



May 5, 2025

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED & EMAIL

Mr. Tony Tavares, Director, California Department of Transportation P.O. Box 942873,
Sacramento, CA 94273-000

Subject: Formal Notice of Mandatory Duty Under Cal. Gov. Code § 815.6 Regarding Very High Fire Hazard in Caltrans Devil's Slide Bypass Right-of-Way

Dear Director Tavares,

This letter serves as formal notice, pursuant to California Government Code § 815.6, that Caltrans has a mandatory duty to address the significant and dangerous fire hazard posed by nuisance vegetation, primarily densely packed, non-native trees, located within the California Department of Transportation Devil's Slide Bypass Right-of-Way (ROW). The ROW is adjacent to the residential communities of Moss Beach and Montara and contains essential elements of the Montara Water and Sanitary District infrastructure.

The vegetation within this specific Caltrans ROW constitutes a severe fire hazard, posing an imminent threat to adjacent private properties, the surrounding communities, and potentially the entire San Mateo County Coastsides. Caltrans has failed to maintain this ROW adequately, neglecting to provide legally required defensible space for neighboring properties and allowing hazardous fuel loads to accumulate unchecked. This condition creates a significant risk of a catastrophic wildfire, akin to devastating fires in other parts of California, such as the Pacific Palisades.

Under California Government Code § 815.6: "Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty."²

We contend that Caltrans has such a mandatory duty, supported by state and local enactments designed to protect against the risk of fire injury and property damage. These include, but may not be limited to:

1. **Public Resources Code §§ 14875-14922:** These sections underscore the legislative intent regarding fire hazard abatement and public agency duties in preventing public nuisances related to fire hazards.
2. **San Mateo County Ordinance Code § 1.12.010:** This section pertains to the County's authority and procedures for nuisance abatement, which includes hazardous vegetation posing a fire risk.
3. **San Mateo County Protected Tree Ordinance 4895 § 8.400.100.4:** This section explicitly provides permit exemptions for the removal or pruning of trees that present a significant fire risk, demonstrating the County's recognition of fire safety superseding standard tree protections in hazardous situations and its ability to allow or compel mitigation without hindrance from this ordinance.

Given this area's "Very High Fire Hazard Severity Zone" designation and the clear visual evidence of the dangerous fuel load within the Caltrans ROW, Caltrans has a mandatory duty as the property owner to mitigate this hazardous condition immediately. This includes removing the nuisance trees and creating adequate defensible space for its neighbors as required by law.

Therefore, we demand that Caltrans immediately abate this fire hazard within its ROW.

Please be advised that should Caltrans fail to exercise its mandatory duty to mitigate this fire danger, and should this failure result in injury to persons or damage to property resulting from a fire originating in or exacerbated by the hazardous conditions within the specified Caltrans ROW, we intend to hold Caltrans and the State of California liable for all such proximately caused injuries and damages, as provided under Government Code § 815.6.

We urge you to treat this matter with the extreme urgency it requires and look forward to confirmation that Caltrans fulfills its duty and protects the lives and property of its neighbors who are imperiled by the fire hazard posed by the ROW.

We are making this letter widely available, so people will have a record that you have been duly notified.

Sincerely,

Larry De Young
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