

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **NOTICE OF PROPOSED REGULATORY ACTION**

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)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations, Division 2, Chapter 6, Article 1, Sections 1152.3.1, 1152.5, and 1152.7, regarding designated routes and stops for the transportation of explosives by commercial vehicles on highways in the state.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

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 surveys 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. These updates will provide carriers additional safe stops to reduce potential risks associated with the transportation of explosives, and enhance public health and safety in the Carson, Nipton, and Jacumba areas.

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

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 highway stops designated for carriers transporting explosives, and contribute to 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 p.m. on April 29, 2019.

### **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 an 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 also 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 Adam Roha, 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 IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

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 (GC) 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 designated routes for carriers transporting explosives will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and 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 that the proposed regulatory action will not affect small businesses. The action is intended to clarify and update the designated routes for commercial vehicles transporting explosives on highways. As a result, no small business will be affected by the update.

## **ALTERNATIVES**

In accordance with Section 11346.5(a)(13) GC, 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 31616 CVC.

## **REFERENCE**

This action implements, interprets, or makes specific Sections 31303, 31304, 31601, 31602, 31607, 31611, 31614, and 31616 CVC.