits for transportation purposes.

8. Alaska National Interest Lands Conservation Act of December 2, 1980 (16 U.S.C. 3210). Directs the Secretary of Agriculture to assure access to non-Federally-owned lands within the boundaries of the National Forest System.

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20.12 - Regulations

1. Travel Management, Title 36, Code of Federal Regulations, Part 212, subparts A, B, and C. These regulations address the planning, programming, construction and maintenance, management, and rights-of-way acquisition for National Forest System

Roads and Trails and management of motorized uses on National Forest System lands in general.

2. Minerals, Title 36, Code of Federal Regulations, Part 228. These regulations regulate and establish procedures for managing the surface of National Forest lands in connection with mineral activities. Of particular interest to this direction is section 228.12, Access.

3. Prohibitions, Tile 36, Code of Federal Regulations, Part 261. Subpart A of these regulations identifies a broad range of activities that are prohibited on National Forest lands, specify applicable penalties, prescribe the procedures for informing users of prohibited activities, and set forth penalties. Subpart B of these regulations identifies additional activities that may be prohibited in an area by order of the Chief, Regional Foresters, or Forest Supervisors.

The Chief, regional foresters, station directors, and forest supervisors are authorized to issue orders closing or restricting the use of any National Forest System road (36 CFR 261.50). See also FSM 1013, which covers policy and responsibilities for issuance of such orders.

4. Title 36, Code of Federal Regulations, section 261.70. These regulations authorize the issuance of additional regulations pertaining to National Forest System roads and indicates the procedures for establishing such orders.

Exhibit 01 lists the prohibited activities related to transportation and the section of the regulation where the prohibition is set forth.

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Prohibited Activity. Title 36, Code of Federal Regulations, Part 261, subpart A-General Prohibitions and subpart B-Prohibitions Prohibited by Order.

Construction or maintenance without specific authorization.	36 CFR 261.10(a)
Activities that are prohibited on National Forest System roads.	36 CFR 261.12
Limits use of motor vehicles on National Forest System lands to roads, trails, and areas shown on a Motorized Use Map. Exceptions are allowed for administrative uses, contracts, permits, and so forth.	36 CFR 261.13
Limits use of over-snow vehicles to designated roads, trails, and areas when over-snow use is restricted or prohibited.	36 CFR 261.14
Prohibited uses and practices on National Forest System roads.	36 CFR 261.54

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20.13 - Comptroller General Decisions

Comptroller General Decision B-150239 of April 24, 1963, ruled that the Forest Road Agreement granted proper authority to protect the interests of the United States.

20.4 - Responsibility

20.41 - Regional Foresters

It is the responsibility of the regional forester to:

1. Issue orders under Title 36, Code of Federal Regulation, Part 261 to establish State-wide traffic rules for National Forest System roads that differ from State traffic laws if needed.

2. Manage the bridge program in accordance with FSM 7736.04b.

3. Establish minimum maintenance cost guidelines for application to Road Use Permits (sec. 24.1).

20.42 - Forest Supervisors and Managers of Other Administrative Units of the National Forest System

It is the responsibility of forest supervisors and administrators to:

1. Operate and maintain roads under Forest Service jurisdiction to meet National Forest management direction.

2. Issue and post orders closing or restricting use on National Forest System roads under 36 CFR 261.54. Terminate previously issued orders when no longer applicable. This authority may not be delegated. (23.2)

3. Execute cooperative agreements with State, county, or local road agencies for the maintenance of roads under their jurisdiction that are not on the National Forest System transportation system.

4. Issue road use permits.

5. Issue permits for overweight and oversize vehicles. Follow procedures established by the regional forester for review of applications for permits to move oversize loads over bridges.

6. Designate issuing officers for road use permits.

20.43 - District Rangers

It is the responsibility of the district ranger to:

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1. Operate and maintain roads under Forest Service jurisdiction to meet National Forest management direction.

2. Complete the "Report on Application" portion of form FS-7700-40, Application for Permit Non-Federal Commercial Use of Roads Restricted by Order.

3. Post Forest Supervisor orders closing or restricting use on National Forest System roads. (23.22)

21 - Jurisdiction

Jurisdiction is the legal right to control and regulate the use of a transportation facility (23 CFR 660.103 and FSM 7705). Roads on National Forest lands are under the control of the Forest Service, except for public roads established under the Act of July 26, 1866, private roads, roads for which the Forest Service or the U.S. Department of Transportation has granted rights-of-way to private landowners or public road agencies, and roads whose use and rights pre-date the National Forest. Other factors may affect jurisdiction on acquired lands or easements. Review the granting document and obtain appropriate legal opinion for these cases, when necessary.

There are roads on the transportation system where the Forest Service has limited rights of use and jurisdiction over the traffic, such as private road systems and many States, county, or township roads.

21.1 - Determination of Jurisdiction

Determine jurisdiction in accordance with FSM 7703.3 to identify who can exercise traffic control and regulate use of the facility. When there is doubt, request a legal opinion from the Office of the General Counsel before initiating any action.

21.2 - Expenditure of Forest Service Funds

Forest Service funds may be spent on roads under the jurisdiction of the Forest Service, and on roads under the jurisdiction of a public agency with which the Forest Service has a Cooperative Forest Road Agreement (FSM 7703.4) for reconstruction or maintenance. (Roads under public road authority jurisdiction included in the “Schedule A” of Forest Road Agreements are considered to be on the Forest transportation system.)

Funds appropriated for National Forest System Roads and Trails under authority of Title 23, United States Code, Section 205a may not be spent for maintenance of private roads. Other Federal funds may be spent for such maintenance when there is an appropriate agreement, and road use is needed for National Forest purposes.

Roads for which a local public road authority has established a prescriptive right can, through agreement, be maintained for National Forest purposes. Forest Supervisors can enter into a cooperative agreement to improve such a public road provided work is limited to the area identified by the prescriptive right.

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21.3 - Applicability of State Law and Federal Regulation

State traffic laws apply to National Forest System Roads unless in conflict with designations or orders under Title 36, Code of Federal Regulations, Part 261. Review the local situation to determine applicability. When orders for prohibitions or restrictions (36 CFR 261.50) supersede State laws, enforce these Federal orders only on roads for which the Forest Service has jurisdiction.

22 - Access Rights

Permit reasonable access, either permanent or temporary, including access to mineral rights, to private landholders whose land is entirely or partially surrounded by National Forest System lands. These rights may be exercised on National Forest System Roads open to unrestricted motorized public use without a written authorization. Authorize reasonable use in writing if the use conflicts with designation, road regulations, or orders.

22.1 - Rights of Forest Service

Access rights to National Forest System land for administration and utilization may be permanent or temporary. The Forest Service has access rights on public roads and on other roads where jurisdiction or agreement provides such rights. See FSM 5460, FSM 7703.3, and FSH 5409.17, Right-of-Way Acquisition Handbook, for rights-of-way acquisition direction and procedures.

The Forest Service may have rights stemming from:

1. Reciprocal Grants. In areas of intermingled ownership, the Forest Service may jointly develop and maintain a road or road system with private landholders (FSM 5467), through the exchange of easement deeds. Cost-share cooperators retain the rights to use the roads across their lands, but these roads are under the jurisdiction of the Forest Service. Specify all activities allowed in a right-of-way easement. Check easement documents closely for reservations or restrictions by the grantor.

2. Appropriation. Before World War II, rights-of-way for roads built with Federal funds were obtained by appropriations. The Government occupied the land for road purposes, and landowners gained compensation by applying to Federal District Court for redress. Once occupied, a right-of-way became the property of the United States and, if built for Forest Service purposes, the road came under unrestricted Forest Service jurisdiction. However, the right-of-way width is limited to the traveled way. The Forest Service can maintain and use the road but cannot reconstruct it without obtaining an easement from the landowner or through appropriate court action.

3. Act of July 26, 1866. Roads built on public domain for public purposes are public roads. A public road existing on public domain that was later reserved as National Forest System land and whose jurisdiction was never assumed by the county is under the jurisdiction of the Forest Service, and can be maintained and reconstructed by the Forest Service for Forest Service purposes.

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4. Public Roads Under Public Road Authorities. The Forest Service has the same rights to use public roads as the general public. The Forest Service can maintain and improve public roads on the Forest development system through a Forest Road Agreement with the agency that has jurisdiction. However, the Forest Service may have limited jurisdiction to control traffic on these roads even when they are on National Forest land. State statutes and easement deed restrictions govern the jurisdictional authority of public roads.

23 - Traffic Rules, Designation, and Orders

Regulate or control traffic to:

1. Prevent damage to the roadway,
2. Mitigate unsafe conditions,
3. Limit the use of vehicles that exceed design capacity,
4. Require road investment and maintenance sharing,
5. Reduce maintenance costs, or
6. Implement a specific resource management activity.

One means for regulating traffic is through implementation of requirements set forth in Title 36, Code of Federal Regulations, section 212.5. The regulations include traffic rules that automatically apply to all National Forest System roads (36 CFR 261.12), a prohibition on use off the designated system (36 CFR 261.13), and optional traffic rules that can be implemented with the issuance of orders (36 CFR 261.54).

The wording of orders is important and must be precise. Coordinate closely with Forest Service law enforcement personnel and local magistrates in the writing, posting, and enforcement of orders.

23.1 - Traffic Rules

Traffic rules consist of limitations placed on the operation and use of vehicles. Rules can be issued for individual roads or a group of roads. Limitations may be applied to vehicle characteristics, vehicle operation, vehicle classes, or types of traffic.

Prohibition (d) of Title 36, Code of Federal Regulations, section 261.54 contains the phrase, "or other limitations specified by the order." This wording allows an order to be prepared to regulate or control any aspect of vehicle operations on a National Forest System Road. Use this as the authority for all orders written to regulate traffic on or use of National Forest System Roads, except as provided in Title 36, Code of Federal Regulations, section 261.70.

Title 36, Code of Federal Regulations, section 261.70(a) provides the authority to issue a new regulation. The issuance of a new regulation requires public involvement with a notice published in the Federal Register. Publish the final regulation in Title 36, Code of Federal

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Regulations, section 271.70 under a region-by-region heading and only where special or unique regulations are necessary. Consult with the Office of the General Counsel prior to initiating action pursuant to this regulation.

Many commonly used traffic rules are shown in exhibit 01, along with the authority for their implementation.

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23.1 - Exhibit 01

Traffic Rules

Code of Federal Regulations Citation	Rule	Order Required
261.12(a)	Control the weight, height, and length of vehicles within State law requirements.	No
261.12(d)	Control hazardous parking or vehicles blocking a road.	No
261.13	Limit motor vehicle use to designated roads, trails, and areas as shown on a use map.	No
261.14	Limit over-snow vehicles on roads as shown on a use map.	No
261.54(a)	1. Prohibit the operation of certain types of vehicles at night.	Yes
	2. Prohibit use of vehicles not licensed for highway use by a State and/or driven by persons without current State operator licenses.	Yes
261.54(b)	1. Prohibit commercial hauling on a road.	Yes
	2. Prohibit public use on a road.	Yes
261.54(c)	Prohibit commercial hauling without a permit or authorization.	Yes
261.54(d)	1. Supersede the State law for allowable vehicle weight on NFS road or bridge.	Yes
	2. Establish an enforceable speed limit	Yes
261.54(e)	Close a road to all motorized vehicle use.	Yes
261.54(f)	Prohibit reckless driving.	Yes

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23.2 - Orders

Impose traffic rules on National Forest System roads by issuing orders. Most road orders are prepared at the forest level and are issued by the forest supervisor because of the localized needs of the road system.

23.21 - Writing Orders

See FSM 1010 and Title 36, Code of Federal Regulations, section 261.50(c) for requirements for writing orders. Accurately reflect the prohibitions in orders. Orders may be written for individual roads, for a grouping of roads, for all roads in an administrative unit, or for all roads in a State. Ensure that the description states which prohibitions apply to individual roads. Orders applicable to individual roads or groups of roads should list each road to which the order applies.

Consider exemptions when preparing an order, such as persons with permits specifically authorizing the prohibited act, owners or lessees of land in the area, residents in the area, members of rescue or fire fighting organizations in the performance of their official duties, persons engaged in business or trade in the area, or others meeting the exemption requirements specified in the order.

In order to eliminate any conflict with current direction, check travel management plans and Motorized Use Maps before preparing orders. Show road restrictions instituted through orders on Motorized Use maps.

The following are optional items for inclusion in an order:

1. A numbering system.

2. A penalty statement (36 CFR 261.1b). If a penalty statement is included, use the wording shown in the example.

3. A termination date. See section 23.23 for details about terminations.

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Exhibit 01 illustrates a sample format to use for orders.

23.21 - Exhibit 01

Sample Format for Orders

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
P.O. Box 4040
Foresttown, California 96007
Order of the Forest Supervisor

SMOKEY NATIONAL FOREST
FOREST SUPERVISOR'S ORDER NO. 67
April 2, 1990

Pursuant to 36 CFR 261.50(b), it is hereby ordered that the prohibitions hereinafter set forth apply to NFSR 210, Roaring River Road, on the River Ranger District, Smokey National Forest:

1. Parking on the paved part of the roadway.

2. Logging trucks and other trucks with a GVW over 30,000 lbs. being on the road Saturdays and Sundays from Memorial Day to Labor Day and from October 10 to November 1 annually.

3. Logging trucks and other trucks with GVW over 30,000 lbs. being on the road on Memorial Day, July 4, and Labor Day.

4. Commercial timber sale and other vehicles larger than tandem, tri-axle, or self-tracking trailer without pilot vehicle.

Violation of this order is prohibited by the provisions of the regulations cited, and under 16 USC 551 and 7 USC 1011(f). Any violation is subject to punishment by a fine of not more than $500 or imprisonment of not more than six months, or both.

/s/ Samuel Forester
SAMUEL FORESTER, Forest Supervisor

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23.22 - Posting

Posting is a requirement for the legal enforcement of an order (36 CFR 261.51).

Posting provides notification to the road user of the prohibition that applies to a road. Posting is not necessary for the local authorities to enforce State laws on National Forest System roads or for State laws that the Forest Service has the authority to enforce (36 CFR 261.12).

Place a copy of the order in the ranger district and the forest supervisor offices. In addition, bring the prohibition to the attention of the affected users through the use of letters, news releases, posters, and so forth. The following are some posting methods for specific prohibitions:

1. Prohibiting Any Type of Vehicle or Traffic, or Commercial Haul Without a Permit. Posting is normally accomplished by onsite signs. The type of vehicle being prohibited should be readily evident at the road entrance. An option is to notify the vehicle owners by certified letter with return receipt, in lieu of a sign. However, the latter option negates any enforcement rights on users who have not been notified.

2. Operating a Vehicle in Violation of the Specified Speed, Vehicle Characteristics, or Other Limitations. Establishing a speed limit on a road requires engineering judgment and use of onsite signing as required by the Manual on Uniform Traffic Control Devices (FSM 7731.15). Changing the State law for a vehicle characteristic, such as weight or length, should also involve onsite signs, although the option of individual owner notification of a prohibited vehicle is possible. Signs are preferred because vehicle characteristic changes often involve safety concerns; signing is the only sure method of notification. Post all bridges that have a restricted load capacity (FSM 7736.52).

3. Being on the Road. This restriction applies to motor vehicle use only. Normally, posting consists of installing a sign at the point of closure that indicates acceptable and prohibited uses.

23.23 - Termination

Terminate orders if they are no longer necessary or enforceable. The termination may be declared by a fixed date in the original order or by a separate termination order.

Remove signs related to the prohibitions when the termination goes into effect. Treat notifications and news releases about the termination in the same manner as the original order (sec. 23.22).

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Exhibit 01 shows a sample of a termination.

23.23 - Exhibit 01

Sample of Termination Orders

REMOVAL OF AN ORDER

By virtue of the authority vested in me under the Regulations of the Secretary of Agriculture, Title 36, Code of Federal Regulations, section 261.50, the prohibition(s) listed in an order dated July 14, 1977, and signed by I.M. Forester, Forest Supervisor, is (are) hereby terminated on the following road(s) on the Northern National Forest.

Road and Bridge Name	Road and Bridge No.	Length Termini	(Miles)
Sams Creek	155	MP 10.0 to MP 12.0	2.0

Date: January 19, 1990 By /s/ V.J. Summers
Forest Supervisor

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24 - Permits for Road Use

Rules in Title 36, Code of Federal Regulations, sections 261.10(a), 261.12(a), and 261.54(c) provide for issuance of permits for National Forest System roads.

The format of road permits varies from a Road Use Permit, form FS-7700-41, to a simple letter of authorization, depending on the particular situation. The issuing officer (sec. 20.4) may include in any permit conditions necessary for the protection of resources and administration of National Forest System lands or for the promotion of public health, safety, or welfare. To be effective and enforceable, both the permittee and the issuing officer for the Forest Service shall sign a permit.

24.1 - Road Use Permits

Use a Road Use Permit, Form FS-7700-41, Road Use Permit (Authority), to authorize non-Federal commercial use of a National Forest System road.

1. Require the proposed permittee to provide the Forest Service with the following:

   a. A completed form FS-7700-40, Application for Permit: Non-Federal Commercial Use of Roads Restricted by Order.

   b. A written plan of construction, rehabilitation, operation, and maintenance indicating the work to be done and the work schedule.

   c. When permittee's proposal involves use of an Intermittent Service Road or use of a Continuous Service Road during times of the year that public use is normally restricted, require the proposed permittee to make financial arrangements for completion of environmental analysis in accordance with FSM 7731.17.

2. Control permitted road use and share in road improvements or maintenance through issuance of road use permits in the following situations:

   a. A private landowner's travel contributes significantly to the use of the National Forest System road, or the landowner's needs require maintenance or improvements above that necessary for National Forest purposes. Normally a permit should not be issued to a cooperator who has entered into a Road Right-of-Way Construction and Use Agreement for use of a road within the agreement area.

   b. A subdivider within the National Forest wishes to improve a road to a subdivision, but the county or local road agency does not accept the road.

3. The form, Road Use Permit FS-7700-41, is available electronically on the Forest Service Web site at *http://fsweb.wo.fs.fed.us/im/forms/fs_forms/index.htm*. Complete all blanks on clauses used and delete inapplicable sentences and phrases except those indicated as mandatory in section 24.11. Print out the finished Road Use Permit for approval by the issuing officer.

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24.11 - Instructions for Certain Clauses

The following instructions are provided for use of form FS-7700-41.

1. Section I. General Terms. The clauses in this section are mandatory.

2. Section II. Operations.

   a. Annual Operating Plan Clause II-A. This is a mandatory clause.

   b. Holder's Representative Clause II-B. This is a mandatory clause.

   c. Use Records Clause II-C. Use this clause only when traffic volume is sufficient to warrant the keeping of records. Entries shown should specify reporting intervals and method of measurement. Specify a date in the clause providing sufficient time to identify the effects of the permittee's use on other National Forest traffic and to permit computation of new maintenance deposits when required.

   d. Public Safety, Clause II-D. This is a mandatory clause.

   e. Traffic Rules and Restrictions, Clause II-E. Rules 1, 2, 3, and 5 are applicable to almost every road and should not be changed. Rule 4 may be deleted when permits do not involve log haul. Rule 6 should only be used when a permit authorizes off-highway haul. Additional rules may be added as appropriate. Regions and forests may develop specific supplemental rules to fit their situation.

   f. Driver's Copy, Clause II-F and Load Marking, Clause II-G. These clauses may be deleted when permits do not involve log haul.

3. Section III. Performance and Cost Recovery. The clauses below are complimentary. A permittee may be required to reconstruct roads, maintain roads, and/or deposit funds with the Forest Service as necessary.

   a. Reconstruction Required to Accommodate Use, Clause III-A and Reconstruction Schedule, Plans, and Specifications Clause III-B. Use these clauses when construction or reconstruction work is planned under the permit. Describe the work required of the permittee to accommodate permittee's traffic. This may include such items as replacement of drainage structures, reconstruction of all or part of a road to a higher standard, or surfacing. Clearly describe the work (drawings, specifications, and so forth) in a separate attachment to the permit. Include a schedule for work required in an attachment.

   b. Commensurate Share, Clause III-C. This is a mandatory clause.

   c. Performance Bond for Road Maintenance, Clause III-D. Use this clause when the permittee is performing work on the road, and the risk and consequences of permittee failure to perform in a timely manner are unacceptable. Base the value of the

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performance bond on not less than $1,000 per mile of road and round the total bond value to the nearest thousand dollars.

The following may be added to clause III-D.:

Notwithstanding the provisions of this item, approved letters of irrevocable credit may be used in lieu of a surety bond for performance bond purposes. Such letters of irrevocable credit must be subject to Forest Service approval.

See the Servicewide Finance and Accounting Handbook, FSH 6509.11k, chapter 80, for the procedural requirements.

d. Payment in Lieu of Performance, Clause III-E. Delete this clause unless maintenance deposits are required. This is the total payment required from permittee including cost recovery, cash deposit in lieu of work, and maintenance fees. Cash deposits are preferable when there are multiple permittees using a road and/or contributing to work or when the Forest Service performs a major share of the work itself.

Use a payment guarantee in the event the permittee prefers to pay as use occurs in lieu of advance cash deposit. The payment guarantee clause is an integral part of clause III-E. and is only used with this clause.

4. Section IV. Requirements for Conducting Maintenance.

a. In General, Clause IV-A. Use when permittee is required to perform maintenance commensurate with permittee's use. Policy on maintenance sharing is found in FSM 7732. Include maintenance specifications in the permit when the permittee performs any maintenance. Include specific requirements for deposits in Clause III-E.

Use common sense in application of the requirements in Clauses III-E and IV-A. It should not cost more to collect deposits than the amount of the deposits. Neither should it cost the permittee more to move equipment in and out than the value of maintenance work performed by the equipment.

b. Snow Removal, Clause IV-B. Use when snow removal is required. Regions and forests may supplement to fit their situation.

5. Section V. Investment Sharing. Cost recovery is a form of investment sharing under Section 4 of the Forest Roads and Trails Act, Title 16, United States Code, section 535 which occurs when the facility has already been constructed by the Forest Service and there is no work needed to accommodate permittee's use. Cost recovery may also be necessary when the permittee is unwilling to contribute toward the construction or reconstruction of roads to standards necessary to accommodate both permittee and Forest Service traffic. See FSM 7731.03 for policy and chapter 30 of this handbook for application of investment sharing. Cost recovery is not preferred because all cash is

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deposited with the Treasurer of the United States and is not available to the Forest Service to offset costs of construction and maintenance.

Use one of the two options below when a hauler is subject to investment sharing:

Option 1 (Cooperative Agreement). For use when the permit holder and Forest Service have entered into a cooperative agreement under authority of section 1 of the Cooperative Funds and Deposits Act, Title 16, United States Code, section 565a-1, for the agency to recoup the holder's share of the construction costs that were borne by the agency. The permittee may use cooperative work as a means of offsetting its share of costs. Such work can be done entirely by a permittee or permittee funds joined with appropriated funds and other cooperative (CWFS) funds deposited for the same purpose. The permittee may perform the work or deposit funds for Forest Service performance as agreed with the issuing officer. Require a cooperative agreement when the permittee deposits funds with the Forest Service for Forest Service performance of the work. Reference the cooperative agreement in the text of this clause.

Option 2 (Cost Recovery). For use when the permit holder and Forest Service have not entered into a cooperative agreement for the agency to recoup the holder's share of the construction costs that were borne by the agency. The holder's share may be recovered through work, performance, payments, or combinations thereof. The value of work required may exceed the holder's share; however, where the Forest Service does not need the improvements for its use, the permittee is entirely responsible for any additional cost. Collect on a lump-sum basis when the volumes of products being hauled are minor.

6. Section VI. Rights and Liabilities. The clauses in this section are mandatory.

The values included in Insurance, Clause VI-I must not be less than the amounts established by State law, any applicable cooperative agreements, or easements issued for the roads on which use is to be authorized, whichever is greatest. Where permittee traffic creates an extraordinary hazard to the traveling public or Government facilities, the amount of the insurance should be adequate to cover the maximum reasonable amount of damage that may occur.

7. Section VII. Revocation, Suspension, and Termination. The clauses in this section are mandatory.

8. Section VIII. Miscellaneous Provisions.

a. Members of Congress, Clause VIII-A and Current Address, Clause VIII-B are mandatory.

b. Superseded Permit, Clause VIII-C. Delete if not applicable.

c. Superior Clauses, Clause VIII-D is mandatory.

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24.12 - Supplemental Clauses

Regions and forests may supplement permit clauses and add additional permit clauses as necessary to accommodate local situations. Supplementation must be coordinated with required clauses as noted above.

24.2 - Oversize and Overweight Permits

Use written authorizations to permit the moving of vehicles that are in excess of the legal size and weights established in the State Vehicle Code or other limits established under Title 36, Code of Federal Regulations, section 261.13 and Title 36, Code of Federal Regulations, section 261.54d. Limits established under the latter take precedence. Such written authorization is not required where over-legal size and weights are authorized in road easement rights, road use permits, road operation agreements, contracts, other written agreements, or for emergency vehicles operating under emergency conditions. (Exception: An emergency does not negate the need for overload rating of bridges to determine whether proposed loads can be safely accommodated.)

24.21 - Short-term Permits

Authorize special one-time or short-term uses, such as periodic movement of yarding, drilling, mining, and construction equipment or materials during the course of a project, by a written permit, identifying the permittee, the location of use, the type of use, the time of use, and any other applicable limitations or restrictions. Regions and forests may develop and use locally produced forms to facilitate preparing the necessary authorizations. Consider modeling these forms after similar forms used by State Departments of Transportation.

24.22 - Long-term Permits

A user may request the use of a Forest Service road for continuous commodity hauling with loads exceeding State legal limits in length, height, width, or weight, commonly called off-highway haul (OHH) (FSM 7731.17).

24.3 - Other Permits

See FSM 7731.16 for specific uses and purposes of permits.

25 - Traffic Control Devices and Management Strategies

Traffic management strategies may be used effectively to achieve road management objectives.

25.1 - Signs and Traffic Control Devices

The need for traffic management and control varies significantly from road to road depending on the uses and constraints. The design of individual signs and traffic control devices on National Forest System roads must comply with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). Selection of signs and devices used on

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roads in operational maintenance levels 3, 4, and 5 should be in accordance with requirements of MUTCD advising selection and use of signs and devices in particular situations. The selection of individual signs and devices must be advised by engineering judgment.

25.11 - Road Signs and Markings

See Engineering Manual EM-7100-15, "Sign and Poster Guidelines for the Forest Service," for specific policy and guidelines regarding the planning, acquisition, design, installation, and maintenance of road signs, gates, traffic control devices, and markings.

25.12 - Nonsign Devices

Nonsign traffic control devices include berms, scratch ditches, earth mounds, vegetation screens, and different surface textures or materials. These devices may convey the intended message as effectively as signs but are often less obtrusive to the landscape. Their use is most appropriate for local, maintenance level 1 and 2 roads.

Use berms and ditches for delineation, access control, and attenuation devices. Design and construct berms to meet the need without creating a hazard. When a road closed to highway vehicles is open to winter or summer motorized trail use, assure that ditches and berms do not pose a hazard to trail traffic.
Surface texture may be used as a traveled-way delineation. Surface smoothness can be used to encourage traffic on major routes, while surface roughness can be used to discourage travel by standard passenger cars.

25.2 - Traffic Management Strategies

Use traffic management strategies in a consistent manner to provide for acceptance and understanding by road users. Apply the five traffic management strategies identified in FSM 7731.11 (encourage, accept, discourage, eliminate, and prohibit).
Any strategy can be used to influence all or only certain types of users.

25.21 - Application of Traffic Management Strategies to Roads Not Subject to the Highway Safety Act

See chapter 40 of this handbook for discussion of the Highway Safety Program. Manage roads not subject to the Highway Safety Act for use by high clearance vehicles. Use a limited number of traffic control devices. Route markers for these roads should have numbers and/or letters arranged vertically.

Warning and regulatory signs used on these roads must conform to EM-7100-15, “Sign and Poster Guidelines for the Forest Service,” and the Manual on Uniform Traffic Control Devices requirements.

Nonsign devices can be used with the intent of restricting or discouraging use by standard passenger cars (sec. 25.12). Use signs when these devices are neither adequate nor cost effective.

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When necessary, prohibit use of these roads by standard passenger cars through special local designation on the motor vehicle use map.

Manage use by high-clearance vehicles through the following strategies individually or in combination:

1. Encourage High-Clearance Traffic. Include destination signing at the entrance to the road in conjunction with the vertical route marker. Show the road on forest visitor maps.

2. Accept High-Clearance Traffic. Provide only a vertical route marker at the entrance. Routes may be shown on forest visitor maps if map clarity can be maintained.

3. Discourage High-Clearance Traffic. Do not use this strategy. Roads must either be shown on the Motor Vehicle Use Map or not shown. When shown, an "Accept High-Clearance" strategy is required. When not shown, a "prohibit" strategy is automatically in effect. Permits should be used to authorize appropriate high-clearance traffic on roads not shown on the Use Map.

4. Eliminate High-Clearance Traffic. Use berms, gates, barriers, woody debris, plantings, entrance camouflaging, or other devices to physically block access to the road to eliminate use. Provide warning signing, if necessary, to warn of hazards presented by the blocking devices to road or trail traffic (sec. 25.12).

5. Prohibit High-Clearance Traffic. Do not show objective maintenance level 1 roads on Motor Vehicle Use Maps. Public use of roads not shown on Use Maps is prohibited by Title 36, Code of Federal Regulations, section 261.13. Do not install permanent signing other than route numbers on these roads. If roads are collocated with National Forest System trails, trail signing may be appropriate.

25.22 - Application of Traffic Management Strategies to Roads Subject to the Highway Safety Act

Manage roads subject to the Highway Safety Act to accommodate passenger car use in conjunction with other uses through implementation of the following strategies individually or in combination. See chapter 40 of this handbook for additional information on the Highway Safety Program.

1. Encourage Passenger Car Traffic. Portray these routes as more desirable on Forest visitor maps using standard map symbols and map keys. Use additional route, direction, and advisory signing to invite the desired use.

2. Accept Passenger Car Traffic. Show these routes as suitable on Forest visitor maps using standard map symbols and map key. Use standard route and direction signing.

3. Discourage Passenger Car Traffic. Inform potential users, through signs, maps, or other information sources of road or traffic conditions that may detract from the experience that they may be seeking when visiting the National Forest.

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4. Eliminate Passenger Car Traffic. Incorporate devices that are suitable for the closure, such as gates or barricades for short-term closures and other devices (sec. 25.21) for long-term closures. Provide adequate warning signs and devices and consider use of travel management signing that explains closure.

5. Prohibit Passenger Car Traffic. Enforce the closure legally through designations on the motor vehicle use map or by preparing appropriate orders (sec. 23.2). Use information signing with the road closure message. Where adequate compliance cannot be obtained through signing, use permanent closure devices such as gates, berms, barriers, and so forth.

26 - Special Cases

26.1 - Control of Specially Authorized Use

Special cases, such as roads covered by Road Right-Of-Way Construction and Use Agreements (FSM 5470 and the Rights-of-Way Acquisition Handbook, FSH 5409.17, ch. 60) and roads used for mineral access and off-highway haul have unique needs for regulation or control. See FSM 7731.13 for direction about traffic control on specially authorized roads.

26.11 - Roads Covered by Road Right-Of-Way Construction and Use Agreements

Roads under Right-Of-Way Construction and Use Agreements are jointly owned, but the Forest Service has jurisdiction. Coordinate regulation of traffic with the cooperator to protect the cooperator's rights. Road regulation requirements and reservation of rights are set out in the easement deed or permit. The cooperator owns reserved rights, and any reduction in those rights caused by the Forest Service may make the Government subject to a claim. However, ensure that the cooperator's activities do not diminish the rights of the Government. Research the cooperator's reserved rights before imposing orders on these roads. Refer to FSM 5467 and the Rights-of-Way Acquisition Handbook, FSH 5409.17, chapter 60, for additional information.

26.12 - Roads Used for Mineral Access

Regulate traffic on National Forest System roads used for mineral access (including oil and gas) through close coordination with approved plans of operation. Require all users of National Forest System roads to comply with State traffic laws and Federal regulations unless otherwise approved by permit. Document and authorize use, maintenance, and reconstruction of National Forest System roads in a Plan of Operations pursuant to Title 36, Code of Federal Regulations, Part 228, subpart A, regardless of whether the road is on or off the claim or lease area. See FSM 7730 and the Road Use Permit, form FS-7700-41, for the standard requirements to be considered when National Forest System roads are used or impacted. The Road Use Permit, form FS-7700-41, can be incorporated into the Plan of Operations to document the authorized activities (FSM 2730).

The user is responsible for the cost of special hauling requirements, such as increased structural section for heavy hauling vehicles, or for damage caused. Require the user to perform or pay for

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road maintenance commensurate with use. Refer to FSM 7732.2 for commensurate share policy and section 63 of this handbook for commensurate share determinations.

26.2 - Off-Highway Haul

Grant authorization for off-highway hauling through easement provisions, by permit, or through a road order. Use the easement provision method only in situations involving Road Right-Of-Way Construction and Use Agreements (FSM 7731.17).

27 - Weight Control

Determine if a weight control program is necessary before implementing. The objective of weight control programs is normally to protect the road or drainage structures along a route or in an area. Consider safety of other users, the effect on the design life of roads and structures, the cost of implementing a control program, and damage currently occurring to roads and structures from overweight vehicle use.

Administer weight control programs through contract and permit administration before using law enforcement techniques.

Select the most cost-effective solution for the identified degree of control. This could be as simple as contacting the persons suspected of causing the overloads, starting a monitoring plan to determine the actual problem, or implementing a full weight control program. Conduct weight measurements in a manner consistent with the objectives of the weight control program.

Certify any equipment used and provide training for employees involved in weighing vehicles. If there is doubt about the accuracy or training required, confer with the contracting officer, responsible official, or Federal magistrate, whoever is involved in determining penalties.

Several different methods are available for weight control on National Forest System Roads. Managers should select the method or methods that meet management objectives. Some methods are:

1. Contractual requirement. This is a provision in a contract that can be enforced to control weight.

2. Permanent scales. In some areas with large volumes of truck traffic, a permanent site should be considered.

3. Portable scales. This method provides flexibility of movement to control weights at numerous locations.

4. Cooperation with State or local agencies. When haul involves use of National Forest System roads and roads under jurisdiction of public road authorities, notifying the public authority weighmasters regarding when to expect overweight traffic on their roads may achieve desired weight control. Some States or local agencies may be willing to enforce weights on National Forest System roads.

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5. Volume to weight conversion. Logs may be scaled or the volume of ore or mineral measured in the truck and converted to weight using unit weights common to the area or material being hauled. Although this method is not enforceable, it may be an indicator to initiate other methods.

6. Use of State scales and enforcement personnel. Where weight control stations are established and Forest-generated traffic enters State highways or local public roads, cooperate with State or local weight enforcement agencies to obtain scaling results.

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