

**CALIFORNIA HIGHWAY PATROL**

**GENERAL ORDER 100.36**

**REVISED JUNE 2019**

**DISPOSITION OF LIVESTOCK KILLED ON HIGHWAYS, SECURING INJURED OR LOOSE LIVESTOCK, REPORTING DAMAGED LIVESTOCK FENCES**

1. PURPOSE. The purpose of this General Order is to provide guidelines for the disposition of livestock killed on highways, securing injured or loose livestock found on highways, and procedures for reporting damaged livestock fences.
  
2. POLICY.
  - a. California Highway Patrol (CHP) officers shall make reasonable efforts to notify owners of killed, injured, or loose livestock on public highways and ensure the removal of such animals to restore highway safety.
  
  - b. Officers shall, as soon as practicable, make reasonable efforts to notify owners of damaged livestock fences that could potentially allow livestock to affect highway safety.
  
  - c. Area commanders shall establish standard operating procedures (SOP) that include current livestock fence ownership information for reference when attempting to locate property owners.
  
  - d. Area SOP shall include the name(s) and telephone number(s) of local state hide and brand inspectors for notification purposes.
  
3. PROCEDURES.
  - a. Killed or Injured Livestock.
    - (1) In the case of an accident where a motor vehicle has killed or injured livestock, reasonable efforts shall be made to locate and notify the owner(s) of the animal(s).
  
    - (2) When the owner cannot be located and it becomes necessary to confine the animal or store the carcass, immediate notification shall be made to the Secretary of Food and Agriculture, as required in Food and Agriculture Code Section 17042. This requirement can be satisfied by advising the appropriate

state hide and brand inspector having jurisdiction. Current listings of state hide and brand inspectors can be obtained from Bureau of Livestock Identification regional supervisors at the following telephone numbers:

(a) Northern California: (530) 347-5721

(b) Central California: (209) 845-8352

(c) Southern California: (559) 685-3505

(3) Only the owner or the owner's agent can order a carcass salvaged. If this person is not available, officers shall direct the removal of carcass(es) to a reduction works processing plant, but not to a locker plant.

(4) Departmental policy regarding shooting of injured animals is contained in Highway Patrol Manual (HPM) 70.6, Officer Safety Manual, Chapter 2, Discharge of Firearms.

b. Loose Livestock on Roadways and Railways. Generally, there is no legal requirement for fencing in open range areas.

(1) Officers encountering livestock in closed range areas that are roaming at large on or near a roadway shall take reasonable steps to remove the potential hazard and restore highway safety. Loose livestock shall be either directed to an enclosed area or removed from the location by the appropriate public agency or individual.

(2) According to Attorney General's Opinion No. 50-142 dated November 16, 1950, loose livestock found upon roadways surrounded by fenced property may be considered a public nuisance. Section 3494 of the Civil Code is the authority for removing such livestock.

(3) Officers shall make a reasonable effort to locate the livestock owner before ordering animal removal. When the owner cannot be located and the livestock cannot be safely directed away from the roadway, officers shall attempt to remove the livestock from the highway as follows:

(a) Direct livestock into an enclosed or fenced area. The officers herding the livestock should be reasonably certain the animals were originally contained within the specific area and make every effort to minimize injury to livestock or damage to property. Officers shall immediately notify the owner of the fenced property that the livestock were placed on their property.

(b) Request removal from available public resources (e.g., sheriff, animal

control).

(c) If public resources are not available, Area commanders may enter into an agreement with private contractors. Contact Business Services Section, Contracts Services Unit, for assistance in establishing annual contracts for such services. Such agreements shall require the individual to:

1 Be available and respond when contacted by the Department regarding the removal of loose livestock.

2 Charge a specified fee that is considered a lien against the animal for services rendered. This lien will be executed in accordance with the law.

3 Questions regarding animal lien sales should be directed to local brand inspectors, or the California Department of Food and Agriculture, Bureau of Livestock Identification, 1220 N Street, Sacramento, CA 95814, telephone number (916) 900-5006.

4 Make a reasonable attempt to locate the owner of the livestock. If unable to find the owner, the Bureau of Livestock Identification or the local hide and brand inspector shall be immediately notified of the unidentified stray animal(s).

(d) Officers authorizing the removal of livestock from a roadway shall complete a CHP 51, Memorandum, with the circumstances surrounding the livestock removal, the name of the party removing the livestock, a description of the livestock, and final disposition of the livestock. A sample CHP 51 is provided in Annex A. Area commanders shall ensure the CHP 51 is retained in accordance with an approved local STD. 73, Records Retention Schedule, or the guidelines contained in HPM 11.1, Administrative Procedures Manual, Chapter 11, Records Management. Copies of the CHP 51 shall be forwarded to:

1 The district attorney when it is determined a criminal complaint should be filed against the livestock owner.

2 The local hide and brand inspector or the California Department of Food and Agriculture, Bureau of Livestock Identification, when the owner of the livestock is unknown.

c. Damaged Livestock Fences.

(1) Officers encountering damaged livestock fences which border highways

during the course of their duties shall make a reasonable effort to notify responsible parties in accordance with Section 2811 of the California Vehicle Code (CVC).

(a) In situations where personal notification is not possible, and the incident is within an unincorporated area, officers shall notify the local sheriff and complete a CHP 51 outlining the circumstances of the incident. A sample CHP 51 is provided in Annex B.

(b) Area commanders shall ensure the CHP 51 is retained in accordance with an approved local STD. 73 or the guidelines contained in HPM 11.1, Chapter 11.

(2) Section 22658.1 CVC requires any towing company that, while removing a vehicle, cuts, removes, otherwise damages, or leaves open a fence without the prior approval of the property owner shall do either of the following prior to leaving the area:

(a) Locate and notify the owner, or the person in charge of the property, of the damage or open condition of the fence, the name and address of the towing company, and the license, registration, or identification number of the vehicle being removed.

(b) Leave in a conspicuous place on the property the name and address of the towing company, and the license, registration, or identification number of the vehicle being removed, and without unnecessary delay, notify the appropriate jurisdictional law enforcement agency (e.g., police, sheriff, local CHP office) of that information and the location of the damaged or opened fence.

(3) Area commanders shall establish procedures to ensure a reasonable effort is made to maintain current livestock fence ownership information for reference when attempting to locate property owners. These procedures may include contact with livestock association representatives for the purpose of listing responsible party information on a map or other guide for use by CHP personnel.

OFFICE OF THE COMMISSIONER

ANNEXES A, B

OPI: 061

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**ANNEX A**  
**SAMPLE MEMORANDUM**  
**LIVESTOCK REMOVAL**

State of California

Transportation Agency

**M e m o r a n d u m**

Date: January 17, 2019

To: South Sacramento Area

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

File No.: 252.24000

Subject: LIVESTOCK REMOVAL

DESCRIPTION OF OCCURRENCE

On January 17, 2019, at 0920 hours, I observed a cow running at large on State Route 99, north of Sheldon Road. The animal was on the freeway side of the perimeter fence and could possibly have entered the northbound traffic lanes. The animal presented a potential hazard to northbound traffic.

I was unable to direct the animal away from the roadway due to an existing fence. I also did not discover any break in the fencing. The owner of the livestock was not present at the scene. I advised the communication center of the situation, and they were unable to locate any information on the owner's identity.

Mr. John Smith of the Contract Livestock Agency was advised to respond to the scene and removed the animal for safekeeping per Section 3494 of the Civil Code.

ANIMAL DESCRIPTION

Black and White, female bovine with a livestock brand of GS upon its right hindquarter.

J. L. Smith, #24000  
OFFICER

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CHP 51 (Rev. 06/2013) OPI 078



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**ANNEX B**  
**SAMPLE MEMORANDUM**  
**DAMAGED LIVESTOCK FENCES**

State of California

Transportation Agency

**M e m o r a n d u m**

Date: January 17, 2019

To: South Sacramento Area

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

File No.: 252.24000

Subject: LIVESTOCK REMOVAL

DESCRIPTION OF OCCURRENCE

On January 17, 2019, at 0330 hours, I observed a portion of a pasture fence bordering State Route 99, south of Sheldon Road, was cut and torn for approximately 17 feet. Upon closer inspection, it appeared the fence was intentionally cut. There were approximately 15 cattle in the pasture.

I was unable to locate the owner of the pasture. I advised the communications center of the situation, and they notified the Sacramento County Sheriff's Department. I was advised Deputy Sheriff Breen, #926, would conduct the necessary follow-up and investigation.

FENCE DESCRIPTION

Four strands of barbed wire fencing supported by wood posts.

J. L. Smith, #24000  
OFFICER

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