

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6
AMEND ARTICLE 1, SECTIONS 1150-1153

Explosives Routes and Stopping Places (CHP-R-2014-05)

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, required inspection stops, inspection stops, safe stopping places, and safe parking spaces for the transportation of explosives.

Pursuant to Division 14, 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 clearly designated routes on maps and a list of locations of required inspection stops, inspection stops, safe stopping places, and safe parking places. The CHP's field commands conduct annual surveys on the explosives routes and stops to determine if changes are necessary. The proposed amendments will not change any explosives routes except the restriction on transporting explosives through the newly constructed Tom Lantos Tunnels, and will only update the locations of safe stopping and safe parking places to be used by carriers transporting explosives along the designated explosives routes and organize the updated information in a tabulated format for easier future updates. These updates are mainly due to business closures or ownership changes.

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

PURPOSE OF AMENDMENTS

The proposed amendments will:

- Update designated routes by indicating a new restriction on transporting explosives through the Tom Lantos Tunnels based on the risk analysis conducted by CHP and Caltrans and on the CHP's Information Bulletin: Highway Restricted from the Through Transportation of Hazardous Materials/Waste dated November 20, 2013.
- Update safe stopping and safe parking places by replacing the narrative listing under each map with a 23-page list hosted in an individual section offering updated information.

STUDIES/RELATED FACTS

The annual review of explosives routes and safe stopping places 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 or safe parking places.

CONSULTATION WITH OFFICIALS

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

ALTERNATIVES

The CHP has determined that no reasonable alternative considered by the CHP or that has otherwise been identified and brought to the attention of the CHP would be more effective and less burdensome in carrying out the purpose for which the action is proposed. Additionally, the CHP has not identified any alternative which would be as less burdensome and equally effective to affected persons other than the action being proposed and in achieving the purposes of the regulation in a manner that ensures full compliance with the authoring statute or other law being implemented or made specific by the proposed regulation.

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 transporting explosives may increase 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. 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 explosives will have more updated information on safe stopping and parking places in the state. The proposed regulatory action will not create or eliminate any new business by transporting explosives via the updated safe 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 explosives will have more updated information on safe stops in the state. These businesses will not experience any significant burden or impact from transporting explosives via the updated safe 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, and bring the regulation in conformance with existing statute. Updating safe stops designated for carriers transporting explosives is clarifying in nature and all are for transportation safety and public health.

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 this state to retain businesses.