

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.69

REVISED JUNE 2019

ENFORCEMENT POLICY: HIGHWAY TRANSPORTATION SYSTEM

1. PURPOSE. The purpose of this General Order (GO) is to establish departmental policy for providing enforcement services on those portions of the highway transportation system designated as freeways.

2. GENERAL. A responsibility of the California Highway Patrol (CHP) is the management and regulation of traffic to achieve safe, lawful, and efficient use of the state's highway transportation system. For the purposes of this GO, the highway transportation system includes freeway-related facilities such as safety roadside rests, vista points, park and ride lots, freeway travel lanes, ramps, shoulders, and medians.

3. AUTHORITY.
 - a. California Vehicle Code Section 2400. Section 2400 of the California Vehicle Code (CVC) requires the Commissioner of the CHP to enforce all laws regulating the operation of vehicles and the use of highways. The Commissioner shall have full responsibility and primary jurisdiction for the administration and enforcement of such provisions and laws, and for the investigation of traffic crashes on all state highways constructed as freeways within incorporated areas. It provides, however, that local law enforcement engaged primarily in general law enforcement duties may incidentally enforce state and local traffic laws and ordinances on state freeways.

 - b. California Vehicle Code Section 2401. Section 2401 CVC requires the Commissioner to make adequate provisions for patrol of highways at all times of the day or night.

 - c. California Penal Code Section 830.2. Section 830.2 of the California Penal Code provides that members of the CHP are peace officers whose authority extends to any place in the State of California.

- d. Streets and Highways Code Section 146.5. Section 146.5 of the Streets and Highways Code (SHC) provides that parking facilities constructed along the state highway system to reduce motor vehicle congestion or improve highway safety shall be considered part of the state highway.
- e. Streets and Highways Code Section 225. Section 225 SHC provides that the California Department of Transportation (Caltrans) may enact rules and regulations governing the time and manner of use of safety roadside rests and vista points. All state laws and rules, together with Caltrans regulations, shall be administered and enforced within safety roadside rests and vista points by Caltrans employees authorized to do so and by all peace officers.
- f. Streets and Highways Code Section 226. Section 226 SHC provides that safety roadside rests shall be deemed part of the state highway right-of-way and authorizes CHP to enforce permit violations concerning vending activity.
- g. Government Code Section 14615(b). Section 14615(b) of the Government Code provides the CHP jurisdiction over those matters related to the security of state officers, property, and occupants of state property.

4. POLICY.

- a. It is the policy of the Department to acknowledge and discharge traffic law enforcement responsibility on freeways and freeway-related facilities located on state-owned and maintained property. Additionally, the Department shall acknowledge and discharge traffic law enforcement responsibilities on streets and highways in the unincorporated areas of the state.
- b. As a principal law enforcement agency, the Department has an obligation to ensure safety, service, and security to the public. Accordingly, the Department shall retain the underlying responsibility to ensure general, as well as traffic law enforcement, is provided in all areas under its jurisdiction. In consideration of the foregoing, the Department recognizes the concurrent authority and primary jurisdiction of local law enforcement agencies. Accordingly, the Department promotes the continued provision of general law enforcement by local law enforcement agencies on freeways and freeway-related facilities.
- c. As a result of the merger of the California State Police (CSP) and the CHP, the CHP absorbed the former CSP programs and jurisdiction. In response, the CHP created the Safety Services Program. Policy and procedures for this program are included in Highway Patrol Manual (HPM) 100.70, Safety Services Program Manual.

d. Policy is to be implemented on the highway transportation system as follows:

(1) Freeways. The Department shall provide traffic law enforcement and related services on all freeways in accordance with Section 2400 CVC. The Department shall also provide general law enforcement and related services on freeways when local law enforcement agencies decline or are otherwise unable to do so.

(2) Freeway-Related Facilities.

(a) The Department shall provide traffic law enforcement service for all freeway-related facilities. This includes state-owned park and ride lots, safety roadside rests, and vista points, but does not include facilities such as leased space, space for state employee parking, storage, unused or undeveloped space, maintenance facilities, park and ride lots not on state property, etc.

(b) The single exception to this will occur in those instances where state-owned park and ride lots are leased to a public or private entity on a short-term basis, such as a weekend. In these cases, traffic law enforcement services will be provided in accordance with those CVC sections applicable to private property. Documentation of motor vehicle crashes by the CHP will be in accordance with the guidelines established in HPM 110.5, Collision Investigation Manual, relating to nontraffic motor vehicle crashes occurring on public or private property.

(c) Traffic law enforcement guidelines for safety roadside rests and vista points are contained in HPM 100.68, Traffic Enforcement Policy Manual, Chapter 3, Highway Enforcement. The manual establishes procedures for the enforcement of rules and regulations adopted by Caltrans pursuant to Section 225 SHC, which governs activities in these freeway-related facilities.

(d) The Department shall also provide general law enforcement services on freeway-related facilities when local law enforcement agencies decline or are otherwise unable to do so. This provision applies to state-owned and maintained facilities both within and outside of the freeway right-of-way.

(e) The Department shall provide preventive patrol services on all facilities within the freeway right-of-way.

(f) Commanders, based on their resources and local need, may extend preventive patrol services to state-owned and maintained park and ride lots located outside of the freeway right-of-way.

(3) Nonfreeway Streets and Highways. The Department shall provide traffic law enforcement and related services on all nonfreeway streets and highways in unincorporated areas. The responsibility for general law enforcement on such streets and highways rests with local law enforcement agencies.

(4) Toll Highways.

(a) A toll highway is a publicly owned way or place, open to public use for vehicular travel, which requires a fee to traverse. Toll highways are part of the state highway system.

(b) California Highway Patrol authority for toll highway traffic enforcement is contained in Sections 2400 and 2401 CVC.

(c) Toll highways can be operated by the private or public sector, referred to as private toll or public toll highways, respectively.

1 Private toll highways are financed, constructed, leased to, and operated by the private sector. The private sector is required to contract with and reimburse the CHP for all traffic enforcement services. Toll highway developers shall direct requests for a toll highway traffic enforcement agreement to the local CHP field Division. The Assistant Commissioner, Field, (ACF) must approve all agreements for service on toll highways before any external commitment to a toll highway developer is made.

2 Public toll highways are financed, constructed, and operated by the public sector. The Department does not normally receive reimbursement for routine service on public toll highways.

(d) All toll highways shall receive routine traffic enforcement service comparable to similar facilities in the surrounding highway system. Routine service shall include traffic enforcement, incident response, and various motorist services. The amount charged for routine service on private toll highways shall be based on a regular time and/or overtime rate (including benefits and overhead costs), as determined by the availability of resources in the field command compared to the amount of requested services. If the requested routine service warrants new, full-time positions, the position(s) should be budgeted for as soon as possible, and a regular time rate should be charged to the highway operator.

(e) The operator of a private or public toll highway authority may also request supplemental service beyond routine service. Supplemental service shall include stationary toll enforcement or any service which is not

considered routine. The same criteria used to determine rates for routine service should be used for supplemental services.

5. PROCEDURES.

- a. Local law enforcement agencies are expected to continue to provide general law enforcement services on all freeways and on facilities within the freeway right-of-way. Local law enforcement agencies are also expected to provide general law enforcement services on park and ride lots outside of the freeway right-of-way; however, the foregoing is not intended to alter the Department's procedures for taking appropriate action for violations of law observed or detected by CHP officers.
- b. Agreements pursuant to paragraph 5.a. shall be documented in Area standard operating procedures.
- c. Should a local law enforcement agency decline or otherwise be unable to provide general law enforcement coverage on freeways and related facilities, Divisions shall advise ACF.
- d. In accordance with existing practice, Caltrans will continue to request general law enforcement from local law enforcement agencies. If a question concerning primary jurisdiction should arise, the Department will serve as a liaison with local law enforcement agencies to secure the required general law enforcement services.

OFFICE OF THE COMMISSIONER

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