

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13 CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6
AMEND ARTICLE 2.7, SECTION 1159

ROUTES FOR THE THROUGH TRANSPORTATION OF HIGHWAY ROUTE CONTROLLED QUANTITY SHIPMENTS OF RADIOACTIVE MATERIALS (CHP-R-16-01)

The California Highway Patrol (CHP) proposes to amend Title 13 of the California Code of Regulations; related to designated routes for the transportation of Highway Route Controlled Quantity (HRCQ) shipments of Radioactive Materials (RAM).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Section 33000 of the California Vehicle Code (CVC), Division 14.5, the CHP shall adopt regulations specifying the routes to be used in the Through Transportation of HRCQ RAM. Proposed changes are developed to enhance the public health and safety by adding 35.6 miles of highway sections into designated routes for highway commercial vehicles transporting HRCQ RAM to and from the Long Beach/Los Angeles Ports. The additional routes will present a better network of designated routes and reduce potential risks of transporting HRCQ RAM through the densely populated downtown area of Los Angeles. Consistent with the legislative intent and the purpose of existing regulations, the proposed amendment will continue to provide benefits which include a nonmonetary benefit to the protection and safety of public health for residents and workers, and the protection and safety to the environment by providing a regulatory basis for enforcement efforts.

During the process of developing these regulations and amendments, the CHP has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations. For the proposed regulation amendments, the CHP conducted consultation and received concurrence from the State Fire Marshall, California Department of Public Health, California Department of Transportation, Southern California Association of Governments, and major HRCQ RAM manufactures and carriers.

After contacting the Long Beach Unified School District three times for a consultation of this proposal without receiving any responses over a period of one month, the CHP is moving this proposal forward without further delay in order to enhance the public safety and security by prohibiting HRCQ RAM commercial vehicles traversing through the Los Angeles downtown area. Since these highway sections proposed to be added into the designated routes for the

transportation of HRCQ RAM via the Long Beach and Los Angeles Ports have been used for a long time already, no opposition is anticipated.

PUBLIC COMMENTS

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
Attention: Dr. Tian-Ting Shih
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, on December 5, 2016.

PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS) no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text in strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP at the foregoing address, by facsimile at (916) 322-3154, or by calling the CHP, CVS at (916) 843-3400. Facsimile requests for information should include the following information: The title of the rulemaking package, requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number, in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 B North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are available through the CHP Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will be posted on the CHP Web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Sergeant Josh Clements at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or is non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND RESULTS OF ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no non-discretionary or reimbursable costs or savings to any local agency, school district, state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; (5) will continue to provide benefits which include, a nonmonetary benefit to the protection and safety of public health for residents and workers, and the protection and safety to the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings; and (6) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative, private person, or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. The action is intended to clarify and update the routes for highway commercial vehicles transporting HRCQ RAM. As a result, no small business will be affected by the update.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative it considered or, that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 33000 CVC.

REFERENCE

This action implements, interprets, or makes specific Section 33000 CVC.