

# Umatilla National Forest Commercial Road Use Rules



APPROVED BY:

*Kevin Martin*  
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Date:

*5/2/11*

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**Transportation Systems Management Directory**

**Umatilla National Forest Line Officers**

Forest Supervisor	Kevin Martin	(541) 278-3716
District Ranger - Heppner, OR	Todd Buchholz	(541) 676-2110
District Ranger - North Fork John Day (Ukiah, OR)	Bob Varner	(541) 427-3231
District Ranger - Pomeroy, WA	Monte Fujishin	(509) 843-1891
District Ranger - Walla Walla, WA	Mike Rassbach	(509) 522-6290

**Umatilla National Forest Headquarters (Pendleton)**

Operations Staff Officer	Kate Klein	(541) 278-3848
Operations Engineer	Joe Neer	(541) 278-3749
Forest Road Manager	Lonnie Ruchert	(541) 278-3779

**District Road Managers**

Heppner Ranger District	Lori Seitz	(541) 676-2117
North Fork John Day Ranger District	Tony Haselden	(541) 427-5324
Pomeroy & Walla Walla Ranger Districts	Steve Anderson	(509) 522-6041

**Adjacent Forests**

Wallowa-Whitman National Forest	Headquarters (Baker City)	(541) 523-6391
Malheur National Forest	Headquarters (John Day)	(541) 575-3000

## Objective

By authority of 36 CFR Part 212.7, and under order of 36 CFR Part 261.54, the Umatilla National Forest Road Use Rules govern commercial use of National Forest System Roads on the Umatilla National Forest. The objective of these Road Use Rules is to provide current and consistent information to current and prospective commercial users of National Forest System Roads on the Umatilla National Forest.

## Definitions

- CFR: Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
- Commercial Use or Activity: Any use or activity on National Forest System lands for which the primary purpose is the sale of a good or service, regardless of whether the use or activity is intended to produce a profit.
- Commercial Hauling: Commercial use of National Forest System Roads to transport:
  1. Federal or non-federal products from Federal, State, or private lands;
  2. Livestock, other than livestock authorized to use National Forest System lands, or from farms and ranches within or adjacent to National Forest System boundaries;
  3. Feed for livestock, other than state certified weed free feed authorized for use on National Forest System lands;
  4. Customers of, participants in, or goods or supplies for commercial uses or activities on National Forest System lands pursuant to a special use authorization or other written authorization issued by the Forest Service, other than:
    - a. A Forest Service contract;
    - b. An agreement between the Forest Service and another federal agency;
    - c. A grazing permit;
    - d. An authorization for a concession involving federally-owned facilities;
    - e. A special recreation permit issued under the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(d)(2)).
- Forest Road: A road, wholly or partly within or adjacent to and serving the National Forest System, that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources (36 CFR 212.1). ***These roads may be under the jurisdiction of the Forest Service (see definition of National Forest System Road) OR other public or private entities, and may be identified under more than one numbering system (i.e. may be posted with Forest Service and/or county road numbers).***

- National Forest System Road: A Forest Road, other than a road which has been authorized by a legally documented right-of-way held by a state, county, or local public road authority (36 CFR 212.1). *These roads are under the jurisdiction of the Forest Service.*
- High Clearance Road: A National Forest System Road maintained for use by high clearance vehicles (operational maintenance level 2). These also include intermittent service roads (operational maintenance level 1) during the time they are in service.
- Road Rule: All traffic rules, as regulated by 36 CFR Part 212.7 and 36 CFR Part 261. A statement designed for defining traffic conduct expected by a commercial user of a National Forest System Road. Road rules include General Road Rules and Specific Road Rules.
- General Road Rule: Rule applicable to all commercial users of all National Forest System Roads on the Umatilla National Forest, unless otherwise authorized by contract easement, or in writing under a waiver or permit, signed by a Umatilla National Forest Line Officer. A General Road Rule may be overridden by a Specific Road Rule.
- Specific Road Rule: Rule that modifies or overrides one or more General Road Rules, and applies to one or more specific roads and/or bridges.
- Official Authorization: Authorization granted by a contract easement, or modification of a contract easement, signed by the Contracting Officer with designated authority in the applicable contract; or authorization granted in writing by a Umatilla National Forest Line Officer, usually through a permit or waiver instrument.
- Waiver: Authorization signed by a Umatilla National Forest Line Officer, that voids a General Road Rule or Specific Road Rule.
- ESA: Endangered Species Act, which is the legislation requiring protection of federally listed species.
- MUTCD: Current edition of the Manual on Uniform Traffic Control Devices, published by the U.S. Dept. of Transportation's Federal Highway Administration, providing direction for the uniformity of sign use, size, color, and placement.
- Danger Tree: A standing tree that presents a hazard to people due to conditions such as, but not limited to, deterioration or physical damage to the root system, trunk, stem, or limbs, and the direction and lean of the tree.
- ATM Plan: Motorized Access and Travel Management Plan that each ranger district has developed to manage motorized travel over the roads, trails, and areas under their jurisdiction.
- MVUM: Motor Vehicle Use Map, that displays roads designated for motorized travel (with the exception of over-snow travel) by vehicle type, and the season during which this travel may occur.

## **General Road Rules**

NOTE: These rules are specific to *National Forest System Roads* on the Umatilla National Forest.

1. Compliance with applicable sections of the Endangered Species Act and the Clean Water Act is required at all times.
2. Compliance with applicable State and local laws and regulations is required, unless specifically superseded by the Umatilla National Forest Supervisor.
3. Except as modified by these Road Rules, or by Special Order of the Umatilla National Forest Supervisor, provisions relating to the operation of motor vehicles, as applicable to the state in which they are located, are enforceable by Federal, State, and County law enforcement officers.
4. In accordance with 36 CFR Part 261.54(c), the Umatilla National Forest Supervisor has issued Prohibition Order 0614-0019-04 to prohibit commercial hauling with a vehicle in excess of 20,000 lbs. gross vehicle weight without a permit or other written authorization.
5. Vehicle weight, height, and width limitations shall be in accordance with the motor vehicle laws of the applicable state.
6. Vehicle length limitations shall be in accordance with the motor vehicle laws of the applicable state, except that truck combinations without a stinger-steered pole trailer or those for which the distance from the centerline of the front axle to the centerline of the rear axle exceeds 50 feet shall require written authorization as described in the following section.
7. Application for waivers or variances from vehicle weight and dimensional limitations must be made through the District Ranger at least five (5) days in advance of need, and at least thirty (30) days in advance of need for overload permits for bridges. Any such waivers or variances are subject to official authorization.
8. Commercial users are to use only those roads for which such use is officially authorized. All commercial road use is subject to the current edition of the Umatilla National Forest Commercial Road Use Rules, applicable permit or contract provisions, and regulations in force. Commercial users should contact the applicable Ranger District for specific road closures or restrictions.
9. When sanding is authorized for enhancing traction on paved surfaces, the party that received authorization is responsible for removing (using brooms or other authorized methods) residual materials when they are no longer required for traction. Salt or chemical additives are not authorized for use.
10. Snow removal is subject to official authorization, and is subject to the provisions of that authorization and the Umatilla National Forest Commercial Road Use Rules.

11. Road damage is prohibited under 36 CFR 261.12(c). Damage is exclusive of any authorized road maintenance.
12. Commercial use shall be suspended when safety to road users is likely to be compromised, or when road damage is likely to occur. Suspension shall be effective when the user is notified in writing, or when prohibitions under 36 CFR 261.54(b) are established. Commercial users are responsible for repairing all damages caused by their use. Repairs shall be made, and the road shall be restored to its original condition or required standards, prior to resuming commercial use, unless otherwise officially authorized.
13. Commercial use of a National Forest road shall be suspended when a commercial contract or permit operation creates a continuous discharge of sediment into a live stream that results in an increase in turbidity. This may be from pumping of saturated fines, creating sediment-laden water on and/or from the road surface. Visual evidence of this may be identified by the increase in turbidity in live running streams evident at points downstream from the outflows of culverts, ditches, or fords.
14. All roads are subject to short-term traffic restrictions and/or closures to provide for user safety or resource protection, due to seasonal or unusual weather conditions (such as freeze/thaw cycles, heavy precipitation, etc.), emergency traffic, or as necessary to conduct reconstruction and maintenance activities.
15. In accordance with 36 CFR 261.12(d), no road shall be blocked by any vehicle or other object in a manner that is an impediment or a hazard to safety, or conflicts with other users, without official authorization. Impediments include, but are not limited to, the following:
  - A. Light or heavy equipment or vehicles operating or parked within the traveled way or turnouts without proper warning signs posted. This includes parking in front of closure devices, effectively blocking emergency or permitted access to and through the device.
  - B. Slash or debris within, or protruding into the traveled way or turnouts.
  - C. Logs lying or decked upon, or protruding into the traveled way or turnouts.
16. All signing associated with commercial use shall meet current MUTCD standards.
17. All commercial users shall comply with applicable fire restrictions and precautions.
18. Vehicles with lugs are prohibited on all paved roads, and on crushed aggregate surfaced roads where posted.
19. Reconstruction may be necessary to comply with environmental laws and regulations, or accommodate the commercial hauling of forest products over many roads on the Umatilla National Forest. This must be evaluated on a case-by-case basis. A final determination of the scope of reconstruction, or the waiving of such, must be made by a Umatilla National Forest Line Officer.
20. Commercial users are subject to seasonal and year-round restrictions and/or designations, as applicable to all roads on the Umatilla National Forest. Contact the appropriate Ranger District for specific restrictions and routes designated for motorized travel.

21. A danger tree assessment must be conducted by certified personnel on any road under Forest Service jurisdiction proposed for commercial use in accordance with the USDA Field Guide for Danger Tree Identification and Response. Danger trees with a failure potential of “imminent”, within the potential failure zone of the traveled way or clear zone, shall be marked for felling. The Forest Service will only share in the cost of this work on roads that are maintained at levels 3, 4, or 5, based on the commercial user’s commensurate share of non-traffic generated maintenance, if they are open and available for traffic. Mitigation of danger trees on maintenance level 2 roads is at the expense of the commercial user, and the commercial user shall be responsible for felling marked danger trees in accordance with Forest Service specifications, prior to commercial use.

### **Specific Road Rules**

#### **Seasonal Weight Limits**

The roads in the following table are not available for commercial hauling by vehicles in excess of 10,000 pounds gross vehicle weight from December 1 to June 1 annually, unless otherwise officially authorized.

#### Asphalt Surfaced Roads

Road Number	Road Name	Beginning Milepost	Ending Milepost	Length
2039000	Bull Prairie	0.00	2.37	2.37
3100000	Summit	29.00	38.83	9.83
4700000	Tucannon River Road	20.41	28.14	7.73
5200000	Ukiah Granite	5.28	38.86	33.58
5300000	Western Route	22.59	44.64	22.05
6400000	Jubilee (Tollgate end)	0.00	3.50	3.50
6400000	Jubilee (Touchet end)	39.37	46.53	7.16

#### **Other Seasonal Restrictions**

- ❖ The following roads on the Walla Walla Ranger District are closed to commercial hauling from 12:00 p.m. (noon) each Friday to 12:00 a.m. (midnight) the following Sunday, between July 1 and September 10 annually.
  - Road 32 (Corporation), from the end of Umatilla County Road 900 to the Thomas Creek Bridge:
  - Road 64 (Jubilee), from Oregon Highway 204 to Road 6400250 (Jubilee Lake Campground)

#### **Bridges**

**Maximum loading on bridges is 40 tons for a Type 3-3 truck, 36 tons for a Type 3S2 truck, and 25 tons for a Type 3 truck, unless otherwise posted or restricted. Bridge overload permits are subject to approval by the Regional Bridge Engineer.**

### Heppner Ranger District Bridges

Road Number	Milepost	Bridge Name	Type	Posted Limit
2128065	0.10	WILSON CREEK NO. 2	3-3	None
2300000	9.13	WILSON CREEK	3-3	None
2300000	11.63	WALL CREEK	3-3	None

### North Fork John Day Ranger District Bridges

Road Number	Milepost	Bridge Name	Type	Posted Limit
1000000	0.018	NORTH FORK JOHN DAY	3-3	None
1000000	0.929	DESOLATION CREEK NO. 1	3-3	None
1000000	10.00	DESOLATION CROSSING	3-3	None
1003000	1.492	DESOLATION CREEK NO. 2	3-3	None
1009000	0.30	DESOLATION CREEK NO. 3	3-3	None
1310000	2.454	LIGHTNING CREEK BRIDGE	3-3	None
3963000	0.053	WOODS CAMP	3-3	None
5200440	0.90	WINOM	3 3S2 3-3	5 tons 5 tons 5 tons
5225000	2.40	MEADOW CREEK	3 3S2 3-3	18 tons 27 tons 36 tons
5225020	0.40	BIG CREEK	3-3	None*
5226000	19.93	CAMAS CREEK NO. 2	3-3	None
5312000	1.80	FIVE MILE CREEK	3-3	None
5400000	0.023	EAST BIRCH CREEK	3-3	None
5400000	24.57	CAMAS CREEK NO. 1	3-3	None
5500000	9.449	TEXAS BAR NO. 3	3-3	None
5505000	0.00	NORTH FORK JOHN DAY	3-3	None
5506000	0.05	TEXAS BAR NO. 1	3-3	None
5506000	7.52	ORIENTAL CREEK BRIDGE	3-3	None
5507000	0.07	TEXAS BAR NO. 2	3-3	None

\* No current posting on Big Creek Bridge, but last inspection suggests re-rating and posting.

### Pomeroy Ranger District Bridges

Road Number	Milepost	Bridge Name	Type	Posted Limit
4700000	0.547	LOWER TUCANNON (CUMMINGS)	3-3	None
4700000	9.733	LITTLE TUCANNON	3-3	None
4700000	10.127	UPPER TUCANNON (COW CAMP)	3-3	None
4700160	0.10	TUCANNON CAMPGROUND	3 3S2 3-3	19 tons 30 tons 38 tons
4713000	0.09	TUCANNON MEADOW (PANJAB)	3-3	None

### Walla Walla Ranger District Bridges

Road Number	Milepost	Bridge Name	Type	Posted Limit
3200000	0.747	NORTH FORK UMATILLA NO. 1	3-3	None
3200000	1.147	SOUTH FORK UMATILLA NO. 2	3-3	None
3200000	3.967	SOUTH FORK UMATILLA NO. 3	3-3	None
3200000	4.262	THOMAS CREEK	3-3	None
6300000	1.803	LOOKINGGLASS	3-3	None
6400000	44.85	UPPER TOUCHET BRIDGE	3-3	None
6400000	45.06	LOWER TOUCHET BRIDGE	3-3	None
6500000	0.02	MILL CREEK	3-3	None

Type 3 is a single unit truck.

Type 3S2 is a truck tractor and semi-trailer.

Type 3-3 is a single unit truck and trailer.

## **Permit Processing**

Requests for authorization of commercial road use are subject to requirements established under the Endangered Species Act (ESA). The ESA requires a Biological Assessment (BA) of all proposed federally funded, contracted, or permitted activities within drainages where species listed as threatened or endangered are known to exist, or that contain critical habitat for these species. If the BA indicates that a proposed activity may affect any federally listed species, consultation with the appropriate regulatory agencies must be initiated. Consultation may result in an agreement, under which specific mitigation measures must be taken to ensure the protection of the species, as the proposed activity is implemented.

If the proposed activity has been previously addressed in a BA, a determination may already have been made relative to the ongoing activities. This may expedite an authorization for commercial road use, subject to any mitigation measures agreed upon.

Commercial use of a road that is open to other ongoing public use may be authorized in a minimal amount of time. However, it may take up to two years to determine if commercial use will be authorized on roads that are closed to public use, closed by seasonal snow accumulations (when snow removal is necessary), or reconstruction activities necessary to facilitate the commercial use or comply with applicable environmental laws and regulations.

If commercial use of a National Forest System Road is requested to transport federal or non-federal products from private lands within or adjacent to National Forest System boundaries, a BA is required to assess the effects of the proposed private land activities, based upon the information provided by the landowner. If the BA indicates there will be no effects resulting from the proposed activities, the commercial road use may be authorized. In all other cases, the party requesting the authorization and the Forest Service are required to initiate the consultation process with the appropriate regulatory agencies. The result of the consultation process will determine whether the commercial use may be authorized, and stipulate the conditions that shall apply to that authorization.

The authority for issuing any grant of access is subject to 36 CFR 251.54, and 36 CFR 251.110. These regulations provide for granting special-use authorizations for access purposes, but such authorizations are made subject to the requirements of all other laws, which include the ESA by regulation, in 36 CFR 251.56. The time frame involved in this procedure could be as much as two years for an activity that results in a "may effect" determination on a federally listed species. This period is based on the Forest Service doing all of the evaluation.

If the Forest Service is unable to complete a BA in time to meet the needs of the applicant, the applicant may opt to contract with a private consultant for the completion of a BA to acceptable standards. The completed BA would then be submitted to the Forest Service for evaluation, and

a determination would be made as to the effect of the proposed activities on federally listed species. If it is determined that the proposed activities may affect federally listed species, consultation with the applicable regulatory agencies would be necessary, to enable those agencies to prepare a Biological Opinion (BO) on the effects of the proposed activities.

Permits cannot be issued until the consultation has been completed. Permits must include provisions that are consistent with the BO. Any provisions in the BO that address planned activities on private land are subject to resolution by the landowner and the regulatory agencies.

The Forest Service is aware of how problematic this consultation process may be for commercial road use applicants. All efforts will be made to expedite the process.

Requirements and estimated costs that may be associated with a proposed activity may be informally discussed prior to making application. Please contact the applicable District Road Manager for further information.

Completion and submission of the attached application constitutes an official request for authorization for commercial use of a National Forest System Road on the Umatilla National Forest. Such a request is significant, as it will have an impact on a limited Forest Service workforce, and may impact workforces of the regulatory agencies as well. Considering the potential time frames that could be encountered, requests for commercial road use should be made well in advance of the time when the actual use is planned.

**Application for Permit**

USDA Forest Service  
(8/95)

FS-7700-40

**APPLICATION FOR PERMIT  
NON-FEDERAL COMMERCIAL USE OF ROADS RESTRICTED BY ORDER**  
(Reference to FSM 7730)

<b>NOTE:</b> This report is authorized by Acts of June 10, 1914; April 24, 1950; June 12, 1960, and October 13, 1964 (USC 478,572,530 and 532-38). No permit may be issued unless a completed Form 7700-40 is received.				
<b>For Official Use Only</b>				<b>DATE OF APPLICATION</b>
<b>REGION</b>	<b>STATE</b>	<b>COUNTY</b>	<b>FOREST</b>	<b>RANGER DISTRICT</b>
<b>1. APPLICANT</b> (Name, address, and Zip Code) _____ _____ _____				<b>TELEPHONE NUMBER</b> (   )   -   _____
<b>2. DESCRIPTION AND MILEAGE OF ROAD(S) OR ROAD SEGMENT(S) TO BE USED</b> (as shown on attached map)   				
<b>3. PURPOSE OF USE</b>  <div style="text-align: center;">           HAULING LOGS OR LUMBER _____ MBF            (Quantity)         </div> <div style="text-align: center;">           HAULING OTHER MATERIALS _____ TONS            (Quantity)         </div> DESCRIBE MATERIALS _____				
<b>4. USE SCHEDULE</b>				
SEASON	NUMBER OF DAYS OF USE	TYPE OF TRUCKS TO BE USED	TYPE OF TRUCKS TO BE USED	TYPE OF LOADING TO BE USED
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**5. PLANS FOR FUTURE USE** (Not applied for on this application)

HAULING LOGS OR LUMBER \_\_\_\_\_ MBF  
(Estimated Quantity)

HAULING OTHER MATERIALS \_\_\_\_\_ TONS  
(Estimated Quantity)

DESCRIBE MATERIALS \_\_\_\_\_

ESTIMATED PERIOD OF USE FROM \_\_\_\_\_ TO \_\_\_\_\_

**SIGNATURE OF APPLICANT**

**DATE**