



Corporate Report

NO: R054

COUNCIL DATE: March 27, 2006

REGULAR COUNCIL

TO: Mayor & Council DATE: March 24, 2006
FROM: General Manager, Engineering FILE: 3900-20 (13007)
4520-50
SUBJECT: Amendments to the Fine Schedule and Schedule of Fees for Oversize and
Overweight Vehicles, Surrey Highway and Traffic By-law No. 13007

RECOMMENDATIONS

It is recommended that Council:

1. Approve amendments to Surrey Highway and Traffic By-law, 1997, No. 13007, which will act to increase the fines for non-permit operations of oversize and overweight vehicles or loads, increase the cost of permits and allow for an additional class of oversize permit for vehicles wider than 3.20 m up to a maximum width of 3.80m. (By-law amendments are shown in Appendix 1.)
2. Authorize the City Clerk to bring forward the necessary Amendment By-law for the required readings.

INTENT

The purpose of this report is to obtain Council approval to increase the fines for non-permit travel of oversize commercial vehicles on Surrey roads, such that the fines will, as intended, act as a deterrent, and for the creation of a new oversize permit for vehicles wider than 3.20 m up to a width of 3.80 m allied with increases in permit fees. It is also proposed to increase the fines and permit fees for overweight vehicles to ensure consistency between both classes of vehicles.

BACKGROUND

It has come to the attention of Engineering staff via Surrey Commercial Vehicle Regulations Enforcement personnel that the current schedule of fines for non-permitted operation of oversize commercial vehicles is not acting as a sufficient deterrent.

Operators who are consistently transporting oversize loads consider the fine, on the few occasions when imposed, a “cost of business” which is less than the cost of the required permits. The last increase in fines was approved by Council in 2003.

DISCUSSION

Roadways are designed for certain maximum “legal” size limits. It is recognized that at times it is necessary to transport commodities having greater size than these stipulated maximums. Oversize loads can cause disruption to general traffic and increase road user costs through delay. Consequently, the routing of oversize vehicles is regulated via permits. These are issued by the City for a fee. Permit fee revenues can partially offset increased road costs while fine revenues only offset the cost of enforcement. The objective of the fine schedule and of enforcement is to act as a deterrent against non-compliance. To be an effective deterrent, the fines must be sufficiently high.

The current By-Law allows different permits (daily, books of 10, or annual) to be purchased for oversize vehicles up to 3.20m. No permits are available for oversize vehicles wider than 3.20 m up to a maximum width of 3.80 m. City staff are aware that such vehicles do use City roads, and it is therefore considered that this “class” of vehicle should be identified within the By-Law to allow proper management and enforcement of the activities of businesses, with a permit fee reflecting the greater road costs and disruption to road users. Such a permit would bring Surrey into line with permits available from the Ministry of Public Safety and Solicitor General for Ministry administered roads. To allow for consistency between oversized and overweight vehicles, it is proposed to increase the base level fines for overweight vehicles, whilst at the same time, adjusting the banding of fines relative to the amount of excess weight.

The By-law is also being amended to give the option for overload tickets to be issued against the loader or other agent requiring the driver to accept the overweight load.

Details of the wording proposed for the By-law are shown in Appendix 1. The schedules of fines and permit fees are as follows:

Fine Schedule

Section No.	Description	Existing		Proposed	
		Fine Paid Before 7 Days	Fine After 7 Days	Fine Paid Before 7 Days	Fine After 7 Days
83(3)	Fail to comply with regulations				
-	No oversize permit		\$150.00		\$200.00
-	Contrary to oversize permit		\$150.00		\$200.00
-	No overload permit		\$150.00		\$200.00
-	Contrary to overload permit		\$150.00		\$200.00
-	Misuse of oversize or overload permit		\$150.00		\$200.00
-	Contrary to axles permit		\$150.00		\$200.00

APPENDIX 1

PART VII - HIGHWAY USE REGULATIONS – HEAVY TRUCKS – COMMERCIAL VEHICLES SIZE, WEIGHT & LOADING RESTRICTIONS

Revised Section 91. (1): No person shall:

- (a) Drive a vehicle on a highway
- (b) Suffer or allow or require another person to drive a vehicle on a highway
- (c) Load a vehicle to drive on a highway; or
- (d) Suffer or allow or require another person to load a vehicle to drive on a highway if:
 - (a) (i) the gross vehicle weight of the commercial vehicle exceeds its licensed gross vehicle weight;
 - (b) (i) the weight of an axle, group of axles or axle unit exceeds the weight permitted by the regulations;
 - (c) (i) the dimensions of the commercial vehicle do not conform to the regulations:
 - (i) with load included; and
 - (ii) without load
 - (d) (i) the distances between the axles, group of axles or axle units do not conform to the regulations.

Revised Section 91(2): A person who contravenes a provision of this Section commits an offence, and is liable, on summary conviction:

- (a) for a contravention under subsection (1)(c)(i) or (d)(i) (oversize vehicle or load) a fine of not less than \$200.00, and not more than \$500.00.
- (b) for a contravention under subsection (1)(a)(i) or (b)(i) (overweight vehicle or load) or for a contravention under Subsection 83(3) for overweight on a towing dolly, a fine of \$200.00 plus:
 - (i) \$10.00 for each 100 kilograms or part thereof, up to 3,000 kilograms;
 - (ii) \$20.00 for each 100 kilograms or part thereof, from 3001 kilograms up to 5000 kilograms
 - (iii) \$50.00 for each 100 kilograms or part thereof , greater than 5000 kgs;
of the gross weight in excess of that allowed by the regulations or permit.
- (c) Every contravention of this section constitutes a separate and distinct offence.

SCHEDULE A

Fine Schedule

Section No.	Description	Fine Paid Before 7 Days	Fine After 7 Days
83(3)	Fail to comply with regulations		
-	No oversize permit		\$200.00
-	Contrary to oversize permit		\$200.00
-	No overload permit		\$200.00
-	Contrary to overload permit		\$200.00
-	Misuse of oversize or overload permit		\$200.00
-	Contrary to axles permit		\$200.00

SCHEDULE B

(Use Requiring Permits – Schedule of Fees)

Proposed

Overweight – single trip less than 10%	\$ 35
greater than 10%	\$ 40
Oversize Permit – single trip	\$ 35
Oversize Permit – book of 10	\$250
Annual Permit (up to 3.20 m wide)	\$150
Annual Permit (>3.20 m up to 3.80 m wide)	\$350
Annual Overload Permit	\$150