

**REPORT TO MAYOR AND COUNCIL****TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: July 8, 2014

SUBJECT: INTRODUCE ORDINANCE NO. 14-5 TO AMEND THE CITY OF CONCORD MUNICIPAL CODE TO UPDATE THE CITY'S WEIGHT LIMIT FOR COMMERCIAL VEHICLES THAT ARE REQUIRED TO USE TRUCK ROUTES FROM THREE TONS TO FIVE TONS

Report in Brief

On June 12, 2014, the Council Committee on Infrastructure and Franchise reviewed a proposal by Community and Economic Development (CED) staff to update the City's weight limit for commercial vehicles that are required to use truck routes from three tons to five tons, in accordance with State policy for registering commercial motor vehicles, and directed that the matter be presented to the City Council with a recommendation for approval.

Staff recommends that the City Council introduce Ordinance No. 14-5 to amend the City of Concord Municipal Code to update the City's weight limit for commercial vehicles that are required to use truck routes from three tons to five tons.

Background

In August 1968, the Concord City Council adopted Traffic Resolution No. 3521 designating certain streets in the City as "Truck Routes" for the movement of commercial vehicles exceeding a maximum gross weight limit of three tons as specified in the Concord Municipal Code. Trucks over three tons in weight are prohibited from all other streets, except when necessary to traverse to a destination for the purpose of loading or unloading. This weight restriction was established to protect residential neighborhoods from cut-through traffic by heavy trucks. Other cities in the San Francisco Bay Area have adopted a three-ton weight limit on use of certain streets, including the Cities of Tracy, Union City and Walnut Creek.

In 2002, the Commercial Vehicle Registration Act (CVRA) changed the way the Department of Motor Vehicles (DMV) registers commercial motor vehicles in California. Registration of commercial vehicles (registered after December 31, 2001) is based on the unladen weight¹, or declared gross vehicle weight² (GVW), or declared combined gross vehicle weight³ (CGW). Payment of a CVRA Fee (weight

¹ The unladen weight is the weight of the vehicle when it's not carrying any passengers or cargo.

² The declared gross vehicle weight (GVW) is the weight that equals the total unladen weight of the vehicle plus the heaviest load that will be transported on the vehicle including any optional accessories, cargo and passengers. For safety reasons, a vehicle should never be loaded beyond the manufacturer's listed GVW rating.

³ The declared combined gross vehicle weight (CGW) is the total unladen weight of the combination of vehicles (motor vehicle and trailer) plus the heaviest load that will be transported by that combination.

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fee) is required to register commercial vehicles if the vehicle owner declares the maximum operating GVW or CGW to be over 10,000 pounds (or five tons).

Light-weight trucks and vans with a declared GVW or CGW of five tons or less are not subject to the CVRA registration fee. These vehicles are considered to be less impactful to the environment or pavement wear-and-tear than heavy trucks and, therefore, are not required to pay a CVRA Fee in addition to the regular registration fee. Compared to the three-ton limit imposed on certain streets in the City, the five-ton CRVA limit represents a more realistic benchmark considering the changes in vehicle design, size and performance that have occurred since the 1990s, mainly with the introduction of sports utility vehicles (SUVs) and heavy-duty pickup trucks with enhanced commercial capabilities.⁴

Accordingly, staff proposes that the Concord Municipal Code be updated regarding the weight of commercial vehicles that are required to use designated truck routes within the city limits. The commercial vehicle weight limit would be updated to match the CVRA weight limit of five tons. Vehicles exceeding this weight limit would be required to utilize truck routes for through trips within Concord.

Discussion

All owners or lessees of commercial motor vehicles (new or used trucks and vans) exceeding five tons in GVW or CGW and registered with the California DMV are required under the CVRA to declare the maximum gross weight at which their vehicles will operate (i.e., the unladen weight of the vehicle plus the heaviest load that will be transported on the vehicle). The vehicle must display the appropriate weight decal and CVRA year stickers (for a fee in addition to the regular year sticker) and the weight decal displayed must match the reported maximum gross weight shown on the owner's registration card.⁵

Pickup trucks with an unladen vehicle weight of 8,000 pounds (four tons) or less and a manufacturer's GVW rating of less than 11,500 pounds (5.75 tons) are excluded from the CVRA requirements to declare the maximum operating weight of the vehicle or display a weight decal and CVRA year stickers. These weight limits are designed to accommodate heavy-duty pickup trucks owned by private citizens and equipped with professional grade performance/capacity options. These trucks are exempt from CVRA registration requirements and are not classified as commercial vehicles even if the operating weight is over five tons.

⁴ Heavy-duty pickup trucks purchased or leased for personal use with standard single rear wheel trim may be equipped with crew cab, long box body style for increased passenger and payload capacity; and high performance Turbo-Diesel V8 engine for enhanced commercial capabilities.

⁵ A CVRA fee (weight fee) is required to register commercial motor vehicles operated either singly or in combination with a declared GVW over five tons.

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Proposed Action. Update the Concord Municipal Code to raise the GVW limit for prohibiting commercial vehicles from using certain streets in the City from three tons to five tons to match the CVRA requirement for registering commercial motor vehicles exceeding five tons in gross weight.

If approved by the City Council, this action would not create any significant impacts on residential streets from commercial traffic, as heavy-weight commercial trucks (over five tons) would continue to be required to use the City's designated Truck Routes for through travel. The Truck Route network would not be affected by this action nor would the way truck operators use City streets.

In order to update the City's weight limit for commercial trucks to five tons, it is recommended that Concord Municipal Code Sections 10.25.010 to 10.25.030 be revised as shown in Attachment 1. Municipal Code revisions are introduced and adopted by Ordinance of the City Council through a public hearing process (see proposed Ordinance 14-5 in Attachment 2). The proposed revisions will clarify that the five-ton weight limit restriction on use of certain streets only applies to registered commercial motor vehicles. Heavy-duty pickup trucks can be operated commercially without the need to register the vehicle even if the operating weight is over five tons.

The new five-ton weight limit will make it easier for pickup truck owners/residents to use their personal trucks for business purposes as well, without exceeding the weight limit on City streets outside of the Truck Route network.

Recreational vehicles (RVs) or trailers (e.g., non-motorized camp trailers, park trailers or trailer coaches) are not affected by the proposed revisions to the City's Municipal Code. Furthermore, truck use exceptions when necessary to traverse to a destination for the purpose of loading or unloading would not be changed.

The City Attorney and Concord Police staff have reviewed this proposal and concur with the recommendation to update the City's weight limit on use of certain streets from three tons to five tons in order to maintain consistency with the State's policy on registering commercial motor vehicles. The weight decal and CVRA year stickers displayed on the CVRA-registered vehicle will also make it easier for police personnel to identify commercial vehicles for enforcement purposes.

Council Committee Recommendation

On June 12, 2014, the Council Committee on Infrastructure and Franchise (Committee) reviewed this proposal to update the City's weight limit for commercial vehicles that are required to use truck routes from three tons to five tons, in accordance with State policy for registering commercial motor vehicles. One member of the public attended the meeting and commented positively on this proposal.

The Committee concurred with the proposal and directed that the matter be presented to the City Council with a recommendation for approval.

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Fiscal Impact

There would be no fiscal impact to the City as a result of raising the gross weight limit for prohibiting commercial vehicles from using certain streets in Concord from the current three tons to five tons.

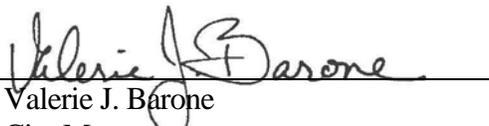
Public Contact

The posting of the Council Agenda and the publishing of a Public Hearing Notice in the newspaper provide information to the public.

Recommendation for Action

Staff recommends that the City Council introduce Ordinance No. 14-5 to amend the City of Concord Municipal Code to update the City's weight limit for commercial vehicles that are required to use truck routes from three tons to five tons.

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Attachment 1 – Proposed Revisions to the City of Concord Municipal Code

Attachment 2 – Proposed Ordinance No. 14-5

Attachment 1

CITY OF CONCORD MUNICIPAL CODE

10.25.010 Truck routes.

(a) Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a street, the use of which is permitted by any registered commercial motor vehicle exceeding a gross vehicle weight (GVW) of 10,000 pounds (five tons), the Director of the responsible City Department or his/her designee is hereby authorized to designate such street or streets by appropriate signs as "truck routes" for the movement of registered commercial motor vehicles exceeding a GVW of five tons. Commercial motor vehicles registered by the California Department of Motor Vehicles (DMV) according to the Commercial Vehicle Registration Act (CVRA) are issued CVRA weight decals and year stickers that must be displayed on both the right and left sides of the vehicle for enforcement identification.

- Deleted: or by any vehicle
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Deleted: or by vehicles
Deleted: maximum gross weight limit
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(b) When any such truck route or routes are established and designated by appropriate signs, the operator of any registered commercial motor vehicle exceeding a GVW of five tons shall drive on such route or routes and none other, except when necessary to traverse another street or streets to a destination for the purpose of loading or unloading, but then only by such deviation from the nearest truck route as is reasonably necessary. This subsection shall not be construed to relieve an operator subject to this section from obtaining an encroachment permit pursuant to chapter 12.15, of this Code if required by the Director of the responsible City Department or his/her designee.

- Deleted: or any vehicle
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(c) The provisions of this section shall not apply to: (1) passenger buses under the jurisdiction of the Public Utilities Commission, (2) any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility, or (3) refuse collection vehicles which operate on city streets pursuant to provisions of chapter 8.20 of this Code.

(d) Those streets and parts of streets established by resolution of the Council are hereby declared to be truck routes for the movement of registered commercial motor vehicles exceeding a GVW of five tons.

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(Code 1965, § 3278; Code 2002, § 106-251. Ord. No. 743; Ord. No. 763; Ord. No. 818; Ord. No. 17; Ord. No. 1164)

10.25.020 Commercial vehicles prohibited from using certain streets.

(a) Whenever any ordinance of this city designates and describes any street or portion thereof as a street, the use of which is prohibited by any registered commercial motor vehicle, the Director of the responsible City Department or his/her designee shall erect and maintain appropriate signs on those streets affected by such ordinance.

- Deleted: Public Works

(b) Pursuant to Vehicle Code § 35701, ~~(a), registered commercial motor vehicles exceeding a GVW of five tons~~ are prohibited on ~~all streets other than those designated as "truck routes"~~ except at those times when it is necessary for said vehicles to travel on said streets for the sole purpose of reaching a destination for loading or unloading, provided that the route of travel on said street is the shortest deviation from the nearest truck route.

(Code 1965, § 3279; Code 2002, § 106-252. Ord. No. 743; Ord. No. 1145; Ord. No. 816; Ord. No. 980; Ord. No. 1023; Ord. No. 930; Ord. No. 87-27; Ord. No. 863; Ord. No. 1087; Ord. No. 989; Ord. No. 905; Ord. No. 890; Ord. No. 1194; Ord. No. 1127; Ord. No. 1167)

10.25.030 Restrictions on use of Pine Hollow Road.

~~Registered commercial motor vehicles exceeding a GVW of five tons~~ are prohibited from using Pine Hollow Road between Alberta Way and the city limits between the hours of 10:00 p.m. and 7:00 a.m. daily.

(Code 1965, § 3279; Code 2002, § 106-253. Ord. No. 87-31)

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Alberta Way between Clayton Road and Ygnacio Valley Road.¶
Babel Lane from Clayton Road to Cowell Road.¶
Bailey Road from Clayton Road northward to the city limits.¶
Birch Avenue between Fairfield Avenue and Hickory Drive.¶
Bonifacio Street between Port Chicago Highway and Concord Avenue.¶
Concord Boulevard between Port Chicago Highway and Kirker Pass Road.¶
Cowell Road between Treat Boulevard and Galindo Street.¶
David Avenue from Oak Grove Road to Bancroft Road.¶
Detroit Avenue between Clayton Road and Vista Del Monte.¶
Fairfield Avenue between Grant Street and Birch Avenue.¶
First Street between Concord Boulevard and Sinclair Avenue.¶
Hickory Drive between Birch Avenue and Port Chicago Highway.¶
Landana Drive from Willow Pass Road to Mulberry Drive.¶
Meadow Lane between Monument Boulevard and Market Street.¶
Minert Road from Oak Grove Road westward to the city limits.¶
Mohr Lane from Monument Boulevard to David Avenue.¶
North Sixth Street from Willow Pass Road to Port Chicago Highway.¶
Oakmead Drive from Detroit Avenue to Toyon Drive.¶
Oakmead Drive from Monument Boulevard to Detroit Avenue.¶
Olivera Road from State Freeway 242 to a point 1,300 feet east of Solano Way in the city.¶
Olivera Road from State Freeway 242 to Willow Pass Road.¶
Parkside Drive between Concord Boulevard and The Alameda.¶
Peach Place between Reganti Drive and Oak Grove Road.¶
Peralta Drive between Arnold Industrial Place and Olivera Road.¶
Pine Hollow Road from Kaiser Company private road eastward to the city limits.¶
Port Chicago Highway between Salvio Street and Arnold Industrial Highway.¶

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ORDINANCE NO. 14-5

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE SECTION 10.25.010 (TRUCK ROUTES); SECTION 10.25.020 (COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS); AND, SECTION 10.25.030 (RESTRICTIONS ON USE OF PINE HOLLOW ROAD)

WHEREAS, in August 1968, the Concord City Council adopted Traffic Resolution No. 3521 designating streets in the City as “Truck Routes” for the movement of commercial vehicles exceeding a maximum gross weight limit of three tons; and

WHEREAS, non-commercial vehicles have changed considerably since 1968 in design, size and performance, mainly with the introduction of sports utility vehicles (SUVs) and heavy-duty pickup trucks in the 1990s; and

WHEREAS, heavy-duty pickup trucks purchased or leased for personal use come equipped with high payload capacity and performance packages for potential commercial applications; and

WHEREAS, the Commercial Vehicle Registration Act (CVRA) has changed the way the Department of Motor Vehicles registers commercial motor vehicles in California; and

WHEREAS, commercial vehicles with a declared operating gross vehicle weight (GVW) or combined gross vehicle weight (CGW) over five tons are required to be CVRA-registered and are issued CVRA weight decals and CVRA year stickers that must be displayed on both sides of the vehicle; and

WHEREAS, the weight of five tons is considered to be the cutoff point between heavy- and light-weight commercial vehicles under the CVRA, and light-weight trucks and vans with a declared GVW or CGW of five tons or less are not subject to the CVRA registration fee; and

WHEREAS, pickup trucks with an unladen vehicle weight of four tons or less and a manufacturer’s GVW rating of less than 5.75 tons are excluded from the CVRA requirements to declare the maximum operating weight of the vehicle or display a weight decal and CVRA year stickers; and

WHEREAS, the City’s weight limit for commercial vehicles that are required to use truck routes should be updated from three tons to five tons, in accordance with State policy for registering commercial motor vehicles and in response to said changes in vehicle design, size and performance

1 that have occurred since the 1990s.

2 **THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:**

3 **Section 1.** Concord Municipal Code Section 10.25.010 (Truck routes) is hereby deleted in its
4 entirety and amended to read as follows:
5

6 **10.25.010 Truck routes.**

7 (a) Whenever any ordinance or resolution of this city designates and describes any street or
8 portion thereof as a street, the use of which is permitted by any registered commercial motor
9 vehicle exceeding a gross vehicle weight (GVW) of 10,000 pounds (five tons), the Director of
10 the responsible City Department or his/her designee is hereby authorized to designate such
11 street or streets by appropriate signs as “truck routes” for the movement of registered
12 commercial motor vehicles exceeding a GVW of five tons. Commercial motor vehicles
13 registered by the California Department of Motor Vehicles (DMV) according to the
14 Commercial Vehicle Registration Act (CVRA) are issued CVRA weight decals and year
15 stickers that must be displayed on both the right and left sides of the vehicle for enforcement
16 identification.

17 (b) When any such truck route or routes are established and designated by appropriate signs,
18 the operator of any registered commercial motor vehicle exceeding a GVW of five tons shall
19 drive on such route or routes and none other, except when necessary to traverse another street
20 or streets to a destination for the purpose of loading or unloading, but then only by such
21 deviation from the nearest truck route as is reasonably necessary. This subsection shall not be
22 construed to relieve an operator subject to this section from obtaining an encroachment permit
23 pursuant to chapter 12.15, of this Code if required by the Director of the responsible City
24 Department or his/her designee.

25 (c) The provisions of this section shall not apply to: (1) passenger buses under the jurisdiction
26 of the Public Utilities Commission, (2) any vehicle owned by a public utility while necessarily
27 in use in the construction, installation, or repair of any public utility, or (3) refuse collection
28 vehicles which operate on city streets pursuant to provisions of chapter 8.20 of this Code.

1 (d) Those streets and parts of streets established by resolution of the Council are hereby
2 declared to be truck routes for the movement of registered commercial motor vehicles
3 exceeding a GVW of five tons.

4 **Section 2.** Concord Municipal Code Section 10.25.020 (Commercial vehicles prohibited from
5 using certain streets) is hereby deleted in its entirety and amended to read as follows:
6

7 **10.25.020 Commercial vehicles prohibited from using certain streets.**

8 (a) Whenever any ordinance of this city designates and describes any street or portion thereof
9 as a street, the use of which is prohibited by any registered commercial motor vehicle, the
10 Director of the responsible City Department or his/her designee shall erect and maintain
11 appropriate signs on those streets affected by such ordinance.

12 (b) Pursuant to Vehicle Code § 35701. (a), registered commercial motor vehicles exceeding a
13 GVW of five tons are prohibited on all streets other than those designated as “truck routes”
14 except at those times when it is necessary for said vehicles to travel on said streets for the sole
15 purpose of reaching a destination for loading or unloading, provided that the route of travel on
16 said street is the shortest deviation from the nearest truck route.

17 **Section 3.** Concord Municipal Code Section 10.25.030 (Restrictions on use of Pine Hollow
18 Road) is hereby amended to read as follows:

19 **10.25.030 Restrictions on use of Pine Hollow Road.**

20 Registered commercial motor vehicles exceeding a GVW of five tons are prohibited from
21 using Pine Hollow Road between Alberta Way and the city limits between the hours of 10:00
22 p.m. and 7:00 a.m. daily.

23 **Section 4.** This Ordinance No. 14-5 shall become effective thirty (30) days following its
24 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
25 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
26 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
27 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney’s
28

1 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
2 once within fifteen (15) days after its passage and adoption, including the vote of the
3 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
4 Concord.

7 _____
8 Timothy S. Grayson
9 Mayor

10 ATTEST:

11 _____
12 Mary Rae Lehman, CMC
13 City Clerk

14 (Seal)

15 Ordinance No. 14-5 was duly and regularly introduced at a regular meeting of the City Council
16 of the City of Concord held on July 8, 2014, and was thereafter duly and regularly passed and adopted
17 at a regular meeting of the City Council of the City of Concord on July 22, 2014, by the following
18 vote:

19 **AYES:** Councilmembers -

20 **NOES:** Councilmembers -

21 **ABSTAIN:** Councilmembers -

22 **ABSENT:** Councilmembers -

23 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
24 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

25 _____
26 Mary Rae Lehman, CMC
27 City Clerk