

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
October 15, 2008

SUBJECT: Ordinance 500.1 Amending Ordinance 500 - Reducing the Permissible Weight on Unimproved County Highways

RECOMMENDED MOTION: That the Board of Supervisors re-introduce and adopt the above-referenced ordinance on successive weeks.

BACKGROUND: As Riverside County continues to grow and become more urbanized, many county highways and County Service Area (CSA) roads within residential areas are not suitable for use by large commercial vehicles. The purpose of this ordinance amendment is to enable the County to prohibit through truck traffic on County highways and CSA roads in or near residential areas pursuant to provisions in the California Vehicle Code so as to improve quality of life and traffic safety in residential areas.

Ordinance 500, which is currently applicable to unimproved roads only, is proposed to be expanded to include county maintained roads and CSA maintained roads. Staff from Transportation Department and County Counsel's office collaborated to prepare the proposed Ordinance Amendment 500.1 to provide for permissible weight reduction on county or CSA maintained roads. Upon recommendation by the Director of Transportation based on an engineering study, the Board of Supervisors will be able to impose weight reduction, by resolution, on certain county highways and CSA roads in/near residential areas.

It should be noted that the restriction will not be effective until signs are posted to give notice and an alternate route is identified for the county/CSA roads for which weight reduction is being imposed.

Juan C. Perez
Director of Transportation

LTT:jz
(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 10/15/08
Departmental Counsel Concepcion Grande

FORM APPROVED COUNTY COUNSEL
BY: Gordon V. Woo DATE 10/15/08
GORDON V. WOO

Policy

Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref. 11-2-64;
9/30/08 Item #3.77

District: All

Agenda Number:

3.56

The Honorable Board of Supervisors

RE: Ordinance 500.1 Amending Ordinance 500 - Reducing the Permissible Weight on
Unimproved County Highways

October 15, 2008

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BACKGROUND: (continued)

Commercial vehicles using the most direct routes for the purpose of pick-ups and deliveries of goods, wares, merchandise or building materials will be exempt. Other vehicles such as public utility vehicles, emergency vehicles, school buses and public transit buses will also be exempt.

The Subject item was first introduced on September 30, 2008 as Item 3.77. At that Board Meeting, staff was directed to review the proposed fine for violation of the proposed ordinance amendment in order to effectively deter violations. Based on review of the California Vehicle Code (CVC), the fine has been adjusted from a minimum of \$250 up to a maximum of \$2,000, depending on the declared weight of the vehicles in violation. For example, vehicles that exceed the 7-ton maximum by 5 or more tons (such as typical big rigs) would be subject to the maximum \$2,000 fine. The current fine structure in the CVC is attached for reference.

A copy of the proposed Ordinance Amendment has been provided to the five areas of the California Highway Patrol.

The Ordinance Amendment has been reviewed and approved as to form by County Counsel.

ATTACHMENT "A"

CALIFORNIA VEHICLE CODE SECTION 42030.1

Declared Gross Vehicle Weight Limit Violations.

§ 42030.1. Penalties for violations

(a) Every person convicted of a violation of any declared gross vehicle weight limitation provision of this code, shall be punished by a fine that equals the amounts specified in the following table:

Pounds in Excess of the Declared Gross Vehicle Weight	Fine
1,001 – 1,500	\$ 250
1,501 – 2,000	300
2,001 – 2,500	350
2,501 – 3,000	400
3,001 – 3,500	450
3,501 – 4,000	500
4,001 – 4,500	550
4,501 – 5,000	600
5,001 – 6,000	700
6,001 – 7,000	800
7,001 – 8,000	900
8,001 – 10,000	1,000
10,001 and over	2,000

- (b) No part of the penalties prescribed by this section shall be suspended for a conviction of any of the following:
- (1) Section 40001 for requiring operation of a vehicle upon a highway in violation of any provision referred to in this section.
 - (2) Any provision referred to in this section when a second or subsequent conviction of a violation thereof occurs within three years immediately preceding the violation charged.

1 authorize a county to reduce the permissible weight of vehicles and loads upon unimproved County
2 highways or County bridges. Section 42030.1 provides a table of monetary fines for violations.

3 Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have
4 the following meanings:

- 5 a. Commercial Vehicle. Any vehicle of a type that is required to be registered
6 under the California Vehicle Code used or maintained for the transportation
7 of persons for hire, compensation, or profit or designed, used or maintained
8 primarily for the transportation of property.
- 9 b. County Bridges. Any structures carrying a County highway or CSA road
10 over or across a depression or obstacle.
- 11 c. County Highways. Any streets, roads and highways that have been
12 accepted into the County maintained road system and are maintained by the
13 Transportation Department.
- 14 d. CSA Roads. Any streets, roads and highways that have been dedicated
15 and accepted by the County as public use roads, and are maintained by a
16 County Service Area (CSA).
- 17 e. Director of Transportation. The Director of the Riverside County
18 Transportation Department and functional equivalent of "road
19 commissioner" as used in the California Vehicle Code.
- 20 f. Identified. Identified by the Board of Supervisors in the manner described
21 in Section 6. of this ordinance.
- 22 g. Residential Area. A neighborhood where the prevailing land use is
23 primarily residential including, but not limited to, a residence district.
- 24 h. Residence District. That portion of a highway and the property contiguous
25 thereto, other than a business district, (a) upon one side of which highway,
26 within a distance of a quarter of a mile, the contiguous property fronting
27 thereon is occupied by 13 or more separate dwelling houses or business
28 structures, or (b) upon both sides of which highway collectively, within a

1 distance of a quarter of a mile, the contiguous property fronting thereon is
2 occupied by 16 or more separate dwelling houses or business structures. A
3 residence district may be longer than one-quarter of a mile if the above ratio
4 of separate dwelling houses or business structures to the length of the
5 highway exists.

- 6 i. Restricted. Limited to use by vehicles that do not exceed maximum
7 permissible weight prohibitions.
- 8 j. Unimproved. Not built to a standard or quality sufficient for acceptance
9 into the County maintained road system and not maintained by the
10 Transportation Department.
- 11 k. Unrestricted. Not confined to use solely by vehicles weighing under a
12 maximum weight.

13 Section 5. WEIGHT PROHIBITIONS AND REDUCTIONS.

- 14 a. Pursuant to California Vehicle Code Sections 21101(c) and 35712(a), the
15 Board of Supervisors hereby prohibits any commercial vehicle exceeding a
16 manufacturer's gross vehicle weight rating of 14,000 pounds (7 tons) from
17 using any identified County highways or identified CSA roads within a
18 residential area for any duration of the day or from using any identified
19 County highways or identified CSA roads if the use of such highways or
20 roads may adversely affect traffic circulation or safety within a residential
21 area.
- 22 b. Pursuant to California Vehicle Code Section 35706, the Board of
23 Supervisors hereby reduces the permissible weight of vehicles and loads
24 upon identified unimproved County highways and identified County
25 bridges.

26 Section 6. IDENTIFICATION OF AFFECTED COUNTY HIGHWAYS,
27 UNIMPROVED COUNTY HIGHWAYS, CSA ROADS AND COUNTY BRIDGES. Upon
28 recommendation of the Director of Transportation, based on an engineering study, the Board of

1 Supervisors shall identify by resolution those County highways, unimproved County highways, CSA
2 roads and County bridges to which the weight prohibitions and reductions described in Section 5. of this
3 ordinance apply.

4 Section 7. EXEMPT VEHICLES. Neither this ordinance nor any resolution adopted
5 pursuant hereto shall apply to or regulate the following:

- 6 a. Any commercial vehicle coming from an unrestricted County highway,
7 unimproved County highway, CSA road or County bridge having ingress
8 and egress by direct route to and from a restricted County highway,
9 unimproved County highway, CSA road or County bridge when necessary
10 for the purpose of making pickups or deliveries of goods, wares, and
11 merchandise from or to any building structure located on the restricted
12 County highway, unimproved County highway, CSA road or County bridge
13 or for the purpose of delivering materials to be used in the actual and bona
14 fide repair, alteration, remodeling or construction of any building or
15 structure upon the restricted County highway, unimproved County highway,
16 CSA road or County bridge for which a building permit has previously been
17 obtained.
- 18 b. Any vehicle owned by a public utility or a licensed contractor while
19 necessarily in use in the construction, installation, or repair of any public
20 utility.
- 21 c. School buses and public transit buses.
- 22 d. Vehicles that have been issued and display a permit pursuant to County
23 Ordinance No. 499 'Relating to Encroachments on County Highways', or
24 County Ordinance No. 524 'Regulating Oversize and Overweight Vehicles
25 and Loads'.
- 26 e. Vehicles that are allowed to be parked on private property owned by the
27 owner of the vehicles pursuant to County Ordinance No. 348 'Providing for
28 Land Use Planning and Zoning Regulations and Related Functions', when

1 using the most direct route from an unrestricted County highway,
2 unimproved County highway, CSA road or County bridge to access the
3 vehicle owner's property.

4 f. Emergency response vehicles.

5 g. Any commercial vehicle using any County highway, unimproved County
6 highway, CSA road or County bridge by direct route to or from a state
7 highway for the purpose of delivering or loading for transportation goods,
8 wares, or merchandise.

9 Section 8. SIGN REQUIREMENTS. A resolution adopted pursuant to this ordinance
10 shall not be effective with respect to any County highway, unimproved County highway, CSA road or
11 County bridge until the Director of Transportation posts signs indicating that a vehicle weight restriction
12 is in effect and indicating either the places affected or the places not affected, as the Director of
13 Transportation may determine will best serve to give notice of a weight restriction to the motoring public.

14 Section 9. ALTERNATE ROUTE DESIGNATION. A resolution adopted pursuant to
15 this ordinance shall not be effective with respect to any County highway, unimproved County highway,
16 CSA road or County bridge unless the Board of Supervisors also designates an alternate route for affected
17 vehicles which shall remain unrestricted by any local regulation as to those affected vehicles so long as
18 the vehicle weight prohibition or reduction shall remain in effect.

19 Section 10. VIOLATIONS AND PENALTIES. Any person violating any provision of
20 this ordinance shall be deemed guilty of an infraction, punishable by a fine or penalty of at least \$250 or
21 more as specified in Vehicle Code Section 42030.1, up to \$2000.

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