

Regional Order No. 20-05  
USDA Forest Service  
Pacific Southwest Region  
National Forest System Roads

Pursuant to 16 USC 551 and 36 CFR 261.50(b), and to provide for public safety, the following acts are prohibited on National Forest System roads within the Pacific Southwest Region. This Order is effective from July 16, 2020, through July 15, 2025.

1. Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property. 36 CFR 261.54(f).
2. Using a road for commercial hauling without a permit or written authorization. 36 CFR 261.54(c).

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this Order:

1. Persons with a permit from the Forest Service specifically authorizing the otherwise prohibited act or omission.
2. Any federal, state, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.

These prohibitions are in addition to the general prohibitions contained in 36 CFR Part 261, Subpart A.

A violation of these prohibitions is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than 6 months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at Vallejo, California, this 14<sup>th</sup>, day of July 2020.

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Signed by: RANDY MOORE  
RANDY MOORE  
Regional Forester  
Pacific Southwest Region



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**File Code:** 5300**Date:** July 14, 2020**Route To:****Subject:** Regional Order No. 20-05**To:** File

There are 18 National Forests in the Pacific Southwest Region of the Forest Service, totaling approximately 20 million acres and served by roughly 47,000 miles of public, commercial and administrative access roads. Forest Service Law Enforcement personnel are responsible for patrolling these National Forest System roads and ensuring that those who use these roads are doing so in a safe and careful manner. The purpose of this Regional Order is to provide Forest Service Law Enforcement personnel authority to prohibit careless and reckless operation of vehicles on National Forest System roads and restrict commercial hauling activity on National Forest System roads. As discussed below, this Regional Order will provide for the safety of forest visitors traveling these roads. It will cover all National Forest System roads under my jurisdiction and will be in effect from July 16, 2020, through July 15, 2025.

This Regional Order prohibits:

1. Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property. 36 CFR 261.54(f).
2. Using a road for commercial hauling without a permit or written authorization. 36 CFR 261.54(c).

The prohibited acts identified in this Regional Order have been the source of substantial danger to individuals traveling on National Forest System roads and has resulted in both personal injury and/or loss of life. The balance of this memorandum discusses my rationale for these prohibitions.

#### **Careless/Reckless Vehicle Operation:**

Based on information provided by Region 5 Forest Service Law Enforcement patrol officers and managers, careless and reckless vehicle operation on National Forest System roads is commonplace. Drivers are emboldened on these rural roads to test the limits of their vehicle speed and handling capabilities. The unfortunate collateral effect is fatalities and serious bodily



injury due to careless and reckless vehicle operation. Prohibiting the reckless operation of vehicles on National Forest System roads will give Forest Service Law Enforcement personnel the tools necessary to significantly increase the safety of these roads.

### **Commercial Hauling:**

Direction on the use of National Forest System roads for various commercial purposes can be found in Forest Service policies, regulations and orders. The most recent order to address commercial hauling, Regional Order 18-01, was issued by the Regional Forester on July 16, 2018. Day-to-day commercial use of the NFS road network is managed through issuance of Road Use Permits (FS-7700-41). The primary reason that forests issue these permits is because the permitting system provides forest road managers a means to manage public safety conflicts between commercial users, the public and our administrative traffic. The permit allows the Forest Service to exercise control over the timing of commercial use operations on the road to minimize road use conflicts with forest visitors.

The establishment of a prohibition on the reckless operation of a vehicle is expected to increase the safety of those who use National Forest System roads and decrease the number of vehicle accidents and fatalities on these roads. It will also provide law enforcement personnel with the ability to cite and detain drivers who are a threat to others on the road. Regulation of commercial hauling on National Forest System roads will allow the Forest Service to institute a permit system to control the timing of commercial operations and ensure that they are conducted in the safest possible manner. These prohibitions are not expected to have tangible effects on the physical environment that can be meaningfully analyzed, because driving on these roads will continue to occur with or without the controls put in place by this Order, only in a potentially more dangerous manner. While the commercial hauling permit requirement may cause some inconvenience, social and/or economic effects alone do not trigger the procedural requirements of NEPA. Accordingly, as provided for in 36 CFR 220.4(a), I have determined that the prohibition against the reckless operation of a vehicle and the imposition of a commercial hauling permit system do not require additional analysis pursuant to NEPA.

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Signed by: RANDY MOORE

RANDY MOORE  
Regional Forester Pacific Southwest Region

Enclosure: Regional Order No. 20-05