



City of San Leandro

Meeting Date: March 2, 2015

Staff Report

File Number: 15-124

Agenda Section: PUBLIC HEARINGS

Agenda Number: 4.A.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for Adoption of Ordinances Relating to Transportation Permits and Overweight Vehicle Permits, Adoption of Fees, and Repeal of Conflicting Administrative Code Provisions Relating to Same

SUMMARY AND RECOMMENDATIONS

On February 17, 2015, the City Council introduced two ordinances to regulate vehicles that exceed statutory limitations on size, weight and loading and to regulate overweight vehicles.

Staff recommends that the City Council adopt the Ordinances adding Chapter 6.8 and Chapter 6.9 to Title 6 of the San Leandro Municipal Code to regulate these vehicles. Staff also recommends that the City Council conduct a public hearing to adopt a resolution amending the fee schedule related to the issuance of the transportation and overweight vehicle permits. Staff recommends that the City Council adopt a resolution repealing Chapter 4 of Title 8 of the San Leandro Administrative Code so that it is not inconsistent with the new ordinances when they go into effect.

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.

Oversized vehicles also on occasion travel outside of 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 found traveling off of the designated truck routes would be cited and re-routed.

In the past twelve (12) months, several local businesses have 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 at 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 less trips. Additionally, permitting overweight vehicles could reduce the number of trucks on the roadways, leading to less congestion, 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 such 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 a roadway, which could cause the roadway and underlying infrastructure to fail.

Staff from the Engineering and Transportation Department and the Police Department met with requesting businesses and San Leandro Chamber of Commerce officials to discuss risks associated with permitting overweight vehicles. After that meeting, staff believes that the benefits of allowing such vehicles, especially with regards to increased economic development and reduction in greenhouse gases, out-weigh the risks, such that with proper regulation and control the City can allow vehicles to operate within the City 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 truck 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 Ordinances 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, with the repeal taking effect upon the effective date of the attached Ordinances.

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

Previous Actions

On February 17, 2015, the City Council passed to print Ordinance No. 2015-002 to regulate vehicles that exceed statutory limitations on size, weight and loading, and Ordinance No. 2015-003 to regulate overweight vehicles.

Summary of Public Outreach Efforts

A Notice of Public Hearing was published in *The Daily Review* once a week for four successive weeks prior to the hearing.

Fiscal Impacts

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

ATTACHMENT

Attachment to Resolution

- San Leandro Administrative Code Title 8, Chapter 4

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

2403826.1



City of San Leandro

Meeting Date: March 2, 2015

Resolution - Council

File Number: 15-122

Agenda Section: PUBLIC HEARINGS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION Repealing Title 8, Chapter 4 of the San Leandro Administrative Code Related to Oversized Vehicles

RECITALS

WHEREAS, the City Council of the City of San Leandro adopted Ordinance No. 2015-002 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; and Ordinance No. 2015-003, 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; and

WHEREAS, Chapter 4 of Title 8 of the San Leandro Administrative Code currently regulates the movement of oversize vehicles in San Leandro and is inconsistent with Ordinance No. 2015-002 and Ordinance No. 2015-003 in that it provides that the City will not issue permits for movement of any load or vehicle that exceeds the maximum specified in the California Vehicle Code; and

WHEREAS, it is the City Council's desire to repeal Title 8, Chapter 4 of the Administrative Code, effective upon the same date Ordinance No. 2015-002 and Ordinance No. 2015-003 go into effect.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of San Leandro hereby:

1. Repeals in its entirety Chapter 4 of Title 8 of the San Leandro Administrative Code, as shown attached hereto as Exhibit A, and made a part of this resolution.
2. Declares that the aforementioned repeal of Chapter 4 of Title 8 of the San Leandro Administrative Code shall take effect when Ordinance No. 2015-002 and Ordinance No. 2015-003 go into effect, respectively.

2356306.1

SAN LEANDRO ADMINISTRATIVE CODE

TITLE 8 ENGINEERING AND TRANSPORTATION

Chapter 4 Oversize Vehicles

§8.4.100: GENERAL. The moving of any load or vehicle or combination of vehicles or special mobile equipment of a size and weight of vehicle or load exceeding the maximum specified in the California Vehicle Code through the City of San Leandro shall be undertaken on State highways with a permit issued by the State of California's Department of Transportation. No local streets or roadways shall be used with the following exceptions:

- (a) The load or vehicle that exceeds the maximum specified in the Vehicle Code originates within the City of San Leandro and is not immediately adjacent to a State highway.
- (b) The load or vehicle that exceeds the maximum specified in the Vehicle Code has a destination within the City of San Leandro that is not immediately adjacent to a State highway.

§8.4.200: PERMISSION PROCESS. Any load or vehicle that exceeds the maximum specified in the Vehicle Code that originate or have a destination that is not immediately adjacent to a State highway shall:

- (a) Use only designated truck routes to the ultimate destination within the City or to the closest State highway.
- (b) If the ultimate destination is not immediately adjacent to a designated truck route, the most direct route to and from a designated truck route shall be used.
- (c) Notify the Traffic Division of the Police Department at (510) 577-3208 of the date, time of day, and the planned route 24 hours prior to traveling along any segment of City street or roadway. The Traffic Division of the Police Department has the final approval of any moves of any oversized load or vehicle.

§8.4.300: RESPONSIBILITY OF VEHICLE OPERATOR. It shall be the responsibility of the vehicle operator of any load or vehicle that exceeds the maximum specified in the Vehicle Code to ensure that all notifications have been completed in a timely manner and the City's policy and regulations are followed.

§8.4.400: PERMITS. The City of San Leandro will not be issuing permits for any load or vehicle that exceeds the maximum specified in the Vehicle Code.

SAN LEANDRO ADMINISTRATIVE CODE

TITLE 8 ENGINEERING AND TRANSPORTATION

Chapter 4 Oversize Vehicles

§8.4.500: DEFINITIONS.

- (a) **Vehicle Operator.** “Vehicle operator” means any individual or company that is responsible for the moving of any load, vehicle or combination of vehicles that exceed the maximum specified in the Vehicle Code within the City.

- (b) **Mover.** “Mover” means any individual or company that is responsible for the moving of any house or building within the City.

Editor’s Note:

Former Title 12, Chapter 12, Public Works: Oversize Vehicles, was editorially renumbered to be Title 8, Chapter 4, Engineering and Transportation: Oversize Vehicles, during the 2005-06 republication. Legislative history for former Title 12, Chapter 12: Resolution No. 97-133, 10/06/1997 [§§12.12.100-12.12.500]

Legislative History:

Resolution No. 2005-156, 11/21/2005 [§§8.4.100-8.4.500]



City of San Leandro

Meeting Date: March 2, 2015

Ordinance

File Number: 15-048

Agenda Section: PUBLIC HEARINGS

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.

Introduced by Councilmember Prola on this 17th day of February, 2015, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Cox, Lee, Lopez, Prola, Reed, Thomas; Mayor Cutter (7)

NOES: None (0)

ABSENT: None (0)

2338561.2



City of San Leandro

Meeting Date: March 2, 2015

Ordinance

File Number: 15-050

Agenda Section: PUBLIC HEARINGS

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

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.

Introduced by Councilmember Prola on this 17th day of February, 2015, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cox, Lee, Lopez, Prola, Reed, Thomas; Mayor Cutter	(7)
NOES:	None	(0)
ABSENT:	None	(0)

2338418.2



City of San Leandro

Meeting Date: March 2, 2015

Resolution - Council

File Number: 15-123

Agenda Section: PUBLIC HEARINGS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION Amending Title 6, Chapter 4 of the San Leandro Administrative Code Relating to Fees and Charges for Transportation and Overweight Vehicle Permits

The City Council of the City of San Leandro does RESOLVE as follows:

1. That following notice and a public hearing as required by California Vehicle Code Section 35795(b)(1) and California Government Code Section 6064, Title 6, Chapter 4, Section 6.4.100 of the San Leandro Administrative Code, Commercial Enforcement, is hereby amended in its entirety as follows:

25. Commercial Enforcement

A. Transportation Permit Violation - No Permit	\$100.00	SLMC 6-8-110
B. Transportation Permit - Annual	\$90.00	SLMC 6-8-110 & 6-8-115
C. Transportation Permit - Repetitive	\$90.00	SLMC 6-8-110 & 6-8-115
D. Transportation Permit - Single	\$16.00	SLMC 6-8-110 & 6-8-115
E. Overweight Vehicle Permit Violation - No Permit	\$100.00	SLMC 6-9-110
F. Overweight Vehicle Permit - Annual	\$90.00	SLMC 6-9-110 & 6-9-125

2. That the provisions of this Section shall take effect upon the effective date of the Ordinance that authorizes the charging of the aforementioned fees.

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