

1 [Administrative Code - Vehicles Owned or Leased by the City]

2

3 **Ordinance amending the Administrative Code to require City departments to report**  
4 **annually information about the number, cost, and usage of vehicles the departments**  
5 **have rented for periods of longer than 30 days; to authorize the City Administrator to**  
6 **inspect or provide maintenance upon request for any vehicle rented, leased, or owned**  
7 **by the City; to require departments to submit information to the City Administrator and**  
8 **the Board of Supervisors regarding the usage and safety of City vehicles; and to**  
9 **authorize the City Administrator to require departments to develop correction plans to**  
10 **reduce speeding, idling, and/or collisions involving City vehicles.**

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

16

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

18

19 Section 1. The Planning Department has determined that the actions contemplated in  
20 this ordinance comply with the California Environmental Quality Act (California Public  
21 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the  
22 Board of Supervisors in File No. 201062 and is incorporated herein by reference. The Board  
23 affirms this determination.

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1 Section 2. Chapter 4 of the Administrative Code is hereby amended by revising  
2 Sections 4.10-1 and 4.10-2, to read as follows:

3 **SEC. 4.10-1. CITY-OWNED AND LEASED VEHICLES; FLEET MANAGEMENT**  
4 **PROGRAM.**

5 (a) All general purpose vehicles owned, leased, or rented by the City and previously  
6 assigned to, or placed under the jurisdiction of, any officer or department of the City are  
7 hereby transferred to the jurisdiction of the City Administrator. General purpose vehicles  
8 acquired after ~~the effective date of this ordinance~~ May 18, 2003 shall also be placed under the  
9 jurisdiction of the City Administrator.

10 \* \* \* \*

11 (e) (1) At least five days prior to renting or leasing any vehicle or vehicles for a period  
12 of more than 30 days, the department seeking to rent or lease the vehicle or vehicles shall report the  
13 following information to the City Administrator: the number of vehicles the department intends to rent  
14 or lease; the length of the rental or lease for each vehicle; the make, model, and year of each vehicle;  
15 the cost of each rental or lease, including both the rate calculated on a daily basis and the overall cost  
16 for the entire rental or lease period; and the anticipated use of the vehicle or vehicles. If the  
17 department does not have access to all the information required by this subsection (e)(1) five  
18 days prior to renting or leasing, the department shall report all available information in its  
19 possession at that time.

20 (2) If a department determines that it is necessary to immediately rent or  
21 lease one or more vehicles for a period of more than 30 days to address an emergency, the  
22 department is not required to submit a report by the deadline in subsection (e)(1); provided  
23 that the department shall report the information required by subsection (e)(1) to the City  
24 Administrator within 15 days after renting or leasing the vehicle(s) with a written explanation of  
25 the emergency circumstances.

1           ~~(2f)~~ Each department that has rented one or more vehicles for a period of more than 30 days  
2 during the preceding year (measured from April 1 through March 31) shall submit an annual report to  
3 the City Administrator and the Board of Supervisors by May 1 including (A1) for the 12 months ending  
4 March 31: the number of vehicles the department rented or leased for a period of more than 30 days  
5 during the reporting period, the length of each such rental or lease, the make, model, and year of each  
6 vehicle, the use of the vehicle, and the cost of each rental or lease, including both the rate calculated on  
7 a daily basis and the overall cost for the entire rental or lease period; and (B2) the amount of the  
8 department's anticipated spending to rent or lease vehicles in the next fiscal year.

9           ~~(fg)~~ The City Administrator may request, based on information provided under Section 4.10-  
10 2 or for any other reason, that a department using any vehicle owned, leased, or rented by the City  
11 return the vehicle to the City Administrator to inspect or provide maintenance on the vehicle.  
12 Departments shall provide vehicles to the City Administrator for inspection or maintenance within five  
13 business days of receiving a written request.

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15           **SEC. 4.10-2. TELEMATIC VEHICLE TRACKING SYSTEMS.**

16           (a)    Definitions.

17           For purposes of this Section 4.10-2, the following terms have the following meanings:

18           **Motor Vehicle** has the meaning set forth in Division 1 of the California Vehicle Code, as  
19 amended from time to time.

20           **Telematic Vehicle Tracking System** means a system that combines the use of automatic vehicle  
21 location equipment in individual vehicles with software that monitors in real time the location,  
22 movements, and status of a vehicle or fleet of vehicles to provide a comprehensive picture of vehicle  
23 locations and usage.

24           (b)    **Equipping Motor Vehicles With Telematic Vehicle Tracking Systems.**

1 (1) Except as provided in subsection 4.10-2(~~b~~)(2), by no later than January  
2 1, 2017, the City Administrator and each department head or other City official with jurisdiction  
3 over motor vehicles shall cause those vehicles to be equipped with telematic vehicle tracking  
4 systems. The City Administrator, department head or other City official having jurisdiction  
5 shall prepare a notice that telematic vehicle tracking systems have been installed in the  
6 vehicles and shall disseminate that notice to affected employees at the same time the  
7 systems are installed.

8 (2) For vehicles used by the Police Department, the Sheriff's Department, the  
9 Adult Probation Department, or the Juvenile Probation Department for law enforcement  
10 purposes, or used by the District Attorney's Office or the City Attorney's Office for  
11 investigations, the deadlines set forth in subsection (~~b~~)(1) for equipping vehicles and  
12 providing notice shall be June 30, 2020.

13 (~~b~~c) **Monitoring and Data.**

14 (1) Monitoring and Analysis by Departments. The City Administrator and each  
15 department head or other City official shall monitor the use of the motor vehicles over which  
16 ~~he or she~~ the City Administrator or other official has jurisdiction, using ~~the~~ telematic vehicle tracking  
17 systems, ~~and~~ Each such official shall use that information to monitor and analyze subjects such  
18 as vehicle cost efficiency, speeding, use optimization, collisions, and post-incident investigation,  
19 and to promote other potential benefits such as increased safety, efficiency, productivity, and  
20 improved route management planning. The City Administrator shall establish and implement  
21 policies to ensure that department heads and other City officials adequately report on all vehicle  
22 performance metrics listed in this subsection (c)(1) to optimize results.

23 (2) Monthly Reporting.

24 (A) Unless excused by the City Administrator as provided in subsection  
25 (c)(2)(C), by no later than the first day of each month beginning January 1, 2021, each department

1 head or other City official required to monitor information under subsection (c)(1) shall submit to the  
2 City Administrator data obtained from telematic vehicle tracking systems during the preceding month  
3 regarding each of the following: (i) speeding by motor vehicles in excess of the legal speed limit; (ii)  
4 the amount of time that motor vehicles spent idling; (iii) motor vehicle emissions; (iv) motor vehicle  
5 maintenance needs; (v) overall utilization of motor vehicles by the department or agency; and (vi) the  
6 assignment of take-home vehicles and incidents of non-compliance with Section 4.11. By the same  
7 deadline, each department head or other City official shall also submit to the City Administrator a  
8 report regarding each collision involving a motor vehicle under their jurisdiction during the reporting  
9 period.

10 (B) The City Administrator shall provide to each such department head or  
11 official methods to submit the information required by subsection (c)(2)(A) in electronic format, which  
12 may include providing templates to allow the department head or official to report the required  
13 information.

14 (C) The City Administrator may excuse a department or office from the  
15 monthly reporting requirement in subsection (c)(2)(A) if the City Administrator otherwise receives  
16 information required by that subsection from the department or office more frequently than once a  
17 month.

18 ~~(e) — For purposes of this Section 4.10-2, "motor vehicle" shall mean a motor vehicle as~~  
19 ~~defined in Division 1 of the California Vehicle Code, as amended. "Telematic vehicle tracking system"~~  
20 ~~shall mean a system that combines the use of automatic vehicle location equipment in individual~~  
21 ~~vehicles with software that monitors in real time the location, movements, and status of a vehicle or~~  
22 ~~fleet of vehicles to provide a comprehensive picture of vehicle locations and usage.~~

23 ~~(d) — (3) Annual Reporting.~~

24 (A) Each department head or other City official with jurisdiction over  
25 motor vehicles shall submit a report with aggregate telematic data for those vehicles, including

1 but not limited to the information described in subsection (c)(2) ~~usage and mileage data~~, to the City  
2 Administrator, ~~or his or her designee, at the end of each fiscal~~ by April 1 each year. The report shall  
3 include data for the current fiscal year, and shall include data for the preceding five years or for the  
4 period since the telematic equipment was initially installed in the department's vehicles, whichever is  
5 shorter.

6 \_\_\_\_\_ (B) By ~~October~~ May 1 of each year, the City Administrator shall submit  
7 to the Mayor and the Board of Supervisors a report on aggregate motor vehicle use to  
8 promote efficient and safe operation of the City's motor vehicle fleet. The City Administrator's  
9 report shall include, but need not be limited to, information for each City department with jurisdiction  
10 over motor vehicles regarding speeding in excess of the legal speed limit; the amount of time that motor  
11 vehicles spent idling; emissions; maintenance; collisions; overall utilization of motor vehicles; the  
12 assignment of take-home vehicles and incidents of non-compliance with Section 4.11; correction plans  
13 implemented under subsection (d); and the implementation of those plans. In the City Administrator's  
14 discretion, the report may cover the period of either the preceding 12 months or the current fiscal year  
15 to date. The report shall also include comparative data for each department covering the previous five  
16 years or the period since the telematics equipment was initially installed in the Department's vehicles,  
17 whichever is shorter. The City Administrator's report may include recommendations for future  
18 amendments to this Chapter 4 to improve the safety and efficiency of the City's use of vehicles.

19 (d) **Correction Plans.** Within 60 days of the effective date of the ordinance in Board File  
20 No. \_\_\_\_\_ adopting this subsection (d), each department with jurisdiction over motor vehicles shall  
21 develop and submit to the City Administrator a correction plan to implement the principles of the City's  
22 Vision Zero strategy to reduce speeding, idling, and collisions in motor vehicles used by the  
23 department. Based on information received by the City Administrator under subsection (c), the City  
24 Administrator may require a department to report on the implementation of the correction plan within  
25 60 days of the City Administrator's request, or earlier if so requested by the City Administrator. Within

1 six months after the implementation of a correction plan to the City Administrator, the department shall  
2 submit a report to the City Administrator on the department's efficacy in the implementation of that  
3 plan, including the number of employees who have received training under the plan.

4 (e) **Regulations and Guidelines.** The City Administrator may, after a noticed public  
5 hearing, adopt regulations and guidelines to implement and administer this Section 4.10-2.  
6 The City Administrator's regulations and guidelines shall include directions to City departments to  
7 provide written notification to individual employees who have engaged in driving activities that are  
8 dangerous or unreasonable, as defined in the regulations or guidelines.

9 (f) **Waiver of Requirements.**

10 (1) Subject to the provisions of this subsection (f), the City Administrator may  
11 waive the requirements of this Section 4.10-2, in whole or in part, upon written application by  
12 the department head or other City official with jurisdiction over motor vehicles, where the City  
13 Administrator concludes that compliance with ~~the~~ some or all of the requirements would not be  
14 feasible or would unduly interfere with the department's ability to discharge its official  
15 functions.

16 (2)~~(f)~~—If the City Administrator approves an application for a waiver, ~~he or she~~ the  
17 City Administrator shall provide written notice of the approval to the Clerk of the Board of  
18 Supervisors within five business days of the approval, and the Clerk of the Board shall forward  
19 such notice to all members of the Board of Supervisors. Within 10 business days of ~~receipt of~~  
20 the Clerk of the Board providing such notice to the members of the Board, any member of the  
21 Board may submit to the Clerk of the Board for introduction ~~an~~ written motion ordinance to  
22 approve or reject the waiver. The City Administrator, department head, or other City official  
23 having jurisdiction shall not install the telematic vehicle tracking system that is the subject of  
24 the waiver while such ~~motion~~ ordinance is pending at the Board.

1                   (3) The City Administrator's approval of an application for a waiver ~~under~~  
2 ~~subsection (e)~~ shall be final when either: the 10 days have passed for a member of the Board to  
3 submit an ~~written motion~~ ordinance pursuant to subsection (f)(2) without any member having done  
4 so; or, if a Board member has submitted an ~~motion~~ ordinance for introduction, the Board adopts  
5 an ~~motion~~ ordinance affirming the City Administrator's approval of the application for a waiver  
6 and such ordinance becomes effective; or ~~45~~ 60 days have passed without the ~~Board~~ City finally  
7 enacting ~~adopting~~ an ~~motion~~ ordinance reversing or modifying the City Administrator's approval.

8                   (4) Rejection of an application for a waiver shall be final when either: the City  
9 Administrator rejects the application; or, if the City Administrator has approved the application  
10 and a Board member has submitted an ~~motion~~ ordinance for introduction, the Board adopts an  
11 ~~motion~~ ordinance reversing or modifying the City Administrator's approval of the application for  
12 a waiver.

13                   (g) Applicability of Section. Consistent with the Charter and other applicable State and  
14 Federal law, this Section 4.10-2 shall not apply to the Public Utilities Commission, Airport,  
15 Port, or Municipal Transportation ~~Authority~~ Agency to the extent its requirements would conflict  
16 with those laws or would otherwise interfere with the discharge of those functions placed  
17 under the direct jurisdiction of the department.

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19                   Section 2. Effective Date. This ordinance shall become effective 30 days after  
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
22 of Supervisors overrides the Mayor's veto of the ordinance.

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24                   Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,



1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
3 additions, and Board amendment deletions in accordance with the “Note” that appears under  
4 the official title of the ordinance.

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6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

8 By: /s/  
9 JON GIVNER  
Deputy City Attorney

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