

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

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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.

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

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

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

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

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

3 **SEC. 401. DEFINITIONS.**

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

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

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

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

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

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

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

1 Control for official duties. Unless equipped with lights and sirens, vehicles used for primarily
2 administrative functions such as passenger transport shall not be considered an "Emergency
3 Vehicle" for the purposes of this Chapter 4.

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

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

10 "Light-Duty Passenger Vehicle" means a Passenger Vehicle that meets the
11 criteria of a Federal Highway Administration Class 2 Vehicle that include all sedans, coupes
12 and station wagons primarily for the purposes of carrying passengers, and comprising of no
13 more than 5 seats in addition to the driver's seat.

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

18 "Motor Vehicle" means a self-propelled vehicle.

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

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

24 "Public Safety Department" means the Police Department, the Sheriff's
25 Department, and the Fire Department. For purposes of this Chapter 4, "Public Safety

1 Department" shall also include the Office of the Chief Medical Examiner and the Department
2 of Animal Care and Control.

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

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

7 "Vehicle Selector List" means a document issued by the City Administrator, in
8 consultation with the Department of the Environment, which provides emissions data for Light-
9 Duty Passenger Vehicles ~~general purpose sedans~~, light-duty pickup trucks, and vans with a
10 gross vehicle weight under 8,500 pounds. The Vehicle Selector List will consider estimated
11 long-term costs and emissions, and when Zero Emission Vehicles are unavailable in the
12 marketplace, identify vehicles that have emissions as low as practicable and efficiency ratings
13 as high as practicable.

14 "Zero Emission Vehicle" means a vehicle that produces no emissions from the on-board
15 source of power, as determined by the California Air Resources Board.

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17 **SEC. 403. FLEET MANAGEMENT PROMOTING HEALTHY AIR AND CLEAN**
18 **TRANSPORTATION.**

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

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

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

4 (3) Align greenhouse gas reduction goals with the Federal Executive Order –
5 Planning for Federal Sustainability in the Next Decade, dated March 19, 2015 – reducing
6 average per-mile greenhouse gas emissions from general purpose, light-duty fleet vehicles,
7 relative to a baseline of emissions in fiscal year 2014, to achieve the following percentage
8 reductions: (A) not less than ~~4% percent~~ by the end of fiscal year 2017; and (B) not less than
9 ~~15% percent~~ by the end of fiscal year 2021;

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

14 (4~~5~~) Conduct a review one year after the initial implementation of these policies,
15 and every year thereafter, to assess telematics data, review developments in low carbon
16 fuels, evaluate possible coverage of additional vehicle classes, evaluate additional GHG
17 goals, explore new technologies allowing for conversion of light-duty trucks and general passenger
18 vans to Zero Emission Vehicle status, and other topics the City Administrator deems are relevant,
19 to serve as a basis for the City Administrator, in consultation with the Director of the
20 Department of the Environment, to adopt and implement further policy changes regarding fleet
21 management as appropriate. The City Administrator shall submit an annual report to the
22 Board of Supervisors and the Mayor outlining the findings of this annual review, possible
23 upgrade opportunities with regard to vehicle emissions for light-duty trucks and general passenger
24 vans, and any additional resulting policy changes in fleet management, including
25 recommendations for mandatory fleet reductions if warranted.

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

2 (a) Unless granted a waiver under Section 404(b) or exempt under ~~sub~~Section
3 404(c), City officials may not purchase or authorize the purchase of any motor vehicle unless
4 the purchase complies with each of the following:

5 (1) The purchase complies with the Transit-First policy required under Section
6 403(a) and adopted by the department or City official for whose use the vehicle is principally
7 intended;

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

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

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

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

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

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

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

1 Waivers must be made in a fashion as to ensure that only the minimum number of vehicles
2 not in compliance with Section 404(a) needed by a department remain in the fleet. Departments may
3 submit one single waiver request to cover the annual purchases, waiver do not need to be
4 submitted on an individual purchase basis. As part of his or her annual report to the Board of
5 Supervisors and the Mayor under Section 403(b)(4), the City Administrator shall report on the
6 number of new waivers granted under this subsection (b) for the prior year.

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

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

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

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

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

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

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 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.

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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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