SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104

Legislation Details (With Text)

File #:	CB 118366	**Version:**	1	**Name:**	CB 118366
Type:	Ordinance (Ord)			**Status:**	Passed
				In control:	City Clerk
On agenda:	10/19/2015				
Final Action:	10/30/2015			**Ord. No.**	Ord 124890

Title: An ORDINANCE related to special permits for the limited movement of vehicles carrying sealed ocean-going containers in excess of the legal weight limits; adopting a new chapter 11.61 to the Seattle Municipal Code establishing such a special permit system; authorizing the Department of Transportation to execute agreements with the Port of Seattle to accept funds; creating a Commercial Vehicle Enforcement Officer position to monitor and enforce the heavy haul network and ratifying and confirming certain prior acts.

Sponsors: Tom Rasmussen

Indexes:

Attachments: 1. Att 1 - Memorandum of Understanding v2, 2. Att 1 - Memorandum of Understanding v1, 3. Divided Report, 4. Summary and Fiscal Note, 5. Summary Att A: Proposed Heavy Haul Network v2, 6. Summary Att A: Proposed Heavy Haul Network v1, 7. Executive Heavy Haul Memo, 8. Executive Heavy Haul FAQ, 9. Central Staff Heavy Haul Memo, 10. Proposed Substitute Att 1 - Memorandum of Understanding (v2), 11. Proposed Substitute Summary Att A: Proposed Heavy Haul Network (v2), 12. Signed Ord 124890

Date	Ver.	Action By	Action	Result
10/30/2015	1	City Clerk	attested by City Clerk	
10/30/2015	1	Mayor	returned	
10/30/2015	1	Mayor	Signed	
10/20/2015	1	City Clerk	submitted for Mayor's signature	
10/19/2015	1	City Council	passed	Pass
9/22/2015	1	Transportation Committee	pass as amended	Pass
9/21/2015	1	City Council	referred	
3/25/2015	1	Council President's Office	sent for review	
3/23/2015	1	City Clerk	sent for review	
3/20/2015	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

An ORDINANCE related to special permits for the limited movement of vehicles carrying sealed ocean-going containers in excess of the legal weight limits; adopting a new chapter 11.61 to the Seattle Municipal Code establishing such a special permit system; authorizing the Department of Transportation to execute agreements with the Port of Seattle to accept funds; creating a Commercial Vehicle Enforcement Officer position to monitor and enforce the heavy haul network and ratifying and

confirming certain prior acts.

WHEREAS, import containers that are shipped by rail from the Port of Seattle can exceed weight limits allowed on state highways and local streets; and

WHEREAS, the Port of Seattle is served by two intermodal rail hubs-the Burlington Northern's Railway's SIG (Seattle International Gateway) and Union Pacific's Argo Yard-that require containers to be trucked (drayed) on local streets from the Port's marine terminals; and

WHEREAS, local transload businesses that reconsolidate container loads may also receive heavy import containers that must be trucked from the marine or rail terminals; and

WHEREAS, to address this conflict, other West Coast ports, including Los Angeles, Long Beach and Tacoma, have created heavy haul networks to move cargo over short distances at low speeds within their harbor areas on standard marine chassis; and

WHEREAS, Seattle's existing load limits put the Port of Seattle at a competitive disadvantage with other West Coast ports; and

WHEREAS, Chapter 46.44 of the Revised Code of Washington authorizes the City to issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a load exceeding the maximum weight upon City streets; and

WHEREAS, a heavy haul network will create a better working environment for truck owners and shippers by enabling them to compete more effectively for cargo by reducing costs and expediting the movement of goods, without compromising safety; and

WHEREAS, shippers, truck owner-operators, trucking companies, railroads and the Port of Seattle ("Port") have an interest in increasing cargo volumes through the city and are requesting the establishment of a heavy haul network linking marine terminals to local railheads and nearby transshipment facilities; and

WHEREAS, the City of Seattle ("City"), Port, and State have made significant investments to maintain and improve access to and from the marine port with new bridges and road connections; and

WHEREAS, the City supports the Port's efforts to enhance its competiveness in international and national trade; and

WHEREAS, the City wants to implement transportation related measures that will enhance the economy and support living wage jobs; and

WHEREAS, implementing a heavy haul network will require changes to the Seattle Municipal Code;

WHEREAS, implementing a heavy haul network will require an enforcement officer to monitor the network and ensure the safety for all roadway users;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 11.61 HEAVY HAUL INDUSTRIAL NETWORK is added to the Seattle Municipal Code as follows.

Chapter 11.61

HEAVY HAUL INDUSTRIAL NETWORK

Sections:

11.61.010 Purpose

11.61.020 Defined terms

11.61.030 Heavy Haul Network Routes

11.61.040 Special Permits - Application

11.61.050 Special Permits - Requirements

11.61.060 Special Permit to Be Carried

11.61.070 Containers to be Sealed

11.61.080 Certification of Container Chassis

11.61.090 Fees

11.61.100 Enforcement Procedures - Penalties - Rules

11.61.110 Confiscation and Revocation of Special Permit - Hearing

11.61.010 Purpose.

The purpose of this chapter is to authorize issuance of special permits for movement and operation of vehicles in excess of the legal weight limits within the heavy haul industrial network in such circumstances wherein the load is a sealed ocean-going container and an applicant can show good cause for such movements as provided in Chapter 11.61 of the Seattle Municipal Code.

11.61.020 Defined terms.

For purposes of Chapter 11.61, the terms and phrases shall have the following meaning: "City street" or “street” means every highway, or part thereof located within the corporate limits of Seattle, except alleys. (RCW 46.04.120)

“Container Chassis” means a semitrailer of skeleton construction limited to a bottom frame, one or more axles, specially built and fitted with locking devices for the transport of cargo containers, so that when the container chassis and container are assembled, the units serve the same function as an over-the-road trailer.

“Director” means the Director of the Seattle Department of Transportation or successor department or his or her designee.

“Heavy Haul Network” means such sections of city streets as provided in SMC 11.61.030.

“Permittee” means any company or person to whom a special permit is issued.

“Sealed Ocean-Going Container” means a fully enclosed and sealed reusable cargo-carrying unit, equipment, or receptacle-carrying cargo of many types for continuous transportation and designed to be unitized or otherwise packed or stowed for transportation in or on an ocean-going vessel.

“Special Permit” means a special permit issued pursuant to Chapter 11.61 for operation or movement upon

public streets within the heavy haul network of a combination of truck tractor and container chassis of a weight up to the amount allowed by state law under special permit.

"Transload Facility" means a consolidation and distribution point for outbound and inbound commodities.

11.61.030 Heavy Haul Network Routes

The heavy haul network routes are set forth in the table below.

Street	From	To
South Atlantic Street	Alaskan Way South	1st Avenue South
Colorado Avenue South	South Atlantic Street	South Massachusetts Street
South Massachusetts Street	Colorado Avenue South	1st Avenue South
1st Avenue South	South Atlantic Street	South Holgate Street
Alaskan Way South	South Atlantic Street	South Holgate Street
East Marginal Way South	South Holgate Street	Diagonal Avenue South
South Holgate Street	1st Avenue South	6th Avenue South
6th Avenue South	South Massachusetts Street	South Holgate Street
South Hanford Street	East Marginal Way South	Occidental Avenue South
1st Avenue South	South Hanford Street	South Spokane Street
Occidental Avenue South	South Hanford Street	South Horton Street
South Horton Street	1st Avenue South	3rd Avenue South
13th Avenue SW	SW Florida Street	North to street end
SW Florida Street	16th Avenue SW	11th Avenue SW
11th Avenue SW	SW Florida Street	SW Lander Street
16th Avenue SW	SW Florida Street	Klickitat Avenue SW
Klickitat East Roadway Avenue SW	16th Avenue SW	13th Avenue SW
Klickitat West Roadway Avenue SW	16th Avenue SW	13th Avenue SW
SW Spokane North Roadway Street	13th Avenue SW	SW Spokane Street
SW Klickitat South Roadway Way	13th Avenue SW	SW Spokane Street
South Spokane Street Ramp	East Marginal Way South	South Spokane Street

West Marginal Way SW	26th Avenue SW	SW Spokane Street
SW Spokane Street	Chelan Avenue SW	East Marginal Way South
South Spokane SR Street	South Spokane Street	East Marginal Way South
Spokane Duwamish Bridge RP	South Spokane Street	Duwamish Avenue South Bridge
Duwamish Avenue South Bridge	Spokane Duwamish Bridge RP	East Marginal Way South
Diagonal Avenue South	East Marginal Way South	South Oregon Street
South Oregon Street	Diagonal Avenue South	Denver Avenue South
Denver Avenue South	South Oregon Street	Utah Avenue South
South Spokane Street	East Marginal Way South	Airport Way South
Airport Way South	South Spokane Street	South Edmunds Street
South Edmunds Street	Airport Way South	7th Avenue South

11.61.040 Special Permits - Application

A. Who May Apply. The owner or operator of a transload facility or authorized agent on behalf of such owner or operator may apply for a special permit. A trucking company which owns or leases trucks which serves the Port of Seattle may apply for a special permit. An owner-operator of a truck which serves the Port of Seattle may apply for a special permit.

B. Forms. Application shall be made in writing on forms provided by the Director. Special permit applications may be obtained from the Seattle Department of Transportation Traffic Permits Counter and at such other locations established by the Director. No special permit application shall be accepted unless made using such forms and completed in full.

C. Term. The special permit shall have a term of one year from the date of issuance unless sooner revoked.

D. Assignment. The special permit when issued to the permittee shall be assigned to the truck tractor described in the application and to which the special permit refers. The special permit shall not be assignable to another truck tractor except as provided herein. A special permit may be assigned to another truck tractor for the remainder of the term of the special permit only upon the following: (a) if a complete application is submitted

to the Department for such assignment, (b) the Director finds good cause for such assignment, (c) a replacement special permit is issued by the Director, and (d) payment is made for a replacement special permit.

11.61.050 Special Permits - Requirements

The Director may issue a special permit when the Director has determined that all of the following requirements have been met:

A. General Requirements.

1. The applicant has submitted a complete application to the Director on a form approved by the Director;

2. The applicant affirms the container chassis loads will be limited to sealed ocean-going containers;

3. The truck tractor to be permitted (the "permitted truck tractor") has been thoroughly described and identified;

4. The applicant has shown proof of seven hundred fifty thousand dollars liability insurance for the cost of any accident, damage, or injury to any person or property resulting from the operation of the truck tractor and container chassis combination of vehicles covered by the special permit upon the public highways: Provided, that a noncommercial operator shall have at least three hundred thousand dollars liability insurance;

5. The truck tractor has undergone a Commercial Vehicle Safety Alliance (CVSA) inspection within the last six months, displays a current CVSA decal, and the Director is satisfied that, at the time of issuance of the special permit, the truck tractor meets the CVSA safety requirements; provided that, for purpose of issuance of the special permit, the Director may rely upon proof of CVSA inspection that the truck tractor meets the CVSA safety requirements; and further that through the permit the applicant affirms the truck tractor will undergo a second CVSA inspection within six months of permit issuance;

6. Through application for a heavy haul permit, the applicant acknowledges and affirms that:

a. The truck tractor and container chassis combination of vehicles is properly licensed to make the proposed moves and carry sealed ocean-going container loads, in accordance with the provisions of Washington state

law;

b. All operators of the truck tractor for which the special permit is issued are and will be properly licensed to operate during the 1-year permit period in the manner proposed in the special permit;

c. Each container chassis will be loaded only with sealed ocean-going containers;

d. The applicant will comply with all applicable laws, rules and regulations pertaining to the issuance of any special permit;

e. The applicant will maintain a current CVSA certification for the permitted truck tractor and a current certification for each container chassis used in combination therewith, for each movement made under the special permit;

f. That the operator or driver of the permitted truck tractor will be, at all times when moving a load within the heavy haul network, an agent of the applicant or the applicant themselves and authorized to accept service of a citation on behalf of the applicant for any violations of this Chapter or the provisions of Title 11 of the Seattle Municipal Code of the City;

g. The special permit is granted with the specific understanding that the applicant, or truck tractor owner, lessor, or operator, shall be responsible and liable for accidents, damage or injury to any person or property resulting from the operation of the permitted truck tractor and container chassis combination carrying over legal weight loads within and upon the heavy haul network and the applicant shall hold harmless and shall indemnify the City of Seattle, its officers (elected or appointed), agents and employees against any and all claims, demands, loss, injury, damage, actions and costs of actions whatsoever, which any of them may have sustained by reason of unlawful acts, conduct or operations of the applicant or operator of the permitted truck tractor in connection with such operations; and

h. That the agent filing the application on behalf of the applicant has the authority and is authorized to bind the applicant to the terms and conditions of the special permit.

B. Minimum Axle Requirements. To obtain the special permit, the truck tractor and container chassis

combination of vehicles shall have a minimum of two consecutive sets of tandem axles with a minimum overall distance between the first and last axles of such consecutive sets of tandem axles of thirty-six feet; provided further that the truck tractor's steering axle shall not exceed 600 pounds per inch of tire width, as determined by the tire manufacturer's sidewall markings.

C. Maximum Gross Loads for Combinations. To obtain the special permit, the maximum gross load for the permitted truck tractor and container chassis combination of vehicles shall be as follows:

1. A truck tractor and container chassis combination of vehicles meeting the minimum axle requirements as provided in Section 11.61.050.B herein shall be authorized to carry a gross load of forty thousand pounds on the container chassis tandem axles and forty-three thousand pounds on the truck tractor drive tandem axles;

2. A truck tractor and container chassis combination of vehicles with five axles shall not exceed a gross load of ninety-eight thousand pounds;

3. The maximum gross load weight limit for truck tractors equipped with a drop axle ahead of the tandem drive axles shall be the greater of 43,000 pounds or the maximum gross load weight limits established pursuant to RCW 46.44.041 as now or hereafter amended; and

4. In no circumstances shall any gross load exceed the manufacturer's equipment weight limits as displayed by the manufacturer on the equipment, including without limitation, the truck tractor, the container chassis and the tires.

D. Exception to weight limits. Obtaining a special heavy haul route network special permit authorized under Chapter 11.61 serves as an exception to the weight limits set forth in Sections 11.60.340 and 11.60.370.

11.61.060 Special Permit to Be Carried.

The original special permit or a copy therefor shall be carried in the truck tractor to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of the City.

11.61.070 Containers to be Sealed.

All sealed ocean-going containers shall be accompanied with shipping papers carried in the truck tractor showing origin, destination and commodity contained within the sealed ocean-going container. The seal shall be unbroken and affixed with a seal number matching the seal number for the shipping papers.

11.61.080 Certification of Container Chassis.

The container chassis being moved or operated in combination with the permitted truck tractor under a special permit shall be certified by the Federal Highway Administration and shall display such current certification at the time of movement or operation of the truck tractor and container chassis combination of vehicles.

11.61.090 Fees.

A. All fees obtained pursuant to Chapter 11.61 shall be deposited in the Transportation Operating Fund and shall be subject to appropriation for expenditures related to the public costs associated with the activities authorized hereby including, the cost of administration, inspection, and policing of such activities.

B. The following special permit fees shall be paid:

1. Annual special permit: $200.00

2. Renewal of a special permit: $200.00

3. Replacement special permit: $25.00

C. All fees shall be due and owing at the time the Director approves the issuance of the special permit. No special permit or renewal shall be issued or valid except upon receipt of payment of the fee in full.

11.61.100 Enforcement Procedures - Penalties - Rules.

A. Violation. In addition to any other penalties that may be imposed under City ordinance for violation of over legal weight limits, it shall be a traffic infraction for any of the following:

(i) for any person to move or operate or cause to be moved or operated, a permitted truck tractor and container chassis combination of vehicles within the heavy haul industrial network in violation of a term or condition of the special permit;

(ii) for any person to direct the loading of a permitted truck tractor and container chassis combination of vehicles with knowledge that it violates the requirements of this Chapter or the special permit and that such combination of vehicles is to be operated within the heavy haul industrial network. For purposes of this Section, knowledge shall mean to know of a fact, action or condition that violates a term or condition of the special permit or this Chapter. A person knows a fact, action or condition in circumstances in which a reasonable person in the same position would have such knowledge; or

(iii) for any person to move a truck tractor container chassis combination of vehicles within the heavy haul network that is in excess of the over legal weight permits unless such person is fully in compliance with the special permit.

B. The penalties imposed pursuant to Section 11.61.090 shall be in addition to any penalties that may be imposed for violation of the over legal weight provisions under city ordinance.

11.61.100 Confiscation and Revocation of Special Permit.

1. Confiscation. Any commercial vehicle enforcement officer or other law enforcement officer who finds any person operating or moving a permitted truck tractor and container chassis combination of vehicles in violation of the conditions of the special permit issued therefore may confiscate the special permit and forward it to the Director who may return it to the permittee or, for good cause, revoke or suspend it without refund.

2. Revocation or Suspension. The Director may revoke or suspend a special permit for good cause. Good cause includes but is not limited to violation of the requirements or conditions of a special permit.

3. Eligibility upon Revocation. If a special permit is revoked by the Director, the truck tractor covered by the permit is not eligible for issuance of a special permit for a period of thirty days after the date of revocation.

4. Hearing. Any permittee whose special permit is suspended or revoked may, upon request made in writing within five days of the action taken, receive a hearing before the Director or their designee to determine if such action was arbitrary and capricious. Upon filing of the hearing request with the Director and until a further order is issued by the Director, such suspension or revocation shall be stayed. After the hearing, the Director or their designee may affirm the previous action taken, reinstate any special permit, or revise the previous action taken.

Section 2. This ordinance authorizes the creation of one full-time equivalent position at the title of Commercial Vehicle Enforcement Officer, which is not exempt from Civil Service and Public Safety Civil Service rules and laws, to monitor and enforce the heavy haul network.

Item	Department	Position Title	Position Status	Positions
2.1	Department of Transportation (SDOT)	Commercial Vehicle Enforcement Officer	Full-time	1.0

Section 3. The Director of Seattle Department of Transportation is hereby authorized to execute an agreement with the Port of Seattle, substantively in the form of Attachment 1; and to accept up to $20,250,000 in revenue on behalf of the City of Seattle from the Port of Seattle for costs and expenses to be incurred by the City to fund portions of the heavy haul network program not covered by permit fees and capital infrastructure necessitated by the heavy haul network program. The funds when received shall be deposited into the Transportation Operating Fund and will be used to reimburse the City for program costs and expenses incurred.

Section 4. Any act consistent with the authority of this ordinance after its passage and prior to its effective date is ratified and confirmed.

Section 5. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2015, and signed by me in open session in authentication of its passage this

_____ day of _____, 2015.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2015.

_____

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Memorandum of Understanding for Intergovernmental Cooperation Between the Port of Seattle and the City of Seattle for Future Roadway Repair and Roadway Construction Projects Located Within Seattle's Heavy Haul Network

powered by Legistar™