



City of San Leandro

Meeting Date: February 17, 2015

Staff Report

File Number: 15-047 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.J.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for an Ordinance Adding Title 6, Chapter 6-8 to the San Leandro Municipal Code Relating to Transportation Permits

SUMMARY AND RECOMMENDATIONS

This Ordinance adds a new chapter to the existing Municipal Code regulating oversized vehicles within City limits. This Ordinance defines the requirements needed for transportation permits.

The Ordinance would require transportation permits to operate or move vehicles or loads exceeding statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code.

Staff recommends that the City Council adopt the proposed Ordinance adding Chapter 6-8 to Title 6 of the San Leandro Municipal Code to regulate oversized vehicles traveling in and through the City. During the second reading and adoption of the proposed Ordinance, staff also recommends that the City Council conduct a public hearing to adopt a resolution amending the fee schedule for the issuance of transportation permits. Additionally, staff recommends that the City Council adopt a resolution repealing Chapter 4 of Title 8 of the San Leandro Administrative Code.

BACKGROUND

Historically, oversized vehicles have travelled in and through the City with little regulation or control.

Hundreds of commercial vehicles travel through San Leandro daily. Some of these vehicles exceed statutory limitations on the size, weight and loading of vehicles permitted by the California Vehicle Code. Oversized vehicles may be overweight and the increased weight can affect the safe starting, stopping and handling of the vehicle. Increased weight may cause stress on a vehicle that could potentially cause a critical item component to fail, leading to a

traffic collision. The increased weight can add extreme pressure to the roadway, which could cause the roadway and underlying infrastructure to fail. Transportation permits would allow for the regulation and control of these vehicles. Vehicles that are found out of compliance would be cited and in some cases taken out-of-service. The California Vehicle Code regulates maximum vehicle size and weight for safety and allows cities to issue special permits to regulate and control oversized vehicles.

In the past, oversized vehicles have also travelled outside of the posted truck routes through residential city streets that are not designed to accommodate them. These vehicles require greater stopping distances and impact the wear on roadway surfaces due to their weight. The greater stopping distances can be a safety factor when they are travelling outside truck routes in residential areas. Vehicles located off the designated truck routes would be cited and re-routed.

In 2010, the San Leandro Police Department created a full time commercial enforcement officer position. This commercial enforcement officer is an expert in commercial vehicle matters and drives a specialized vehicle equipped with inspection tools including portable scales.

This specially trained commercial enforcement officer patrols, locates and inspects commercial vehicles. This officer is trained by the California Highway Patrol and holds the title of M.R.E. (Mobile Road Enforcement).

The proposed Ordinance will provide clear guidelines for oversized vehicle operators and will allow the commercial enforcement officer and other peace officers to appropriately regulate oversized vehicles.

San Leandro Administrative Code Title 8 Chapter 4 provides that the City will not issue permits for any vehicle or load that exceeds the maximum specified in the California Vehicle Code. Thus, staff recommends that the City Council repeal this provision of the Administrative Code, effective on the effective date of the proposed Ordinance.

Pursuant to California Vehicle Code Section 35795, the City Council must conduct a public hearing prior to the adoption of the transportation permit fees under the Ordinance. Staff recommends that, following the public hearing, the City Council adopt the proposed resolution amending the fee schedule to include the associated transportation permit fees.

Fiscal Impacts

The infrastructure to start and maintain this program is in place, so there would be no cost to implement this program.

Budget Authority

Not applicable.

ATTACHMENTS

None.

PREPARED BY: Jeff Bouillercce, Commercial Enforcement Officer, Police Department

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Ordinance

File Number: 15-048 **Agenda Section:** CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE Adding Title 6, Chapter 6-8 to the San Leandro Municipal Code to Require Transportation Permits to Operate or Move Vehicles or Loads Exceeding Statutory Limitations

The City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. PURPOSE. To allow the City of San Leandro, in an effort to regulate and control commercial vehicles to protect the safety of the community and City infrastructure with respect to designated highways under the City's control, to issue transportation permits to qualified applicants to operate or move vehicles or loads exceeding statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code.

SECTION 2. AMENDMENT OF CODE. Title 6 Chapter 6-8 of the San Leandro Municipal Code is hereby added as follows:

6-8-100 DELEGATION TO THE CHIEF OF POLICE.

(a) All the powers granted to the City by Article 6 of Chapter 5 of Division 15 of the California Vehicle Code pertaining to the issuance of special permits for loads exceeding the maximum sizes and/or weights, and for administering the rules and regulations pertaining thereto, are hereby delegated to the Chief of Police or his/her designee.

6-8-105 DEFINITIONS.

(a) "Single Trip Transportation Permit" means a permit that will allow the movement of a specific vehicle or load, exceeding statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code, to operate on a single trip from a single point of origin to a single destination in one direction of travel. This permit is valid for one laden and unladen round-trip, and is limited to the approved width, length, height and weight.

(b) "Repetitive Trip Transportation Permit" means a permit that will allow the movement of a specific vehicle or load, exceeding statutory limitations on the size, weight and loading of

vehicles contained in Division 15 of the California Vehicle Code, along a specific route to a specific destination for an unlimited number of trips in a defined period of time. This permit is valid for laden and unladen round-trips, and is limited to the approved width, length, height and weight.

(c) "Annual Transportation Permit" means a permit that will allow the movement of a vehicle or load, exceeding statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code, to operate an unlimited number of trips during specified dates. This permit is valid for laden and unladen round-trips, and is limited to the approved width, length, height and weight.

(d) "Transportation Permit" means a Single Trip Permit, a Repetitive Trip Permit, or an Annual Permit issued by the Chief of Police or his or her designee pursuant to this Chapter.

(e) "Permit Holder" means an individual moving or transporting a specific vehicle or load, exceeding statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code pursuant to a Transportation Permit.

(f) "Applicant" means persons, firms or agencies that obtain a Transportation Permit pursuant to this Chapter.

6-8-110 PERMITS.

(a) Application for Transportation Permit(s) - All persons, firms or agencies desiring to move any vehicle or load across or upon streets and highways within the City, which exceeds statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code shall obtain a Transportation Permit from the Chief of Police or his or her designee. The Transportation Permit shall specify the streets upon which the move is authorized and the date and time of the move. The Permit Holder shall be knowledgeable of and in compliance with all applicable California and City of San Leandro conditions, requirements, and laws for the use of the highway system and movement of vehicles or loads, exceeding statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code.

(b) Possession of Permit - The Transportation Permit shall be carried in the vehicle to which it has been issued at all times while the vehicle is within the City limits.

(c) Void Permits - Transportation Permits shall be declared null and void if:

(1) Any portion, part or section is illegible;

(2) It is used before or after the times and date(s) indicated;

(3) Any portion, part or section has been altered or if any attempt to alter is apparent;

(4) It is used to represent proper authority for carrying a load and/or moving a vehicle which is not specifically described on the face of the Transportation Permit;

(5) It is used to represent proper authority for carrying a load and/or moving a vehicle by any person, firm, or agency not specifically named on the Transportation Permit;

(6) It is presented without the attachments specifically named on the face of the Transportation Permit firmly affixed;

(7) The Permit Holder fails to report an accident, damage to property, or the death and/or injury to persons incurred while operating under a Transportation Permit, as provided for in this Chapter.

6-8-115 FEES.

(a) A fee for issuance of the Transportation Permit, as established pursuant to California Vehicle Code Section 35795(b), and set by the California Department of Transportation, shall be paid by the Applicant prior to issuance of a Transportation Permit.

6-8-120 LIABILITY.

(a) Injury, Death of Person, Damage to Property - The Permit Holder is responsible for all liability to/or death of person(s), to/or damage to property that may occur through any act or omission of either the Permit Holder or the City arising from the issuance of the Transportation Permit. In the event any claim, suit or action is brought against the City, its officers, employees or agents thereof, by reason of, or in connection with any such act or omission, the Permit Holder shall defend, indemnify, and hold harmless the City, its officers, employees or agents from such claim, suit or action.

(b) Repair of Damage. The Permit Holder shall be liable for all damages to any street, highway, bridge, or appurtenances thereto, including but not limited to, guardrails, signs, traffic signals, street lights, street trees and similar facilities, resulting from the operation, driving or moving of any vehicle which exceeds any of the limitations imposed by Division 15 of the California Vehicle Code. The Permit Holder agrees to repair at his/her own expense, and to the satisfaction of the Engineering and Transportation Director or his/her designee, any damage resulting from travel pursuant to the Transportation Permit.

(c) Modification to and/or Relocation of Structures - If, in the judgment of the Engineering and Transportation Director or his/her designee, it is determined necessary to strengthen any structure over which a vehicle or load, which exceeds statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code, must pass, or to perform any other work in order to insure the safe passage of the vehicle or load upon City streets, the Applicant will be required to pay the full cost of such work. The Applicant will also be required to reimburse the City for any cost necessitated by the temporary relocation of traffic signals, streetlights or other appurtenances in order to permit the safe passage of the vehicle or load which exceeds statutory limitations on the size, weight and loading of vehicles contained in Division 15 of the California Vehicle Code.

6-8-125 DAMAGE AND ACCIDENT REPORTING.

(a) Damage to Property - In the event of damage, caused by the movement of a vehicle or load pursuant to a Transportation Permit issued under this Chapter, to highway facilities such as bridges, traffic signals, light standards and other appurtenances, a written report must be filed with the San Leandro Police Department within seventy-two (72) hours after such damage is incurred.

(b) Accidents Involving Persons and/or Property - Accidents occurring while operating a vehicle or load pursuant to a Transportation Permit issued under this Chapter, and requiring a report to the Department of Motor Vehicles under California Vehicle Code Section 16000, shall also be reported to the City. A copy of the Transportation Permit and accident report shall be mailed to the SLPD Commercial Enforcement Unit, 901 E.14th St. San Leandro, CA 94577 within thirty (30) days of the date of the accident.

6-8-130 SPECIAL RESTRICTIONS.

(a) Permit Holders moving or transporting a vehicle or load over twelve (12) feet in width and/or over one hundred twenty (120) feet in length and/or over (sixteen) 16 feet in height, shall be escorted by a single pilot vehicle. Two pilot cars are required on any vehicles and/or loads over fourteen (14) feet wide and/or one hundred thirty-five (135) feet in length.

(b) Appropriate flags and/or lamps by all Permit Holders as required by California Vehicle Code 24604, 25103 and 25104 shall be utilized.

(c) Permit Holders shall display warning signs on vehicles or loads. Signs shall be posted on the front and rear of the vehicle or load and must conform to the specifications of the California Department of Transportation.

(d) Special weight limits - Permit Holders moving or transporting a vehicle or load over twenty-five (25) tons are prohibited on the following streets within the City limits:

- (1) Estudillo Avenue
- (2) Dutton Avenue

(e) Authorized route - The Engineering and Transportation Director or his/her designee shall determine the authorized route for vehicles or loads moved or transported with a Transportation Permit pursuant to this Chapter. The authorized route shall designate a specific route comprised of existing truck routes as much as possible to access the destination. When deviating from the truck route, the recommended route shall be along major streets. The City of San Leandro truck route map should be used as a guide when determining a route. Permit Holders will not be routed on Fairway Drive over Interstate 880.

(f) Curfew - Permit Holders cannot move/transport a vehicle or load over 10 feet in width within the City Monday through Friday between the hours of 7-9 a.m. and 4-6 p.m.

6-8-135 POLICE ESCORT.

(a) The Chief of Police or his/her designee may require a San Leandro Police Department escort for certain Applicants. The determination to assign an escort and the number of officers required to safely perform the escort of a vehicle or load will be made by the Chief of Police or his/her designee. The determination may be based on the overall vehicle dimensions, type of load, location of the move, or any other reason the Chief of Police has determined may be a hazard to the public or property. The Applicant shall pay the associated costs of the police escort.

6-8-140 PERMIT REVOCATION.

(a) The Chief of Police or his/her designee may revoke a Transportation Permit issued to an Applicant, if the Applicant, the Applicant's employee or agent violates any provisions of this Chapter. The Transportation Permit may be revoked for up to ninety (90) days. Nothing contained in this Chapter shall be deemed or construed as limiting the power of a peace officer to issue a citation for or otherwise enforce violations of law with respect to operation of a vehicle pursuant to a Transportation Permit upon designated City streets.

(b) Any Applicant who has had a Transportation Permit revoked pursuant to Section 6-8-140(a) may file with the City Manager a written appeal within ten (10) days of such revocation, setting forth in detail the facts supporting the Applicant's appeal. The City Manager shall appoint a Hearing Officer who shall hear the appeal within thirty (30) days from the date of the filing. The Hearing Officer shall make a ruling on appeal within thirty (30) days of the close of the hearing. The Hearing Officer's determination shall be final.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 4. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect

thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

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