



**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
SOUTHWESTERN REGION  
MOTOR VEHICLE CODE ORDER**

Pursuant to 16 USC 551 and 36 CFR 261.50 (a) and (b), the following acts are prohibited within all National Forest System lands as described in this Order and as depicted on the attached map hereby incorporated into this Order as Exhibit A (the “restricted area”), within the Southwestern Region National Forests in the state of New Mexico and the National Grasslands in the states of Texas, and Oklahoma.

**PROHIBITIONS:**

1. Operating any type of vehicle that does not comply with the Motor Vehicle Code for that state. **36 CFR 261.54 (a)**
2. Operating any type of vehicle in a manner inconsistent with the Motor Vehicle Code for that state. **36 CFR 261.54 (b)**
3. Using a road for commercial hauling without a permit or written authorization. **36 CFR 261.54 (c)**
4. Operating a vehicle in violation of the Motor Vehicle Code for that state. **36 CFR 261.54 (d)**
5. Being on the road while operating any type of vehicle in violation of the Motor Vehicle Code for that state. **36 CFR 261.54 (e)**
6. Operating any type of 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)**

**EXEMPTIONS:**

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

1. Persons with a Forest Service permit 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.

**RESTRICTED AREA:**

The restricted area includes all National Forest System lands in the following National Forests and Grasslands:

**NEW MEXICO**

Carson National Forest  
Cibola National Forest  
Gila National Forest  
Lincoln National Forest  
Santa Fe National Forest  
Kiowa National Grasslands

**OKLAHOMA/TEXAS**

Black Kettle & McClellan National Grasslands  
Rita Blanca National Grasslands

**PURPOSE:**

The purpose of this Order is for the protection of public health and safety.

**IMPLEMENTATION:**

1. This Order will be in effect on the date signed and shall remain in effect until February 31, 2017 or until rescinded, whichever occurs first.
2. Any violation of this prohibition is punishable as a Class B misdemeanor by a fine of not more than \$5,000.00 for individuals and \$10,000.00 for organizations, or by imprisonment for not more than six (6) months, or both. [18 U.S.C. §§ 3559, 3571, and 3581]
3. This Order supersedes, rescinds, and replaces any previous orders prohibiting the same acts covered by the Order.

Done at Albuquerque, New Mexico, this 26<sup>th</sup> day of March, 2015.



CALVIN N. JOYNER  
Regional Forester  
Southwestern Region

**ASSESSMENT OF NEEDS**

**For the Southwestern Region Forest Order Number: R03-**

1. Background. The Southwestern Region has the need to comply with New Mexico, Texas and Oklahoma Motor Vehicle Codes and to protect the resources and the visitors of the Forest System lands. An order is needed to be able to cite persons unwilling to comply with the Order.
2. Intent of Subpart B order. This order is written to comply with New Mexico, Texas, and Oklahoma Motor Vehicle Codes and to provide for public health and safety.
3. Enforcement Plan. The following activities will occur in order to implement this special order in a manner that results in public acceptance and safety:

NEPA Compliance: This Order falls under FSH 1909.15, 31.12, (1): “Orders issued pursuant to 36 CFR Part 261 - Prohibitions to provide short-term resource protection or to protect public health and safety”. This Order will not individually or cumulatively have a significant effect on the quality of the human environment and, therefore, is categorically excluded from documentation in an EIS or an EA. The only physical changes to the environment associated with this Order will be signs posted temporarily for the duration of the closure. No effects to extraordinary circumstances are anticipated.

<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order	Dan Reed, Patrol Captain, Southwestern Region, USFS	12/19/14
Review proposed order	Aban Lucero, Regional Patrol Commander, Southwestern Region, USFS and OGC	2/11/2015
Approve proposed order	Calvin Joyner, Regional Forester, Southwestern Region, USFS	
Post order in accordance with 36 CFR 261.51	District Personnel, Volunteers, Forest Service LEOs and FPOs, and all available staffs	
Prepare news release for local media describing the order and management objectives/post to website/copy to each receptionist/frontliner	PAO	

Notices will be used at trailheads and access points advising of the closure for implementation.

Appropriate Staff  
Law Enforcement Officers  
Forest Protection Officers  
Southwestern Region  
Employees and Volunteers

Enforcement Plan approved for implementation:

  
REGIONAL FORESTER

3/26/15  
DATE

EXHIBIT A

