

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5,
AMEND ARTICLE 1, SECTION 1200 AND ARTICLE 6, SECTION 1234.

FEDERAL CONSISTENCY

(CHP-R-2018-01)

The California Highway Patrol (CHP) proposes to amend Sections 1200 and 1234 contained in Title 13, California Code of Regulations (CCR), to reflect changes to statutes in 2016 and 1989, respectively, related to consistency with Federal Motor Carrier Safety Regulations (FMCSR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Title 13, CCR, Division 2, Chapter 6.5, contains the CHP motor carrier safety regulations; Article 1, Section 1200, contains definitions and general provisions; and Article 6, Section 1234, contains carrier requirements.

This rulemaking action proposes to amend Title 13, CCR, sections in order to align with current California Vehicle Code (CVC) sections and increase the competitiveness of California carriers by eliminating or modifying, to the extent possible, regulations which conflict with updated federal regulations, reducing negative impacts on businesses. This rulemaking will also allow the CHP to remain consistent with FMCSR adopted by the United States Department of Transportation, and addresses inconsistencies and incompatibilities between state and federal regulations.

Anticipated Benefits of the Proposed Regulation:

The proposed regulations will continue to provide nonmonetary benefits by protecting the health, safety, and welfare of the public, transportation industry workers, and the environment. The proposed regulations provide the regulatory authority for enforcement efforts as they relate to requirements of the CVC, and current adopted federal regulations and hazardous materials regulations found in Title 49, Code of Federal Regulations (CFR), which directly improves the safety of the motoring public.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The CHP has determined this proposed regulation is neither inconsistent, nor incompatible, with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the CHP has concluded that these are the only regulations that concern the Federal Consistency.

PUBLIC COMMENTS

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

California Highway Patrol
Commercial Vehicle Section
Attention: Officer David Kelly
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until March 23, 2020.

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. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number (in case information is incomplete or illegible).

The rulemaking file is available for inspection. Interested parties are advised to call the CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP's Web site at 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's Web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, should be directed to Officer David Kelly or Sergeant Jaime Nunez, CHP, CVS, 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 nonsubstantive 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 THE ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will impose no new mandate upon local agencies or school districts; (3) will involve no nondiscretionary costs or savings to any local agency; no cost to any local agency or school district for which Government Code (GC), Sections 17500-17630, require reimbursement; no cost or savings to any state agency; nor costs or savings in federal funding to the state; (4) will neither create or eliminate jobs in the state of California, nor result in the elimination of existing businesses, nor create or expand businesses in the state of California; (5) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and safety to the environment by providing a regulatory basis for enforcement efforts as they relate to the CFR; and (6) will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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 regulation will not affect small businesses as the proposed amendments are either already required by federal regulation or are editorial in nature and are without regulatory effect. However, the regulated community is encouraged to respond during the public comment period of this regulatory process if significant impacts are identified.

ALTERNATIVES

In accordance with GC, 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 agency would be more effective in carrying out the purpose for which the action is proposed or 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 persons 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 Sections 2402 and 34501 CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 2402 and 34501 CVC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
J. T. EPPERSON, Chief
Enforcement and Planning Division