

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6, ARTICLE 1  
AMEND SECTION 1151.4

### **Explosives Routes -Map 4 (CHP-R-2020-06206)**

#### **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, regarding designated routes for the transportation of explosives by commercial vehicles on highways in the state.

Pursuant to Division 14, Transportation of Explosives, commencing with Section 31600 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying the routes to be used in the transportation of explosives. The CVC requires the CHP to keep information current in regulations with maps indicating designated routes. The proposed regulation amendments will correct an error on a map made in 1992 by removing 21.5 miles and adding 29.0 miles of currently designated routes in the Clear Lake area. These updates will provide carriers the correctly designated routes for the transportation of explosives, and enhance public health and safety.

The proposed amendments have received concurrence from the CHP's Northern Division, Lake County Fire Protection District (LCFPD), State Fire Marshal (SFM), and California Department of Transportation (Caltrans). Once adopted, the proposed amendments will be provided to the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

#### **PURPOSE OF AMENDMENTS**

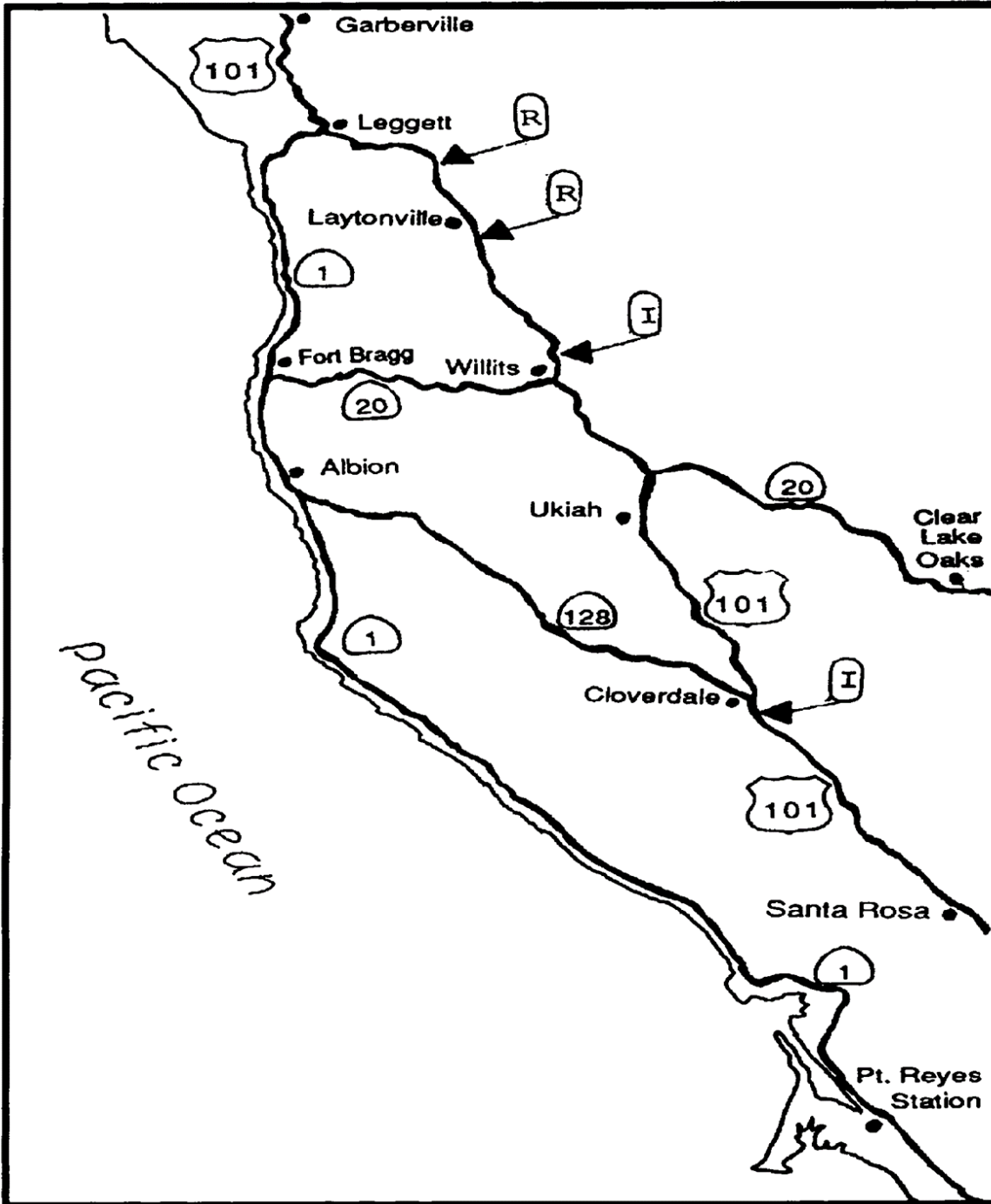
The proposed amendment will update and clarify designated routes for transporting explosives by amending Map 4 specified in Section 1151.4, CCR. The amendment is necessary to correct an error made in 1992 on the originally designated routes map.

#### **RATIONALE AND ANALYSIS**

The current explosives routes for the Clear Lake area, as illustrated in Section 1151.4(a), Map 4, CCR, shown as *Figure 1*, were designated in 1992. However, the designated routes around Clear Lake on Map 4 conflict with the designated routes depicted in Section 1151.5(a), Map 5, CCR,

shown as *Figure 2*. State Route (SR) 20 passing through Clear Lake Oaks appears to be the designated route for transporting explosives along the north shore of Clear Lake on Map 4, while Map 5 indicates SR-29 and SR-53 traversing along the west, south, and east shores of Clear Lake to be the designated route.

SEE MAP 1



R - REQUIRED INSPECTION STOP      I - INSPECTION STOP

*Figure 1: Current Map 4 Showing SR-20 Designated as an Explosives Route Along the North Shore of Clear Lake*

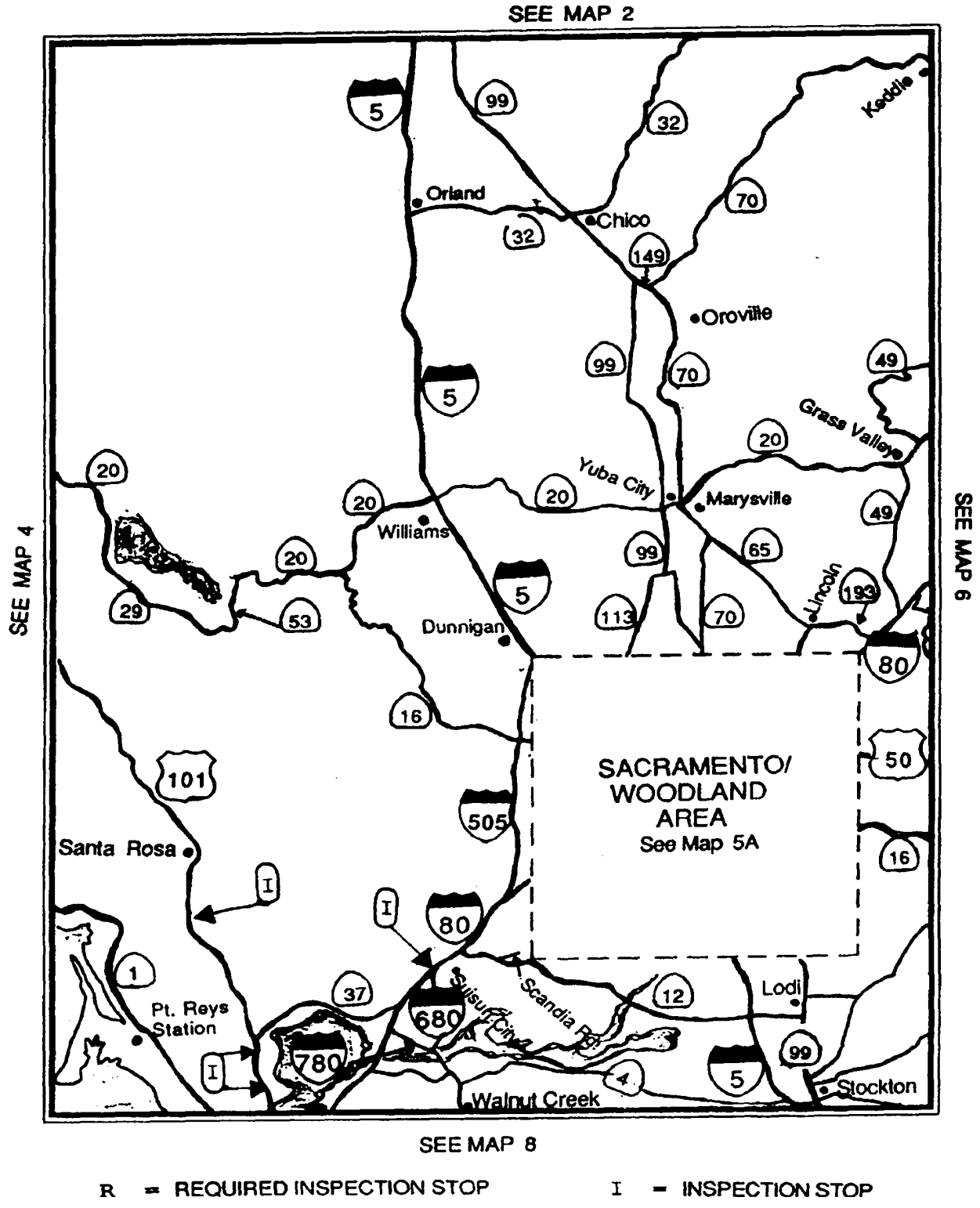


Figure 2: Current Map 5 Showing SR-29 and SR-53 Designated as Explosives Routes Along the West, South, and East Shores of Clear Lake

As specified in Section 31304 CVC, a highway can be considered appreciably less safe than a reasonable alternate highway if the respective highway is located within the watershed of a drinking water reservoir which meets all of the following requirements:

- (i) The reservoir is owned or operated by a public water system, as defined in Section 116275 of the California Health and Safety Code (HSC).
- (ii) The reservoir has a capacity of at least 10,000 acre feet.
- (iii) The reservoir directly serves a water treatment plant, as defined in Section 116275 HSC.
- (iv) The reservoir is impounded by a dam, as defined in Section 6002 of the California Water Code.
- (v) The reservoir's shoreline is located within 500 feet of the highway.

While SR-20 along the north shore of Clear Lake meets all of these requirements, this section of SR-20 is considered less safe than a reasonable alternate highway. Thus, Map 5 shows the correct routes designated for transporting explosives in the Clear Lake area. California Highway Patrol Information Bulletin (IB), Highways Restricted from the Through Transportation of Hazardous Materials/Wastes, also lists SR-20 between SR-53 near Clear Lake Oaks and SR-29 near Upper Lake, as shown on *Figure 3*, to be prohibited from the through transportation of hazardous materials and hazardous wastes for which the display of placards or markings is required by Section 27903 CVC. These restrictions do not eliminate necessary access for emergency services, and local pick up or delivery consistent with safe vehicle operation.

According to the evaluation above, the error made on Map 4 in 1992 needs to be corrected for these designated routes to be in accord with those on Map 5. In summary, this proposed regulatory amendment will update and clarify Map 4 by removing 21.5 miles of SR-20 between SR-29 and the east edge of Map 4, and adding 29.0 miles of SR-29 between SR-20 and the east edge of Map 4, as shown on *Figure 4*. On the amended Map 4, CHP also proposes to change "Clear Lake Oaks" to "Clearlake Oaks" for consistency with the spelling of the town name and add "Upper Lake" to indicate the junction of SR-20 and SR-29.

### **STUDIES/RELATED FACTS**

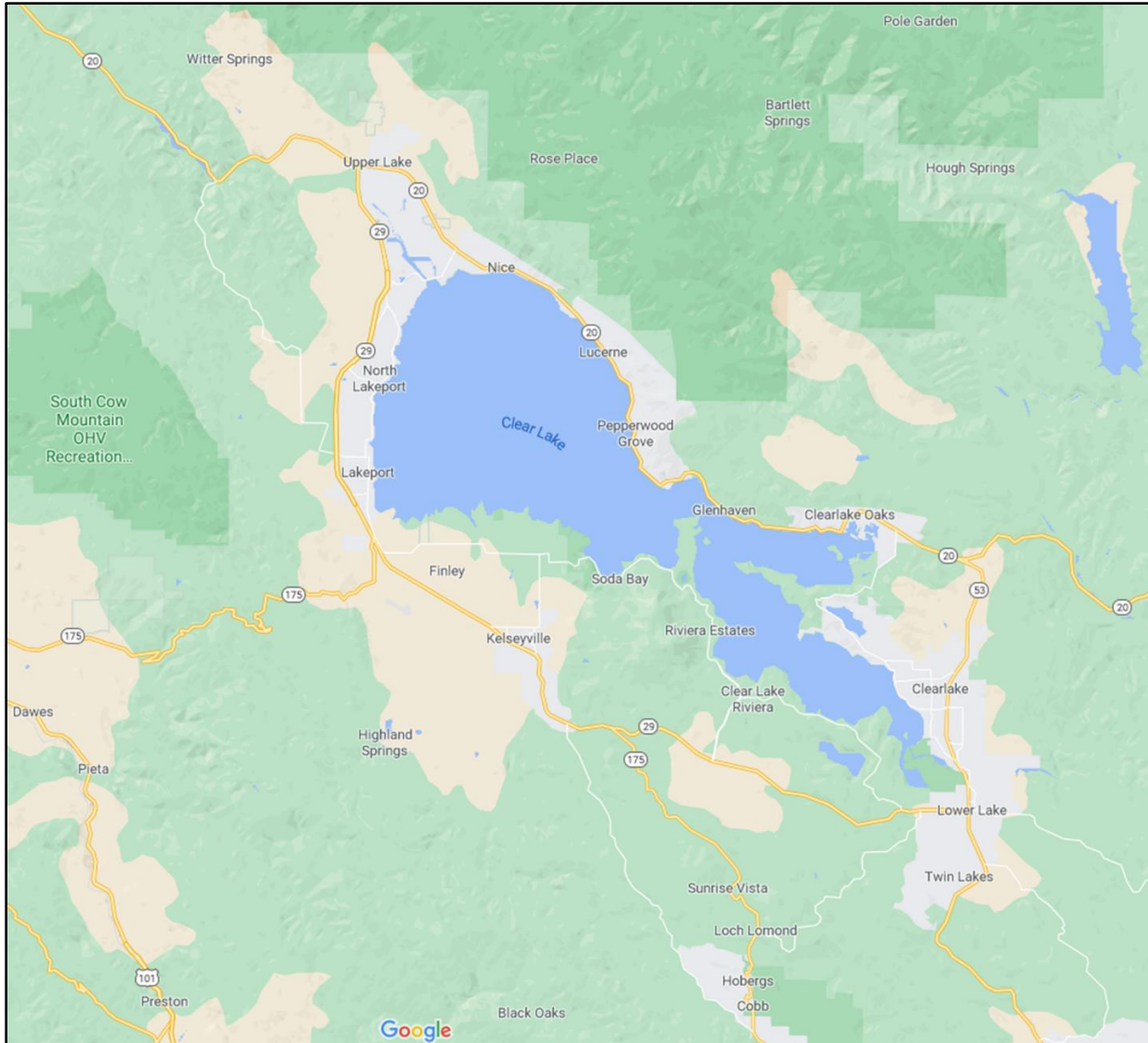
The evaluation of correctly designated routes on Map 4 is based on studies of the CVC, CCR, CHP's IB, and Google Maps.

### **CONSULTATION WITH OFFICIALS**

These updates were evaluated by the CHP's Commercial Vehicle Section and received concurrence from the CHP's Northern Division, LCFPD, SFM, and Caltrans.

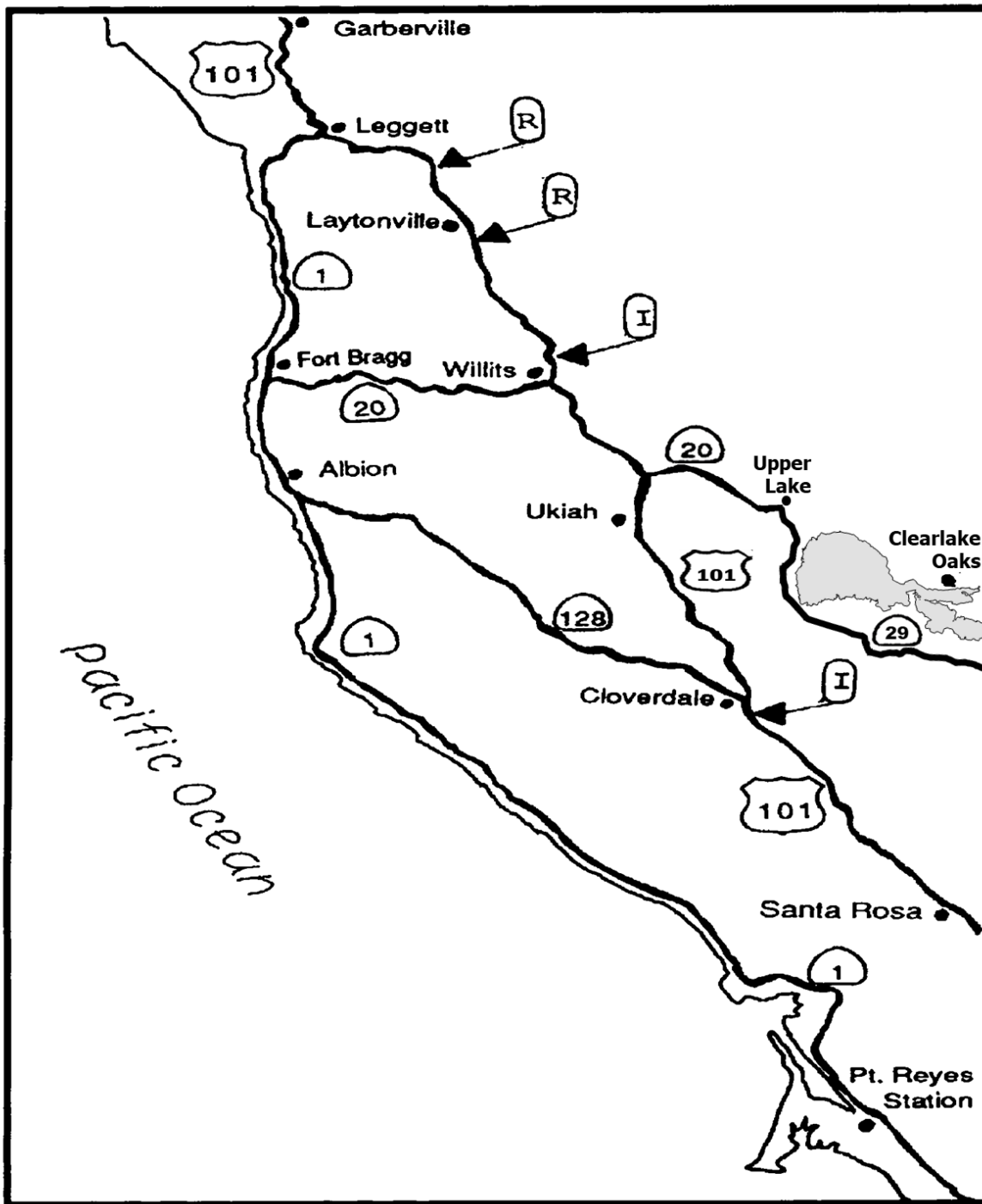
## ALTERNATIVES

Other than the alternatives previously discussed, 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. Failing to provide updated routes to carriers may increase potential risks of detrimental hazards while transporting explosives in the Clear Lake area.



*Figure 3: Major Highways Around Clear Lake*

SEE MAP 1



SEE MAP 5

R - REQUIRED INSPECTION STOP      I - INSPECTION STOP

Figure 4: Proposed Map 4 Showing SR-29 Designated as an Explosives Route Along the West and South Shores of Clear Lake

## **LOCAL MANDATE**

These regulations do not impose any new mandates 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 corrects an error made on Map 4 showing the designated explosives routes. The transportation of explosives by commercial vehicles along the discussed routes presents only a very small portion of the total vehicle movement in the state.

### **Creation of New Business, or Elimination or Expansion of Existing Business**

The CHP has not identified any significant adverse impact on the creation of new businesses, or elimination or expansion of existing businesses within the State of California. Businesses involved in the transportation of explosives will have more consistent and updated information on designated routes in the state. The proposed regulatory action will not create new businesses, or eliminate or expand any existing business by transporting explosives via the updated routes.

### **Benefits of the Regulation**

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health and welfare of California residents, workers, and the environment. The changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. The proposed changes update and clarify safe routes 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 regulatory action updates and clarifies designated highway routes 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 persons or businesses;

- 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.