Rev. 12/2022

# BLUE RIDGE PARKWAY COMMERCIAL USE AUTHORIZATION

**STANDARD TERMS AND CONDITIONS**

THESE TERMS AND CONDITIONS ARE APPLICABLE TO ALL AUTHORIZED ACTIVITIES OR AREAS LISTED ON THIS AUTHORIZATION. All pages of this authorization must be carried and available for inspection by the holder or its employees at all times while operating within the Blue Ridge Parkway. Failure to carry all pages is a violation of terms and conditions of this authorization

**PROVISIONS GENERAL TO ALL TYPE COMMERCIAL AUTHORIZATIONS**

**Authorization Compliance:** The holder and all participants authorized herein must comply with all of the conditions of this authorization, including all exhibits, amendments, application requirements, and written or verbal directives from the Superintendent. Failure to obtain an authorization to provide commercial services, and have a copy of the document available for inspection at any time while in the park, are violations of the authorization terms for which a citation may be issued, and may subject the commercial operator to penalties as prescribed by law or regulation, including exclusion from doing business in the park. National Park Service field personnel will be provided with a current list of CUA holders by the Parkway’s permitting office. The permitting office receives a notice of any written warnings or citations issued to holders and these documents will become part of the holder's park record.

A first violation may result in a warning letter to the CUA holder sent by the Commercial Services Office and/or a possible 30-day suspension of the CUA. The appropriate course of action will be based on the violation and the company’s cumulative history.

A second violation within any two-year period may result in a 30 to 90-day suspension or revocation of the CUA, depending on the seriousness of the violation and the company’s cumulative history. Upon revocation of the privileges granted by a CUA, a new application will not be considered for a period of 12 months.

**Permits/Licenses:** The holder must operate in compliance with all applicable federal, state, and local laws and regulations. The holder must obtain all permits or licenses of the State of North Carolina and/or the Commonwealth of Virginia local governments, as applicable, and as necessary to conduct the business activities specified above. Vehicle, operator, license, and authorization compliance inspections may occur at any time by National Park Service or Law Enforcement personnel. It is the responsibility of each operator to ensure they are meeting all conditions of VA-DOT’s and NC-DOT’ overweight and oversize vehicle permitting requirements.

**Business Operations:** This authorization does not authorize the holder to advertise, solicit business, collect any fees, or sell any goods or services on lands owned and controlled by the United States. The Authorization is for incidental business operations when there are no fixed commercial facilities within a national park area, the commercial activity originates and terminates outside the park, no money changes hands on park lands and no commercial solicitation occurs on park lands.

**Nonexclusive Authorization:** The holder will have none of the rights or privileges of P.L. 105-391, Title IV (National Park Service Concessions Management Improvement Act of 1998) specified for concession contracts. The National Park Service (NPS) does not grant the holder a preferential or exclusive right to conduct business in any NPS administered area.

**Area Use:** This authorization is applicable only for the use of the area, term, and conditions designated herein. The area(s) authorized for use under this authorization must be left in substantially the same condition as it was prior to the activities authorized herein. This CUA does not authorize priority use of park areas. The holder is prohibited from blocking access or impeding the flow of traffic along any roads, overlooks, trails, walkways, greenways, or any National Park Service (NPS) or concessioner facilities. Use is on a first come, first serve basis.

**Parking:** The holder **MAY NOT**, regardless of vehicle size; use, park, load, unload or stop at the Moses H. Cone Memorial Park parking areas because of high vehicle congestion.

**Insurance:** The Superintendent shall not be responsible for any omissions or inadequacies of insurance coverage and amounts if such prove to be inadequate or otherwise insufficient for any reason whatsoever. The holder shall provide the Superintendent thirty (30) days written notice of any material change in the holder’s insurance program hereunder. Upon notification that the holder’s automotive or general liability insurance has lapsed or cancelled for any reason, the authorization to operate in the park shall be suspended until new insurance is in place.

**Closed Areas:** Parkway roads and other park areas may be closed due to weather or other conditions at any time during the year. If such conditions occur in the park while using this permit, no access or use is permitted beyond closed sections of the park. The holder may check the Parkway road closure listing at <https://www.nps.gov/blri/planyourvisit/roadclosures.htm> to verify any road closures.

**Trail/Area Closures:** NO commercial activity may occur in the following areas due to inherent sensitive resource protection issues and consistently high levels of concentrated visitor use:

Inside any federal building, historic or otherwise

MP 176.2 -- Mabry Mill historic area

MP 294.6 -- Bass Lake Loop Trail

MP 302.8 – Rough Ridge Overlook and boardwalk

MP 305.2 – Beacon Heights left fork trail

MP 316.4 – Linville Falls

MP 339.5 – Crabtree Falls

MP 364.1 – Craggy Gardens Pinnacle Trail, Pinnacle Scenic View, and Craggy Dome Parking Area.

MP 418.8 – Graveyard Fields

MP 422.4 – Devil’s Courthouse

MP 451.2 – Waterrock Knob

**Time of Year Restrictions:** NO commercial activity may occur in the month of OCTOBER, on federal holidays, or on weekends containing a federal holiday, including Friday and Monday.

**Changes to** **Schedule:** The permit holder or his/her designated representative shall provide the Superintendent with a written request of any proposed changes regarding areas of use, dates of operation, schedules, etc. The schedule of use on the Parkway will be emailed to the Parkway permitting office at least three (3) weeks before the authorized activities begin.

**Termination:** The National Park Service may, at any time, terminate this authorization at its discretion or upon breach of any of the conditions based on the seriousness of the violation and the company’s cumulative history.

**VEHICLE SPECIFICATIONS**

**Vehicle Markings:** All vehicles must display company information that meets the following minimum requirements:

* Company name
* Number issued by the Federal Motor Carrier Safety Administration (FMCSA), if applicable.
* Markings must appear on the exterior of both sides of the vehicle.
* The letters must contrast sharply in color with the background on which the letters are placed.
* Markings must be legible, during daylight hours, from a distance of 50 feet when the vehicle is stationary.

**Idling:** Commercial vehicles are only allowed to idle while loading and unloading passengers (e.g., passengers are physically getting in or out of the vehicle). All operators must turn off vehicle engines at all times when parked or when not actively loading or unloading passengers.

**Maintaining Traffic Flow:** Vehicles used in conjunction with this permit shall not impede the flow of normal or emergency traffic.

**GUIDE/LEADER REQUIREMENTS**

**Employee/agent responsibility:** The holder shall ensure that all company employees and motor coach operators entering the park are informed of all conditions of this authorization. (The holder may be cited for any authorization violations committed by their employee and/or agent.)

**Guide/Leader Registration:** The holder will register all guides by notifying the park of all employees guiding within the park. The holder will employ a staff with the expertise to operate all services authorized under this CUA. New or updated guide information must be submitted to the Parkway’s permitting office before a holder’s guide is authorized to operate in the park. Notification must be provided if guides leave holder’s company within the span of the CUA.

**Trip Leaders/Guides:** Each group must have one person identified as the group or trip leader who will remain with the group at all times. If a party is divided into more than one group, each group will have a trip leader. The trip leader will inform the group of all park rules and regulations and has responsibility for the group.

**Guide-to-Client Ratios:** All groups will maintain a ratio of not less than one guide for every six clients. Maximum group size is 25, including guides. If the holder has staff members participating in a training capacity, those staff members will be counted in the staff/client ratio.

**Guide/Trip Leader Standards/Qualifications:** The following minimum qualifications must be met by each guide/trip leader operating within the Blue Ridge Parkway:

* All trip leaders and guides must possess valid first aid and CPR training. More advanced first aid or medical certification, such as Emergency Care Attendant, Wilderness Emergency Medical Technician, etc. are also accepted and encouraged. Photocopies of current first aid and CPR certification must be submitted.
* Guides must be at least 18 years of age and fully capable of performing all aspects their jobs.
* Guides must be trained in basic safety and resource protection, park rules and regulations, and in the requirements of the CUA and attachments.

**Safety and Professionalism:** Guides and groups must carry out all activities in a safe and professional manner

**Client Equipment:** Trip leader/guide will ensure that each member of the group has adequate food and water for the proposed itinerary, appropriate footwear, clothing, and sun block. Recommended additional items include flashlight, map, and a compass (or GPS device).

**Emergency Equipment:** The permit holder shall provide necessary equipment for emergency first aid care. Any injury sustained during use of this permit must be immediately reported to the Superintendent

**First Aid:** A group-size first aid kit will be carried by each group.

**Public Health:** In addition to the equipment listed above, the trip leader/guide will carry a small shovel, toilet paper, and plastic baggies for appropriate disposal of human waste. **Human Waste Management** – Groups are required to abide by all park rules regarding proper disposal of human waste in order to prevent the pollution of water sources, the spread of disease, and the aesthetic degradation of backcountry areas. Improper disposal of human waste is a violation of park regulations, and violators are subject to fines. The use of backcountry toilets is preferred. When this is not possible, guides/leaders should provide a shovel, paper, and zip-lock bags, and instruct their clients to dig a hole six inches deep and to carry out their used paper.

**Guide Identification:** Guides must visibly identify the company they work for through items such as a hat, shirt, nametag, etc.

**Orientations:** The trip leader must provide an orientation to trip participants about park rules and regulations, safety procedures, resource protection information, litter, human waste, personal safety, and emergencies. The trip leader is responsible for ensuring that the group does not get separated. A map (may be a photocopy) should be supplied to each participant of the routes used.

**PARK REGULATIONS AND POLICIES**

**Rules and Regulations:** The permit holder or his/her designated representative is responsible for understanding the obligations of this permit including the rules and regulations pertaining to the use of the resources (CFR 36, Chapter 2). Specific regulations for the Parkway are found in the Superintendent’s Compendium located on the Parkway website at http://www.nps.gov/blri.

**Separated Passengers / Rescues:** The holder is responsible for providing their clients with the necessary information to locate or contact their group if they become delayed or separated. Commercial operators may not abandon their clients in the park and are solely responsible for making arrangements for their clients to rejoin their group after being separated. Lost or missing clients must be reported to park dispatch as soon as possible and without unnecessary delay, at 828-298-2491. While self-rescue is encouraged in cases where no additional resources are needed, the National Park Service retains the authority to make the determination to employ additional resources when the situation warrants.

**Employee and Passenger Safety:** All commercial operators are responsible for the safety of their employees and passengers at the time of entry to the park.

**Behavior and Conduct:** The holder and its agents are required to exercise courtesy and consideration in their relations with the public and with NPS employees, volunteers or other park agents. The holder will review and correct the conduct of any of its employees whose actions or activities are considered by the Service to be inconsistent with the safety, experience, enjoyment, and protection of visitors and stewards of public land.

**Wildlife:**

* Calling, clicking, whistling, making noises of any kind, or using audio equipment to attract wildlife is illegal.
* Harassing or feeding any kind of wildlife is illegal.
* Do not approach wildlife or provide water to wildlife. View elk, deer, and bear from at least 50 yards (45 meters). Do not stop in the road to view wildlife.

**Cigarette Smoking:** Smoking on trails is highly discouraged. Smokers must use caution when smoking to prevent dropping ashes or embers that might ignite a wildfire. **Cigarette butts are trash and must be packed out of the corridor/backcountry for proper disposal.**

**Food:** All food scraps (fruit peels, nut shells, etc.) are considered trash and must be carried out. It is a violation to feed the wildlife, including squirrels.

**Personal Consumption of Wild Edibles:** Gathering of fruits, nuts, berries, edible plants, or plant parts for personal consumption is permitted. Wild edibles or other plant matter may not be gathered for transport outside the park or for commercial purposes.

**Fires:** Fires are not permitted other than in designated areas (36 CFR 2.13).

**Camping:** Camping outside designated sites is prohibited. Nothing in this authorization serves as permission to camp in undesignated areas in the park.

**Frozen Bodies of Water:** Entry upon frozen lakes and ponds is strictly prohibited (Superintendent’s Compendium)

**Litter:** It is a violation of federal regulations to litter in the park. Any litter accumulated while carrying out the services approved in this permit must be maintained in the support vehicle or other acceptable method and carried out of the park for disposal in an approved state, county, or city disposal area.

**Vegetation:** No vegetation will be removed or trimmed by Permittee. To aid in the prevention of importing invasive plants, permittee shall thoroughly inspect and clean shoes, clothing, equipment and vehicles for dirt, mud and plant parts prior to entering the park.

**Non-Exclusive Use:** This permit does not grant the permit holder exclusive use of any Parkway area. Overlooks must be shared with others and may not be fully occupied by holders of this permit. Climbing areas, picnic areas, shelters, etc. are first come, first served.

**Markings:** No markings of any kind shall be placed on the Parkway road surface or parkway property. The permit holder shall be liable for all damages to any Government property, including marking of the motor road, trees, and other surfaces. Violation of this condition shall result in billing to the permittee of time spent to remove it.

**Signs:** No signs may be placed in the ground, on existing signs, or on trees directing participants.

**Tunnels:** Stay aware when entering and traveling through tunnels. Watch out for bicycles and pedestrians. Remove sunglasses and turn on head lights.

**Photography:** If photographs are taken, laying down in the road or overlooks and standing in the road or tunnels is prohibited.

**Use of Authorized Trails:** Guided hikes and environmental education tours must stay on established, authorized trails and should not enter wetlands, steams, or water bodies.

**Pets.** Dogs that accompany participants must be kept on a leash no longer than 6 feet (36 CFR 2.15).

**Directing Traffic:** Groups may not direct traffic (this is considered impersonating an officer).

**Unmanned Aerial Vehicles (UAV)/Drones:** Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of the Blue Ridge Parkway is prohibited.

**REPORTING REQUIREMENTS**

**Reporting Accidents:** An accident resulting in personal injury, death or property damage shall be reported to the Superintendent, as soon as possible. [36 CFR 2.33, 3.4, 4.4] All motor vehicle accidents resulting in injury, personal/government property damage, or injury to park wildlife or resources must be reported to park law enforcement immediately at 828-298-2491 or by dialing 911. Commercial operators must remain on scene until the arrival of law enforcement officers.

**Annual and Monthly Reports:** By January 31 of each partial or full calendar year of operation under this authorization, the holder will be responsible for submitting an annual report which summarizes total in-park visitor use, including gross revenues for the reporting period. For the purpose of this permit, gross revenues are defined as: The total amount received, realized by, or accruing to the business operator for all sales of goods and services provided by the business operator for payment by cash, barter, or credit pursuant to the privileges granted by the permit. This includes income from subsidiary or other operations located outside of lands administered by the National Park Service to the extent that they support operations authorized by the permit.

Gross receipts generated from subsidiary or other operations located outside of the park that do not participate in the provision of the service will not be included in the calculation of revenues generated under this permit. The reporting format may be found on the Parkway’s web page at https://www.nps.gov/blri/planyourvisit/commercial-use-authorization-permits.htm or by emailing blri\_concessions@nps.gov.

AS THIS ACTIVITY IS FURTHER REVIEWED AND MONITORED BY THE BLUE RIDGE PARKWAY, ADDITIONAL CONDITIONS MAY BE ADDED THROUGH AMENDMENT TO THIS PERMIT. A FINAL DETERMINATION OF COMPLIANCE AND REQUIREMENTS IS THE AUTHORITY OF THE NATIONAL PARK SERVICE/BLUE RIDGE PARKWAY AND MUTUAL AGREEMENT TO SUCH CHANGES IS NOT REQUIRED.