

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

TITLE 13 CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6, ARTICLE 1
AMEND SECTIONS 1152.3.1, 1152.5, AND 1152.7

Explosives Routes and Stopping Places (CHP-R-2019-01)

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 1, regarding designated safe stops for the transportation of explosives by commercial vehicles on highways in the state.

Pursuant to Division 14, Transportation of Explosives, commencing with Section 31600 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying the routes to be used in the transportation of explosives. The CVC requires the CHP to keep information current in regulations with maps indicating designated routes. The CHP's field commands conduct annual reviews on the explosives routes and stops to determine if changes are necessary. The CHP's Southern, Inland, and Border Divisions proposed to add two required inspection stops and one inspection stop to the designated safe stops. The proposed regulation amendments will add the map labels for these safe stops on their associated maps. These updates will provide carriers additional stopping places to inspect their vehicles and loads in order to reduce potential risks associated with the transportation of explosives, and enhance public health and safety in these areas.

The proposed amendments have received concurrence from the CHP's Southern, Inland, and Border Divisions; State Fire Marshal (SFM); and California Department of Transportation (Caltrans).

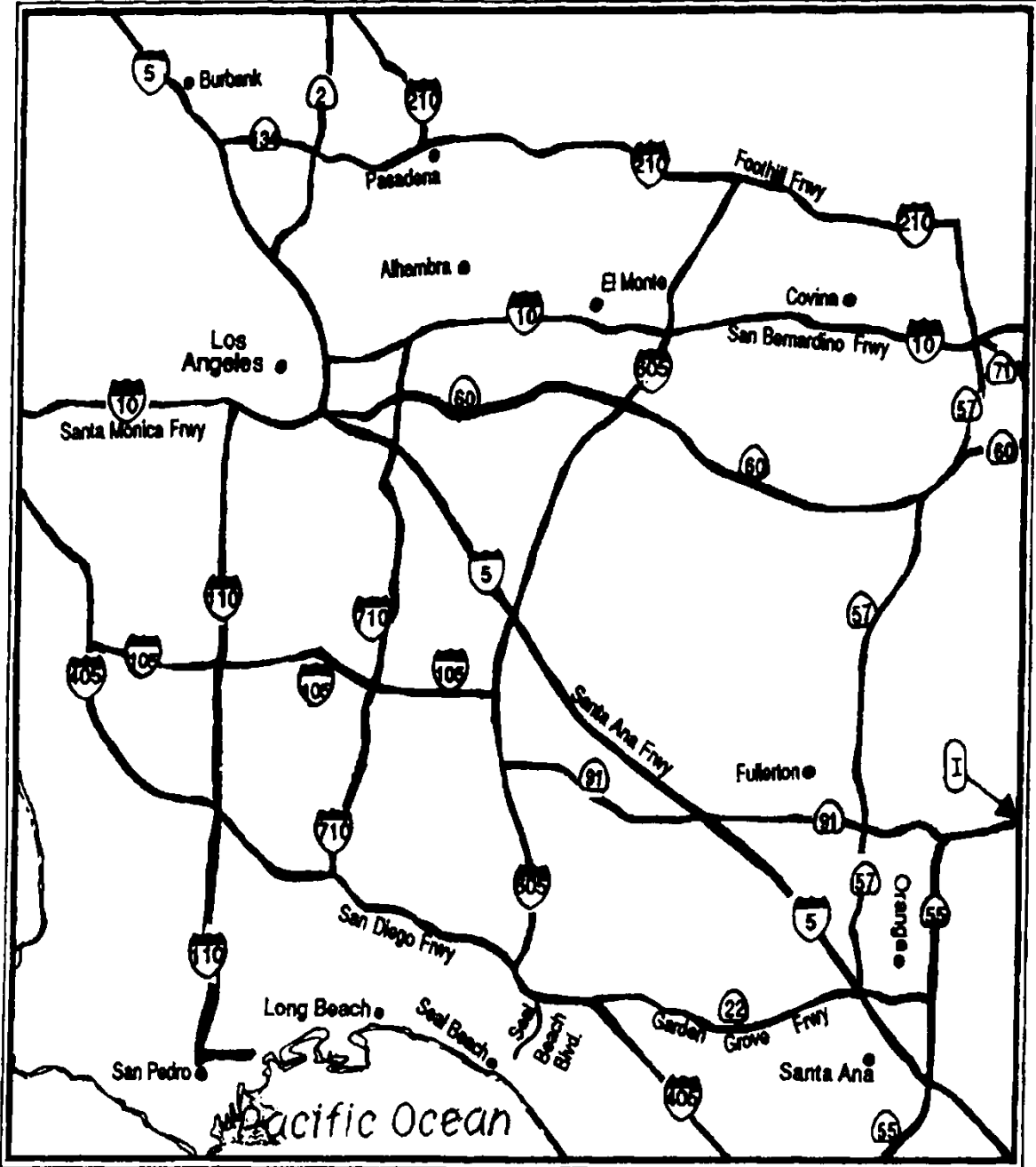
This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of California's residents, workers, and environment. The changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. The proposed changes update and clarify safe stopping places designated for carriers transporting explosives, and contribute to transportation safety and public health.

PURPOSE OF AMENDMENTS

The proposed amendments will update and clarify designated stops for the transportation of explosives by amending:

- Map 13A, shown in *Figure 1*, specified in Section 1152.3.1, CCR, to add a map label of an inspection stop for the Carson Platform Scale along Interstate (I)-405 in the Carson area, shown in *Figure 2*;
- Map 15, shown in *Figure 3*, specified in Section 1152.5, CCR, to add a map label of a required inspection stop for the Mountain Pass Joint Point of Entry (JPOE) Commercial Vehicle Enforcement Facility (CVEF) along I-15 in the Nipton area, shown in *Figure 4*; and
- Map 17, shown in *Figure 5*, specified in Section 1152.7, CCR, to add a map label of a required inspection stop for the In-Ko-Pah brake check and truck rest area along I-8 in the Jacumba area, shown in *Figure 6*.

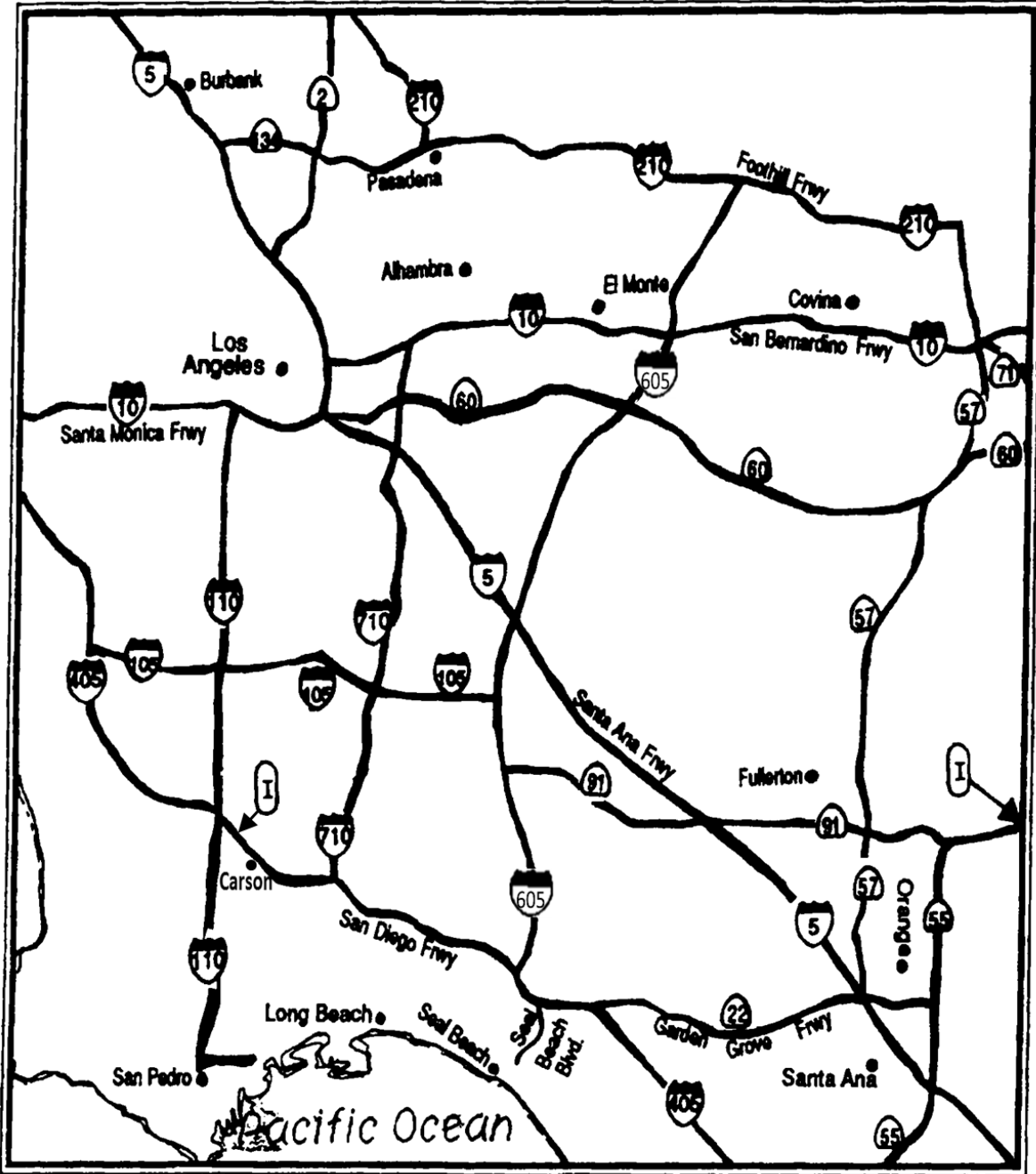
The amendments are necessary due to the recent completion and/or upgrade of these facilities.



R = REQUIRED INSPECTION STOP

I = INSPECTION STOP

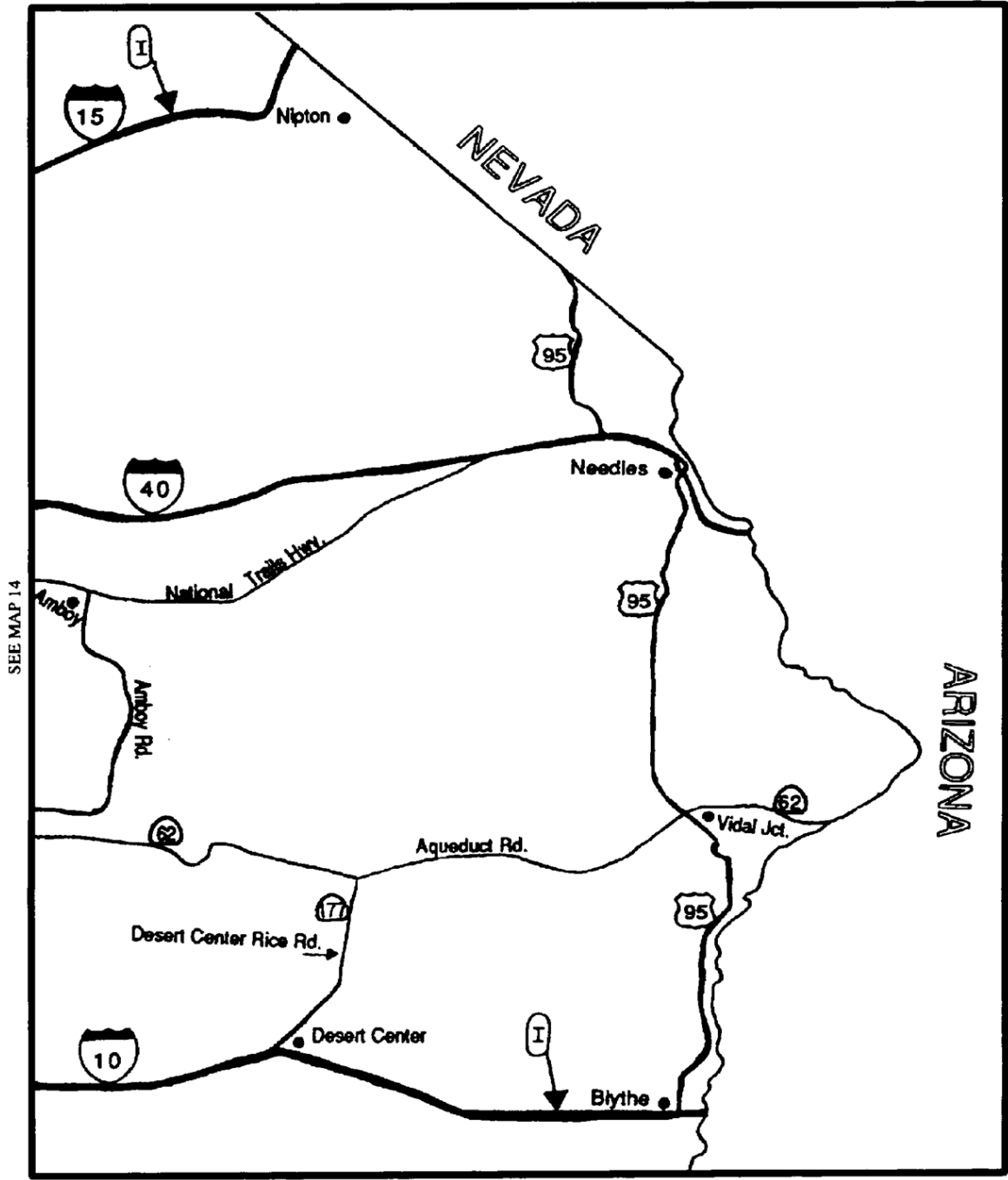
Figure 1: Current Map 13A



R = REQUIRED INSPECTION STOP

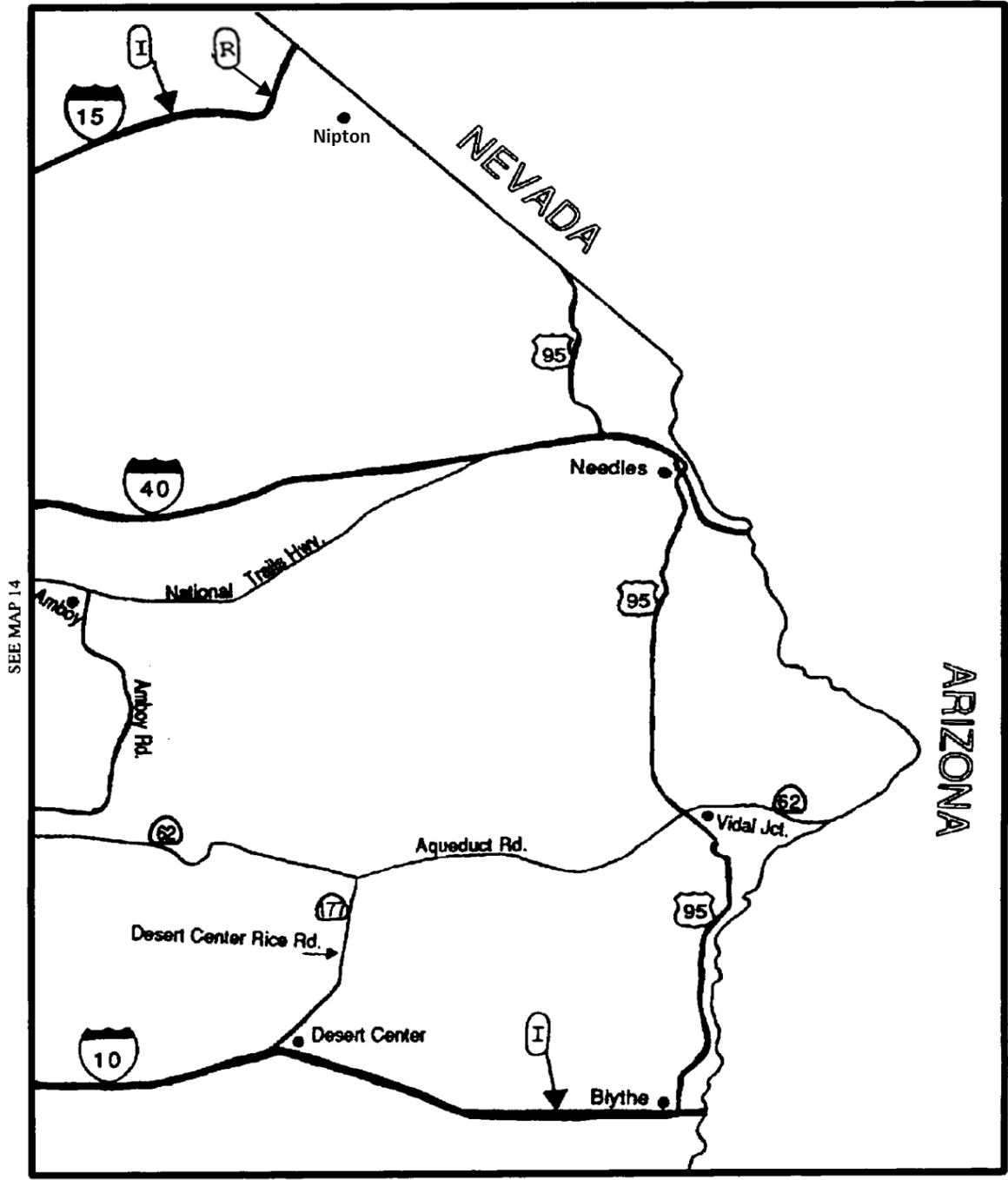
I = INSPECTION STOP

Figure 2: Proposed Map 13A Adding a Map Label of an Inspection Stop for the Carson Platform Scale in the Carson Area



SEE MAP 17
 R - REQUIRED INSPECTION STOP I - INSPECTION STOP

Figure 3: Current Map 15



SEE MAP 14

SEE MAP 17

R - REQUIRED INSPECTION STOP I - INSPECTION STOP

Figure 4: Proposed Map 15 Adding a Map Label of a Required Inspection Stop for the Mountain Pass JPOE CVEF in the Nipton Area

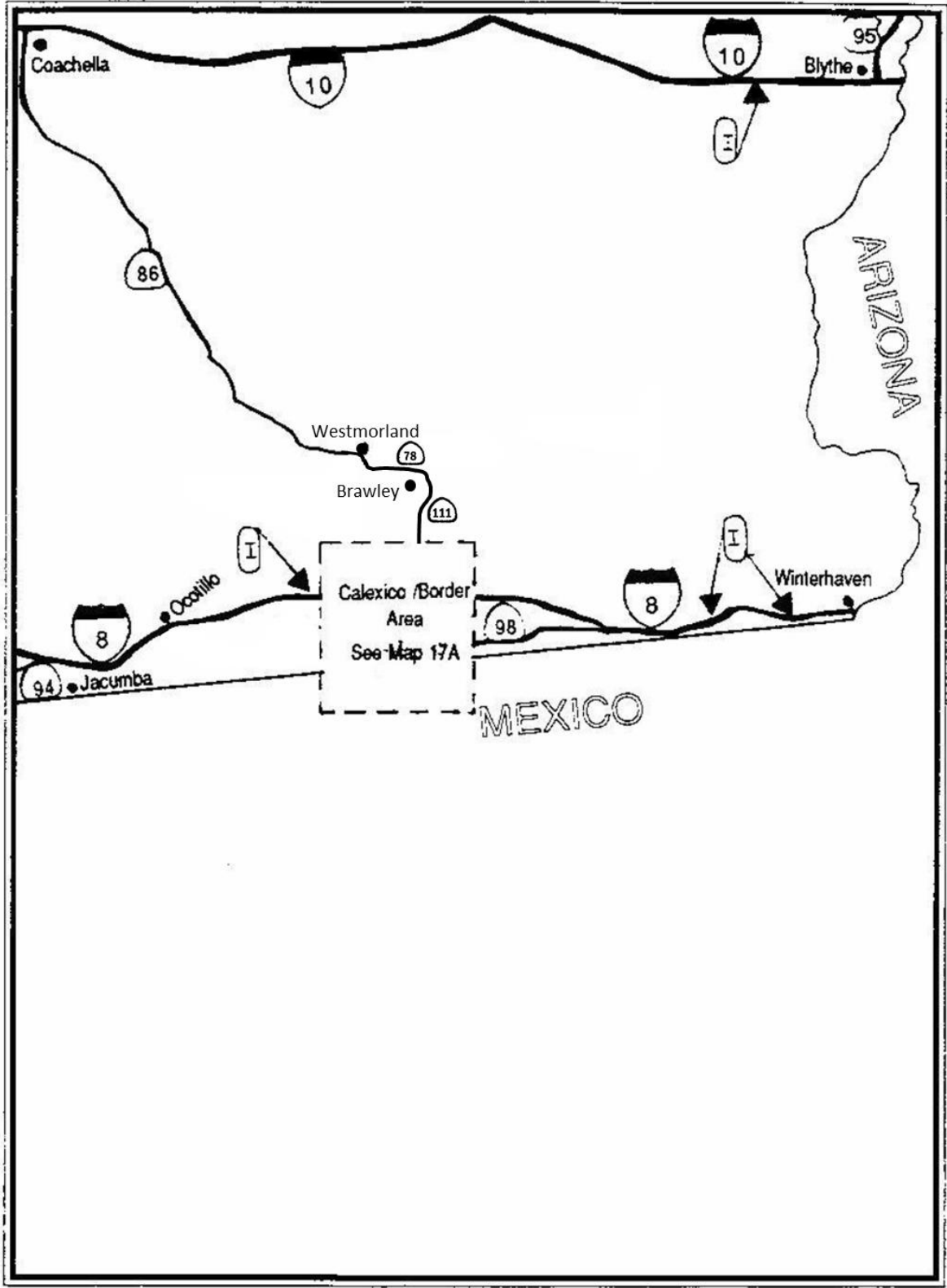
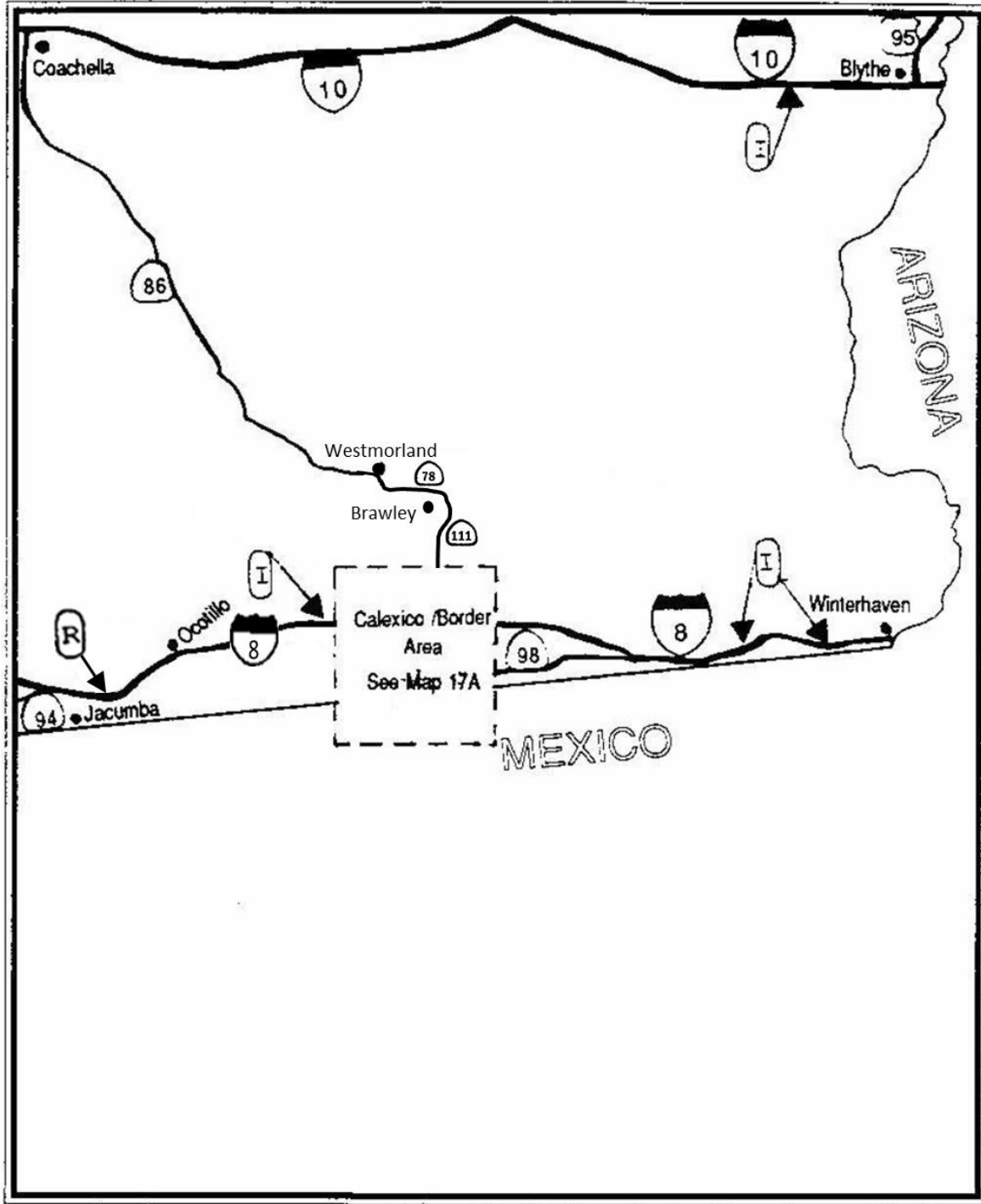


Figure 5: Current Map 17



R = REQUIRED INSPECTION STOP

I = INSPECTION STOP

Figure 6: Proposed Map 17 Adding a Map Label of a Required Inspection Stop for the In-Ko-Pah Break Check and Truck Rest Area in the Jacumba Area

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.

CONSULTATION WITH OFFICIALS

These changes were evaluated by the CHP's Commercial Vehicle Section and received concurrence from the CHP's Southern, Inland, and Border Divisions; SFM; and Caltrans.

ALTERNATIVES

Other than the alternatives discussed above, no reasonable alternative considered by the CHP, or otherwise identified and 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. The alternative of making no changes to the existing regulations was rejected because it fails to keep information current in the CCR. Failing to provide updated maps to carriers may increase potential risks of detrimental hazards while transporting explosives.

LOCAL MANDATE

These regulations do not impose any new mandates 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 adds the map labels for two required inspection stops and one inspection stop along the designated routes.

Creation of New Business, or Elimination or Expansion of Existing Business

The CHP has not identified any significant adverse impact on the creation of new businesses, or elimination or expansion of existing businesses within the State of California. Businesses involved in the transportation of explosives will have more consistent and updated maps in the state. The proposed regulatory action will not create new businesses, or expand or eliminate any existing businesses by transporting explosives or offering these trucks stop services.

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, workers, and the environment. The changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. The proposed changes update and clarify designated safe stopping places on maps for carriers transporting explosives, and contribute to transportation safety and public health.

BUSINESS IMPACT TO THE STATE

Based on the economic impact analysis, the 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 regulatory action updates designated inspection stops for commercial vehicle carriers transporting explosives in California.

FISCAL IMPACT TO THE STATE

The CHP has determined these regulation amendments will result in:

- No significant increased costs for persons or businesses;
- 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.