

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **INITIAL STATEMENT OF REASONS**

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6  
AMEND ARTICLE 2.5, SECTION 1157.21

### **Inhalation Hazard Shipments; Routes and Stopping Places (CHP-R-2016-03)**

#### **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, Section 1157.21, Stops, to update the list of safe stops for highway commercial vehicles transporting inhalation hazards.

Pursuant to Division 14.3, Transportation of Inhalation Hazards, 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 clearly indicating 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 for the transportation of inhalation hazards along the designated routes.

After CHP field commands inspected the locations of listed business establishments serving as safe stopping places, business owners expressed their willingness by signing the CHP 114, Designation as Safe Stopping Place, to provide their business location and service information in the CCR. Proposed changes have received consultation and concurrence from the State Fire Marshal (SFM).

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of health, safety, and welfare of California's residents, workers, and environment. 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 inhalation hazards is clarifying in nature, and all are for transportation safety and public health.

## **PURPOSE OF AMENDMENTS**

The proposed amendments will update the list of safe stops by adding three safe stopping places and switching the Clyde V. Kane Safety Roadside Rest Area from a safe stopping place to an inspection stop to be consistent with the designation of other rest areas along highways specified in this list.

## **STUDIES/RELATED FACTS**

The annual review on inhalation hazard 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 field Divisions and Commercial Vehicle Section and received consultation and concurrence from the SFM.

## **ALTERNATIVES**

No reasonable alternative considered by the CHP, or otherwise identified or brought to the attention of the CHP, would be more effective in fulfilling the purpose for which the action is proposed or as effective 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 hazard routes and stopping places 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 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 residing or operating 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. The changes to the application of the regulation are not substantive and 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.

## **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 California to retain businesses.