

January 7, 2026



**National Park Service**  
**U.S. Department of the Interior**

**Superintendent's Compendium**  
Of Designations, Closures, Permit  
Requirements and Other Restrictions  
Imposed Under Discretionary Authority

Fort Davis National Historic Site  
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Approved:

  
Herbert Young,  
Superintendent (a)

January 7, 2026

Date



## INTRODUCTION

### 1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) Closures and Public Use Limits provides the Superintendent with certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Visitors with mobility disabilities may use wheelchairs and other mobility aids in areas open to pedestrian use. Other power-driven mobility devices (OPDMDs) may be used where they do not create a substantial risk to visitor safety or park resources, consistent with Director's Order #42 and DOJ ADA guidance.

*This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the national Park System.*

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at: [www.gpo.gov](http://www.gpo.gov)

or:

Superintendent of Documents  
P.O. Box 371954  
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at: [www.ecfr.gov](http://www.ecfr.gov).

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

Accessibility Guidance:

All provisions of this Compendium must be applied in a manner consistent with Director's Order #42: Accessibility of National Park Service Facilities, Programs, Services, and Activities (effective September 12, 2025). This Order requires that all visitors use opportunities, facilities, transportation systems, interpretive services, and digital content provided by or on behalf of the NPS be accessible to people with disabilities to the maximum extent practicable, applying Universal Design principles and compliance with applicable Federal laws including the Rehabilitation Act, ABA Standards, and the EXPLORE Act.

The National Park Service (NPS) is granted broad statutory authority under Title 54 United States Code (U.S.C.) §100101(a) (formerly 16 U.S.C. 1a-1, "Organic Act") to "....regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." In addition, Title 54 U.S.C. §100751(a) allows the NPS, through the Secretary of the Interior, to "prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units."

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970, Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be

consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States.”

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the NPS Management Policies (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director’s Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use, or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, then that Superintendent is obliged to place limitations on public use.

### 3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent’s Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

### 4. Development of the Requirements of the Superintendent’s Compendium

*As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent’s Compendium are developed through an analysis and determination process. The decision criteria used during this process are:*

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

## 5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

## 6. Enforcement of Compendium Requirements

NPS Law Enforcement U.S. Park Rangers enforces the requirements of the United States Code, 36 CFR, and this Superintendent's Compendium. Primary law enforcement authority within the boundaries of the park rests with the National Park Service under 36 CFR. However, consistent with applicable law and intergovernmental agreements, duly authorized state and local law enforcement officers may also exercise jurisdiction to enforce state and local laws, as well as certain concurrent federal laws, within the park.

Justification: Cooperative enforcement enhances the safety of visitors, employees, and park resources by ensuring that a full range of laws can be enforced effectively within the park. The ability of state and local officers to exercise jurisdiction supports timely response to emergencies, strengthens interagency coordination, and supplements limited federal law enforcement staffing. This shared responsibility helps maintain public order and resource protection across all park areas.

## 7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not

exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at Big Bend National Park:

[Contact Us - Big Bend National Park \(U.S. National Park Service\)](#)

8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent  
P.O. Box 1379  
101 Lt. Flipper Dr. #1379  
Fort Davis, TX 79734

9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document and remains in effect until revised for a period up to one year.

10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 Definitions.

11. Availability

Copies of the Compendium are available by contacting the Superintendent's Office through the General Park email at:

Contact Us - [Contact Us - Fort Davis National Historic Site \(U.S. National Park Service\)](#)

It may also be found at:

Laws & Policies – [Fort Davis National Historic Site](#)

## B. SUPERINTENDENT'S COMPENDIUM

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations (“36 CFR”), Chapter 1, Parts 1-7, authorized by Title 54 U.S.C. §100751, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Fort Davis National Historic Site.

*Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7. Written determinations, which explain the reasoning behind the Superintendent’s use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.*

*NOTE: NEPA compliance is not separately required for the discretionary actions listed herein. The authority to make the various determinations under this title is provided for in 36 CFR, which has undergone NEPA compliance. However, NEPA compliance may be required in the application of these determinations. (i.e., issuing a research permit or other permit that has “potential environmental effects”.)*

The compendium actions in this document apply in addition to all other laws that apply to lands and waters administered by the NPS within the boundaries of Fort Davis National Historic Site. These include:

Regulations in 36 CFR and other CFR titles such as Title 43, which contain regulations that apply on public lands administered by the Department of Interior. The current version of the CFR can be found at. Click on “Title 36” and then “Chapter 1” to access 36 CFR.

Statutes codified in U.S. Code, in particular in Titles 16 and 54.

*This Compendium is organized by the sections in 36 CFR that give the Superintendent discretionary authority to take the compendium action. Written determinations that explain why each compendium action is necessary appear in this document in italicized print.*

Please contact Chief Of Interpretation [Chelsea Rios](#) if you have any questions or comments about the Superintendent’s Compendium.

NPS regulations in [36 CFR 1.4](#) define certain terms that are used in 36 CFR. Other sections in 36 CFR may define terms that are used in those sections. To the extent any terms defined in the CFR are used in this Compendium, those definitions apply. In addition to terms defined in the CFR, the following terms used in this Compendium are defined as follows.

Day Use Area: Any area consisting of or adjacent to paved parking lots, buildings, or toilet facilities that are open to the general public.

Launching, landing, or operating an uncrewed or remotely piloted aircraft from or on lands and waters administered by the National Park Service within the boundaries of Fort Davis National Historic Site is prohibited except as approved in writing by the superintendent.

\*This prohibition is issued under the authority of 36 CFR §1.5. Prohibiting UAS use is necessary to protect visitor safety, wildlife, scenic values, and the integrity of cultural resources. The park's small footprint, historic structures, and visitor congestion make drone use especially unsafe and incompatible with the purposes for which the site was established.\*

Walkway: Sidewalk, paths, trails, or hard-surfaced areas that are closed to the use of bicycles and motorized vehicles.

### **Visitor Responsibility and Park Liability**

The park is not responsible for injury, theft, or accidents that may occur during your visit to Fort Davis National Historic Site. Visitors are advised to use caution, remain on designated trails, secure valuables, and follow all posted regulations.

### **Closed-Circuit Television (CCTV) Use Policy**

Consistent with DOI Departmental Manual (DM-444) and NPS Reference Manual 9 (RM-9), CCTV may be used to visually monitor public areas to protect visitors, employees, and resources. CCTV use will include appropriate privacy and First Amendment safeguards and will not target individuals based on protected characteristics.

This policy does not apply to use of officer-worn cameras, vehicle dashboard recording systems, or internal surveillance in restricted government areas such as fee collection points or secure offices.

### **36 CFR 1.5 – CLOSURES AND PUBLIC USE LIMITS.**

**36 CFR 1.5** (a)(1) – Visiting hours, public use limits and closures.

The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours: The park is open for visitation every day of the year, except for posted holiday closures. Hours for visitation are 8:00 AM to 5:00 PM Central Time, unless otherwise posted. Severe storms or Safety concerns may cause the park to close until such time as it is safe for visitation.

Closures: Technical rock climbing or rappelling anywhere within the park is prohibited. (*The park was set aside to preserve a nationally significant historic landscape, and this type of recreational activity would not be compatible. Opportunities for this type of recreational activity exist locally.*)

The entire park is closed to public use outside of established visiting hours, unless exempted by a permit in accordance with §1.6. (*This closure is necessary to protect the nationally significant cultural resources.*)

Hiking or pedestrian traffic may only enter or exit the park via established trails, roads, or access points. Climbing over boundary fences is prohibited. (*This closure is necessary to protect nationally significant cultural resources.*)

The entire park is closed to camping. (*Limited acreage does not allow for camping facilities that would not impair the cultural landscape. Opportunities for camping exist locally.*)

The entire park is close to tree climbing and tree rappelling. (*This closure is necessary to protect vegetation that contributes to the cultural landscape.*)

## **Filming, Still Photography, and Audio Recording**

36 CFR 1.5(a)(2)- Designate Areas for a specific use or activity or impose conditions or restrictions on a use or activity.

- Filming, still photography, and audio recording activity may require a permit, consistent with 54 U.S.C. 100905.
  - Filming, still photography, and audio recording activity that occurs in closed areas, requires exclusive use of a site or area, or involves a set or staging equipment other than handheld equipment (such as a tripod, monopod, and handheld lighting equipment) requires a permit, unless the activity is affiliated with an activity or event that has been allowed under a written authorization, such as a special use permit.
  - Filming, still photography, and audio recording that involves more than eight individuals requires a permit, unless the NPS has specifically notified an individual or group that a permit is not required, or if the activity is affiliated with an activity or event that has been allowed under a written authorization, such as a special use permit.
  - If a permit is required for the reasons stated above, or if the NPS otherwise determines and then notifies an individual or group that a permit is required for a filming, still photography, or audio recording activity, then engaging in that activity without a permit is prohibited. Violating a term or condition of a permit issued by the NPS for a filming, still photography, or audio recording activity is prohibited, and may result in the suspension or revocation of the permit, in addition to any penalties that may apply under 36 CFR 1.3.

*Federal law at 54 U.S.C. 100905 states that permits and fees are not required for filming, still photography, or audio recording in park areas if certain requirements are met. These requirements address various topics, including, but not limited to, group size, location, equipment, potential impacts to resources and visitors, and the likelihood that the NPS will incur related administrative costs. If any of these requirements are not met, the law allows the Secretary of the Interior, acting through the NPS, to require a permit for the subject activity. Permit requirements are imposed by the superintendent under discretionary authority provided by 36 CFR 1.5(a)(2), which allows the superintendent to impose conditions or restrictions on a use or activity, consistent with applicable legislation, to implement management responsibilities. The general regulations for permits in 36 CFR 1.6 do not apply to permits issued for filming, still photography, and audio recording, which instead are governed by the statutory provisions in 54 U.S.C. 100905. The imposition of permit requirements, on a case-by-case basis, for filming, still photography, or audio recording does not require rulemaking under 36 CFR 1.5(b). Requiring a permit with reasonable terms and conditions in accordance with statutory requirements at 54 U.S.C. 100905 is not highly controversial, will not result in a significant alteration in the public use pattern of the System unit, will not adversely affect the System unit's natural, aesthetic, scenic or cultural values, or require a long-term or significant modification in the resource management objectives of the System unit, because the permit requirement is limited in time and scope to the specific activities authorized by the permit, which contain terms and conditions that protect the values, resources, and visitors of the System unit, and implements federal law.*

**36 CFR 1.5 (a)(2) – Designated areas, conditions or restrictions on a use or activity.**

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All motor vehicles must shut down their vehicle engines when they are not underway. (*The idling of vehicle engines adds unnecessary exhaust fumes to the air and diminishes visitor enjoyment of the peace and tranquility of the park.*)

Note: See §1.5 Closures for restrictions related to Uncrewed Aircraft Systems (UAS).

## **36 CFR 1.6 – ACTIVITIES THAT REQUIRE A PERMIT**

### 36 CFR 1.6 (f) – Activities that require a permit.

The following activities are prohibited without a permit. Criteria for approving or denying permits are established by applicable law (statutes and regulations) and policy.

Permitted activities are subject to applicable terms and conditions.

- Note: See §1.5 Closures for restrictions related to Uncrewed Aircraft Systems (UAS).
- Specimen collection for research purposes. [36 CFR 2.5.](#)
- Gathering of plants or plant parts by Federally recognized Indian tribes. [36 CFR 2.6.](#)
- Operating a power saw in developed areas and a motor or engine in undeveloped areas. [36 CFR 2.12.](#)
- Operating a public address system. [36 CFR 2.12.](#)
- Delivery or retrieval of a person or object by parachute, helicopter, or other airborne means. [36 CFR 2.17.](#)
- Soliciting or demanding gifts, money, goods, or services. [36 CFR 2.37.](#)
- Using, possessing, storing, or transporting explosives; using or possessing fireworks or firecrackers. [36 CFR 2.38.](#)
- Conducting a special event. [36 CFR 2.50.](#)
- Some filming, still photography, and audio recording (depends upon the facts and circumstances; contact the park for more information). 36 CFR 1.5(a)(2) and 54 U.S.C. 100905.
- Conducting a demonstration by groups of more than 25 people. [36 CFR 2.51.](#)
- Selling or distributing printed matter and other message-bearing items by groups of more than 25 people. [36 CFR 2.52.](#)
- Running-at-large, herding, driving across, allowing on, pasturing, or grazing of livestock, or using the park for agriculture. [36 CFR 2.60.](#)
- Residing on federal lands. [36 CFR 2.61.](#)
- Scattering of human ashes from cremation. [36 CFR 2.62.](#)
- Towing a person using a parasail, hang-glider, or other airborne device. [36 CFR 3.12.](#)
- Displaying, posting, or distributing commercial notices or advertisements. [36 CFR 5.1.](#)
- Engaging in or soliciting any business. [36 CFR 5.3.](#)
- Using commercial vehicles on NPS-administered roads. [36 CFR 5.6.](#)
- Constructing or attempting to construct any building, structure, road, trail,

path, or utility. [36 CFR 5.7.](#)

- Rights-of-way. 36 CFR part 14.
- Examining ruins, excavating archeological sites, and gathering of objects of antiquity. 43 CFR part 3.
- Excavating or removing archeological resources. 43 CFR part 7.
- Collecting paleontological resources. 43 CFR part 49.

## **36 CFR 2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES**

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending, or traversing the listed archeological or cultural resource:

- *All historic buildings are open for visitation during normal business hours, unless posted otherwise or physically restricted. Visitation is only permitted via established access/egress points. Walking on ruins or foundations is prohibited.*
- The consumption of any food or beverage (except water) within a historic structure, with the exception of administrative offices, is prohibited.

(b) Hiking or pedestrian traffic may only enter or exit the park via established trails, roads, or access points. Climbing over boundary fences is prohibited.

(c)(1) Fruits, nuts, and berries may be collected by hand for immediate personal consumption on site without a collection permit. All collected items must be edible. No more than one handful may be taken per person, per day unless otherwise noted:

*Prickly pear fruits. 1 quart (4 cups). (Determination: It has been determined that the gathering or consumption of these items in these quantities will not adversely affect park wildlife, the reproduction potential of any plant species, or otherwise adversely affect park resources. If future monitoring indicates that such gathering or consumption is likely to cause adverse effects to park resources, then the authorization of this consumptive use will be terminated.*

## **36 CFR 2.2 - WILDLIFE PROTECTION**

(e) The viewing of wildlife with an artificial light is prohibited except when conducting research with an approved permit.

## **36 CFR 2.4 – WEAPONS, TRAPS, AND NETS**

(a)(2) Weapons, traps or nets may only be carried, possessed, or used at the following designated times and locations:

In accordance with Texas state law, except as otherwise prohibited by applicable federal law and regulation.

Firearms are prohibited in facilities owned or leased by the federal government where federal employees are regularly present for performing their duties. These facilities are posted with signs informing the public that firearms are prohibited in these buildings. *(This prohibition is for the protection of federal employees, and in accordance with national law and guidance on possession of firearms inside of federal facilities).*

## **36 CFR 2.10 – CAMPING and FOOD STORAGE**

(a) Camping is prohibited.

## **36 CFR 2.11 – PICNICKING**

Areas Closed to Picnicking: Picnicking is prohibited within the Historic Core ROA except in the Oak Grove and on picnic tables around the visitor's main parking lot. *(This restriction is necessary to maintain the historic scene.)*

## **36 CFR 2.13 – FIRES**

### **(a)(1) Conditions for Lighting or Maintaining a Fire**

A fire may be ignited and maintained only by using fuel sources designed and commonly used for warmth or the preparation of food, such as charcoal briquettes or natural firewood. Lighting or maintaining a fire with other materials including, but not limited to, flammable liquids, garbage, fireworks, plastics, aerosol canisters, batteries, or other manufactured or synthetic materials, is prohibited.

*This action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, and the implementation of management responsibilities. Materials other than approved combustibles – especially fire accelerants and substances prone to wind transport or explosion – creates serious risks when used to light or maintain fires. These combustibles can ignite or spread wildfires that directly threaten people and valuable resources and assets. The burning of manufactured or synthetic materials can contribute to air pollution, contaminate soil and water,*

*and be toxic to humans and the environment. Less restrictive measures, such as an education campaign informing visitors of the risks of using certain materials to light or maintain a fire, would not be commensurate with the substantial risks associated with those activities and could lead to adverse outcomes that might be prevented by establishing an enforceable condition.*

**Fort Davis NHS Local Restriction:**

To further protect park resources and public safety, all visitor fires are prohibited within the park boundaries, except:

- Charcoal fires in permanent containers located in the Oak Grove picnic area and designated picnic tables, provided no burn ban is in effect.
- Fires for administrative purposes or in employee housing areas, as authorized by the Superintendent.

*This local restriction is necessary due to the park's high wildfire risk, historic structures vulnerable to ignition, and limited firefighting resources. Prohibiting visitor fires ensures the protection of irreplaceable cultural resources, visitor safety, and compliance with regional fire management policies.*

**36 CFR 2.14 – SANITATION and REFUSE**

(a)(2) Using government refuse receptacles for dumping household, commercial, or industrial refuse, brought as such from private or municipal property, is prohibited.

(b) The disposal of human body waste is prohibited except in designated restrooms.

**36 CFR 2.15 – PETS**

(a)(1) Pets are not permitted in public buildings or historic structures unless a service animal.

(a)(2) Pets outside of vehicles are required to be always restrained on a leash which shall not exceed six feet in length.

(a)(3) Leaving a pet unattended in vehicles during warm weather is not permitted. Leaving a pet unattended and tied to an object is not permitted.

(a)(5) Pet owners are required to immediately remove and properly dispose of fecal matter, deposited by pets, in an appropriate refuse container.

(e) Employees residing in park residences may keep pets in accordance with the park Pet Policy.

## **36 CFR 2.16 – HORSES and PACK ANIMALS**

(b) The use of horses or pack animals is permitted on the following trails, routes, or areas:

- Persons engaged in authorized living history programs for the park may use horses or pack animals within the Historic Core ROA. Public use of horses or pack animals is prohibited anywhere in the park.

## **36 CFR 2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES**

Employees residing in park residences may use roller skates, skateboards, roller skis, coasting vehicles, or similar devices within the residential areas only.

## **36 CFR 2.21 – SMOKING**

(a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking:

- Smoking is prohibited in all park structures.
- Smoking is prohibited in all government-owned vehicles.
- During periods of extremely high fire danger, the superintendent may prohibit smoking on trails and grounds.
- Smoking is permitted for park housing residents outside only, at least 25 feet from any entrance.

## **36 CFR 2.23 – RECREATION FEES**

(b) Recreation fees, in accordance with 36 CFR Part 71, are established as follows: Absence a Federal Recreation Passport/Pass, fee waiver, or fee exemption, payment of the following entrance fee is required within Fort Davis National Historic Site:

Entrance Fee for Individuals 16 or Older.....	\$10.00	or
Entrance Fee for a Private Vehicle.....	\$20.00	or
Entrance Fee for a Private Motorcycle.....	\$15.00	

The entrance fee will be determined by which is the most advantageous to the visitor(s).

(c) The collection of recreation fees may be suspended during the following periods:

- Founders Day, Public Lands Day or other designated days.
- The Friends of Fort Davis National Historic Site events or similar activity.

### **36 CFR 2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES**

(a)(3) The possession or consumption of an alcoholic beverage is prohibited on all park grounds, except within designated residential areas for park employees.

The possession or consumption of an alcoholic beverage is prohibited in the visitor center, administrative offices, auditorium, and all historic structures within the park.

The possession or consumption of an alcoholic beverage while in or operating the park electric cart is prohibited.

The possession or consumption of an alcoholic beverage by persons engaged in authorized living history programs for the park is prohibited. This prohibition applies to overnight camps while on park grounds.

*Justification: Park buildings and the historic landscape setting are places of business and cultural preservation, and the use and/or possession of alcoholic beverages is deemed inappropriate. These restrictions are necessary to protect visitors, park resources, and to avoid visitor use conflicts while ensuring safe and orderly visitor experiences. This restriction also protects irreplaceable historic structures, ensures visitor safety, and maintains a family-friendly environment. The park has limited law enforcement and firefighting resources, and the proximity of visitor areas to fragile cultural resources amplifies risks associated with alcohol consumption. Prohibiting alcohol throughout the site minimizes the likelihood of disruptive behavior, accidents, and resource damage. Less restrictive measures would not adequately mitigate these risks.*

### **36 CFR 2.51 – DEMONSTRATIONS**

(c)(2) The areas listed below are designated for demonstrations and the sale or distribution of printed matter. These areas may be occupied by groups of 25 or fewer persons without a permit consistent with 36 CFR 2.51 and 2.52.

(e) The following locations are the only areas designated for public assemblies:

- The easternmost ramada of the parking lot as a shaded structure.
  - o 2163 ft<sup>2</sup> (43'x51'x43'x50').
- Designated island area with (2) picnic tables and (2) trashcans.
  - o 2030 ft<sup>2</sup> (33'x75'x26'x76').

*These areas have been designated pursuant to the provisions of the Federal Register with the intention of providing persons exercising their First Amendment rights with a very public area with the potential for "high visibility."*

### **36 CFR 2.52 - PUBLIC ASSEMBLIES, MEETINGS & SALE OR DISTRIBUTION OF PRINTED MATTER**

See section 2.51 above regarding the list of designated areas.

*Superintendents are authorized by 36 CFR 2.52 to issue special park use permits for the sale or distribution of "printed matter," which the regulation defines as "message-bearing textual printed material such as books, pamphlets, magazines and leaflets, provided that it is not solely commercial advertising. "Sales under this regulation whether authorized by a permit or small group exception, are limited to these defined terms.*

*To ensure that interpretation of the 36 CFR 2.52 accommodates the exercise of First Amendment rights, and that it is uniformly applied, in interpreting and applying the regulation, superintendents will allow the **free distribution** of message-bearing items to the public other than printed matter, so long as the activity occurs within the areas designated as available for First Amendment activities, and otherwise complies with 36 CFR 2.52.*

*Examples of message-bearing items that may be distributed for free include CDs, DVDs and other readable electronic media. Such items must be distributed free of charge, and individuals may not ask or demand payment or request a donation in exchange for the item, which would violate 36 CFR 5.3.*

## **ASSEMBLIES LOCATIONS**



## **PART 4—VEHICLES AND TRAFFIC SAFETY**

**Authority:**[54 U.S.C. 100101, 100751, 320102](#).

**Source:**[52 FR 10683](#), Apr. 2, 1987, unless otherwise noted.

### **§ 4.1 APPLICABILITY AND SCOPE.**

The applicability of the regulations in this part is described in [§ 1.2 of this chapter](#). The regulations in this part also apply, regardless of land ownership, on all roadways and parking areas within a park area that are open to public traffic and that are under the legislative jurisdiction of the United States.

### **§ 4.2 STATE LAW APPLICABLE.**

- Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is adopted and made a part of the regulations in this part.
- Violating a provision of State law is prohibited.

**§ 4.3 AUTHORIZED EMERGENCY VEHICLES.**

- (a) The operator of an authorized emergency vehicle, when responding to an emergency or when pursuing or apprehending an actual or suspected violator of the law, may:
  - (1) Disregard traffic control devices;
  - (2) Exceed the speed limit; and
  - (3) Obstruct traffic.

- (b) The provisions of [paragraph \(a\)](#) of this section do not relieve the operator from the duty to operate with due regard for the safety of persons and property.

**§ 4.4 REPORT OF MOTOR VEHICLE ACCIDENT.**

- (a) The operator of a motor vehicle involved in an accident resulting in property damage, personal injury or death shall report the accident to the superintendent as soon as practicable, but within 24 hours of the accident. If the operator is physically incapable of reporting the accident, an occupant of the vehicle shall report the accident to the superintendent.
- (b) A person shall not tow or move a vehicle that has been involved in an accident without first notifying the superintendent unless the position of the vehicle constitutes a hazard or prior notification is not practicable, in which case notification shall be made before the vehicle is removed from the park area.
- (c) Failure to comply with a reporting requirement specified in [paragraph \(a\)](#) or [\(b\)](#) of this section is prohibited.
- (d) The notification requirements imposed by this section do not relieve the operator and occupants of a motor vehicle involved in an accident of the responsibility to satisfy reporting requirements imposed by State law.

**§ 4.10 TRAVEL ON PARK ROADS AND DESIGNATED ROUTES.**

- (a) Operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use.
- (b) Routes and areas designated for off-road motor vehicle use shall be promulgated as special regulations. The designation of routes and areas shall comply with [§ 1.5 of this chapter](#) and Executive Order 11644 ([3 CFR](#), 1971-1975 Comp., p. 666). Routes and areas may be designated only in national recreation areas, national seashores, national lakeshores and national preserves.
- (c) The following are prohibited:

(1) Operating a motor vehicle not equipped with pneumatic tires, except that a track-laying motor vehicle or a motor vehicle equipped with a similar traction device may be operated on a route designated for these vehicles by the superintendent.

(2) Operating a motor vehicle in a manner that causes unreasonable damage to the surface of a park road or route.

(3) Operating a motor vehicle on a route or area designated for off-road motor vehicle use, from 1/2 hour after sunset to 1/2 hour before sunrise, without activated headlights and taillights that meet the requirements of State law for operation on a State highway.

[[52 FR 10683](#), Apr. 2, 1987, as amended at [80 FR 36476](#), June 25, 2015]

#### **§ 4.11 LOAD, WEIGHT AND SIZE LIMITS.**

(a) Vehicle load, weight and size limits established by State law apply to a vehicle operated on a park road. However, the superintendent may designate more restrictive limits when appropriate for traffic safety or protection of the road surface. The superintendent may require a permit and establish conditions for the operation of a vehicle exceeding designated limits.

(b) The following are prohibited:

(1) Operating a vehicle that exceeds a load, weight or size limit designated by the superintendent.

(2) Failing to obtain a permit when required.

(3) Violating a term or condition of a permit.

(4) Operating a motor vehicle with an auxiliary detachable side mirror that extends more than 10 inches beyond the side fender line except when the motor vehicle is towing a second vehicle.

(c) Violating a term or condition of a permit may also result in the suspension or revocation of the permit by the superintendent.

#### **§ 4.12 TRAFFIC CONTROL DEVICES.**

Failure to comply with the directions of a traffic control device is prohibited unless otherwise directed by the superintendent.

#### **§ 4.13 OBSTRUCTING TRAFFIC.**

The following are prohibited:

(a) Stopping or parking a vehicle upon a park road, except as authorized by the superintendent, or in the event of an accident or other condition beyond the control of the operator.

(b) Operating a vehicle so slowly as to interfere with the normal flow of traffic.

**§ 4.14 OPEN CONTAINER OF ALCOHOLIC BEVERAGE.**

(a) Each person within a motor vehicle is responsible for complying with the provisions of this section that pertain to carrying an open container. The operator of a motor vehicle is the person responsible for complying with the provisions of this section that pertain to the storage of an open container.

(b) Carrying or storing a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal is broken or the contents of which have been partially removed, within a motor vehicle in a park area is prohibited.

(c) This section does not apply to:

(1) An open container stored in the trunk of a motor vehicle or, if a motor vehicle is not equipped with a trunk, to an open container stored in some other portion of the motor vehicle designed for the storage of luggage and not normally occupied by or readily accessible to the operator or passengers; or

(2) An open container stored in the living quarters of a motor home or camper; or

(3) Unless otherwise prohibited, an open container carried or stored in a motor vehicle parked at an authorized campsite where the motor vehicle's occupant(s) are camping.

(d) For the purpose of paragraph (c)(1) of this section, a utility compartment or glove compartment is deemed to be readily accessible to the operator and passengers of a motor vehicle.

**§ 4.15 SAFETY BELTS.**

(a) Each operator and passenger occupying any seating position of a motor vehicle in a park area will have the safety belt or child restraint system properly fastened at all times when the vehicle is in motion. The safety belt and child restraint system will conform to applicable United States Department of Transportation standards.

(b) This section does not apply to an occupant in a seat that was not originally equipped by the manufacturer with a safety belt nor does it apply to a person who can demonstrate that a medical condition prevents restraint by a safety belt or other occupant restraining device.

*[62 FR 61633, Nov. 19, 1997]*

**§ 4.20 RIGHT OF WAY.**

An operator of a motor vehicle shall yield the right of way to pedestrians, saddle and pack animals and vehicles drawn by animals.

Failure to yield the right of way is prohibited.

**§ 4.21 SPEED LIMITS.**

- (b) The superintendent may designate a different speed limit upon any park road when a speed limit set forth in paragraph (a) of this section is determined to be unreasonable, unsafe or inconsistent with the purposes for which the park area was established. Speed limits shall be posted by using standard traffic control devices. The speed limit on all paved park roads is 20 MPH. Non-paved road speed limit is 10 MPH.
- (c) Operating a vehicle at a speed in excess of the speed limit is prohibited.
- (d) An authorized person may utilize radiomicrowaves or other electrical devices to determine the speed of a vehicle on a park road. Signs indicating that vehicle speed is determined by the use of radiomicrowaves or other electrical devices are not required.

**§ 4.22 UNSAFE OPERATION.**

- (a) The elements of this section constitute offenses that are less serious than reckless driving. The offense of reckless driving is defined by State law and violations are prosecuted pursuant to the provisions of [section 4.2 of this chapter](#).
- (b) The following are prohibited:
  - (1) Operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent considering wildlife, traffic, weather, road and light conditions and road character.
  - (2) Operating a motor vehicle in a manner which unnecessarily causes its tires to squeal, skid or break free of the road surface.
  - (3) Failing to maintain that degree of control of a motor vehicle necessary to avoid danger to persons, property or wildlife.
  - (4) Operating a motor vehicle while allowing a person to ride:
    - (i) On or within any vehicle, trailer or other mode of conveyance towed behind the motor vehicle unless specifically designed for carrying passengers while being towed; or

- (ii) On any exterior portion of the motor vehicle not designed or intended for the use of a passenger. This restriction does not apply to a person seated on the floor of a truck bed equipped with sides, unless prohibited by State law.

### **§ 4.23 OPERATING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.**

(a) Operating or being in actual physical control of a motor vehicle is prohibited while:

- (1) Under the influence of alcohol, or a drug, or drugs, or any combination thereof, to a degree that renders the operator incapable of safe operation; or
- (2) The alcohol concentration in the operator's blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or more of alcohol per 210 liters of breath. Provided however, that if State law that applies to operating a motor vehicle while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits supersede the limits specified in this paragraph.

(b) The provisions of paragraph (a) of this section also apply to an operator who is or has been legally entitled to use alcohol or another drug.

(c) ***Tests.***

- (1) At the request or direction of an authorized person who has probable cause to believe that an operator of a motor vehicle within a park area has violated a provision of paragraph (a) of this section, the operator shall submit to one or more tests of the breath, saliva, or urine for the purpose of determining blood alcohol and drug content.
- (2) Refusal by an operator to submit to a test under paragraph (c)(1) is prohibited and proof of refusal may be admissible in any related judicial proceeding.
- (3) Absent exigent circumstances, an operator cannot ordinarily be required to submit blood samples for the purpose of determining blood alcohol and drug content unless it occurs through a search warrant. An authorized person who has probable cause to believe that an operator of a motor vehicle within a park area has violated a provision of paragraph (a) of this section shall get a search warrant, except when exigent circumstances exist, to obtain any blood samples from the operator for the purpose of determining blood alcohol and drug content.
- (4) Any test or tests for the presence of alcohol and drugs shall be determined by and administered at the direction of an authorized person.
- (5) Any test shall be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.

(d) ***Presumptive levels.***

(1) The results of chemical or other quantitative tests are intended to supplement the elements of probable cause used as the basis for the arrest of an operator charged with a violation of paragraph (a)(1) of this section. If the alcohol concentration in the operator's blood or breath at the time of testing is less than alcohol concentrations specified in paragraph (a)(2) of this section, this fact does not give rise to any presumption that the operator is or is not under the influence of alcohol.

(2) The provisions of paragraph (d)(1) of this section are not intended to limit the introduction of any other competent evidence bearing upon the question of whether the operator, at the time of the alleged violation, was under the influence of alcohol, or a drug, or drugs, or any combination thereof.

[[52 FR 10683](#), Apr. 2, 1987, as amended at [68 FR 46479](#), Aug. 6, 2003; [83 FR 26595](#), June 8, 2018]

#### **§ 4.30 – BICYCLES**

- (a) Bicycles are restricted to paved roads.
- (b) Electric Bike (e-bike)

The term “e-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).

E-bikes are allowed on Fort Davis National Historic Site where traditional bicycles are allowed.

E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).

Except as specified in this Compendium, the use of an e-bike within Fort Davis National Historic Site is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

## HIKING TRAIL MAP

