

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0827-02	REGULATORY ACTION NUMBER 2015-1203-025	EMERGENCY NUMBER
------------------	--------------------------------------	---	------------------

For use by Office of Administrative Law (OAL) only

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

JAN 19 2016

2:16 PM

2015 DEC -3 P 3:34  
OFFICE OF  
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY  
California Highway Patrol

AGENCY FILE NUMBER (if any)  
CHP-R-2015-06

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2015 37-2	PUBLICATION DATE 9/11/2015	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) General Hazardous Material Regulations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1160.7 and 1161.8
	AMEND 1160.2
	REPEAL 13

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
--	--	--	--

3. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

Adam Roha

TELEPHONE NUMBER

(916) 843-3407

FAX NUMBER (Optional)

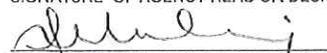
(916) 322-3154

E-MAIL ADDRESS (Optional)

aroha@chp.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

  
TYPED NAME AND TITLE OF SIGNATORY  
J.M. Mulanix, Assistant Chief

DATE

12-3-15

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 19 2016

Office of Administrative Law

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## ADOPTED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6, ARTICLE 3,  
AMEND SECTION 1160.2, AND ADOPT SECTIONS 1160.7, AND 1161.8

### GENERAL HAZARDOUS MATERIALS REGULATIONS (CHP-R-15-06)

*Existing text:*..... Times New Roman 12 point font.  
*Additions:*..... Times New Roman 12 point font with single underline.  
*Deletions:*..... ~~Times New Roman 12 point font with strikethrough~~

#### § 1160.2. U.S. Department of Transportation Regulations.

(a) **Incorporation by Reference.** This article incorporates by reference portions of 49 CFR Part 107, Parts 171 through 180, and Part 393 to the extent specified in this article. Unless otherwise specified, all references in this article to 49 CFR for persons:

(1) Not subject to federal jurisdiction per 49 CFR Part 171, are those regulations published on October 1, 1999.

(2) Subject to federal jurisdiction per 49 CFR Part 171, are regulations published on October 1, ~~2013~~2014.

(b) **Federal Preeminence.** Provisions of the Hazardous Materials Transportation Act recodified into Title 49 U.S. Code (49 U.S.C.) Section 5125, preempt any requirements of any state or political subdivision thereof inconsistent with the act or federal HM Regulations relating to hazardous materials transported in commerce. The U.S. Department of Transportation (DOT), Pipeline and Hazardous Materials Administration (PHMSA) may except any material from being classed as hazardous, or change any classification or transportation requirement in accordance with authority granted that agency, and such action shall govern the application of this article. In lieu of compliance with the provisions of this article, hazardous materials shipment preparation and transportation in compliance with a later promulgated PHMSA requirements, exemption or exception than that adopted by reference in this article is permitted. This includes compliance

with a later promulgated requirement prior to its effective date during any period of time where earlier compliance is authorized in the applicable final rulemaking.

**(c) Limited Applications.** 49 CFR Parts 174 and 179 shall apply only as referenced in 49 CFR Parts 173, 177, and 178.

**(d) Motor Carrier Safety Requirements.** Provisions of 49 CFR Part 393 applies as incorporated in cargo tank specifications referenced in 49 CFR Part 178.

**(e) Referenced Regulations.** Copies of 49 CFR, can be obtained from:

SUPERINTENDENT OF DOCUMENTS  
U.S. GOVERNMENT PRINTING OFFICE  
PO BOX 979050  
ST LOUIS, MO 63197-9000  
(202) 512-1800  
Internet purchases: <http://bookstore.gpo.gov>

Internet Access. Title 49 CFR may also be accessed through the internet at the Government Printing Office's web site at "<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>" or through the U.S. Department of Transportation, PHMSA's web site at "<http://phmsa.dot.gov/regulations>".

Note: Authority cited: Sections 2402.7 and 34501, Vehicle Code. Reference: Sections 2402.7 and 34501, Vehicle Code.

**§ 1160.7. Hazardous Materials Registration.**

Shippers and carriers subject to federal jurisdiction shall comply with the applicable hazardous materials registration requirements contained in 49 CFR Part 107, Subpart G (commencing with Section 107.601).

Note: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

**§ 1161.8. Safety and Security Plans.**

Shippers and carriers subject to federal jurisdiction shall comply with the applicable safety and security plan requirements contained in 49 CFR Part 172, Subpart I (commencing with Section 172.800).

Note: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.