

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CUPERTINO AMENDING CHAPTER 11.32 OF THE
CUPERTINO MUNICIPAL CODE TO RESTRICT TRUCK
ACCESS TO STREETS ADJACENT TO PUBLIC SCHOOLS
DURING CERTAIN HOURS**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA"), the City has determined that the provisions of this Ordinance do not fall within 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; rather it merely enacts regulations that further restrict truck traffic on local streets in order to protect public health, safety, and general welfare; and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed, considered, and adopts the "not a project" determination prior to taking action on this Ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO
DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. FINDINGS. The City Council finds that:

A. The California Vehicle Code authorizes cities to prohibit the use of particular streets by certain vehicles based on valid safety concerns.

B. Pursuant to that authority, the City of Cupertino ("City") previously enacted Chapter 11.32 of the Cupertino Municipal Code ("CMC") establishing truck routes to restrict truck use to certain streets within the City.

C. On October 27, 2014, a teenager riding his bicycle to school was killed after being involved in a collision with a semi-truck with a large trailer traveling westbound on McClellan Road at Bubb Road.

D. The City Council desires to protect the safety and welfare of pedestrians and bicyclists within the City, particularly those pedestrians and bicyclists of school age.

E. In addition, the City actively promotes alternative transportation programs, including encouraging students to bike and walk to school, as part of its efforts to build a more sustainable community.

F. The City Council is concerned that these efforts may increase the exposure of students to potential conflicts between truck traffic and pedestrians and/or bicyclists adjacent to schools.

G. Although the City's existing truck route designations precludes trucks from using non-designated streets, state law permits trucks to operate on restricted streets for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on the restricted street, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit previously has been obtained, provided the truck in question takes ingress or egress by the most direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on the restricted street, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit previously has been obtained; provided such delivery or pickup is accomplished by the most direct route from the designated truck route.

H. The City Council desires to protect the safety and general welfare of school-aged pedestrians and bicyclists by adopting an absolute ban on truck traffic on streets adjacent to schools during the hours scheduled for drop off and pick up of students.

I. The Council finds that nothing short of an absolute ban during the hours scheduled for drop off and pick up of students adjacent to schools will

adequately protect the safety and general welfare of school-aged pedestrians and bicyclists. The Council further finds that enactment of an absolute ban on the operation of trucks adjacent to public schools during these time periods leaves alternative times and routes for trucks to make pickups or deliveries and is reasonably necessary to protect the public safety and general welfare.

SECTION 2. Section 11.32.010 of Chapter 11.32 of Title 11 of the Cupertino Municipal Code is hereby amended to read as follows:

11.32.010 Definitions.

For purposes of this chapter:

A. The term “truck” means any vehicle as defined in the Vehicle Code of California, or as hereafter amended, that exceeds a gross weight of three tons and has a total combination of motor truck, truck tractor and/or trailers of sixty feet or less in length.

B. The phrase “interstate truck” means any vehicle as defined in the Vehicle Code of California, or as hereafter amended, that exceeds a maximum gross weight of three tons and has a total combination of motor truck, truck tractor and/or trailers that exceeds sixty feet in length.

C. The term “public school” means an elementary or secondary school supported by public funds and providing free education for children in grades K – 12.

SECTION 3. Section 11.32.055 is hereby added to Chapter 11.32 of Title 11 of the Cupertino Municipal Code to be numbered, entitled, and to read as follows:

11.32.055 School Zones—Prohibited Vehicles.

A. No person shall operate, drive, or cause or permit to be operated or driven, any truck, as defined in Section 11.32.010 of this chapter, on any roadway which runs contiguous to and is within 500 feet of any public school grounds between the hours of 7:00 a.m. and 9:30 a.m. in the morning and the hours of 2:00 p.m. and 4:00 p.m. in the afternoon Monday through Friday.

B. This section shall not apply to the following:

- (i) Emergency response vehicles;
- (ii) Any vehicle traveling on an arterial or major collector avenues as defined in the City of Cupertino's General Plan, Chapter 5, "Mobility Element", Figure M-2, including DeAnza Boulevard, Homestead Road, Stevens Creek Boulevard (east of Foothill Boulevard), Wolfe Road (north of Stevens Creek), Bollinger Road (east of DeAnza Boulevard), Bubba Road (north of McClellan Road), Foothill Boulevard (north of Stevens Creek), Miller Avenue (north of Bollinger Road), Stelling Road (north of Stevens Creek) and Tantau (north of Stevens Creek Boulevard);
- (iii) Solid waste, garbage, or recycling trucks and street sweepers operating on their established routes; or
- (iv) Passenger buses and other public transit vehicles under the jurisdiction of the California Public Utilities Commission, so long as these vehicles do not deviate from their established route(s).

C. The Director of Public Works is directed to designate the above-named school zones by the erection of appropriate approved state standard signs giving notice of the restrictions in this section.

D. When authorized signs are in place giving notice of the designated school zones, no person shall operate, drive, or cause or permit a truck to be operated or driven in violation of this section unless otherwise exempt under the provisions of subsection B of this section.

SECTION 4. The City Clerk shall certify the adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

SECTION 5. This ordinance shall take effect 30 days after adoption.

INTRODUCED at a regular meeting of the City Council of the City of Cupertino the 3rd day of March, 2015, and ENACTED at a regular meeting of the City Council of the City of Cupertino the ____ of _____ 2015, by the following vote:

PASSED:

Vote: Members of the City Council

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Rod Sinks, Mayor