Reducing Landowner Interference in the Right-of-Way
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Mowing

314.17 Mowing on interstates, primary highways, and secondary roads.
Mowing roadside vegetation on the rights-of-way or medians on any primary highway, interstate highway, or secondary roads prior to July 15 is prohibited, except as follows:
1. Within two hundred yards of an inhabited dwelling.
2. On rights-of-way within one mile of the corporate limits of a city.
3. To promote native species of vegetation or other long-lived and adaptable vegetation.
4. To establish control of damaging insect populations, noxious weeds, and invasive plant species.
5. For visibility and safety reasons.
6. Within rest areas, weigh stations, and wayside parks.
7. Within fifty feet of a drainage tile or tile intake.
8. For access to a mailbox or for other accessibility purposes.
9. On rights-of-way adjacent to agricultural demonstration or research plots.
Integrated Roadside Vegetation Management Plans

Iowa Code allows, but does not require, counties to adopt their own integrated roadside vegetation management plan consistent with the state’s plan. Having allows your county to be more involved in making decisions in the right of way.

Example:

- 317.11(2):

Nothing under this chapter shall prevent the landowner from harvesting, in proper season on or after July 15, the grass grown on the road along the landowner’s land except for vegetation maintained for highway purposes as part of an integrated roadside vegetation management plan which is consistent with the objectives in section 314.22.
Another Example:

In addition, Iowa Code Section 317.13 requires a county to require permits for burning, mowing or spraying of roadsides by individuals in its program for weed control.

A word of caution...

The language of these statutes has changed frequently over the years, so always double check current Code language!
318.3
Obstructions in highway right-of-way.
A person shall not place, or cause to be placed, an obstruction within any highway right-of-way. This prohibition includes, but is not limited to, the following actions:

1. The excavation, filling, or making of any physical changes to any part of the highway right-of-way, except as provided under section 318.8.
2. The cultivation or growing of crops within the highway right-of-way.
3. The destruction of plants placed within the highway right-of-way.
4. The placing of fences or ditches within the highway right-of-way.
5. The alteration of ditches, water breaks, or drainage tiles within the highway right-of-way.
6. The placement of trash, litter, debris, waste material, manure, rocks, crops or crop residue, brush, vehicles, machinery, or other items within the highway right-of-way.
7. The placement of billboards, signs, or advertising devices within the highway right-of-way.
8. The placement of any red reflector, or any object or other device which shall cause the effect of a red reflector on the highway right-of-way which is visible to passing motorists.
Report of pesticide accident, incident or loss

When claiming a pesticide accident, incident or loss due to a person’s use of a pesticide, you must file an “incident report” with the ESA’s pesticide bureau by phoning 515-281-8995. This report must be filed within 10 days after the incident date that damage occurred. If growing crop is alleged to have been damaged, the report must be filed before 5% of the crop is harvested. The report needs to contain:

1. the name of the person alleged to be responsible for the application of said pesticide;
2. the name of the owner or lessee of the land on which the crop is growing and for which damage is alleged to have occurred;
3. the date on which the alleged damage occurred;
4. brief description of the incident.

Where damage is alleged to have occurred, the claimant shall present the secretary, the license and the license representative, such as any one or more, to observe the property reasonable from the lands or not target organism alleged to have been damaged. Failure of the claimant to present such observation shall automatically bar the claim against the license.

Investigation timeline

ESA’s goal is to respond to pesticide cruel to which 15 days and if investigation is initiated, complete the investigation within 90 days. Investigation report/review process and laboratory analysis report are released in 30 days or more. The goal is to respond to complaints and complete investigation report can vary due to complexity of the investigation and availability of laboratory personnel, sampling, laboratory analysis, reports, gathering additional information, and other factors.

Investigation process

The pesticide investigation gathers information by investigating written reports, conducting interviews, obtaining statements, reviewing applications records and pesticide labels, taking photographs and making visual assessments. The information gathered will determine whether a violation of state and/or federal pesticide laws occurred.

If you have questions regarding the investigation process or forget to tell the investigator something, it is important to contact the investigator. The investigator needs to know the facts in order to conduct thorough and accurate investigation.

Sample Analysis Reports

ESA’s goal is to maintain integrity of pesticide samples obtained from the lab through the combination of analysis. However, there are several factors which may result in long analysis times. For samples not collected during peak season or samples involving complex combinations of active ingredients, analysis may take up to 6 months or more.

Reimbursement damages

Chapter 226 Iowa Code does contain any provision for compensation to be made to individuals for a loss due to pesticide use. Consumers require someone to pay for a loss due to pesticide use.

Legal Assistance

Click the link to act as your legal counsel. If you have questions about your legal rights, you should contact an attorney.

Resources

National Pesticide Information Center
General information on pesticide products, including safety, health, and environmental effects, cleanup and disposal.
300-888-4311
http://nptic.noaa.gov

Contact us

Iowa Department of Agriculture & Land Stewardship (DAUL)

Pesticide Bureau

Henry A. Wallace Building,

616 11th St.

Des Moines, IA 50309

Phone: 515-281-8995

FAX: 515-247-0997

pesticides@iowa.gov

http://www.iowagov.com/pesticides.asp

This publication is available in other formats, if needed.

Enforcement actions

Several enforcement actions are considered by ESA when a violation of state and/or federal pesticide laws is determined to have occurred. These enforcement actions include:

- Notice of Violation;
- Official Letter;
- Suspension or Revocation of Commercial Application License;
- Suspension or Revocation of Private Application License;
- Referral to EPA for review and enforcement action;
- License suspension or revocation or renewal;
- Product Ban/Sale, Use or Removal Order;
- Civil or Criminal Enforcement.

When the documentation and a violation is not made, a letter of admonishment may be issued or the case may be dropped if no regulatory actions are taken against the operator.

After the investigation

ESA reviews completed investigation files to determine if the evidence supports that a violation of state and/or federal pesticide laws has occurred.

Findings

Results of completed laboratory analyses of preliminary findings may be shared with the investigator in question. Conclusions and enforcement actions are not available until the completed investigation report is reviewed, associated enforcement actions are issued, and the case is closed.

Requesting records

Complaints, investigations, and enforcement actions related to information is public record.

Members of the public have the right to review and obtain a copy of an adverse pesticide investigation report is completed and associated enforcement action has been issued. All requests must be in writing. A fee to cover document duplication, labor, and mailing costs is charged.