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# LEGISLATIVE ACTION ITEM

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**DATE:** August 15, 2008  
**TO:** City Council Members  
**FROM:** Council Member JT Martin  
**RE:** Legislative Action Item: Exempting Alternative Fuel, Fuel Efficient, and Low Polluting Taxicabs from Age Limit in Salt Lake City Code  
**CC:** Cindy Gust-Jenson, David Everitt, Lyn Creswell, Esther Hunter, Frank Gray, Mary De La Mare-Schaefer, Orion Goff, Brent Kovac, Vicki Bennett, Quin Card

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I request the City Council's support for a Legislative Action Item exempting taxicabs that run on alternative fuels, or meet federal Environmental Protection Agency fuel efficiency standards, and achieve an EPA air pollution score of at least eight on the EPA's vehicle rating scale of zero to 10 from the age limit in *Salt Lake City Code* 5.72.315. I believe exempting taxicabs that meet the criteria would help the City's efforts to combat air pollution while helping taxicab drivers potentially increase take home pay by driving vehicles using cheaper fuel and vehicles that are more fuel efficient.

## OPTIONS

- Adopt the Legislative Action Item
- Do not adopt the Legislative Action Item

## POTENTIAL MOTIONS

- I move that the City Council adopt the Legislative Action Item directing the Administration to research and prepare an ordinance exempting taxicabs that run on alternative fuels, or meet federal Environmental Protection Agency fuel efficiency standards, and achieve an EPA air pollution score of at least eight on the EPA's vehicle rating scale of zero to 10 from the age limit in *Salt Lake City Code* 5.72.315.
- I move that the City Council consider the next item on the agenda.

## BACKGROUND/DISCUSSION

Section 5.72.315 was amended by Ordinance No. 87 of 2005 in part to require that taxicabs must be no more than five years old when a company or driver apply to use it as a taxicab. I would like the City Council to amend the section to allow a longer time limit for vehicles that run on alternative fuels.

City Council staff has noted that the limit could be extended if the Administration sets a mileage limit on when a vehicle no longer could be used as a taxicab. I would expect any taxicab exempted to meet vehicle maintenance and cleanliness standards listed in the City's ordinances regulating ground transportation and taxicabs.

I would expect that the Administration help research the application of the legislative action. However, I would suggest that research is readily available to consider this item fairly soon.

First, *City Code* Section 12.56.205 titled *No Charge for Alternative Fuel, Fuel Efficient and Low Polluting Vehicles* already contains a complete set of definitions of the kinds of vehicles and fuel that could apply to the Legislative Action. The definitions are:

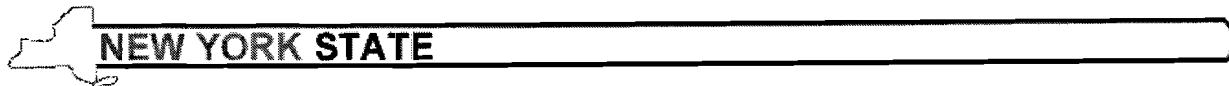
1. "Alternative fuel" means propane, compressed natural gas, electricity, or any motor or special fuel that meets the clean fuel vehicle standards in the federal clean air act amendments of 1990, title II, as amended.
2. "Alternative fuel vehicle" means a vehicle with an engine powered full or part time by an alternative fuel.
3. "Clean fuel license plate" means a special group license plate issued by the Utah Department of Motor Vehicles as authorized by Utah Code 41-1a-418, or its successor.
4. "Fuel efficient vehicle" means a vehicle that is powered by gasoline or diesel that achieves a city driving fuel efficiency of fifty (50) or more miles per gallon.
5. "Low polluting vehicle" means a vehicle that achieves an environmental protection agency (EPA) air pollution score of at least eight (8) on the EPA vehicle rating scale of zero to ten (0 - 10).

Second, it should be noted that the Administration and City Council may consider in the near future changes that would alter the nature of taxicab regulation in the City. Draft changes include a provision that would allow an alternative-fuel vehicle to be eight years old, as long as it has been driven fewer than 400,000 miles, according to City Council staff.

In granting an exemption, one concern would be how the City could determine whether an alternative fuel actually is being used in a vehicle capable of using an alternative fuel and a regular fuel. However, it might be noted that to obtain a "clean fuel license plate" requires obtaining and maintaining a "clean fuel certificate" issued by the State Tax Commission. The commission "may require each vehicle to be inspected for safe operation before issuing the certificate," according to Utah Code 59-13-304-2(b). Also, the City could make determining whether the alternative fuel system is operable and used could be part of routine inspections required by the City under *City Code* sections 5.71.180 and 5.72.405.

I appreciate your consideration in this matter and look forward to hearing your thoughts.

Thank you.



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## New York City Clean Fuel Taxi Program

New York City has some of the highest levels of air pollution in the country. The dense population and tall buildings increase exposure to air pollution by delaying dispersal of ground level emissions. Vehicles are responsible for much of these emissions, with taxis contributing a significant share. New York City has approximately 12,000 taxis, many of which travel 100,000 miles per year or more, almost all within the city.



More than 300 New York City Medallion cabs have already been converted to cleaner compressed natural gas taxis like this one.

New York City has received a Congestion Mitigation and Air Quality (CMAQ) grant to demonstrate the air quality benefits of the use of compressed natural gas (CNG) to power taxis in New York City. Natural gas use in taxis has the following benefits:

- New dedicated CNG vehicles have emissions lower than comparable gasoline vehicles.
- CNG vehicles do not release fuel to the atmosphere while being refueled.
- CNG vehicles have sealed fuel systems that do not allow fuel to escape when the ambient temperature changes.
- CNG vehicles do not release fuel due to fuel heating from vehicle operation.

The New York City Clean Fuel Taxi Program provides CMAQ funds toward the purchase of new natural gas taxi cabs or the conversion of gasoline cabs to natural gas. NYSEDA is managing this program in conjunction with the New York City Department of Transportation, New York City Taxi and Limousine Commission, and New York City Department of Environmental Protection. About 300 natural gas taxis have been operated by taxi drivers throughout the city as a result of this program. Contact NYSEDA at [info@nyserda.org](mailto:info@nyserda.org) for names of participating dealerships. Natural gas is available at a growing network of fueling sites around the city.

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**41-1a-418 (Effective 10/01/08) (Sup 01/01/09). Authorized special group license plates.**

(1) The division shall only issue special group license plates in accordance with this section through Section **41-1a-422** to a person who is specified under this section within the categories listed as follows:

- (a) disability special group license plates issued in accordance with Section **41-1a-420**;
- (b) honor special group license plates, as in a war hero, which plates are issued for a:
  - (i) survivor of the Japanese attack on Pearl Harbor;
  - (ii) former prisoner of war;
  - (iii) recipient of a Purple Heart;
  - (iv) disabled veteran; or
  - (v) recipient of a gold star award issued by the United States Secretary of Defense;
- (c) unique vehicle type special group license plates, as for historical, collectors value, or other unique vehicle type, which plates are issued for:
  - (i) a special interest vehicle;
  - (ii) a vintage vehicle;
  - (iii) a farm truck; or
  - ←(iv) (A) until Subsection (1)(c)(iv)(B) applies, a vehicle powered by clean fuel and for which a current clean special fuel certificate is maintained as provided in Section **59-13-304**; or
    - (B) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection **41-6a-702(5)(b)**, a vehicle powered by clean fuel that meets the standards established by the Department of Transportation in rules authorized under Subsection **41-6a-702(5)(b)**;
- (d) recognition special group license plates, as in a public official or an emergency service giver, which plates are issued for a:
  - (i) current member of the Legislature;
  - (ii) current member of the United States Congress;
  - (iii) current member of the National Guard;
  - (iv) licensed amateur radio operator;
  - (v) currently employed, volunteer, or retired firefighter;
  - (vi) emergency medical technician;
  - (vii) current member of a search and rescue team; or
  - (viii) current honorary consulate designated by the United States Department of State; and
- (e) support special group license plates, as for a contributor to an institution or cause, which plates are issued for a contributor to:
  - (i) an institution's scholastic scholarship fund;
  - (ii) the Division of Wildlife Resources;
  - (iii) the Department of Veterans' Affairs;
  - (iv) the Division of Parks and Recreation;
  - (v) the Department of Agriculture and Food;
  - (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
  - (vii) the Boy Scouts of America;
  - (viii) spay and neuter programs through No More Homeless Pets in Utah;
  - (ix) the Boys and Girls Clubs of America;

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- (x) Utah public education;
  - (xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;

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**59-13-304 (Superseded 01/01/09). Exemptions from Special Fuel Tax -- Clean Special Fuel Tax -- Certificate required -- Fees for certificates -- Inspection of vehicles -- Exemptions.**

(1) (a) Except as provided in Subsection (4), a user of special fuel who owns a vehicle powered by a clean special fuel as defined under Section **59-13-102** shall pay a clean special fuel tax as provided under this section for use of clean special fuel.

(b) A user of special fuel who qualifies for the clean special fuel tax shall annually purchase from the commission a clean special fuel tax certificate for each vehicle owned or leased that is powered by a clean special fuel.

(c) Clean special fuel tax certificates are provided to encourage the use of clean fuels to reduce air pollution.

(2) (a) The fee for a clean special fuel tax certificate is:

(i) 70/.19 of the tax per gallon imposed under Subsection **59-13-201(1)(a)**, rounded up to the nearest dollar, for qualified motor vehicles as defined under Section **59-13-102**; and

(ii) 36/.19 of the tax per gallon imposed under Subsection **59-13-201(1)(a)**, rounded up to the nearest dollar, for other vehicles.

(b) The commission may require each vehicle to be inspected for safe operation before issuing the certificate.

(c) Each vehicle shall be equipped with an approved and properly installed carburetion system if it is powered by a fuel that is gaseous at standard atmospheric conditions.

(3) (a) Beginning January 1, 2001 through December 31, 2010, there is imposed a surcharge of \$35 on each clean special fuel tax certificate issued under this section.

(b) (i) Until Subsection (3)(b)(ii) applies, surcharges imposed under Subsection (3)(a) shall be deposited into the Centennial Highway Fund Restricted Account created under Section **72-2-118**.

(ii) When the highway general obligation bonds have been paid off and the highway projects completed that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account as determined by the Executive Appropriations Committee under Subsection **72-2-118(6)(d)**, the surcharge imposed under Subsection (3)(a) shall be deposited into the Transportation Investment Fund of 2005 created by Section **72-2-124**.

(4) A governmental entity identified in Subsection **59-13-301(9)** that owns or leases a vehicle powered by a special fuel that qualifies as a clean special fuel is exempt from the clean special fuel tax imposed under this section.

Amended by Chapter 1, 2005 Special Session 1

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*Last revised: Wednesday, July 23, 2008*