



1.0 Background

Farmers raising organic produce occasionally ask the department not use pesticides near their production fields. The [Midwest Organic Services Association](#) (MOSA) certifies farm fields for growing organic produce. They are concerned herbicides used for weed control by the Wisconsin Department of Transportation (WisDOT) on rights of way adjacent to fields used for growing organic produce may affect the ability of their fields to be certified. There is no mandatory standard for a buffer zone to be maintained between sprayed areas and an organic production field. Standard procedure is for the MOSA and the farmer to agree on a reasonable distance on a case-by-case basis. The farmer must either reach an agreement with the adjacent property owner/manager not to use pesticides on property adjacent to their fields or they must provide the buffer on their own property.

Requests to alter maintenance activities also occasionally come from individuals for other reasons such as attempting to manage native prairie remnants that occur on WisDOT right of way.

2.0 Guideline

Where feasible and practical, maintenance activities may be deferred at the request of adjacent property owners/managers if the requestors are willing to sign an agreement they, at their own expense, will maintain the right of way to the standards set forth by the department in the Highway Maintenance Manual.

These requests should be considered on a case-by-case basis. Where such a deferral is reasonable and practical, a DT1812, [Application/Permit to Work on Highway Right of Way](#), should be issued for a specific time period. At least initially, the permit should be issued annually.

Permit special provisions should require that the requestor maintain the designated area free of the state listed noxious weeds and vegetation obstructing visibility of any guardrail located within the buffer zone be controlled to a height of less than 18 inches. See HMM 07-05-05, Control of Noxious, Invasive and Hazardous Plants for more information. The special provisions should also stipulate control is to be specific to the target species and not on an area-wide basis (e.g. cut thistles only, do not mow the entire right of way from shoulder to right of way line).

The permittee must maintain the clear zone in accordance with HMM 07-10-05, Woody Vegetation Control. When permission is granted, the permittee should place an appropriate professionally-lettered sign, e.g. "NATIVE PLANTS - DO NOT SPRAY" (OR MOW if such is the case), near the right of way line on both ends of the area subject to the permit.

If traveler safety is compromised, the county should be directed to resume necessary vegetation management work.