



MRGCD Gate Request Policy Review-FAQs

The Middle Rio Grande Conservancy District (MRGCD) has reviewed the existing Rule No. 28 Gate Request Policy (Policy) to better reflect the MRGCD's responsibilities and public interest. Provided below are [Frequently Asked Questions \(FAQs\)](#) regarding motor vehicle access and the installation, maintenance, and operation of gates on MRGCD facilities. Submit comments to policycomment@mrgcd.us

Question #1

- Are motor vehicles allowed on MRGCD facilities?

Answer

- Access of gates and operation of motor vehicles on MRGCD canals, laterals, acequias, drains and other facilities shall be limited to MRGCD personnel, first responders, other officials, and qualified licensees.
- Use of MRGCD facilities for parallel ingress/ egress to private property, or as a traffic thoroughfare, or detour is not authorized.
- Motor vehicles can cross MRGCD facilities at private and public road crossings.
- The installation of culvert and bridge crossings are permitted by a license agreement.
- The MRGCD is not responsible for installing, maintaining or replacing private or public road crossings.
- Exceptions for landlocked properties must be approved by MRGCD CEO/Chief Engineer.

Question #2

- Why are gates installed on MRGCD facilities?

Answer

- To protect and conserve MRGCD land, waterways, natural resources, irrigation infrastructure, and other facilities which are managed for the operation and maintenance of river flood control, drainage and irrigation purposes.
- To reduce prohibited facility uses, property damage, illegal activities, and unlawful dumping by restricting unauthorized motor vehicles.

Question #3

- How do I apply for traffic gates?

Answer

- A private landowner, community, homeowners/ neighborhood association, or other party residing next to an MRGCD facility may request gates if an attempt has been made to contact law enforcement to prevent prohibited uses of the MRGCD facility. If the issues persist, then the requestor may apply for the installation of gates.
- Submit an application packet consisting of the following to MRGCD Licensing and Lands staff:
 - ✓ Application Form
 - ✓ Request Letter
 - ✓ Map of proposed gate location(s)
 - ✓ Supporting Documentation: police reports, photos, exhibits, etc.
 - ✓ Community Petition
 - ✓ Fees

Question #4

- Who needs to be petitioned as I apply for traffic gates?

Answer

- All landowners residing next to the portion of the MRGCD facility proposed to be closed to motor vehicles.
- All irrigators impacted by motor vehicle closure including any community ditch irrigators.
- The landowners to be petitioned must be determined in consultation with MRGCD Licensing and Lands Staff.

Question #5

- How long will it take to process my traffic gate request?

Answer

- Typical processing period is three to six months depending on the volume of responses.

Question #6

- Who pays for traffic gates?

Answer

- The applicant is responsible for a \$200.00 application fee and gate materials cost. If the gate installation is denied, the MRGCD will refund the application fee.
- Materials cost will vary depending on market prices, number of gates, and additional fencing length required to adequately close an area of concern.

Question #7

- Why won't the MRGCD pay for my gate request?

Answer

- The applicant is responsible for gate materials cost.
- The MRGCD will seek outside funding and cost-share opportunities with other jurisdictions, but there is no guarantee outside funding sources will be available.

Question #8

- Who will operate, install, and maintain new gates?

Answer

- The MRGCD will maintain ownership and authority of all gates.
- Installation and maintenance will be performed by the MRGCD or its contractor(s).

Question #9

- What will the MRGCD do about existing and previously licensed gates?

Answer

- The MRGCD will systematically take ownership and authority over all gates on MRGCD facilities, licensed or not.
- The MRGCD will provide 30 days written notice upon license revocation according to the terms of the license agreement.

Question #10

- How do I get a key?

Answer

- Access of gates and operation of motor vehicles on MRGCD ditch banks is limited to MRGCD vehicles and equipment, first responders, government officials, and qualified licensees.
- Requests for keys or combinations to gate locking devices should be made to the MRGCD Licensing and Lands staff. If qualifications are met, Special Use License stipulations will govern the issuance of keys/combinations for irrigation and farming purposes.
- The MRGCD will not allow gates to be secured with private locks.

Question #11

- What is a Special Use License?

Answer

- A Special Use License is a temporary use permit required for access and use of MRGCD facilities for a specific purpose and duration.
- A Special Use License can be applied for by contacting the Licensing and Land Sales staff.

Question #12

- I have a backyard/side-yard entry to my property from an MRGCD facility. Will I be allowed to access this entry if traffic gates are placed?

Answer

- The MRGCD will unlock and/or open gates for a specific purpose to allow short-term backyard/ side-yard access.
- The MRGCD will not issue keys for regular access.
- Depending on the nature of the request a Special Use License may be required.

Question #13

- I use the MRGCD facility for commercial purposes. Can you install the gate in a way that I can still have access to the ditch bank for my business?

Answer

- Commercial use of MRGCD facilities is prohibited.
- Gates are often installed to prevent unauthorized commercial vehicle use that has become a public nuisance, safety hazard, or causes damage to MRGCD facilities.

Question #14

- Will I be grandfathered-in to accessing my property if I have always used the MRGCD facility for my access?

Answer

- If your property has legal access from a private or public road, then you will not be authorized to regularly use the MRGCD facility to access your property.
- Historical use will only be considered for irrigation and farming purposes where there is not a viable alternate access.
- Exceptions for landlocked properties must be approved by the MRGCD CEO/ Chief Engineer.
- Your property is not considered landlocked if a culvert/ bridge crossing has not been installed or replaced for access across an MRGCD ditch.

Question #15

- Are motorcycles, dirt-bikes, 4-wheelers, etc. allowed on MRGCD facilities?

Answer

- Recreational and general public off-highway vehicle (OHV/ ROV) use on MRGCD facilities is strictly prohibited.
- This includes but is not limited to, all-terrain vehicles (ATVs), motorcycles, off-highway motorcycles (OHMs) / dirt bikes, utility terrain vehicles (UTVs), side-by-sides, and snowmobiles.
- Operation of any OHVs on MRGCD facilities shall be limited to MRGCD personnel, law enforcement, fire, search & rescue, other approved agencies, and qualified licensees.

Question #16

- Can irrigators use vehicles, utility vehicles, ATV's, and farm equipment on MRGCD facilities?

Answer

- If there is not a viable alternate access for irrigation or farming purpose or if an irrigator is mobility limited.
- If qualifications are met, the operation of vehicles, Off-Highway vehicles OHVs, and farm equipment on MRGCD facilities for irrigation and farming purposes may be permitted by a Special Use License.
- Maintenance fees for special use may apply per an amended Board Fee Schedule.

Question #17

- Will gates prevent walking, cycling, horse access?

Answer

- MRGCD facilities are managed for the operation and maintenance of river flood control, drainage and irrigation purposes.
- New gate installations will be installed per the MRGCD Standard Gate Detail which will include a gate walk-over and side walk-through where right-of-way width, site conditions and property interest allow.
- If gates do not meet current standards they will be improved as maintenance schedule and budget allow.

Question #18

- Are gates American Disabilities Act (ADA) compliant?

Answer

- MRGCD facilities are managed for the operation and maintenance of river flood control, drainage and irrigation purposes.
- The MRGCD supports the effort of partner agencies developing and providing low-impact recreation opportunities for the public including ADA compliant trails such as the Alameda Drain and Trail project.

Question #19

- What is low-impact recreation?

Answer

- Non-motorized recreation that does not cause disturbance or harm to MRGCD facilities, natural resources, and wildlife such as walking, hiking, biking, and horseback-riding.

Question #20

- Why was my request/application denied?

Answer

- The MRGCD may deny any request that does not meet the criteria outlined in the traffic gate policy or if the request violates any other MRGCD policy.
- MRGCD's decision to deny a gate application and/or access exception may be appealed. Any appeal not resolved at the staff level, will then be heard by MRGCD CEO/ Chief Engineer first and, then if requested by the appellant, by the MRGCD Board of Directors.

Question #21

- How do I get a key for the Bosque?

Answer

- Levee and Bosque gate access are governed by MRGCD Rule No. 32 Bosque Access Policy.

Question #22

- Can the MRGCD place signs where motor vehicles are a nuisance?

Answer

- The MRGCD places signs to notify the public when an area has been requested to be closed to motor vehicles.
- The MRGCD is developing signs to notify the public of MRGCD regulations to be placed throughout MRGCD's jurisdiction, especially in heavily misused areas.
- The MRGCD is working closely with various law enforcement agencies to assist in the enforcement of MRGCD policies. Signs will assist in this effort.

Question #23

- How do I report gate damage, unauthorized traffic gate, or fence installation?

Answer

- Please contact MRGCD Lands and Licensing staff at 505-247-0234 or licensing@mrgcd.us to report any issues.