



DATE: March 7, 2017

TO: Mayor and City Council

FROM: Acting Police Chief

SUBJECT Introduction of Ordinance Adding Article 13 to Chapter 6 of the Hayward Municipal Code Relating to Transportation Permits

RECOMMENDATION

That the City Council introduces an Ordinance adding Article 13 to Chapter 6 of the Hayward Municipal Code regulating the movement of commercial vehicles on the City's public roadways whose height, length, width, and weight exceed the legal limits of the California Vehicle Code.

SUMMARY

The City of Hayward's Transportation Permit Policy does not regulate the movement of commercial vehicles on the City's public roadways, a practice which is authorized under Section 35780 of the California Vehicle Code (35780 CVC). Consequently, all commercial vehicles exceeding California statutory limits relative to their height, length, width, and weight could be subject to enforcement and significant fines. To maintain a positive partnership with business owners who transport these loads to and from their facilities, while keeping the safety of drivers who encounter these vehicles on the City's roadways, staff is recommending the adoption of this policy to assist in regulating and monitoring such activities. This action will allow both the Police and Public Works departments to address vehicles that fall under a specific category which is defined in Section 320.5 California Vehicle Code as an "EXTRA LEGAL LOAD." These vehicles carry a heavier weight which reduce the life span of some roadways, requiring repair and/or replacement at more frequent rate. Monitoring routes commonly used by the heavy loads will allow the Public Works Department to anticipate repairs and maintenance in a timelier manner.

BACKGROUND

The City of Hayward has the third largest industrial zone in the San Francisco Bay Area, but currently lacks the ability to regulate the movement of commercial vehicles defined as "Extra-Legal Loads" (those that exceed statutory regulated height, length, width and weight). Section 35780 of the CVC provides the state, counties, and municipalities the ability to regulate travel of such vehicles while utilizing their roadways to and from their destinations.

California (CalTrans) and local authorities who review permit applications for validity and lawfulness commonly receive such requests days or weeks prior to the travel date. Each governing body can agree, decline, or modify the desired route. These routes consist of interstates, state highways, and most importantly, city maintained streets. The City also has the authority to decline the permit based on the size of the vehicle or load, especially if it can be reduced to a smaller and legal size.

The City of Hayward is one of only municipalities in Alameda County that does not have a Transportation Permit policy in place. The current Transportation Permit protocol only allows for review of those permits sent to the Police Department's Traffic Bureau via facsimile, and only on a voluntary basis. Those documents are filed daily in the Traffic Bureau office.

The Police Department's Traffic Bureau receives facsimile notifications for all Extra-Legal Loads. There is usually a one-week notification made by the permit companies and some private companies who do not use permit companies. Staff conducted a survey from mid-October 2015 to mid-May 2016 and found that there were 115 such notifications. A municipality that has this program may charge no more than the CalTrans base fee depending on the type of trip (single trip fee of \$16 and a multiple trip fee of \$90). With these figures, staff found the City's total loss during the above time-period to be **\$4,948**. These figures represent "voluntary" reporting and the fiscal increase is likely to be greater once notification is made that a policy has been activated. For example, the City of San Leandro, which has a much smaller industrial area, obtained nearly \$40,000 in applicant fees during FY 2016.

DISCUSSION

To address a more effective means of handling the Extra-Legal Loads, staff has developed an amendment to the Hayward Municipal Code Section 6 / Article 13 "TRANSPORTATION PERMITS." This amendment would authorize the Police Department Traffic Unit to require applicants of Extra-Legal Loads travelling on our City maintained roadways to notify the City within two weeks of such movement via facsimile or email, using standard the CalTrans permit format. The process for submitting and approving these permits will remain the same. Commercial Vehicle Enforcement trained officers will review the permit to determine its validity. Next, the route is reviewed for its safety. The total time needed for review is approximately five minutes per permit. More time may be needed if a potential safety or validity problem arises. There is a slight possibility that consultation with the City Engineering Department or a CalTrans representative may be necessary should a permit require more investigation.

The lack of an official permit or regulatory policy has created several concerns, primarily the lack of oversight. Currently, a limited number of applicants participate in submitting permits. In turn, the clear majority of activity is non-regulated. As these companies fail to participate in such review, they lack awareness of the most current roadway layouts or changes that may be in place due to construction projects, various overcrossings that may have height limitations, or worse yet, travel on roadways that are a danger to the public (narrow roadways,

residential streets, low hanging trees). Additionally, continuous heavy weight imposed on City maintained roadways will negatively impact their integrity. An example is how only one pass by a fully loaded 80,000 lb. truck-tractor and semi-trailer is equivalent to 10,000 passes of a single passenger vehicle. Extra-Legal Loads often exceed this weight which further stresses the roadway.

The Transportation Permit amendment will allow the Public Works Department and Police Department's Traffic Bureau to promote safety among the driving public. The generated revenue for the City can then be utilized to recover costs associated with processing the permits. This ordinance will allow City officials to enforce "Extra-Legal Loads" traveling within our borders and take the appropriate action to prevent incidents that threaten the safety of the traveling public.

An interview with representatives from various police agencies and permit processing agents has not identified any significant adverse impact on businesses should this amendment be approved. The fees imposed on either single or multiple trip requests can be no greater than the fees already set by CalTrans, which are consistent statewide. Those fees are \$16 for a single trip and \$90 for multiple trips. These fees already apply to most of the regulated community.

ECONOMIC IMPACT

The current practices of City staff consist of a review of permits submitted voluntarily when time permits. Route variances are enforced if safety is a factor and all permits are processed free of charge. All vehicles exceeding the legal height, length, width, and weight can be issued citations for travel on our public roadways. However, as this voluntary, most oversized loads travel through the city with no oversight or regulation, causing significant wear to roadways.

FISCAL IMPACT

Staff believes there will be no negative fiscal impact by amending the ordinance. Revenues associated with the implementation of the proposed changes will offset the staff hours used to review and issue the permits.

SUSTAINABILITY FEATURES

There is no sustainability impact that will result from this amendment. The increased volume to staff's workload is minimal.

PUBLIC CONTACT

This ordinance is unique in nature and does not directly impact Hayward residents or other stakeholders in the City. Due to the nature of the regulated activity, it only impacts transportation companies and businesses that issue the permits to move various products. Staff has contacted local businesses and permit and transportation companies with the following results:

Residential Impact – There is little to no residential impact from this proposal as products being transported to, from, as well as through Hayward will be designated to travel on identified “Truck Routes.” These routes are currently being used by commercial vehicles so there will be no change. The Traffic Bureau is in the process of identifying these routes and will confer with Public Works for approval and publishing on the City website.

Localized Business Impact – The impacted businesses that need their product shipped or received already use specific transportation companies to handle the task because of the uniqueness of their load. Nearly all will continue to be able ship and receive their product pending approval of Traffic Bureau. Staff can examine the permit route and the dimensions of the load, looking for any anomalies. After researching nearly 100 permits over the past month, staff found no anomalies that caused concern. This is due to the Transportation Companies’ expertise in the law and loading. An attributing factor is due to the requirement to obtain CalTrans permits due to freeway travel, or travel through any municipality that already scrutinizes such activity.

Staff has also met with the beverage companies (SHASTA/PEPSI/INBEV/Berkeley Farms); all of which stated that their loads do not exceed the weight limits and will not be affected by the recommended ordinance amendment. HATTON Crane on Depot Road, was the only company found that would fall under the new regulations. However, they are supportive of the proposal and regulation and do not anticipate any impact on their daily operations.

NEXT STEPS

Staff will develop an Operational Plan using the resources of the Public Works Department, Finance Department and Traffic Bureau to efficiently process the Transportation Permits by qualified personnel and the appropriate steps needed for billing.

Prepared by: Jason Corsolini, Sergeant

Recommended by: Mark Koller, Acting Chief of Police

Approved by:



Kelly McAdoo, City Manager