

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK
OAKLAND

2004 DEC -1 PM 3: 04

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Police Department
DATE: December 14, 2004

RE: **A Report and Proposed Resolution Authorizing the City Administrator to Designate Revenue Received Annually from the Issuance of "Extra Legal Load Transportation Permits" to Offset Direct and Indirect Program Costs**

SUMMARY

The proposed resolution authorizes the City Administrator to designate revenues generated from the issuance of "Extra Legal Load Transportation Permits," for certain vehicles traveling within the City of Oakland, approximately \$31,501 annually, to offset direct and indirect program costs,. It also proposes that all program-related expenditures will be charged against the revenues generated through fees collected by the program. The program is intended to be cost-covered, with no general fund support.

BACKGROUND

In September of 2001, the City of Oakland discovered it was one of only three cities in the State of California not charging a fee for the issuance of "Extra Legal Load Permits." Issuance of these permits, over 2,900 per year, required one of the three officers assigned to the Commercial Vehicle Detail remain in the office from 7:00 a.m. – 3:00 p.m. week days to complete the paperwork involved.

In October of 2001, the Police Department prepared an Agenda Report, with two companion ordinances, recommending the City Council adopt one ordinance to amend the Oakland Municipal Code, adding Chapter 10.53 – "Extra Legal Load Transportation Permits," to govern certain vehicle loads traveling within the City of Oakland and adopt the second ordinance to amend Ordinance No. 9336 C.M.S. (Master Fee Schedule) to establish the permit fees to be assessed by the Police Department. The ordinances (Ordinance No. 12373 and 12374 C.M.S., respectively) were unanimously adopted by the City Council on November 13, 2001. However, a provision in the ordinance designated that (emphasis added):

"The estimated General Purpose Fund Revenue in the Adopted Budget for FY 2001-03 shall be increased by \$56,702 and said revenues shall be appropriated to Police Department Fund No. 1010, Organization No. 104825 (Commercial Vehicle Unit) to offset program operating costs."

Since July 1, 2003, the monies collected from Extra Legal Load Permits have been remitted to the City's General Purpose Fund.

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FISCAL IMPACT

California Vehicle Code Section 35795 (b) states: "Local authorities may charge a fee for the issuance of permits pursuant to this article. However, the fee established by a local authority pursuant to this section shall be established by ordinance or resolution adopted after notice and hearing." The fees, set by the CA Department of Transportation, are:

- Single Trip Permit, \$16, from a single origin, to a single destination, one direction of travel.
- Annual Permit, \$90 per year, available for certain envelope loads or specific vehicles on specified highways.

Tri-Axel vehicle permit fees (good for 3 months) of \$75 were part of the Master Fee Schedule prior to enactment of the Extra Legal Load Permit Program.

| Permit Type / Cost | MFS Section | FY 01-03 Totals | Revenue |
|-----------------------------|-------------|-----------------------------------|------------------|
| Annual @ \$90 | AQ 1 | 205 | \$ 18,450 |
| Single trip @ \$16 | AQ 2 | 2,447 | \$ 39,152 |
| Tri-axel @ \$75 | AD | 72 | \$ 5,400 |
| 2- Fiscal Year TOTAL | | 2,724 | \$ 63,002 |
| | | Anticipated Annual Revenue | \$ 31,501 |

The revenue received from the above permits shall be deposited to the Police Department General Fund (1010), Traffic Operations Section's organization number 105640, program PS14, project P208110. The Traffic Operations Section commander is responsible for the administration of the program.

The funding for this program is already listed as a line item in the current operating budget of the Police Department. This resolution only serves to reinstitute the Police Department's authority under the current and future budgets to expend revenue received to sustain the program. All revenues generated by the program will be used to offset direct and indirect program costs. The program is intended to be cost-covered, with no general fund support.

KEY ISSUES AND IMPACTS

The program funded by the "Extra Legal Load Permit" fees operates on an overtime basis, whereby officers review, bill, and audit the permit companies who are authorized by the Police Department to issue the permits. This program frees officers from the time consuming task of issuing permits, filing them, and answering numerous telephone requests for said permits.

The City of Oakland and its citizens have benefited from the adoption of the "Extra Legal Load Ordinance" in several ways. Since the inception of the program, the Commercial Detail has increased their physical presence in and around the Port of Oakland and on City streets. The

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Commercial Detail personnel were also able to participate in several after-hour taskforce operations with allied agencies within the Port, e.g., U.S. Customs, the U.S. Coast Guard, the California Highway Patrol, and the Environmental Protection Agency (EPA).

“Extra Legal Load Permit” revenues covered the training costs for assigned officers to receive specialized instruction at the California Highway Patrol Commercial Enforcement School, attend special collision investigation training, and receive basic port-related Homeland Security training. These training opportunities broadened the officers’ knowledge of commercial trucking hazards and mitigations, creating a safer environment within the City and the Port. The revenues also covered the costs to update the equipment and computers used in the enforcement of commercial regulations.

In the absence of this designated revenue source, the Commercial Detail will find it necessary to reassign one of the two officers to the office during their regular shift to take care of the paper work - - or the Department will be forced to discontinue the review, filing and billing of permit companies. This would mean the loss of revenue funds and be a disservice to the citizens of Oakland - - especially those who live in the area of the Port and mixed use neighborhoods frequented by commercial vehicle traffic.

PROGRAM DESCRIPTION

The OPD Traffic Operation Section’s Commercial Vehicle Detail is responsible for the regulation and enforcement of commercial trucking on surface streets within city limits and within the boundaries of the Port of Oakland. The Detail’s duties include special routing of oversized loads, inspection of commercial trucks, issuance of port overweight permits, conducting extra legal load escorts, enforcing commercial truck parking regulations, monitoring hazardous material movements within the city, and enforcing federal, state and local laws pertaining to commercial trucking.

The Department of Transportation allows for the collection of fees for the issuance of “Extra Legal Load Permits”. Per California Vehicle Code 35975(b), the fees collected *“shall be calculated to produce a total estimated revenue that is not more than the estimated total cost incurred by the local authority (i.e., Police Department) in administering its authority under this article and shall not exceed the fee developed by the Department of Transportation.”*

The fees received from the program cover the cost of the program as well as providing funds for specialized training related to commercial vehicle enforcement and investigations. Since the operations of the program were cost-covering, and the Department did not register the “sunset” language of the original legislation, no general fund money was requested during the last budget deliberations.

SUSTAINABLE OPPORTUNITIES

Economic - No economic opportunities have been identified.

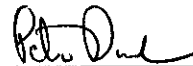
Environmental - Increased commercial traffic enforcement ensures that trucks and other large vehicles that traverse Oakland's thoroughfares are in compliance with City and State codes, including emission controls and the transportation of hazardous materials.

Social Equity - Commercial Vehicle Detail personnel work to improve the quality of life for the residential communities that share mixed-use neighborhoods with commercial / business enterprises by addressing the problems associated with commercial vehicle traffic. Funding from the permit process ensures that the assigned officers are well equipped, well trained, and working in the neighborhoods most affected by commercial truck traffic.

RECOMMENDATION

Accept this report and adopt the resolution designating the revenues received from the Extra Legal Load Permit Program be used to cover the costs associated with the program.

Respectfully submitted,



Peter W. Dunbar
Deputy Chief of Police
Bureau of Field Operations

Prepared by: Lt. David Kozicki
Traffic Section Bureau of Field Operations
& W. R. Uber, Admin & Tech Division
Bureau of Services

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

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OAKLAND CITY COUNCIL



City Attorney

RESOLUTION NO. _____

OFFICE OF THE CITY CLERK
OAKLAND

C.M.S.

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RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO DESIGNATE THE REVENUE RECEIVED ANNUALLY FROM THE ISSUANCE OF "EXTRA LEGAL LOAD TRANSPORTATION PERMITS" TO OFFSET DIRECT AND INDIRECT PROGRAM COSTS.

WHEREAS, the transportation of extra legal loads through the City of Oakland creates increased regulatory and enforcement work for the Police Department's Traffic Section; and

WHEREAS, existing state law in the California Vehicle Code (CVC) authorizes the Police Department to issue permits to carriers of extra-legal loads; and

WHEREAS, California Vehicle Code Section 35975(b) authorizes the assessment of fees to cover costs incurred for the issuance of permits; and

WHEREAS, the powers granted to the City by Article 6 of Chapter 5, Division 15 of the State of California Vehicle Code, pertaining to the issuance of special permits for loads exceeding the maximum sizes and/or weights, and for administering the rules and regulations pertaining thereto, are hereby delegated to the Chief of Police; and

WHEREAS, the Police Department incurs certain costs with the issuance of permits and administration of the program; and

WHEREAS, the revenues generated by the program will be used to offset program costs, direct and indirect; and

WHEREAS, the program is intended to be cost covered, with no general fund support; and

WHEREAS, commercial enforcement officers assigned to the Police Department Traffic Section's Commercial Vehicle Detail are assigned to field duties and require special training and equipment for the administration of this program and the enforcement of laws applicable to violators; now, therefore be it

RESOLVED: Revenues from the extra-legal load permit fees shall be deposited in the Police Department General Fund (1010), in the Traffic Operation's organization number 105640, in program PS14, in project P208110.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California