



# City of San Leandro

Meeting Date: February 17, 2015

## Staff Report

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**File Number:** 15-049 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.K.

**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 6-9 to the San Leandro Municipal Code Relating to Overweight Vehicle Permits

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### SUMMARY AND RECOMMENDATIONS

This Ordinance adds a new chapter to the existing Municipal Code regulating overweight vehicles within City limits. This Ordinance establishes a comprehensive permitting scheme to issue overweight vehicle permits to qualified applicants.

The Ordinance would require overweight vehicle permit holders to operate or move vehicles or combinations of vehicles exceeding the maximum specified in the California Vehicle Code.

Staff recommends that the City Council adopt the attached Ordinance adding Chapter 6-9 to Title 6 of the San Leandro Municipal Code to regulate overweight vehicles traveling in and through the City. During the second reading and adoption of the attached Ordinance, staff also recommends that the City Council conduct a public hearing to adopt a resolution amending the fee schedule for the issuance of overweight vehicle permits. Additionally, staff recommends that the City Council adopt a resolution repealing Chapter 4 of Title 8 of the San Leandro Administrative Code.

### BACKGROUND

In the past twelve (12) months, several local businesses expressed interest in operating overweight vehicles within the City. Specifically, vehicles hauling intermodal shipping containers. These businesses would like to operate vehicles with a gross weight of 95,000 lbs. The maximum allowable gross weight in California is 80,000 lbs. The California Vehicle Code allows cities to permit the moving of vehicles and loads upon highways under their respective jurisdictions of a maximum gross weight in excess of 80,000 lbs.

Operating overweight vehicles allows local businesses to be more efficient and reduce the impact on the environment by taking fewer trips. Additionally, permitting overweight vehicles

could reduce the number of trucks on the roadways, leading to less congestion on the roadways, less fuel consumption and less diesel exhaust (greenhouse gases) emitted into the atmosphere.

Overweight vehicles require additional regulation because the increased weight can affect the safe starting, stopping and handling of the vehicles. 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.

Staff from the Engineering and Transportation Department and the Police Department met with business and Chamber of Commerce officials to discuss risks associated with permitting overweight vehicles. Staff believes that the benefits out-weigh the risks and with proper regulation and control the City can allow vehicles to operate with an increased weight of not greater than 95,000 lbs.

Regulations on the operation of overweight vehicles include proper driver training, approval of a designated overweight route by the Engineering and Transportation Department, and proof that the overweight vehicle has undergone proper safety inspections. Vehicles found out of compliance with these conditions will be cited and in some cases taken out-of-service.

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 attached Ordinance will provide clear guidelines for overweight vehicle operators and will allow the commercial enforcement officer and other peace officers to appropriately regulate overweight 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 attached Ordinance.

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

### **Current Agency Policies**

The City's Fee Schedule is codified in Title 6, Chapter 4 of the San Leandro Administrative Code.

**Fiscal Impacts**

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

**Budget Authority**

Not applicable.

**ATTACHMENTS**

None.

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

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# City of San Leandro

Meeting Date: February 17, 2015

## Ordinance

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**File Number:** 15-050 **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 6-9 to the San Leandro Municipal Code to Regulate Overweight Vehicles Traveling in and Through the City

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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 overweight vehicle permits to qualified applicants to operate or move vehicles or a combination of vehicles exceeding the maximum weight specified in the California Vehicle Code.

**SECTION 2. AMENDMENT OF CODE.** Title 6 Chapter 6-9 of the San Leandro Municipal Code is hereby added as follows:

**6-9-100 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 State of California Vehicle Code, pertaining to issuance of 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.

**6-9-105 DEFINITIONS.**

(a) "Designated Streets" means those city streets or portions thereof that have been designated by the Engineering and Transportation Director or his/her designee as being open to travel by Overweight Vehicles pursuant to an Overweight Vehicle Permit issued under the provisions of this Chapter.

(b) "Overweight Vehicle" means a vehicle or combination of vehicles used to haul Intermodal Shipping Containers exceeding the maximum weight specified in the California Vehicle Code. Intermodal Shipping Containers under the seal of United States Customs shall not be subject to the provisions of this Chapter.

(c) "Overweight Vehicle Permit" means a permit issued by the Chief of Police or his/her

designee to permit Overweight Vehicles to travel on Designated Streets throughout the City.

(d) "Commercial Vehicle Safety Inspection Report" means a report issued by the Chief of his/her designee following an annual inspection of Overweight Vehicles used to travel on Designated Streets throughout the City.

(e) "Person" means any natural person, firm, association, organization, partnership, corporation, public corporation, political subdivision or any department or agency thereof.

(f) "Residential Street" means a public or private right-of-way or portion thereof providing access to one (1) or more dwellings, as identified in the Transportation Element of the General Plan.

(g) "Intermodal" means a type of international freight system that permits trans-shipping among sea, highway, rail, and air modes of transportation.

(h) "Intermodal Shipping Container" means a reusable transport and storage unit, typically having four sides, a top and bottom, used for moving products and raw material.

#### **6-9-110 OVERWEIGHT VEHICLE PERMIT AND OVERWEIGHT VEHICLE INSPECTION PERMIT REQUIRED.**

(a) No Person shall operate or move an Overweight Vehicle upon City streets without an Overweight Vehicle Permit issued under or pursuant to this Chapter. An Overweight Vehicle Permit shall be required for each Overweight Vehicle moved or operated on City streets.

(b) No Person shall operate or move an Overweight Vehicle upon City streets without a current Commercial Vehicle Safety Inspection Report issued pursuant to this Chapter. A Commercial Vehicle Safety Inspection Report shall be required for each Overweight Vehicle moved or operated on City streets.

#### **6-9-115 DESIGNATED STREETS.**

(a) An Overweight Vehicle Permit will be issued for operation or movement of an Overweight Vehicle only upon Designated Streets. The Engineering and Transportation Director may impose special conditions regarding the use of streets and highways by an Overweight Vehicle when designating a street or highway pursuant to this Chapter or at any time thereafter. The Engineering and Transportation Director shall determine that special conditions are necessary to assure against undue damage to road foundations, surfaces, bridges or other structures. To the extent Designated Streets were previously approved by the Engineering and Transportation Director, such Designated Streets shall be provided to Overweight Vehicle Permit applicants on a City maintained route map.

(b) If a proposed route is not on a Designated Street, then the applicant must submit a route report prepared, signed, and stamped by a registered engineer from the State of California. The route report shall review the condition of the road structure, bridges, underground piping or other structures and indicate whether it is safe for the travel of an overweight vehicle. All calculations and review material shall be included in the report. If the report indicates that any facility is unsafe for an overweight vehicle, the applicant may submit a report for a revised route or submit plans for improvement of the identified facilities.

(c) All costs for the review by the Engineering and Transportation Director of the applicant's proposed route shall be borne by the applicant.

#### **6-9-120 AUTHORITY TO ISSUE SPECIAL PERMIT.**

(a) The Chief of Police or his/her designee is authorized to issue an Overweight Vehicle Permit under this Chapter on an annual basis for continuous operations. The Chief of Police

or his/her designee may issue or withhold an Overweight Vehicle Permit in his or her discretion or may issue an Overweight Vehicle Permit conditioned upon any or all of the following:

- (1) An undertaking or other security as may be deemed necessary to protect the city's streets and bridges from damage.
- (2) Required proof of financial responsibility in an amount required for compliance with California Vehicle Code Section 16500.5.
- (3) Such conditions of operation of the Overweight Vehicle as may be necessary to assure against undue damage to City road foundations, surfaces, bridges or other structures.
- (4) Potential negative safety or environmental impacts in the opinion of the Engineering and Transportation Director, the Fire Marshal, or the Chief of Police.

**6-9-125 APPLICATION REQUIRED.**

- (a) An Overweight Vehicle Permit will be issued only upon receipt of a signed and verified application which provides the company name and a vehicle description. Each Overweight Vehicle Permit application shall be accompanied with a fee as determined by the Chief of Police and approved by the City Council.
- (b) A Commercial Vehicle Safety Inspection Report will be completed only upon receipt of a signed and verified application that provides the company name and a vehicle description.

**6-9-130 OVERWEIGHT VEHICLE PERMIT CONDITIONS.**

- (a) Every Overweight Vehicle Permit issued pursuant to this Chapter shall provide the following:
  - (1) The maximum allowable gross weight as determined by the capacities of the axle groups, according to the table of gross weights per axle group in Section 35551(a) of the California Vehicle Code. The maximum weight permitted by a truck tractor/semi-trailer combination is the sum of the capacities of the front steering axle (20,000 pounds - max.), the drive axle group and the rear tri-axle group (chassis), up to the limit of 95,000 pounds.
  - (2) Overweight Vehicle Permits shall be issued for the movement of Intermodal Shipping Containers only.
  - (3) Each Person issued an Overweight Vehicle Permit shall agree to indemnify, defend and hold harmless the City, its officers, officials, employees, agents and volunteers from any loss, liability, damage, claims, expenses or cost resulting from or arising out of the issuance of an Overweight Vehicle Permit and the use of City streets whether designated or non-designated. Each such Person shall further agree to be responsible for all injuries or death of persons and for all damages to property of every kind caused by or resulting from or arising out of the issuance of an Overweight Vehicle Permit and the use of City roadways, whether designated or non-designated.
  - (4) No detour from a designated route may be made without prior permission of the Chief of Police or his/her designee. No route shall be on a Residential Street.
  - (5) Every Overweight Vehicle permitted under this Chapter and each Overweight Vehicle Permit issued pursuant hereto shall be subject to inspection by the Chief of Police or his/her designee and any peace officer at any time it is on a City street for the purpose of determining compliance with the provisions of the Overweight Vehicle Permit.
  - (6) The Overweight Vehicle Permit applicant shall furnish the Chief of Police or his/her designee with evidence that each driver of an Overweight Vehicle has completed training in the operation of an Overweight Vehicle.
  - (7) The Person issued an Overweight Vehicle Permit shall furnish evidence satisfactory

to the Chief of Police or his/her designee that the Overweight Vehicle has undergone a safety inspection by a governmental agency having jurisdiction within ninety (90) days preceding the issuance of the Overweight Vehicle Permit and at least once each ninety (90) days during the period when the Overweight Vehicle Permit is valid.

(8) Each person to whom an Overweight Vehicle Permit is issued shall at all times comply with all laws, ordinances, conditions, rules and regulations of all federal, State and local governmental authorities having jurisdiction over the operation and maintenance of the Overweight Vehicle.

**6-9-135 PERMIT REVOCATION.**

(a) The Chief of Police or his/her designee may revoke an Overweight Vehicle Permit issued to a Person, if the Person, the Person's employee or agent violates any Overweight Vehicle Permit conditions or any provisions of this Chapter. The Overweight Vehicle 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 an Overweight Vehicle upon designated City streets following discovery of a violation of an Overweight Vehicle Permit condition.

(b) Any Person who has had an Overweight Vehicle Permit revoked pursuant to Section 6-9-135(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 Person'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 the appeal within thirty (30) days of the close of the hearing. The Hearing Officer's determination shall be final.

**6-9-140 RULES AND REGULATIONS.**

(a) The Chief of Police or his/her designee may adopt, repeal, amend and modify administrative regulations implementing the provisions of this Chapter, including, but not limited to, operating requirements, trailer requirements, driver requirements, and any other matter deemed necessary for the effective administration of this Chapter.

**6-9-145 DISPLAY AND SPECIAL PERMIT.**

(a) No Overweight Vehicle shall be operated or moved upon any designated City street without displaying a placard approved by the Chief of Police or his/her designee identifying the Overweight Vehicle as one for which an Overweight Vehicle Permit has been issued pursuant to this Chapter. A copy of the Overweight Vehicle Permit shall be kept in the Overweight Vehicle at all times and shall be presented to any peace officer upon demand.

**6-9-150 OTHER PERMITS.**

(a) An Overweight Vehicle Permit issued pursuant to this Chapter shall be in addition to, and obtained prior to, applying for any other permit that may be required by law for the operation or movement of an Overweight Vehicle upon public streets.

(b) A Commercial Vehicle Safety Inspection Report shall be completed by the Chief of Police or his/her designee following an inspection to ensure the safe operation or movement of an Overweight Vehicle upon public streets. Commercial Vehicle Safety Inspection Reports shall be issued annually.

**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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