

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 4,
ADD ARTICLE 8.5, SECTIONS 1029.1, 1029.2, 1029.3, AND 1029.4.

HI-LO AUDIBLE WARNING SOUND (CHP-R-2020-06207)

In compliance with the requirements of Section 27002 of the California Vehicle Code (CVC), the California Highway Patrol (CHP) proposes to adopt regulations in Title 13, California Code of Regulations (CCR), Division 2, Chapter 4, adding Article 8.5, Sections 1029.1, 1029.2, 1029.3, and 1029.4. This proposed rulemaking adopts criteria which defines and establishes performance requirements and applicability for the use of a Hi-Lo Audible Warning Sound on authorized emergency vehicles.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On September 29, 2020, Governor Gavin Newsom signed into law Senate Bill 909 (Dodd, Chapter 262, Statutes of 2020). Senate Bill 909 is a senate transportation bill which amends the existing practice of allowing the use of a Hi-Lo Audible Warning Sound only through a permit issued by the California Highway Patrol (CHP). Senate Bill 909 expressly permits an authorized emergency vehicle to be equipped with a Hi-Lo Audible Warning Sound for the purpose of warning individuals of an immediate evacuation in the case of an emergency. The amendment requires the CHP to provide regulation to determine the standardization of such a Hi-Lo Audible Warning Sound used across the state.

Section 2402 CVC authorizes the Commissioner of the CHP to make and enforce regulations as necessary to carry out the duties of the CHP. Section 26103 CVC authorizes the Department to adopt regulations establishing standards and specifications of vehicle equipment, including, but not limited to, sirens. Section 27002 CVC, by regulation, permits the use of a Hi-Lo Audible Warning Sound, meeting the requirements established by the Department, on authorized emergency vehicles.

The CHP proposes to adopt Title 13, CCR, Sections 1029.1, 1029.2, 1029.3, and 1029.4, in order to fulfill statutory requirements contained in Section 27002 CVC. This proposed rulemaking adopts criteria which defines and establishes performance requirements and applicability for the use of a Hi-Lo Audible Warning Sound on authorized emergency vehicles. This action will consider the competitiveness of California businesses by eliminating or modifying, to the extent possible, regulations which impose a negative impact on businesses and the economy.

Anticipated Benefits of Proposed Regulations:

This proposed regulatory action will provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment by establishing standards and specifications for the use of Hi-Lo Audible Warning Sound that may be used for the purpose of warning individuals of an immediate evacuation in the case of an emergency.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The CHP has determined this proposed regulation is neither inconsistent, nor incompatible, with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the CHP has concluded that these are the only regulations that concern the Hi-Lo Audible Warning Sound.

PUBLIC COMMENTS

Interested persons may submit written comments on this proposed action via facsimile at (916) 322-3154, by e-mail to cvsregulations@chp.ca.gov, or by writing to:

California Highway Patrol
Enforcement and Planning Division
Commercial Vehicle Section
Attention: Officer Kasonja Pochop
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until February 15, 2021.

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 (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: 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 requester's information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment.

Documents regarding the proposed action are available through the CHP's Web site at www.chp.ca.gov/news-alerts/regulatory-actions.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or questions regarding the substance of the proposed regulations should be directed to Sergeant David Kelly or Officer Kasonja Pochop, CHP, CVS, 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 nonsubstantive 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 AND ECONOMIC IMPACT/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will impose no 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 Sections 17500-17630 of the Government Code (GC) require reimbursement, no cost or

savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California; (5) will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states; and (6) this proposed regulatory action will provide a nonmonetary benefit to the protection and safety of public health, employees, and safety to the environment by establishing standards and specifications for the use of the Hi-Lo Audible Warning Sound that may be used for the purpose of warning individuals of an immediate evacuation in the case of an emergency.

COST IMPACTS ON PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a private person or business would incur while maintaining compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has not identified any significant adverse effect on small businesses. The proposed regulations do not increase any requirements upon any small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with GC Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered, or otherwise identified and brought to its attention, 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.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Once the Final Statement of Reasons for this proposed regulatory action is available, the public may request to review or receive copies of the statement. Requests should be directed to the CHP at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: 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 requester's information is incomplete or illegible.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402 and 27002 CVC.

REFERENCE

This action implements, interprets, and/or makes specific Sections 2402, 26103, and 27002 CVC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
K. M. DAVIS, Chief
Enforcement and Planning Division