

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

TITLE 13 CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6, ARTICLE 2.5
AMEND SECTION 1157.20

Inhalation Hazards Routes – Map 8 (CHP-R-2019-06206)

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 1157.20, regarding designated routes for the transportation of inhalation hazards by commercial vehicles on highways in the state.

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 keep inhalation hazards routes consistent with the changed location of the port of entry (POE) for commercial vehicles, from San Ysidro to Otay Mesa, and enhance public health and safety in the border area south of San Diego.

The proposed amendments have received concurrence from the CHP's Border Division, San Diego County Fire Authority (SDCFA), State Fire Marshal (SFM), and California Department of Transportation (Caltrans).

PURPOSE OF AMENDMENTS

The proposed amendment will update and clarify designated transportation routes for inhalation hazards by amending Map 8 specified in Section 1157.20 CCR. The amendment is necessary due to the location change of the POE for commercial vehicles, from San Ysidro to Otay Mesa.

Title 49 of the Code of Federal Regulations, Section 397.71, authorizes each state to establish, maintain, or enforce routing in order to minimize risks and enhance public safety for the highway transportation of inhalation hazards by examining, reviewing, and evaluating alternate routes. Due to the POE relocation for commercial vehicles from San Ysidro to Otay Mesa, the CHP

conducted rulemaking processes in recent years to update routes for transporting highway route controlled quantity shipments of radioactive materials and for transporting explosives. Both regulation amendments were approved by the California Office of Administrative Law and filed with the California Secretary of State, and became effective on April 1, 2015, and December 17, 2017, respectively. Both adopted regulations were also provided to the Pipeline and Hazardous Materials Safety Administration, United States (U.S.) Department of Transportation, to update the national registry of hazardous materials routing.

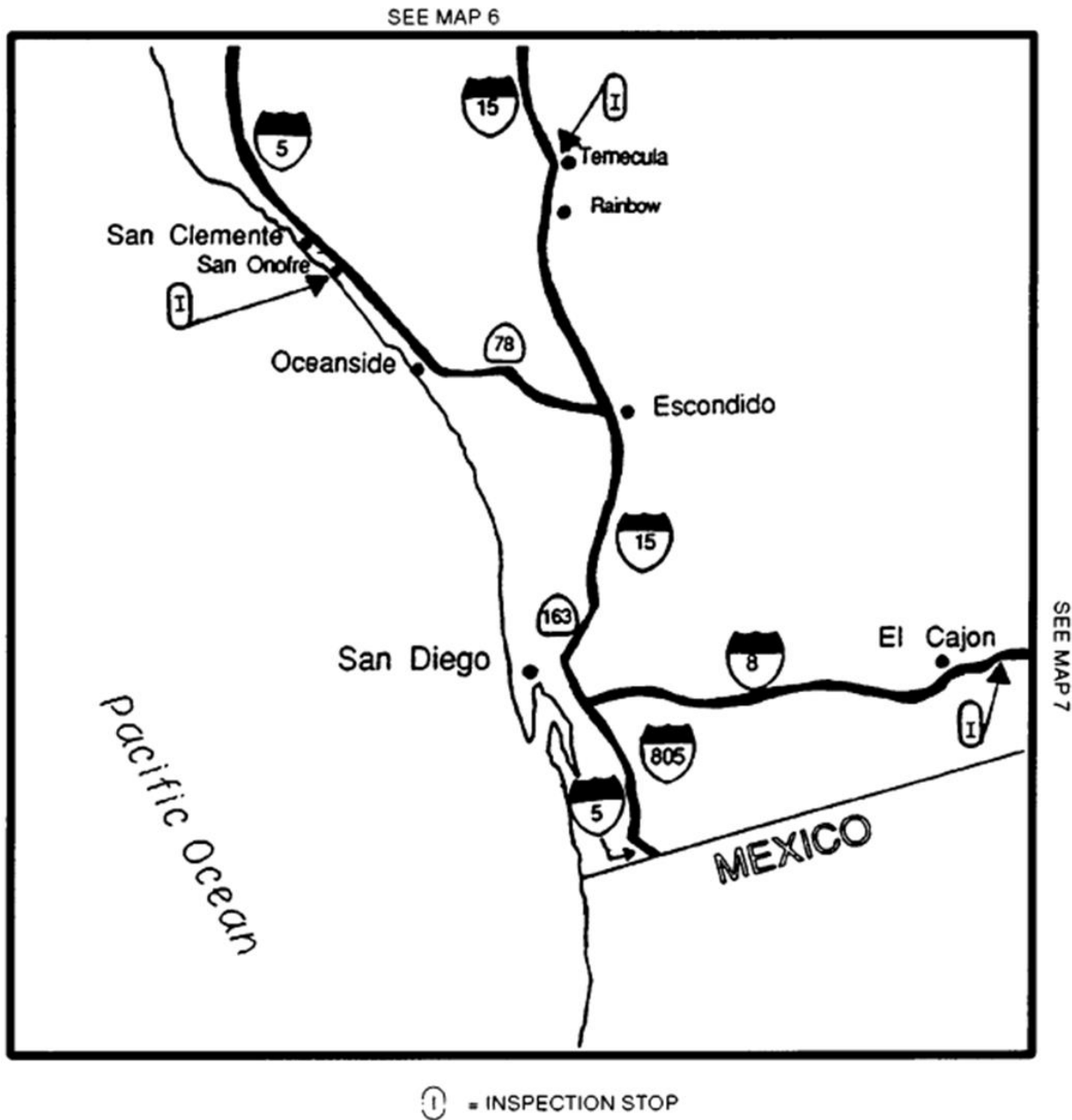


Figure 1: Map 8 Showing the Existing Inhalation Hazards Routes Designated in the U.S./Mexico Border Area South of San Diego

Since the San Ysidro POE facility was opened in 1906, all commercial shipments crossing the U.S./Mexico border in the Tijuana/San Diego region were inspected here until the 1950s, when all truck traffic was moved to the crossing at Virginia Avenue, about 2,000 feet west of the San Ysidro POE. In order to divert growing traffic through the San Ysidro POE, the Otay Mesa POE was opened in 1983. Gradually, the Otay Mesa POE has undertaken the inspections for all commercial transportation crossing the border in this region.

After commercial vehicles travel northbound through the Otay Mesa POE, State Route (SR) 905 is the only highway qualified as a Terminal Access highway meeting all requirements under the federal Surface Transportation Assistance Act of 1982 (STAA) to be used as an inhalation hazards route connecting to Interstate (I) 805, as shown in *Figure 2*. Meeting STAA requirements indicates SR-905 possesses a lower risk for the transportation of inhalation hazards, as compared to non-STAA compliant highways. Thus, SR-905 between Otay Mesa POE and I-805 is the only highway meeting STAA requirements and needs to be added to the designated inhalation hazards routes in order to accommodate the historical relocation of the POE for commercial vehicles in this region.

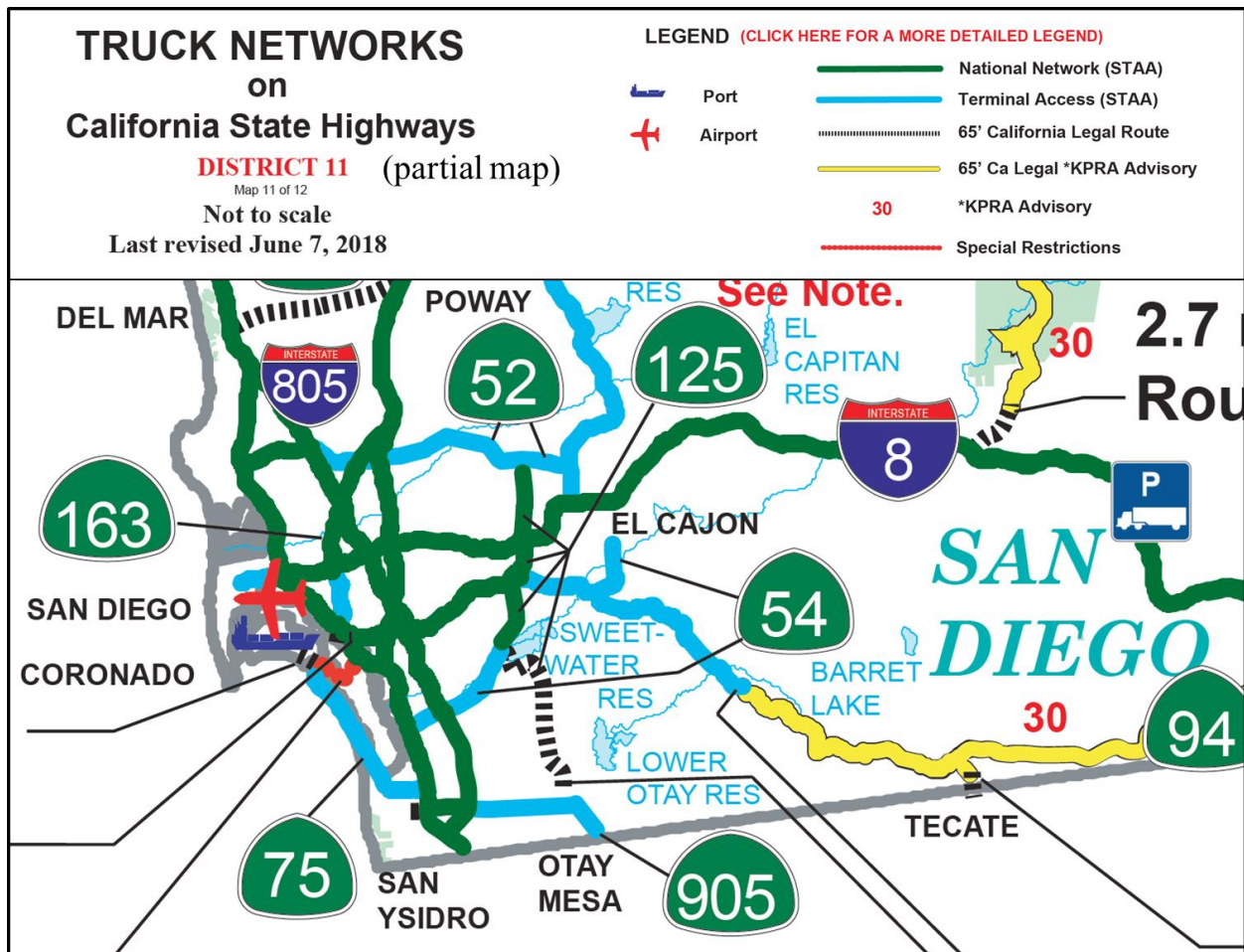
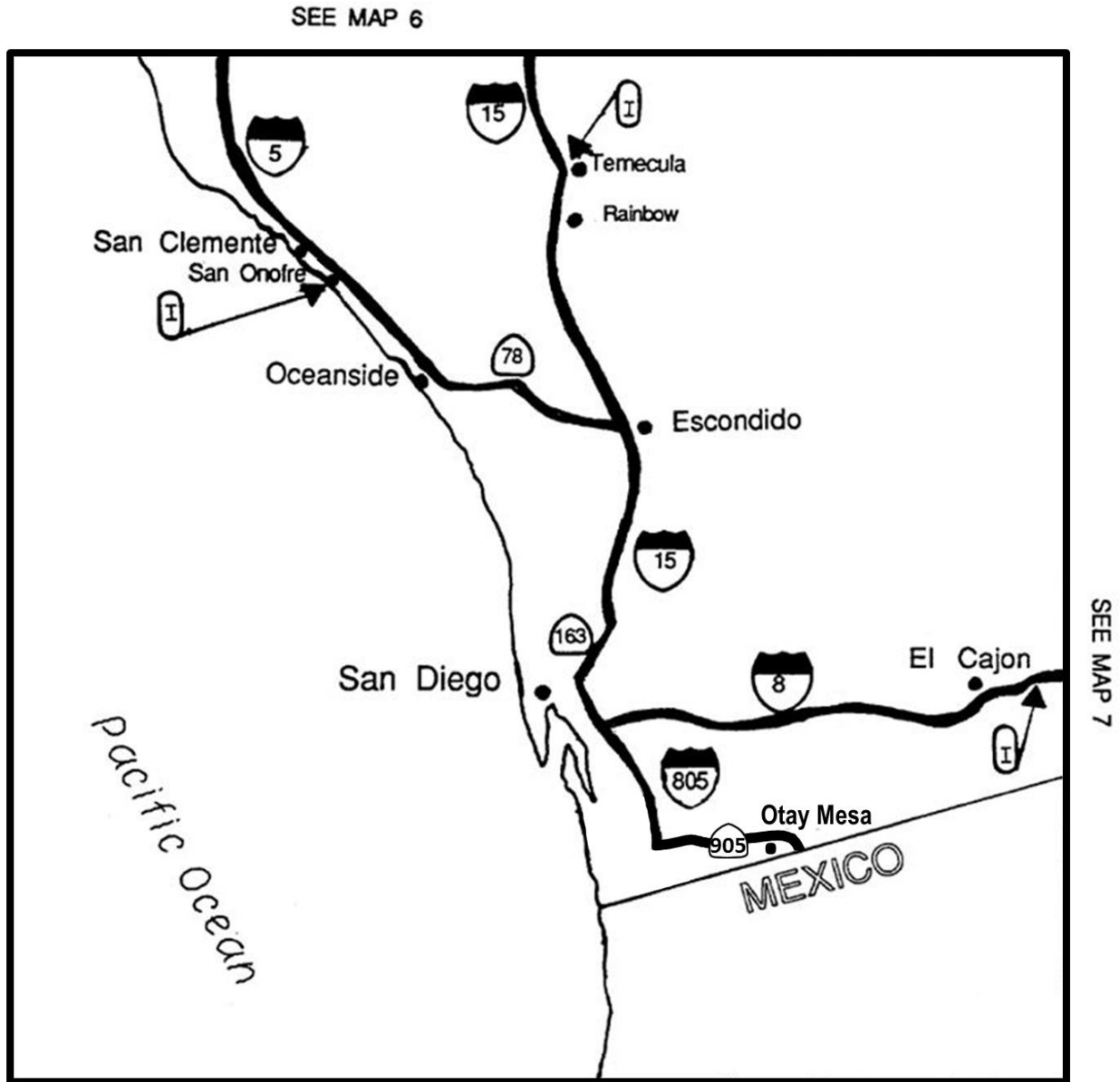


Figure 2: Caltrans' Truck Network Map Showing SR-905 is the Only Highway Meeting the STAA Requirements between Otay Mesa POE and I-805

Thus, as no other alternative routes compliant with the STAA requirements can be evaluated for this purpose, the CHP proposes to update Map 8 specified in Section 1157.20 CCR by removing 0.6 miles of I-5 and 1.3 miles of I-805, and adding 6.6 miles of SR-905 in the designated routes for the transportation of inhalation hazards, as shown in *Figure 3*.



(I) = INSPECTION STOP

Figure 3: Proposed Map 8 Updating Inhalation Hazards Routes Designated in the U.S./Mexico Border Area South of San Diego

STUDIES/RELATED FACTS

The evaluation of possible routes is based on the relocation of the POE for commercial vehicles from San Ysidro to Otay Mesa in the San Diego region, and is referenced and supported by Caltrans' Truck Network Map.

CONSULTATION WITH OFFICIALS

These updates were evaluated by the CHP's Commercial Vehicle Section and received concurrence from the CHP's Border Division, SDCFA, 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 routes to carriers may increase potential risks of detrimental hazards while transporting inhalation hazards in this area.

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 removes 1.9 miles and extends 6.6 miles of designated inhalation hazards routes. The transportation of inhalation hazards by commercial vehicles along the discussed routes presents only a very small portion of the total vehicle movement in the state.

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 inhalation hazards will have more consistent and updated information on designated routes in the state. The proposed regulatory action will not create new

businesses, or eliminate or expand any existing business by transporting inhalation hazards via the updated routes.

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 safe and efficient routes 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 regulatory action updates designated highway routes 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 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.