

ORDINANCE NO. 3145

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADDING CHAPTER 8.30, PERTAINING TO TRUCK ROUTES AND TERMINALS, TO TITLE 8 (TRAFFIC) OF THE FULLERTON MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

1. That Section 8.30 TRUCK ROUTES AND TERMINALS be added to the Fullerton Municipal Code as follows:

Chapter 8.30
TRUCK ROUTES AND TERMINALS

8.30.010 DESIGNATION; SIGNS

Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a street the use of which is prohibited by any vehicle exceeding a maximum gross weight limit of ten thousand (10,000) pounds, the City Traffic Engineer is authorized to designate such street or streets by appropriate signs.

8.30.020 USE OF TRUCK ROUTES REQUIRED BY VEHICLES EXCEEDING CERTAIN WEIGHT; BUSES EXCEPTED

When any road, highway, street or streets are established and designated by appropriate signs as truck routes, the operator of any vehicle exceeding a maximum gross weight limit of ten thousand (10,000) pounds shall not drive within the city on any street not so designated, except when necessary to traverse a 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. The provisions of this section shall not apply to passenger buses owned or operated by any public entity.

8.30.030 COMMERCIAL VEHICLES; SIGNS TO BE ERECTED ON PROHIBITED STREETS

Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle over ten thousand (10,000) pounds, the City Traffic Engineer shall erect and maintain appropriate signs on those streets affected by such ordinance or resolution.

8.30.040 WEIGHTS AND ROUTES DESIGNATED; VIOLATION; PENALTY

A. No vehicle exceeding a maximum gross weight of ten thousand (10,000) pounds shall be used on any street within the city except a vehicle subject to the provisions of Cal. Pub. Util. Code, §§ 1031 to 1036, inclusive, any vehicle otherwise exempted by

any provision or provisions of state law, any vehicle complying with this code and except as provided in paragraphs B and C of this section.

B. The following truck routes are established for use by vehicles exceeding a maximum gross weight of ten thousand (10,000) pounds during all hours of the day:

1. Acacia Avenue - Orangethorpe Avenue to Valencia Drive
2. Bastanchury Road - Malvern Avenue to State College Boulevard
3. Beach Boulevard - within the City of Fullerton City Limits.
4. Brookhurst Road - South City Limits to Commonwealth Avenue
5. Commonwealth Avenue - West City Limits to Gilbert Street
6. Euclid Street - South City Limits to Orangethorpe Avenue
7. Gilbert Street - Commonwealth Avenue to Malvern Avenue
8. Harbor Boulevard - Bastanchury Road to North City Limits
9. Imperial Highway - within the City of Fullerton City Limits
10. Kimberley Avenue - Raymond Avenue to Placentia Avenue
11. Lambert Road - within the City of Fullerton City Limits
12. Lemon Street - South City Limits to Orangethorpe Avenue
13. Magnolia Avenue - South City Limits to Commonwealth Avenue
14. Malvern Avenue - West City Limits to Bastanchury Road
15. Orangethorpe Avenue - West City Limits to East City Limits
16. Raymond Avenue - South City Limits to Valencia Drive
17. State College Boulevard - South City Limits to North City Limits
18. Valencia Drive - Raymond Avenue to State College Boulevard
19. Yorba Linda Boulevard - State College Boulevard to Orange (57) Freeway

C. Attached to Ord. 3145 as Attachment 2 (on file in the City Clerk's office) and incorporated herein by this reference is a map delineating the truck routes established by this section.

8.30.050 PARKING OR STANDING OF COMMERCIAL VEHICLES PROHIBITED

A. Definitions.

COMMERCIAL VEHICLE, as utilized in this section, shall mean any vehicle which fits the definition of commercial vehicles set forth in California Vehicle Code, § 260, as amended from time to time, or any successor provision or provisions thereof.

SEMITRAILER, as utilized in this section, shall mean any vehicle which fits the definition of semitrailer set forth in California Vehicle Code, § 550, as amended from time to time, or any successor provision or provisions thereof.

TRAILER, as utilized in this section, shall mean any vehicle which fits the definition of trailer set forth in California Vehicle Code, § 630, as amended from time to time, or any successor provision or provisions thereof.

A. No person shall park or stand any commercial vehicle for more than one (1) hour on any street located within the city in a commercial or industrial zone, except while loading or unloading property, for such time in addition to such one (1) hour period as is

necessary to complete such work, or when such vehicle is parked in connection with and in aid of the performance of a service to or on property in the block in which such vehicle is parked for such time in addition to such one (1) hour period as is reasonably necessary to complete such service.

B. No person shall park or stand any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more on any street, or portion thereof, located in a residential district within the city, except for such time as is reasonably necessary to make pickups or deliveries of goods, wares or merchandise from or to any building or structure located on the street or for such time as is reasonably necessary for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the street for which a building permit has been previously obtained from the city.

C. No person shall park or stand any trailer or semitrailer on any street, highway or alley located within the city unless such trailer or semitrailer is then attached to a motor vehicle capable of drawing or carrying it upon the public streets and highways.

D. The prohibition contained in § 8.30.30 of this code shall not apply to areas designated by resolutions of the Council pursuant to paragraph B. of this section.

8.30.060 Prohibition of Idling Diesel Heavy Vehicles

A. It shall be a violation for diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight rating of greater than ten thousand (10,000) pounds that are or must be licensed for operation on highways parked or standing on any public or private roadway within the City of Fullerton to fail to comply with the following:

(1) Prohibition of Idling Diesel Heavy Vehicles

No vehicle subject to Title 13, California Code of Regulations, section 1285(b), shall stop, stand or park in violation of Title 13, California Code of Regulations, section 1285(c) by idling the vehicle's primary diesel engine for more than five (5) minutes unless exempted in Title 13, California Code of Regulations, section 1285.

(2) Prohibition of Unapproved Internal Combustion Auxiliary system (APS) on Diesel Heavy Vehicles

The use of Internal Combustion Auxiliary System (APS) must be in compliance with the regulations contained in Title 13, California Code of Regulations, section 1285(c)(3); any other usage of an Internal Combustion Auxiliary System (APS) is prohibited.

B. Authorized Enforcement

This section may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law

enforcement agencies' authorized representatives (including parking control personnel); and air pollution control or air quality management districts.

C. Compliance

It shall be unlawful to fail, upon order of a peace officer, to abate the violation.

D. Penalties

- (1) The penalty for violating Section 8.30.060 (A) shall be \$300 for the first offense, \$500 for the second offense and \$750 for each subsequent violation by the owner, operator or both.
- (2) The penalty for violating Section 8.30.060 (A) shall be \$300 for the first and subsequent violation by the owner, operator or both.
- (3) The penalty for violating Section 8.30.060 (C) shall be \$500.
- (4) The penalties of subsection (D) herein shall be an infraction and/or may be enforced with an administrative citation, Chapter 1.10.

ARTICLE II. INTERSTATE TRUCK ROUTES AND TERMINALS

8.30.070 PURPOSE

The purpose of this article is to establish procedures for terminal designation and truck route designation to terminals for interstate trucks operating on City of Fullerton streets and to promote the general health, safety and welfare of the public.

8.30.080 DEFINITIONS

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CALTRANS - The State Department of Transportation or its successor agency.

DEPARTMENT - The Engineering Department for the city.

INTERSTATE TRUCK - A truck, tractor and semi-trailer or truck tractor, semi-trailer and trailer, or combination thereof, with unlimited length, operated pursuant to California Vehicle Code, § 35401.5(a), or its successor provisions.

RETROFIT - A change in design and construction of existing roads and intersections to allow the safe operation of interstate trucks and other vehicles.

TERMINAL - Any facility at which freight is consolidated to be dipped or where full load consignments may be loaded and off-loaded or at which interstate trucks carrying such freight are regularly maintained, stored or manufactured.

TERMINAL SIGN - Sign which has a legend format in accordance with specifications of the city installed in public right-of-way in front of each approved terminal.

TRAFFIC ENGINEER - The City Traffic Engineer of the city or his or her designee.

CITY'S VEHICLE ENFORCEMENT DIVISION - The Division of the City's Police Department responsible for commercial vehicle enforcement.

TRAILBLAZER SIGNS - Signs applicable to interstate trucks which have a legend format in conformance with applicable Caltrans specifications and which are installed along approved terminal access routes.

8.30.090 APPLICATION AND PUBLIC HEARING

A. The owner or operator of a terminal requiring terminal access for interstate trucks from federally designated highway systems, which interstate trucks will utilize any city streets in traveling to, or from such terminal, shall submit a completed application, on a form as provided by the city, and make payment of fees as required by this chapter.

B. The application shall be filed with the Department. The application shall include:

1. The name and address of the applicant;
2. The location of the terminal;
3. A written description of the proposed route(s);
4. A map showing the proposed route(s);
5. The terminal and the intersection of the route(s) with the federally designated highway(s);
6. Evidence satisfactory to the Department that such proposed route(s), including any route(s) proposed to be "retrofitted" as hereinafter provided, is "adequate" as that term is used in this section;
7. Evidence that the terminal meets or will meet the definition of a terminal as set forth herein;
8. That with respect to terminals located within the city, the terminal's parking and all other physical aspects of the terminal or proposed terminal satisfy all applicable state and local regulations; and
9. Such further information as the Department may require.

C. The applicant shall submit all environmental documentation in accordance with city's rules and regulations, all in compliance with the California Environmental Quality Act and the National Environmental Policy Act, if applicable.

D. The application will not be deemed complete except upon submittal of all required environmental documentation.

E. Upon receipt of the completed application, the City's Vehicle Enforcement Division will cause an investigation to be made to ascertain whether or not the terminal is, or within a reasonable period of time not to exceed ninety (90) days, will be, an operating terminal as defined herein. If the City's Vehicle Enforcement Division determines that it is not and will not within a reasonable period become such a terminal, he or she shall deny the application. If the City's Vehicle Enforcement Division determines that the facility is or will within a reasonable period of time become such a terminal, he or she shall forward copies of the application to all affected departments of the city, including, but not limited to, the Fire, Police, Planning, and Engineering Departments for review and input. The City's Vehicle Enforcement Division shall, within twenty (20) business days of receipt of a completed application, forward the completed application to the City Council which shall schedule a public hearing to occur before said Council within sixty (60) days thereafter. The City Clerk, or his or her designee, shall further cause written notice of such hearing to be served by mail upon all affected owners of real property within the city whose boundaries legally abut the proposed terminal route(s), using for this purpose, the names and addresses of such owners as shown upon the last equalized assessment roll of the County Assessor of the county. The City Clerk, or his

or her designee, shall also cause notice of said public hearing to be published in a newspaper of general circulation one (1) time, no less than ten (10) days prior to said public hearing.

F. Prior to the public hearing to be conducted, the City Traffic Engineer shall investigate the proposed route(s), including any route proposed to be "retro-fitted," as hereinafter provided, in order to ascertain whether said route(s) appears to be adequate to accommodate interstate trucks. The City Traffic Engineer shall present the results of the investigation at the scheduled public hearing before the City Council. In determining adequacy, the City Traffic Engineer shall consider whether or not said route(s), whether retrofitted or not, meets the following criteria:

1. All ramps, intersections, streets and highways have turning lane radii sufficiently wide to permit interstate trucks to safely negotiate the entire route within traffic lanes and without danger to other users of the public streets; and

2. There exist no physical conditions, including but not limited to, overpass clearance, weight capacity of bridges, overcrossings or other artificially supported roadways, and power or other overhead line clearance, which would preclude the safe operation of interstate trucks on any proposed route.

G. At the conclusion of the public hearing, the City Council shall approve, subject to certain specified conditions, or deny the application, subject to Caltrans approval as hereinafter provided, and shall support said approval or denial with written findings showing whether or not each requirement for approval, as specified in this section, is satisfied. However, should Caltrans deny the proposed route(s); the City Council shall deny the application.

H. If, after conducting the public hearing, the City Council determines that no proposed route(s), whether modified or retrofitted, or not, is "adequate" as defined herein, or that any requirement for approval has not been satisfied, the City Council shall deny the application. If a proposed route is determined to be adequate as modified or retrofitted in accordance with the requirements herein, as necessary, and all other requirements imposed herein have been satisfied, including environmental studies and submitted to the city of all required documentation, the City Council may conditionally approve the application and shall forward the application, along with a certified copy of its resolution so approving, to Caltrans. No access from any federally designated highway system within the city will be approved without the written concurrence of Caltrans. If such approval by Caltrans is not issued within one (1) year after the date of approval by the City Council, the City Council's conditional approval shall be automatically revoked.

1. All other conditions of approval shall be satisfied within one (1) year after approval by the City Council, unless otherwise expressly provided by the City Council, or the City Council's conditional approval shall be automatically revoked.

2. Failure to exercise any approval granted hereunder within one (1) year after such approval's effective date shall cause said approval to be automatically revoked.

I. Should the requested route(s) pass through the city to a terminal located in another jurisdiction, the applicant shall obtain route approval in accordance with this article from the city and from all other affected jurisdictions, prior to operating on said route(s) within the city. It shall be the responsibility of the applicant and the public entity approving the terminal land use, if such terminal is not located within the city, to coordinate route approval with the city.

8.30.100 FEES

A. Application fee. The application fee to be paid upon filing the application shall be in accordance with a schedule of fees set by City Council resolution.

B. Sign fee. If an application is approved, a sign fee shall be required to be paid by applicant prior to applicant utilizing any approval granted hereunder. The sign fee to be paid shall be in an amount estimated by the city to be equal to the cost of acquiring and installing appropriate trailblazer signs marking the approved terminal route. Upon the completion of the sign installation, the actual cost to the city shall be computed by the city and any difference between the estimated cost and the actual cost shall be paid by or refunded to the applicant, as the case may be. COSTS, as used in this paragraph B, shall include, but are not limited to, actual sign costs, plus the labor, overhead and administrative costs incurred by city in acquiring and installing said signs.

8.30.110 RETROFITTING

A. Should a proposed route which is otherwise inadequate be determined to be adequate if modified or "retrofitted," the applicant may propose such route, together with a proposed plan for retrofitting, as part of the completed application. Applicant shall comply with all conditions herein with respect to the route proposed to be retrofitted. Any approval granted by city with respect to a route proposed to be retrofitted, shall be conditional, pending approval by Caltrans and subsequent construction of such modifications in accordance with all local and state requirements and construction standards, including those imposed by the California Environmental Quality Act and/or the National Environmental Policy Act, if applicable. In all cases where such conditional approval is granted, applicant shall be required to submit plans and specifications concerning said modifications to the City Engineer, whose approval thereof shall be obtained, in addition to the applicant's satisfying all other applicable state and local requirements, prior to any construction of such modifications commencing.

B. City may subject the proposed plan for retrofitting to the city's bid process, complete the retrofitting as a city project using contractors selected by city, and thereafter require payment, pursuant to a written agreement between city and applicant of the entire cost of such retrofitting. Alternatively, city may authorize applicant to conduct and complete said retrofitting, whereupon the applicant shall be responsible for obtaining all necessary permits and for bearing all costs of engineering, construction and inspection of such modifications. All such modifications shall be done by a validly licensed contractor acceptable to city, carrying public liability insurance in a form and amount acceptable to city, and shall be completed to the satisfaction of the City Engineer. In either case, the applicant shall be required to indemnify, defend, and hold the city, its elected officials, officers, employees and agents free and harmless from any and all

claims and lawsuits arising out of or connected with the construction of such modifications.

8.30.120 REVOCATION OF APPROVAL

A. The City Council may revoke any approval granted hereunder if the terminal located within city, or the approved route, causes traffic safety problems, including but not limited in, inability of interstate trucks to safely negotiate the entire route within existing traffic lanes, interstate trucks creating unsafe driving conditions for other vehicles or pedestrians, or if due to changed conditions the route is deemed to be no longer "adequate," as the term is used in this chapter.

B. The City Council may also revoke any approval issued hereunder should the terminal cease to comply with all applicable City, County, State or Federal rules and regulations, or cease to be used as a terminal for a period of ninety (90) consecutive days.

C. Should Caltrans or any other public agency approving a terminal route, any portion of which has been approved by the City, revokes its approval with respect to any of the approval holder's activities occurring on said terminal route, the approval given hereunder shall be deemed to be revoked automatically as of the effective date of the underlying revocation.

D. Unless immediate revocation is deemed warranted by the City's Traffic Engineer based upon an immediate and urgent need to protect the health, safety or welfare of citizens within the city, or due to any subsequently enacted legislation making any of the activities permitted hereunder a violation of law, all revocations shall be conducted in accordance with the procedural provisions of the city's zoning ordinance, as the same may be amended from time to time.

8.30.130 REAPPLICATION

If denial, revocation or intent to revoke by the City Council is based upon a denial or revocation of any approval issued by Caltrans or other public agency for the operation of interstate trucks, the decision of the City Council shall be final, no findings shall be required, and the aggrieved applicant/approval holder must appeal to Caltrans or other applicable public agency. Upon submission of evidence that Caltrans or the other public agency has reissued its approval with respect to the route(s) previously denied or revoked; the applicant/approval holder may re-apply for route approval in accordance with the provisions herein. In such cases, the City Council may waive any or all requirements imposed herein and may immediately approve a route which it had formerly approved, subject to any and all conditions imposed by Caltrans and/or the City Council.

8.30.140 PROHIBITION AND PENALTIES

A. It shall be unlawful for any interstate truck to operate on any public street in the City which has not been approved as an interstate truck route, in accordance with the provisions of this article, except as otherwise provided by law.