



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2022-122

DIRECTING THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO CREATE EMERGENCY EXPEDITED SPECIAL PERMITS

WHEREAS, the Counties of Lincoln, Mora, and San Miguel recently experienced wildfires that have destroyed hundreds of structures, burnt hundreds of thousands of acres, and displaced many New Mexicans;

WHEREAS, I have already issued numerous executive orders declaring emergencies relating to these wildfires;

WHEREAS, under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, *et seq.*, President Joseph R. Biden, Jr. issued a major disaster declaration for the State of New Mexico via FEMA-DR-4652-NM on May 4, 2022;

WHEREAS, pursuant to President Biden's disaster declaration, the State of New Mexico, on June 23, 2022, requested Direct Temporary Housing Assistance for eligible applicants in Lincoln, Mora, and San Miguel Counties under the Individuals and Households Program ("IHP") for FEMA-4652-DR-NM, which was approved on July 22, 2022;

WHEREAS, the Housing Assistance provision of the IHP, authorized by Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as implemented in 44 CFR Part 206, authorizes the Federal Emergency Management Agency ("FEMA") to provide direct assistance when eligible applicants are unable to obtain temporary housing using financial assistance due to a lack of available housing resources;

WHEREAS, direct assistance may be provided for a period of up to eighteen (18) months from May 4, 2022, the date of the President’s declaration of a major disaster, to November 4, 2023, for FEMA-DR-4652-NM;

WHEREAS, one of the purposes of the All Hazards Emergency Management Act (the “AHEMA”), NMSA 1978, §§ 12-10-1 to -10 (2007), is to “provide for assistance and care for persons displaced, left homeless, or otherwise victims of disaster”;

WHEREAS, the AHEMA authorizes the Governor to “provide those resources and services necessary to minimize economic or physical harm until a situation becomes stabilized . . . including the provision, on a temporary, emergency basis, of lodging, sheltering . . . or shipping,” as well as take any “action necessary to protect the public health, safety and welfare”;

WHEREAS, the AHEMA also authorizes the Governor to issue necessary orders and to direct agencies to perform their lawful duties to assist during an emergency response;

WHEREAS, NMSA 1978, Section 66-7-413(A) (2021), gives discretion to the New Mexico Department of Transportation (“NMDOT”) to grant special permits “in cases of emergency, for the transportation of loads on a certain unit or combination of equipment for a specified period of time not to exceed one year” so long as the permit contains “the route to be traversed, the type of load to be transported and any other restrictions or conditions deemed necessary”; and

WHEREAS, the safety and welfare of the inhabitants of Lincoln, Mora, and San Miguel Counties require that the movements of operators of commercial motor carriers traveling on the public highways of the State of New Mexico for the purposes of delivering Direct Temporary Housing Assistance units to the inhabitants of those counties who are eligible for such assistance be expedited, and that certain rules and requirements for permits to transport oversize loads within

the State of New Mexico be waived, as strict compliance with such rules and requirements would prevent, hinder, or delay the transport of these much needed Direct Temporary Housing Assistance units.

NOW, THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico do hereby **ORDER** and **DIRECT** as follows:

1. NMDOT shall, as soon as practicable, create a streamlined process and system to issue Emergency Expedited Special Permits (“EESP”) that would allow the transport of Direct Temporary Housing Assistance units related to the President’s disaster declaration under a temporary waiver of certain permitting requirements for oversize loads as set forth herein.

2. To obtain an EESP, an applicant must provide NMDOT with sufficient information regarding weight, manifest, destination, and route. The applicant’s vehicle and load must be primarily delivering Direct Temporary Housing units to eligible applicants in Lincoln, Mora, and San Miguel Counties. All vehicles issued an EESP must follow safety guidelines issued by NMDOT, including the employment of at least one (1) escort vehicle for each permitted load, and must follow routes designated by NMDOT.

3. For purposes of this Order, the term “Direct Temporary Housing Assistance” refers to those temporary housing units available to eligible applicants under the IHP, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

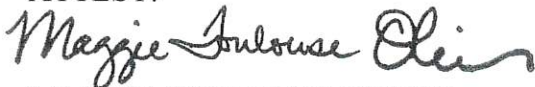
4. NMDOT shall not collect any fees from the EESP process.

I FURTHER ORDER and **DIRECT** as follows:

1. This Order supersedes any previous orders, proclamations, or directives in conflict.

This Order shall take effect immediately and shall remain in effect until modified, rescinded, or renewed.

ATTEST:



MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 29TH DAY OF AUGUST 2022

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO



MICHELLE LUJAN GRISHAM
GOVERNOR

