



Understanding MVUM policy: The New Travel Management Rule

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Before The Travel Management Rule (BTR)



What did the Travel Management Rule replace?

- Travel Planning derived from:
 - Forest Plan decisions, standards and guidelines
 - NEPA decisions
- Additional special orders unique by Forests/Districts
- Great risk of inconsistency!!
- Map legends and layouts all different
- Travel maps published if travel plan existed

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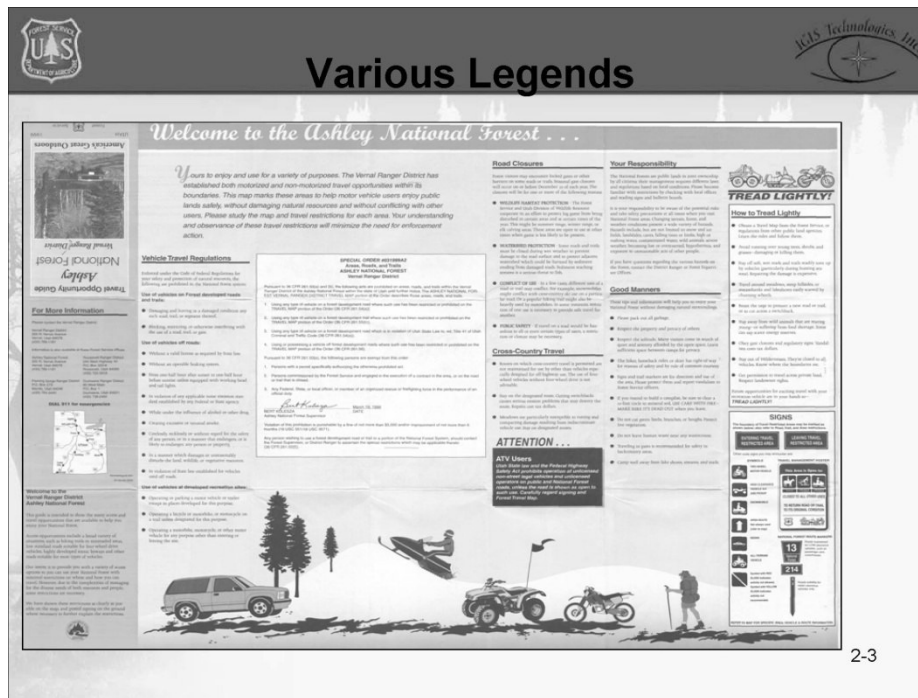
What was the context during which the Travel management Rule was written? To understand the purpose of the Travel Management Rule it is important to understand what the Rule replaced.

Before the Rule, travel planning consisted of Forest Plans that may or may not have included travel plan direction, guidelines or recommendations. If no travel plan decisions were in the Forest Plan, there was specific NEPA supported travel planning decisions. In addition, all sorts of other NEPA decisions could change the transportation system: Timber Sales could add roads, leave temporary routes open to the public that should have been closed, or close trails as a result of skidding or slash. Opening quarries and gravel pits created play areas. Mining operations and exploration created roads that often became part of the informal transportation system and sometimes slipped onto new editions of a forest travel map. And the list of possibilities is endless.

Along with the decisions and the maps were special orders written to support the travel plan decision. These were usually signed once and reprinted even after they had expired or the conditions had changed. Maps were usually changed from year to year with and without NEPA, and special orders were rarely checked by the Office of General Counsel. They also often were in conflict with other orders on the same forest. Every special order was written under 36CFR261.50 and was unique to that forest or district. One order would allow dispersed camping within 300' of a designated road and another would prohibit camping within 50' of a live stream. Inconsistencies such as these made it difficult to enforce the forest travel management plans.

There was little consistency. Some Forests were open unless posted closed; some were closed unless posted open. Some were both and a few had no travel plan and were just open to all motorized travel. The public didn't know what they were expected to know and neither did the Forest's employees in many cases. It was as chaotic as it sounds, due to such a variety of prohibitive or allowed vehicle usage at widely varying times of year. In theory, this ad hoc travel planning worked if all the pieces were perfectly matched. Mostly they weren't.

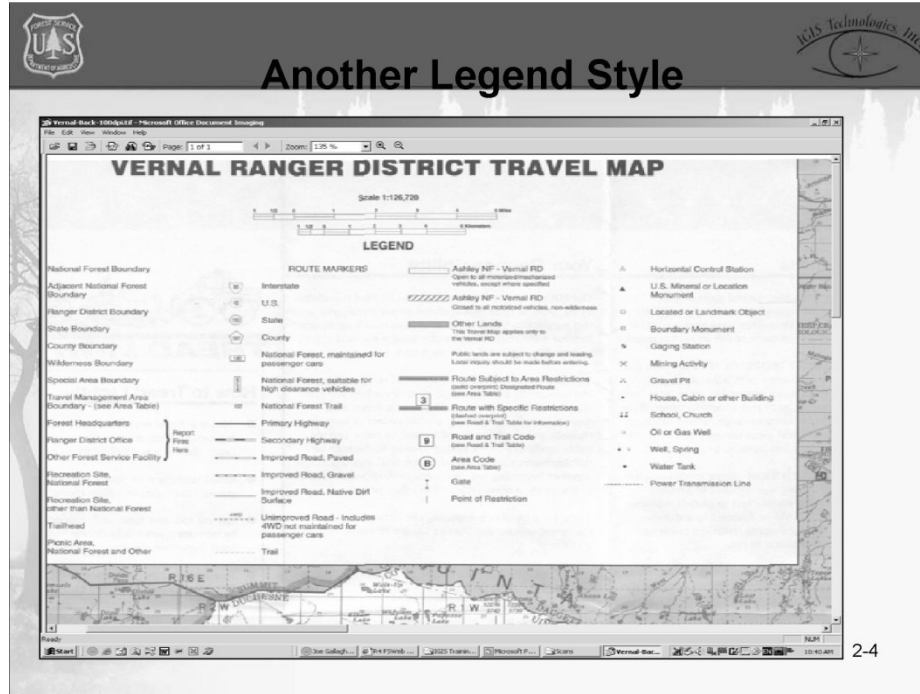
Understanding MVUM Policy



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This is one style of travel map and legend.



Understanding MVUM Policy



This is the same forest as the previous slide but a different legend.

Understanding MVUM Policy

- Example of a special order



United States Department of Agriculture
Forest Service
Summer Travel Order for Tooele County

PROHIBITIONS
Pursuant to 36 CFR 261.50(a) and (b), the following acts are prohibited on the roads, trails, and areas described in the order, all within the Carson National Forest, Tooele County National Forest, and other lands.

1. Use of any type of motorized vehicle on roads when prohibited or restricted as shown on this Travel Map. (36 CFR 261.54 (a))
2. Use of any type of motorized vehicle on a trail when prohibited or restricted as shown on this Travel Map. (36 CFR 261.55 (a))
3. Use or possession of a motorized vehicle off Forest Development roads or trails when prohibited or restricted as shown on this Travel Map. (36 CFR 261.56)

EXEMPTIONS
Pursuant to 36 CFR 261.50(a), the following acts, or persons, are exempt from this order:

1. Persons with a special use authorization or other Forest Service authorization exempting them from this Order.
2. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

AREA DESCRIBED: See attached map.

PURPOSE: To provide for public safety and to protect soil, vegetation, wildlife, and other forest resources.

IMPLEMENTATION:

1. This order will be in effect when signed and shall remain in effect until further notice.
2. A map identifying the closure area is attached and made a part of this Order.
3. Any violation of this prohibition is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, and/or imprisonment of not more than 6 months. (36 USC 551; Title 18 USC 201 (b)(3); Title 18 USC 2381 (b)(7)).
4. This order supersedes any previous orders prohibiting the same, or similar acts in the above described areas.



Thomas L. Thomas
Thomas L. Thomas
Chief

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Pursuant to 36 CFR 261.50(a) and 261.56 the following act is prohibited on the Questa Ranger District as described in this Order within the Carson National Forest, until further notice:

1. Use or possession of motorized wheeled vehicles, such as trucks, cars, jeeps, motorcycles, ATV's (including "three wheelers" and "quadrunners"), off the Forest development roads and trails on the Questa Ranger District (excluding oversnow vehicles such as snowmobiles, while used on snow).

Direct access to temporary campsites, parking areas, or to gather firewood is permitted within 100 feet of designated roads and trails where such use will not damage the land, vegetation, streams, wetlands or watersheds.



Problems BTR

- Special Orders become stale
- Inconsistency of maps between Forests
- Travel Maps were:
 - Expensive to produce
 - Frequently reprinted
 - Burdened with easily lost, stapled addenda
- Public unsure if map current
- Public misinterpretation of Special Orders
- Confusion led to frequent court failures

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Travel plans, maps and special orders all had to be kept in sync, but each was the responsibility of a different person. Line officers made the travel management decisions, cartographers made the updated maps, and LE&I (Law Enforcement and Investigations) drafted the special orders.

When a large batch of maps were printed forests were reluctant to throw out expensive color maps that were out of date, and instead, they typically stapled an addendum to the map which was an iffy at best proposition.

The maps from forest to forest were so different that users had to learn a new language every time they crossed a National Forest Border.

If court magistrates could not figure out the Forest Service maps, our citations were tossed out.

BTR consistency between ranger districts and between adjacent forests was not often found.




Purpose of the Rule


- Halt unregulated cross country travel
- Bring consistency to National Forest travel management system
- Improve enforceability and eliminate the need for special orders
- Provide the public with one set of MVUM map standards for all of the Forest Service

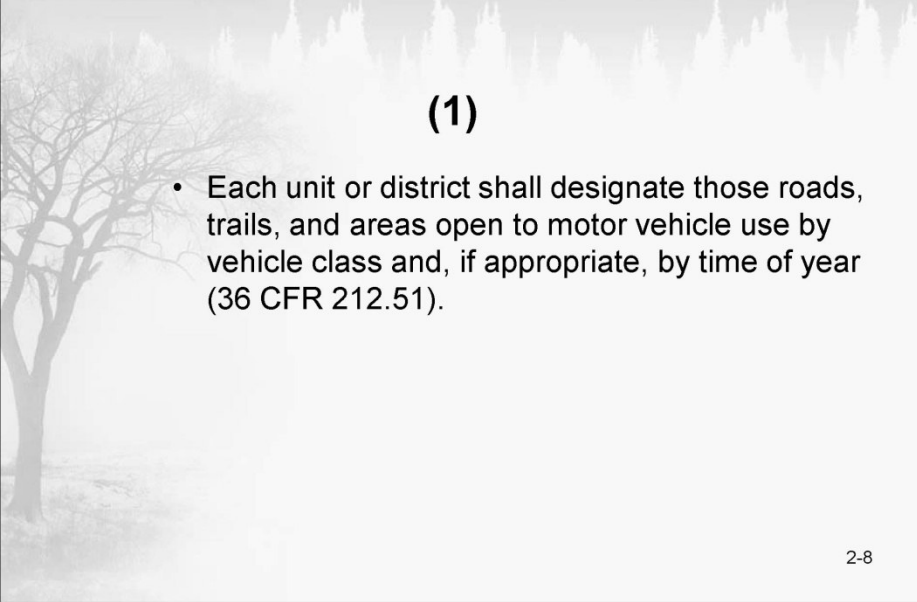
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These are the key issues where there needed to be intra and inter forest consistency. The public will now see only one map style, one set of legends, no special orders and no out of date maps.



The Rule Makes the MVUM the Key to the Whole 3-Part Strategy:



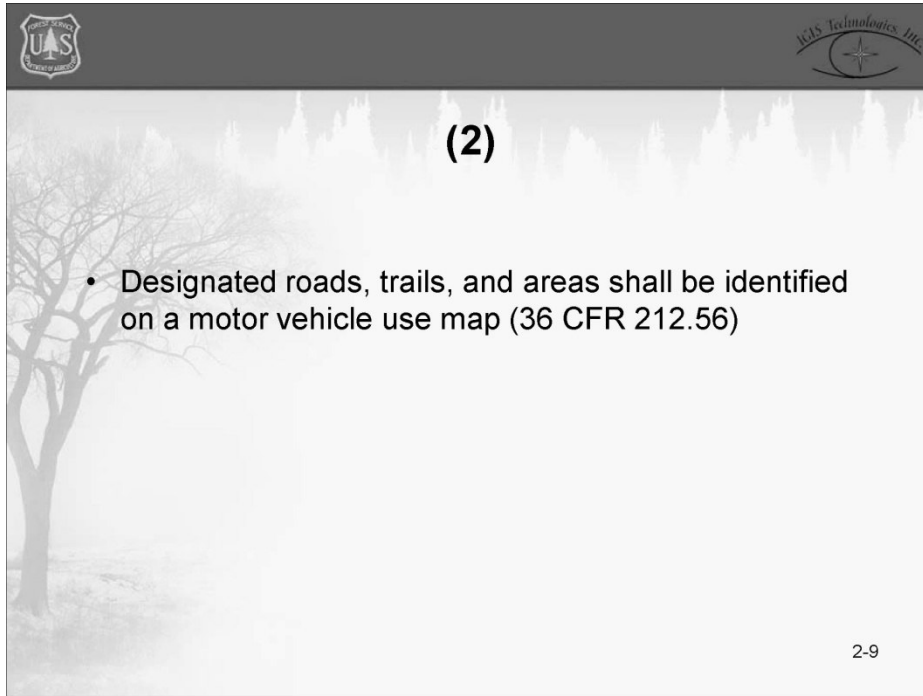


(1)

- Each unit or district shall designate those roads, trails, and areas open to motor vehicle use by vehicle class and, if appropriate, by time of year (36 CFR 212.51).

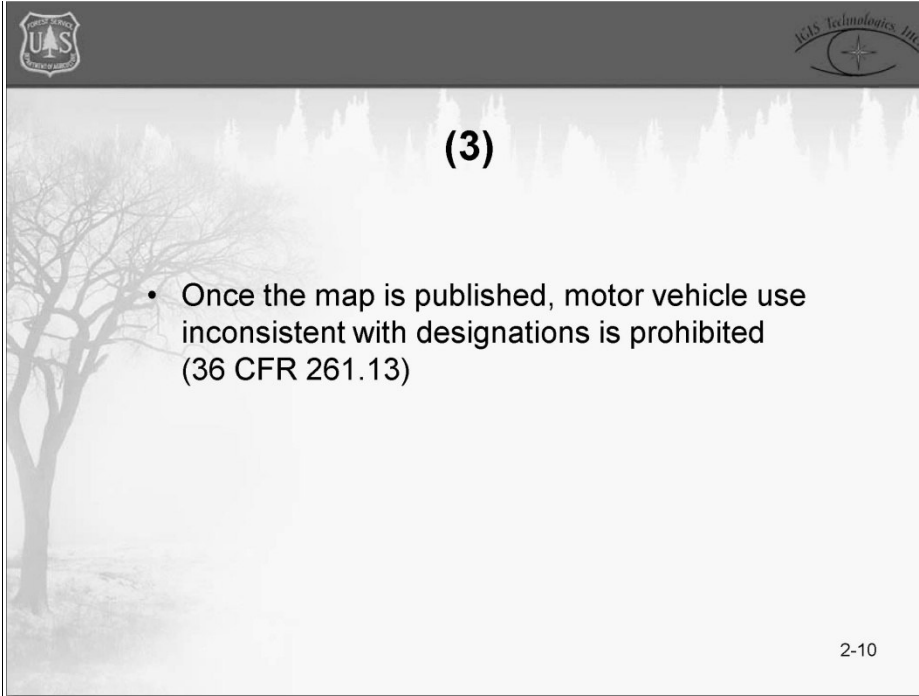
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Designation is the act of showing a road, trail or area on a motor vehicle use map following appropriate NEPA (could be old or new NEPA).



The Rule said nothing about what this motor vehicle use map should look like. And in reality there was only a hazy outline of what it would be when the Draft Rule was released. As you know its appearance continues to evolve with your input.

What this did though was eliminate the need for the wide variety of Forest, District and special little area travel maps. One size was going to fit all. Like it or not. The nature of travel management was rapidly changed to a much more centralized and uniform process. The Rule intended that there not be much flexibility and that all maps look just about the same.



(3)

- Once the map is published, motor vehicle use inconsistent with designations is prohibited (36 CFR 261.13)

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The purpose of this part of the Rule was to get the Forest Service out of the business of writing special orders to enforce Travel Plan Maps. It wasn't that there were no longer travel maps to enforce, but rather that the nature of the Rule as it was written in the Code of Federal Regulations changes how travel management is enforced. The Rule was published as a General Prohibition, a Part A Prohibition which did not require a special order. Previously travel management had been a Part B prohibition, a Prohibition Designated by Order.

This should reduce the public's confusion regarding travel maps. The problems with Special Orders was eliminated as well. This pushed the burden of complying with the Rule on to the public instead of on the Forest Service to constantly inform the public what they can and can't do. The MVUM becomes the single authoritative place to know what motorized travel is allowed and what is not.

This section of the Rule eliminated the legal necessity for signs everywhere and the confusion over whether routes were posted, posted closed or anything in between. If the route was on the MVUM and you were on that route you were good to go. If not, you could get a ticket.



New Terms (or old terms with new definitions)



- Administrative unit
- Area
- Designated road, trail, or area
- Forest road or trail
- Forest transportation atlas
- Forest transportation facility
- Forest transportation system
- Motor vehicle
- Motor vehicle use map
- National Forest System road

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New Definitions

Consistent terminology is a critical part of the travel management rule. New terms (or old terms with new definitions) are needed to clarify prior, inconsistent nature of Forest Service travel planning.

Section 212.1 defines these:

Previously, forests relied on a handful of terms from the FS Manual and Handbook, Executive Orders, and state laws to establish their travel plans. Not only was the terminology different from state to state but Forests interpreted these terms differently as well.

Administrative unit - A National Forest, a National Grassland, a purchase unit, a land utilization project, Columbia River Gorge National Scenic Area, Land Between the Lakes, Lake Tahoe Basin Management Unit, Midewin National Tallgrass Prairie, or other comparable unit of the National Forest System.

Area - A discrete, specifically delineated space that is smaller, and in most cases much smaller, than a Ranger

District. *Designated road, trail, or area* – A National Forest System road, a National Forest System trail, or an area on National Forest System lands that is designated for motor vehicle use pursuant to § 212.51 on a motor vehicle use map.

Forest road or trail - A road or trail 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. *Forest transportation atlas* - A display of the system of roads, trails, and airfields of an administrative unit. *Forest transportation facility* - A forest road or trail or an airfield that is displayed in a forest transportation atlas, including bridges, culverts, parking lots, marine access facilities, safety devices, and other improvements appurtenant to the forest transportation system. *Forest transportation system* – The system of National Forest System roads, National Forest System trails, and airfields on National Forest System lands. *Motor vehicle* - Any vehicle which is self-propelled, other than: (1) A vehicle operated on rails; and (2) Any wheelchair or mobility device, including one that is battery powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area.

Motor vehicle use map - A map reflecting designated roads, trails, and areas on an administrative unit or a Ranger District of the National Forest System. *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 other local public road authority.



More New Terms

- National Forest System trail
- Off-highway vehicle
- Over-snow vehicle
- Road
- Road construction or reconstruction
- Temporary road or trail
- Trail
- Travel management atlas
- Unauthorized road or trail

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While all these terms have been in use in one way or another, the definitions provided for them in the Rule anchored these to one body of regulation and instantly codified them for the entire National Forest System. *National Forest System trail* - A forest trail other than a trail which has been authorized by a legally documented

right-of-way held by a State, county, or other local public road authority.

Off-highway vehicle - Any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.

Over-snow vehicle - A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.

Road - A motor vehicle route over 50 inches wide, unless identified and managed as a trail.

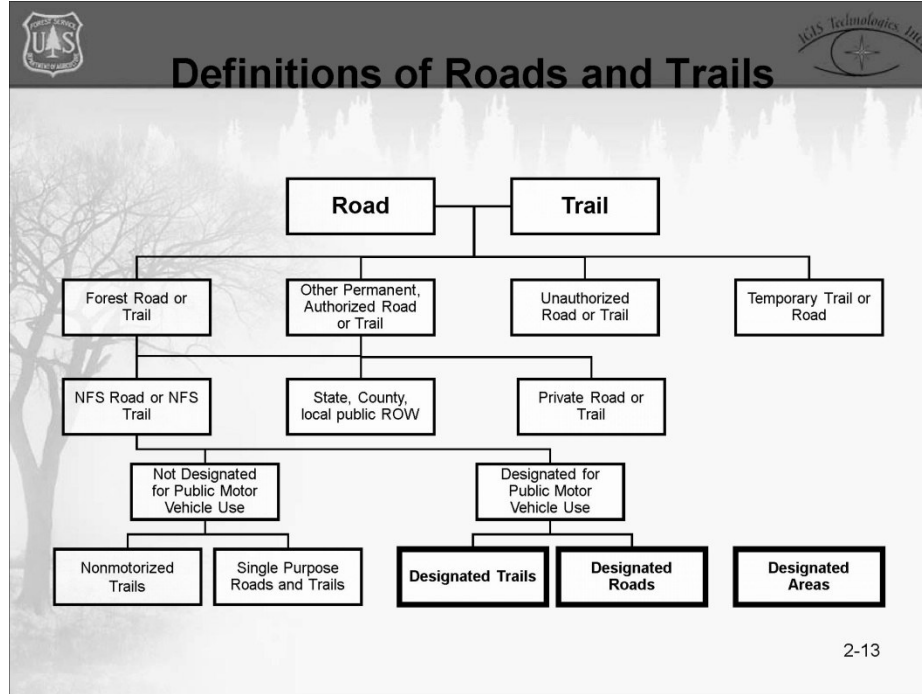
Road construction or reconstruction - Supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a road.

Temporary road or trail - A road or trail necessary for emergency operations or authorized by contract, permit, lease, or other written authorization that is not a forest road or trail and that is not included in a forest transportation atlas.

Trail - A route 50 inches or less in width or a route over 50 inches wide that is identified and managed as a trail.

Travel management atlas - An atlas that consists of a forest transportation atlas and a motor vehicle use map or maps.

Unauthorized road or trail - A road or trail that is not a forest road or trail or a temporary road or trail and that is not included in a forest transportation atlas.



As you know, there are all sorts of transportation routes on the National Forest. Here are some of them.

Only the highlighted are NFS routes that show on the MVUM.

Roads are motor vehicle routes 50 inches or greater in width, unless defined and managed as a trail. Roads are managed by engineering. Trails are less than 50 inches in width, or greater than 50 inches in width and defined and managed as a trail. Trails are managed by recreation. An old railroad grade converted to a trail would be an example of a trail wider than 50 inches.



Roads and trails can be forest roads or trails, unauthorized roads or trails, temporary roads or trails, or other permanent authorized roads or trails. Forest roads or trails are necessary for the administration or use of the NFS. Other permanent authorized roads and trails may include permanent public and private roads authorized by a written instrument, but not necessary for use of the NFS (examples: interstate highways, private roads to access in holdings).

These two categories of roads and trails are included on the forest transportation atlas.

Temporary roads and trails are necessary for emergency use or authorized by contract or permit. Temporary roads and trails and unauthorized roads and trails are not included on the forest transportation atlas.

NFS roads and NFS trails are forest roads and trails other than those authorized by a legally documented right-of-way held by a state, county, or other public road authority. Only NFS roads and NFS trails can be designated for motor vehicle use. State, county, and other public roads (including forest highways) are administered by the applicable public road authority. On the map these show up as other public roads or trails.

Some NFS roads and NFS trails are not designated for motor vehicle use. These include non-motorized trails and single-purpose roads or trails (examples: intermittent service Maintenance Level 1 roads (closed roads) providing access for future timber sales, or roads constructed for access to powerlines, ski areas, or other special use permits). The motor vehicle use map identifies only the NFS roads, NFS trails, and areas on NFS lands designated for motor vehicle use by the public.



Elements of Designation

- Designation involves:
 - NFS roads
 - NFS trails
 - Areas on NFS lands
- Jurisdiction a key consideration
- Designation includes vehicle class and time of year

Example: Vehicles greater than 50" in width are allowed on designated NFS roads May 1 through Oct 31

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Designation applies to NFS roads, NFS trails, and areas on NFS lands. This makes jurisdiction a critical consideration. Roads and trails under other jurisdictions are managed by other governmental agencies. Line officers are responsible for determining what routes are NFS routes that may cross private lands.

Designation also includes class of vehicle and time of year.



Jurisdiction

- NFS road/trail, NOT other public roads/trails
- States and counties decide who drives on their roads and trails
- Line officers decide what drives on their roads, trails and areas

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Jurisdiction

According to the definitions found in 36 CFR 212.1, an NFS road or NFS trail is a forest road or trail other than those authorized by a legally documented right-of-way held by a state, county, or other local public road authority. Only NFS roads and NFS trails are subject to designation. Not all NFS roads and trails are on NFS lands – NFS roads and NFS trails may cross other lands when the United States holds a right-of-way.

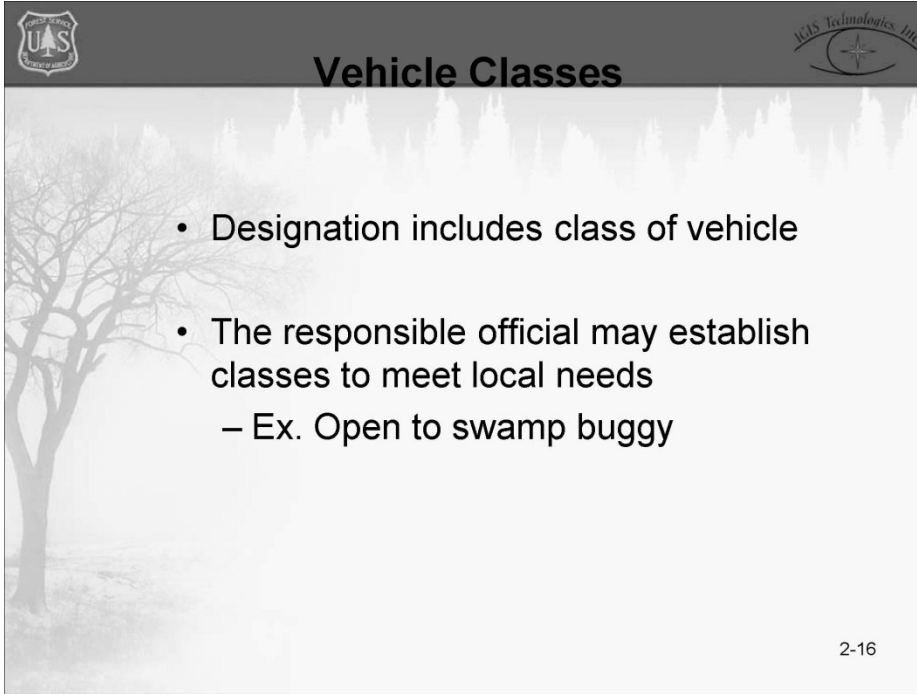
Not all roads and trails on NFS lands are NFS roads and trails. States, counties and other public road authorities sometimes hold legally documented rights-of-way across NFS lands. Private roads may also be authorized by permit or other written instrument. States and counties determine

what classes of vehicles may drive on their roads and trails.

Many national forests include interconnected networks of state, county, and NFS roads and trails. Close coordination with state, county, and local public road authorities is essential to designating a system of roads, trails, and areas that makes sense and provides access to NFS lands.

A New Critical Addition: Traffic on NFS roads is subject to state traffic laws, except when in conflict with designations established under 36 CFR 212.51. This provides the authority for the FS to preempt state traffic law – for example by designating a road as open to non-highway-legal vehicles even when prohibited by state law (or vice versa). Use this authority carefully, in close coordination with state and county authorities, to avoid confusion, misunderstanding, and jurisdictional challenges. Preemption may increase Forest Service liability and responsibility for enforcement.

Sometimes jurisdiction over a particular route is uncertain or disputed. Some counties claim R.S. 2477 rights-of-way that have yet to be adjudicated. Roads and trails on NFS lands should be considered in the designation process unless authorized by a legally documented right-of-way. Coordinate with federal, state, county, and local public road authorities, and consult with the Office of the General Counsel in evaluating roads or trails when jurisdiction is uncertain. Legal research and title searches will sometimes be necessary to establish jurisdiction.



Vehicle Classes

- Designation includes class of vehicle
- The responsible official may establish classes to meet local needs
 - Ex. Open to swamp buggy

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Vehicle Classes

Designation establishes which classes of motor vehicles may use each road, trail, or area. The motor vehicle use map identifies the designations by class of vehicle.

The rule does not define specific vehicle classes. Responsible officials may establish any class to meet local needs, as long as the class is well-defined and easily identifiable in the field. Note that classes based on number of wheels, width, length, or other easily measurable characteristics will be easier to enforce than classes based on weight (which requires scales), and are much clearer than classes based on loosely defined terms (high-clearance vehicle).

Designations by Time of Year

Designations:

- Specify time of year
- In terms of when open vs. when closed
- Be specific and quantifiable to aid enforcement

Example:
Trail 3N1 is open from July 1 through April 30

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Designations by Time of Year

In addition to vehicle class, designations may identify the time of year in which motor vehicles may be used.

We are used to thinking in terms of seasonal restrictions set by forest order. Designations work in reverse. We designate the time of year in which motor vehicles *may* be used. The rule prohibits use other than in accordance with the designation. The motor vehicle use map identifies the period during which each road, trail, or area may be used by motor vehicles.

Designations must be specific and quantifiable to be enforced. Specific dates work best (e.g., Trail 3N1 is open from July 1 through April 30), but it is possible to describe a designation in terms of a specific condition (e.g., Road 342 is open year-round when the road surface is snow-free).



Dispersed Camping, Game Retrieval

The designation may include the limited use of motor vehicles within a specified distance of certain designated routes, solely for dispersed camping or big game retrieval (36 CFR 212.51(b))

- To be used sparingly
- Game retrieval may be limited to RF discretion
- Avoid blanket statements and usage

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Dispersed Camping and Game Retrieval

The rule includes a new provision under 36 CFR 212.51(b) for dispersed camping or game retrieval. This provision gives the responsible official the authority to consider the limited use of motor vehicles off the designated system for these specific purposes.

This provision should be applied with caution. The

language is written narrowly (“limited use,” “within a specified distance,” “of certain designated routes,” “solely for the purposes of”). The preamble states that the Department expects the Forest Service to apply this provision sparingly, to avoid undermining the purposes of the rule, and reinforces that its use is entirely optional. The directives would reserve this authority to the Regional Forester for Game Retrieval. Broad use of this provision could lead to corridors of cross-country motor vehicle use along many designated roads and trails, with attendant proliferation of unauthorized routes and environmental damage. Avoid the use of blanket statement such as “Dispersed camping is allowed within 300’ of all roads”. On the other hand, the authority is there if you need it to address a local situation.

Before using this provision to authorize cross-country motor vehicle use for dispersed camping or big game retrieval, consider either of the following alternatives:

- Designate individual spurs to specific dispersed camping sites, and display them on the motor vehicle use map.
- Authorize motor vehicle use for camping or big game retrieval through a permit system.

The symbol for dispersed camping and game retrieval is the same for either, and generally these routes are accompanied with a table that provides more information about the designation.





Exemptions From Designation

- Aircraft
- Watercraft
- Over-snow vehicles
- Limited administrative use
- Emergency purposes
- National defense purposes
- Law enforcement response
- Specific use authorized under written authorization

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These vehicles and uses will not appear on the MVUM



Motor Vehicle Use Map

- **MVUM displays:**
 - NFS roads, trails, areas designated for motor vehicle use
 - Vehicle classes
 - Times of year (if appropriate)
 - Entire administrative unit or ranger district
 - Other open public roads for reference/navigation
- **MVUM does NOT display:**
 - Non-designated roads/trails

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The MVUM production process is guided by a Standardized Production process that is the focus of most of this course. Map production is constrained by the need for consistency from District to District, from Forest to Forest. These criteria are derived directly from the Rule or are based on policy team decisions at the beginning of the production process.



Prohibition on Motor Vehicle Use

- Motor Vehicle Use Map triggers prohibition of use off designated system
 - Current rules and authorities remain in place until publication
- Map is key to enforcement
- Shift in responsibility: public to obtain a Motor Vehicle Use Map
- Responsibility shift requires a more informed and educated public

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The travel management rule shifts responsibility to the general public to know where they are and where they can ride. In the past we've relied upon signing to inform visitors where they cannot use motor vehicles. Under the new rule, the public will need to get a map, and are responsible for staying on the designated route. Providing a map that the public can rely on for consistency from year to year and place to place is vital to its ultimate acceptance.

Suppressing the urge to make the map better with locally derived formats, legend items and other novel graphic information is necessary. Changing the map formats will threaten prosecution of criminal behaviors.

The motor vehicle use maps are not just a nice thing to have, they are a tool to prevent abuse and degradation of natural and cultural resources.





These next photo remind you of what the problems are now and what we hope to be able to keep from happening.
This is hill climbing to get around a wilderness boundary fence,



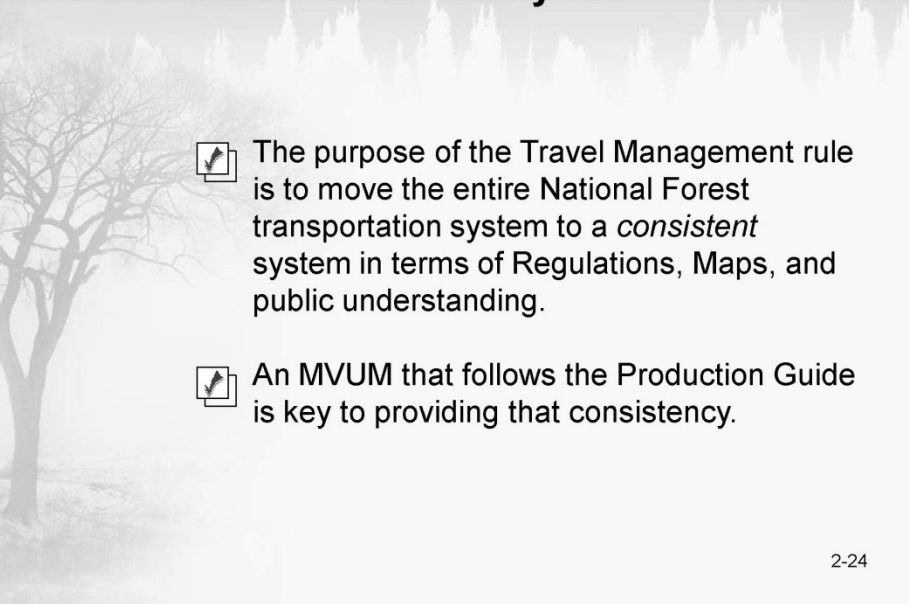




Damage to Roads Not Open for Motorized Use

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Summary



-  The purpose of the Travel Management rule is to move the entire National Forest transportation system to a *consistent* system in terms of Regulations, Maps, and public understanding.
-  An MVUM that follows the Production Guide is key to providing that consistency.

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