

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 Hazards Safe Stops (CHP-R-2019-06203)

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 for inspection stops, required inspection stops, and safe stopping places. The CHP's field commands conduct annual surveys on the inhalation hazards routes and stops to determine if changes are necessary. The proposed amendments will not change any inhalation hazards routes, but will 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. The proposed changes update and clarify safe stopping places designated for carriers transporting inhalation hazards, and contribute to transportation safety and public health.

PURPOSE OF AMENDMENTS

The proposed amendments will:

- Add a required inspection stop for the Mountain Pass Joint Point of Entry Commercial Vehicle Enforcement Facility along Interstate 15 in the Nipton area;
- Move Clyde V. Kane Safety Roadside Rest Area two rows up with information updated;
- Move Coso Junction Ranch Store two rows down;
- Move In-Ko-Pah Brake Check and Truck Rest Area two rows down;
- Change the stop type for the recently upgraded In-Ko-Pah Brake Check and Truck Rest Area from an inspection stop to a required inspection stop; and
- Update fourteen other safe stopping places with three business names changed and other information modified.

STUDIES/RELATED FACTS

The annual review of inhalation hazards 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

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 as required by the CVC. Failing to provide an updated list to carriers transporting inhalation hazards may increase potential 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 stopping places along the designated routes. The transportation of inhalation hazards 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 the creation of new businesses, or expansion or elimination of existing business within the State of California. Businesses involved in the transportation of inhalation hazards will have more updated information on safe stopping places in the state. The proposed regulatory action will not create new businesses, or expand or eliminate any existing business transporting inhalation hazards 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, 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. The proposed changes update and clarify safe stopping places designated for carriers transporting inhalation hazards, 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 regulation action updates information for safe stopping places designated for commercial vehicle carriers transporting inhalation hazards in California.

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, as the regulation amendments will enhance the health and safety of transporting inhalation hazards for businesses and the public.