

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.**

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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

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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

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

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

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

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