

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

AMEND TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6,
ARTICLE 1, SECTIONS 1151.9 AND 1153

Explosives Stops (CHP-R-2023-06202)

PURPOSE OF REGULATIONS AND PROPOSED AMENDMENTS

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), Division 2, Chapter 6, Article 1, Section 1151.9, Routes–Map 9, and Section 1153, Safe Stopping and Parking Places, related to the designation of safe stopping places, safe parking places, inspection stops, and required inspection stops for commercial vehicles transporting explosives on highways in the state.

Pursuant to Section 31616 of the California Vehicle Code (CVC), the CHP shall prescribe, by regulation, a list of safe stopping places and maps of the designated routes for commercial vehicles transporting explosives on the highways. Section 31616 CVC further requires the CHP to revise the list and maps, and keep them current. The proposed amendments will update the list of safe stopping places and Map 9 in the regulations.

The CHP's field commands conduct annual surveys on the explosives routes and safe stopping places to determine if changes are necessary. The CHP field commands inspected the locations of business establishments serving as safe stopping or parking places. Business owners expressed their willingness to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place, or CHP 114A, Designation as Safe Parking Place.

The proposed amendments will update the list of safe stopping places and Map 9 to be used by carriers transporting explosives along the designated explosives routes. These updates are due to permissions received or denied, or a change of business information or ownership. The CHP has received concurrence with the proposed regulation amendments from the State Fire Marshal (SFM).

This proposed regulatory action will continue to provide a nonmonetary benefit by protecting the health, safety, and welfare of California's residents, workers, and environment. The changes to the application of the regulations are not substantive and bring the regulations in conformance with existing statute. The proposed changes update and clarify the safe stops designated for carriers transporting explosives, and contribute to transportation safety and public health.

PURPOSE OF AMENDMENTS

The proposed amendments will:

- add one inspection stop;
- remove two safe stopping places because these facilities are no longer in business;
- modify seven safe stops, including two safe stopping places by providing updated information on services or contacts, one safe stopping place and one safe parking place by changing or editing the names of the business establishments, and three inspection stops by editing names of the locations; and
- update Map 9 to reflect the addition of one inspection stop.

STUDIES/RELATED FACTS

The latest annual review of explosives routes and safe stopping places conducted by the CHP field commands was used as the basis to develop the regulation amendments. Input was received from the business establishments serving as safe stopping or safe parking places.

CONSULTATION WITH OFFICIALS

These changes were evaluated by the CHP's Commercial Vehicle Section and field Divisions and received concurrence from the SFM.

ALTERNATIVES

No reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, would be more effective in fulfilling the purpose for which the action is proposed, or as effective and less burdensome to affected private persons than the proposed action. The alternative of making no changes to the existing regulations was rejected because it fails to keep information current in the CCR as required by the CVC. Failing to provide the updated list to carriers transporting explosives may increase the potential risks of detrimental hazards while transporting explosives in the state.

LOCAL MANDATE

These regulations do not impose any new mandate on local agencies or school districts.

ECONOMIC IMPACT ANALYSIS

Creation or Elimination of Jobs

The CHP has made an initial determination that this proposed regulatory action will neither create, nor eliminate, jobs within the State of California because the regulation only updates the safe stopping places, safe parking places, inspection stops, and required inspection stops along the designated routes. The transportation of explosives by commercial vehicles presents only a small portion of the total vehicle movement in the state.

Creation of New Business or Elimination of Existing Business

The CHP has not identified any significant adverse impact on the creation of new businesses, or expansion or elimination of existing businesses within the State of California. Businesses involved in the transportation of explosives will have more updated information on safe stopping places, safe parking places, inspection stops, and required inspection stops in the state. The proposed regulatory action will not create new businesses or expand or eliminate any existing businesses by transporting explosives or offering these trucks stop services.

Benefits of the Regulation

This proposed regulatory action will continue to provide a nonmonetary benefit by protecting the health and welfare of California residents, workers, and the environment. The changes to the application of the regulations are not substantive and bring the regulations in conformance with existing statute. The proposed changes update and clarify safe stopping places, safe parking places, inspection stops, and required inspection stops designated for carriers transporting explosives, and contribute to transportation safety and public health.

BUSINESS IMPACT TO THE STATE

Based on the economic impact analysis, the CHP has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulation action updates the safe stopping places, safe parking places, inspection stops, and required inspection stops designated for commercial vehicle carriers transporting explosives in California.

FISCAL IMPACT TO THE STATE

The CHP has determined these regulation amendments will result in:

- No significant increased costs for transporters of explosives;
- No significant compliance costs for persons or businesses directly affected;

- No discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public;
- No impact on the level of employment in the state; and
- No impact on the competitiveness of California to retain businesses.