

# **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-2017-03)**

#### **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 inspection stops, required 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 to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place. 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 the 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 one safe stopping place; updating information on business names, access, services, and hours for five business establishments; and making some editorial changes to the list.

## **STUDIES/RELATED FACTS**

The annual review of inhalation hazard routes and stops 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 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 because the regulation only updates the safe stops for the transportation of inhalation hazards by commercial vehicles along designated routes. 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 of New Business or Elimination or Expansion of Existing Business**

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

### **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 inhalation hazards will have more updated list of safe stops in the state. Businesses will not experience any significant burden or impact from transporting inhalation hazards or offering stop services along the designated routes.

### **Increase or 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 inhalation hazards will have a more updated list of safe stops in the state. Updating designated safe stops for transporting inhalation hazards on highways is a nonmonetary investment itself in nature on enhancing the 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 inhalation hazard carriers to take advantage of the updated list of safe stops to reduce potential risks to the health and safety of the carriers, residents, and environment in the state. In addition, updating the designated safe stops is itself an incentive of innovation of the process in communicating with the carriers and safe stop partners.

## **Benefits of the Regulation**

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the 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 safe stops designated for carriers transporting inhalation hazards is clarifying in nature and is for 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 information of safe 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.