



Corporate Report

NO: R219

COUNCIL DATE: October 27,

2003

REGULAR COUNCIL

TO: Mayor & Council DATE: October 3, 2003

FROM: General Manager, Engineering FILE: 3900-20 (13007) 4520-50

SUBJECT: Amendments to the Fine Schedule for Oversize or Overweight Vehicle or Loads, Surrey Highway and Traffic By-law No. 13007

RECOMMENDATIONS

It is recommended that Council:

1. Approve amendments to Sections 91 and Schedule A forming part of Surrey Highway and Traffic By-law, 1997, No. 13007, as documented in this report, which will act to increase the fines for non-permit operations of overweight or oversize vehicle or loads.
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 or overweight commercial vehicles on Surrey roads, such that the fines will, as intended, act as a deterrent.

BACKGROUND

It has come to our attention via Surrey Commercial Vehicle Regulations Enforcement personnel that the current schedule of fines for non-permitted operation of oversize and overweight commercial vehicles is not acting as a sufficient deterrent. Operators who are consistently transporting oversize or overweight loads consider the fine, on the few occasions when apprehended, a “cost of business” which is less than the cost of the required permits.

DISCUSSION

Roadways and bridges are designed for a given service life based on certain maximum, or “legal” load limits for the vehicles traveling over them. However, it is recognized that at times it is necessary to transport commodities having greater size and/or weight than these stipulated maximums. Oversize loads can cause disruption to general traffic and increase road user costs through delay. Overweight loads accelerate pavement deterioration and reduce the service life of the roadways and bridges. Consequently, the routing of oversize vehicles is regulated via permits, and permits are issued, for a fee, for the transport of overweight loads. 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 following table indicates the existing schedule of fines with respect to the operation of commercial vehicles, and the proposed amendments to this schedule.

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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		\$100.00		\$150.00
-	Contrary to oversize permit		\$100.00		\$150.00
-	Wheels and tires		\$100.00		\$150.00
-	Weighting of vehicles		\$100.00		\$150.00
-	No overload permit		\$100.00		\$150.00
-	Contrary to overload permit		\$100.00		\$150.00
-	Fail to secure load as required		\$100.00		\$150.00
-	Misuse of overload or oversize permit		\$100.00		\$150.00
-	No axles permit		\$100.00		\$150.00
-	Contrary to axles permit		\$100.00		\$150.00
-	Overweight on towing dolly	As per Section 91(2)(b)		As per Section 91(2)(b)	
-	No pilot car as required		\$100.00		\$150.00
-	No flags or lamps as required		\$100.00		\$150.00
87(1)	Operate heavy truck off of truck route	\$60.00	\$100.00	\$100.00	\$150.00
87.2(3)	Exceed posted weight or dimensional limits	\$60.00	\$100.00	\$100.00	\$150.00
87.4(3)	Failure to proceed to nearest truck route upon entering City	\$60.00	\$100.00	\$100.00	\$150.00
87.4(4)	Fail to proceed to nearest truck route upon exiting City	\$60.00	\$100.00	\$100.00	\$150.00
87.4(5)	Fail to	\$60.00	\$100.00	\$100.00	\$150.00

	proceed to nearest truck route upon leaving business				
87.4(6)	Fail to take most direct access to/from truck park to/from nearest truck route	\$60.00	\$100.00	\$100.00	\$150.00
87.6(1)(a)	Fail to stop for purpose of weighting and inspection	\$60.00	\$100.00	\$100.00	\$150.00
87.6(1)(b)	Fail to proceed to nearest weigh scale	\$60.00	\$100.00	\$100.00	\$150.00
87.6(1)(b)	Fail to produce official registration certificate	\$60.00	\$100.00	\$100.00	\$150.00
87.6(1)(c)	Fail to rearrange or remove load	\$60.00	\$100.00	\$100.00	\$150.00
87.7(1)(a)	Load not secured or covered	\$60.00	\$100.00	\$100.00	\$150.00
87.7(1)(b)	Load covering not securely fastened	\$60.00	\$100.00	\$100.00	\$150.00
87.7(1)(c)(i)	Shifting load	\$60.00	\$100.00	\$100.00	\$150.00
87.7(1)(c)(ii)	Escaping load	\$60.00	\$100.00	\$100.00	\$150.00
89(1)	Heavy Truck in residential district after hours	\$60.00	\$100.00	\$100.00	\$150.00
90	Heavy truck on no heavy truck route		\$100.00		\$200.00
91(1)(a)	Exceed licensed gross vehicle weight	As per Section 91(2)(b)		As per Section 91(2)(b)	
91(1)(b)	Exceed axle weight permitted	As per Section 91(2)(b)		As per Section 91(2)(b)	
91(1)(c)	Exceed load dimension	As per Section 91(2)(a)		As per Section 91(2)(a)	
91(1)(c)	Exceed vehicle dimensions	As per Section 91(2)(a)		As per Section 91(2)(a)	

The following outlines the proposed text amendments:

Existing Section 91(2)(b): For a contravention under subsection (1)(a) or (b) (overweight vehicle or load), a fine not less than \$100, and in addition a penalty of \$10 per 100 Kg., or part of it, of the gross weight in excess of that allowed by the regulations or permit.

Revised Section 91(2)(b): For a contravention under subsection (1)(a) or (b) (overweight vehicle or load) or for a contravention under Subsection 83(3) for overweight on towing dolly, a fine of not less than \$150, plus an additional fine of \$10 per 100 Kg., or part of it, of the gross weight in excess of that allowed by the regulations or permit.

Existing Section 91(2)(a): For a contravention under subsection (1)(c) or (d) (oversize vehicle or load), to a fine of not more than \$500.

Revised Section 91(2)(a): For a contravention under subsection (1)(c) or (d) (oversize vehicle or load) a fine of not less than \$150, and not more than \$500.

CONCLUSION

The current schedule of fines under By-law No. 13007 is not high enough to act as a deterrent to the transport of oversize and overweight loads without the required permit. An increase, as proposed, will increase compliance.

Paul Ham, P.Eng.
General Manager, Engineering

KZ/brb

c.c. - Manager, By-laws & Licensing Services