

Middle Rio Grande Conservancy District  
Post Office Box 581, 1931 Second Street S.W.  
Albuquerque, New Mexico 87103-0581

RULE NO. 28  
GATE REQUEST POLICY

**1.0 STATEMENT OF PURPOSE**

The purpose of the Gate Request Policy is to address requests for gate installations on Middle Rio Grande Conservancy District (MRGCD) maintenance roads. The MRGCD Gate Request Policy is designed to:

- 1.1 Protect MRGCD access to roads and rights-of-way by preventing road closures that unreasonably impede MRGCD operations;
- 1.2 Permit reasonable accommodation to members of the public residing adjacent to a MRGCD road who justify a need to install gates to reduce unauthorized motor vehicle access and illegal activities and protect private property;
- 1.3 Establish a decision-making process that protects the MRGCD's operational requirements and balances them with the interests of constituents and the general public;
- 1.4 Establish an application procedure for licensing gates on MRGCD rights-of-way and property.

**2.0 PROCEDURES FOR REDUCING MOTOR VEHICLE TRAFFIC ON MAINTENANCE ROADS**

Before the MRGCD will consider a request to install a gate, the following alternatives to gate installation must be pursued:

- 2.1 The landowner(s) shall contact the County Sheriff or other appropriate law enforcement agency to report the identification or description of any unauthorized vehicles and any violations. If the vehicles cannot be identified, the times of heaviest use should be reported to the Sheriff with a request to patrol the MRGCD road and cite trespassers;
- 2.2 In addition to notifying the Sheriff's office, the landowner(s) shall notify the MRGCD in writing to describe the unauthorized use of MRGCD facilities and request the MRGCD to post signs prohibiting vehicular access without permission from the MRGCD. If the MRGCD agrees that signs would be an effective deterrent, it will install the signs in locations determined by the MRGCD;
- 2.3 The MRGCD may also direct its Bosque Patrol Officers to monitor the area of concern at times of heaviest use, if there is sufficient personnel to do so and if the MRGCD determines such monitoring is an appropriate use of resources;
- 2.4 If the actions outlined in Sections 2.1 – 2.3 fail to stop the unauthorized use of MRGCD facilities, a gate application may be made pursuant to Sections 3.0 and 4.0.

**3.0 ELIGIBILITY TO APPLY FOR A GATE LICENSE**

A landowner(s) is eligible to apply for a license to install and maintain gates when the following requirements are satisfied:

- 3.1. **Good Faith Statement.** As part of the license application, the landowner(s) shall submit a written statement describing the efforts to comply with Section 2.0 of this Gate Request Policy;
- 3.2. **Site Suitability Analysis.** The MRGCD will initially determine whether adequate MRGCD right-of-way exists for gate construction and whether a gate will be an unreasonable burden to the MRGCD's operations and maintenance or to emergency personnel. The MRGCD will also evaluate the potential impacts of a gate on MRGCD facilities receiving off-site drainage.

#### **4.0 REQUIREMENTS FOR APPROVAL OF A LICENSE**

Requesting landowner(s) must demonstrate their eligibility pursuant to Section 3.0. and satisfy the following requirements:

**4.1 Application.** The applicant must follow all MRGCD license application procedures and procedures defined in this Gate Request Policy. Submittal of an application does not guarantee approval;

**4.2 Public Notice**

**4.2.A.** After the MRGCD makes an initial determination of the suitability of the proposed MRGCD gate site (see 3.2) and before action on the license application, the applicant must obtain public notice signs from the MRGCD and post them at locations specified by the MRGCD for thirty (30) consecutive days to notify and solicit comments about the closure request from the general public and users of the road. The applicant shall be responsible for keeping the signs posted for the thirty day period;

**4.2.B.** If the MRGCD determines that the site is suitable for gate installation but lacks adequate MRGCD right-of-way to include an equestrian/pedestrian bypass, this information shall be included on the public notice signs. The inability to include a bypass will be considered in the approval process.

**4.3 Minimum Criteria.** The applicant must submit documentation satisfying the following requirements:

**4.3.A.** A petition requesting road closure with the signatures, addresses (including legal descriptions) and telephone numbers of all property owners adjoining the road and/or any affected irrigators. The area to be petitioned shall be determined in consultation with the MRGCD;

**4.3.B.** Proof that all adjoining properties adjacent to the facility requested for closure have legal access to their property via a public or private road;

**4.3.C.** Demonstration that the impacts of the gate on MRGCD operations, emergency and law enforcement personnel, irrigators and non-motorized community access are offset by the public safety, property damage and health risks caused by the unauthorized road use. The MRGCD will review documentation submitted by the applicant as per Sections 2.2 and 3.1, which should contain detailed descriptions of the problems prompting the gate installation request. The MRGCD will assess the severity of the problems associated with the unauthorized uses and weigh them against the road closure impacts.

#### **5.0 REQUIREMENTS FOR GATE INSTALLATION**

After receiving MRGCD approval for a license to install and maintain a gate, the licensee must satisfy the following approval conditions:

**5.1 License Agreement.** The licensee must execute the MRGCD's standard form "License Agreement;"

**5.2 License Fee.** The licensee is responsible for all applicable fees;

**5.3 Installation Costs.** The costs of installation and maintenance must be paid for by the licensee as stated in the "License Agreement;"

**5.4 Construction and Inspection.** The construction of gates must meet MRGCD specifications and, upon completion, must pass inspection by the MRGCD. Gate specifications are available from the MRGCD Engineering Department;

**5.5 Pedestrian and Equestrian Bypass.** Gate licenses shall require walkovers for pedestrian and equestrian bypass where the MRGCD determines it is feasible to install such bypass.

## **6.0 PROCEDURES FOR LICENSE REVOCATION AND GATE REMOVAL**

Per the license agreement, the MRGCD will give the licensee a written thirty-day notice of license revocation requiring gate removal. The MRGCD is not limited to the following grounds for license revocation:

- 6.1 Damaged gates or locks that are not repaired within 48 hours of receiving notice from the MRGCD. The MRGCD reserves the right to remove locks or gates that prevent operational or emergency access at its discretion;
- 6.2 Other uncorrectable gate conditions or defects that interfere unreasonably with MRGCD operations and maintenance or pose a public health or safety concern.

## **7.0 GATE INSTALLATION BY THE MRGCD**

The MRGCD may, on its own initiative, install gates to protect its lands, facilities and operations or for other purposes approved by the MRGCD Chief Engineer.