

TO: CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 Nov 30

FROM: ACTING GENERAL MANAGER **FILE:** 38000-01
ENGINEERING

SUBJECT: REGIONAL HARMONIZATION OF COMMERCIAL VEHICLE
WEIGHTS AND DIMENSIONS REGULATIONS

PURPOSE: To recommend amendments to the *Burnaby Street and Traffic Bylaw* to adopt the size and weight limits for commercial vehicles prescribed in the *BC Commercial Transport Regulation*, and to recommend consequential amendments to the *Burnaby Bylaw Notice Enforcement Bylaw*.

RECOMMENDATIONS:

1. **THAT** Council approve the adoption of the size and weight limits prescribed in Division 7 of the *BC Commercial Transport Regulations*, as amended from time to time, in support of the harmonization of commercial vehicle regulations and permitting within Metro Vancouver.
2. **THAT** Council authorize the City Solicitor to bring forward amendments to the *Burnaby Street and Traffic Bylaw* as outlined in Section 5.1 of this report, and to the *Burnaby Bylaw Notice Enforcement Bylaw* as outlined in Section 5.2 of this report.

REPORT

1.0 INTRODUCTION

Current regional efforts are ongoing to achieve a common baseline in municipal bylaws for the definitions and regulations that apply to commercial vehicles throughout Metro Vancouver. The lack of consistency in commercial vehicle regulations has resulted in challenges for commercial vehicle operators connecting through the various municipalities in the region. To support the TransLink Regional Goods Movement Strategy, the need for harmonization has been recognized in the region and over the last several years, a collective effort by TransLink with municipal and industry inputs, has taken place to address this challenge.

This report recommends amendments to the commercial vehicle-related definitions and regulations in the *Street and Traffic Bylaw*, consistent with those definitions and regulations adopted by other municipalities across Metro Vancouver. These proposed changes are in alignment with the provincial *Commercial Transport Regulations* (CTR).

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2.0 POLICY CONTEXT

The proposed Bylaw amendment supports the City of Burnaby's Corporate Strategic plan and goals for a connected and dynamic community and is aligned with our Council-adopted policies, plans, and strategies within the Burnaby Transportation Plan, Connecting Burnaby.

3.0 BACKGROUND

In June 2017, TransLink adopted the Regional Goods Movement Strategy with a vision to *deliver goods and services efficiently and reliably in a way that supports our prosperity and protects the environment, health, safety and livability of our community*. To support this vision, the Strategy identified a number of actions, including the development of a common definition of a heavy commercial vehicle and agreement to align commercial vehicle weights and dimensions. These changes will support the future effort to harmonize policies and procedures for permitting oversize-overweight vehicles in the region and working in partnership with the Province, establish a multi-jurisdiction permit system.

On January 18, 2018, TransLink's Regional Transportation Advisory Committee (RTAC), comprised of staff from the City and other regional municipalities, unanimously endorsed two recommendations to achieve greater regional harmonization among municipalities on the regulation of truck movement in the region:

1. *Adopt a revised common reference to the weight of heavy trucks for the purpose of limiting through travel to designated truck routes as applicable, and by extension revise the previous reference; and*
2. *Harmonize heavy truck weights and dimension limits by incorporating aspects of the BC Commercial Transport Regulations (CTR), as amended from time to time in the By-law.*

The above recommendations have received support from the Commercial Vehicle Safety and Enforcement Branch of the provincial Ministry of Transportation and Infrastructure, and from the Vancouver Fraser Port Authority's Project Cargo Working Group represented by key goods movement and industry stakeholders. Region-wide consensus has also been garnered for the harmonization process from other regulators and stakeholders.

On October 26, 2020, Council adopted amendments to the *Street and Traffic Bylaw* to adopt the regional definition of a commercial vehicle, being a vehicle having a licensed gross vehicle weight (LGVW) of over 26,000 lbs (11,794 kg).

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The purpose of this report is to continue the City's harmonization efforts by recommending that the *Street and Traffic Bylaw* be amended to adopt the size and weight limits for commercial vehicles prescribed in the CTR, thereby achieving a common baseline across the region to harmonize requirements for oversize and overweight commercial vehicles.

4.0 DISCUSSION

Bylaws enacted by municipalities within Metro Vancouver dealing with commercial vehicle definitions and size and weight limits, including those applicable to oversize and overweight commercial vehicles, vary considerably, resulting in challenges in issuing permits and maintaining the continuity of through-traffic on truck routes.

Harmonizing commercial vehicle weights and dimensions with the CTR will allow all carriers operating regionally and provincially/nationally to have consistent expectations when carrying out business in the region. The ongoing harmonization will also help optimize the current oversize and overweight permit approval process and enforcement in the City by establishing a common baseline, thereby better utilizing staff time and resources. Overall, harmonization by adopting provincial regulations into the *Street and Traffic Bylaw* will yield a net benefit to the City.

To date, most municipalities within Metro Vancouver have officially adopted the common regional definition of a commercial vehicle (i.e., LGVW 26,000 lbs (11,794 kg)) and the weight and dimension limits from the CTR as recommended by TransLink's RTAC. Harmonizing commercial vehicle weights and dimensions by reference to the CTR will establish the groundwork for a future harmonized multi-jurisdictional commercial vehicle permitting system, as recommended by RTAC in accordance with the goals and objectives of the Regional Goods Movement Strategy.

Sections 39 to 57 of the *Street and Traffic Bylaw* deal with truck routes, permitting (including setting limits for commercial vehicle size and weight), and enforcement matters. This report and the City's effort to harmonize commercial vehicle weights and dimensions by reference to the CTR is focused on amending the *Street and Traffic Bylaw* to incorporate the commercial vehicle size and weight limits prescribed in the CTR, and to amend or delete those provisions of the *Street and Traffic Bylaw* which duplicate or are inconsistent with the commercial vehicle size and weight limits prescribed in the CTR, all without conceding the City's authority to issue permits for, and control the movement of, oversize and overweight vehicles.

Violations of the regulations contained in the *Street and Traffic Bylaw* are enforced through bylaw violation notices issued under the *Burnaby Bylaw Notice Enforcement Bylaw 2009*. The proposed amendments to the *Street and Traffic Bylaw* would require consequential amendments to the *Burnaby Notice Enforcement Bylaw 2009*. This report also proposes an amendment to the *Burnaby Notice Enforcement Bylaw 2009* to reflect the regional definition of commercial vehicle (being a vehicle having a licensed gross

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vehicle weight of over 26,000 lbs) which was previously adopted by Council in October 2020.

5.0 PROPOSED BYLAW AMENDMENTS

5.1 Amendments to *Burnaby Street and Traffic Bylaw*

To harmonize the commercial vehicle weights and dimensions in the *Burnaby Street and Traffic Bylaw* with the CTR, it is recommended that Sections 39, 42 to 44, 47, 54 and Schedule “C” of the *Burnaby Street and Traffic Bylaw* be amended as set out in **Attachment #1** for the following reasons:

Definitions

Subsection 39(1) of the *Street and Traffic Bylaw* provides that words defined in the *Motor Vehicle Act*, *Commercial Transport Act* and CTR have the same meaning when used in Sections 39 to 57 of the *Street and Traffic Bylaw* unless otherwise defined in the *Street and Traffic Bylaw* or unless the context otherwise requires.

Subsection 39(2) of the *Street and Traffic Bylaw* sets out definitions for certain words and phrases for the purposes of Sections 39 to 57 of the *Street and Traffic Bylaw*, including definitions for the words “overload” and “oversize”.

(i) “overload”

The word “overload” is defined under section 1 of the *Commercial Transport Act*, and also under section 7.14 of the CTR for the purpose of issuing overload permits. To harmonize the definition of “overload” under the *Street and Traffic Bylaw* with the CTR, and also to clarify that the definition under the CTR rather than the *Commercial Transport Act* applies, it is recommended that the definition of “overload” under subsection 39(2) of the *Street and Traffic Bylaw* be replaced with wording the same or similar to the following:

““overload” has the meaning set out in section 7.14 of the “Commercial Transport Regulation”, as amended from time to time.”

(ii) “oversize”

The current definition of “oversize” in the *Street and Traffic Bylaw* mirrors the definition for “oversize” found under section 1 of the *Commercial Transport Act*. Given subsection 39(1) of the *Street and Traffic Bylaw* incorporates the definitions under the *Commercial Transport Act*, and to avoid duplication, it is recommended that the definition of “oversize” be repealed from subsection 39(2) of the *Street and Traffic Bylaw*.

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Size and Weight Restrictions (Sections 42-44)

Subsections 42(1), (2), (4) and (6), 43(1), (2) and (4), and Section 44 of the *Street and Traffic Bylaw* set out dimensional and weight limits for commercial vehicles that may not be driven or operated on any highways within Burnaby without a permit issued by the General Manager Engineering. These same dimensional and weight limits are set out under Division 7 of the CTR. Commercial vehicle operators and carriers that operate regionally, provincially and/or nationally are already familiar with the limits set out under Division 7 of the CTR, as those limits apply with respect to the issuance of permits authorizing the driving or operation of commercial vehicles on provincial arterial highways and highways under the jurisdiction of the South Coast British Columbia Transportation Authority, and have also been officially adopted by almost all municipalities within the Metro Vancouver region. Harmonizing commercial vehicle weights and dimensions with the CTR will allow all carriers operating regionally and provincially/nationally to have consistent expectations when carrying out business in the region, and also reduce the administrative burden on operators and carriers by eliminating the need to comply with different commercial vehicle weight and dimensional limits when passing through Burnaby to and from neighbouring municipalities in the region.

To harmonize the commercial vehicle weights and dimensions in the *Street and Traffic Bylaw* with the CTR and to avoid any duplication or inconsistencies with the limits set out in the CTR, it is recommended that subsection 42(1) of the *Street and Traffic Bylaw* be replaced with wording the same or similar to the following:

“42(1) Subject to the provisions of Section 47, no person shall drive or operate on any highway in the Municipality a vehicle or combination of vehicles that exceeds the limits of dimensions, weights and loads, axle units, group of axles, weight to horsepower, or any other limits prescribed in Division 7 of the “Commercial Transport Regulation”, as amended from time to time.”

It is further recommended that subsections 42(2), (4) and (6), 43(1), (2) and (4), and Section 44 of the *Street and Traffic Bylaw* be repealed in their entirety.

It should be noted that subsection 42(3) of the *Street and Traffic Bylaw*, which enables the General Manager Engineering to erect a sign to expressly limit the maximum height, length, or width of a commercial vehicle, or load allowable on a bridge, highway or portion of a highway in Burnaby, and have such posted limits supersede any provisions of the bylaw or of any permit issued under the bylaw, will remain unchanged. It is recommended that subsection 42(3) of the *Street and Traffic Bylaw* be renumbered as subsection 42(2).

Subsection 42(5) of the *Street and Traffic Bylaw*, which provides that no person shall, without a permit, drive or operate an overloaded or oversized commercial vehicle in Burnaby on a Sunday or Statutory Holiday, will also remain unchanged. It is

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recommended that subsection 42(5) of the *Street and Traffic Bylaw* be renumbered as subsection 42(3).

Subsections 43(1), (2) and (4) are the only sections in the *Street and Traffic Bylaw* which refer to the term “wheelbase” (which is defined under subsection 39(2)) and to Schedule “C”. Schedule “C” to the *Street and Traffic Bylaw* contains a table which sets out the maximum allowable weight for different axle groups. Maximum allowable gross weight for axle groups is set out in Division 7 of the CTR and its Appendices. If subsections 43(1), (2) and (4) are repealed in their entirety as recommended above, then it is also recommended that:

- (i) the definition of “wheelbase” in subsection 39(2), and Schedule “C” be repealed in their entirety;
- (ii) Section 54, which lists the Schedules, including Schedule “C”, that are annexed to and form part of the *Street and Traffic Bylaw*, be amended to delete the reference to Schedule “C”; and
- (iii) subsections 43(3) and (5), which will remain unchanged, be renumbered as subsections 43(1) and (2), respectively.

Permitting (Section 47)

Section 47 of the *Street and Traffic Bylaw* sets out details regarding the issuance of permits by the General Manager Engineering for commercial vehicles which exceed any of the limitations contained in the *Street and Traffic Bylaw*.

Subsection 47(2)(a) of the *Street and Traffic Bylaw* provides that the General Manager Engineering may “issue a permit, authorizing the driving or operation of a commercial vehicle which exceeds the limitations set out in this bylaw regarding size, weight and load, for a single trip or more than one trip.” As Division 7 of the CTR sets out limits regarding not only size, weight and load of commercial vehicles, but also for matters such as axle count and vehicle type combinations, it is recommended that subsection 47(2)(a) be replaced with wording the same or similar to the following:

“(2)(a) The Engineer may issue a permit, authorizing the driving or operation of a commercial vehicle which exceeds the limitations set out in this bylaw, for a single trip or more than one trip.”

Under subsection 47(2)(b) of the *Street and Traffic Bylaw*, if a commercial vehicle or commercial vehicle and load do not exceed 10 feet in width, 15 feet in height, or 73 feet in length, then there shall be no limitation on the number of trips which can be made under a permit issued by the General Manager Engineering under subsection 47(2)(a). In contrast, under subsection 47(2)(c) of the *Street and Traffic Bylaw*, if a commercial

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vehicle or commercial vehicle and load is between 10 to 12 feet in width, exceeds 15 feet in height, or is between 73 to 80 feet in length, then the holder of a permit issued under subsection 47(2)(a) must apply to the General Manager Engineering for a separate approval of each trip being made by that commercial vehicle.

Under the CTR, the maximum overall length for A, B and C Trains (being various combinations of vehicles composed of a truck tractor, trailer, semi-trailer, and/or dolly) is 90 feet. To harmonize the dimensional limits in the *Street and Traffic Bylaw* with the CTR, it is recommended that the length limitation in both subsections 47(2)(b) and (c) be increased to 90 feet.

5.2 Amendments to *Burnaby Bylaw Notice Enforcement Bylaw*

As part of implementing the proposed amendments to the *Street and Traffic Bylaw* set out in Section 5.1 of this report, associated amendments are required to set out the corresponding bylaw violation penalties for the amended provisions. It is recommended that Schedule A of the *Burnaby Bylaw Notice Enforcement Bylaw* under the heading “Burnaby Street and Traffic Bylaw 1961” be amended as set out in **Attachment #2** to delete references to those subsections of the *Street and Traffic Bylaw* that are being repealed, update the references to those subsections of the *Street and Traffic Bylaw* which have been renumbered, and to consolidate all violations of the size, weight and other limits imposed on commercial vehicles under the new subsection 42(1) of the *Street and Traffic Bylaw*.

It is further proposed that Schedule A of the *Burnaby Bylaw Notice Enforcement Bylaw* under the heading “Burnaby Street and Traffic Bylaw 1961” be amended as set out in **Attachment #2** to amend the description of the contravention under section 13(3)(e) to reflect the regional definition of commercial vehicle (being a vehicle having a licensed gross vehicle weight of over 26,000 lbs) which was previously adopted by Council in October 2020.

6.0 FINANCIAL IMPLICATIONS

There are no cost implications to the City to adopt the size and weight limits prescribed in the CTR as set out in Section 5.0 of this report. Existing truck route signs do not include dimensional limits and therefore will not require replacement to reflect the amendments to the *Burnaby Street and Traffic Bylaw*. The City will monitor the initial period after the proposed amendments come into effect and then determine whether any associated signage and operational upgrades are required.

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7.0 CONCLUSION

Staff recommends that Council approve adoption of the commercial vehicle weight and size limits in Division 7 of the CTR, and direct the City Solicitor to bring forward the amendments to the *Burnaby Street and Traffic Bylaw* as outlined in Section 5.1 of this report, and the amendments to the *Burnaby Bylaw Notice Enforcement Bylaw* as outlined in Section 5.2 of this report.



Jozsef Dioszeghy, P.Eng.
ACTING GENERAL MANAGER ENGINEERING

PL/KH/AC:sla
Attachments

Copied to: Deputy Chief Administrative Officer
General Manager Community Safety
General Manager Planning and Development
City Solicitor
Director Legislative Services

PROPOSED BURNABY STREET AND TRAFFIC BYLAW AMENDMENTS

1. **THAT** the definition of “overload” in subsection 39(2) of the *Street and Traffic Bylaw* be repealed and replaced with wording the same or similar to the following:

“overload” has the meaning set out in section 7.14 of the “Commercial Transport Regulation”, as amended from time to time.”

2. **THAT** the definitions of “oversize” and “wheelbase” in subsection 39(2) of the *Street and Traffic Bylaw* be repealed in their entirety.

3. **THAT** Sections 42 to 44 of the *Street and Traffic Bylaw* be repealed and replaced with wording the same or similar to the following:

“42(1) Subject to the provisions of Section 47, no person shall drive or operate on any highway in the Municipality a vehicle or combination of vehicles that exceeds the limits of dimensions, weights and loads, axle units, group of axles, weight to horsepower, or any other limits prescribed in Division 7 of the “Commercial Transport Regulation”, as amended from time to time.

(2) Notwithstanding any of the provisions of this bylaw or of a permit issued pursuant to Section 47, the maximum height, length, or width of a commercial vehicle or load allowable on a bridge, highway or portion of a highway in the Municipality that is expressly limited as to maximum height, length, or width of a commercial vehicle or load by a sign erected by the Engineer shall be that set out on the said sign. During the time such signs are in place they shall be deemed to supersede any of the provisions of this bylaw.

(3) Subject to the provisions of Section 47, no person shall drive or operate on any highway in the Municipality on a Sunday or Statutory Holiday a commercial vehicle which is overloaded or oversized. A commercial vehicle is overloaded if a computation under the definition of overload would result in an overload. A commercial vehicle is oversized if a computation under the definition of oversize would result in an oversize.

43(1) Where a commercial vehicle or combination of vehicles, has a gross weight or a gross axle weight in excess of those gross weights fixed by this bylaw, a peace officer, or any person authorized by the Engineer,

may permit the driver to proceed if the amount of excess gross weight does not exceed the following:

Single Axle	500 pounds
Combination of vehicles	2,000 pounds

Such permission shall not be granted more than twice to any one person.

- (2) Where the load of a commercial vehicle may be redistributed upon the said vehicle and, forthwith after the weighing of the said vehicle under the authority of this bylaw, the load on the said vehicle is redistributed so that the limits imposed by this bylaw are complied with, the requirements of this section shall be deemed to have been complied with.

44. Repealed.”

4. **THAT** subsections 47(2)(a), (b) and (c) of the *Street and Traffic Bylaw* be repealed and replaced with wording the same or similar to the following:

“(2)(a) The Engineer may issue a permit authorizing the driving or operation of a commercial vehicle which exceeds the limitations set out in this bylaw for a single trip or more than one trip.

(b) If the commercial vehicle or commercial vehicle and load do not exceed 10 feet in width, 15 feet in height, or 90 feet in length, there shall be no limitation on the number of trips which can be made under a permit issued pursuant to subsection (a) unless considered necessary by the Engineer.

(c) If the commercial vehicle or commercial vehicle and load exceed 10 feet in width but are not greater than 12 feet in width, 15 feet in height, or exceed 90 feet in length, then the holder of a permit issued pursuant to subsection (a) shall apply to the Engineer for a separate approval of each trip being made by such commercial vehicle.”

5. **THAT** Section 54 of the *Street and Traffic Bylaw* be repealed and replaced with wording the same or similar to the following:

“54. Schedule “A” annexed hereto shall form an integral part of this bylaw.”

6. **THAT** Schedule “C” annexed to the *Street and Traffic Bylaw* be repealed in its entirety.

PROPOSED BURNABY BYLAW NOTICE ENFORCEMENT BYLAW AMENDMENTS

1. **THAT** at Schedule A of the *Burnaby Bylaw Notice Enforcement Bylaw* under the heading "Burnaby Street and Traffic Bylaw 1961", section 13(3)(e) be deleted and replaced with the following:

Bylaw Section	Description	A1	A2	A3
	The following fines apply to the contraventions below:	Penalty Amount	Discounted Penalty (within 15 days)	Compliance Agreement Available (50% reduction)
13(3)(e)	Parked vehicle over 26,000 GVW on non-truck route street	250	200	NO

2. **THAT** at Schedule A of the *Burnaby Bylaw Notice Enforcement Bylaw* under the heading "Burnaby Street and Traffic Bylaw 1961", sections 42(1), (2), 42(4)(a), 42(4)(b), 42(4)(c), 42(4)(d), 42(5), 43(1)(a), 43(1)(b), 43(1)(c), and 44(1) be deleted and replaced with the following:

Bylaw Section	Description	A1	A2	A3
	The following fines apply to the contraventions below:	Penalty Amount	Discounted Penalty (within 15 days)	Compliance Agreement Available (50% reduction)
42(1)	Commercial vehicle which exceeds limitations in Div. 7 CTR	100 + see note	80 + see note	NO
42(3)	Oversize commercial vehicle on Sunday or Statutory Holiday	80	64	NO