

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **INITIAL STATEMENT OF REASONS**

AMEND TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6  
ARTICLE 1, SECTION 1153

### **Explosive Routes and Stopping Places (CHP-R-2017-02)**

#### **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) Section 1153, Safe Stopping and Parking Places, related to the designation of safe stopping places, safe parking places, inspection stops, and required inspection stops for highway commercial vehicles transporting explosives in the state.

Pursuant to Section 31616 of the California Vehicle Code (CVC), Designation of Routes, the CHP shall prescribe, by regulation, a list of safe stopping places for commercial vehicles transporting explosives on highways. Section 31616 CVC further requires the CHP to revise the list and keep it current. The proposed amendments will update the list of safe stopping places, safe parking places, inspection stops, and required inspection stops in the regulation.

The CHP's field commands conduct annual surveys on the explosives routes and safe stopping places to determine if changes are necessary. The CHP field commands inspected the locations of listed business establishments serving as safe stopping and parking places. Business owners expressed their willingness to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place, and/or CHP 114A, Designation as Safe Parking Place.

The proposed amendments will not change any explosive routes and will only update the list of safe stops to be used by carriers transporting explosives along the designated explosive routes. These updates are mostly due to business closures, ownership changes, or permissions received or denied. The CHP has also received the concurrence with the proposed regulation amendment 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 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 are all for transportation safety and public health.

## **PURPOSE OF AMENDMENTS**

The proposed amendments will:

- Update the list of safe stops by adding six additional safe stopping places, removing one safe stopping place and two inspection stops due to closure, removing one safe stopping place and one safe parking place due to permission denied, and modifying 20 safe stops due to name, access, services, phone number, business hours, or other editorial changes.

## **STUDIES/RELATED FACTS**

The latest annual review of explosives routes and safe stopping places conducted by the CHP field commands was 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 field divisions and received concurrence from the SFM.

## **ALTERNATIVES**

No reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, would be more effective and less burdensome in fulfilling the proposed action. Additionally, the CHP has not identified, nor been made aware of, any alternative that would be less burdensome and equally effective to affected parties than the proposed action in achieving the purposes of the regulation in a manner that ensures full compliance with the authoring statute or other provision of law.

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 as required by the CVC. Failing to provide an updated list to carriers transporting explosives may increase risks of detrimental hazards to the environment and public health 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 because the regulation only update the safe stops along the designated routes and the transportation of explosives by commercial vehicles presents only a very small portion of the total vehicle movement in the state.

### **Creation of New Business or Elimination of Existing Business**

The CHP has not identified any significant adverse impact on creation new businesses or expansion or elimination of existing business within the State of California. Businesses involved in the transportation of explosives will have more updated information on safe stops in the state. The proposed regulatory action will not create new businesses or expand or eliminate any existing business transporting explosives or offering these trucks for a safe stop.

### **Competitive Advantages or Disadvantages for Current Business**

The CHP has not identified any significant adverse impact on competitive advantages or disadvantages for businesses currently residing or operating 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 or offering stop services.

### **Increase of Decrease of Investment**

The CHP has not identified any significant adverse impact on increasing or decreasing any public or private investment within the State of California. Businesses involved in transporting explosives will have more updated information on safe stops in the state. Updating safe stops for transporting explosives on highways is a nonmonetary investment itself in nature on enhancing health and safety for California's residents and environment. The proposed regulatory action will not increase or decrease any business or government investment.

### **Incentive for Innovation**

This proposed regulatory action will continue to provide an incentive for explosive carriers to take the advantages of the updates information on safe stops to reduce potential risks to health and safety of the carriers, residents, and environment in the state. In addition, updating the information on safe stops is itself an incentive of innovation of the process in systemizing the assessment reviews using temporal and spatial data and state-of-the-art technologies and methodologies.

## **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. Updating information on safe stops designated for carriers transporting explosives is clarifying in nature and is for transportation safety and public health.

## **BUSINESS IMPACT TO THE STATE**

Based on the economic impact analysis, CHP has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulation action updates information of areas or locations for safe stops to designated carriers moving explosives in California.

## **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.