

Know Your Rights (of Way)

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PMW2024

IROW:1 Credit

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What the H? / Define your terms

Category 109: Industrial and Right-of-Way Weed Control

The application of pesticides to maintain roads, sidewalks, trails, paths, utility lines, railways, parking lots, drilling rigs, substations, open irrigation and drainage structures or similar areas and adjacent land within right of ways associated with such areas for the purpose of establishing or maintaining definable cover or bare ground.

<https://ag.colorado.gov/plants/pesticides/pesticide-license-categories>

(click bait)

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Right?!?! / Way!!!!

right-of-way

Noun ˌrīt-ə(v)-wā plural rights-of-way also right-of-ways Synonyms of right-of-way

1 : a legal right of passage over another person's ground

2 a : the area over which a right-of-way exists

b: the strip of land over which is built a public road

c: the land occupied by a railroad especially for its main line

d: the land used by a public utility (as for a transmission line)

3 a : a precedence in passing accorded to one vehicle over another by custom, decision, or statute

b: the right of traffic to take precedence

c: the right to take precedence over others

(Watch your language)

What do “they” say / More places to look

CDOT

Right of Way (ROW) §710.105(b): Right of Way means real property and rights therein used for the construction, operation, maintenance, or mitigation of a transportation or related facility funded under title 23 of the United States Code.

Municipalities may have different definitions or distances

Easement vs ROW

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Where you at? / You here bro?!?

Define “adjacent”

DEPARTMENT OF AGRICULTURE Plant Industry Division RULES AND REGULATIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT OF THE PESTICIDE APPLICATORS’ ACT 8 CCR 1203-2

“abut” means to join; to be contiguous, as where no other land, road, or street intervenes; “abut” includes two property sites that would otherwise be considered abutting, but for the fact that such sites are separated by an alley. As used herein, "alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic. As used herein, “vehicle” shall have the meaning set forth at § 42-1-102(112), C.R.S.

https://colorado.public.law/statutes/crs_title_35

click me!

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Wut u doin'? / "Why, huh?"

What is the reason?

**Landowner / Client
wants / needs**

Short vs. long term goals

Aesthetic vs. functional

Transitional uses?

(Clean up the back 40 to sell and develop? Pave paradise & put up a parking lot?)

...establishing or maintaining... sounds like long term and intentional

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Let's define definable / Let's get Meta

definable

adjective

de·fin·able di-'fī-nə-bəl

Synonyms of *definable*

1 : able to be defined

2: able to be specified to have a particular function or operation

What's your function?

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Who Are You? / Keep it Classy

109 - Listed under Agriculture

Are there overlaps with other application categories?

Trees in medians? Weed spraying within 50 feet of residence?

Where do 206 (Turf) and 207 (Ornamental) come in to play?

Does it matter if you are Private/Public/Commercial

Who owns / manages the property?

Are there re-entry timelines if you don't have food crops but might have other workers in the area...?

CO Code of Regs / The boss of you

Ag (100 series) vs Turf (206) vs Ornamental (207)

Different # of required training hours (specify topics and OTJ vs Classroom).

Sales Techs too!

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Tap Roots



Fine
Roots







Unintended consequences / Oops

Tree damage

Tracking from hard surface to turf

Drift

Whachya gonna do? / Other options??

IPM

Mechanical?

Manpower, equipment

Motive/Purpose





Riverfront trail - Palisade to Fruita

Private - easements

CPW x 2

BOR

Audobon

Palisade, GJ, Fruita, Mesa County

Drainage district

USFWS

Who else?

Sidewalk/pavement

Hardpack/gravel

Adjacent to river

Adjacent to agriculture

Floodplain

Narrow vs wide ROWs (mower accessible?)

Restorable?? Or "As is"

Whachya gonna do? / Other options??

IPM

Cultural?

Client

Contract

Collaboration w/neighbors and industry
(ie:education!)

Chemical? / Read the label

Make sure you KNOW

Train your peeps

Be on the same page, communicate with CDA







Noxious Weed and Pest Management

Our Program strives to reduce the quantity and occurrence of noxious weeds, reduce the accompanied negative impacts on native plant communities, agricultural lands and public corridors in our County.

State guidelines requires us to identify, map, and monitor pest and noxious weed infestations, and enforces the Colorado Noxious Weed Act.

Ryan Surad
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Noxious Weed Advisory Board



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