

File No. 160974

Committee Item No. \_\_\_\_\_

Board Item No. 45

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date: \_\_\_\_\_  
Date: September 13, 2016

#### Cmte Board

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

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Prepared by: Brent Jalipa  
Prepared by: \_\_\_\_\_

Date: September 8, 2016  
Date: \_\_\_\_\_

1 [Urging the San Francisco Recreation and Park Department and Commission Require that  
2 Transportation Operators Demonstrate Labor Harmony Conditions]

3 **Resolution urging the San Francisco Recreation and Park Department (RPD) and**  
4 **Commission to adopt a requirement that transportation operators demonstrate labor**  
5 **harmony conditions as part of the transportation management plan for special events**  
6 **held at RPD facilities.**

7  
8 WHEREAS, The San Francisco Recreation and Park Department (RPD) in conjunction  
9 with transit agencies like the San Francisco Municipal Transportation Agency (SFMTA) has in  
10 its application for special events a requirement for a Transportation Management Plan; and

11 WHEREAS, The purpose of such plans is to ensure the orderly use of private shuttles  
12 in conjunction with, and without interference to, the operations of mass transit such as SFMTA  
13 Muni service, to ameliorate any impedance or dangers to vehicular, bicycle, and pedestrian  
14 traffic; increased traffic occasioned by the disruption of a large event, and to otherwise ensure  
15 the safety of the public; and

16 WHEREAS, The SFMTA has found that the promotion of the use of private mass  
17 transportation vehicles have significant beneficial effects, provided operational precautions,  
18 which include permitting, the enforcement of standards, and the monitoring of the event itself;  
19 and

20 WHEREAS, Since the transportation management plans often entail the conditional  
21 sharing of access to Recreation and Park facilities as well as SFMTA Muni stops, a chief  
22 concern of the Board of Supervisors is to ensure the effective operation of the City's public  
23 mass transit system and, specifically, to ensure the expedient and safe access by Muni buses  
24 to SFMTA stops; and

1           WHEREAS, In adopting such transportation plans, the RPD has made the following  
2 general findings of purpose: 1) Provide a safe environment for private shuttle riders as well as  
3 other users; 2) Integrate shuttles into the existing multi-modal transportation system; 3)  
4 Ensure that private shuttles do not adversely affect operations of public transportation in San  
5 Francisco; 4) Consistently and fairly apply and enforce any regulations/policies governing  
6 shuttle operations; 5) Develop processes with attention to effective enforcement and ease of  
7 administration with on-going oversight; and

8           WHEREAS, The RPD works in collaboration with transit agencies in San Francisco to  
9 mitigate traffic concerns during large special events which have a significant impact on the  
10 lives of the public and the commerce of the City; and

11           WHEREAS, Transportation Management Plans must ensure that shuttles do not  
12 adversely affect public transportation operations; and

13           WHEREAS, Under California State law the City has plenary authority to regulate the  
14 use of its streets and sidewalks, subject to the rights retained by the people over public places  
15 pursuant to the state and federal constitutions; and

16           WHEREAS, The City's authority extends to the regulation and control of traffic and  
17 operation of transportation within its borders; and

18           WHEREAS, The Board of Supervisors further finds that considerable public resources  
19 have been expended to develop an integrated public transit system, which includes the  
20 development of routes, the designation and construction of regular stops, the analysis and  
21 monitoring of traffic, bicycle and pedestrian routes, and the enforcement of rules and  
22 regulations; and

23           WHEREAS, Shuttle services are private companies whose labor relations are  
24 governed by federal law; and  
25

1           WHEREAS, Federal law authorizes and permits the resolution of labor disputes  
2 through economic action, including picketing at the place of business of the employer that is  
3 involved in the labor dispute; and

4           WHEREAS, Federal law prohibits the picketing of secondary employers and, with  
5 respect to transportation businesses, requires any such action to be performed by roving  
6 pickets that must follow the vehicles from location to location or meet the vehicle where it  
7 stops; and

8           WHEREAS, The City is not an employer protected by the prohibition of secondary  
9 picketing under federal law, and peaceful picketing in a public forum, such as sidewalks, is a  
10 constitutionally-protected activity; and

11           WHEREAS, The Board of Supervisors finds that a labor dispute involving a shuttle  
12 service that has participated in transportation to and from large special events, will likely result  
13 in the disruption of the orderly operation of mass public transit, namely impeding the timely  
14 arrival and departure of SFMTA vehicles, the disruption of traffic, and the impedance of rider  
15 access to board or alight SFMTA vehicles; and

16           WHEREAS, Because there is substantial likelihood of disruption in the event of a labor  
17 dispute involving a private shuttle that participates, the Board of Supervisors finds that  
18 consideration of the extent to which shuttle service has secured or provided for labor harmony  
19 with respect to their shuttling activities must be a component of the mitigation plan; and

20           WHEREAS, The Board of Supervisors further finds that considerable public resources  
21 have been expended on developing the transit system, and that considerable additional  
22 resources will continue to be expended; and

23           WHEREAS, The City further finds that a shuttle service provider's participation is  
24 voluntary; now, therefore, be it

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RESOLVED, That the Board of Supervisors urges the Recreation and Park Commission to stipulate in the Special Events application process a requirement of Labor Harmony Conditions with respect to Shuttle Service Providers that choose to offer their services for special events held at RPD facilities; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the Recreation and Park Commission to incorporate into the Special Events permit application process the consideration of the extent to which an applicant can assure Labor Harmony in its operations in order to minimize the possibility of disruption of public transit; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the Recreation and Park Commission to define the term "Labor Harmony" broadly and does not require an application to adopt any particular method of assuring labor harmony, but requires an application seeking to offer shuttle services at events held at RPD facilities to provide a Labor Harmony Certification indicating the extent of such applicant's commitment to labor harmony as a condition of the application process.

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 SEP -6 PM 2:04  
filing stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Mar

**Subject:**

Resolution urging the SF Recreation and Park Department and Commission to adopt a requirement that transportation operators demonstrate labor harmony conditions as part of the transportation management plan for special events held at RPD facilities.

**The text is listed below or attached:**

Please see attached.

Signature of Sponsoring Supervisor: ERIC MAR

For Clerk's Use Only: