CHAPTER 6.5. Roadside Vegetation Control [5501 - 5509]

This chapter shall be known and may be cited as the Property Owners’ Roadside Vegetation Control Information Act of 1991.

The following definitions shall govern the construction of this chapter:

(a) “Agency” means an agency of state government that has responsibility for roadside vegetation control operations on, or along, roadways.
(b) “Pesticide” is defined in Section 12753.
(c) “Property owner” means an owner, lessee, or tenant of real property that is adjacent or contiguous to a roadway over which an agency has responsibility for roadside vegetation control.
(d) “Roadside” means the land adjacent to, or dividing the lanes of traffic of, a roadway.
(e) “Roadway” means any highway, superhighway, expressway, street, road, lane, or other public thoroughfare.

The Legislature hereby finds and declares all of the following:

(a) The unannounced and poorly coordinated use of pesticides to control roadside vegetation has too frequently resulted in damage to adjacent or contiguous private property. In some instances, this activity has caused growers to needlessly suffer economic loss or damage to their crops.
(b) Property owners have a right to know beforehand the manner in which state government intends to control the roadside vegetation adjacent or contiguous to their property.
(c) It is in the public interest to establish a voluntary mechanism by which private property owners may meet and confer with representatives of state government to enter into mutually acceptable voluntary agreements to promote coordinated programs for roadside vegetation control, and thereby minimize damage to adjacent and contiguous property.
(d) Mutually acceptable agreements may include, but are not limited to, provisions whereby the property owner assumes responsibility for roadside vegetation control.
in a manner which is at least as effective as that proposed by state government, 
the use of mechanical means of vegetation control, the use of a combination of 
pesticide and mechanical means of control, a delay in the application of a pesticide, 
or the use of different pesticides.
(e) Private property owners and representatives of state government are 
encouraged to voluntarily develop creative and innovative means to accomplish the 
goals and objectives of this chapter.  
(Added by Stats. 1996, Ch. 361, Sec. 2. Effective January 1, 1997.)

5504.

An agency shall promptly provide any or all of the following information to a 
property owner who so requests:
(a) The date on which the agency is scheduled, or planning, to conduct roadside 
vegetation control and the method or methods the agency is planning to use in the 
roadside vegetation control operation on, or along, the part of the roadway that is 
adjacent or contiguous to his or her property.
(b) The frequency with which the agency is scheduled, or is planning, to conduct a 
roadside vegetation control operation on, or along, the part of the roadway 
adjacent or contiguous to his or her property.
(c) Any other relevant information in the possession of the agency that may be of 
interest to the property owner of the property adjacent or contiguous to the 
roadside where the vegetation control operation is to be conducted.  
(Added by Stats. 1991, Ch. 737, Sec. 1.)

5505.

The agency shall not conduct a roadside vegetation control operation on that 
portion of the roadway for which a property owner has made a request for 
information pursuant to Section 5504, until both of the conditions set forth in 
subdivisions (a) and (b) have been met or unless subdivision (c) applies:
(a) The agency provides the property owner the requested information pursuant to 
Section 5504.
(b) The property owner did not request a meeting with the representatives of the 
agency within 30 days after he or she received the information or, if so requested, 
the meeting is held in accordance with Section 5506.
(c) The agency provided the property owner the requested information pursuant to 
Section 5504, the property owner requested a meeting to be held in accordance 
with Section 5506, and the agency, having made a good faith effort to 
accommodate the property owner in scheduling and conducting a meeting, is 
unable to reach an agreement with the property owner on a reasonable meeting 
time and place within 30 days of the initial request for a meeting.  
(Added by Stats. 1991, Ch. 737, Sec. 1.)
5506.

(a) Within 30 days of receipt of the information required to be provided pursuant to Section 5504, the property owner may request a meeting with representatives of the agency to discuss the agency’s proposed schedule for, or method of, roadside vegetation control, or both the schedule and method to be used on, or along, the roadway adjacent or contiguous to his or her property.
(b) Upon receipt of a request for a meeting pursuant to this section, the agency shall meet with the property owner at a mutually agreeable time and location.
(c) The purpose of the meeting shall be to develop and adopt the following:
   (1) A schedule for the roadside vegetation control operation.
   (2) A method of roadside vegetation control that eliminates, or minimizes, damage to the property owner’s property while preserving the ability of the agency to conduct an effective roadside vegetation control program.
   (d) The agency shall consider and, if the facts presented to the agency warrant further action in order to carry out the objectives of this chapter, do any or all of the following:
      (1) Revise the schedule for the roadside vegetation control operation.
      (2) Revise the proposed methods of roadside vegetation control, including, but not limited to, the use of a pesticide or mechanical methods of control, or a combination thereof.
      (3) Use different pesticides, or different combinations or concentrations of pesticides.
      (4) Enter into an agreement with the property owner whereby the property owner agrees to assume the responsibility, in whole or in part, of roadside vegetation control by any lawful method of control, if the agency determines that the property owner’s method is as effective as the method proposed to be used by the agency.
   (e) The objective of this section is to establish a procedure for property owners and representatives of agencies to meet and confer in order to develop and adopt mutually acceptable times for, and methods of, well-coordinated and effective roadside vegetation control operations, and thereby minimize damage to adjacent or contiguous property.
   (f) If agreement cannot be reached between the property owner and the agency, the agency shall maintain responsibility for decisions affecting roadside vegetation control in the disputed area.

(Amended by Stats. 1996, Ch. 361, Sec. 3. Effective January 1, 1997.)

5507.

If the property owner does not carry out the terms of any agreement entered into pursuant to paragraph (4) of subdivision (d) of Section 5506, as determined by the agency, the agency may immediately conduct the roadside vegetation control in accordance with the agency’s schedule and method of roadside vegetation control.

(Added by Stats. 1991, Ch. 737, Sec. 1.)
5508.

This chapter shall be liberally construed to accomplish its purposes and objectives.
(Added by Stats. 1991, Ch. 737, Sec. 1.)

5509.

Any property owner affected by the decision of the agency made pursuant to this chapter may bring an action for writ of mandamus challenging the decision pursuant to Section 1085 of the Code of Civil Procedure. A property owner may also request a court to issue an injunction or order any other action to restrain any violation of this chapter.
(Added by Stats. 1991, Ch. 737, Sec. 1.)