

***BIC Regular Meeting
of
May 17, 2017***

Agenda Item 10

1 [Administrative, Environment Codes - Zero Emission Vehicle Requirements for City Fleet]

2

3 **Ordinance amending the Administrative and Environment Codes to require that any**
4 **new passenger vehicle procured for the City fleet be a Zero Emission Vehicle, absent a**
5 **waiver, and that all passenger vehicles in the City fleet be Zero Emission Vehicles by**
6 **December 31, 2020~~2~~**; and to encourage selection of Zero Emission Vehicles in other
7 **vehicle classes as technology improves.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

12

13 Be it ordained by the People of the City and County of San Francisco:

14

15 Section 1. The Administrative Code is hereby amended by revising Section 4.10-1, to
16 read as follows:

17

18 **SEC. 4.10-1. CITY-OWNED AND LEASED VEHICLES; FLEET MANAGEMENT**
19 **PROGRAM.**

20

* * * *

21 (b) The City Administrator shall have primary authority over vehicles now or hereafter
22 placed under his or her jurisdiction, but may assign these vehicles for use by City officers and
23 departments. The City Administrator may adopt rules and regulations necessary to implement
24 this vehicle fleet management program, including rules covering: terms, conditions, usage,
25 and fees for assignment of vehicles by the City Administrator to individual City officers and

1 departments; vehicle maintenance programs; training, in coordination with the Office of
2 Economic and Workforce Development, for drivetrain maintenance on Alternative Fuel
3 Vehicles and Zero Emissions Vehicles as defined by Environment Code Section 403; and
4 vehicle replacement plans, provided that the City Administrator shall not approve the
5 purchase of any motor vehicle that does not comply with Environment Code Section 404.
6 Fees charged for the assignment of vehicles shall be set by the City Administrator in
7 consultation with the Controller, and the fees shall be used to pay for acquisition and
8 replacement of vehicles, maintenance and repair, and other costs of administering the
9 program. The City Administrator may make appropriate provision for vehicles previously
10 acquired using special, dedicated or otherwise restricted funds.

11 (c) By December 31, 2020~~2~~, all light duty vehicles in the City fleet must be Zero Emission
12 Vehicles in compliance with Environment Code Section 404, unless there is a waiver, exemption, or
13 applicable exception, detailed in Environment Code Chapter 4.

14 (d) By July 1, 2017, the City Administrator shall develop policies to require City
15 departments acquiring light-duty passenger vehicles that will be regularly stationed on non-
16 City-owned property to acquire the vehicles from other City departments.

17 Section 2. The Environment Code is hereby amended by revising Sections 401, 403,
18 and 404, to read as follows:

19 **SEC. 401. DEFINITIONS.**

20 **"Alternative Fuel With Low Carbon Intensity"** means any transportation fuel that is
21 less polluting than gasoline or petroleum diesel fuel, as determined by the California Air
22 Resource~~s~~ Board and that is shown to have lower lifecycle carbon emissions than gasoline or
23 petroleum diesel. Alternative Fuels with Low Carbon Intensity may include, but are not limited
24 to: natural gas; propane; biofuels from low carbon, sustainable and preferably local sources;
25 hydrogen produced from low carbon and/or renewable sources; and electricity.

1 **"Alternative Fuel Vehicle"** means any motor vehicle powered by alternative fuel
2 with low carbon intensity.

3 **"Bus"** means any passenger vehicle with a seating capacity of more than ~~fifteen~~(15)
4 persons.

5 **"City"** means City and County of San Francisco.

6 **"City Administrator"** means the City Administrator, or his or her designee.

7 **"Department"** means any officer, board, commission, department or other division of
8 the City and County of San Francisco. Department does not include the San Francisco Unified
9 School District, the San Francisco Community College District, the San Francisco Office of
10 Community Investment and Infrastructure, or the San Francisco Housing Authority or any
11 other local, State, or Federal agency.

12 **"Emergency Vehicle"** means any vehicle publicly owned and operated that is used
13 by a public safety officer for law enforcement purposes, fighting fires or responding to
14 emergency fire calls, or used by emergency medical technicians or paramedics for official
15 purposes. For purposes of this Chapter 4, "Emergency Vehicle" shall also mean any vehicle
16 used by the Office of the Chief Medical Examiner or the Department of Animal Care and
17 Control for official duties. Unless equipped with lights and sirens, vehicles used for primarily
18 administrative functions such as passenger transport shall not be considered an "Emergency
19 Vehicle" for the purposes of this Chapter 4.

20 **"General Passenger Van"** means a Passenger Vehicle that meets the criteria of a
21 Federal Highway Administration Class 3 Vehicle that is not a pick-up.

22 **"Greenhouse gas (GHG) or greenhouse gas emissions"** means and includes all
23 of the following gases: carbon dioxide, methane, and nitrous oxide. The City Administrator, in
24 consultation with the Department of the Environment, shall determine the method by which
25 these emissions shall be measured.

1 "Light-Duty Passenger Vehicle" means a Passenger Vehicle that meets the
2 criteria of a Federal Highway Administration Class 2 Vehicle that include all sedans, coupes
3 and station wagons primarily for the purposes of carrying passengers, and comprising of no
4 more than five seats in addition to the driver's seat.

5 **"Light-Duty Truck"** means any motor vehicle, with a manufacturer's gross vehicle
6 weight rating of 8,500 pounds or less, that is designed primarily for purposes of transportation
7 of property or is a derivative of such a vehicle, or is available with special features enabling
8 off-street or off-highway operation and use.

9 **"Motor Vehicle"** means a self-propelled vehicle.

10 **"Passenger Vehicle"** means any motor vehicle designed primarily for transportation
11 of persons and with a design capacity of ~~twelve~~ (12) persons or less.

12 "Plug-In Hybrid Electric Vehicle" means a vehicle with both an electric motor and a
13 gasoline engine, as determined by the California Air Resources Board. It can be fueled using
14 both electricity and gasoline.

15 **"Public Safety Department"** means the Police Department, the Sheriff's
16 Department, and the Fire Department. For purposes of this Chapter 4, "Public Safety
17 Department" shall also include the Office of the Chief Medical Examiner and the Department
18 of Animal Care and Control.

19 **"Purchase"** means to buy, lease, or otherwise acquire the right to use.

20 **"Remove from service"** means to complete filings with the California Department of
21 Motor Vehicles either to remove the City as the motor vehicle owner permanently, or to
22 register the motor vehicle as non-operational for the relevant fiscal year.

23 **"Vehicle Selector List"** means a document issued by the City Administrator, in
24 consultation with the Department of the Environment, which provides emissions data for Light-
25 Duty Passenger Vehicles ~~general purpose sedans, light-duty pickup trucks, and vans with a~~

1 gross vehicle weight under 8,500 pounds. The Vehicle Selector List will consider estimated
2 long-term costs and emissions, and when Zero Emission Vehicles are unavailable in the
3 marketplace, identify vehicles that have emissions as low as practicable and efficiency ratings
4 as high as practicable.

5 “Zero Emission Vehicle” means a vehicle that produces no emissions from the on-board
6 source of power, as determined by the California Air Resources Board.

7
8 **SEC. 403. FLEET MANAGEMENT PROMOTING HEALTHY AIR AND CLEAN**
9 **TRANSPORTATION.**

10 * * * *

11 (b) **Optimizing Fleet Management.** To help the City achieve its air pollution and
12 greenhouse gas reduction goals, and promote the effective, efficient, and safe use of all
13 general purpose, light-duty vehicles owned, leased, or rented by the City, the City
14 Administrator will adopt and implement policies to:

15 (1) Minimize the size and utilization of the City’s general purpose, light-duty fleet
16 through right-size analyses that accurately incorporates the City’s Transit-First policy and
17 associated infrastructure investments towards eliminating unnecessary vehicles and vehicle
18 trips.

19 ~~Optimize the size and utilization of the City’s general purpose, light-duty fleet, with~~
20 ~~emphasis on right sizing the fleet and eliminating unnecessary or non-essential vehicles;~~

21 (2) Use technology such as telematics and vehicle assignment systems, to the
22 furthest extent practicable, to promote the safe use of vehicles, minimize environmentally
23 harmful practices such as excessive vehicle idling, and reduce underutilization of vehicles;

24 (3) Align greenhouse gas reduction goals with the Federal Executive Order –
25 Planning for Federal Sustainability in the Next Decade, dated March 19, 2015 – reducing

1 average per-mile greenhouse gas emissions from general purpose, light-duty fleet vehicles,
2 relative to a baseline of emissions in fiscal year 2014, to achieve the following percentage
3 reductions: (A) not less than ~~4% percent~~ by the end of fiscal year 2017; and (B) not less than
4 ~~15% percent~~ by the end of fiscal year 2021;

5 (4) Ensure that the composition of the City's ~~general-Light-Duty Passenger Vehicle~~
6 fleet is entirely Zero Emission Vehicles consistent with Section 404 by December 31, 2020~~2~~, and seek
7 out new and emerging technologies to upgrade the City's other fleet classes such as trucks and vans to
8 zero emission standards; and

9 (45) Conduct a review one year after the initial implementation of these policies,
10 and every year thereafter, to assess telematics data, review developments in low carbon
11 fuels, evaluate possible coverage of additional vehicle classes, evaluate additional GHG
12 goals, evaluate, in coordination with the Office of Economic and Workforce Development,
13 training opportunities for drivetrain maintenance on Alternative Fuel Vehicles and Zero
14 Emissions Vehicles, explore new technologies allowing for conversion of light-duty trucks and
15 general passenger vans to Zero Emission Vehicle status, and other topics the City Administrator
16 deems are relevant, to serve as a basis for the City Administrator, in consultation with the
17 Director of the Department of the Environment, to adopt and implement further policy changes
18 regarding fleet management as appropriate. The City Administrator shall submit an annual
19 report to the Board of Supervisors and the Mayor outlining the findings of this annual review,
20 possible upgrade opportunities with regard to vehicle emissions for light-duty trucks and general
21 passenger vans, possible training opportunities for drivetrain maintenance on Alternative Fuel
22 Vehicles and Zero Emissions Vehicles, and any additional resulting policy changes in fleet
23 management, including recommendations for mandatory fleet reductions if warranted.

1 (c) Replacement of Older Light-Duty Vehicles. Vehicles shall be replaced in order
2 of age, such that oldest light duty vehicles in a department's fleet are replaced when the
3 department purchases replacement light-duty vehicles.
4

5 **SEC. 404. NEW OR REPLACEMENT MOTOR VEHICLES.**

6 (a) Unless granted a waiver under Section 404(b) or exempt under ~~sub~~Section
7 404(c), City officials may not purchase or authorize the purchase of any motor vehicle unless
8 the purchase complies with each of the following:

9 (1) The purchase complies with the Transit-First policy required under Section
10 403(a) and adopted by the department or City official for whose use the vehicle is principally
11 intended;

12 ~~(2) A general purpose sedan or other similarly sized vehicle~~ Light-Duty Passenger
13 Vehicle requested for purchase or lease is a Zero Emission Vehicle;

14 ~~(32) A passenger vehicle or light-duty truck~~ or general passenger van requested for
15 purchase is an approved make and model under the applicable Vehicle Selector List; and,

16 ~~(43)~~ The motor vehicle requested for purchase meets all applicable safety
17 standards and other requirements for the intended use of the vehicle.

18 (b) **Waivers.** The City Administrator may waive the requirements of Section 404(a)
19 where he or she finds that

20 (1) there is no passenger vehicle or light-duty truck approved by the Vehicle
21 Selector List that meets all applicable safety standards and other requirements for the
22 intended use of the motor vehicle; or

23 (2) the passenger vehicle or light-duty truck will be used primarily outside of the
24 geographic limits of the City and County of San Francisco in location(s) which lack required
25 fueling or other infrastructure required for a complying motor vehicle; or

1 (3) the passenger vehicle or light-duty truck would be required to be a Zero Emission
2 Vehicle, but the most common intended use for the vehicle will require it to regularly travel distances of
3 more than 100 miles without being able to use a charging station; or

4 (4) for Light-Duty Passenger vehicles that are regularly stationed when not in use
5 on City owned property, (A) purchasing a Zero Emission Vehicle would create operational
6 challenges such as lack of charging infrastructure on City-owned property, (B) the department
7 is purchasing a Plug-In Hybrid Electric Vehicle in lieu of a Zero Emission Vehicle, and (C) at
8 least 75% of all Light-Duty Passenger vehicles that are regularly stationed when not in use on
9 City owned property are Zero Emission Vehicles; or

10 (5) for Light-Duty Passenger vehicles that are regularly stationed when not in use on
11 non-City owned property, (A) purchasing a Zero Emission Vehicle would be impractical due to
12 operational challenges such as a lack of charging infrastructure, and (B) the department is
13 purchasing a Plug-In Hybrid Electric Vehicle in lieu of a Zero Emission Vehicle; or

14 (6) for Light-Duty Passenger vehicles, adequate funds have not been appropriated
15 in the department's budget to purchase Zero Emission Vehicles sufficient to meet the
16 requirements of this Chapter 4.

17 Waivers must be made in a fashion as to ensure that only the minimum number of vehicles not
18 in compliance with Section 404(a) needed by a department remain in the fleet. Departments may
19 submit one single waiver request to cover the annual purchases, waivers do not need to be
20 submitted on an individual purchase basis. If a waiver is requested under subsection
21 404(b)(4), the waiver must address the present lack of charging infrastructure, and address
22 the feasibility of future improvements to develop such charging infrastructure. As part of his or
23 her annual report to the Board of Supervisors and the Mayor under Section 403(b)(4), the City
24 Administrator shall report on the number of new waivers granted under this subsection (b) for
25 the prior year.

1 (c) **Exemptions.** This Section 404 shall not apply in the following circumstances:

2 (1) To the purchase of Emergency Vehicles where the Public Safety
3 Department concludes, after consultation with the City Administrator, that the purchase of a
4 complying vehicle is not feasible or would otherwise unduly interfere with the Department's
5 public safety mission.

6 (2) To the acquisition of buses by the San Francisco Municipal Transportation
7 Authority for public transportation purposes.

8 (3) To any purchase necessary to respond to an emergency that meets the criteria
9 set in Administrative Code Sections 21.15(a) or 6.60. In such cases, the department shall, to
10 the extent feasible under the circumstances, acquire the noncomplying vehicles only for a
11 term anticipated to meet the emergency need. Any City department invoking this exemption
12 shall promptly notify the City Administrator, in writing, of the purchase and the emergency that
13 prevented compliance with this section.

14 ~~(4) At any time, up to 10 percent of the total Light Duty Passenger Vehicle fleet~~
15 ~~may be exempted from the requirements of Section 404(a)(2) if the alternate vehicles are~~
16 ~~Plug-In Hybrid Electric Vehicles instead.~~

17 ~~—(5) Wherever the purchase of a passenger vehicle or light-duty truck is exempt from~~
18 ~~the requirements of this section, City departments and officials shall select a vehicle with as~~
19 ~~low emissions and high efficiency ratings as practicable.~~

20 Section 3. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor's veto of the ordinance.

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1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the “Note” that appears under
6 the official title of the ordinance.

7
8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: _____
12 GUSTIN R. GUIBERT
13 Deputy City Attorney

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