

1 [Urging Transportation Operators Demonstrate Labor Harmony Conditions as Part of the
2 Transportation Management Plan]

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

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

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

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

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

24 WHEREAS, In adopting such transportation plans, the RPD has made the following
25 general findings of purpose: 1) Provide a safe environment for private shuttle riders as well as

1 other users; 2) Integrate shuttles into the existing multi-modal transportation system; 3)
2 Ensure that private shuttles do not adversely affect operations of public transportation in San
3 Francisco; 4) Consistently and fairly apply and enforce any regulations/policies governing
4 shuttle operations; 5) Develop processes with attention to effective enforcement and ease of
5 administration with on-going oversight; and

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

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

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

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

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

21 WHEREAS, Shuttle services are private companies whose labor relations are
22 governed by federal law; and

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

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

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

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

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

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

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

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

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

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

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