

URGENCY ORDINANCE NO. MC-1635

AN URGENCY ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, AMENDING SECTION 10.24.190 OF THE CITY OF SAN BERNARDINO MUNICIPAL CODE TO RESTRICT COMMERCIAL VEHICLES WITH A GROSS VEHICLE WEIGHT RATING EXCEEDING 30,000 POUNDS ON CERTAIN SEGMENTS OF CITY ROADS, SPECIFICALLY UNIVERSITY PARKWAY (STATE STREET) FROM THE EASTERN OFF RAMP OF INTERSTATE 210 TO BASELINE ROAD; AND PEPPER AVENUE FROM NINTH STREET TO RANDALL AVENUE

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of San Bernardino has the police power to make and enforce ordinances to regulate the use of land within its jurisdictional boundaries, to the extent that such regulations are not in conflict with the general laws of the State of California; and

WHEREAS, pursuant to California Vehicle Code Section 35701, any city may by ordinance prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit; and

WHEREAS, the City Council observes that inter-city truck traffic on City of San Bernardino streets has substantially increased, causing congestion and safety concerns for residents that affect quality of life and threaten the economic viability of recent commercial development; and

WHEREAS, Policy 6.5.1 of the Circulation Element of the General Plan of the City of San Bernardino requires that the City take action to minimize the impacts of commercial trucking on local traffic and neighborhoods; and

WHEREAS, the street segments of Pepper Avenue from Ninth Street to Randall Avenue are predominantly residential neighborhoods, and are adjacent to Rialto High School and Jehue Middle School which increases the risk of pedestrian, bicycle and vehicle interactions with commercial trucking; and

WHEREAS, the street segment of University Parkway (State Street) from the eastern off ramp of Interstate 210 to Baseline Road is a residential neighborhood; and

WHEREAS, inadequate control of truck traffic on local streets causes congestion inconsistent with the best economic interests of the community, decreases the City's ability to regulate traffic in a manner consistent with protection of the public, and may adversely impact particulate emissions and the environment, all of which pose a current and immediate threat to public health, safety, and welfare in the residential areas designated above; and

WHEREAS, the City has completed a draft Truck Route Study that will be finalized and serve as a contribution to the Circulation Element upon the completion of an updated General Plan, and this Truck Route Study will serve as the formal documentation and justification for updated truck routes citywide through a new General Plan; and

WHEREAS, upon review of the existing commercial truck traffic routes in the General Plan, which was adopted in 2005 prior to explosive growth in international trade, it has been determined that certain segments previously approved for general truck traffic may no longer be appropriate for such use; and

WHEREAS, the City of Rialto, as a partner on Project SS20-010, Pepper Avenue Street Rehabilitation from Baseline Road to Mill Street, has requested that the City of San Bernardino consider immediate uniform commercial truck traffic limitations on Pepper Avenue between Interstate 210 and Baseline Road through an urgency ordinance to ensure uniform public safety enforcement of truck traffic based on the City of Rialto’s Citywide Speed Survey and Truck Route Study, and the adoption of City of Rialto Ordinance No. 1684 on February 28, 2023, which limited commercial vehicles on the City of Rialto segments of Pepper Avenue; and

WHEREAS, the City of San Bernardino will consider truck route prohibitions along Pepper Avenue between 9th Street and Randall Avenue, and University Parkway (State Street) between the Interstate 210 eastbound off ramp and Baseline Road, to promote consistent truck traffic enforcement in residential areas along the larger multi-jurisdictional segment of Pepper Avenue, and to protect the residential areas and school zones that are served by Pepper Avenue and University Parkway (State Street); and

WHEREAS, the Mayor and City Council of the City of San Bernardino recognize the need to revise certain street segments to protect the public health, safety, and welfare, and desire to adopt an Urgency Ordinance to restrict commercial truck traffic with a gross vehicle weight rating exceeding 30,000 pounds on certain segments of City roads effective immediately.

THE CITY COUNCIL OF THE CITY OF SAN BERNARDINO DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

- A. California Vehicle Code (CVC) Section 21101 states, “Local authorities...may adopt rules and regulations by ordinance or resolution...(c) Prohibiting the use of particular highways by certain vehicles.”
- B. For roadways bordering other jurisdictions, CVC Section 21105 states “No rule or regulation...shall be effective as to boundary line streets where portions thereof are within different jurisdictions unless approved by all authorities having jurisdiction of such portions of the street concerned have approved the same.”

- C. Per CVC Section 35700, any county or city may permit loads on highways under their jurisdictions of a maximum gross weight in excess of that specified in the CVC.
- D. CVC Section 35701 states that any city or county may, by ordinance, prohibit the use of any vehicle exceeding any maximum gross weight limit in residential areas. This excludes certain vehicles, such as refuse collection trucks.
- E. Per CVC Section 35703, local authorities are not permitted to “prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for: picking up and delivering goods from or to any building or structure on the restricted street, or delivering materials used in the repair, alteration, remodeling, or construction of any building or structure on the restricted street for which a building permit has previously been obtained.”
- F. In accordance with California Vehicle Code Sections 35701, 35703, et seq., the City adopted an ordinance, codified in Chapter 10.24.190(C) of the City of San Bernardino Municipal Code, prohibiting commercial vehicles having a Gross Vehicle Weight Rating exceeding 30,000 pounds upon certain streets.
- G. If truck travel is prominent on roadways determined by the City to be inappropriate for truck traffic, based on adjoining land use and/or the local nature and use of the roadway, the City Council may consider taking action in order to maintain consistency with Policy 6.5.1 of the Circulation Element of the City of San Bernardino General Plan.
- H. The draft Truck Route Study, which is being developed for an update of the Circulation Element of the City of San Bernardino General Plan, has raised issues regarding the appropriateness of commercial truck traffic on the designated segments.
- I. The draft Truck Route Study has identified the curb lane width on segments of Pepper Avenue to be as low as 12 feet, and the curb lane width on segments of University Parkway (State Street) to be as low as 11 feet.
- J. The City of Rialto conducted an independent Citywide Speed Survey and Truck Route Study, and has determined that a commercial truck restriction is appropriate on Pepper Avenue by adopting Ordinance No. 1684 on February 28, 2023.
- K. The City of Rialto may not implement their adopted commercial truck restriction on Pepper Avenue if the City of San Bernardino does not adopt a similar commercial truck restriction, according to CVC 21105, as Pepper Avenue is a roadway that borders both jurisdictions.

- L. The purpose of adopting Urgency Ordinance No. MC-1635 is to avoid the potentially significant adverse impacts to the public's health, safety, and welfare described herein.

SECTION 2. That Section 10.24.190 (C) of the City of San Bernardino Municipal Code is hereby amended to add: "10. Pepper Avenue between 9th Street and Randall Avenue."

SECTION 3. That Section 10.24.190 (C) of the City of San Bernardino Municipal Code is hereby amended to add: "11. University Parkway (State Street) between Interstate 210 eastbound off ramp and Baseline Road."

SECTION 4. Urgency. In accordance with Government Code section 36937, the City Council hereby finds and determines that adoption of this Urgency Ordinance No. MC-1635 is necessary for the current and immediate protection of the public health, safety, and welfare of the City and its residents for all the reasons set forth in the Findings above and in the Recitals, which are hereby expressly incorporated by reference as though fully set forth herein.

SECTION 5. Compliance with California Environmental Quality Act. The City Council finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of zoning code revisions and related impact studies.

SECTION 6. Severability. If any section or provision of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Urgency Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Urgency Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 7. Effective Date. In accordance with Government Code section 36937, this Urgency Ordinance is declared an urgency measure necessary for the immediate protection and preservation of the public peace, health, safety, and welfare for the reasons stated herein, including in the incorporated recitals, and it takes effect immediately upon adoption by the City Council by at least a four-fifths vote.

SECTION 8. Publishing. The City Clerk shall certify to the passage of this Urgency Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation, printed and published in San Bernardino, California.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this _____ day of _____, 2024.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia R. Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Urgency Ordinance No. MC-1635, adopted by the City Council of the City of San Bernardino, California, at a regular meeting held the ____ day of _____ 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this _____ day of _____
_____ 2024.

Genoveva Rocha, CMC, City Clerk