

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

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)

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.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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 indicating clearly designated routes and a list of locations of inspection stops, required inspection stops, and safe stopping places. The CHP's field commands conduct annual surveys on 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 required inspection stops, inspection stops, and stopping places to be used by carriers of inhalation hazards along the designated inhalation hazard routes.

After CHP field commands inspected the locations of listed business establishments serving as safe stopping places, business owners have 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.

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. 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. During the process of developing these regulations and amendments, the CHP has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing federal and state regulations.

PUBLIC COMMENT

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

California Highway Patrol
Commercial Vehicle Section
Attention: Dr. Tian-Ting Shih
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, on February 20, 2017.

PUBLIC HEARINGS

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 the initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in ~~strikeout~~ and underline format. Requests to review or receive copies of this information should be directed to the CHP either 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: 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 the information is incomplete or illegible.

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

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

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Sergeant Josh Clements 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 substantive 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 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 not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code 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 nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

Benefits of the Proposed Action: The proposed regulation updating safe stops designated for carriers transporting inhalation hazards will continue to provide benefits, which include a nonmonetary benefit to the protection of public health and safety for residents and workers and the protection of the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

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 the proposed regulatory action may affect small businesses. If a business can no longer meet the requirements for safety, they will be deleted from the list of safe stopping places. However, due to the very limited amount of highway commercial vehicles transporting inhalation hazards on the designated routes in the state, no foreseeable economic impact is projected for the small business to be removed from the list.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP or, otherwise identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, 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 parties 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 Section 32103 CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 32101, 32102, 32103, 32104 and 32105 CVC.