

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

AMEND TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6,
ARTICLE 1, SECTION 1153

Explosives Stops (CHP-R-2021-06202)

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), Section 1153, Safe Stopping and Parking Places, related to the designation of safe stopping places, safe parking places, inspection stops, and required inspection stops for commercial vehicles transporting explosives on highways in the state.

Pursuant to Section 31616, Designation of Routes, of the California Vehicle Code (CVC), the CHP shall prescribe, by regulation, a list of safe stopping places for commercial vehicles transporting explosives on highways. Section 31616 CVC further requires the CHP to revise the list and keep it current. The proposed amendments will update the list of safe stopping places in the regulations.

The CHP's field commands conduct annual surveys on the explosives routes and safe stopping places to determine if changes are necessary. The CHP field commands inspected the locations of business establishments serving as safe stopping and parking 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, or CHP 114A, Designation as Safe Parking Place.

The proposed amendments will update the list of safe stopping places to be used by carriers transporting explosives along the designated explosives routes. These updates are due to permissions received, denied, or a change of business information or ownership. The CHP has received concurrence with proposed regulation amendments 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. 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:

- Add one safe stopping place;
- Remove one safe stopping place because permission was denied;
- Remove one safe stopping place because the facilities are under construction after ownership changed;
- Modify four safe stopping places because of business hours, services, postmiles, and minor editorial changes.

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. Input was received from the business establishments serving as safe stopping or safe parking places.

CONSULTATION WITH OFFICIALS

These changes were evaluated by the CHP's Commercial Vehicle Section and field Divisions, and received 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. Failing to provide an updated list to carriers transporting explosives may increase potential risks of detrimental hazards while transporting explosives 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, safe parking places, inspection stops, and required inspection stops along the designated routes. The transportation of explosives 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 businesses within the State of California. Businesses involved in the transportation of explosives 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 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 safe stopping places, safe parking places, inspection stops, and required inspection stops designated 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 regulation action updates information of safe stopping places, safe parking places, inspection stops, and required inspection stops designated 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 transporters of explosives;
- 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.