

1 [Repealing Section 1159 of the Police Code -- Union Square and Fisherman's Wharf
2 Sightseeing Vehicle Stands]

3 **Ordinance Repealing Police Code Section 1159, which authorizes the Department of**
4 **Parking and Traffic to issue to a single entity or person a permit for a sightseeing stand**
5 **on Powell Street, for the purpose of selling tickets for sightseeing tours and providing**
6 **sightseeing information.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Police Code is hereby amended by repealing Section
12 1159, to read as follows:

13 ~~Sec. 1159. UNION SQUARE AND FISHERMAN'S WHARF SIGHTSEEING VEHICLE STANDS.~~

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16 ~~(a) Union Square Stand. The Department of Parking and Traffic shall issue to a single person~~
17 ~~or entity a permit for a sightseeing vehicle to stand on the east side of Powell Street, between Geary~~
18 ~~and Post Streets, for the purpose of selling tickets for sightseeing tours and for the other purposes as~~
19 ~~described in this Section. A vehicle owned by the permittee may pick up and discharge sightseeing~~
20 ~~passengers from the Powell Street curb in front of the vehicle ticket stand an average of not more than~~
21 ~~two times each hour, provided that such vehicle does not spend more than 10 minutes at the curb in~~
22 ~~each instance.~~

23 ~~(b) Permit Required. None of the vehicles mentioned in this Section shall stand on the streets mentioned~~
24 ~~herein unless the permit from the Department of Parking and Traffic has been first obtained. Not more~~
25 ~~than one permit shall be issued to any person, firm, corporation or association for more than one~~

1 ~~vehicle at any one time.~~

2 ~~(c) Terms of Permit. The permit referred to in Subsections (a) and (b) above shall have a term of five~~
3 ~~years, and shall be competitively rebid every five years by the Department of Parking and Traffic in~~
4 ~~order to ensure that the fee for such permit reflects the fair market value for such permit and that the~~
5 ~~service to the touring public and to the City is adequate. The Department of Parking and Traffic may~~
6 ~~revoke the permit at any time if it finds, after notice and hearing, that the permittee is in material~~
7 ~~violation of the conditions of the permit as specified in this Section and a written agreement between~~
8 ~~the Department and the permittee. The Department of Parking and Traffic shall base its decision to~~
9 ~~award the permit upon specific applicable criteria developed and published by the Department, after a~~
10 ~~public comment period of not less than 30 days, which shall include, but not be limited to, the factors~~
11 ~~set forth below.~~

12 ~~(1) Whether the financial, equipment, and personnel resources, and the financial responsibility, of the~~
13 ~~proposed permittee are such that it will likely be able to conduct its proposed sightseeing tour~~
14 ~~operation during the term of the permit and otherwise fulfill its obligations under this Section;~~

15 ~~(2) Whether the proposed permittee's duration and breadth of experience in the sightseeing tour~~
16 ~~business in San Francisco is sufficient;~~

17 ~~(3) Whether a "prevailing wage" as that term is defined in Section 6.1-3 of Chapter 6 of the San~~
18 ~~Francisco Administrative Code has been or will be paid to employees of the proposed permittee or its~~
19 ~~independent contractors, and whether the various terms and conditions of employment required by law~~
20 ~~have and will be observed;~~

21 ~~(4) Whether the amount of public liability and vehicle insurance coverage carried by the proposed~~
22 ~~permittee is reasonable;~~

23 ~~(5) Whether a Public Utilities Commission sightseeing or other appropriate permit or certificate~~
24 ~~granting authority to operate sightseeing and/or charter tours has been obtained;~~

25 ~~(6) Whether the proposed permittee has a record of timely and comprehensive tour service to the~~

1 *public;*

2 ~~*(7) In the case of an existing permittee, whether the permittee's record of performance of its obligations*~~
3 ~~*under this Section is satisfactory.*~~

4 ~~*(d) The successful permittee shall conduct its sightseeing tour operation substantially in accordance*~~
5 ~~*with the terms and conditions of a written agreement developed by the Department of Parking and*~~
6 ~~*Traffic in accordance with this Section. The permittee shall offer and display to the public free of*~~
7 ~~*charge at the ticket stand a brochure containing information about the history of San Francisco and*~~
8 ~~*Union Square. The permittee shall staff the ticket stand with at least one person knowledgeable about*~~
9 ~~*the history of San Francisco and Union Square, not less than 10 hours per day, seven days per week,*~~
10 ~~*and shall provide sightseeing tours to the public each day of the year including holidays. At all times*~~
11 ~~*during the term of the permit, the permittee shall carry general public liability and vehicle insurance in*~~
12 ~~*amounts not less than those required by the Department of Parking and Traffic in its reasonable*~~
13 ~~*discretion, but in no event less than the amounts required to be carried by holders of sightseeing*~~
14 ~~*permits granted by the California Public Utilities Commission.*~~

15 ~~*(e) Fisherman's Wharf Stand. The Department of Parking and Traffic may issue permits for sightseeing*~~
16 ~~*vehicles to stand on the north side of Beach Street between Leavenworth and Jones Streets, and the east*~~
17 ~~*and west side of Leavenworth Street between Beach and Jefferson Streets. Sightseeing tour vehicles*~~
18 ~~*shall not stand on the streets mentioned herein unless the permit from the Department of Parking and*~~
19 ~~*Traffic has first been obtained. The Department of Parking and Traffic shall establish fees for such*~~
20 ~~*permits based upon the estimated cost of administering the permit process.*~~

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1 APPROVED AS TO FORM:
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3 By: _____
4 ROBERT A. BRYAN
5 Deputy City Attorney
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