



# **TRUCK ROUTE ENFORCEMENT AND REGULATIONS**

## LEGAL BASIS per the CALIFORNIA VEHICLE CODE

**Section 21101** allows the restriction of certain vehicles, by stating that, "Local authorities...may adopt rules and regulations by ordinance or resolution... (c) Prohibiting the use of particular highways by certain vehicles..." CVC Section 21104 further states "...an ordinance or resolution which is submitted to the Department of Transportation...in complete draft form for approval...is effective as to any state highway..."

**Section 35701** allows restriction of vehicles by stating that, "(a) Any city, or county for a residence district, may, by ordinance, prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit...(b) The ordinance shall not be effective until...signs are erected...(c) No ordinance...shall apply to any state highway...in the National System of Interstate and Defense Highways, except (that) approved by a two-thirds vote of the California Transportation Commission."

The following clarification to the rules restricting heavy trucks to "truck traffic routes" is provided in accordance with the settlement terms of *Devenceze v. City of Fremont, et al.* (N.D. Cal. C020046CRB). This case challenged the City's authority to designate truck routes and control the movement of trucks off of truck routes. The case was settled without a court deciding the merits of the plaintiff's challenge. The settlement terms require that the city allow limited travel by heavy trucks off of the truck route as described below. All other terms and provisions in the Fremont Municipal Code governing heavy truck traffic remain unchanged and in full force and effect.

**Heavy trucks (those over 10,000 lbs gross vehicle weight rating -GVWR) are required by FMC 10.05.380 to travel only on designated truck routes, and when making deliveries, pickups, or parking, to travel by direct route to the destination or place where the truck has a permit to park. The Police Department has interpreted the requirement to travel by "direct route" to require that trucks traveling to their first destination within the City travel to a point on a truck route that is nearest to the destination, and then from that point, by the most direct route over the restricted streets to the destination. Trucks were allowed to travel between destinations on restricted streets for up to one mile. If the distance between destinations was greater than one mile, the truck would have to return to the truck route by the most direct route, proceed on the truck route to the point nearest the next destination, and then travel to the destination from that point by the most direct route.**

**These rules are essentially NOT changed by the settlement terms.** Rather, the terms make clear that the "one mile rule" for travel between destinations also applies to destinations within one mile of a truck route. **Thus, a driver may depart from the truck route even if the chosen point of departure is not the closest point on a truck route to the destination, provided that the destination is within one mile of the point of departure off the truck route.** This avoids drivers having to follow excessively roundabout routes when traveling short distances (within one mile) from the truck route to the destination.

### **Rules Governing Heavy Trucks (greater than 10,000 lbs. GVWR) Traveling by Direct Route Off of Designated Truck Routes (FMC 10.05.380):**

1. For deliveries **more than one mile** off of the **nearest point** on the truck route, travel is permitted only by the most direct route to the destination.

2. For deliveries **one mile or less** from a driver's **chosen point of departure** from the truck route, travel is permitted by the most direct route from the chosen point of departure to the destination.

**Note:** This allows a driver to depart from the truck route even if the chosen point of departure is not the closest point on a truck route to the destination, provided that the destination is within one mile of the point of departure.

3. After delivery or pickup, travel is permitted by:
  - a. The most direct route back to the truck route, or
  - b. **If the next stop is one mile or less**, proceeding to the next stop by the most direct route that **does not cross two or more truck routes**.

Fremont Municipal Code:

**Sec. 10.05.370. Truck routes.**

In addition to state highways within the city, the following streets, or portions thereof, located within the city are hereby designated as "truck traffic routes" for the movement of vehicles exceeding a maximum weight limit of ten thousand pounds and the city manager is hereby authorized to designate such streets as "truck traffic routes" by appropriate signs.

**Sec. 10.05.380. Restriction of heavy trucks to "truck traffic routes."**

When appropriate signs are in place, designating the "truck traffic routes" set forth in section 10.05.370 of this Code, the operator of any vehicle exceeding a maximum gross limit of ten thousand pounds shall drive on such routes and none other, except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of ten thousand pounds coming from a "truck traffic route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or delivery of goods, wares and merchandise, from or to any building or structure located on such restricted streets, or 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 such restricted streets for which a building permit has previously been obtained therefore, or for parking such vehicle in a location for which a parking permit has been issued pursuant to section 10.05.400 of this Code.

(Ord. No. 70, § 1; Ord. No. 1085, § 2, 1-20-76.)

**Sec. 10.05.390. Inapplicability of truck routes to public utilities, school buses and pickup trucks.**

The provisions of sections 10.05.370 and 10.05.380 of this Code shall not apply to:

- (1) Passenger buses under the jurisdiction of the public utilities commission.
- (2) Any vehicle owned by a public utility which necessarily is in use in the construction, installation, or repair of any public utility.
- (3) School buses while carrying students to and from school.
- (4) Pickup trucks. For the purposes of this section a “pickup truck” shall mean a four-wheeled commercial motor vehicle commonly known as a “pickup truck”, equipped with a permanently affixed open-box body and with a manufacturer’s rated load capacity not exceeding one ton in weight.
- (5) Transfer, operator and contractor trucks, including trucks hauling recyclables, leaving and returning from the transfer station/materials recovery facility at Boyce Road.

(Sec. 1, Ord. 70; Sec. 6, Ord. 627; Ord. No. 27-2004, § 1, 9-14-04.)

**Sec. 10.05.400. Truck parking permits.**

The city manager may issue permits to vehicles subject to provisions of sections 10.05.370 and 10.05.380 of this Code to park such vehicles in locations off “Truck Routes” as specified in the permit, if he determines that the issuance of such a permit will not result in damage to any city street and will not permit the violation of any city ordinance or state law. The permit shall be issued for a specified vehicle and for a specified parking area, and shall be carried on the vehicle at all times. (Sec. 1, Ord. 70.)

## **Truck Routes and Permits**

[Transportation Permits](#) are needed to ensure oversized loads are routed properly through the City. Proper routing avoids accidents due to low underpasses, weight issues and other clearance issues. Oversized loads can also require pilot cars to ensure the public is aware of their presence.

Transporters must also choose their route using City approved truck routes when possible. The [truck route map](#) is attached to the Transportation Permit to assist in preparing your route. Trucks must stay on approved truck routes as much as possible to the nearest point of entry to the destination, but you must make sure the route is appropriate based on the dimensions and weight of the load. The transporter is responsible for verifying all clearances prior to making the actual trip.

Transportation Permits are issued for extra sized legal loads. The dimensions for legal loads that don't require a permit are 14' high or less, 8'6" wide or less and 40' long or less. Anything over these dimensions requires a Transportation Permit.

If you have questions regarding truck routes or transportation permits, please contact Transportation Engineering at (510) 494-4745. Office hours are 8:00 am - 5:00 pm, Monday - Friday (except holidays).

### **F.A.Q.s**

1. *Is Automall Pkwy, between I-680 and I-880 a truck route?*

No. Automall Pkwy is restricted to trucks over 5 tons (10,000 lbs.) GVWR. Truck drivers commonly use Automall Pkwy to transition between I-680 and I-880. Violators are subject to a citation.

2. *What is the proper truck route to transition between I-680 and I-880 without driving thru Automall Pkwy?*

I-680/Mission Bl/Warm Springs Bl Exit, I-680/Mission Bl north Exit to Stevenson Bl, I-880/Mission Bl/Warm Springs Bl (SR262) Exit, I-880/Stevenson Bl Exit to Mission Bl south or thru Niles Canyon Rd (SR84).

3. *My GPS device or my company told me to go this way and I didn't know it's not a truck route. I also didn't see the truck route signs. I have been going this way for years. Why am I getting a citation?*

It is ultimately the driver's responsibility to be aware of designated or restricted truck routes. Most GPS devices do not automatically display restricted truck routes within a city. Pay close attention to restricted truck route signs on the freeway and on city streets. PRE-PLAN YOUR TRIP.

4. *I work for a local company or business within the city. Am I exempt from truck route regulations?*

No. The same rules apply for all local commercial trucks, except as stated in FMC 10.05.390.

5. *I have a State permit for an over-sized load. Do I also need a City of Fremont permit?*

Yes. A State over-sized load permit alone is not enough to drive thru City of Fremont streets.

6. *Can I divert away from a truck route for **personal reasons** (eat, visit a friend, sleep, restroom break, heavy traffic, etc.)?*

No. Drivers violating truck routes for personal reasons are subject to a citation.

**Any additional information may also be obtained by calling the Traffic Unit's Commercial Vehicle Enforcement line at (510) 790-6771 or thru the City of Fremont's Transportation Engineering Department website at [www.fremont.gov](http://www.fremont.gov) .**