

Agriculture in the right-of-way



Along many Vermont backroads, corn, hay, or even livestock sometimes extends to within a few feet of the road.

Likely a result of a historical precedent or a handshake agreement between the landowner and the town, this land use in the right-of-way may not always be beneficial to a municipality. Trees or perennial shrubs in the town’s right of way can improve road conditions, water quality, and traffic patterns for all road users. However, operating farms have many requests, restrictions, and expectations that should be addressed by both the landowner and the town before any changes are proposed. Landowners should be aware that many shade trees in the right-of-way should not be removed without approval of the tree warden and, if necessary, a public hearing held by the tree warden.

Identifying agriculture in the right-of-way helps us:

- identify if this is a common practice in a town.
- consider how different forms of agriculture (corn, hay, livestock) affect the right-of-way and identify any proposed changes to best practices.
- note where conflicts over the presence or absence of roadside trees may arise based on contiguous land uses.



The harvest of corn on land adjacent to the right-of-way leaves this road open to snowdrift. The town can consider leaving corn to act as a living snow fence.

Recommendations

Consult the road crew to understand advantages or disadvantages posed by agriculture in the right-of-way in your town. Similarly, **consult landowners** if the town would like to propose changes in the right-of-way or establish best practices for vegetation in the town right-of-way.

When mowing the cleared zone, particularly if the cleared zone includes hay fields, **consider leaving vegetation at a height of six inches or more.** These tall grasses act as a natural buffer between the road and the agricultural field,



ABOVE LEFT Sun exposure and broad viewscales may limit the willingness of a town or landowner to plant roadside trees or establish a buffer zone between the road and fields.

ABOVE RIGHT Animal grazing continues to the border of the right-of-way and private land, leaving little to no room for robust right-of-way vegetation.

infiltrating stormwater runoff, slowing its velocity, and filtering some of the sediment and pollutants in the runoff before it reaches the field.

Current [Required Agricultural Practices](#)¹ issued by the State of Vermont require **10-foot-wide, non-tillable vegetated buffers between agriculture and ditches**. This buffer helps filter and slow stormwater runoff before it reaches ditches. Consider a 10-foot buffer between all roads and agricultural fields to allow a place for upgradient stormwater to slow between land uses.

If snow drift is a problem on roads adjacent to agriculture fields, **consider designing a living snow fence**² in conjunction with the landowner.

Understand the seasonal changes in the right-of-way and how planted vegetation height will change throughout the year.

Snow fences immediately adjacent to the road (i.e., within the municipal right-of-way) can result in **snow deposits on the road itself**.

Living snow fences work best when planted at least 100 feet from the centerline of the road. However, this distance places the snow fence on private property. Chapter 6 in the [Best Practices Handbook for Roadside Vegetation Management](#)³ outlines how the Minnesota Department of Transportation has worked with private landowners to leave standing corn rows to act as snow fences for town roads.

Resources

1. "Required Agricultural Practices," Vermont Agency of Agriculture, Food and Markets, bit.ly/VT_RAPs.
2. "Living Snow Fences Control Blowing and Drifting Snow," Minnesota Department of Transportation, bit.ly/LivingSnowFences.
3. Johnson, Ann M., P.E. and Minnesota Local Road Research Board, *Best Practices Handbook for Roadside Vegetation Management*, bit.ly/MinnesotaRoadsides.