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# M E M O R A N D U M

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**DATE:** April 30, 2009  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Proposed Ordinance Amending Salt Lake City Code 5.72.315 Pertaining to Vehicle Inspections, and Adopting Section 5.72.320 to Set Age Limits for Taxis Operating as Alternative Fuel, Fuel Efficient, or Low-Polluting Vehicles  
**CC:** Cindy Gust-Jenson, David Everitt, Frank Gray, Karen Hale, Ed Rutan, Orion Goff, Tim Harpst, Jennifer Bruno, Mary De La Mare-Schaefer, Laura Kirwan, Brent Kovac, Quin Card

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This memorandum pertains to a proposed ordinance that would amend *Salt Lake City Code* Section 5.72.315 pertaining to vehicle inspections, and enact Section 5.72.320 to set age limits for taxis operating as alternative-fuel, fuel-efficient, or low-polluting vehicles as defined in *City Code* Section 12.56.205.

The City Council heard a briefing on the proposed ordinance at its April 28 work session and forwarded it for formal consideration.

## OPTIONS

- Amend the proposed ordinance. Given the discussion among Council Members on April 28, this option appears the most likely. The proposed amendment is the first bullet-pointed item in the next section.
- Adopt the proposed ordinance.
- Do not adopt the proposed ordinance.

## POTENTIAL MOTIONS

- I move that the City Council adopt the ordinance amending Section 5.72.315, Salt Lake City Code, pertaining to taxi vehicle inspections and adopting Section 5.72.320 setting age limit for taxi vehicles with the following amendment: That the following language be added below the line that reads “5.72.320 Vehicle Age” – “Vehicle age will be based on the calendar year starting January 1 and ending December 31 of each year and the model year of manufacture. No matter when a vehicle is purchased in the calendar year, the model year of the vehicle will count as an allowable full year of model years.”
- I move that the City Council adopt the ordinance amending Section 5.72.315, Salt Lake City Code, pertaining to taxi vehicle inspections and adopting Section 5.72.320 setting age limit for taxi vehicles.
- I move that the City Council consider the next item on the agenda.

## **KEY POINTS**

- The proposed ordinance is the result of a *Legislative Action Item* that the City Council adopted on August 19, 2008.
- The proposed ordinance would eliminate language in City Code Section 5.72.315 that requires taxicabs to be no more than five years old and enact language in a new section (5.72.320) that would require taxicabs to be no more than six years old.
- The proposed ordinance would enact language that would allow a taxicab to be up to eight years old if it is an alternative-fuel, fuel efficient, or low-polluting vehicle as defined in City Code Section 12.56.205.

*City Code* Section 12.56.205 contains the following definitions:

- "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.
- "Alternative fuel vehicle" means a vehicle with an engine powered full or part time by an alternative fuel.
- "Fuel efficient vehicle" means a vehicle that is powered by gasoline or diesel that achieves a city driving fuel efficiency of forty one (41) or more miles per gallon.
- "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).

## **ISSUES/QUESTIONS FOR CONSIDERATION**

The five-year limit on the age of taxicabs was part of Ordinance No. 87 of 2005 as part of the City's movement toward changing the way taxicabs are regulated. The Administration has proposed a six-year age limit to match the potential length of a contract between the City and a business that successfully responds to a request for proposals to provide taxicab service in Salt Lake City. The City Council has yet to act on a proposed ordinance that would change City regulation of taxicab service from issuing certificates of public convenience and necessity to taxicab businesses to a contractual method of regulation. Given that, would the City Council wish to stay with the five-year age limit or move to a six-year limit?

Adopting the proposed ordinance might encourage the three existing taxicab companies to encourage their independent contractors to obtain alternative-fuel, fuel efficient or low-polluting vehicles because representatives of at least one of the companies have sought that opportunity.

## **BACKGROUND/DISCUSSION**

On August 19, 2008, the City Council unanimously adopted a motion enacting a *Legislative Action Item* requesting the Administration to develop an ordinance exempting alternative-fuel, fuel-efficient, and low-polluting taxicabs from the five-year age limit in the *Salt Lake City Code*.

The *Action Item* was the result of two things: an interest among the City Council to promote the use of alternative-fuel, fuel-efficient, and low-polluting vehicles, and a request by representatives of a taxicab company who said the company had an opportunity to obtain vehicles like that for its independent contractors.

Coincidentally, the Council was considering an ordinance to amend City Code Section 12.56.205 pertaining to free metered parking for alternative-fuel, fuel-efficient, and low-polluting vehicles that was the result of a previous *Legislative Action Item*.

City Council Members had questions about amending Section 12.56.205 and did not adopt what became Ordinance No. 81 of 2008 pertaining to free-metered parking until October 14 of that year. In the meantime, the opportunity passed for the taxicab company to obtain some alternative-fuel vehicles for its independent contractors.

The Administration in December 2008 forwarded the propose ordinance to amend Section 5.72.315 and enact Section 5.72.320. The proposed ordinance is now before the City Council for a briefing.

The major effect of the proposed ordinance would be to allow taxicabs that were alternative-fuel, fuel-efficient, or low-polluting vehicles as defined in Section 12.56.205 to operate until they were eight years old.

A secondary effect would be that the current age limit of five years would be extended to six years for all taxicabs. At previous briefings of this issue, the Administration indicated that it recommended a six-year age limit on taxicabs because the limit would coincide with the length of a contract that would be signed if the City Council determines to change the way taxicabs are regulated within Salt Lake City. The Administration indicates that the six-year limit would be based on information that taxicabs on average are driven slightly less than 60,000 miles per year. Major parts of vehicles wear out after about 360,000 miles of driving.

The City Council held a public hearing March 24 on a proposed ordinance that would change the way taxicabs are regulated but has not acted on the proposed ordinance. Given that, the City Council may wish to consider whether the City should keep the five-year age limit or extend the age limit to six years.

# SALT LAKE CITY CORPORATION

FRANK B. GRAY  
DIRECTOR

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

RALPH BECKER  
MAYOR

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR



## CITY COUNCIL TRANSMITTAL

A handwritten signature in blue ink, appearing to be "D. Everitt", written over a horizontal line.

David Everitt, Chief of Staff

*Dec 2, 2008*

Date Received: \_\_\_\_\_

Date Sent to City Council: 12/2/2008

**TO:** Salt Lake City Council  
Jill Remington-Love, Chair

**DATE:** November 12, 2008

**FROM:** Frank Gray, Community & Economic  
Development Department Director

A handwritten signature in black ink, appearing to be "Frank Gray", written over a horizontal line.

**RE:** Request to amend portions of Chapter 5.72 "Taxicabs", specifically to amend City Code pertaining to vehicle inspections, the age of vehicles, and allowance to alternative fueled vehicles

**STAFF CONTACTS:** Orion Goff, Building Services & Licensing Director, at 535-6681 or [orion.goff@slcgov.com](mailto:orion.goff@slcgov.com)  
Laura Kirwan, Senior City Attorney, at 535-7685 or [laura.kirwan@slcgov.com](mailto:laura.kirwan@slcgov.com)  
Brent Kovac, Ground transportation Administrator, at 908-7195 or [brent.kovac@slcgov.com](mailto:brent.kovac@slcgov.com)

**RECOMMENDATION:** That the City Council hold a briefing and schedule a Public Hearing

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

**Issue Origin:** City Councilman JT Martin submitted a Legislative Acton Item supporting changes to City Code which would allow specific vehicles to use alternative fuels resulting in additional years of service for each said vehicle.

**Analysis:** A taxicab typically travels somewhere between 55,000 to 75,000 miles per year on the streets of Salt Lake City neighborhoods. Unfortunately, most taxicabs are powered by internal

continue as a leader among cities nationwide, Salt Lake City Corporation has adopted significant “green” initiatives, parts of which include efforts to reduce these pollutants by encouraging the use of “green” engine systems.

Current City Code 5.71.315 allows that no vehicle shall be licensed by the city as a taxicab that: a) was not previously so licensed or, b) was manufactured more than five (5) years prior to application for licensure. There is no encouragement for alternative fueled “green” vehicles.

This proposed City Code revision would allow for:

- six (6) model years for a standard vehicle (which will conform with the standards in the taxicab RFP based on a six (6) year contract, or
- eight (8) model years for a vehicle that meets the alternative fuel requirements already in City Code section 12.56.205.

This revision to the City Code would only apply to the existing taxi operators in Salt Lake City under the terms of the “bridge” ordinance revision.

Additionally, as a part of the upcoming taxicab RFP and in an effort to reduce vehicle pollutants to maximize local air quality, research has been conducted to determine the best approach and subsequent authorizations for hybrid and alternative fueled vehicles. Wording from the forthcoming taxicab RFP would allow for additional years of service for an authorized alternative fueled vehicle but would also limit the actual and original mileage on the vehicle to 400,000 miles regardless of the number of miles put on the engine or replacement engines.

As the taxicab RFP is ready, any modifications to this portion of City Code may require some minor adjustments to the taxicab RFP.

#### **PUBLIC PROCESS:**

The City Council is required to hold a Public Hearing prior to amending Chapter 5.72 of City Code.

#### **RELEVANT ORDINANCES:**

City Code Section 5.72.315 “Vehicle Inspection Prior to Licensing”

City Code Section 12.56.205 “Parking Meters - No Charge For Alternative Fuel, Fuel Efficient And Low Polluting Vehicles”

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2008  
(Amending Taxicab Provisions)

AN ORDINANCE AMENDING SECTION 5.72.315, *SALT LAKE CITY CODE*,  
PERTAINING TO TAXI VEHICLE INSPECTIONS; AND ADOPTING SECTION  
5.72.320, *SALT LAKE CITY CODE*, SETTING AGE LIMITS FOR TAXI VEHICLES

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 5.72.315, *Salt Lake City Code*, pertaining to taxicabs is amended to read as follows:

5.72.315 Vehicle Inspection Prior To Licensing:

Prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected as set forth in chapter 5.71, article V, of this title, or its successor, and found to comply with the requirements thereof. In addition, the vehicle shall at all times in which it is in operation as a taxicab within the city be maintained in conformity with the safety inspection requirements of Utah and federal law.

SECTION 2. That Section 5.72.320, *Salt Lake City Code*, pertaining to taxicabs is adopted as follows:

5.72.320 Vehicle Age:

- A. No vehicle shall be licensed by the city as a taxi cab that:
1. was not licensed prior July 31, 2005; or
  2. was manufactured more than six (6) model years prior to application for a license unless the vehicle meets the criteria in 5.72.320(B).
- B. A vehicle up to eight (8) model years in age shall be licensed if:
1. the vehicle runs on alternative fuel, as defined in Section 12.56.205(A)(1);

- 2. the vehicle is a fuel efficient vehicle, as defined in Section 12.56.205(A)(5); or
  - 3. the vehicle is a low polluting vehicle, as defined in Section 12.56.205(A)(6).
- C. Compliance with age restrictions will be confirmed by inspection, as provided in Article V of Chapter 5.71. Compliance with Subsection B(1) of this section may be proven by providing the department with a copy of a current clean special fuel tax certificate obtained pursuant to Section 59-13-304, Utah Code Ann. (2008). All vehicle modifications made to allow the use of alternative fuel must meet EPA safety standards.

SECTION 3. This ordinance takes effect upon first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.

Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date 9/16/08  
By [Signature]

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2008  
(Amending Taxicab Provisions)

AN ORDINANCE AMENDING SECTION 5.72.315, *SALT LAKE CITY CODE*, PERTAINING TO TAXI VEHICLE INSPECTIONS; AND ADOPTING SECTION 5.72.320, *SALT LAKE CITY CODE*, SETTING AGE LIMITS FOR TAXI VEHICLES

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 5.72.315, *Salt Lake City Code*, pertaining to taxicabs is amended to read as follows:

5.72.315 Vehicle Inspection Prior To Licensing:

Prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected as set forth in chapter 5.71, article V, of this title, or its successor, and found to comply with the requirements thereof. In addition, the vehicle shall at all times in which it is in operation as a taxicab within the city be maintained in conformity with the safety inspection requirements of Utah and federal law. ~~Following the effective date hereof, no vehicle shall be licensed by the city as a taxicab that: a) was not previously so licensed or b) was manufactured more than five (5) years prior to application for licensure.~~

SECTION 2. That Section 5.72.320, *Salt Lake City Code*, pertaining to taxicabs is adopted as follows:

5.72.320 Vehicle Age:

A. No vehicle shall be licensed by the city as a taxi cab that:

1. was not licensed prior July 31, 2005; or



2. was manufactured more than six (6) model years prior to application for a license unless the vehicle meets the criteria in 5.72.320(B).

B. A vehicle up to eight (8) model years in age shall be licensed if:

1. the vehicle runs on alternative fuel, as defined in Section 12.56.205(A)(1);
2. the vehicle is a fuel efficient vehicle, as defined in Section 12.56.205(A)(5); or
3. the vehicle is a low polluting vehicle, as defined in Section 12.56.205(A)(6).

C. Compliance with age restrictions will be confirmed by inspection, as provided in Article V of Chapter 5.71. Compliance with Subsection B(1) of this section may be proven by providing the department with a copy of a current clean special fuel tax certificate obtained pursuant to Section 59-13-304, Utah Code Ann. (2008). All vehicle modifications made to allow the use of alternative fuel must meet EPA safety standards.

SECTION 3. This ordinance takes effect upon first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.

Published: \_\_\_\_\_.

HB\_ATT#5451-v1-amending\_5\_72\_315\_increased\_vehicle\_age\_for\_alternative\_fuel\_vehicles