

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6
AMEND ARTICLE 2.5, SECTIONS 1157-1157.21

Inhalation Hazard Shipments: Routes and Stopping Places (CHP-R-2014-04)

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 2.5 regarding designated routes, required inspection stops, inspection stops, and safe stopping places for the transportation of inhalation hazards.

Pursuant to Division 14.3, commencing with Section 32100 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying routes to be used in the transportation of inhalation hazards. The CVC requires the CHP to keep information current in regulations with maps indicating clearly designated routes and a list of locations of required inspection stops, inspection stops, and safe stopping places. The CHP's field commands conduct annual surveys on the inhalation hazard routes and stops to determine if changes are necessary. The proposed amendments will not change any inhalation hazard routes and will only update the locations of stopping places to be used by carriers transporting inhalation hazards along the designated inhalation hazard routes. These updates are mainly due to business closures or ownership changes.

After CHP field commands inspected the listed business locations of safe stopping places, business owners expressed their willingness to provide their business location and services information in the CCR. Proposed changes have received consultation and concurrence from the State Fire Marshal (SFM) and the California Department of Transportation (Caltrans).

PURPOSE OF AMENDMENTS

- The proposed amendments will add a subsection (c) under the Section 1157 since additional weight, size, and other restrictions imposed by federal and local authorities on commercial highway transportation shall also apply to the transportation of hazardous materials in the state.

- The proposed amendments will update stops by replacing the narrative listing under each map with an eight-page list hosted in an individual section offering updated information for 18 required inspection stops, 28 inspection stops, and 24 safe stopping places.
- The proposed update includes adding one inspection stop and two safe stopping places, removing one inspection stop and 16 safe stopping places, and changing names for 12 business establishments.

STUDIES/RELATED FACTS

The annual review on inhalation hazards routes and stops conducted by the CHP field commands were used as the basis to develop the regulation amendments. Input was received from the business establishments serving as safe stopping places.

CONSULTATION WITH OFFICIALS

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

ALTERNATIVES

The CHP has determined that no reasonable alternative considered by the CHP, or otherwise identified or brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Alternatives Identified and Reviewed

1. Make no changes to the existing regulations. This alternative was rejected because it fails to keep information current in the CCR. Failing to provide an updated list to carriers of inhalation hazards may increase risks of detrimental hazards while transporting inhalation hazards 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. Additionally, this proposed regulatory action will not have a significant statewide adverse economic impact directly affecting jobs, including the ability of California jobs to compete with jobs in other states.

Creation or Elimination of New Business

The CHP has not identified any significant adverse impact on creation or elimination of new businesses within the State of California. Businesses involved in the transportation of inhalation hazards will have more consistent and updated information on safe stops in the state. The proposed regulatory action will not create or eliminate any new businesses transporting inhalation hazards due to the updated stops.

Expansion of Business

The CHP has not identified any significant adverse impact on expansion of businesses currently doing business within the state of California. Businesses involved in the transportation of inhalation hazards will have more consistent and updated information on safe stops in the state. These businesses will not experience any significant burden or impact from transporting inhalation hazards due to the updated stops.

Benefits of the Regulation

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of health and welfare of California residents, worker safety, and the state's environment because changes to the application of the regulation are not substantive. This proposed regulatory action will bring the regulation in conformance with existing statute. Adding safe stops designated for carriers transporting inhalation hazards is clarifying in nature and is intended to enhance transportation safety and public health.

BUSINESS IMPACT

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability to compete with other businesses because the amendments will only update the locations of stopping places to be used by carriers transporting inhalation hazards along the designated inhalation hazard routes. These updates are mainly due to the businesses closures or ownership changes.

FISCAL IMPACT TO THE STATE

The CHP has determined these regulation amendments will result in:

- No significant increased costs for transporters of inhalation hazards;
- 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 this state to retain businesses.