

Memorandum

To: Regional Directors

From: Deputy Director, Management and Administration

Subject: Road-based Commercial Tour CUAs

This provides guidance on standardizing the application process and fees for road-based commercial tour commercial use authorizations (CUAs). This guidance implements consistent practices and requirements for those providing road-based commercial tours throughout the National Park System.

Definition:

Road-based commercial tours are one or more persons traveling by vehicle on an improved roadway:

- On an itinerary that someone has packaged and sold for leisure/recreational purposes and
- Provides no other services except those incidental to road-based travel in an area unit of the National Park System (on-board interpretation and incidental stops at visitor centers, restaurants, wayside exhibits, etc.).

At the discretion of the superintendent, road-based commercial tour CUAs may cover *minor* additional services such as guided day hiking. Transportation-only services such as taxis and shuttles do not meet the definition of road-based commercial tours because those services are not prepackaged.

For informational purposes, entrance fee information affecting road-based commercial tours beginning October 1, 2019, is included in this guidance.

Mandatory CUAs for Road-based Commercial Tours

Under 36 C.F.R. § 5.3, it is prohibited for a business to operate within NPS without authorization. Under 54 U.S.C. § 101925 (PL 105-391 Sec 418), NPS authorizes appropriate business operations by issuing CUAs.

Under current authority, the NPS has no basis to exempt road-based commercial tour operators from the requirement to obtain a CUA to conduct business in parks. Beginning October 1, 2019, and thereafter, parks must issue and charge a fee for road-based commercial tour CUAs. The fee is comprised of an application fee and a management fee. In all cases, parks must use the OMB approved CUA forms available on [inside.nps](https://www.nps.gov/inside).

Under limited circumstances, superintendents may request a waiver to opt out of the requirement to issue road-based commercial tour CUAs or to deviate from the standardized road-based commercial tour CUA fees outlined below. The request must come from the superintendent through the regional director to the Associate Director, Business Services. The Associate Director will consider waivers in circumstances including, but not limited to, inability to establish a CUA program due to staffing or funding issues (e.g., small parks with minimal staff), or inability to enforce the requirement for road-based commercial tour CUAs due to the nature of the park (e.g., urban areas).

Issuing Guidelines

The following scenarios should assist park staff in understanding the criteria for issuance of a road-based commercial tour CUA:

Scenario 1: A tour company owns or rents vehicles and provides road-based commercial tours to passengers aboard those vehicles in a national park.

CUA Requirements: The tour company must have a road-based commercial tour CUA for each park in which it operates. The tour company proves it meets the road-based commercial tour CUA commercial vehicle insurance and license requirements by providing required documents during the application process.

Scenario 2: A tour company uses a chartered transportation service to provide road-based tours in NPS. Chartered transportation service is defined as exclusive use of a bus/van and driver for a negotiated price at the request of a third party.

CUA Requirements: The tour company must have a road-based commercial tour CUA for each park in which it operates. The tour company must ensure the charter vehicle company meets the federal and state commercial vehicle insurance and license requirements, but does not need to provide proof of this insurance coverage or required licenses during the CUA application process.

The chartered transportation company does not need a road-based commercial tour CUA if the tour company determines the origin, destination, and scheduling of the trip. A charter company advertising tours to national parks, however, meets the definition of road-based commercial tour and must have a road-based commercial tour CUA.

Parks may continue issuing chartered transportation providers a road-based *transportation* CUA if the park superintendent determines managing the use is necessary for preservation of park resources and values (e.g., limited or controlled parking availability). When a tour company uses the services of a chartered transportation company with a road-based transportation CUA, the tour company does not need to secure a separate CUA unless the tour group disembarks from the vehicle while within the park.

Fees for Road-based Commercial Tour CUAs

Under 54 U.S.C. § 101925 (PL 105-391 Sec 418(2)(A)), the NPS, at a minimum, must recover costs associated with issuing and managing CUAs. The NPS has no authority to exclude commercial tour operators from this requirement.

Collecting this required fee for road-based commercial tour CUAs will ensure full funding and staffing of CUA programs, sufficient monitoring of authorized companies, and that road-based CUA activities have only minimal impact on park resources. NPS will charge fees made up of three components: the application fee, a management fee, and an entrance fee¹.

Application Fee

For CUA seasons starting after October 1, 2019, NPS must charge a nonrefundable annual \$300 CUA application fee to recover administrative costs associated with reviewing and approving or denying the road-based commercial tour CUA application.

The NPS will adjust the CUA application fee periodically to account for increased costs including inflation.

Management Fee

¹ Beginning October 1, 2019 NPS will collect per-person entrance fees for road-based commercial tours at parks approved by the NPS fee program to collect those fees.

Charging a management fee allows NPS to recover, at a minimum, all costs associated with the management and monitoring of a road-based commercial tour CUA. For CUA seasons starting after October 1, 2019, parks must charge a \$5/person CUA management fee for road-based commercial tour CUAs. The NPS will adjust this CUA management fee periodically to account for increased costs including inflation.

For parks that collect an entrance fee, park staff must credit CUA accounts a \$5 per client CUA management fee from per person entrance fees paid by road-based commercial tour operators. For parks without entrance fees, road-based commercial tour CUA holders must pay a \$5 per client CUA management fee with submission of the required annual CUA report.

Non-permitted Entry

Commercial tour companies arriving at a park without obtaining a road-based commercial tour CUA must pay the \$300 CUA application fee and complete a notice of non-permitted entry form. A non-permitted entry form grants the company short-term park entrance without a CUA. Each time a company enters the park without a CUA it should complete the form and pay \$300, in addition to any required entrance fees. The form may be completed at the entrance station, visitor center, or other location as directed by park staff.

Parks may use the non-permitted entry form provided below and available on the [inside.nps CUA site](#). Park staff should forward the bottom portion of the form containing the commercial tour company information to the park's CUA office. The CUA office may choose to provide park law enforcement and entrance station staff with company information if the company refuses to comply with the commercial tour CUA requirement.

In non-fee parks or where operators enter a park without encountering an entrance station, road-based commercial tour companies operating without road-based commercial tour CUAs is a law enforcement issue. Park staff has discretion to cite these operators and should direct the operator to contact the park's CUA office.

NOTICE OF NON-PERMITTED ENTRY

NPS Unit: _____

Company: _____ Date: _____

To enter the park, you must pay the required \$300 nonrefundable CUA application fee in addition to applicable entrance fees and complete this Notice of Non-permitted Entry.

Conducting commercial activities without a valid commercial use authorization (CUA) is a violation of National Park Service regulations and is a citable offense. Title 36, Code of Federal Regulations (CFR) 5.3, prohibits engaging in or soliciting business in areas without a permit, contract, or written agreement. In order to comply with this Federal regulation, your company **MUST** obtain a CUA.

This Notice of Non-permitted Entry and payment of the \$300 CUA application fee allows you to operate without a CUA for _____ days, including the date of this notice. **You must contact the park CUA office within five (5) business days to complete the CUA application process.** Payment of the \$300 CUA Application and completion of this Notice of Non-permitted Entry form without completing the application process does not permit you to operate in the park.

CUA Coordinator: _____ Office Telephone: _____

Address: _____ Office FAX: _____

City, State, Zip: _____ Email address: _____

Or download the application by visiting the park website at: _____

Notice of Non-Permitted Entry
(PLEASE PRINT CLEARLY OR ATTACH A CURRENT BUSINESS CARD)

DOT# if applicable: _____

Company Name: _____

Company/Contact Email Address: _____

Company Address: _____

(NPS use only) Did the commercial tour operator pay the CUA Application Fee? YES NO

VUA Initials: _____ Location: _____ Date: _____

Company Telephone: _____ Group Leader Name: _____