

FILE NO. 990624

ORDINANCE NO. 258-99

1 [Healthy Air and Smog Prevention]
 2 AMENDING PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE
 3 CODE) BY ADDING A NEW CHAPTER 85 ESTABLISHING A CLEAN AIR PROGRAM
 4 WITHIN THE DEPARTMENT OF ADMINISTRATIVE SERVICES, ESTABLISHING A CLEAN
 5 AIR ADVISORY COMMITTEE, ESTABLISHING A PROGRAM TO DEVELOP
 6 INFRASTRUCTURES FOR ALTERNATIVE FUEL VEHICLES, ESTABLISHING CRITERIA
 7 FOR THE CITY'S PROCUREMENT OF ZERO-EMISSION AND ULTRA-LOW EMISSION
 8 VEHICLES; ^{ESTABLISHING} ~~ESTABLISHING~~ AN ALTERNATIVE FUEL VEHICLE PURCHASING PILOT
 9 PROGRAM IN THE DEPARTMENT OF PUBLIC TRANSPORTATION, IDENTIFYING
 10 DIESEL BUSLINES THAT ARE APPROPRIATE FOR CONVERSION TO ELECTRIC
 11 TROLLEY BUSLINES; ESTABLISHING A CAR SHARE PROGRAM; AND ENCOURAGING
 12 PRIVATE AND REGIONAL PUBLIC ENTITIES DOING BUSINESS IN SAN FRANCISCO TO
 13 USE ULTRA-LOW AND CLEANER EMISSION VEHICLES; AMENDING PART II, CHAPTER
 14 XI, OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY ADDING A NEW
 15 SECTION 32.21A TO PROHIBIT PARKING BY NON-ELECTRIC VEHICLES IN ELECTRIC
 16 VEHICLE CHARGING BAYS; AMENDING PART II, CHAPTER XI, OF THE SAN
 17 FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY AMENDING SECTION 32.22 TO
 18 PROVIDE THE AUTHORITY TO REMOVE NON-ELECTRIC VEHICLES IN ELECTRIC
 19 VEHICLE CHARGING BAYS.

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21 Note: Section 1 is new. In Section 2, additions are underlined; deletions
 22 are in ((double parentheses)). Section 3 is an uncodified section.

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

24 Section 1. The San Francisco Administrative Code is hereby amended by adding
 25 Chapter 85, to read as follows:

SUPERVISOR ^sAMMIANO, BECERRIL, BIERMAN, KATZ, LENO, NEWSOM, YAKI, TENG, BROWN
 BOARD OF SUPERVISORS

1 **CHAPTER 85**

2 **HEALTHY AIR AND SMOG PREVENTION**

3 **SEC. 85.1 FINDINGS AND PURPOSE.** The Board of Supervisors finds that:

4 (a) Industries, automobiles, and natural sources all contribute to a significant air
5 pollution problem in the Bay Area. While air pollution in the Bay Area has decreased since its
6 peak in 1969, the growth in population, increase in industrial development, and in particular,
7 the dramatic increase in vehicles and vehicle miles traveled, threaten to overcome the air
8 quality successes to date.

9 (b) Air pollution is a major public health concern in the United States. The American
10 Lung Association estimates the nationwide health costs of air pollution to be in the billions of
11 dollars. According to the United States Public Health Service, high levels of air pollution can
12 cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic
13 bronchitis, emphysema, and lung cancer. Coughing, wheezing, chest pain, eye irritation, and
14 headaches are common reactions to air pollution. Children, the elderly, athletes, and people
15 with compromised immune systems suffer the worst health problems caused by poor air
16 quality. In these sensitive groups, poor air quality causes more significant health impacts
17 such as breathing difficulties, weakening of the body's ability to resist disease, and hindering
18 the development of lung capacity among children.

19 (c) A recent federal study found that long-term exposure to air pollution in the four
20 (4) Bay Area counties could cause 208 additional cases of cancer for every million residents,
21 which is 208 times greater than the acceptable risk of cancer caused by air pollution as
22 established by the Clean Air Act of 1990. The study concludes that most of the cancer risk is
23 attributable to two chemicals contained in vehicle exhaust – benzene, a component of
24 gasoline and butiadene, a by-product of fuel combustion. This study is significant because it

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1 calculated the cancer risks based on the air that people actually breathe, rather than on
2 computer models.

3 (d) Air pollution causes other significant economic costs. These costs from air
4 pollution include damage to plants, animals, buildings and structural materials. Agricultural
5 losses in California caused by air pollution are estimated to be \$300 million each year.
6 Deterioration of buildings, metal, rubber, and painted surfaces (e.g.: the cost to clean
7 buildings resulting from diesel soot) cost millions of dollar each year. Decreased visibility,
8 often called "haze," degrades the natural beauty of the Bay Area and secondarily, this can
9 effect tourism and economic growth. A 1996 University of California at Davis study estimated
10 the total national cost from automobile generated air pollution to be between \$24 and \$450
11 billion per year.

12 (e) Over one hundred types of air pollutants exist. The most serious and persistent
13 outdoor air quality problem in the Bay Area is high levels of ground level ozone or smog.
14 Ozone is formed as the result of a complex photochemical process which occurs when certain
15 volatile organic compounds and gases (predominantly oxides of nitrogen from automobile
16 combustion) react with sunlight and high temperatures. Since automobile travel is responsible
17 for over half of the chemicals that cause high ozone levels in the Bay Area, replacement of
18 polluting vehicles by less polluting vehicles is a crucial element in the continued health of the
19 residents and businesses of San Francisco.

20 (f) The Clean Air Act mandates the United States Environmental Protection Agency
21 (EPA) to establish national air quality standards that would ensure the same basic health and
22 environmental protection for all Americans. The Bay Area Air Quality Management District
23 (BAAQMD) uses the Pollutant Standard Index (PSI) to report air pollution information to the
24 public, as well as to monitor compliance with the Clean Air Act. The EPA sets the National

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1 Ambient Air Quality Standard (NAAQS) to represent the concentration of a pollutant above
2 which adverse health effects have been observed.

3 (g) In the past five (5) years, the Bay Area has violated the NAAQS for ozone
4 twenty-nine (29) times. As a result, the EPA has reclassified the Bay Area as a Non-
5 attainment area for the federal one-hour ozone standard. The loss of ozone attainment status
6 will force the BAAQMD to adopt stricter regulations from a list of measures in the state
7 implementation plan (SIP), a requirement under the Clean Air Act. New regulations will
8 adversely effect Bay Area businesses and possibly automobile owners. Stricter air quality
9 regulations translate to higher costs for everyone and may cause fewer businesses to be
10 created and retained in the Bay Area. The EPA is presently implementing a new ozone
11 monitoring standard which will likely further jeopardize the future attainment status of the Bay
12 Area and lead to adoption of even stricter standards by BAAQMD.

13 (h) Over ninety percent (90%) of Californians live in regions adversely affected by
14 air quality problems, largely as a result of automobile exhaust. A program to control
15 automobile emission in California began in 1961, far in advance of federal controls. The State
16 of California conducts its own vehicle emissions control program that is stricter than federal
17 standards. Nevertheless, the Bay Area continues to violate state ozone standards at an
18 alarming rate, with one-hundred and twelve (112) exceedance over the past five (5) years. In
19 1988, the California Legislature enacted the California Clean Air Act, which requires each air
20 district not meeting state air quality standards to prepare a Clean Air Plan that would achieve
21 the standards. The Clean Air Plan contains regulations that effect both Bay Area businesses
22 and residents.

23 (i) In 1990, the California Air Resources Board adopted the Low-Emission Vehicle
24 (LEV) regulation, which requires auto manufacturers to produce vehicles that meet
25 increasingly stringent air quality standards. These regulations originally required that,

1 beginning 1988, two percent (2%) of all vehicles sold by auto manufacturers to be zero
2 emission vehicles (ZEVs). These regulations have since been modified to eliminate the
3 phase-in of ZEV sales requirement for 1998 through 2000 model years in favor of a ZEV
4 demonstration program during this period. The new regulations retain the prior requirement
5 that beginning with the 2003 model year, ten percent (10%) of all vehicles sold in California
6 must be ZEVs.

7 (j) In 1997, the Board of Supervisors approved the Sustainability Plan for the City
8 and County of San Francisco. The Sustainability Plan states, “[a]chieving and maintaining
9 good air quality is crucial to the public health and economic vitality of San Francisco.”

10 (k) The United States imports over fifty percent (50%) of its oil. This high
11 dependence on imported oil has become a major national security concern for the Federal
12 Government.

13 (l) To address this national security issue, Congress passed the Energy Policy Act
14 of 1992 (EPACT) and directed the Department of Energy (DOE) to establish a variety of
15 programs aimed at substantially reducing the quantity of oil consumed by motor vehicles.
16 EPACT requires the Federal Government to phase in fleet acquisitions of alternative fuel
17 vehicles. DOE is in the process of rulemaking to determine whether alternative fuel vehicle
18 acquisition requirements for private and local government automobile fleets are necessary to
19 achieve EPACT's clean air and energy security goals. DOE is promoting the voluntary use of
20 alternative fuel vehicles through its Clean Cities programs.

21 (m) DOE officially recognized the San Francisco Clean Cities Coalition (SFCCC) in
22 1994 as a Clean Cities program. SFCCC has ongoing programs of substituting conventional
23 transportation fuels with domestically produced, clean burning alternative fuels; encouraging
24 an increase in acquisition and utilization of alternative fuel vehicles (AFVs); developing
25 alternative fuel supply infrastructure and related services; advancing public understanding of

1 the benefits and costs of using AFVs. SFCCC members include: the Department of
2 Administrative Services, Department of Public Transportation, Public Utilities Commission,
3 San Francisco International Airport, San Francisco County Transportation Authority,
4 BAAQMD, City College of San Francisco, Pacific Gas and Electric Company, United States
5 Department of Energy, United States National Park Service, United States General Services
6 Administration, United Airlines, NorCal Waste Management, Inc., Olympian Oil Company, and
7 the San Francisco Bay Area Clean Air Vehicle Coalition (the precursor organization to the
8 Clean Cities Coalition).

9 (n) The City and County of San Francisco currently operates over one hundred and
10 thirty (130) AFVs. These vehicles have proved themselves to be cost effective and were
11 easily integrated into the City's fleet operations. The use of low emission AFVs by the City
12 has been beneficial to the air quality in the Bay Area.

13 (o) Under this Chapter, the City and County of San Francisco wishes to exercise its
14 power to make economic decisions involving its own funds as a participant in the marketplace
15 and to conduct its own business as a municipal corporation to ensure that purchases and
16 expenditures of public moneys are made in a manner consistent with the policy of improving
17 the air quality in the City and in the Bay Area through the purchase and use of low emission
18 AFVs and ZEVs.

19 (p) Under this Chapter, the City and County of San Francisco wishes to foster,
20 promote, and encourage the use of low emission AFVs and ZEVs by developing
21 infrastructures to support the use of these vehicles.

22 (q) Under this Chapter, a Clean Air Program is established to aid the City and
23 County of San Francisco in identifying funding sources for the purchase of low emission AFVs
24 and ZEVs, to assist the City in the development of alternative fuel infrastructures, to develop a

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1 clean air plan for the City and County of San Francisco, and to educate and promote the use
2 of low emission AFVs and ZEVs in the private and public sectors.

3 **SEC. 85.2 DEFINITIONS.**

4 (a) "Alternative Fuel" means any fuel other than gasoline, diesel, and other
5 substantially petroleum-based fuels that is less polluting than gasoline or diesel fuel, as
6 determined by the California Air Resource Board. Alternative Fuel shall include, but is not
7 limited to, natural gas and electricity.

8 (b) "Alternative Fuel Vehicle" means any motor vehicle powered by alternative fuels.

9 (c) "Bi-Fuel Vehicle" means any motor vehicle designed to operate on two (2) fuels,
10 one of which is an alternative fuel, but not on a mixture of fuels.

11 (d) "Bus" means any passenger vehicle with a seating capacity of greater than fifteen
12 (15) persons.

13 (e) "Car-Sharing Program" means a program in which automobile providers are
14 established to make motor vehicles available to people on a per-use basis.

15 (f) "City Department" means any department of the City and County of San Francisco.
16 City department does not include any other local agency or any federal or State agency,
17 including but not limited to the San Francisco Unified School District, the San Francisco
18 Community College District, the San Francisco Redevelopment Agency, and the San
19 Francisco Housing Authority.

20 (g) "Construction Vehicle" means any motor vehicle intended for use in the
21 construction, repair, and/or demolition of structures or roadways and which is not licensed for
22 use on public roads.

23 (h) "Electric Charging Bay" means a device used to restore the electromotive power of
24 a battery in an electric vehicle.

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1 (i) "Electric Vehicle" means a zero emission vehicle that derives its motive power from
2 one (1) or more electric motors.

3 (j) "Fast-Fueling" means a fueling process that refuels an alternative fuel vehicle in the
4 same or less time than traditional refueling methods.

5 (k) "Heavy Duty Vehicle" means any motor vehicle, licensed for use on roadways,
6 having a manufacturer's gross vehicle weight rating greater than 14,000 pounds.

7 (l) "Hybrid Electric Bus" means a bus having an on-board internal combustion engine
8 attached to an electric generator.

9 (m) "Light Duty Truck" means any motor vehicle, with a manufacturer's gross vehicle
10 weight rating of 6,000 pounds or less, which is designed primarily for purposes of
11 transportation of property or is a derivative of such a vehicle, or is available with special
12 features enabling off-street or off-highway operation and use.

13 (n) "Medium Duty Vehicle" means any 1995 and subsequent-model year vehicle having
14 a manufacturer's gross vehicle weight rating of 14,000 pounds or less and which is not a
15 passenger vehicle or light-duty truck.

16 (o) "Motor Vehicle" means a self-propelled vehicle.

17 (p) "Motorized Equipment" means any implement powered by an internal combustion
18 engine. Motorized Equipment shall not include equipment regulated pursuant to Section
19 21.18-6 of this code.

20 (q) "Natural Gas Bus" means a bus powered by natural gas.

21 (r) "Natural Gas Fueling Station" means any fueling station that provides fueling
22 services for motor vehicles fueled by natural gas.

23 (s) "NO_x" means oxides of nitrogen.

24 (t) "Particulate Matter (PM)" means solid or liquid particles of soot, dust, smoke, fumes,
25 aerosols or other airborne material.

1 (u) "PM₁₀" means particulate matter less than ten (10) microns in diameter.

2 (v) "PM_{2.5}" means particulate matter less than two and five-tenths (2.5) microns in
3 diameter.

4 (w) "Passenger Vehicle" means any motor vehicle designed primarily for transportation
5 of persons and having a design capacity of twelve (12) persons or less.

6 (x) "Portable Motorized Equipment" means motorized equipment that is capable of
7 being carried or moved from one location to another. Indicia of portability or transportability
8 include, but are not limited to, wheels, skids, carrying handles, a dolly, a trailer, or a platform.

9 (y) "Stationary Motorized Equipment" means motorized equipment that remains or will
10 remain at a single site at a building, structure, facility, or installation for more than twelve (12)
11 consecutive months.

12 (z) "Trolley Bus" means an electric-powered bus that derives its motive power from
13 overhead wires.

14 (aa) "Ultra-Low Emission Vehicle" means any motor vehicle that meets or exceeds the
15 standards set forth in 13 California Code of Regulations § 1960.1 for Ultra-Low Emission
16 Vehicles.

17 (ab) "Zero-Emission Vehicle" means (i) any motor vehicle that produces zero exhaust
18 emissions of all criteria pollutants, as defined by 17 California Code of Regulations §90701(b),
19 (or precursors thereof) under any and all possible operational modes and conditions or (ii) any
20 vehicle that has been certified by the California Air Resources Board as a zero-emission
21 vehicle.

22 **SEC. 85.3 CLEAN AIR PROGRAM ESTABLISHMENT, DUTIES AND FUNDING.**

23 (a) There is hereby established a program to be known as the Clean Air Program in
24 the City and County of San Francisco in the Department of Administrative Services.

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1 (b) Subject to the budget, fiscal and Civil Service provisions of the Charter, the
2 Director of Administrative Services shall appoint an individual who shall be responsible for the
3 day-to-day Program operations, including but not limited to supervision of staff and budgeting.
4 The Clean Air Program shall be responsible for supervising the implementation of the
5 provisions of this Chapter, assisting with the expansion of the alternative fueling network in
6 the City and County of San Francisco, assisting with City department financing and acquisition
7 of ultra-low or zero emission vehicles and equipment, performing outreach to residents and
8 private sector fleet operators to encourage the purchase of ultra-low and zero emission
9 vehicles and equipment, promoting automobile trip reduction by City employees, developing
10 educational programs to train City employees in the use of alternative fuel vehicles and
11 equipment and in techniques that reduce fuel consumption, encouraging the development of
12 car-sharing programs, and serving as San Francisco's Clean Cities Coordinator, under the
13 Clean City Program of the U.S. Department of Energy.

14 **SEC. 85.4. CLEAN AIR ADVISORY COMMITTEE ESTABLISHMENT AND**
15 **COMPOSITION.**

16 (a) There is hereby established a committee to be known as the Clean Air Advisory
17 Committee (hereinafter "Advisory Committee") of the City and County of San Francisco.

18 (b) The Advisory Committee should consist of ~~eleven (11)~~ ^{twelve (12)} voting members. The
19 members shall consist of:

- 20 2 representatives from the Department of Administrative Services,
- 21 1 representative from the Department of Public Transportation,
- 22 1 representative from the Department of Public Works,
- 23 1 representative from the Airport Department,
- 24 1 representative from Public Utilities Commission,
- 25 1 representative from San Francisco County Transportation Authority,

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1 1 representative from the Department of Public Health;
2 2 public representatives from environmental organizations which have as a
3 major focus advocating for cleaner air,
4 2 public representatives with significant expertise in clean air vehicles,
5 equipment, or related technology.

6 (c) The public members shall be appointed by the Board of Supervisors. The
7 members representing City departments shall be appointed by the Director of the respective
8 departments.

9 (d) The term of office for the appointed public members shall be one (1) year. In the
10 event of a vacancy occurring during the unexpired term of office of the public members, a
11 successor shall be appointed in a manner similar to that for the initial member to complete the
12 unexpired term of the office vacated.

13 (e) The Bay Area Air Quality Management District is invited to appoint one (1)
14 representative who may serve as a non-voting *ex officio* member of the Advisory Committee.

15 (f) At the initial meeting and annually thereafter the Advisory Committee members
16 shall elect such officers as deemed necessary by the Advisory Committee.

17 (g) The Advisory Committee shall establish rules and regulations for its own
18 organization and procedure and shall meet when necessary as determined by the Advisory
19 Committee. Except as provided by general law, all meetings shall be open to the public.

20 (h) The Advisory Committee shall have the power and duty to:

21 (1) Set up subcommittees as necessary;

22 (2) Advise the Mayor and the Board of Supervisors on all matters related to air
23 pollution including, but not limited to: alternative fuel vehicle purchasing and infrastructure
24 development.

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1 (3) Assist City departments in identifying and applying for grants for the
2 acquisition of alternative fuel vehicles and grants for the development of alternative fuel
3 infrastructure within the City and County of San Francisco.

4 **SEC. 85.5. ALTERNATIVE FUEL INFRASTRUCTURE**

5 **(a) Natural Gas Fueling Stations - Assessment and Recommendations.** Not later
6 than six (6) months from the effective date of this Chapter, the Planning Department, in
7 cooperation with the Clean Air Program, shall assess the need for a competitive network of
8 public access natural gas fast-fueling stations in the City and County of San Francisco and
9 shall provide a report to the Board of Supervisors detailing the results of the assessment.
10 Such report shall include recommendations for legislative action that may be required to
11 achieve the goal set forth in subsection (b).

12 **(b) Development of Natural Gas Fueling Stations.** Not later than eighteen (18)
13 months from the effective date of this Chapter, the Planning Department, in cooperation with
14 the Department of Building Inspection, shall coordinate the siting and development of not
15 fewer than five (5) public access natural gas fast-fueling stations by public and/or private
16 entities within the City and County of San Francisco.

17 **SEC. 85.6. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE**

18 **(a) Establishment of Pilot Program.** Not later than eighteen (18) months from the
19 effective date of this Chapter, the Department of Parking and Traffic in consultation with the
20 Department of Building Inspection shall implement a pilot program to install a total of fifty (50)
21 public access, dedicated electric charging bays in at least six (6) City-owned garages, parking
22 lots, and/or other sites accessible to the public.

23 **(b) Planning and Assessment.** Not later than eighteen (18) months from the effective
24 date of this Chapter, the Department of Parking and Traffic, in cooperation with the Clean Air
25 Program, shall develop and recommend to the Board of Supervisors a plan for creating a

1 comprehensive electric charging infrastructure for electric vehicles in the City and County of
2 San Francisco. Such plan shall include:

3 (1) A market demand assessment for electric charging infrastructure needs
4 within the City and County of San Francisco based on California Air Resource Board
5 mandates for zero-emission vehicle sales and projected sales within the Bay Area;

6 (2) An assessment of public and private funding options available for installation
7 of charging bays in all City-owned parking garages and lots by the year 2003; and

8 (3) Tax-based or other incentive programs to encourage the installation of
9 electric charging bays in privately owned parking facilities located in the City and County of
10 San Francisco.

11 **Sec. 85.7. PROCUREMENT OF VEHICLES BY CITY DEPARTMENTS**

12 (a) **Passenger Vehicles and Light-Duty Trucks.** Except as set forth in subsection (e),
13 beginning 90 days from the effective date of this Chapter, all City departments shall purchase
14 or lease only models of passenger vehicles and light duty trucks that are rated as ultra-low
15 emission vehicle or zero emission vehicle. Commencing July 1, 2000, at least ten percent
16 (10%) of all passenger vehicles and light duty trucks purchased or leased by the City within
17 any fiscal year shall be zero emission models. The Mayor's Office and the Director of
18 Administrative Services shall review annual and supplemental vehicle funding requests from
19 City departments to ensure that this requirement is met each fiscal year.

20 (b) **Medium Duty Vehicles.** Except as set forth in subsection (e), beginning 90 days
21 from the effective date of this Chapter, City departments shall purchase or lease only Medium
22 Duty Vehicles with engines having exhaust emissions levels rated as ultra-low emission or
23 super ultra-low emission pursuant to Section 1956.8(h) of Title 13 of the California Code of
24 Regulations or Medium Duty Vehicles that are rated as ultra-low emission or super ultra-low
25 emission pursuant to Section 1960.1(h)(2) of Title 13 of the California Code of Regulations.

1 **(c) Heavy Duty Vehicles.** Except as set forth in subsection (e), beginning 90 days
2 from the effective date of this Chapter, when purchasing or leasing Heavy Duty Vehicles, City
3 departments shall purchase or lease only Heavy Duty Vehicles whose engines are certified
4 under the optional standards for their exhaust emissions pursuant to Section 1956.8 of Title
5 13 of the California Code of Regulations.

6 **(d) Motorized Equipment.** Except as set forth in subsection (e), City departments
7 shall purchase or lease only portable or stationary motorized equipment that is powered by
8 alternative fuels.

9 **(e) Exemptions.**

10 (1) Notwithstanding any other provisions of this Chapter, this Section shall not apply to
11 any motor vehicles that are used for public safety purposes. Such vehicles shall include, but
12 are not limited to: police vehicles, fire vehicles, ambulances, and other emergency response
13 vehicles. Nothing in this subsection shall be construed to prohibit City departments from
14 purchasing or leasing motor vehicles used for public safety purposes that satisfy the
15 requirements of this section. It shall be the policy of the City to purchase or lease emergency
16 response vehicles that comply with the requirements of this section to the extent that the
17 purchase or lease of such vehicles is feasible and practical.

18 (2) This Section shall not apply to the acquisition of buses by the Public Transportation
19 Department for its fleet.

20 (3) Upon a written request from a City department, the Director of Administrative
21 Services may grant, an exemption to the requesting City department from the requirements of
22 this Section under the following circumstances:

23 (A) Where the requesting department demonstrates that no model of motor
24 vehicle or motorized equipment is available which will comply with the requirements of this
25 Section and meet the specifications of the department for its intended use. In deciding

1 whether to grant an exemption pursuant to this subparagraph, the Director of Administrative
2 Services shall consider the availability of funding for the purchase or lease of motor vehicles
3 or motorized equipment mandated by this Section.

4 (B) Where the requesting department demonstrates to the satisfaction of the
5 Director of Administrative Services each of the following:

6 (i) that the cost of the vehicle or motorized equipment that complies with
7 the requirements of this Section is more than one and a half times the cost of an equivalent
8 low emission vehicle or motorized equipment powered by gasoline or diesel fuel;

9 (ii) that the department has applied for, but failed to receive, funding for
10 the purchase or lease of the vehicle or motorized equipment that complies with the
11 requirements of this Section from sources other than the City's General Fund; and

12 (iii) that the amortized cost differential cannot be recovered over the
13 operating life of the vehicle or motorized equipment that complies with the requirements of this
14 Section through a reduction in fuel, maintenance, and other costs incurred during the
15 operating life of such vehicle or equipment.

16 (C) Where the requesting department demonstrates to the satisfaction of the
17 Director of Administrative Services that the use of vehicle or motorized equipment that
18 complies with the requirements of this Section would significantly disrupt departmental
19 operations due to the lack of adequate fueling and/or maintenance facilities for those motor
20 vehicles or motorized equipment.

21 (4) Where the Director of Administrative Services grants an exemption pursuant to
22 paragraph (3), the requesting department shall purchase or lease the model of motor vehicle
23 or motorized equipment that will meet its specifications and has the lowest available ratings
24 for emissions of NO_x and PM₁₀, and, if applicable, PM_{2.5} established by the California Air

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1 Resources Board for the type or class of vehicle or motorized equipment being purchased or
2 leased.

3 **(d) Rules and Regulations.** The Director of Administrative may promulgate such
4 regulations as may be necessary from time to time to carry out the requirements of this
5 section.

6 **(e) List of Vendors.** The Director of Administrative Services shall develop a
7 comprehensive list of vendors supplying motor vehicles and motorized equipment that comply
8 with the requirements of this section for use by City departments in making purchasing or
9 leasing decisions.

10 **(f) Other Requirements.** All motor vehicles and motorized equipment purchased or
11 leased pursuant to this section shall meet all applicable safety standards and other
12 requirements for the intended use of the vehicle or equipment.

13 **(g) Funding.** It shall be the policy of the City to: (1) use monies that are not part of a
14 City department's regular appropriation, including, but not limited to, regional, state, or federal
15 grants, to fund the entire purchase or lease price of ultra-low or zero emission vehicles or
16 motorized alternative fuel equipment that is used in a pilot program or demonstration project;
17 and (2) in all other cases, use such monies only to fund the difference in purchase or lease
18 price between the ultra-low or zero emission vehicle or motorized alternative fuel equipment
19 and the gasoline or diesel-fueled motor vehicle or motorized equipment that would otherwise
20 be purchased or leased. City departments may consult with the Clean Air Advisory
21 Committee regarding funding opportunities for the purchase of alternative fuel vehicles.

22 **(h) Annual Report.** Not later than September 1 of each fiscal year, the Director of
23 Administrative Services shall submit to the Mayor and the Board of Supervisors a report which
24 includes a summary of motor vehicles and motorized equipment purchased or leased by City
25 departments. Such report shall include a comparison of (i) the annualized projected

1 maintenance and fueling costs for each type or class of motor vehicle and motorized
2 equipment purchased or leased pursuant to this section, (ii) the estimated annualized
3 maintenance and fueling costs for vehicles and motorized equipment that would otherwise be
4 purchased or leased, and (iii) the projected reduction in the emissions of NO_x, PM₁₀ and, if
5 applicable, PM_{2.5} from motor vehicles and motorized equipment purchased or leased pursuant
6 to this section.

7 **(i) Phase Out of Highly Polluting Vehicles and Equipment.** Not later than eighteen
8 (18) months from the effective date of this Chapter, each City department, with the
9 cooperation of the Director of Administrative Services, shall develop and recommend to the
10 Board of Supervisors a plan to phase out the use of older and highly polluting motor vehicles
11 and motorized equipment that have been in service for twelve (12) or more years. Such plan
12 shall include, but is not limited to, a study into the feasibility of centralizing the purchase and
13 ownership of City motor vehicles within the Department of Administrative Services, which are
14 leased to City Departments on an as-needed basis.

15 **SEC. 85.8 OPERATION OF BI-FUEL VEHICLE.** No bi-fuel vehicle owned by the City
16 may be powered by gasoline, diesel, or other petroleum-based fuel while operating within the
17 City and County of San Francisco. Bi-fuel vehicles owned by the City shall bear a notice
18 stating the requirements of this subsection, posted in one or more locations that are plainly
19 visible to the vehicle operator. This section shall not apply to (1) the operation of bi-fuel
20 vehicles in emergency situations or (2) the operation of buses by the Public Transportation
21 Commission.

22 **SEC. 85.9 DEPARTMENT OF PUBLIC TRANSPORTATION BUSES AND TROLLEY**
23 **BUSES.**

24 **(a) Pilot Program.** For the purpose of developing fueling specifications for the first
25 planned Department of Public Transportation bid package after the effective date of this

1 Chapter to replace existing diesel-powered buses, the Public Transportation Commission,
2 with input from the Transportation Authority, shall implement an alternative fuels pilot program
3 to evaluate the efficacy of using alternative fuel buses to reduce air pollution while maintaining
4 current level of service and safety. This program shall include testing of both dedicated
5 natural gas and hybrid electric buses.

6 **(b) Identification and Conversion of Diesel Bus Lines.** Not later than six (6) months
7 from the effective date of this Chapter, the Public Transportation Commission shall identify
8 heavily traveled diesel bus lines that are appropriate for conversion to cleaner, quieter electric
9 trolley bus lines. The Public Transportation Commission and the Planning Department shall
10 develop proposed street amenities, including, but not limited to, light standards and street
11 landscaping, designed to mitigate the aesthetic impact of any proposed overhead wires.
12 Residents in the neighborhoods surrounding such bus lines shall be provided with notice and
13 an opportunity to comment on the proposed plan.

14 **(c) Phase-Out of Diesel Buses.** Not later than eighteen (18) months from the
15 effective date of this Chapter, the Public Transportation Commission shall develop a plan to
16 phase out the use of diesel buses that have been in service for a time period greater than the
17 time period set forth by the applicable federal funding guidelines.

18 **SEC. 85.10 REGIONAL PUBLIC SECTOR AND PRIVATE SECTOR FLEETS**

19 **(a) Regional Public Transportation Authorities.** Not later than twelve (12) months
20 from the effective date of this Chapter, the Clean Air Program in consultation with the Advisory
21 Committee, shall develop a plan, including incentives, to encourage the regional public sector
22 transit agencies to use buses that are classified as zero emission or cleaner emission vehicles
23 on bus lines that originate or terminate in San Francisco.

24 **(b) Private Sector Fleets.** Not later than twelve (12) months from the effective date of
25 this Chapter, the Clean Air Program in consultation with the Advisory Committee, shall

1 develop a plan, including incentives, to encourage private sector fleets that operate a
2 significant number of motor vehicles within the City and County of San Francisco to convert
3 their fleets to zero emission vehicles or motor vehicles that comply with the requirements
4 Section 85.7 of this Chapter.

5 **(c) Residential Vehicles.** Not later than twelve (12) months from the effective date of
6 this Chapter, the Clean Air Program in consultation with the Advisory Committee, shall
7 develop a plan, including incentives, to encourage residents of the City and County of San
8 Francisco to purchase zero-emission vehicles or motor vehicles that comply with Section 85.7
9 of this Chapter.

10 **(d) San Francisco Unified School District.** Upon request by the San Francisco
11 Unified School District, the Transportation Authority and the Public Transportation
12 Commission shall assist the school district with the development of bid specifications and/or
13 contract requirements requiring the use of alternative fuel school buses in the District's bid
14 package for school bus service. Upon request by the San Francisco Unified School District,
15 the Transportation Authority and the Public Transportation Commission shall also assist the
16 school district with the preparation of applications for local, regional, state, and/or federal
17 funding to pay for part or all of the costs of such buses.

18 **(e) Car-Sharing Program.** The Clean Air Program, in consultation with the Advisory
19 Committee shall assist the Department of Parking and Traffic and the Planning
20 Department and other Federal and State agencies ~~provide assistance to Federal, State, and City agencies and departments in~~
21 the development of car-sharing programs in all high density urban neighborhoods of the City.
22 Such neighborhood shall include, but are not limited to, Nob Hill, North Beach, Russian Hill,
23 Castro, Tenderloin, Telegraph Hill, Downtown, Mission, Hayes Valley, Haight, Mission Bay,
24 Treasure Island, and the Presidio.

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9/27/99
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1 Section 2. Article 3 of the San Francisco Traffic Code is hereby amended by adding a
2 new Section 32.21A, and amending Section 32.22 to read as follows:

3 **SEC. 32.21A PARKING CONTROL; BLOCKING AN ELECTRIC CHARGING BAY.**

4 (a) No person shall park or leave standing any vehicle other than an electric vehicle,
5 whether attended or unattended, in a parking space in a City-owned garage or parking lot that
6 is equipped with an electric charging bay. This section is intended to prohibit the blocking or
7 occupancy of an electric charging bay by a vehicle other than an electric vehicle. All terms
8 used in this section shall have the same meaning as those terms have for the purposes of
9 Chapter 85 of the Administrative Code (commencing with section 85.1). Any violation of the
10 provisions of this section shall constitute an infraction and any person upon conviction thereof
11 shall be punished by a fine of not less than \$100 or more than \$200.

12 (b) Any Police Officer or Parking Control Officer may issue a citation to the owner or
13 driver of any vehicle that has been parked or left standing in a municipal off-street parking lot
14 in violation of subsection (a), in the same manner and in accordance with the same procedure
15 and with the same effect as citations issued for traffic violations pursuant to the provisions of
16 Article 8, Section 150 to 157 of the San Francisco Traffic Code and Sections 41102 and
17 41103 of the California Vehicle Code.

18 **SEC. 32.22 REMOVAL OF VEHICLE AUTHORIZED.** When appropriate signs are in
19 place giving notice that vehicles blocking entrances to residences or electric charging bays in
20 violation of Sections 32.21 or 32.21A of this Code will be towed. ((, a)) Any officer of the
21 Police Department or any Parking Control Officer is hereby authorized to remove or cause to
22 have removed any vehicle that is parked or left standing in such a manner that it blocks any
23 entrance to any residence or electric charging bay in violation of said Sections 32.21 or
24 32.21A. The procedure for removal and impounding of vehicles shall be as is provided for in

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1 Article 9 of the San Francisco Traffic Code and Sections 22850 to 22854 of the California
2 Vehicle Code.

3
4 Section 3. **SEVERABILITY.** If any section, subsection, paragraph, subparagraph,
5 sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional,
6 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
7 validity or effectiveness of the remaining portions of this Ordinance. The Board of Supervisors
8 declares that it would have passed each section, subsection, paragraph, subparagraph,
9 sentence, clause or phrase of this Ordinance irrespective of the fact that any portion of this
10 Ordinance could be declared unconstitutional, invalid or ineffective.

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12
13 APPROVED AS TO FORM:

14 LOUISE H. RENNE, City Attorney

15
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17 By:



18 WILLIAM CHAN
19 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 990624

Date Passed:

Ordinance amending Administrative Code by adding a new Chapter 85, Sections 85.1 through 85.10, establishing a Clean Air Program within the Department of Administrative Services, establishing a Clean Air Advisory Committee, establishing a program to develop infrastructures for alternative fuel vehicles, establishing criteria for the City's procurement of zero-emission and ultra-low emission vehicles, establishing an alternative fuel vehicle purchasing pilot program in the Department of Public Transportation, identifying diesel bus lines that are appropriate for conversion to electric trolley buslines; establishing a car share program; and encouraging private and regional public entities doing business in San Francisco to use ultra-low and cleaner emission vehicles; amending Traffic Code by adding Section 32.21A to prohibit parking by non-electric vehicles in electric vehicle charging bays; amending Traffic Code Section 32.22 to provide the authority to remove non-electric vehicles in electric vehicle charging bays.

September 27, 1999 Board of Supervisors — AMENDED

Ayes: 10 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Brown

September 27, 1999 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Brown

October 4, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki

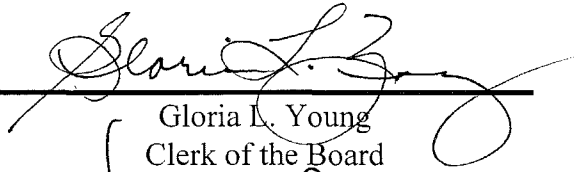
Absent: 1 - Yee

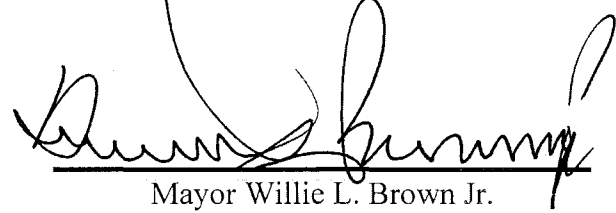
File No. 990624

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 4, 1999
by the Board of Supervisors of the City and
County of San Francisco.

OCT 15 1999

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.