

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller
Naomi Kelly, City Administrator, Office of the City Administrator
Vicki Hennessy, Sheriff, Sheriff's Department
William Scott, Police Chief, Police Department
Joanne Hayes-White, Fire Chief, Fire Department
Deborah Raphael, Director, Department of the Environment
Dr. Michael Hunter, Chief Medical Examiner, Office of the Chief Medical Examiner
Virginia Donohue, Director, Department of Animal Care and Control
Ed Reiskin, Executive Director, San Francisco Municipal Transportation Agency

FROM: Erica Major, Assistant Clerk, Government Audit and Oversight Committee,
Board of Supervisors

DATE: March 7, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Tang on February 28, 2017:

File No. 170210

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

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

- c: Todd Rydstrom, Office of the Controller
- Theodore Toet, Sheriff's Department
- Katherine Gorwood, Sheriff's Department
- Eileen Hirst, Sheriff's Department
- Rowena Carr, Police Department
- Kristine Demafeliz, Police Department
- Kelly Alves, Fire Department
- Guillermo Rodriguez, Department of the Environment
- Christopher Wirowek, Office of the Chief Medical Examiner
- Janet Martinsen, San Francisco Municipal Transportation Agency
- Kate Breen, San Francisco Municipal Transportation Agency
- Dillon Auyoung, San Francisco Municipal Transportation Agency

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; 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.

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

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

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

20 * * * *

21 (c) By December 31, 2020, all light duty vehicles in the City fleet must be Zero Emission
22 Vehicles in compliance with Environment Code Section 404.

23
24 Section 2. The Environment Code is hereby amended by revising Sections 401, 403,
25 and 404, to read as follows:

1 **SEC. 401. DEFINITIONS.**

2 **"Alternative Fuel With Low Carbon Intensity"** means any transportation fuel that is
3 less polluting than gasoline or petroleum diesel fuel, as determined by the California Air
4 Resource_s Board and that is shown to have lower lifecycle carbon emissions than gasoline or
5 petroleum diesel. Alternative Fuels with Low Carbon Intensity may include, but are not limited
6 to: natural gas; propane; biofuels from low carbon, sustainable and preferably local sources;
7 hydrogen produced from low carbon and/or renewable sources; and electricity.

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

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

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

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

14 **"Department"** means any officer, board, commission, department or other division of
15 the City and County of San Francisco. Department does not include the San Francisco Unified
16 School District, the San Francisco Community College District, the San Francisco Office of
17 Community Investment and Infrastructure, or the San Francisco Housing Authority or any
18 other local, State, or Federal agency.

19 **"Emergency Vehicle"** means any vehicle publicly owned and operated that is used
20 by a public safety officer for law enforcement purposes, fighting fires or responding to
21 emergency fire calls, or used by emergency medical technicians or paramedics for official
22 purposes. For purposes of this Chapter 4, "Emergency Vehicle" shall also mean any vehicle
23 used by the Office of the Chief Medical Examiner or the Department of Animal Care and
24 Control for official duties.

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

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

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

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

20 **"Vehicle Selector List"** means a document issued by the City Administrator, in
21 consultation with the Department of the Environment, which provides emissions data for
22 general purpose sedans, light duty pickup trucks, and vans with a gross vehicle weight under
23 8,500 pounds. The Vehicle Selector List will consider estimated long-term costs and
24 emissions, and when Zero Emission Vehicles are unavailable in the marketplace, identify vehicles
25 that have emissions as low as practicable and efficiency ratings as high as practicable.

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

3
4 **SEC. 403. FLEET MANAGEMENT PROMOTING HEALTHY AIR AND CLEAN**
5 **TRANSPORTATION.**

6 * * * *

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

11 (1) Optimize the size and utilization of the City's general purpose, light-duty fleet,
12 with emphasis on right-sizing the fleet and eliminating unnecessary or non-essential vehicles;

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

16 (3) Align greenhouse gas reduction goals with the Federal Executive Order –
17 Planning for Federal Sustainability in the Next Decade, dated March 19, 2015 – reducing
18 average per-mile greenhouse gas emissions from general purpose, light-duty fleet vehicles,
19 relative to a baseline of emissions in fiscal year 2014, to achieve the following percentage
20 reductions: (A) not less than 4% percent by the end of fiscal year 2017; and (B) not less than
21 15% percent by the end of fiscal year 2021;

22 (4) Ensure that the composition of the City's general Passenger Vehicle fleet is entirely
23 Zero Emission Vehicles consistent with Section 404 by December 31, 2020, and seek out new and
24 emerging technologies to upgrade the City's other fleet classes such as trucks and vans to zero
25 emission standards; and

1 (45) Conduct a review one year after the initial implementation of these policies,
2 and every year thereafter, to assess telematics data, review developments in low carbon
3 fuels, evaluate possible coverage of additional vehicle classes, evaluate additional GHG
4 goals, explore new technologies allowing for conversion of light-duty trucks and general passenger
5 vans to Zero Emission Vehicle status, and other topics the City Administrator deems are relevant,
6 to serve as a basis for the City Administrator, in consultation with the Director of the
7 Department of the Environment, to adopt and implement further policy changes regarding fleet
8 management as appropriate. The City Administrator shall submit an annual report to the
9 Board of Supervisors and the Mayor outlining the findings of this annual review, possible
10 upgrade opportunities with regard to vehicle emissions for light-duty trucks and general passenger
11 vans, and any additional resulting policy changes in fleet management, including
12 recommendations for mandatory fleet reductions if warranted.

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

15 (a) Unless granted a waiver under Section 404(b) or exempt under ~~sub~~Section
16 404(c), City officials may not purchase or authorize the purchase of any motor vehicle unless
17 the purchase complies with each of the following:

18 (1) The purchase complies with the Transit-First policy required under Section
19 403(a) and adopted by the department or City official for whose use the vehicle is principally
20 intended;

21 (2) A general purpose sedan or other similarly sized vehicle requested for purchase is a
22 Zero Emission Vehicle;

23 (3) ~~A passenger vehicle or light-duty truck or general passenger van~~ requested for
24 purchase is an approved make and model under the applicable Vehicle Selector List; and,
25

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

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

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

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

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

14 Waivers must be made in a fashion as to ensure that only the minimum number of vehicles
15 not in compliance with Section 404(a) needed by a department remain in the fleet. As part of his or
16 her annual report to the Board of Supervisors and the Mayor under Section 403(b)(4), the City
17 Administrator shall report on the number of new waivers granted under this subsection (b) for
18 the prior year.

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

20 (1) To the purchase of emergency vehicles where the Public Safety Department
21 concludes, after consultation with the City Administrator, that the purchase of a complying
22 vehicle is not feasible or would otherwise unduly interfere with the Department's public safety
23 mission.

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

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

7 (4) Wherever the purchase of a passenger vehicle or light-duty truck is exempt
8 from the requirements of this section, City departments and officials shall select a vehicle with
9 as low emissions and high efficiency ratings as practicable.

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

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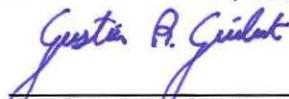
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1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent 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.

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

11 By: *


12 _____
13 GUSTIN R. GUIBERT
14 Deputy City Attorney

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LEGISLATIVE DIGEST

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

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

Existing Law

The City Administrator and Departments are restricted in purchasing motor vehicles considered light duty or passenger in nature to the Vehicle Selector List issued by the City Administrator. Light duty or passenger vehicles include passenger vehicles (generally sedans), light duty trucks, and passenger vans. The purchasing restrictions do not apply when the City Administrator waives the requirements, or the purchase is exempt. The Vehicle Selector List takes into account environmental considerations with the goal of purchasing vehicles that reduce Greenhouse Gas Emissions.

Amendments to Current Law

The City Administrator and Departments will be restricted to only Zero Emission Vehicles when purchasing new passenger vehicles. Light duty trucks and passenger vans will not be required to be Zero Emission Vehicles, but as technology improves, selection of Zero Emission Vehicles will be encouraged. The purchasing restrictions do not apply when the City Administrator waives the requirements, or the purchase is exempt. By December 31, 2020, the entire passenger vehicle fleet must transition to consist of entirely Zero Emission Vehicles.

Background Information

To be considered a Zero Emission Vehicle ("ZEV"), the vehicle must be defined as such by the California Air Resources Board. Generally, this requires that a vehicle produce no emissions from the on-board source of power. Vehicles that do not fully meet the zero emission standard such as a hybrid or a Partial Zero Emission Vehicle ("PZEV") do not comply with the new requirements of this law.

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