

ORDINANCE No. 17-\_\_

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA  
ADDING ARTICLE 13 TO CHAPTER 6 OF THE HAYWARD  
MUNICIPAL CODE RELATING TO TRANSPORTATION  
PERMITS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Article 13 is added to Chapter 6 of the Hayward Municipal Code and the Transportation Permits Ordinance is hereby enacted to read as follows:

**CITY OF HAYWARD MUNICIPAL CODE**

CHAPTER 6

ARTICLE 13

TRANSPORTATION PERMITS

6-13.00	TITLE
6-13.01	AUTHORITY
6-13.02	DEFINITIONS
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6-13.04	FEES
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6-13.06	DAMAGE AND ACCIDENT REPORTING
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Sec. 6-13.00 TITLE. This chapter shall be known as the City of Hayward “Transportation Permit Ordinance.”

6-13.01 AUTHORITY. 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 City Manager or designee.

6-13.02 DEFINITIONS. For the purpose of this Article certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context a different meaning is intended.

- 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 City Manager or designee pursuant to this Article.
- 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 Article.

6-13.03 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 City Manager or 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 Hayward 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 and shall be open to inspection by any peace officer, traffic officer, or an authorized agent of the Hayward Police Department.
- 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 Article.

6-13.04 FEES. A fee for issuance of the Transportation Permit, as established pursuant to California Vehicle Code Section 35795(b), established by the California Department of

Transportation and set forth in the City of Hayward Master Fee Schedule, shall be paid by the applicant prior to issuance of a Transportation Permit.

6-13.05 LIABILITY.

a. *Proof of Financial Responsibility Required.*

(1)

It shall be unlawful to drive or operate any public motor vehicle in the City unless the owner thereof shall have obtained a vehicle liability insurance policy or policies from an insurance company authorized to issue such policies under the laws of the State of California, insuring the vehicle operation by the owner and covering each vehicle insured under such policy or policies. Each vehicle insured shall be designated by number and State license number. Such policy of insurance shall guarantee the payment to any and all persons suffering injuries or damage to personal property of any final judgment rendered against such owner or driver within the policy limits set forth in section 6-13.05(a)(2) of this code. Evidence of such insurance shall be by written certificate or certificates of such insurance corporation, including a separate endorsement naming the City of Hayward as an additional insured, filed with the City Clerk. Failure to maintain motor vehicle liability insurance as provided herein shall be grounds for immediate revocation of the permit.

(2)

The motor vehicle liability policy required by this section shall insure the owner and any other person using or responsible for the use of any such vehicle, with the consent, express or implied, of the owner against loss from the liability imposed upon such owner by law for injury to or death of any person, or damage to property, growing out of the maintenance, operation or ownership of any vehicle. The policy must comply with the following minimum coverage as required by California Vehicle Code (CVC) Sections 34630, 34631.5, and 34640, and by Part of 387 of Title 49 of the Code of Federal Regulations:

(i)

Every motor vehicle carrying property with a gross vehicle weight rating of 10,000 pounds or more, that does not transport petroleum or hazardous material, shall provide adequate protection against liability in the amount of a combined single limit of not less than seven hundred fifty thousand dollars (\$750,000) on account of bodily injuries to, or death of, one or more persons, or damage to or destruction of, property other than property being transported by the carrier;

(ii)

Every motor vehicle carrying property with a gross vehicle weight rating under 10,000 pounds, that does not transport petroleum or hazardous material, shall provide adequate protection against liability in the amount

of a combined single limit of not less than three hundred thousand dollars (\$300,000) on account of bodily injuries to, or death of, one or more persons, or damage to or destruction of, property other than property being transported by the carrier;

(iii)

Every motor vehicle carrier who transports petroleum products in bulk, including waste petroleum and waste petroleum products, shall provide adequate protection against liability for personal injury or death of one (1) person in the amount not less than five hundred thousand dollars (\$500,000); personal injury or death of two (2) or more persons in the amount not less than of one million dollars (\$1,000,000); for damage to property in an amount not less than two hundred thousand dollars (\$200,000); or a combined single limit in an amount not less than one million two hundred thousand dollars (\$1,200,000) on account of bodily injuries to, or death of, one or more persons or damage to or destruction of property, or both, other than property being transported by the carrier.

(iv.) Every motor vehicle that transports any hazardous material, as defined by California Vehicle Code Section 353, shall provide and thereafter continue in effect adequate protection against liability for the payment of damages for personal injury or death, and damage to or destruction of property, in amounts of not less than the minimum levels of financial responsibility specified for carriers of hazardous materials by the United States Department of Transportation in Part 387.

(v.) Every certificate evidencing the insurance required under the provisions of this section shall certify that the motor vehicle liability policy or policies evidenced shall not be canceled except upon thirty (30) days prior written notice thereof to the City Attorney's Office.

(vi.) All motor vehicle liability policies and all certificates thereof shall be subject to the approval of the City Attorney in any and all matters, and if at any time, in the judgment of the City Attorney, the motor vehicle policies are not sufficient for any cause, the City Attorney may require the owner to replace the motor vehicle policies within ten (10) days with other policies in accordance with the provisions of this section. If the owner fails to replace the motor vehicle policies within the ten-day period with good and sufficient policies, as set out in this section, then the City may revoke the permit until the permit holder's insurance complies with this section.

b. Permit holder shall indemnify, defend, and hold City, its officers, employees, agents, and volunteers harmless, pursuant to section 2778 of the California Civil Code, from and against any and all liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any

violation of any federal, state, or municipal law or ordinance, or other cause in connection with the negligent or intentional acts or omissions of permit holder, its employees, subcontractors, or agents, or on account of the performance or character of this work, except for any such claim arising solely out of the active negligence, sole negligence, or willful misconduct of the City, its officers, employees, agents, or volunteers.

- c. 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 or her own expense, and to the satisfaction of the Engineering and Transportation Director or designee, any damage resulting from travel pursuant to the Transportation Permit.
- d. Modification To and/or Relocation of Structures: If, in the judgment of the Engineering and Transportation Director or 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.

6-13.06 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 Article, to highway facilities such as bridges, traffic signals, light standards and other appurtenances, a written report must be filed with the Hayward 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 Article, 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 Hayward Police Department, Traffic Division, 300 W. Winton, Hayward, CA 94544, within thirty (30) days of the date of the accident.

6-13.07 SPECIAL RESTRICTIONS.

- a. Pilot Cars: 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 (2) 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. Flags and Lamps: Appropriate flags and/or lamps by all permit holders as required by California Vehicle Code Sections 24604, 25103 and 25104 shall be utilized.
- c. Warning Signs: 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. Authorized Route: The Engineering and Transportation Director or designee shall determine the authorized route for vehicles or loads moved or transported with a Transportation Permit pursuant to this Article. 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 Hayward truck route map should be used as a guide when determining a route.
- e. Curfew: Permit holders cannot move/transport a vehicle or load over ten (10) feet in width within the City Monday through Friday between the hours of 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.

6-13.08 POLICE ESCORT. The Chief of Police or designee may require Hayward 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 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.

6-13.09 REVOCATION.

- a. The City Manager or designee may revoke a Transportation Permit issued to an applicant, if the applicant, the applicant's employee or agent violates any provisions of this Article. The Transportation Permit may be revoked for up to ninety (90) days. Nothing contained in this Article 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 subsection (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 2. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 3. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_ day of \_\_\_\_\_ 2017, by Council Member \_\_\_\_\_ .

ADOPTED at a regular meeting of the City Council of the City of Hayward held the \_\_\_\_\_ day of \_\_\_\_\_ , 2017, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:



APPROVED:

\_\_\_\_\_

Mayor of the City of Hayward

DATE:

ATTEST: \_

\_\_\_\_\_

City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney of the City of Hayward