

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.33

REVISED FEBRUARY 2021

NOTICE TO REMOVE ENCROACHMENT

1. PURPOSE. The purpose of this General Order (GO) is to provide guidelines for notifying property owners, vehicle operators, and registered owners or lessees to remove property deposited, encroaching upon, spilled, or otherwise left abandoned on a state highway right-of-way, such as Commercial Vehicle Enforcement Facilities (CVEF).

2. POLICY. California Highway Patrol (CHP) officers should, in conjunction with other enforcement obligations, cooperate with the California Department of Transportation (Caltrans) by issuing a CHP 357, Notice to Remove Encroachment, for property left on a state highway right-of-way without proper authorization or permit. This GO does not supplant other authorities and policy to remove vehicles.

3. PROCEDURES.

a. A Notice to Remove Encroachment (NRE) may be issued to owners of the encroaching property, vehicle operators, and owners or lessees who are required to remove property, reduce vehicle loads, or remove a load which is purposely or accidentally deposited on a state highway right-of-way.

b. The NRE is also used whenever property or a vehicle load is deposited on a state highway and then moved to another portion of the right-of-way to prevent it from becoming, or continuing as, a traffic hazard.

c. The NRE is used to notify encroaching property owners, vehicle operators, and owners or lessees they have five days from the issuance of the NRE to remove the load or partial load from a CVEF or other location on a state highway right-of-way.

NOTE: If the encroachment is not removed, Caltrans is then authorized to remove the property, or cause the same to be removed, and is also authorized to collect any costs incurred by these actions. Furthermore, the authority provided in Section 22669(a) of the California Vehicle Code (CVC) states, "Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any other employee of the state, county, or city designated by an agency or department of the state or the board of supervisors or city council to

perform this function, in the territorial limits in which the officer or employee is authorized to act, who has reasonable grounds to believe that the vehicle has been abandoned, as determined pursuant to Section 22523, may remove the vehicle from a highway or from public or private property.” In addition, the authority provided in Section 22523(a) CVC states, “No person shall abandon a vehicle upon any highway.”

4. CHP 357, NOTICE TO REMOVE ENCHROACHMENT.

a. Date. Enter the date the NRE is issued to the property owner or the vehicle operator; or the date it is mailed to the vehicle owner, lessee, or property owner; or forwarded to Caltrans if the owner is unknown.

b. Name, Address, and Telephone Number. If known, enter the name, address of the property owner, vehicle operator, or owner or lessee, and telephone number. Enter the word “unknown” when the information is not known.

c. Scale Facility Location, Highway Route, Name of Highway, Distance, and Direction from Crossroad or Community. Enter the location where the property is encroaching on the state highway right-of-way. Include crossroads or distances from significant landmarks.

d. Weight or Volume and Commodity. Enter a description of the encroaching property.

e. California Highway Patrol. Enter the name and identification number of the CHP employee issuing the notice.

f. Area or Scale Facility Name. Enter the name of the Area or CVEF.

g. Acknowledgement.

(1) Attempt to obtain the vehicle operator’s signature next to the “X” at the lower left side of the form, acknowledging receipt of the NRE.

NOTE: The vehicle operator is not legally required to sign this form.

(2) If the vehicle operator refuses to sign the NRE, write “Refused to Sign.”

(3) If the property owner is unknown, complete the form and follow the instructions in paragraph 6., Forms Processing.

h. Notice to Appear Number. Enter the appropriate enforcement document number.

5. EXCEPTIONS TO ISSUANCE OF NOTICE. Notices are not required when:
 - a. An individual or contractor is depositing or moving property as authorized by law or administrative regulations.
 - b. California Department of Transportation personnel are at the scene of an accident or load spillage, and they arrange with the vehicle operator, owner, or lessee for removal.

6. FORMS PROCESSING. Distribute the NRE copies as follows:
 - a. Forward the original copy to the local Caltrans maintenance office.
 - b. Post or affix one copy on the encroachment at the time the notice is written.
 - c. Give one copy to the property owner or the vehicle operator when a signature is obtained. If the vehicle operator refuses to sign the notice, proceed as follows:
 - (1) Mail it to the vehicle owner or lessee by certified mail and request a return receipt.
 - (2) When the return receipt is received, forward it to the local Caltrans maintenance office.
 - (3) When the property owner, vehicle owner, or lessee is unknown, forward a copy to Caltrans.
 - d. Retain one copy in the local CHP office for six months, then forward it to the local Caltrans maintenance office.

7. FORMS PROCURMENT. The CHP 357 is an automated form and can be found on the CHP's Intranet site under the Forms tab.

OFFICE OF THE COMMISSIONER

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