

File No. 211249

Petitions and Communications received from November 23, 2021, through December 2, 2021, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on December 7, 2021.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Office of the Mayor, providing notice of an appointment to the following body.
Copy: Each Supervisor. (1)

Appointment pursuant to Charter, Section 3.100(18)

- **Our City, Our Home Oversight Committee**
 - Michelle Cunningham - term ending April 22, 2022

Form the Department of Public Health, submitting press release, entitled "First Confirmed Case of Omicron Variant Detected in the United States." Copy: Each Supervisor. (2)

Form the Office of the Controller, pursuant to Administrative Code, Section 105.3(f), submitting the Cigarette Litter Abatement Fee Adjustment, effective January 1, 2022.
Copy: Each Supervisor. (3)

From the Airport Commission, pursuant to Charter, Section 4.104, submitting the Filing of Amended Rules and Regulations of the San Francisco International Airport. Copy: Each Supervisor. (4)

From the Office of Civic Engagement and Immigrant Affairs, submitting a letter with recommendations and multilingual resource guide on ending anti-Asian American Pacific Islander (AAPI) hate. Copy: Each Supervisor. (5)

From concerned citizens, regarding a proposed Ordinance appropriating \$64,150,000 from the Fiscal Cliff Reserve to the Mayor's Office of Housing and Community Development for the acquisition, creation and operation of affordable, social housing under the Housing Stability Fund in Fiscal Year (FY) 2021-2022. File No. 210538. 28 Letters. Copy: Each Supervisor. (6)

From Holland & Knight LLP, submitting a letter regarding the Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization for a proposed project at 450-474 O'Farrell Street and 532 Jones Street. File No. 210858. Copy: Each Supervisor. (7)

From concerned citizens, regarding Resolution No. 442-21 calling for the creation of a "Beach to Bay" car-free connection and urging the Recreation and Park Department and

San Francisco Municipal Transportation Agency to improve park accessibility and create equitable access to Golden Gate Park. File No. 210944. 199 Letters. Copy: Each Supervisor. (8)

From concerned citizens, regarding various subjects pertaining to vaccine mandates. 7 Letters. Copy: Each Supervisor. (9)

From concerned citizens, regarding the Great Highway. 2 Letters. Copy: Each Supervisor. (10)

From Anonymous, regarding various subjects. 3 Letters. Copy: Each Supervisor. (11)

From Mari Eliza, regarding Resolution No. 363-21 approving and authorizing the Director of the Mayor's Office of Housing and Community Development with 2550 Irving Associates, L.P. to execute loan documents relating to a loan to provide financing for the acquisition of real property located at 2550 Irving Street. Copy: Each Supervisor. (12)

From Chris Ward Kline, regarding a proposed Resolution authorizing the Department of Public Health to submit a one-year application for Calendar Year 2022 to continue to receive funding for the Integrated HIV Surveillance and Prevention Programs for Health Departments from the Centers of Disease Control and Prevention. File No. 211102. Copy: Each Supervisor. (13)

From concerned citizens, regarding a proposed Ordinance amending the Business and Tax Regulations Code to suspend the imposition of the Cannabis Business Tax through December 31, 2022. File No. 211150. 2 Letters. Copy: Each Supervisor. (14)

From concerned citizens, regarding a proposed Resolution urging the San Francisco Credit Union to collaborate with the Municipal Transportation Agency on Taxi Medallion Prices and Loan Forgiveness. File No. 211209. 2 Letters. Copy: Each Supervisor. (15)

From the Black Employee Alliance, regarding various subjects. Copy: Each Supervisor. (16)

From Ana Powers, regarding the practices of the San Francisco Police Department regarding car burglaries. Copy: Each Supervisor. (17)

From J. Scott Evans, regarding various subjects pertaining to how Board of Supervisor meetings are held. Copy: Each Supervisor. (18)

From concerned citizens, regarding tree removal/replacement. 2 Letters. Copy: Each Supervisor. (19)

From Allen Jones, concerning Recology's curbside pick-up as it pertains to the homeless. Copy: Each Supervisor. (20)

From concerned citizens, concerning two proposed projects at 230 Anza Street and 1268-17th Avenue. 3 Letters. Copy: Each Supervisor. (21)

From Kristin Chu, submitting her resignation to the Citizens' General Obligation Bond Oversight Committee. Copy: Each Supervisor. (22)

From Howard Strassner, regarding various subjects. Copy: Each Supervisor. (23)

From Sherman Tom, regarding City fees pertaining to upgrading homes. Copy: Each Supervisor. (24)

From concerned citizens, regarding a proposed Ordinance amending the Administrative Code to authorize the Sheriff to contract with private individuals and private entities to provide supplemental law enforcement services. File No. 211301. 2 Letters. Copy: Each Supervisor. (25)

From: [Somera, Alisa \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Young, Victor \(BOS\)](#); [Paulino, Tom \(MYR\)](#); [Fennell, Tyra \(MYR\)](#)
Subject: TIME SENSITIVE: Mayoral Appointment 3.100(18) - Our City, Our Home
Date: Wednesday, December 1, 2021 1:21:36 PM
Attachments: [Mayor Appt - Our City Our Home - M Cunningham.pdf](#)

Hello,

The Office of the Mayor submitted the attached complete appointment package, pursuant to Charter Section 3.100(18), for the Our City, Our Home Committee. Please see the memo from the Clerk of the Board for more information and instructions.

Thank you.

Alisa Somera

Legislative Deputy Director
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
415.554.7711 direct | 415.554.5163 fax
alisa.somera@sfgov.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*



BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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MEMORANDUM

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Date: December 1, 2021  
To: Members, Board of Supervisors  
From: Angela Calvillo, Clerk of the Board  
Subject: Mayoral Appointment - Our City, Our Home Oversight Committee

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On December 1, 2021, the Mayor submitted the following complete appointment package pursuant to Charter, Section 3.100(18). Appointments in this category are effective immediately unless rejected by a two-thirds vote of the Board of Supervisors within 30 days (**December 31, 2021**).

**Appointment to the Our City, Our Home Oversight Committee**

- Michelle Cunningham - term ending April 22, 2022

Pursuant to Board Rule 2.18.3, a Supervisor may request a hearing on a Mayoral appointment by timely notifying the Clerk in writing.

Upon receipt of such notice, the Clerk shall refer the appointment to the Rules Committee so that the Board may consider the appointment and act within 30 days of the transmittal letter as provided in Charter, Section 3.100(18).

**If you wish to hold a hearing on this appointment, please let me know, in writing, by 12:00 noon Wednesday, December 8, 2021.**

c: Aaron Peskin- Rules Committee Chair  
Alisa Somera - Legislative Deputy  
Victor Young - Rules Clerk  
Anne Pearson - Deputy City Attorney  
Tom Paulino - Mayor's Legislative Liaison



OFFICE OF THE MAYOR  
SAN FRANCISCO

LONDON N. BREED  
MAYOR

### Notice of Appointment

November 30, 2021

San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Honorable Board of Supervisors:

Pursuant to Charter §3.100(18), of the City and County of San Francisco, I make the following appointment:

Michelle Cunningham to Seat 7 of the Our City Our Home Oversight Committee for a three year term ending April 22, 2022. Ms. Cunningham will be filling the seat vacated by Shaun Haines.

I am confident that Ms. Cunningham will serve our community well. Attached are their qualifications to serve, which demonstrate how their appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any question about this appointment, please contact my Director of Commission Commissions and Community Initiatives, Tyra Fennell, at 415.554.6696.

Sincerely,

A handwritten signature in blue ink that reads "London Breed".

London N. Breed  
Mayor, City and County of San Francisco

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200  
SAN FRANCISCO, CALIFORNIA 94102-4681  
TELEPHONE: (415) 554-6141

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: \*\*\* CORRECTED PRESS RELEASE \*\*\* FIRST CONFIRMED CASE OF OMICRON VARIANT DETECTED IN THE UNITED STATES  
**Date:** Thursday, December 2, 2021 10:11:00 AM  
**Attachments:** [CORRECTED VERSION 12.1.21 SFDPH CDPH First Omicron Casef801.pdf](#)

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**From:** Validzic, Ana (DPH) <ana.validzic@sfdph.org>  
**Sent:** Wednesday, December 1, 2021 4:04 PM  
**To:** BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>  
**Cc:** Tang, Katy (DPH) <katy.tang@sfdph.org>  
**Subject:** Fw: \*\*\* CORRECTED PRESS RELEASE \*\*\* FIRST CONFIRMED CASE OF OMICRON VARIANT DETECTED IN THE UNITED STATES

Honorable Members of the Board and Aides:

Please see correction to press release on first confirmed case of omicron variant in SF.  
Correction is highlighted in yellow below.

\*\*\*\*\*

[Ana Validzic](#)

Acting Government Affairs Liaison

San Francisco Department of Public Health

[ana.validzic@sfdph.org](mailto:ana.validzic@sfdph.org) | 650.503.9536 (cell)

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**From:** SFEOCJIC <[sfeocjic@sfgov.org](mailto:sfeocjic@sfgov.org)>

**Sent:** Wednesday, December 1, 2021 12:41 PM

**Subject: \*\*\* CORRECTED PRESS RELEASE \*\*\* FIRST CONFIRMED CASE OF OMICRON VARIANT DETECTED IN THE UNITED STATES**

**CORRECTION:** The individual was a traveler who returned from South Africa on **November 22, 2021.**

**FOR IMMEDIATE RELEASE**

Wednesday, December 1, 2021

Contact: [sfeocjic@sfgov.org](mailto:sfeocjic@sfgov.org)

**\*\*\* PRESS RELEASE \*\*\***

**FIRST CONFIRMED CASE OF OMICRON VARIANT DETECTED IN THE UNITED STATES**

The California and San Francisco Departments of Public Health have confirmed that a recent case of COVID-19 among an individual in California was caused by the Omicron variant (B.1.1.529). The individual was a traveler who returned from South Africa on November 22, 2021. The individual, who is a San Francisco resident, is self-isolating and is experiencing mild symptoms. We are continuing to speak with the individual about any persons with whom they have been in contact.

Genomic sequencing was conducted at the University of California, San Francisco and the sequence was confirmed at CDC as being from the Omicron variant. This will be the first confirmed case of COVID-19 caused by the Omicron variant detected in the United States, though there are likely other cases that have not yet been detected.

“San Francisco has one of the highest vaccination rates and lowest death rates in the country because of the actions our residents have taken from the beginning of this pandemic to keep each other safe. We knew that it was only a matter of time until the Omicron variant was detected in our city, and the work that we have done to this point has prepared us to handle this variant. We continue to encourage everyone to get vaccinated, get boosted, and take steps to keep each other safe,” said Mayor London N. Breed.

“We are still learning about the Omicron variant, but we are not back to square one with this disease. From what we know now, San Francisco is relatively well positioned to handle COVID-19 and its variants because of our high vaccination rates, our high booster uptake, and other local health measures such as masking and testing,” said Dr. Grant Colfax, Director of Health. “We will stay alert and vigilant and do what we need to do to protect ourselves. This means getting vaccinated, getting your booster, wearing a mask indoors, and taking the other steps we know help slow the spread.”

On November 26, 2021, the World Health Organization (WHO) classified a new variant, B.1.1.529, as a Variant of Concern and named it Omicron and on November 30, 2021, the United States also classified it as a Variant of Concern. CDC has been actively monitoring and preparing for this variant, and we will continue to work diligently with other U.S. and global public health and industry partners to learn more. Despite the detection of Omicron, Delta remains the predominant strain in the United States.

The recent emergence of the Omicron variant (B.1.1.529) further emphasizes the importance

of vaccination, boosters, and [general prevention strategies](#) needed to protect against COVID-19. Everyone 5 and older should get vaccinated boosters are recommended for everyone 18 years and older. San Francisco has one of the highest vaccination rates in the world at 81% of the eligible population, and is currently administering boosters to more than 5,000 vaccinated individuals a day. The City also has in place other safety protocols, such as universal masking in indoor public settings, and proof of vaccination requirements for certain businesses, as well as a robust testing and surveillance system. These safety measures put the City in a good position to fight COVID variants, such as Omicron.

For more information on the Omicron variant visit <https://www.cdc.gov/coronavirus/2019-ncov/variants/index.html>.

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Joint Information Center  
SF Emergency Operations Center



**FOR IMMEDIATE RELEASE**

Wednesday, December 1, 2021

Contact: [sfeocjic@sfgov.org](mailto:sfeocjic@sfgov.org)

**\*\*\* PRESS RELEASE \*\*\***

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UNITED STATES**

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**[sfeocjic@sfgov.org](mailto:sfeocjic@sfgov.org) • 415-558-2712**

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#)  
**Subject:** FW: Cigarette Litter Abatement Fee Adjustment, Effective January 1, 2022  
**Date:** Monday, November 29, 2021 4:42:00 PM  
**Attachments:** [November 2021 CLA Fee Adjustment Letter FINAL SIGNED.pdf](#)

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**From:** Hinton, Ken (CON) <ken.hinton@sfgov.org>  
**Sent:** Monday, November 29, 2021 3:50 PM  
**To:** Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>  
**Cc:** Dawson, Julia (DPW) <julia.dawson@sfdpw.org>; Robertson, Bruce (DPW) <bruce.robertson@sfdpw.org>; Macaulay, Devin (DPW) <devin.macaulay@sfdpw.org>; Salem, Joseph (ENV) <joseph.salem@sfgov.org>; Macy, Jack (ENV) <jack.macy@sfgov.org>; Shah, Tajel <tajel.shah@sfgov.org>; Fried, Amanda (TTX) <amanda.fried@sfgov.org>; Lieberman, Loretta (TTX) <loretta.lieberman@sfgov.org>; Hickey, Mareah (TTX) <mareah.hickey@sfgov.org>; Donovan, Dominica (BOS) <dominica.donovan@sfgov.org>; Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>; Allersma, Michelle (CON) <michelle.allersma@sfgov.org>; Lu, Carol (CON) <carol.lu@sfgov.org>; Sandler, Risa (CON) <risa.sandler@sfgov.org>; Groffenberger, Ashley (MYR) <ashley.groffenberger@sfgov.org>; Kittler, Sophia (MYR) <sophia.kittler@sfgov.org>  
**Subject:** Cigarette Litter Abatement Fee Adjustment, Effective January 1, 2022

Hello,

Please find attached the Cigarette Litter Abatement Fee adjustment letter for 2021. The fee will be \$1.05 per pack effective January 1, 2022.

Please contact me if you have any questions.

Thanks,

*Ken Hinton*

She/her/hers

San Francisco Controller's Office

Budget and Analysis Division



**OFFICE OF THE CONTROLLER**  
**CITY AND COUNTY OF SAN FRANCISCO**

Ben Rosenfield  
Controller  
Todd Rydstrom  
Deputy Controller

**TO:** The Honorable Mayor London Breed  
The Honorable Board of Supervisors  
Clerk of the Board

**FROM:** Ben Rosenfield, Controller 

**CC:** Department of Public Works  
Department of the Environment  
Office of the Treasurer/Tax Collector

**DATE:** November 30, 2021

**SUBJECT: Cigarette Litter Abatement Fee Adjustment, Effective January 1, 2022**

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Section 105.3(f) of the San Francisco Administrative Code states that no later than December 1, 2010, and every year thereafter, the Controller shall adjust the Cigarette Litter Abatement Fee without further action by the Board of Supervisors. Currently, the fee is set to \$1.00 per pack of cigarettes for all cigarette sales within the geographic limits of the City. The Controller's Office will increase this fee by CPI to \$1.05 due to recent signs of inflation currently impacting the economy:

- Potential temporary distortions in the data. Over the past eleven years, the number of cigarette packs purchased in San Francisco has more than halved, from 14.6 million packs sold in 2010 (specifically, 2009 Q4 and Q1-Q3 2010) to 5.6 million packs sold a decade later. In addition, in the most recent 12 month period, the City saw a decline in business entities filing cigarette sales with the Tax Collector and a decrease in average packs sold per filer. Year over year, the number of business entities filing decreased 3%, from 739 to 714. The average number of packs sold per filer per quarter decreased 12.5%, from approximately 1,600 to 1,400.

The COVID-19 pandemic has depressed general economic activity, with significant declines in travel and tourism and increased migration out of the City. As a result, it is unclear to what degree sales increases associated with economic recovery will be tempered by the longer-term trend toward reduced consumption and inflationary pressures on consumer choices.

- Delay in Tobacco Product Litter (TPL) study. The study, which uses data from litter observed in sample areas of the City to determine the proportion of litter which is tobacco-related, is a key input in the Controller's fee-setting process. The study was last updated in 2014. In 2020, the Department of Environment planned to update the study, as required by the Administrative



## 2 | Cigarette Litter Abatement Fee Adjustment, Effective January 1, 2022

Code. However, the study was delayed due to the likelihood results would be skewed by temporary changes in tobacco consumption, residents staying indoors due to quarantine and remote working, population shifts, as well as other factors caused by the health emergency and present-day pandemic.

Using the best available data, including the 2014 litter study, the maximum permissible fee level calculated in accordance with the provisions of Administrative Code Section 105.3(f)(1) is \$1.79 per pack. However, as stated above, the Controller will increase this fee by CPI to \$1.05 per pack. If you have any questions regarding this notice, please contact me or Michelle Allersma, Director of Budget and Analysis, at (415) 554-4792.

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Filing of the Amended Rules and Regulations of the San Francisco International Airport  
**Date:** Thursday, December 2, 2021 1:01:00 PM  
**Attachments:** [image001.png](#)  
[Cover Ltr. Clerk of BOS 21-0203.docx](#)  
[21-0203 ADOPT Rules & Regulations.pdf](#)  
[01561067.pdf](#)

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**From:** Kantrice Ogletree (AIR) <kantrice.ogletree@flysfso.com>  
**Sent:** Tuesday, November 30, 2021 12:12 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Cathy Widener (AIR) <Cathy.Widener@flysfso.com>; Dyanna Volek (AIR) <dyanna.volek@flysfso.com>  
**Subject:** Filing of the Amended Rules and Regulations of the San Francisco International Airport

Ms. Angela Calvillo  
Clerk of the Board  
Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

**Subject:** Filing of Amended Rules and Regulations of the San Francisco International Airport

Dear Ms. Calvillo:

Pursuant to Section 4.104 of the City Charter, I am filing the amended Rules and Regulation of the San Francisco International Airport with the Clerk of the Board of Supervisors, approved by the Airport Commission on October 19, 2021.

The following is a list of accompanying documents:

- Approved Airport Commission Resolution No. 21-0203;
- Memorandum accompanying Airport Commission Resolution No. 21-0203;
- Rules and Regulations as amended, October 19, 2021.

You may contact me if you have any questions regarding this matter:

Very truly yours,



**Kantrice Ogletree**

Commission Secretary

San Francisco International Airport | P.O. Box 8097 | San Francisco, CA 94128

Tel 650-821-5042 | [flysfo.com](https://flysfo.com)

*(preferred pronouns: she/her/hers)*



San Francisco International Airport

November 30, 2021

Ms. Angela Calvillo  
Clerk of the Board  
Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Subject: Filing of Amended Rules and Regulations of the San Francisco International Airport

Dear Ms. Calvillo:

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- Memorandum accompanying Airport Commission Resolution No. 21-0203;
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You may contact me if you have any questions regarding this matter:

Very truly yours,

*Kantrice Ogletree /s/*

Kantrice Ogletree  
Commission Secretary  
650-821-5042  
[kantrice.ogletree@flysfo.com](mailto:kantrice.ogletree@flysfo.com)

Enclosures

cc: Cathy Widener, Acting Chief, External Affairs Office  
Dyanna Volek, Governmental Affairs

**AIRPORT COMMISSION** CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED  
MAYOR

LARRY MAZZOLA  
PRESIDENT

ELEANOR JOHNS  
VICE PRESIDENT

EVERETT A. HEWLETT, JR.

JANE NATOLI

MALCOLM YEUNG

IVAR C. SATERO  
AIRPORT DIRECTOR

# AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 21-0203

## AMEND THE AIRPORT RULES AND REGULATIONS

WHEREAS, the City and County of San Francisco, by and through its Airport Commission, owns and operates the San Francisco International Airport in conformance with the San Francisco Charter and Administrative Code; and

WHEREAS, under Charter section 4.104, the Airport Commission is required to adopt Rules and Regulations; and

WHEREAS, the Airport Commission has adopted Rules and Regulations for the purpose of ensuring the safe, secure, and efficient operation of the San Francisco International Airport; and

WHEREAS, the Rules and Regulations govern the general conduct of the public, tenants, employees, and commercial users of the San Francisco International Airport as their activities relate to the possession, management, supervision, operation, and control of the San Francisco International Airport by the Airport Commission; and

WHEREAS, periodic revisions are necessary to remain current with changing operational, environmental, safety, and security conditions, these revisions to the Airport's Rules and Regulations are necessary to provide Staff the appropriate authority and guidance to carry out the oversight of the Airport; and

WHEREAS, the Airport Commission adopted the most recent revision of the Airport Rules and Regulations on October 20, 2020, by Resolution No. 20-0194; and

WHEREAS, the proposed amendments to the Rules and Regulations include but are not limited to changes which incorporate the Airport Operations Bulletins (AOBs) and Airport Security Bulletins (ASBs) issued over the course of the past year; new definition of Airport ID badge and update definitions of and references to Restricted Area and Security Identification Area (SIDA) for clarity and consistency throughout the Rules and Regulations (Rule 1); clarification for commercial ground transportation procedures (Rule 4); a new policy to reduce the impact of jet blast and updates for Ground Service Equipment (GSE) operators' use and access to Restricted Areas (Rule 5); updates to Airport ID badge holder training and security procedures and revisions to clarify escort responsibilities (Rule 7); replace in total the environmental standards to re-organize and update requirements, expand the plastic bottle ban, and incorporate a green cleaning policy (Rule 8); update requirements for tenant vendors to obtain an operating permit and adding app- or web-based vendors providing services to, for, or on behalf of any tenant at the Airport (Rule 9); add a specific fine for damage to Airport property (Rule 14); and updated Appendix H *Remote Bus Operations*; and

AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. ~~21-0203~~

WHEREAS, in conformance with Charter Section 4.104, the Airport Commission published notice of the hearing on October 8, 2021, held a public hearing on October 19, 2021, and considered public comment on the proposed amendments; now, therefore, be it

RESOLVED, that this Commission hereby adopts the proposed amendments to the Airport Rules and Regulations, effective January 1, 2022.

Page 2 of 2

*I hereby certify that the foregoing resolution was adopted by the Airport Commission*

*at its meeting of* \_\_\_\_\_

*=* **OCT 19 2021**

\_\_\_\_\_  
*Secretary*





San Francisco International Airport

**PUBLIC HEARING**

October 19, 2021

TO: AIRPORT COMMISSION  
Hon. Larry Mazzola, President  
Hon. Eleanor Johns, Vice President  
Hon. Everett A. Hewlett, Jr.  
Hon. Jane Natoli  
Hon. Malcolm Yeung

21-0203  
-- OCT 19 2021

FROM: Airport Director

SUBJECT: Public Hearing to Receive Comments on the Proposed Substantive Amendments to Sections 1, 4, 5, 7, 8, 9, and 14 of the Airport Rules and Regulations, Updates and Revisions to Appendix H, and Minor Technical Amendments Throughout the Document, and to Vote on Adoption of the Proposed Amendments

DIRECTOR'S RECOMMENDATION: ADOPT THE PROPOSED AMENDMENTS TO THE AIRPORT RULES AND REGULATIONS.

**Executive Summary**

The proposed amendments to the Airport Rules and Regulations are regular updates and clarifications necessary to remain current with changing operational, environmental, safety, and security conditions. These revisions to the Airport Rules and Regulations are necessary to provide Staff the appropriate authority and guidance to carry out the oversight of the Airport.

**Background**

The Airport Rules and Regulations support the day-to-day management, operation, use, and control of the Airport and promote the implementation of Airport core values: supporting safety and security as the first priority, care, teamwork, and excellence.

On October 20, 2020, by Resolution No. 20-0194, the Airport Commission adopted the most recent amendments to the Airport Rules and Regulations.

Staff from several Airport Divisions, who apply and enforce the Rules and Regulations, work toward a regular annual amendment to update the Rules and Regulations; these proposed amendments incorporate the work of Staff over the last year.

The proposed amendments to the Rules and Regulations incorporate the Airport Operations Bulletins (AOBs) and Airport Security Bulletins (ASBs) issued over the course of the past year.

THIS PRINT COVERS CALENDAR ITEM NO. 3

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR    LARRY MAZZOLA PRESIDENT    ELEANOR JOHNS VICE PRESIDENT    EVERETT A. HEWLETT, JR.    JANE NATOLI    MALCOLM YEUNG    IVAR C. SATERO AIRPORT DIRECTOR

Substantive amendments include:

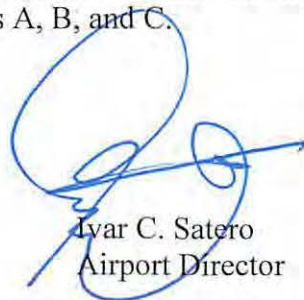
- new definition of Airport ID badge and update definitions of and references to Restricted Area and Security Identification Area (SIDA) for clarity and consistency throughout the Rules and Regulations (Rule 1);
- clarification for commercial ground transportation procedures (Rule 4);
- a new policy to reduce the impact of aircraft jet blast and updates for Ground Service Equipment (GSE) operators' use and access to Restricted Areas (Rule 5);
- updates to Airport ID badge holder training and security procedures and revisions to clarify escort responsibilities (Rule 7);
- replace in total the environmental standards to re-organize and update requirements, expand the plastic bottle ban, and incorporate a green cleaning policy (Rule 8);
- update requirements for tenant vendors to obtain an operating permit and adding app- or web-based vendors providing services to, for, or on behalf of any tenant at the Airport (Rule 9);
- add a specific fine for damage to Airport property (Rule 14); and
- updated Appendix H *Remote Bus Operations*.

This recommendation includes three attachments: **Attachment A** is a Summary of Changes table that highlights the proposed changes; **Attachment B** is the Proposed Amendments in Marked Text (additions in underline and deletions in ~~striketrough~~) of the existing Rules and Regulations; and **Attachment C** is the proposed new version with amendments incorporated which, if approved by the Commission, will become the official Rules and Regulations effective January 1, 2022.

Notice of this hearing was posted on October 8, 2021.

### **Recommendation**

I recommend the Commission adopt the proposed amendments to the Airport's Rules and Regulations as set forth in Attachments A, B, and C.



Ivar C. Satero  
Airport Director

Prepared by: Jeff Littlefield  
Chief Operating Officer

Attachments



**ATTACHMENT A**  
**SUMMARY OF CHANGES**  
**FOR THE PROPOSED AMENDMENTS TO**  
**THE AIRPORT RULES AND REGULATIONS**

The following table summarizes substantive changes in the proposed October 19, 2021 amendments to the Airport Rules and Regulations. The information provided in this table is for convenient reference only and is not intended to be an exhaustive list or complete description of all changes in the proposed amendments. Nonsubstantive edits are generally not included in this summary. Section numbers and titles in this table refer to the proposed revised Rules and Regulations.

AOB refers to an Airport Operations Bulletin. ASB refers to an Airport Security Bulletin. The Airport issues AOBs and ASBs throughout the year and, as appropriate, in whole or in part, AOBs and ASBs are incorporated into the next update of the Rules and Regulations.

| <b>SECTION</b> | <b>TITLE</b>                                                    | <b>RULE</b> | <b>DESCRIPTION OF CHANGE</b>                                                                                                                                                                                                                                                                                                                 |
|----------------|-----------------------------------------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b>       | <b>DEFINITIONS</b>                                              | 1.0         | Add definition of Airport ID badge and update definitions of and references to Restricted Area and SIDA for clarity and consistency throughout the Rules and Regulations.                                                                                                                                                                    |
| <b>2</b>       | <b>VIOLATION, SEVERABILITY AND INTERPRETATION</b>               |             | No change.                                                                                                                                                                                                                                                                                                                                   |
| <b>3</b>       | <b>GENERAL</b>                                                  |             | No change.                                                                                                                                                                                                                                                                                                                                   |
| <b>4</b>       | <b>OPERATION OF MOTOR VEHICLES AND GROUND SUPPORT EQUIPMENT</b> | 4.7(A)(1)   | Clarification to courtesy shuttle reference.                                                                                                                                                                                                                                                                                                 |
|                |                                                                 | 4.7(B)(5)   | Add prohibition against disregarding instructions from Airport officials.                                                                                                                                                                                                                                                                    |
|                |                                                                 | 4.7(D)(2)   | Eliminate ticket purchase mechanism for non-SFMTA taxi cabs.                                                                                                                                                                                                                                                                                 |
| <b>5</b>       | <b>AIRSIDE OPERATIONS</b>                                       | 5.3(E)      | AOB 21-08 <i>Non-Movement Area Jet Blast Policy</i> . Add policy to Rule 5.3(E) <i>Taxiing or Moving of Aircraft on Operational Areas</i> , as subsection (2)(b) and move subsections (E)(3) and (4) to fall under subsection E(2) as (d) and (e), respectively, for clarity; adjust numbering for the remaining subsections of Rule 5.3(E). |

| SECTION   | TITLE                                            | RULE         | DESCRIPTION OF CHANGE                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------|--------------------------------------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                  | 5.4(D)(7)    | Update speed limits for Ground Service Equipment (GSE) operating on the Airfield Operations Area (AOA).                                                                                                                                                                                                                                                                                                                                  |
|           |                                                  | 5.4(D)(9)(d) | Update training and access requirements to the Restricted Vehicle Service Road (RVSR).                                                                                                                                                                                                                                                                                                                                                   |
| <b>6</b>  | <b>FIRE AND SAFETY</b>                           |              | No change.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>7</b>  | <b>AIRPORT SECURITY</b>                          | 7.2(A)(1)    | Update examination requirements to attain an Airport ID badge.                                                                                                                                                                                                                                                                                                                                                                           |
|           |                                                  | 7.2(A)(4)    | Add new subsection to note icons for Airport ID badge holders.                                                                                                                                                                                                                                                                                                                                                                           |
|           |                                                  | 7.2(B)(3)    | Clarify Restricted Area access requirements for "T" badge holders.                                                                                                                                                                                                                                                                                                                                                                       |
|           |                                                  | 7.3(C)       | Add a new subsection (2) to set forth escort icon responsibilities, re-number the remaining subsections under 7.3(C).                                                                                                                                                                                                                                                                                                                    |
|           |                                                  | 7.7(C)       | Clarify prohibition against improperly using access privilege to a Restricted Area when not scheduled to work and/or for purposes unrelated to job duties.                                                                                                                                                                                                                                                                               |
| <b>8</b>  | <b>ENVIRONMENTAL STANDARDS</b>                   |              | The amendments to Rule 8.0 would reorganize and update the language to logically group the rules by area of environmental effect, eliminate redundant language, and make other clarifying and stylistic edits. The substantive amendments include expanding the plastic bottle ban to apply to all beverages (AOB 21-01 <i>Updated Beverage Requirements</i> ; Rule 8.2(B)) and incorporating a Tenant Green Cleaning Policy (Rule 8.3). |
| <b>9</b>  | <b>COMMERCIAL ACTIVITIES ON AIRPORT PROPERTY</b> | 9.2          | AOB 21-02 <i>Internet-Based Commercial Activity</i> . Update requirements for tenant vendors to obtain an operating permit and adding app- or web-based vendors providing services to, for, or on behalf of any tenant at the Airport regardless whether the vendor has a physical presence on Airport property or reaches a tenant and/or passengers only through digital means.                                                        |
| <b>10</b> | <b>TRIP REDUCTION</b>                            |              | No change.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>11</b> | <b>NOISE ABATEMENT REGULATION</b>                |              | No change.                                                                                                                                                                                                                                                                                                                                                                                                                               |

| SECTION           | TITLE                                                     | RULE | DESCRIPTION OF CHANGE                                                                                                                                                                                                                                                                            |
|-------------------|-----------------------------------------------------------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12                | <b>WORKFORCE HARMONY</b>                                  |      | No change.                                                                                                                                                                                                                                                                                       |
| 13                | <b>FREE SPEECH AND EXPRESSIVE ACTIVITIES</b>              |      | No change.                                                                                                                                                                                                                                                                                       |
| 14                | <b>ENFORCEMENT AND ADMINISTRATIVE APPEAL PROCEDURE</b>    | 14.2 | Add fine for violation of Rule 3.3(G), damage to Airport property.                                                                                                                                                                                                                               |
| <b>APPENDIX A</b> | <b>BAGGAGE HYGIENE POLICY</b>                             |      | No change.                                                                                                                                                                                                                                                                                       |
| <b>APPENDIX B</b> | <b>GROUND SUPPORT EQUIPMENT SAFETY INSPECTION PROGRAM</b> |      | No change.                                                                                                                                                                                                                                                                                       |
| <b>APPENDIX C</b> | <b>LABOR PEACE/CARD CHECK PROGRAM</b>                     |      | No change.                                                                                                                                                                                                                                                                                       |
| <b>APPENDIX D</b> | <b>WORKER RETENTION PROGRAM</b>                           |      | No change.                                                                                                                                                                                                                                                                                       |
| <b>APPENDIX E</b> | <b>POTABLE WATER SERVICE AND SUPPLY</b>                   |      | No change.                                                                                                                                                                                                                                                                                       |
| <b>APPENDIX F</b> | <b>BUILDING REGULATIONS</b>                               |      | No change.                                                                                                                                                                                                                                                                                       |
| <b>APPENDIX G</b> | <b>CITATION REVIEW AND APPEAL FORMS</b>                   |      | No change.                                                                                                                                                                                                                                                                                       |
| <b>APPENDIX H</b> | <b>REMOTE BUS OPERATIONS</b>                              |      | Revised to incorporate updated remote bus operation requirements as provided under AOB 20-13 <i>Gate A3 &amp; Bus Annex</i> and AOB 20-14 <i>Gate A3 Buss Annex Procedures for Remote Aircraft Parking (Hardstand), Shuttle Bus Departure, and Arrival Operations for International Flights.</i> |

**ATTACHMENT B**  
**PROPOSED CHANGES**  
**IN MARKED TEXT**

[additions in underline,  
deletions in ~~striketrough~~]

Airport  
Commission

City and  
County of  
San Francisco

London N. Breed  
Mayor

Commissioners:

Larry Mazzola  
President

Eleanor Johns  
Vice President

Everett  
A.Hewlett, Jr.

Jane Natoli

Malcom Yeung

Ivar C. Satero  
Director

# Rules and Regulations

## San Francisco International Airport

Adopted: October XX, 2021

Effective: January 1, 2022

Issued by: The Airport Commission  
City and County of San Francisco



**AIRPORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED**  
MAYOR

**COMMISSIONERS**

**LARRY MAZZOLA**  
PRESIDENT

**ELEANOR JOHNS**  
VICE PRESIDENT

**EVERETT A. HEWLETT, JR.**

**JANE NATOLI**

**MALCOLM YEUNG**

## **FOREWORD**

The statements contained in this document express the policy of the San Francisco Airport Commission, duly adopted as the Rules and Regulations, and are intended to ensure the safe, secure, and efficient operations of San Francisco International Airport.

These Rules and Regulations govern the general conduct of the public, tenants, employees, and commercial users of San Francisco International Airport as their activities relate to the use, possession, management, supervision, operation, and control of San Francisco International Airport by the City and County of San Francisco through its Airport Commission.

**IVAR C. SATERO  
AIRPORT DIRECTOR**

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## RULE 1.0

### DEFINITIONS

Unless otherwise expressly stated and defined in a separate Rule and Regulation, the following terms in **bold** font shall for the purpose of these Rules and Regulations have the meaning indicated following the colon (:).

**Aircraft:** Any and all contrivances now known or hereafter designed, invented, or used for navigation of or flight in the air.

**Airline Cargo Areas:** Those areas where the primary activity is the loading, unloading, storage and overall processing of air freight and mail. The Air Cargo Area includes, but is not limited to, cargo buildings/hangars, loading docks, aircraft aprons, and auto parking.

**Airline Maintenance Areas:** Those areas where the primary activity is the routine maintenance and/or major overhaul of air carrier aircraft and engines, parts, accessories, ground support vehicles and other equipment. The Airline Maintenance Area includes, but is not limited to, maintenance hangars, aircraft aprons, and auto parking.

**Airline Support Areas:** Those areas where activities other than airline maintenance, cargo, and passenger processing that support overall airline operations are conducted. The Airline Support Area includes, but is not limited to, in-flight kitchens, catering, employee cafeterias, parking lots, offices, storage facilities, and training schools.

**Air Operations Area (AOA):** That portion of the Airport designated and used for aircraft movement including landing, taking off, or surface maneuvering of aircraft. The AOA includes the Movement Area and excludes the Secured Area.

**Airport:** All land and improvements located within the geographical boundaries of the San Francisco International Airport, San Mateo County, California, exclusive of the SFO U.S. Coast Guard Air Station. "Airport" may also be referred to as "SFO" or "SFIA".

**Airport Airfield Areas:** Those areas where the primary activity is the accommodation of aircraft operations. Aircraft operations include aircraft landing, taxiing, take-off, and passenger enplanement/deplanement at a gate. The Airfield Area includes, but is not limited to, the landing areas, runways, taxiways, ramps, aprons, adjacent infield areas, airfield lighting, navigational aids, secured service roads, and other facilities necessary for the support and maintenance of the airfield areas.

**Airport ID Badge:** Airport-issued identification providing the holder access to the SIDA and/or sterile, secure, or restricted areas of the Airport as designated by the Airport and as provided under federal law and these Rules and Regulations (see Rule 7). A person holding an Airport ID badge does so as a privilege and not as a right.

**Airport Landside Areas:** Those areas of the Airport that include, but are not limited to, on-Airport roadways, courtyards, bridges, parking lots, garages, and transportation systems. The primary activity in the Landside Area is the movement of goods, services and people, including transporting employees, passengers, meeters and greeters, and various business and service company personnel, from outside the Airport to all areas within the Airport.

**Airport Operations Bulletin (AOB):** A notice issued by the Airport concerning specific operational requirements for Airport tenants or contractors. AOBs have an issue date and an expiration date. The adoption of any amendment to these Rules and Regulations may incorporate all or any applicable portion of current AOBs into the Rules and Regulations. AOBs issued after the adoption date of the most recent

amendment to the Rules and Regulations shall have the force and effect of a Rule and may be enforced as provided in Rule 14.

**Airport Security Bulletin (ASB):** A notice issued by the Airport concerning specific security requirements for Airport tenants or contractors. ASBs have an issue date and an expiration date. The adoption of any amendment to these Rules and Regulations may incorporate all or any applicable portion of current ASBs into the Rules and Regulations. ASBs issued after the adoption date of the most recent amendment to the Rules and Regulations shall have the force and effect of a Rule and may be enforced as provided in Rule 14.

**Airport Security Program (ASP):** The security program issued by the Director which contains procedures, measures, facilities and equipment designed to ensure Airport security both required and approved by the Transportation Security Administration.

**Airport Support Areas:** Areas where activities are conducted that serve both public as well as private interests in general support of the Airport's Operations and other functional areas. The Airport Support Area includes, but is not limited to, crash/fire rescue stations, utility facilities and distribution systems; storm and sewage drainage facilities; Airport administration, maintenance, engineering and police facilities; auto parking; bank and hotel facilities; commercial office buildings; educational facilities; fuel storage areas; State and Federal agency facilities (Coast Guard, FAA, FBI).

**Airport Terminal Areas:** Areas where the primary activity is the processing of airline passengers. Passengers processing includes baggage check-in, ticketing, aircraft enplaning and deplaning, inter-terminal/transportation center connections, food servicing, rental car transactions and all other normally associated services and amenities available for processing passengers. The Terminal Area includes, but is not limited to, terminal buildings, baggage facilities, boarding areas, parking lots/garages and transportation centers.

**Airport Traffic Control Tower (ATCT):** The Airport Traffic Control Tower, located between Terminal 1 and Terminal 2, governs and oversees all activity in the Movement Area including but not limited to the use of taxiways and runways. The ATCT is operated and controlled by the Federal Aviation Administration (FAA).

**Apron:** That portion of the Secured Area/AOA which accommodates aircraft for the purposes of parking, loading and unloading passengers or cargo, refueling, or maintenance. Same as Ramp (see Rule 1.36).

**Architecture and Engineering Standards:** The Airport Architecture and Engineering Standards is a document issued by the Director that sets forth the design and construction standards for most works of improvement on Airport property. The Architecture and Engineering Standards shall apply on a per project basis as determined in the sole discretion of the Airport. Where applicable, the Architecture and Engineering Standards shall function as a supplement to the Airport Building Regulations.

**Building Regulations:** The Airport Building Regulations set forth the building code requirements for all works of improvement on Airport property. The Building Regulations are adopted by the Airport Commission and incorporated by reference into these Rules and Regulations as Appendix F.

**Bus:** A motor vehicle with a seating capacity for 11 or more passengers, including the driver, which is used or maintained for the transportation of passengers. Buses exclusively powered by electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**City:** The City and County of San Francisco.

**Clear Zone:** The area adjacent to the Secured Area/AOA perimeter fence measuring 10 feet on each side of the AOA fence line.

**Commission:** The Airport Commission of the City and County of San Francisco.

**Contractor:** Any contractor, subcontractor (at any tier), or vendor providing services or goods to, on, or about the Airport. Contractor includes any agent of contractor. The reference to a contractor shall be interpreted in the broadest sense and this definition shall not be used to narrow the applicability of these Rules and Regulations.

**Courtesy Vehicle:** Those vehicles which are used in the business operation of any hotel, motel, parking lot, restaurant or auto rental office solely to transport customers between points at San Francisco International Airport and such hotel, motel, parking lot, restaurant or automobile rental office located on or off Airport property. Courtesy vehicles exclusively powered by electricity, natural gas, or hydrogen gas approved by the Director shall be considered clean fuel vehicles.

**Director:** The Airport Director for the City and County of San Francisco or his/her duly authorized representative or designee.

**Environmental Law:** Any federal, state, local, or administrative law, rule, regulation, order, or requirement relating to industrial hygiene, environmental conditions, or Hazardous Materials, whether now in effect or hereafter adopted, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 9601, et seq.), the Resources Conservation and Recovery Act of 1976 (42 U.S.C. Section 9601, et seq.), the Clean Air Act (42 U.S.C. Section 7401, et seq.), the Clean Water Act (33 U.S.C. Section 1251, et seq.), the Safe Drinking Water Act (14 U.S.C. Section 401, et seq.), the Hazardous Materials Transportation Act (49 U.S.C. Section 1801, et seq.), the Toxic Substance Control Act (15 U.S.C. Section 2601, et seq.), the California Hazardous Waste Control Law (California Health and Safety Code Section 25100, et seq.), the Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.), and the Safe Drinking Water and Toxic Enforcement Act of 1986 (California Health and Safety Code Section 25249.5, et seq.).

**Foreign Object Debris (FOD):** Any material found on runways, taxiways, and aprons that can cause damage to aircraft.

**Fuel Storage Area:** Those portions of the Airport designated by the Airport Commission as areas in which gasoline or any other type of fuel may be stored, including, but not limited to gasoline tank farms and bulkheads, piers or wharves at which fuel is loaded.

**Hazardous Materials:** Any material that, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment. "Hazardous Material" includes, without limitation, any material or substance defined as a "hazardous substance," "pollutant," or "contaminant" pursuant to any Environmental Law; any asbestos and asbestos containing materials; and petroleum, including crude oil or any fraction thereof, natural gas or natural gas liquids.

**Incursion:** Any occurrence at the Airport involving the incorrect presence of an aircraft, vehicle or person on the protected area of a surface designated for the landing and take-off of aircraft.

**Jet Blast:** The jet engine exhaust or propeller wash from an aircraft.

**Landing Area:** Those portions of the Airport, including runways and taxiways, designated and made available for the landing, taking off, and taxiing of aircraft and shall include other areas between and adjacent to said runways and taxiways.

**Limousine:** A chauffeur-operated sedan (standard or extended length), sport utility vehicle (standard or extended length), or other Airport-approved vehicle available for charter, having a seating capacity of not less than four passengers nor more than nine passengers, including the driver, and which requires a Charter Party Permit from the State of California Public Utilities Commission. Limousines exclusively powered by electricity, hybrid-electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**Movement Area:** That portion of the AOA used exclusively for the take-off, landing, and maneuvering of aircraft, comprised of runways, taxiways, and safety areas. Safety areas are the surfaces surrounding the runways and taxiways prepared or suitable for reducing the risk of damage to an airplane.

**Operator on the Secured Area/Air Operations Area (AOA):** Any person who is in actual physical control of an aircraft or a motor vehicle on the AOA.

**Oversize Vehicle:** Any vehicle exceeding the posted height and width limitations of the service road and underpasses.

**Owner on the Secured Area/Air Operations Area (AOA):** A person who or entity that holds the legal title to an aircraft or a motor vehicle on the AOA.

**Passenger Boarding Bridge:** An enclosed movable connector which extends from the Airport Terminal to an airplane enabling passengers to board and disembark.

**Passenger Ramp Area:** Those portions of the Airport designated for the ground level loading of passengers to and from aircraft.

**Permit:** A written authorization issued by the Director which authorizes specific activity or occupancy of space within the Airport.

**Person:** Any individual, firm, co-partnership, corporation, company, association, joint stock association, or political body, and includes any trustee, receiver, assignee, or representative thereof.

**Police:** The Airport Bureau of the San Francisco Police Department (SFPD or SFPD-AB).

**Pre-Arranged Lower-Level Transit Service (see also Shared Ride Van Service):** Shared Ride Van Service provided in vans between the Airport and any destination requested in advance of the pickup by a passenger that lies within a carrier's authorized service area, pursuant to a Passenger Stage Certificate issued by the State of California Public Utilities Commission and a Commercial Ground Transportation Operating Permit issued by the Director.

**Ramp:** That portion of the Secured Area/AOA which accommodates aircraft for the purposes of parking, loading and unloading passengers or cargo, refueling, or maintenance. See Apron (Refer to Rule 1.12).

**Restricted Areas:** The areas of the Airport to which entry or access by the general public is either limited or prohibited. All areas other than public areas are considered restricted. [See also Security Identification Display Area \(SIDA\).](#)

**Roadway:** That portion of a highway, street, or Vehicle Service Road (VSR) improved, designed, or ordinarily used for vehicular travel.

**Scheduled Service:** A ground transportation service which operates to established stops or drop off points adhering to an established schedule with valid operating authority from the State of California Public Utilities Commission.

**Secured Area:** Those portions of the Airport designated in the Airport Security Plan (ASP) to which access is restricted and controlled where aircraft operators enplane and deplane passengers and sort and load baggage.

**Security Identification Display Area (SIDA):** [Each secured area designated by the Airport as requiring an Airport-issued identification badge \(Airport ID badge\), in conformance with 49 CFR Section 1542.205. That portion of the Airport where the Airport-issued or Airport-approved identification media \("SIDA badge"\) shall be displayed on the outermost garment at or above the waist at all times.](#)

**Service Road:** The designated roadway network on the airfield side of the facility. That network includes both painted and unpainted traffic lanes around the passenger terminals, cargo facilities and maintenance areas.

**Shared Ride Van Service:** Transportation service provided in vans between the Airport and any destination requested by a passenger that lies within a carrier's authorized service area, pursuant to a Passenger Stage Certificate issued by the State of California Public Utilities Commission and a Commercial Ground Transportation Operating Permit Issued by the Director.

**Sterile Area:** Those portions of the Airport's terminal complex between the entrances to aircraft and the TSA-controlled security checkpoints for the screening of persons and property.

**Tailgating:** The unauthorized process of two or more persons entering the Secured Area/AOA on the same card swipe. This is also known as "piggybacking."

**Taxicab:** A passenger-carrying vehicle of distinctive color or colors, of an appearance customary for taxicabs in the United States, operated at rates per mile or upon a waiting time basis or both, equipped with a taxi meter, and used for the transportation of passengers for hire over and upon the public streets and highways, not over a defined route but in accordance with and under the direction of the person hiring such vehicle as to the route and destination. Taxicabs exclusively powered by electricity, hybrid-electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**Tenant:** Any lessee, sublessee, permittee, licensee, or other permitted occupant of land or premises within the boundaries of the Airport. Tenant includes any agent of tenant. The reference to a tenant shall be interpreted in the broadest sense and this definition shall not be used to narrow the applicability of these Rules and Regulations.

**Tenant Construction:** Any new construction, alteration, replacement, renovation, repairs, relocation or demolition by an Airport tenant or its contractor(s).

**Tenant Improvement Guide (TIG):** The Airport Tenant Improvement Guide is a document issued by the Director which sets forth the requirements for any Tenant Construction. The Airport may also, in its sole discretion and on a per project basis, issue additional requirements or parameters as provided in a supplemental Tenant Work Letter or similar documentation.

**Terminal Building:** All buildings and structures located within the Airport and open to the public for the purpose of flight ticket purchase, public lobby waiting, baggage check-in and those other services related to public air travel.

**Transportation Network Company (TNC):** Defined by the California Public Utilities Commission (CPUC) as "an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled application (app) or platform to connect passengers with drivers using their personal vehicles." In the event the definition is modified by the CPUC or by statute, all such modifications are incorporated here by reference without the need for further amendment of these Rules and Regulations.

**Transportation Security Administration (TSA):** The Federal agency created by the November 19, 2001 enactment of the Aviation Transportation and Security Act (ATSA) responsible for overall security of the nation's transportation system.

**Trip:** Each time a permittee's vehicle passes in front of the Airport's terminal buildings, whether on the upper or lower roadway, except for those scheduled transit permittees who operate on an Airport-approved schedule. A trip for a scheduled transit permittee is defined as a scheduled arrival at/or departure from the Airport.

**Van:** A motor vehicle with a seating capacity for 10 or fewer passengers, including the driver, which is used or maintained for the transportation of passengers. Vans exclusively powered by electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**Vehicle:** Any automobile, truck, motorcycle, bicycle, and other wheeled conveyances in which any person or property can be transported upon land, except aircraft.

**Vehicle Checkpoint:** Any security checkpoint for vehicle entry onto the AOA.

**Water Perimeter Security Zone (WPSZ):** A zone that extends 200 yards seaward from the high tide mark of the shorelines surrounding the Airport. The security zone is identified by a buoy system deployed at prescribed geographical latitudes/longitudes.



## **RULE 2.0**

### **VIOLATION, SEVERABILITY AND INTERPRETATION**

#### **2.1. ADMINISTRATIVE INTERPRETATION OF RULES**

In the event that any provision of these Rules and Regulations is deemed to be ambiguous and a determination as to the meaning of the provision is required, the matter shall be referred to the Director. The Director's determination as to the meaning of the provision shall be final and shall be deemed incorporated in these Rules and Regulations as though it were here fully set forth.

#### **2.2. VIOLATION OF RULES**

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of these Rules and Regulations or any lawful order issued pursuant thereto may be denied use of the Airport by the Director and/or may be subject to an administrative fine as provided under Rule 14. Any administrative fines imposed for violation of these Rules and Regulations shall be in addition to and not exclusive or preclusive of any other civil, legal, or administrative penalties available under federal, state, local, or administrative law or under any lease, permit, or contract.

#### **2.3. SEVERABILITY**

- (A) If any Rule, section, subsection, subdivision, paragraph, sentence, clause or phrase of these Rules and Regulations or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity or effectiveness of the remaining portions of these Rules and Regulations or any part thereof.

The Airport Commission hereby declares that it would have passed each rule, section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

- (B) If the application of any provision or provisions of these Rules and Regulations to any lot, building, sign or other structure, or parcel of land is found to be invalid or ineffective in whole or in part by any court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the property or situation immediately involved in the controversy, and the application of any such provision to other properties and situations shall not be affected.
- (C) This Section 2.3 shall apply to every portion of these Rules and Regulations as it has existed in the past, as it now exists and as it may exist in the future, including all modifications thereof and additions and amendments thereto.

## **RULE 3.0**

### **GENERAL**

Written operating procedures issued by the Director shall be appended to these Rules and Regulations as addenda. Such addenda will be issued as Airport Operations Bulletins (AOB) and shall remain in effect until included in subsequent amendments to these Rules and Regulations or deleted at the direction of the Director.

#### **3.1 APPLICABLE LAWS AND RULES**

- (A)** All applicable Federal and State laws and regulations and the laws and regulations of any other legal authority having jurisdiction, as now in effect or as they may from time to time be amended, are hereby incorporated as part of these Rules and Regulations as though set forth here in full. A violation of law on Airport property shall also be considered a violation of these Rules and Regulations. Any criminal or civil penalty resulting from a violation of law on Airport property shall neither exclude nor preclude enforcement of these Rules and Regulations, including but not limited to the imposition of administrative fines or the suspension or revocation of an Airport ID badge.
- (B)** Permits issued by the Airport are the property of the Airport and are subject to revocation by the Director.

#### **3.2 EMERGENCIES**

- (A)** When the Director determines that an emergency affecting the health, welfare and/or safety of persons and/or property exists at the Airport, the Director shall be empowered to take such action which, in his or her discretion and judgment, is necessary or desirable to protect persons and property and to facilitate the operation of the Airport.
- (B)** During such an emergency the Director may suspend these Rules and Regulations, or any part thereof, and the Director may issue such orders, rules and regulations as may be necessary.
- (C)** The Director shall at all times have authority to take such reasonable action as may be necessary for the proper conduct and management of the Airport and the public.

#### **3.3 GENERAL CONDUCT**

##### **(A) Activities Generally**

No tenant, tenant employee, or any other employee authorized to perform any function on the Airport, shall in any way assist any person to engage in any activity on the Airport which is not authorized by the Commission or Director.

##### **(B) Advertisements**

Except as may be allowed under Rule 13 of the Rules and Regulations, no person shall post, distribute, or display signs, advertisements, circulars, printed or written matter at the Airport, without the express written consent of the Director and in such manner as the Director may prescribe.

**(C) Bicycles and Other Devices****(1) Secured Area/Air Operations Area**

Bicycles, skateboards, hoverboards, rollerblades/skates, scooters, rideable luggage, and/or other personal transportation devices, shall not be operated on the Secured Area/Air Operations Area (AOA) outside a tenant's leasehold area unless authorized by the Director. Permitted operators must comply with all Airport vehicle and traffic rules. Bicycles and other devices must have operational headlights and taillights during night or during periods of limited visibility. The vehicle service roads, vehicle checkpoints, and ramps areas are all part of the AOA.

**(2) Public Areas**

Bicycles, skateboards, hoverboards, rollerblades/skates, scooters, rideable luggage, and/or other personal transportation devices, excluding those necessary for medical purposes, are prohibited from operating on any Airport inbound or outbound roadway, terminal roadways, sidewalks, or within terminal buildings except as explicitly permitted by the Director. All bicyclists must comply with applicable California Vehicle Code Laws.

Bicycles must be parked in designated Airport bicycle racks in compliance with posted signage. Bicycles and/or locks left unattended for more than 30 days may be subject to confiscation. Dockless bicycles, scooters, or other personal transportation devices must be left within five feet of Airport bicycle racks or other designated locations and may not obstruct pedestrian or vehicle circulation. Dockless transportation devices left unattended, more than five feet from a bicycle rack, or obstructing pedestrian or vehicle circulation, shall be subject to immediate confiscation.

Entities supplying dockless transportation devices to the public may not use Airport property as a designated pick-up or drop-off location without the express written permission of the Director.

The Airport is not responsible for the loss, theft, or damage of any personal transportation device on Airport property.

This Rule 3.3(C)(2) does not apply to the use of bicycles, Segways, or other transportation devices used by on-duty law enforcement personnel.

**(3) Leaseholds**

Within tenant leaseholds, bicycles or other personal transportation devices may be parked anywhere that does not negatively impact the flow of pedestrian or vehicular traffic, negatively impact adjoining property owners or leaseholds, or cause damage to Airport landscaping or infrastructure. Airport tenants may set their own policies for parking such devices within their leasehold area.

**(D) Commercial Activities**

No person shall enter or remain on Airport property and buy, sell, peddle or offer for sale or purchase any goods, merchandise, property or services of any kind whatsoever, to, on, or from Airport property, without the express written consent of the Director or the Director's duly authorized representative.

No person shall operate or promote a business on Airport property or through the Airport's wireless internet system, without first obtaining a valid permit, lease, or other written permission granted by the Director (see also Rule 9).

**(E) Commercial Photography**

No person, except representatives of the news media on duty or during official assignments, shall take still, motion, television, or sound pictures for commercial purposes on the Airport without the express written consent of the Director.

**(F) Communications**

The Airport has made available to its tenants and contractors access to a web-based information program known as PASSUR. The program is available to all Airport users and provides comprehensive information regarding the current and anticipated status of Airport operations and supporting infrastructure. All airlines must provide the Director with at least one valid email address capable of accepting critical Airport PASSUR notifications and alerts.

**(G) Damage to Airport Property**

No person shall destroy or cause to be destroyed, injure, damage, deface, or disturb in any way, property of any nature located on the Airport, nor willfully abandon any personal property on the Airport. Any person causing or responsible for such injury, destruction, damage or disturbance shall report such damage to the Police, remain at the incident location, and upon demand by the Director, shall reimburse the Airport for the full amount of the damage. If the damage occurs on the Air Operations Area (AOA), contact the Airport Communications Center at 911.

Any person causing or failing to report and/or reimburse the Airport for injury, destruction, damage, or disturbance of Airport property, may be refused the use of any facility and may lose all security badge and access privileges at the discretion of the Director, until and unless a report and/or full reimbursement has been made.

**(H) Dogs and Other Animals**

No person shall enter a terminal building with any animal, except certified service animals, unless the animal is properly confined or ready for shipment. Animals, except certified service animals, are prohibited in other public areas of the Airport unless properly on a leash or otherwise restrained in such manner as to be under control.

**(I) Emergency Procedures**

Emergencies shall be reported immediately to Airport Communications by dialing 911 from a courtesy or cell phone.

All airline tenants must develop and maintain written procedures to be used in the event of a bombing and/or bomb threat, natural disaster, hijacking or other emergency and train their personnel in the implementation of those procedures. Airline tenants must annually provide the Director with their emergency procedures and these procedures must interface with procedures established by the Commission.

**(J) Golf Carts**

The use of golf carts anywhere in the Airport terminals, including the passenger boarding areas, is strictly prohibited, except for limited use by Airport staff.

**(K) Hours of Operation**

The Airport's regular hours of operation are 6:00am-10:00pm. During the hours of 10:00pm-6:00am, only ticketed passengers, persons engaged in transporting ticketed passengers, and persons holding an [SIDA-Airport ID](#) badge may use Airport facilities.

**(L) Litter and Refuse**

No person shall place, discharge, or deposit in any manner, food waste and other compostable materials, recyclable materials, landfill waste/trash, or other refuse anywhere on the Airport, except in Airport-approved receptacles and other such places designated by the Director. Tenant may not place or leave or permit to be placed or left in or upon any part of the common areas or areas adjacent to its demised premises any garbage, debris, or refuse. All litter and refuse must be covered when transported in vehicles, and all receptacles for said materials must have covers. Stored or transported litter or refuse must be in tied plastic bags. Trash bags shall not be left unattended on jet bridges, outside garbage receptacles, or any portion of the ramp surface.

**(M) Lost and Found Articles**

Any person finding lost articles shall submit them to the Police or an Information Booth attendant. Any lost articles abandoned within the passenger security checkpoints will be turned over to the Transportation Security Administration personnel.

**(N) Nondiscrimination Policy**

- (1) It is the policy of the Airport Commission that all individuals employed on Airport property, including Airport Commission employees, other City employees, and the employees of tenants or contractors are entitled to work without being subjected to discrimination and harassment.
- (2) It is also the policy of the Airport Commission that no tenant or contractor shall discriminate or harass any person employed at SFO or seeking the customer services of tenants or contractors on the basis of the person's actual or perceived race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or AIDS/HIV status, weight, height or residence/business location.
- (3) Upon the receipt of a complaint that this nondiscrimination policy has been violated, the Director shall immediately and thoroughly investigate the complaint.
- (4) Should the Director find that a tenant or contractor has violated this policy, the Director may take appropriate corrective action, including but not limited to, imposing a requirement that the tenant or contractor provide diversity, disability access, and cultural sensitivity training to its Airport based employees.

The required training shall take place within a time frame designated by the Director. The tenant or contractor shall be responsible for all costs associated with the training. Tenant or contractor shall choose a trainer from a list provided by the Airport.

- (5) All organizations employing individuals at the Airport, including tenants or contractors, are urged to provide their employees with annual workplace diversity, disability access, and cultural sensitivity training, which the Director may also require at his or her discretion. Any training sponsored or directed by the Airport shall be in addition to, and not a replacement for, any other training as required by local, state or federal law.
- (6) The Airport Commission shall provide reasonable levels of technical assistance to those organizations requiring support to develop workplace diversity and cultural sensitivity training.

**(O) On-Demand Mobile Fueling Prohibited**

On-Demand mobile fueling operations on Airport property (as referenced in California Fire Code Section 5707) are strictly prohibited. No business may engage in fueling activities in the absence of a permit issued by the Airport. This prohibition is intended to be broadly construed and applied to on-demand fueling of vehicles in Airport garages, parking lots, holding lots, or on roadways. This prohibition does not apply to approved service vehicles and aircraft operating in the Air Operations Area (AOA). (AOB 20-01)

**(P) Passenger Elevators, Moving Walkways and Escalators**

Passenger elevators, moving walkways and escalators shall be restricted to passenger use only. Cargo shall be confined to freight elevators.

Tenants, contractors, and employees are prohibited from using carts for transporting goods or supplies on escalators and moving walkways. Elevators, rather than escalators, shall be used for the movement of hand trucks and similar equipment. Cart and hand trucks are prohibited from being used on escalators and moving walkways.

**(Q) Pedestrian Safety**

- (1) No pedestrian shall traverse the aircraft apron area between boarding areas, enter the AOA via vehicle checkpoints, or walk along vehicle service roads.
- (2) No pedestrian may traverse a roadway between terminal buildings and parking garages except in designated crosswalks, pedestrian crossover bridges, or pedestrian tunnels.
- (3) Except when proceeding in a crosswalk, no pedestrian may intentionally stop or delay traffic on any Airport roadway.

**(R) Restricted Areas**

No person shall enter any restricted area posted by the Director as closed to the public, except persons assigned to duty therein or authorized by the Director, and who are in possession of a proper permit and an Airport ID badge.

**(S) Signs**

No person shall install a sign on Airport property exposed to public view without prior written approval from the Director. Hand lettered, photocopied or paper signs are strictly prohibited. Tenant or contractor sign installations shall conform to the requirements of the San Francisco International Airport Tenant Improvement Guide (TIG).

**(T) SmarteCartes**

SmarteCartes are an amenity for Airport passengers only. They are not for use by employees, tenants, or contractors to haul items such as trash, odd size bags, maintenance items, *etc.*, nor are they to be held or stored in employee or tenant leasehold areas for any reason. Use of SmarteCartes on the AOA is strictly prohibited due to safety concerns.

**(U) Smoking**

- (1) Secured Area/Air Operations Area

No person shall smoke or carry lighted or unlighted cigars, cigarettes, electronic cigarettes, pipes, matches or any naked flame in or upon the Secured Area/Air Operations Area nor any

open deck, gallery or balcony contiguous to or overlooking the Secured Area/Air Operations Area.

**(2) Places of Employment**

Smoking, and use of electronic cigarettes, is prohibited in enclosed places of employment.

**(3) Prohibition of Smoking in Public Areas of Airport**

- (a) Smoking, and use of electronic cigarettes, is prohibited in all public areas of San Francisco International Airport terminal buildings.
- (b) The public areas of San Francisco International Airport terminal buildings include all enclosed areas of the buildings to which members of the general public have access. Such areas include, by way of example only, terminal lobbies, baggage claim areas, restaurants, restrooms open to the public, stairways, hallways, escalators, moving walkways, elevators, and observation decks.
- (c) Smoking, and use of electronic cigarettes, is prohibited in public curbside areas outside of and adjacent to Airport terminal buildings except in specifically designated areas.
- (d) Designated smoking areas are located outside terminal buildings at the departure and arrival levels and at a minimum of 20' from the building entrances.
- (e) Smoking, and use of electronic cigarettes, is prohibited in the Airport's designated ground transportation zones at the terminals, Rental Car Center, and Long Term Parking Garage, and at the ground transportation staging lots, including the taxicab staging lots, except in specifically designated areas.

**(V) Use of Airport Property, Equipment and Systems**

For Airport-owned property, equipment, and systems, the Airport reserves the right to require that individuals receive training prior to use of such property, equipment and systems.

**(W) Weather Action Plan/Tenant All-Weather Program**

All Airport tenants who conduct outside operations must develop and maintain a weather action plan. The plan must provide requirements, constraints, and process to reduce weather-related risk to workers, passengers, and facilities.

The plan should address a broad spectrum of weather-related events, including flooding, tornadoes, thunderstorms, typhoons, high winds, tropical storms, extreme temperatures, and air quality with the following core elements:

- Written plan that is well communicated to employees through awareness training and access to program details.
- Notification system to receive and disseminate weather-related information, which may be through a contract weather service.
- Identification of weather-related threats and dissemination of weather watch, warning, or stage alerts to employees to ensure proper response.
- Employer and employee requirements, including ownership of program document for amendment and provide control measures.
- Regulatory compliance.

- Evacuation / communication procedures in the event of an extreme weather event, aligned with emergency evacuation plan requirements as specified in Rule 3.3(I) of these Rules and Regulations.

Employers should conduct weather threat reviews to identify hazards associated with their operations. This threat analysis is the building block for program requirements and constraints.

All weather plan requirements should outline activities based on elements such as storm direction, speed, intensity, temperature, wind levels, water levels, lightening activity, and air quality. Those weather factors along with identified threats may indicate requirements for activities such as securing aircraft, equipment, and facilities. Response requirements should also indicate activities that should be curtailed during specific weather events, including but not limited to high lift work, fueling, movement and general ramp work. Planned activities or the curtailment of activities must be aligned with state and federal regulatory requirements, as well as these Rules and Regulations.

Where applicable, plan requirements should address passenger safety. This may involve controlling passenger movement including boarding and debarking activity, holding passengers in gate areas and interaction with flight crews.

**(X) Wildlife Management**

No person shall feed, approach, disturb, frighten, hunt, trap, capture, wound, kill or disturb the habitat of any wild bird, mammal, reptile, fish, amphibian or invertebrate anywhere on Airport property. Furthermore, no person shall create an attractant for rodents or other wildlife by leaving food or debris in any open and exposed area. It is the responsibility of the tenant to maintain its leasehold areas in a manner that does not promote wildlife hazards. This prohibition shall not apply to the following:

- (1) Action taken by public officials or their employees and agents, within the scope of their authorized duties, to protect the public health and safety.
- (2) The taking of fish as permitted by State Fish and Game Regulations.
- (3) The capturing and/or taking of wildlife for scientific research purposes when done with written permission from the Director.

**3.4 AIRPORT CONSTRUCTION AND OBSTRUCTION CONTROL**

**(A) No person shall:**

- (1) erect, construct, modify or in any manner alter any structure, sign, post or pole of any type;
- (2) alter or in any way change color, design or decor of existing Airport improvements;
- (3) operate, park, or store any equipment, vehicles, supplies or materials;
- (4) create any mounds of earth or debris;
- (5) cause or create any physical object on land or water that penetrates the operational air space;
- (6) conduct any work on Airport premises without first obtaining a building permit from Building Inspection and Code Enforcement (BICE) of the Airport Planning, Design & Construction Division and without strict compliance and adherence to the safety specifications and directions of the Director.



Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by these Rules and Regulations, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

- (B)** All tenant construction must conform to the requirements as contained in the latest edition of the San Francisco International Airport Tenant Improvement Guide (TIG) and as may be outlined in a Tenant Work Letter, if any.

### **3.5 PASSENGER TERMINAL REGULATIONS**

#### **(A) Berman Reflection Room**

The Berman Reflection Room, located in the International Terminal Building, will be open to passengers and employees during its operating hours. The purpose of the Berman Reflection Room is to provide an area for Airport passengers and employees engage in quiet, reflective and meditative activities.

- (1)** The Berman Reflection Room is a security sensitive area. Accordingly, activity in the Berman Reflection Room is restricted to employees, passengers, or individuals with authorization from the Director.
- (2)** Users of the Berman Reflection Room are required to comply with all provisions of these Rules and Regulations and posted signs within the facility. Any violation of regulations or posted signs may result in displacement and restriction from further use. Further, users of the Berman Reflection Room shall comply with the following provisions:
  - (a) No individual shall use the Berman Reflection Room for lodging or sleeping purposes.
  - (b) No individual shall solicit participants on Airport property for Berman Reflection Room gatherings.
  - (c) No individual shall display or distribute obscene material.
  - (d) Individuals shall exercise care to maintain the areas in use in a safe and appropriate condition.
  - (e) Individuals shall conduct their activities on the Airport premises at their own risk and shall exercise all reasonable diligence and precaution to avoid damage to property or injury to persons.
  - (f) Individuals must receive prior approval and written authorization from the Director for the use of incense, candles, or other incendiary devices.
  - (g) Food and/or beverages are not permitted in the Berman Reflection Room unless approved in writing by the Director.
  - (h) The Director may immediately suspend use of the Berman Reflection Room upon the occurrence of any emergency affecting the safety of persons or property in the terminal buildings or when required in the implementation of security procedures.
  - (i) The Director reserves the right at all times herein to impose such other reasonable conditions as may be necessary to avoid injury to persons or damage to property or to assure the safe and orderly use of the Airport facilities by the air-traveling public.

- (j) Groups wishing to use the Berman Reflection Room may apply for a permit through the Economic and Community Development Office at [Community@flysfo.com](mailto:Community@flysfo.com) or (650) 821-5242.

**(B) Employee Seating and Break Areas**

Seating in the ticket counter lobby and boarding areas is specifically provided for the comfort and convenience of Airport passengers while traveling through SFO. Passengers have priority to the limited seating. Employees are required to use company-provided break facilities and other approved areas for employee seating. No sleeping or loud noise is permitted in any public area of the Airport. Employees found lounging or sleeping in the Airport ticket lobby, boarding areas or public seating areas will be directed to relocate to company break rooms or the Airport employee and seating break area or the employee cafeteria.

**(C) Porter Service - Tenant Compliance**

Any regularly scheduled passenger airline at San Francisco International Airport shall provide porter services for the passenger's convenience. Such services shall be available not less than one hour prior to departure at curbside on the departure (upper) level of the Airport for all domestic flights.

Porter Service in the International Terminal must be provided on a continual basis by the current International Terminal airline service contractor.

Additionally, airlines shall ensure that continuous porter service is available in the baggage claim areas at the arrival (lower) level of the terminal facilities in conjunction with the delivery of baggage from all arriving flights until the baggage claim area is clear.

**(D) Public Seating**

The placement of Airport-owned public seating is determined by the Airport. No person shall move any Airport-owned public seating except for cleaning or maintenance purposes. Violators may be fined under Rule 14 of these Rules and Regulations.

**(E) Quiet Terminals Policy**

The purpose of the Airport Quiet Terminals Policy is to provide a tranquil environment for passengers as they make their way through the terminals. Loud music or other amplified sound from leasehold areas competes with public announcements and contributes to the stress of travel. Tenants shall not amplify sound outside of their demised premises. Sound amplifying devices shall be directed only within the premises at a volume low enough for patrons to hear public announcements from within the premises. Music or other sound shall not be broadcast for the purpose of attracting foot traffic. Lyrics shall be free of profanity and other offensive content. The playing of music is prohibited in the following locations: at the podiums, ticket counters, and seating areas adjacent to gates; at the ticket counters in the pre-screening area of the Airport; in the baggage areas of the arrivals level. (AOB 19-09)

**(F) Stanchions**

All airlines shall use passenger control stanchions to control lines. Stanchions shall be located within the space directly in front of the airline counter leasehold or as permitted by the Director. Stanchions and signs used in the Domestic Terminals shall be placed so as to maintain a minimum of 12-feet for a public passage corridor between the narrowest terminal building point and the stanchion farthest out from the counter. Stanchions and signs used in the International Terminal shall also be placed so as to maintain a minimum of 12 feet of public passage between any stanchion and/or sign and any adjacent structure or fixture. The single exception to the

foregoing is the required clearance between stanchion arrangements at facing check-in counters on Level 3 (e.g. stanchions used for Aisle's 2 and 3, 4 and 5, etc.). These stanchions shall be placed so as to maintain a minimum of 30 feet of public passage between stanchion arrangements for adjacent check-in aisles, such clear space to be maintained through the center of the passageway between adjacent Aisles, with 150 feet of clear space on each side of the center line as defined by a prominent line embedded in the floor finish.

The number of stanchions shall be determined by the peak passenger volume or level of activity for the applicable period. Airlines shall relocate their stanchions at the end of their operating day and place them against the face of their counter to facilitate cleaning activities. This also applies to stanchions that may be used to control passenger lines associated with the security checkpoints. Post mounted and floor mounted signs are permitted within approved stanchion areas consistent with the following guidelines regarding content, size and production quality:

- (1) Passenger processing information as it relates to security or to designate separate queuing lines.
- (2) Bag size or weight limitation signage.
- (3) Enter/exit signs.
- (4) Airline identification signs or class of onboard service signs.
- (5) Floor sign size shall not exceed 28" w x 96" h and shall be produced in a professional manner conforming to terminal graphic and color standards.
- (6) Hand lettered, photocopied or paper signs are strictly prohibited.
- (7) The Director or his representative reserves the right to disapprove and require removal of any signs not conforming to approved guidelines.
- (8) Advertising content and slogans shall not be included in the signage permitted above.

**(G) Wheelchairs and Priority Disabled Seating and Wheelchair Waiting Areas**

**(1) Wheelchair Service Performance Standards**

Airlines and their contracted wheelchair service providers must provide safe, timely, and courteous service to passengers in conformance with the following standards:

- (a) Wheelchair attendants must be professionally attired.
- (b) Wheelchair attendants must have the physical ability to:
  - Lift/carry pieces of luggage weighing up to 70 pounds;
  - Push a wheelchair with a customer weighing up to 200 pounds, up and down inclines of up to 2.86 degrees (5%), into and out of elevators and throughout the areas where service is offered;
  - Communicate clearly in English;
  - Maintain a pleasant demeanor and remain professional at all times; and
  - Provide wheelchair to the passenger where the passenger is situated; a

passenger shall not be required to self ambulate to a wheelchair dispatch location or any other location.

- (c) Passengers who pre-arrange wheelchair services shall be provided with a wheelchair upon arrival at the Airport, but in no event shall a passenger be required to wait more than ten (10) minutes for a wheelchair and an assigned attendant.
- (d) Passengers who request a wheelchair upon arrival at the Airport, whether on an incoming or departing flight, shall be provided with a wheelchair as soon as possible, but in no event shall a passenger be required to wait more than twenty (20) minutes for a wheelchair and an assigned attendant.
- (e) The solicitation of tips by a wheelchair attendant or a service provider is strictly prohibited.

## **(2) Equipment**

All wheelchairs and related equipment used to provide this service must:

- (a) conform to the requirements of the Americans with Disabilities Act (ADA);
- (b) meet the current industry standards, which include: maneuverable arm rests; accommodation of personal items; and "nesting" capability for storage, except for International Terminal Gates A1-12 and G91-G102, where standard collapsible type wheelchairs will be allowed for use in the loading bridges for passenger enplaning and deplaning only when necessary; and
- (c) be well maintained free from tears and frays or replaced, as necessary.

All airlines, domestic and international, and their contracted wheelchair service providers who violate this rule may be required to secure additional wheelchairs and/or attendants at the expense of the airline involved.

## **(3) Priority Disabled Seating and Wheelchair Waiting Areas**

Priority Disabled Seating and Wheelchair Waiting Areas are available in each of the terminal lobbies and Boarding Areas as indicated by signage. Due to limited seating areas and congestion in the lobbies, these areas are designated for temporary seating for our passengers with disabilities while wheelchair assistance is being coordinated. These areas are being provided for their convenience and as a customer service enhancement for our passengers. Service providers are prohibited from pre-staging or waiting in these areas.

Each airline is responsible for coordinating the appropriate and timely service for their passengers in need of a wheelchair to avoid lengthy waiting periods.

### **3.6 BAGGAGE HANDLING SYSTEM**

The Airport's Baggage Handling Systems are an integral part of Airport and Airline operations. Properly tagged luggage that is correctly loaded onto conveyors (proper baggage hygiene) ensures that baggage moves efficiently from baggage check locations through security screening/inspection areas, and out to make-up carrousel. Improper baggage tagging and placement creates bag jams and system outages, ultimately resulting in flight delays.

All employees of the Airport Commission, the airlines and airline contractors who are directly involved in baggage handling shall comply with the Airport's Baggage Hygiene Policy set forth in Appendix A to these Rules and Regulations.

### **3.7 AIRPORT-OWNED EQUIPMENT MAINTENANCE**

The Airport owns Passenger Boarding Bridges, Baggage Handling Systems, and other equipment and systems at the Airport, much of which is leased to airline tenants. Airline tenants shall maintain Airport-owned equipment in accordance with schedules, record-keeping, reporting, and quality standards established by the Airport and agreed-upon with the tenant, as follows:

#### **(A) Maintenance Plan**

- (1) A tenant airline shall have a maintenance plan approved by the Airport for the airline to perform maintenance of Airport-owned equipment. The airline maintenance plan shall detail how the airline will maintain the Airport-owned equipment in a continually safe, operable, and optimum condition for the term of the lease. The plan shall at a minimum include a schedule for the preventative and regular maintenance and service-readiness for minor repairs.
- (2) The airline shall submit a proposed plan to the Airport no fewer than 15 days prior to airline use of Airport-owned equipment. The airline shall receive Airport approval prior to performing any maintenance of any Airport-owned equipment.

#### **(B) Parts and Equipment**

- (1) Airline shall maintain an inventory of spare parts, equipment, and consumables at the level sufficient to maintain the Airport-owned equipment.
- (2) Only Original Equipment Manufacturer (OEM) approved or recommended parts, equipment, and consumables shall be used, unless an exception is granted for functionally equivalent items upon written request to the Airport.

#### **(C) Performance Monitoring and Reports**

- (1) Restoration of equipment and systems shall be the Airline's priority and shall be accomplished in accordance with maintenance plan and the OEM maintenance manuals
- (2) The Airline shall submit the required reports agreed upon in the maintenance plans.

Failure by the tenant airline to submit a plan as provided in this Rule 3.7 or comply with the agreed-upon equipment maintenance and operating requirements shall result in fines assessed for each month or any part of a month beyond such period as provided in Rule 14 of these Rules and Regulations.

**RULE 4.0****OPERATION OF MOTOR VEHICLES**

This Rule applies to the operation of all motor vehicles driven by or on behalf of all individuals and entities conducting business on Airport premises, including but not limited to: rental car agencies, airlines and their subcontractors, Airport tenants and permittees, Airport contractors and subcontractors, and all businesses engaged in commercial transportation. Rules 4.1-4.6 also apply to members of the public through Chapter 7.72 of the San Mateo County Code of Ordinances.

The Director may at any time change, alter, expand, or limit access to Airport roadways, parking zones, and designated pick-up, drop-off, and staging areas necessary to accommodate renovation, construction, and other structural improvements and/or modifications to Airport property.

**4.1 TRAFFIC AND PARKING SIGNS, DIRECTIONS AND SIGNALS**

- (A)** Motor vehicles shall be operated upon the Airport in strict accordance with the rules herein prescribed for the control of such vehicles and the California Vehicle Code, except in cases of emergency involving the protection of life and/or property. All vehicles operated on Airport roadways must at all times comply with any lawful order, signal or direction by authorized personnel. When roadway traffic is controlled by signs or by mechanical or electrical signals, such signs or signals shall be obeyed unless directed otherwise by authorized personnel. Similarly, when movement in any parking facility, holding lot or other location is controlled by signs or by mechanical or electrical signals, such signs or signals shall be obeyed unless directed otherwise by authorized personnel.
- (B)** The Director is authorized to place and maintain such traffic signs, signals, pavement markings, and other traffic control devices upon Airport roadways, parking facilities and other Airport property as required to indicate and carry out the provisions of these Rules and Regulations and of the California Vehicle Code to guide and control traffic.
- (C)** Vehicles on Airport roadways shall be operated in strict compliance with the roadway speed limits, posted signs, and pavement and/or curb markings prescribed by the Airport Commission.

**4.2 RESERVED, POSTED OR RESTRICTED PARKING AREA**

- (A)** The Director is authorized to reserve all or any part of parking lots or terminal courtyards or other areas not under lease or permit for the sole use of vehicles of the City and County of San Francisco, its officers or employees, tenants, or for such visitors to the Airport as the Airport may designate, and to indicate such restrictions by appropriate markings and/or signs; designate a parking time limit on any portion of said lots and courtyards; designate any portion of said lots and courtyards as a passenger loading zone or a freight loading zone; designate any portion of said lots and courtyards as a No Stopping, No Waiting or No Parking area; designate where and how vehicles shall be parked by means of parking space markers; and designate direction of travel and indicate same by means of appropriate signs and/or markings.
- (B)** When appropriate signs and/or markings have been installed, no person may park or drive a vehicle on any portion of such lots or courtyards reserved for the exclusive use of any vehicle unless authorized by the Director.

- (C) Working news media representatives must comply with Airport "Media Procedures" found at <https://www.flysfo.com/media/media-procedures>. Unless otherwise provided for in the Media Procedures, working news media representatives may park their vehicles in designated press parking areas for a period not to exceed two hours while on assignment at the Airport.
- (D) Vehicles parked along any roadway curb or in any garage, parking lot or other authorized parking area designated for public, private or employee use, shall park in such a manner as to comply with all posted and/or painted lines, signs, and rules.
- (E) Vehicles displaying either a distinguishing license plate or a placard issued pursuant to 22511.5 or Section 9105 of the State of California Vehicle Code may park in designated handicapped/disabled parking sections for such periods as indicated by appropriate signs and/or markings.
- (F) Electric Vehicle Plug-In Charging Stations may be located in parking lots, terminal courtyards, garages or other parking areas to provide electric charging for plug-in electric and plug-in electric hybrid vehicles. No vehicle shall stop, wait, or park within the plug-in electric vehicle stalls unless the vehicles are equipped to use the designated plug-in electric charging stations. All other vehicles will be cited pursuant to Rule 14.

#### **4.3 AUTHORIZATION TO MOVE VEHICLES**

The Director may remove, or cause to be removed at the owner's expense from any restricted or reserved area, any roadway or right-of-way, or any other area on the Airport any vehicle which is disabled, abandoned, or illegally or improperly parked, or which creates an operations problem. Any such vehicle may be removed to the official vehicle impound areas designated by the Director. Any vehicle impounded shall be released to the owner or operator thereof upon proper identification of the person claiming such vehicle and upon payment of the towing charge currently in effect and the accrued parking fees thereon. The Airport Commission shall not be liable for damage to any vehicle or loss of personal property which might result from the act of removal.

#### **4.4 USE OF ROADS AND WALKS**

- (A) No person shall operate any vehicle on the Airport other than on the roads or places authorized by the Director for use by that particular type of vehicle.
- (B) No person shall use Airport roads, crosswalks, or walkways in a manner that hinders or obstructs proper use.

#### **4.5 PARKING AND STOPPING OF VEHICLES**

- (A) No vehicle shall be parked or stopped on any Airport roadway except in the manner and at a location authorized for stopping, standing or parking as indicated by posted traffic signs and/or painted curb markings, or in a parking facility designated for public or employee use. Double parking on Airports roadways is strictly prohibited.
- (B) No vehicle shall block or obstruct vehicular movement on any Airport roadway, ramp, or parking facility, including areas designated as staging areas for commercial vehicles.

#### **4.6 TERMINAL CURB MARKINGS**

All vehicle operators on terminal roadways shall comply with curb markings, signage, and directions from traffic control personnel to maintain a safe, secure, and efficient use of the limited curb space in front of terminals.

Vehicles using Airport terminal roadways may stop only for the pick-up/drop-off of passengers or other permitted commercial operations, only at marked curbs, and only in the color zone designated for that type

of vehicle, as provided in this Rule 4.6 or as directed on roadway signage or by traffic control personnel. Vehicles must be attended at all times. Waiting along a terminal curb for passengers or baggage is prohibited. Commercial vehicle operators must additionally at all times comply with the Airport Permit and any notice or direction issued by the Airport to the Permit holder.

Unless specifically excepted by the Director, any vehicle which violates this Rule 4.6 may be cited and towed immediately, at the owner's expense.

The curb color zones are generally designated as follows:

|                              |                                                                                                                                                           |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Red Zone:</b>             | Hotel Courtesy Shuttles and SamTrans Buses.                                                                                                               |
| <b>Yellow Zone:</b>          | Delivery Vehicles and Limousines.                                                                                                                         |
| <b>White Zone:</b>           | Private Vehicles, Permitted Commercial Ground Transportation Vehicles as posted, and Car Rental Shuttles providing services for disabled passengers only. |
| <b>Red and Yellow Zone:</b>  | Taxicabs.                                                                                                                                                 |
| <b>Green and White Zone:</b> | Airporters, Crew Shuttles, and Charter Buses.                                                                                                             |
| <b>Red and White Zone:</b>   | Shared-Ride Vans.                                                                                                                                         |
| <b>Blue and White Zone:</b>  | Employee Shuttles, SFO Parking Shuttles, and Off-Airport Parking Shuttles.                                                                                |
| <b>Blue and Red Zone:</b>    | Hotel Courtesy Shuttles and Off-Airport Parking Shuttles.                                                                                                 |
| <b>Blue and Green Zone:</b>  | TNC Vehicles.                                                                                                                                             |

#### 4.7 COMMERCIAL GROUND TRANSPORTATION OPERATIONS

All commercial ground transportation operators ("GTOs"), whether an individual or business entity of any type whatsoever, providing transportation services to, on, or from Airport property including, but not limited to, those operators who use Airport roadways as part of a business conducted for monetary consideration, shall comply with this Rule 4.7. Violation of this Rule may result in an admonishment and/or citation under Rule 14 of these Rules and Regulations, in addition to any other fines, charges, or penalties assessed under applicable law or permit, including permit suspension or revocation.

##### (A) General Requirements

###### (1) Modes Requiring CPUC and Airport Permits

The following GTOs operating on the Airport's roadways shall have a valid certificate or permit issued by the California Public Utilities Commission ("CPUC") and an Airport-issued operating permit:

- (a) Charter buses
- (b) Courtesy shuttles (including but not limited to crew, rental car, parking, and hotel shuttles)
- (c) Limousines
- (d) Scheduled transportation operators, unless excluded in A.3, below



- (e) Shared-ride vans
- (f) Transportation Network Companies (“TNCs”)

**(2) Taxicab Permitting Requirements**

Every taxicab operating on Airport premises must be licensed either by the San Francisco Municipal Transportation Agency (“SFMTA”) or another local public entity. Consistent with San Francisco Transportation Code § 1105(a)(6), taxicab operators regulated by the SFMTA are required to comply with Airport Rules and Regulations and the terms of their Airport/SFMTA Taxi User Agreement.

**(3) Modes Exempt from Airport Permit Requirement**

Transportation vendors contracted by the City and County of San Francisco

**(4) Permit Terms**

All permits, regardless of the transportation mode, require the permit holder to ensure that all vehicles and drivers operating under the permit comply with the permit terms and conditions, including, but not limited to:

- (a) display of proper vehicle trade dress, visible TCP numbers, decals, emblems, license plates, and any and all other markings required by applicable laws and permit terms and conditions;
- (b) maintaining vehicle tracking device or system without alteration, removal or destruction;
- (c) following signage and directives, including but not limited to signage and directives regarding loading and unloading of passengers;
- (d) operating only in designated areas;
- (e) maintaining applicable vehicle safety and inspections requirements; and
- (f) complying with these Rules and Regulations.

**(5) Trip Fees**

Unless excluded from the payment of trip fees under applicable permit terms, all permit holders are responsible for the payment of trip fees, which fees are used to recover Airport costs for roadway and garage maintenance and infrastructure. Trip fees are calculated on an annual basis by mode and trip frequency, and are subject to the approval of the Airport Commission. The Airport tracks trip fees and permit holders must pay such fees in conformance with the terms and conditions of the applicable permit. Failure to pay trip fees owed and/or late payment of trip fees may result in any one or all of the following: a fine under Rule 14 of the Airport Rules and Regulations, interest on unpaid trip fees at the rate of one and one-half percent (1-1/2%) per month, administrative fines under the terms of the applicable permit, and permit suspension and/or permit revocation.

**(6) Payment of Other Fees**

Consistent with the terms of the applicable permit, permit holders may be assessed fees for lost, missing or altered transponders, lack of operating decals, failure to comply with annual registration requirements, late registration, and other fees.

**(7) Audit and Inspection of Records**

Each GTO permit holder shall make books and records identified in the applicable permit available for inspection, including, without limitation, reports, records, and compilations as may be requested by the Director or his/her designee. Should any examination of records or vehicle trip count result in discovery of underpayment by permittee in excess of five percent (5%) of the fees due, the permittee shall promptly pay to the City and County of San Francisco the amount of the underpayment plus all costs incurred in conducting the examination or vehicle trip count. The permittee shall also be liable for expenses incurred in assessing or collecting any money owed to the City and County of San Francisco.

**(8) Waybills**

Consistent with California law and GTO permit terms, every limousine, TNC, charter and pre-arranged transit passenger pick up and drop off shall be documented by a waybill, which waybill shall conform to the requirements of the applicable law and permit terms.

All transportation operators who use the Airport's courtyards for picking up patrons must display a copy of their waybill inside the vehicle so it can be easily read from outside of the front windshield. Another copy of the waybill shall be carried by the driver of the vehicle.

All drivers of vehicles operating under an Airport GTO permit shall present the waybill to any Airport or law enforcement official upon request.

**(9) Courtyard Parking and Staging Area**

To address roadway congestion and changing conditions on the ground, from time to time, the Director or the Director's designee may establish and construct staging areas for select vehicle classes providing ground transportation services, and may require all drivers operating under select GTO permits to wait in courtyards or designated staging areas until such time as their passengers have arrived and are at the curbside. The Airport may charge a fee for use of courtyards and staging areas. When staging space is not available, the Director or the Director's designee may require vehicles to stage off the Airport.

**(10) Passenger Receipts**

All taxis, TNCs, limousines, scheduled, and pre-arranged van operators must have the ability to immediately provide passenger receipts generated either electronically or by hard copy (paper and pen). All such receipts must include the name of the permittee, the date and time of service, and all other information required by the regulatory agency of that mode.

**(11) Emergency Contact**

All GTOs, regardless of transportation mode, must maintain current emergency contact phone numbers and/or email addresses with the Airport, where automated emergency notifications can be immediately transmitted.

**(B) General Conduct Applicable to all Modes of Commercial Ground Transportation**

The drivers of all permitted vehicles must comply with all applicable laws, the general conduct provisions in their respective permits, and with all posted signs, directions, curb markings, and other directives set forth in Rule 4.1-4.6 of these Rules and Regulations.

In addition, the following conduct by GTO service providers is prohibited and is subject to administrative fines under Rule 14, as well as administrative penalties under the applicable permit:

- (1) Cutting in line, jumping a taxicab lot, or bypassing a holding lot or ticket collection area before leaving the Airport;
- (2) Picking up or discharging passengers or their baggage at any terminal levels other than those designated for such purpose;
- (3) Leaving a vehicle unattended, except in designated staging areas;
- (4) Failing to provide a receipt upon passenger request;
- (5) Disregarding instructions by or Providing-providing false information to Airport Officials, including law enforcement personnel, Curbside Management Program personnel, and/or the Airport's designated duty managers, garage managers, leads, and guards;
- (6) Displaying to an Airport Official an altered or fictitious waybill, holding lot ticket or receipt;
- (7) Failure to possess a valid waybill unless not required by applicable permit;
- (8) Driving a vehicle without appropriate trade dress, placards, license plates, TCP numbers, decals, and/or logos as required by applicable law and/or permit;
- (9) Failing to activate, deactivating, tampering with, damaging, removing or evading vehicle trip counting and tracking devices and applications, including transponders, smart phone applications, and license plate recognition devices;
- (10) Soliciting passengers on Airport property;
- (11) Recirculating or "looping" on any terminal roadway;
- (12) Use or possession of any alcoholic beverage, narcotic or controlled substance while operating a vehicle on Airport premises;
- (13) Use of profane or vulgar language;
- (14) Any attempt to solicit payment in excess of that authorized by law;
- (15) Any solicitation for or on behalf of any hotel, motel, club, nightclub, or any other business whatsoever;
- (16) Solicitation of any activity prohibited by the Penal Code of the State of California;
- (17) Operating a vehicle:
  - (a) in an unsafe manner;
  - (b) after the vehicle has failed a safety inspection; or
  - (c) that lacks mandatory safety equipment as defined in the California Vehicle Code;
- (18) Tampering with, disconnecting, or modifying any emissions-control equipment, modifying a defined clean fuel vehicle, or using unauthorized fuel to power a defined clean fuel vehicle;

- (19) Using any part of the Airport premises other than a restroom to urinate and/or address personal hygiene needs;
- (20) Failure to wear a visible photo identification card if required by applicable permit or regulatory agency;
- (21) Failure to comply with applicable headway requirements;
- (22) Staging in an unauthorized location;
- (23) Staging a coordinator (such as for shared-ride vans) in an unauthorized location;
- (24) Failure to comply with posted signage and pavement markings; and
- (25) Idling a vehicle or engine for more than five minutes as prohibited under California Air Resources Board regulations

**(C) Scheduled Transportation Operations**

**(1) Proposed Changes in Operations**

No changes in service may be made in scheduled transportation operations of applicable permittees unless first requested in writing to the Director or the Director's designee no fewer than thirty (30) days in advance of the proposed implementation date. "Changes in service" means (a) increasing or decreasing the number of vehicles authorized to operate at the Airport, (b) changing the frequency of service runs, or (c) modifying routes or stops.

**(2) Criteria for Approving Proposed Changes**

The Director or the Director's designee will review the merits of any proposed change in scheduled transportation operations based on the following criteria:

- (a) determination of the potential ridership and revenue recovery;
- (b) evaluation of the planned route, the location, and number of all proposed Airport ground transportation services in the subject corridor;
- (c) analysis of the service travel time;
- (d) determination of the type or size of vehicle appropriate for the operation; and
- (e) determination of availability of Airport curb and staging space.

The Director or the Director's designee has the discretion to approve, reject or require modification to any such proposed changes in service.

**(D) Taxicabs**

**(1) San Francisco Taxicabs**

Taxicabs licensed by the SFMTA shall comply with all SFMTA operating requirements, including, but not limited to, Articles 1105 and 1108 of the San Francisco Transportation Code, SFMTA's Motor Vehicles for Hire Regulations, and any and all other ordinances,

laws and/or regulations that may be applicable to operating taxicabs. In addition, every SFMTA regulated taxi operating at the Airport shall:

- (a) only be driven by an individual with an SFMTA issued A-Card and with an Airport permit (necessary for pick-up);
- (b) have an Airport-issued AVI transponder affixed to the vehicle;
- (c) have a certification decal affixed to the right and left rear rooftop quarter section of the vehicle;
- (d) stage only in designated areas when waiting for a passenger pick-up;
- (e) comply with dispatcher instructions for passenger pick-up;
- (f) charge fees in conformance with SFMTA rate schedules and no other unapproved fees or surcharges;
- (g) remain in/with vehicle while in a curbside taxi queue;
- (h) occupy Airport taxi lots only during daily operational hours; and
- (i) use an A-Card to enter an Airport parking garage only for Airport-authorized taxicab-related business which includes but is not limited to entering the taxi queue line or meeting with Airport staff.
- (j) possess a cellular mobile device (Android or Apple) with a supported operating system, capable of running applications, with an up-to-date version of the SFO-created application required for taxi dispatching, verification, or queuing, and abide by all terms and conditions of such mobile application.

Certification decals and AVIs are the property of the Airport and, upon suspension or revocation of certification, shall be immediately surrendered to the Director or his/her designee.

Taxicab drivers who are issued an Administrative Citation may be required to pay an administrative fine under Rule 14 of these Rules and Regulations or may have Airport pick-up privileges suspended.

## **(2) Non-SFMTA Taxicabs**

Taxicabs licensed and regulated by public entities other than the SFMTA shall comply with all laws, ordinances, and regulations of the licensing entity and any and all other ordinances, laws, and regulations that may be applicable to operating taxicabs. Non-SFMTA taxis are prohibited from picking up passengers except for on a pre-arranged basis, and for each trip, shall have a waybill with the name of the passenger, the number of people in the party, and the location and time of pickup. Drivers must pay a trip fee to pick up passengers at the Airport. ~~Trip fees are paid through the purchase of a trip ticket from vending machines located at the International Terminal Arrivals Level outer curb, back end of the Taxi Zone, or the Domestic Terminal 1 Arrivals Level outer curb, upon immediately approaching the Terminal.~~

## **(E) Director's Discretion**

Notwithstanding any provisions of these Rules and Regulations or of the terms of an operating permit, the Director at all times retains the sole and absolute discretion to suspend operating

privileges at SFO and/or to assess fines as provided under a permit and/or these Rules and Regulations.

**RULE 5.0****AIRSIDE OPERATIONS****5.1 GENERAL**

- (A) **Application and Purpose.** This Rule 5.0 applies to all operations on the Air Operations Area (AOA). The purpose of this Rule 5.0 is to promote the safe operation of aircraft and vehicles on the airfield and the safety of all airfield activities. All persons on the AOA must comply with this Rule, in addition to all other applicable Rules of these Rules and Regulations.
- (B) **Authority of the Director.** The Director has charge of the AOA and may take any action deemed necessary and appropriate to assure the safe and proper operation of the Airport. The Director shall have the right at any time to close the entire or any part of the Airport to air traffic; to delay or restrict any flight or other aircraft operation; to refuse takeoff permission to aircraft; or to deny the use of the entire or any part of the Airport to any specified class of aircraft or to any individual or group. In the event the Director determines the condition of the Airport or any part of the Airport to be unsafe for landings or takeoffs, the Director shall issue, or cause to be issued, a Notice to Airmen (NOTAM).
- (C) **Aircraft.** All persons shall navigate, land, service, maintain, and repair aircraft in conformance with Federal Aviation Administration (FAA) and National Transportation Safety Board rules and regulations.
- (D) **Ground Support Equipment (GSE).** Any vehicle operated to support aircraft on the AOA or to perform airside operations, regardless whether such vehicle is motorized or nonmotorized or leaves the AOA perimeter, is Ground Support Equipment (GSE) and may be operated only with the permission of the Director. Safe operation of GSE on the AOA is critical to the overall safety and security of Airport operations. Employers who own and operate GSE on the AOA shall assure that their drivers and vehicles comply with the requirements of all applicable Rules and Regulations. Failure to comply with the provisions of this Rule may result in administrative fines under Rule 14 and/or vehicle impoundment consistent with the GSE Safety Inspection Program (GSESIP), at Appendix B to these Rules and Regulations.
- (E) **Airfield Marking and Signage.** Any person engaged in airfield activity shall comply with all marking and signage. Pilots and vehicle operators shall obey all lights, signs, signals, markings, and NOTAMs unless an authorized representative of the Director or Control Tower directs otherwise. Pilots and vehicle operators engaged in airside operations must at all times comply with any lawful order, signal or direction of the Director, except when subject to the direction or control for ground movement purposes of the FAA or other federal agency. No aircraft or other vehicle shall use any part of the airfield, apron, ramp, taxiway, runway or other area considered temporarily unsafe for landing or takeoff, or which is not available for any reason. The Airport will mark boundaries of such areas with barricades and flags by day and high intensity flashing red lights at night and low visibility periods, and will issue communications by PASSUR and/or NOTAM, as appropriate.
- (F) **Air Traffic Control Tower (ATCT) and Ramp Towers.** Any person engaging in moving aircraft or GSE shall communicate with and follow all instructions by FAA Air Traffic Control and/or the Ramp Tower, as appropriate, for crossing or proceeding on Taxilanes, Taxiways, and/or Runways. Any person who fails to properly communicate with Air Traffic Control and/or comply with Air Traffic Control instruction may, at the sole discretion of the Director, lose the privilege to operate at the Airport on a temporary or permanent basis. Any such action by the Airport may be independent of and/or in addition to any investigation or action by the FAA or the National Transportation Safety Board.

**5.2 AIRSIDE PERSONNEL**

- (A) **Intoxicants and Drugs.** No person engaged in airside operations shall be under the influence of intoxicating liquor or drugs, nor shall any person under the influence of intoxicating liquor or drugs be permitted to board any aircraft, except a medical patient under care. Any person violating this Rule may be denied use of the Airport by the Airport Director in his sole discretion. See FAR Part 91.17.
- (B) **Personal Listening Devices.** No person shall use personal listening devices while walking, operating, or driving on the AOA. Personnel authorized to operate vehicles on the AOA may use personal cell phones and/or any other type of hand-held or hands-free device, only after stopping (whether in or out of a vehicle) in a safe manner and in a safe location.
- (C) **Reflective Clothing.** To enhance visibility and promote safety for persons working on the AOA, all employers/tenants or contractors-must provide all employees with reflective clothing meeting or exceeding Class 2 reflectivity per the Standard for High-Visibility Safety Apparel (ANSI/ISEA 107-2004). Employees shall wear reflective clothing at all times while performing such duties on the AOA unless competing safety concerns necessitate the temporary removal of reflective clothing. This requirement does not apply to uniformed airline crewmembers within the aircraft envelope.

**5.3 AIRCRAFT OPERATIONS****(A) Aircraft Operators****(1) Registration and Fees**

The Director may require and may designate appropriate locations for the registration of pilots and aircraft using the Airport. Pilots shall comply with the requirements of such registration. The payment of rentals, fees, and charges relating to the use of Airport premises and facilities shall be made before takeoff. In lieu of such payments, satisfactory credit arrangements shall be made by the pilot or owner of aircraft with the Director.

**(2) Training Flights and Student Pilots**

No aircraft shall land, take off or taxi at the Airport while the aircraft is under the control of a student pilot. No person shall conduct training flights on or over the Airport.

**(3) Helicopter Operations**

- (a) Helicopter aircraft arriving and departing the Airport shall operate under the direction of the Control Tower at all times while in the Airport Control Zone. No helicopter may land or take off from the Airport unless it is equipped with a two-way radio, is in communication with, and has received authorization from the Control Tower.
- (b) Helicopters shall have braking devices and/or rotor mooring tie-downs applied to the rotor blades. Helicopters shall not be taxied, towed, or otherwise moved with rotors turning unless there is a clear area of at least 25 feet in all directions from the outer tips of the rotor blades.
- (c) Helicopters may park only in approved parking areas on the Fixed Base Operators ramp. Additional locations may be approved by the Director. This rule does not apply to the U.S. Coast Guard station helicopters.



**(4) Charter Aircraft**

All airlines are required to advise Airport Operations 72 hours in advance of any charter aircraft other than their own, except to those charter flights managed by the Airport's Fixed Base Operator.

**(5) Unmanned Aircraft (drones)**

No motorless or unmanned aircraft, such as drones, shall land or takeoff from the Airport. Operation of unmanned aircraft to, on, or from Airport property is strictly prohibited, except as expressly permitted by the FAA and/or the Director as may be appropriate under applicable law or rules.

**(B) Aircraft Equipment Requirements**

All aircraft operating at the Airport must be equipped with functioning brakes, a two-way radio, and a 4096 transponder for altitude and coding. All aircraft must additionally have VHF Omnidirectional Range capability.

**(C) Aircraft Parking, Maintenance, Repair****(1) Parking Responsibility**

Upon direction from the Director, the operator of any aircraft parked or stored at an air terminal or hardstand shall move such aircraft from the place where it is parked or stored. All remote parking requests for locations outside of lease, permit, or contract terms, shall be made through Airfield Operations and/or Ramp Tower A.

Non-terminal aircraft parking reservations must be made within 24 hours of the time the space is needed. The Airport will not accept requests for reservations more than 24 hours in advance except under special circumstances such as emergencies, charters, VIP, or special events.

Failure to comply with direction to relocate an aircraft or parking in an unauthorized location shall result a fine under Rule 14.

**(2) Aircraft Repairs**

All repairs to aircraft and/or engines shall be made in areas designated for this purpose. Minor adjustments and repairs may be performed on aircraft at gate positions on the ramp when such repairs can be safely accomplished without inconvenience to persons or other companies. Any spills must be promptly and properly addressed. Any aircraft being repaired at a gate position shall be moved immediately upon the request of the Director. No aircraft engine shall be run-up for test purposes at any gate position.

**(3) Parking and Washing of Aircraft**

(a) Aircraft shall not be parked on the Airport, except in areas and in the manner designated by the Director. The City and County of San Francisco and its agents assume no responsibility for aircraft parked or in the process of being parked on the Airport.

(b) Aircraft shall not be washed, except in areas and in the manner designated by the Director. No aircraft shall be washed at any terminal gate position.

**(4) Cargo Aircraft On-Ground Time Limits at Plot 50**

Aircraft hardstands 50-1 through 50-8 have a maximum Aircraft-On-Ground (AOG) time of six hours. Upon reaching the six-hour mark, aircraft may be assigned a new parking location by Airfield Operations; the airline must have tow capability available at that time.

Moving the aircraft, or arranging for its movement, is the sole responsibility of the airline. The airline must ensure that a 24-hour contact is available for Airfield Operations. (AOB 20-11)

**(D) Aircraft Movement**

**(1) Extended On-Airfield Flight Delays**

Airline personnel are required to contact the Airport Duty Manager (ADM) at (650) 821-5222 to report any incidents of a live flight being held away from the terminal in excess of 60 minutes. The Airport Duty Manager is available 24 hours a day and must be called as soon as airline staff becomes aware of a situation which may lead to passengers remaining on an aircraft for more than 60 minutes away from a terminal gate – whether on an arriving or departing flight. Personnel responsible for aircraft movement, including personnel in the ATCT or the International Terminal Tower and/or Airport Airfield Safety Officer personnel who become aware of a live flight being held away from a terminal gate for more than 60 minutes must also contact the Airport Duty Manager. Airport resources shall help meet the airline and Airport's collective customer service goals and compliance in notifying the ADM of this situation. Prompt notification to the ADM will enable the Airport to activate our contingency plans.

**(2) Starting or Running of Aircraft Engines**

No aircraft engine shall be started or run unless a licensed pilot or certificated A and P mechanic is attending the aircraft controls. Wheel blocks equipped with ropes or other suitable means of chocking the wheels of an aircraft to deter movement shall always be placed in front of the main landing wheels before starting the engine or engines, unless the aircraft is locked into position by functioning locking brakes.

**(3) Run-Up of Aircraft Engines**

- (a) All aircraft shall be started and run-up in locations designated for such purposes by the Director. Aircraft engines shall not be operated in such position that persons, structures or property may be endangered by the path of the aircraft propeller slip-stream or jet blast. Wingwalkers and/or road guards must be present at all times while starting or running engines in a ramp area.
- (b) No aircraft engine exhaust, blast, and/or propeller wash shall be directed in such manner as to cause injury, damage, or hazard to any person, structure, or property.
- (c) Power back of aircraft at any gate is prohibited.
- (d) The run-up of mounted aircraft engines for maintenance or test purposes is prohibited between the hours 2200-0600, except as provided below:

- (i) An idle check of a single engine is allowed under the following conditions:

An idle check of a single engine not to exceed a 5-minute duration may be conducted in the leasehold area. If more than one engine is to be checked, each engine must be checked separately and the total duration of the idle checks cannot exceed 5-minutes.

An idle check of a single engine or engines (checked separately) which will exceed a duration of 5-minutes shall be accomplished at an authorized run-up area.

- (ii) During the hours of 2200-0600, Airfield Operations shall be called and permission received prior to any engine idle check, or engine idle run-up. All engine starts at the gate shall be approved by Airfield Operations. Any idle run for more than a duration of 5-minutes will be considered an engine run-up.

During other hours Airfield Operations shall be called and permission received prior to any engine run-up. When approved and accomplished the Maintenance Supervisor of the airline concerned must provide to the Director a monthly report detailing the following:

- Date and time of the run-up
- Type aircraft
- Aircraft identification number
- Location of the run-up
- Duration of the run-up
- An explanation of the emergency circumstances making the run-up necessary.

Reports shall be submitted to the Director within 3 working days following the last day of each calendar month.

- (e) Air carriers shall comply with Federal Aviation Regulations for noise abatement and noise emission standards and must conform with all rules, policies, procedures and resolutions as established by the Airport Commission relative to noise abatement.

## **(E) Taxiing or Moving of Aircraft on Operational Areas**

### **(1) Apron, Ramp, and Airfield**

Aircraft shall not be taxied, towed or otherwise moved on any part of AOA without a functional tower radio, and until specifically cleared to do so by the FAA Control Tower or Ramp Tower. Unless otherwise agreed between the Director and an airline and its contractors, whenever any aircraft is being taxied, towed or otherwise moved on the apron, ramp, or airfield, there shall be a person attending the controls of the aircraft who shall monitor by radio the transmitting frequency in use by the Control Tower or who, if necessary, will cause that frequency to be monitored by another person in the aircraft. In the event of radio equipment failure, the Control Tower may use an Aldis Lamp for communication. Airfield Operations shall provide escorts only for aircraft with functioning tower radios.

All personnel engaged in moving aircraft, except receipt into or dispatch from an apron, shall have an Airport ID badge with an "M" icon as specified in Rule 5.4(A) below. Tenants shall ensure that a current copy of the SFO Airport Layout Map is prominently displayed in all aircraft tow tractors and readily accessible to cockpit brake riders.

### **(2) Envelope Receipt and Dispatch**

Vigilance in aircraft operations in and around the terminal gate envelope is critical for the safety of passengers, ramp workers, and equipment and to minimize taxiway and taxilane congestion. Airlines shall deploy personnel to assure sufficient wingtip and tail clearances for all aircraft operations entering and exiting the terminal gate envelope. Unless

otherwise agreed between the Director and an airline and its contractors, the following procedures shall be used:

(a) For receipt of an aircraft into the envelope, there shall be a minimum of (i) two guide personnel, or wingwalkers, one at each wing, and (ii) a marshaller directing the pilot into the envelope. If the gate is equipped with Auto Park, a marshaller is not required.

~~(a)~~(b) When taxiing in the Non-Movement Area, particularly alleys between boarding areas, aircraft must use idle thrust to minimize jet blast. If an aircraft must stop before its assigned gate or hardstand, the crew must ensure that any temporary breakaway thrust required to regenerate taxiing momentum is directed away from nearby VSRs, aircraft gates/hardstands, and ramp service areas. If an aircraft cannot regenerate taxiing momentum in a manner that directs harmful jet blast away from VSRs, aircraft gates/hardstands, and ramp service areas, it must be towed into its gate or hardstand. Ramp crews that are ready to accept aircraft will reduce this jet blast hazard by enabling aircraft to complete taxiing at idle thrust and avoid tow operations. (AOB 21-08)

~~(b)~~(c) For dispatch of an aircraft from the envelope, as in pushbacks and remote hardstands, there shall be a minimum of (i) two guide personnel, or wingwalkers, one at each wing, and (ii) a tug driver at the nose of the aircraft. The wingwalkers shall remain in position until the aircraft passes the adjacent service road. The wingwalker closest to the service road shall be positioned to also control vehicular traffic.

~~(3)~~(d) Aircraft shall be aligned with the nose wheel on the taxiway or taxilane centerline during pushbacks from terminal gates or hardstands prior to being disconnected from an aircraft tug.

~~(4)~~(e) Pushback personnel must wear reflective clothing and carry signal wands while in the process of moving or directing aircraft. During daylight hours, the pushback personnel may use a day or lighted signal wand and during hours of darkness or limited visibility, the personnel shall use a lighted signal wand.

~~(5)~~(3) Tenant vehicles used for towing aircraft are restricted to routes prescribed by the Director.

~~(6)~~(4) **Towbarless Towing Vehicles (TLTV)**

The standards for Towbarless Towing Vehicles (TLTV) are based on FAA Advisory Circulars 150/5210-5D Painting, Marking, and Lighting of Vehicles Used on an Airport and 00-65 Towbar and Towbarless Movement of Aircraft. TLTV must either be painted International Orange or outlined on both sides with a minimum 8-inch wide horizontal band of reflective tape with coverage greater than 25% of the vehicle's vertical surface. A LED light bar or yellow flashing beacon must be placed above the TLTV operator's cab. In addition, a yellow flashing light must be installed on both the upper-left and upper-right rear corners of the vehicle, with all lights activated when operating in low light and/or low visibility conditions. Unless otherwise agreed between the Director and an airline and its contractors, a properly trained and qualified flight deck/cockpit observer must be in place in the towed aircraft cockpit during any aircraft towing operation. When towing an aircraft between sunset and sunrise, aircraft wingtips, tail, and fuselage must be clearly illuminated by aircraft position lights and anti-collision lights (when appropriate). Airline and/or ground support tenant must otherwise meet FAA training and operational requirements described in FAA Advisory Circulars 150/5320-5D and 00-65.

TLTVs are restricted to taxiways and taxi-lanes only, unless these vehicles can operate safely on and within the lanes of the vehicle service roads.

**(F) Taxiing into or Out Of Hangars**

No aircraft shall be taxied into or out of a hangar under its own power.

**(G) Aircraft Marking During Low Visibility Periods**

- (1) Every aircraft parked on the ramp or apron shall have its running lights illuminated during the hours between sunset and sunrise and during low visibility periods, except in areas designated by the Director. Other means of identifying and marking of the wingtips of the craft while parked may be used in lieu of the running lights, but prior authorization for any substitute wingtip identification must be obtained from the Director.
- (2) All aircraft being taxied, towed or otherwise moved on the ramp, apron or taxiways shall proceed with running lights on during the hours between sunset and sunrise and during periods of low visibility. Upon request of an Airport tenant, Airfield Operations may provide a vehicle escort for aircraft with inoperative running lights.

**(H) Prohibited Flight Approaches and Landings**

The following flight approaches and departures are prohibited at the Airport and will not be approved by the Air Traffic Control Tower except upon special pre-approval by the Control Tower or as directed by the Control Tower in emergency circumstances:

- **Touch & Go** – aircraft lands and departs on a runway without stopping or exiting the runway;
- **Stop & Go** – aircraft is brought to a complete stop, purposefully reconfigures for takeoff, and takes off from the same point;
- **Full Stop Taxi Back** – aircraft lands, exits the runway, and taxis to the departure end;
- **Low Approach** – a go-around maneuver following an approach;
- **Practice Approach** – an instrument approach where there is no landing intended.
- **Option Approach** – an approach requested and conducted by a pilot which will result in a touch-and-go, missed approach, stop-and-go, or full stop landing.

(AOB 20-08)

**5.4 GROUND SERVICE EQUIPMENT (GSE) OPERATIONS**

**(A) GSE Operators**

**(1) License**

A GSE driver shall hold a California Department of Motor Vehicles driver's license consistent with the requirements of California law for the type or weight of vehicle operated.

**(2) Employer Pull Notice Program**

Prior to operating a motor vehicle in the Secured Area/Air Operations Area every individual shall be registered through his or her employer in the California Department of Motor Vehicles ("DMV") Employer Pull Notice Program. All individuals, partnerships, corporations, tenants, contractors, and entities with employees and/or independent contractors who operate motor vehicles in the Secured/Operations Area shall comply with the DMV Employer Pull Notice Program.

**(3) Airfield Driving Test/Movement Area Operator**

To drive in the Secured Area/AOA, an individual must pass any applicable Airport-administered test and must obtain the proper Airport credential(s) as appropriate to the area(s) of vehicle operation. Driving without the proper credential shall result in immediate revocation of the driver's Airport ID badge.

Aircraft tow crews and other individuals with an operational need to drive on the Airport's movement area (as determined by the permittee) must receive company training every consecutive 12 months for operations in the movement area; training must include subject matters listed in 14 CFR Part 139.303. After company training is completed, the individual must successfully complete the Airport Movement Area Operator (MAO) training and testing at least every 12 consecutive months. The Airport movement area privilege is indicated by the "M" icon on the Airport ID badge and is required before operating in the movement area. For any aircraft taxi or tow operation, all personnel at the controls of the aircraft, communicating on the ATC radio, or operating a tow tractor must have the "M" icon on their Airport ID badge.

**(B) GSE Requirements****(1) Registration**

All GSEs shall be registered with the Airport on an annual basis. The following types of motor vehicles operating on the AOA, regardless of whether such vehicles enter or exit the AOA, shall also be currently registered with and display valid license plates issued by the State of California Department of Motor Vehicles: sedans, vans, station wagons, sport utility vehicles, buses, and "motor trucks." For the purposes of this Section, "motor trucks" means both passenger and commercial trucks regardless of weight or number of axles, including but not limited to pickup trucks (open box and utility body), flatbed trucks, truck tractors, and catering trucks. For the purposes of this Rule, "motor trucks" does not mean vehicles designed and exclusively used for the refueling or movement of aircraft. Upon application to the Director by the owner of a vehicle exclusively operated on the premises of the Airport, an identifying number shall be assigned to that vehicle which together with the initials "S.F.I.A.," shall be displayed prominently on the vehicle in the manner prescribed by the Director. Tampering with or altering Ramp Access Permit Placards or SFIA identifying numbers is prohibited. Tenants are responsible for immediately requesting replacement of any placard or permit which becomes damaged, faded, or otherwise illegible.

**(2) Insurance**

Every vehicle operated on the Secured Area/Air Operations Area must be covered by the permittee's liability insurance as required by the Director.

**(3) Trade Dress**

All vehicles and equipment operated on the Secured Area/Air Operations Area (AOA) must have a magnetic, stenciled, or painted logo and number at least eight inches in height marked on both exterior sides. Prior authorization for use of any markings outside of these parameters must be obtained in writing from the Airport by submitting a written request to the Director of Safety and Security Services. All such requests shall be considered on a case-by-case basis. All equipment must be maintained in a clean and clearly identifiable condition. No dirt, oil, or grease shall cover or obscure the vehicle's trade dress, paint scheme and company name.

**(4) Safety Equipment**

No GSE or vehicle shall be permitted in or upon the Secured Area/Air Operations Area unless it is in sound mechanical condition with unobstructed forward and side vision from the driver's seat. All motorized vehicles must be equipped with seat belts or other appropriate safety restraints. Trailers on the Airport ramp or apron areas must be equipped with proper brakes so that when disengaged from a towing vehicle, neither aircraft blast nor wind will cause them to become free rolling. Positive locking couplings are required for all towed equipment. Brakes must be set in secured position when equipment is not being towed.

**(5) FAA-Required Equipment**

Unless authorized by the Director, all vehicles operating on a ramp or across taxiways or runways must be equipped with FAA-approved beacon or flashing lights or under positive escort while operating during hours of darkness or periods of low visibility. Vehicles authorized for unescorted operation in the movement area must be equipped with operating FAA-approved Vehicle Movement Area Transmitters (VMAT). Vehicles without a VMAT must be escorted by movement-area qualified operators using VMAT

**(6) Lights**

Carts, trailers, and/or pieces of equipment being towed or carried after dark must have either rear reflectors or rear lights.

**(7) Hazardous Materials**

All GSE carrying hazardous materials must be properly labeled and display a legible 24/7 emergency telephone number.

**(8) Shared Equipment**

A tenant shall not use equipment of another tenant without written authorization from the owner. If a tenant borrows or uses equipment of another tenant, the owner of such equipment shall remain responsible for its use and shall be responsible for any citation issued under these Rules and Regulations with respect to such equipment, regardless of the operator. The GSE owner shall provide to Airfield Operations an individual designee who may be reached at any time its GSE may be in use, regardless of the operator, to address immediate operational and safety concerns.

**(9) ULD Containers**

Cargo containers typically used for freight and mail operations ("ULD containers") and/or cargo pallets shall not be left on the ground in ramp areas unless in a designated cargo area. ULD containers and/or cargo pallets must be secured on racks or dollies when in ramp areas. ULD containers and/or cargo pallets on the ground in designated areas shall be stacked or organized in a safe and tidy manner.

**(C) GSE Safety Inspection and Impound Programs**

**(1) Safety Inspection Program**

The Ground Support Equipment Safety Inspection Program (GSESIP) is necessary to ensure that all GSE operating and around the AOA are mechanically sound and safe, promoting the overall safety of the Airport Community. All tenants and contractors whose employees use or operate vehicles or equipment on the AOA must comply with the GSESIP.

The GSESIP includes scheduled periodic physical inspections, audits, and random or targeted inspection of GSE. The GSESIP is annexed to these Rules and Regulations as Appendix B. Every lease, permit, or contract authorizing use of ground support equipment on the AOA shall incorporate the GSESIP.

**(2) Impoundment Program**

The Airport may impound GSE that presents a safety hazard or interferes with safe and efficient operations. Every tenant is responsible for its own GSE equipment regardless of the operator (i.e., borrowed or used by another tenant). There are two types of impound procedures:

- (a) Immediate Impound: GSE that pose an imminent safety hazard shall be impounded. An Airfield Safety Officer or delegated representative will red-tag the GSE and arrange for removal to the Airport impound lot. A citation will be issued and the tenant owner of the GSE will be notified. Disposal fees will apply.
- (b) Non-critical Impound: When GSE is located in an area that is not authorized for staging, parking, or storage but does not present an imminent safety hazard, the Airport will allow tenant 30 minutes to move the GSE to an appropriate location. Notification will be by telephone. After 30 minutes, the equipment will be impounded. Citation and disposal fees will apply.

The Airport may impose the following fees on owners of impounded GSE:

- Citation fees: All towing and impound fees will be covered through citation fees associated with the appropriate Rule and Regulation. One citation will be issued for each large piece of GSE; it is the impounding officer's discretion to issue additional citations based on efforts required to remove the GSE.
- Secondary citation fees: If equipment is not recovered within 15 days of impoundment (including the day of impoundment) a second citation will be issued, and additional citation fees will apply.
- Disposal fees: In addition to any initial or secondary citation fee, a disposal citation will be issued should the impounded equipment not be retrieved within 30 days. Disposal citation fees will apply. Any additional charges required to dispose of unclaimed equipment will be billed to the tenant owner of the equipment.
- Compounding fees: Per the fee schedule in the Rules and Regulations fees will compound and increase with each subsequent impounding event.

Recovery of Impounded GSE: To recover impounded equipment a tenant must contact Airfield Operations at (650) 821-3355. Tenant must coordinate a retrieval time with the Airfield Supervisor who will document the equipment retrieval. The tenant will be responsible for safely removing the equipment.

Review of Impoundment: To request a review of an impoundment citation fee, the GSE owner must follow the procedure set forth in Rule 14.5. A pending request for review or appeal, however, shall not relieve the GSE owner of the 15-day impoundment fine period; fees will continue to accrue while a review is pending if a GSE remains in impoundment beyond the initial 15-day period.



**(D) GSE Movement****(1) Signage**

Drivers on the AOA must comply with all posted signage and ground markings.

**(2) Checkpoints and Security Gates / Vehicle Escorts**

- (a) **Vehicle Checkpoints.** Vehicles entering the AOA must pass through a Vehicle Checkpoint and follow the instructions of the Vehicle Checkpoint security personnel, law enforcement officer, posted signage, and/or vehicle guidance systems. The owner of the vehicle shall be subject to fines under Rule 14 and, in addition, shall be responsible for any personal or property damage resulting from the operator's failure to follow such instruction.
- (b) **Security Gates.** Each vehicle operator using an Airport perimeter (security) gate shall ensure the gate closes behind the vehicle prior to leaving the vicinity of the gate. The vehicle operator shall also ensure that no unauthorized vehicles or persons access to the Secured Area/Air Operations Area (AOA) while the gate is open.
- (c) **Vehicle Escorts.** Only badged personnel with both driving and escort credentials may perform vehicle escort on the AOA. Only one vehicle may be escorted at a time. Drivers performing vehicle escorts will maintain safe following distance, communication, and line-of-sight with the escorted vehicle driver. Vehicle escorts shall ensure that when performing escort services, no vehicle will block taxiways, taxilanes, or aircraft gates. All vehicles entering the AOA through a construction access gate must be escorted by Airfield Operations unless following an approved designated haul route. Vehicles carrying or designed to carry construction debris and building materials such as rock, concrete, dirt, sand, debris, or similar material that could be dislodged from the vehicle must be escorted by Airfield Operations. No tenant or contractor shall escort a vehicle with more than two axles. Tenant or contractor badged personnel may operate larger vehicles without an escort. No tenant or contractor shall escort a vehicle with a wide-load. A wide-load is any load that extends beyond the width of the body of the vehicle or trailer or any vehicle that is wider than the width of the vehicle service road (12'). All vehicle checkpoint gate openings are 16' wide: Northfield Checkpoint – no vehicles with a combined length over 65' long are permitted; Westfield Checkpoint – no tractor trailers are allowed through Checkpoint 2. (AOB 19-08)

**(3) Movements on the AOA**

- (a) Before entering onto any runway, taxiway, or apron area, ground traffic shall yield right-of-way to taxiing aircraft and aircraft under tow in all cases.
- (b) Except as authorized by the Director, vehicular traffic on the aircraft ramp shall use the service roadway.(c) Drivers must always yield to emergency vehicles operating with flashing lights and/or siren.
- (c) A guide person is required whenever the operator's vision is restricted during vehicle maneuvers.
- (d) No vehicle shall pass any bus in transit supporting the Ramp Bus Operation, as described in Appendix H to these Rules and Regulations.
- (e) Only in the non-movement area, drivers are permitted to detour the equivalent of one vehicle width outside the vehicle service road if a parked aircraft or disabled equipment encroaches upon the roadway.

**(4) Towing and Carrying**

- (a) Tractor and/or container carriers shall tow no more than four carts, pallets, igloos, or ULD containers and shall adhere to all posted signage. Operators shall at all times maintain safe control and proper tracking of their towed items.
- (b) The towing of any cargo dolly or container larger than an LD3 or comparable-sized baggage cart is prohibited in the International Terminal Underpass (Tunnel).
- (c) No person shall operate any vehicle that is overloaded or carrying more passengers than the number for which the vehicle was designed. In addition, no person shall ride on the running board or stand up in the body of a moving vehicle.
- (d) All items in or on vehicles must be securely fastened. Equipment, supplies, tools and all other items transported on the exterior of a vehicle, including but not limited to water containers and lunch boxes, must be securely fastened to avoid being blown off of or dislodged from vehicles due to high wind conditions, jet blasts and other hazardous surface and air conditions. Items inside vehicles, such as radios, clipboards, sunglasses, cell phones, and beverages must be secured in a manner that will not obscure the driver's view and/or distract the driver.

**(5) Prohibitions**

- (a) Persons shall not operate GSE or vehicles in a reckless or careless manner. A reckless or careless manner is one that intentionally or through negligence threatens the life or safety of any person or threatens damage or destruction to property. Equipment shall only be used for its intended purpose.
- (b) No person shall operate a vehicle or other equipment within the Secured Area/Air Operations Area (AOA) while under the influence of alcohol or any drug that impairs, or may impair, the operator's ability to safely operate GSE.
- (c) No person shall use personal listening devices while walking or driving on the AOA. Personnel authorized to operate vehicles on the AOA may use personal cell phones and/or any other type of hand-held or hands-free device, only after stopping (whether in or out of a vehicle) in a safe manner and in a safe location.

**(6) Passenger Safety**

Each vehicle operator is responsible for the safety and activities of the operator's passengers while within the Secured Area/Air Operations Area (AOA). Each vehicle operator shall ensure that all occupants use seat belts and other safety devices when conveyance is so equipped and while traversing on any vehicle service road.

**(7) Speed Limit**

~~No person operating or driving a vehicle upon the AOA shall drive at speed greater than ten (10) miles per hour (5 mph within baggage make up area), or at such a rate of speed as to endanger any aircraft, vehicle, or personnel. Factors including, but not limited to, weather and visibility shall be taken into consideration when determining safe operating speed. No person operating or driving a vehicle upon the AOA shall drive at a speed greater than: five (5) mph within baggage make up areas and aircraft envelopes; ten (10) miles per hour around the terminals; fifteen (15) miles per hour between Westfield and Romeo checkpoints to Access Gate 118; fifteen (15) miles per hour along the restricted vehicle service road (RVSR); or at any speed greater than is reasonable and prudent~~

having due regard for weather, visibility, traffic, and the surface, and in no event at a speed which endangers the safety of persons or property.

**(8) Parking**

- (a) Ramp vehicles and equipment shall be parked only within a tenant's own area and in approved marked parking stalls.
- (b) Vehicle operators shall not park vehicles under any passenger loading bridge or within the striped "Keep Clear" zone.
- (c) No person shall park vehicles or other equipment that interfere with the use of a facility by others or prevent movement or passage of aircraft, emergency vehicles, or other motor vehicles or equipment.
- (d) No person shall position a vehicle or equipment within 10 feet of a fire hydrant, emergency fuel shutoff device, standpipe, or aircraft fire extinguisher, or in a manner that prohibits a vehicle from accessing these fire suppression units. To prevent damage to the underground hydrant system, GSE shall not traverse, park, or stage in the areas delineated with red-painted border markings.
- (e) Vehicles with running engines must never be left unattended.

**(9) Restricted Areas**

- (a) No vehicle shall enter the AOA unless clearance and permission has been obtained from Airport Operations. No vehicle shall enter or operate within the Movement Area unless the driver possesses a current movement area credential, monitors and receives Airport Traffic Control Tower (ATCT) clearance by two-way radio communication, or is under escort by Airfield Operations or other authorized party. Once within the Movement and safety areas, personnel and vehicle operators shall remain in continuous communication with the ATCT and comply with all ATCT instructions.
- (b) No vehicle shall pass between an aircraft and passenger terminal or passenger walkway, or operate under a wing or tail, when the aircraft is parked at a gate position, except those vehicles servicing the aircraft. No vehicle shall enter the envelope of an aircraft-occupied gate. All other vehicles must drive around the aircraft away from the passenger loading gates and walkways. Vehicles are permitted to drive the equivalent of one vehicle's width outside the non-movement boundary line if a parked aircraft encroaches onto the vehicle service road.
- (c) Ground vehicles shall not pass between an aircraft and any member of the associated push back crew unless so directed by a member of the crew.
- (d) No vehicles or equipment shall be operated on the Northern perimeter road between access Gates #1 and #118 without obtaining prior authorization from Airfield Operations. Unescorted access to the Restricted Vehicle Service Road (RVSR), which is located in the east and north areas of the Airport between access gates #1 and #118, shall be explicitly granted by Airside Operations. Each person requiring this access must first attend the Airside Operations RVSR training to receive their permit. Before entering the RVSR from access gate #1 or via the terminus of the VSR near access gate #118, the vehicle operator must call (650) 821-3355 to request access. Unescorted access permits must be displayed in a manner that is visible from the vehicle windshield.

**5.5 RAMP OPERATIONS AND GATE USAGE****(A) Terminal Ramp and Gate Restriction**

- (1) No General Aviation private, business, or corporate aircraft may enter or use terminal area gates without the prior written permission of the Director. The owner and/or operator making the request for such entry or use assumes full and sole responsibility for the safety and security of all aircraft.
- (2) All international flights must depart from the International Terminal unless they are transborder flights approved in advance by the Director.
- (3) All transborder flights pre-cleared by U.S. Customs and Border Protection may arrive either in a domestic terminal or the International Terminal and will be treated as domestic flights.
- (4) Parking of aircraft on the Terminal Ramp is restricted to no less than 138 feet from the center line of Taxiway "A".
- (5) No person shall install or alter any marking, sign, or light on the Secured Area/ AOA, including within leasehold areas, without first receiving written permission from the Airport. Building Inspection and Code Enforcement (BICE) shall evaluate such proposed alterations for compliance with the Airport Building Regulations and other applicable standards and requirements.

**(B) Ramp Drive Boarding Bridge Operations**

All Ramp Drive Passenger Boarding Bridge ("Bridge") operators are required to use a ground level Guide Person/Spotter ("Spotter") who is in full view of and in communication with the Bridge Operator. Bridges shall not be moved without the use of a Spotter. The Spotter shall be in a physical location to observe the Bridge's path of travel, assist in providing direction, enforce a safety zone around the Bridge and advise the Bridge operator when it is safe to move the bridge.

**(C) Guide Person/Spotter Duties**

- (1) Before signaling to the Bridge Operator that it is safe to move, the Spotter shall ensure that Bridge path of travel is clear of personnel, vehicles, ground support equipment, debris and any other obstruction that could interfere with the safe movement of the Bridge.
- (2) Spotters shall maintain constant visibility and communication with Bridge Operator using visual signs and/or radio communications to advise Bridge Operator when it is safe to move; perform all duties from physical vantage point that allows Spotter to observe path of travel while remaining in view of Bridge Operator.
- (3) After completion of boarding, assist operator in safely returning Bridge to Home Base.

**(D) Bridge Operator Training – Employer Requirements**

Tenants engaged in Bridge operations are responsible for the proper training of their employees. No Bridge Operator shall operate a Bridge without first successfully completing a Bridge operating training course administered by the operator's employer. All Airport-owned (common use, joint use, and preferentially assigned) Bridge operators shall complete the Airport's Ramp Drive Passenger Boarding Bridge computer based training and practical (hands-on) training provided by their employers before operating a Bridge. Computer based training is valid for a one-year period. Bridge operators shall complete annual recurrent computer based training. All employers of Bridge

operators shall make training records available for inspection by the Airport upon the Airport's request.

**(E) Bridge Operator Duties**

- (1) Never operate a Bridge without the active assistance of a Spotter, even when the Bridge is equipped with a camera.
- (2) Never operate a common use, joint use, or preferentially assigned Bridge without successfully completing Bridge Operator training.
- (3) Never allow wheelchairs, aisle chairs or other items to be stowed in, around or near the Bridge.
- (4) Always leave Airport-owned Bridges clean and orderly. The Airport encourages Bridge Operators to leave airline-owned Bridges in a similar condition after use.
- (5) Bridge safety devices shall not be bypassed at any time, including 400hz power interlocks.

**(F) Duties of Other Ground Personnel**

All ground personnel working in and around Bridges must stay alert to Bridge movement and always stay out of the path of a moving Bridge. No equipment or vehicles shall be left unattended, parked or operated around or under a Bridge wheel.

**(G) Use of Alternating Current Power Sockets Affixed to a Passenger Boarding Bridge (PBB)**

- (1) Except as necessary for operation and maintenance of a PBB, use of AC power sockets located on the cross member of the PBB is prohibited.
- (2) The use of AC power sockets affixed to a PBB to connect and/or charge personal electronic devices such as, but not limited to, radios, smartphones, or tablets, is prohibited.

**(H) Pre-Positioning of a Passenger Boarding Bridge (PBB)**

At certain gates, the configuration of the PBB and aircraft parking is such that pre-positioning of the PBB is required before the arrival of aircraft. At such locations, the operator shall conform to the following procedure:

- (1) Relocate the PBB from the permanent home base location to the preposition circle located on the ramp area prior to aircraft arrival.
- (2) If equipped with a collision avoidance system, the PBB will slow down as it gets closer to other PBBs.
- (3) Upon departure of aircraft, return the PBB to the permanent home base location with the assistance of a designated guide person.

**(I) Housekeeping**

Before and after each use of a gate area, all air carriers shall:

- pick up and dispose of all Foreign Object Debris (FOD) in designated areas, placing it in an Airport-approved receptacle;

- store in proper locations the 400 Hz power cable, PC air duct, and potable water hose;
- confirm that the area is free of all spills; and
- remove all GSE to allow the next tenant to service its aircraft.

For purposes of this Rule 5.5, the gate area includes the following: The rectangular footprint extending lengthwise from the vehicle service road to the terminal building and widthwise from a point which is ten feet beyond the widest section of the aircraft apron delineated by red and white striping to a point which is ten feet beyond the widest section of the aircraft on the opposite side.

**(J) Management Protocols For Joint or Common Use Gate Resources**

To ensure the efficient, systematic, and equitable management of Joint Use and Common Use gates in the International and Domestic Terminals as well as other common use resources, including, but not limited to, the pre-conditioned air, 400 Hz systems, and the Passenger Boarding Bridges, all airlines must adhere to agreements limiting periods of use. Airlines shall promptly comply with all Airport directives to vacate a Joint or Common Use resource.

Failure to comply with agreed-upon terms for period of use or failure to comply within 1/4 hour of an Airport directive to vacate a Joint or Common Use resource, shall result in fines assessed for each 1/4 hour (rounded up to the next 1/4 hour), beyond such period as provided in Rule 14 of these Rules and Regulations.

**(K) Advanced Visual Docking Guidance System (A-VDGS)**

All air carriers with flights assigned to a gate with an active A-VDGS unit are required to use the docking station. A-VDGS units integrate with the Airport operations database to log accurate aircraft on-block and off-block times, and interface with the Passenger Boarding Bridge (PBB) to check availability and status of PBB Auxiliary Systems. The system is designed to log the use of Pre-Conditioned Air (PC Air) and 400 Hz equipment. Failure to use the A-VDGS will lock the use of the PC Air Unit, 400 Hz power, and the PBB itself.

The A-VDGS will automatically display gate identification, flight information, aircraft type and sub-type, (+/-) departure or arrival time, and assigned baggage claim. The system operates in a semi-automatic mode as ad-hoc notification messages may be displayed by authorized personnel and confirmation of all information must be acknowledged at the A-VDGS control panel by ramp personnel servicing the flight. The A-VDGS must be activated before aircraft arrival because the A-VDGS will safely guide pilots through the aircraft docking process by ensuring the aircraft arrives at the assigned and compatible gate, the pilot follows the correct lead-in line (at gates with multiple lead-in lines), and the aircraft is parked on the correct stop bar.

The use of A-VDGS does not replace the ground crew. Ground crews must meet the arriving aircraft. Ground personnel are required to keep the ramp clear and safe for aircraft arrival, and personnel must be within proximity of the A-VDGS control panel in the event the Emergency Stop button requires activation. A designated ground crew member is required to monitor the operation of the A-VDGS unit while also confirming safety personnel are ready for aircraft arrival. (AOB 19-06)

**5.6 PASSENGER MOVEMENT**

**(A) Passenger Enplaning And Deplaning**

To maximize the safety and security of passengers, all aircraft shall be loaded or unloaded and passengers enplaned or deplaned in designated areas unless otherwise permitted by the Director. There shall be no enplaning or deplaning of passengers on the ramp when aircraft in the vicinity of

the designated route have engines operating. No pedestrian traffic is allowed to cross any taxiway, taxilane, or terminal ramp between boarding areas. Ground loading of jet aircraft in the Terminal Ramp Area is prohibited unless otherwise permitted by the Director.

All passengers shall be directed along designated routes to and from the terminal buildings. These designated routes shall meet the following minimum standards for aircraft parked in the Terminal Ramp Area:

- (1) For jet aircraft parked in the Terminal Ramp Area, the approved designated route for enplaned and deplaned passengers shall be through a Passenger Loading Bridge that meets the Americans with Disabilities Act Accessibility Guidelines (ADAAG) slope requirements and connecting between the Terminal Building and aircraft entrance doorway.
- (2) For jet aircraft parked in the Terminal Ramp Area for which it is not possible to meet ADAAG slope requirements with a Passenger Loading Bridge alone or for which a Passenger Loading Bridge is not compatible, the approved designated route for enplaned and deplaned passengers shall be through a Passenger Loading Bridge that meets ADAAG slope requirements connecting between the Terminal Building and an enclosed Passenger Ramp. The enclosed Passenger Ramp shall meet ADAAG slope requirements and connect between the Passenger Loading Bridge and the aircraft entrance doorway, including if necessary, a Mobile Bridge Adapter between the enclosed Passenger Ramp and Aircraft entrance doorway.
- (3) For non-jet (prop and turboprop) and regional jet craft parked in the Terminal Ramp Area, ground loading shall be used and passengers shall be directed along designated routes to and from Terminal Buildings. Airline personnel shall be stationed in sufficient numbers to readily assist and direct passengers during the ground level enplaning and deplaning process.
- (4) For each aircraft type, operators shall identify and eliminate hazards or risks associated with fueling activities while passengers are enplaning and deplaning.

**(B) Ramp Bus Operations**

The Airport conducts airfield remote passenger bus operations between certain terminals and remote hardstands, using a Bus Operator retained by the Airport. Airline tenants must comply with Remote Bus Operations standards set forth in Appendix H to these Rules and Regulations:

**5.7 FUELING**

**(A) Authorized Personnel**

Fueling units shall be operated only by qualified persons who shall be situated at the dead man switch when such unit is being operated. Tenants who perform fueling services must have an approved FAA training program for their employees. Employees who perform fueling services must receive a certificate from the Security Access Office. Employees who have authorization to drive on the AOA, but have not completed an FAA-approved fueling training program, may drive a fuel truck on the AOA solely for the limited purpose of relocation, not fuel handling.

**(B) Fueling Equipment**

- (1) All aircraft and aircraft fueling units shall be adequately bonded in conformance with National Fire Protection Association Rule 407 and California State Fire Code during fueling or defueling operations to prevent static charges of electricity. Fueling operations shall be discontinued when lightning is observed or reported in the vicinity of the Airport.

- (2) The fuel cargo of any refueling unit shall be unloaded by approved transfer apparatus only, into the fueling tanks of aircraft or underground storage tanks, except that when such unit is disabled through accident or mechanical failure and it is necessary to remove the fuel, such fuel may be transferred to another refueling tank or unit vehicle, provided the necessary bonding and grounding connections have been made prior to fuel transfer and that adequate provisions are in place to contain a fuel spill.
- (3) All airlines shall accept underground fueling whenever such facilities are available unless otherwise authorized by the Director.
- (4) Every fueling unit shall display the name of the organization operating the unit and signage/placards indicating the type of fuel in conformance with NFPA Rule 407 and California State Fire Code Requirements.
- (5) Fueling units shall be loaded only at an approved loading platform except when defueling.
- (6) All tenants and contractors are required to inspect aircraft and automotive refueling vehicles operated on the airfield. Any refueling vehicle with embedded ignition keys or ignition starter buttons must be converted to a removable key ignition starter. Refueling vehicle ignition keys must be under positive control whenever the vehicle is left unattended.
- (7) For all aircraft refueling vehicles equipped with an exhaust after-treatment device, such as diesel particulate filter (DPF), requiring the filter to be cleaned at high temperatures (regenerated) while installed on the vehicle, regeneration shall be performed only in the location designated or approved by the Airport and Fire Department. All such exhaust systems shall be installed and maintained in conformance with NFPA Rule 407 and manufacturer's written instructions.

**(C) Fueling Aircraft with Passengers On Board**

Aircraft occupancy and passenger traffic is permitted during fueling operations only when all of the following safety measures are in place: (1) a trained, qualified employee of the aircraft owner is on board and available to direct emergency evacuation through regular and emergency exits, and (2) passenger walkways or stands are left in the loading position.

**(D) Driving/Storing Fueling Equipment**

- (1) No fuel truck shall be driven under any boarding area or underpass.
- (2) No fuel servicing tank vehicles truck shall be brought into, stored, or parked within 50 feet of any Airport terminal building or other Airport structure unless authorized by the Director. The parking of fuel servicing tank vehicles within 10 feet of other tank vehicles is prohibited (NFPA Rule 407).

**(E) Fires and Spills**

- (1) In the event of a fire or fuel spill, the airline shall immediately:
  - summon the Fire Department and Airport Operations by calling Airport Communications at 911;
  - evacuate the aircraft and loading bridge; and
  - discontinue all fueling activity and shut down all emergency valves and dome covers.



- (2) In the event of a fuel spill and in the absence of a fire, the airline shall immediately secure the site; contain spillage/ prevent fuel from entering storm drains; and perform clean-up. Additionally, the following procedures shall apply:
- passengers shall not be re-admitted to the jet bridge or the aircraft until authorized by the Fire Department;
  - fuel delivery units shall not be moved until directed by the San Francisco Fire Department; and
  - no aircraft or vehicular movement shall be allowed in the area until authorized by the San Francisco Fire Department.

**(F) Role of Fire Department**

- (1) San Francisco Fire Department – Fire Marshal and Airport staff shall inspect refueling vehicles and equipment in compliance with FAR 139.321, DOT standards, NFPA Rule 407, California State Fire Code requirements, and the GSESIP. Non-complying vehicles and equipment shall be removed from service until such time as noncompliance is corrected and the vehicle/equipment passes re-inspection.
- (2) The Airport Fire Marshal issues all permits for mobile fueling operations. Mobile fueling operations without such a permit is strictly prohibited. Tenant operators and contractors shall comply with applicable requirements of the California Fire Code, Section 5706. A fueling plan shall be submitted to the Airport Fire Marshal which shall address all code requirements.

**5.8 ACCIDENTS, INCURSIONS, DISABLED AIRCRAFT/GSE**

**(A) Accidents/Incidents**

Operators of aircraft or GSE involved in an incident on the Secured Area/Air Operations Area (AOA) that results in injury to a person or damage to an aircraft, Airport property, or another vehicle shall:

- (1) Immediately stop and remain at the scene of the incident.
- (2) Render reasonable assistance, if capable, to any person injured in the incident.
- (3) Report the incident immediately to Airport Communications by dialing 911 from an Airport or cell phone, if possible. Any person causing or failing to report and/or reimburse the Airport for injury, destruction, damage, or disturbance of Airport property, may be refused the use of any facility and may lose all security badge and access privileges at the discretion of the Director, until and unless a report and/or full reimbursement has been made.
- (4) Provide and surrender the following to any responding Airfield Safety Officer and/or San Francisco Police Department Officer: name and address, Airport identification card, State driver's license, and any information such personnel need to complete a motor vehicle accident report.
- (5) Within 48 hours of the incident, submit a complete report of the accident or incident to the Director through Airport Operations. When a written report of an accident or incident is required by the Federal Aviation Administration, a copy of such report may also be submitted to Airport Operations to satisfy this requirement.

**(B) Incursions or Deviations**

Failure to obtain a clearance or follow instructions in entering or operating within the Movement Area, including any safety area, may result in a taxiway deviation or runway incursion. The classification of an incident or occurrence as a taxiway deviation or runway incursion is determined by the Airport Traffic Control Tower. Any aircraft or GSE operator who causes a taxiway deviation or runway incursion shall immediately surrender the operator's Airport ID badge and be escorted off of the airfield. The Airport shall confiscate the operator's Airport ID badge and shall fine the employer and/or operator as provided under Rule 14.

The confiscation of the operator's Movement Area authorization shall be permanent unless the Airport grants a request for reinstatement. Only the employer of the vehicle operator involved in the incident may request reinstatement of Movement Area privileges. Such request shall be in writing and provide a detailed explanation of the incident and the plan for re-training of the operator. Upon receipt of such request and upon review of the Airport and/or Federal Aviation Administration (FAA) incident reports, the Airport in its sole discretion may permit re-testing of the operator and reinstatement of Movement Area privileges. In no event, however, will the Airport permit AOA Movement Area authorization for any operator or personnel responsible for an incursion or deviation involving, in the Airport's sole discretion, reckless disregard for the safety of the airfield.

**(C) Disabled Aircraft or GSE**

Any owner, lessee, operator or other person having the control, or the right of control, of any disabled aircraft or GSE on the AOA shall be responsible for its prompt removal and disposal, including all parts of the disabled aircraft or GSE, subject, however, to any requirements or direction by the National Transportation Safety Board, the Federal Aviation Administration, or the Director that such removal or disposal be delayed pending an investigation of an accident or incident. Any owner, lessee, operator or other person having control, or the right of control, of any aircraft or GSE does, by use of the Airport, agree and consent, notwithstanding any provision in any agreement, lease, permit or other instrument to the contrary, that the Director may take any and all necessary action to effect the prompt removal or disposal of disabled aircraft that obstruct any part of the Airport used for aircraft operations; that any costs incurred by or on behalf of the Airport for any such removal or disposal of any aircraft shall be paid to the City; that any claim for compensation against the City and County of San Francisco, the Airport Commission, and any of their officers, agents or employees, for any and all loss or damage sustained to any such disabled aircraft or GSE, or any part of such aircraft or GSE, by reason of any such removal or disposal, is waived; and that the owner, lessee, operator or other person having control, or the right of control, of such aircraft or GSE shall indemnify, hold harmless and defend the City and County of San Francisco, the Airport Commission, and all of their officers, agents and employees, against any and all liability for injury to or the death of any person, or for any injury to any property arising out of such removal or disposal of said aircraft.

## **RULE 6.0**

### **FIRE AND SAFETY**

All fire and fire-related safety provisions of these Rules and Regulations, including Hazardous Materials, shall be in accordance with applicable sections of the Uniform and San Francisco Fire Codes, and/or the National Fire Protection Association (NFPA) Codes and standards, and all applicable laws, rules, and regulations as enforced by the Fire Marshal, San Francisco International Airport. Fire safety provisions under this Rule 6.0 may also be enforced by Airport Operations or Airfield Safety Officers.

#### **6.1 FIRE MARSHAL**

It shall be the duty of the Airport Fire Marshal to enforce all applicable Rules of these Rules and Regulations pertaining to fire protection, fire prevention and fire spread control.

All buildings, structures and premises shall be inspected periodically by the Airport Fire Marshal, or the Fire Marshal's duly authorized representatives, to ensure compliance with these Rules and Regulations.

No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of the Airport Building Regulations. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of the Airport Building Regulations for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

#### **6.2 HANDLING OF EXPLOSIVES and OTHER HAZARDOUS MATERIALS**

Explosives not acceptable for transportation under applicable federal regulations are not permitted on the Airport.

Hazardous Materials shall be stored, kept, handled, used, dispensed, or transported in conformance with Environmental Law and the latest edition of the Airport Building Regulations and/or the Tenant Improvement Guide (TIG), as may be applicable.

- (A)** All applicable regulations governing explosives which are acceptable for transportation must be strictly adhered to. Any other material subject to federal or state regulations governing Hazardous Materials must be handled in strict compliance with those regulations and any other more restrictive regulations that the Director might deem necessary to impose. Any waiver of such regulations or any part thereof by the Federal Aviation Administration (FAA) or by any other competent authority shall not constitute or be construed to constitute a waiver of this rule by the Director or an implied permission by the Director.
- (B)** Advance notice of at least twenty-four hours shall be given the Director for any operation(s) requiring the Director's permission pursuant to this rule.
- (C)** Permission may be given for the movement of radioactive materials only when such materials are packaged, marked, labeled and limited as required by regulations applying to transportation of explosives and other dangerous articles and which do not create an undue hazard to life or property at the Airport. All hauling of Hazardous Materials must be performed by a registered hazardous waste hauler. The Airport Fire Department shall provide the Director with information relative to the hazards of any material subject to this Rule.
- (D)** All Airport tenants and contractors involved with handling Hazardous Materials must provide the Airport with Standard Operating Procedures for the handling and disposal of Hazardous Materials in compliance with Environmental Law, including an Emergency Response Plan, and maintain an

accurate and current inventory of all Hazardous Materials and readily accessible, on-site Safety Data Sheets (SDS). The plan will include the name of the company used for removal of Hazardous Materials and the names and 24-hour telephone numbers of tenant/contractor personnel authorized to handle such removals. The plan will be updated annually and resubmitted to bppp@flysfo.com.

- (E) Tenants and contractors must properly collect, contain, sample, characterize, and dispose of any Hazardous Materials generated as a result of tenants/contractors' operations, and maintain chain of custody documentation and disposal manifests. All Hazardous Materials shall be properly managed, labeled, stored, and disposed as required by Environmental Laws. Marked containers with inconsistent product and unmarked containers are subject to seizure by the Airport with all costs for characterization, handling, and disposal to be borne by the responsible tenant/contractor. Tenants and contractors shall provide secondary containment for Hazardous Materials, which shall be tested in accordance with appropriate regulatory requirements, and shall be reliable, adequately sized, and routinely serviced. Hazardous Materials shall be stored in a manner that will prevent contact with the outdoor elements. Tenants and contractors are responsible to dispose of Hazardous Materials within the time period dictated by the appropriate regulatory agency.
- (F) Buildings, rooms and spaces containing Hazardous Materials shall be identified by hazard warning signs in accordance with the California Fire Code Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, each application for a permit shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with the California Fire Code.

### **6.3 FIRE EXTINGUISHERS AND EQUIPMENT**

- (A) Fire extinguisher equipment shall not be tampered with at any time, nor used for any purpose other than firefighting or fire prevention.
- (B) In accordance with their lease agreements, tenants shall maintain their own fire extinguishers, fire protection equipment and special systems within their respective areas in accordance with the San Francisco Amendments to the California Fire Code. The Fire Marshal and/or his designated staff shall routinely check tenant areas for compliance with the maintenance of their equipment. In areas that are not the responsibility of the tenant, the Fire Marshal shall make arrangements to maintain fire extinguishers. Airport Facilities and Maintenance shall maintain other fire protection equipment not covered under lease agreements.

### **6.4 FIRE PROTECTION SYSTEMS**

- (A) Airport fire protection systems and equipment shall not be tampered with at any time. No person other than authorized employees of the City and County of San Francisco shall turn heaters in public areas on and off, or operate any other Airport equipment, except tenants in their respective areas.
- (B) Construction documents for fire protection systems shall be submitted for review and approval prior to system installation in conformance with the Airport Building Regulations.

Fire protection systems shall be inspected, tested and maintained in accordance with the applicable referenced CBC/CFC codes and NFPA standards. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request.

- (C) A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

**6.5 OPEN FLAMES**

- (A) No person shall start any open fire of any type on any part of the Airport without permission from the Director and an open flame permit from the Office of the Airport Fire Marshal.
- (B) No person shall operate an oxyacetylene torch, electric arc or similar flame or spark producing device on any part of the Airport except in areas within leased premises specifically designated for such use by the Director, unless a permit from the Airport Fire Marshal has first been obtained. No permit shall be issued for operations within an aircraft hangar, any fuel storage area, or upon any components or section of the hydrant fuel distribution systems, unless the work is required for repair of such areas or hangars or fuel systems. Where such operation is required, permission shall first be obtained from the Airport Fire Marshal and shall be subject to such conditions as the Fire Marshal may impose.

**6.6 REPORTING FIRES**

Every person observing any unattended or uncontrolled fire on the Airport premises shall immediately report it directly to Airport Communications at 911. No person shall make any regulation or order, written or verbal that would require any person to take any unnecessary delaying action prior to reporting such fire to the Fire Department. Fires extinguished by non-firefighting personnel shall not be removed or disturbed until clearance is given by the San Francisco Fire Department.

**6.7 INSPECTION AND CLEANING SCHEDULES**

Commercial cooking equipment shall be installed, maintained and protected from fire in accordance with the requirements of the Airport Building Regulations. National Fire Protection Association #96, "Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment", has been adopted by reference in the Airport Building Regulations as the standard for insuring proper installation, inspection, and maintenance procedures. The Airport Fire Marshall shall be supplied a copy of all inspection and maintenance contractors for each commercial hood and duct system being operated on the Airport upon request.

All Type 1 Suppression Systems shall be upgraded to UL 300 Systems by the second servicing of 2008 per Section 904.11 of the 2007 California Fire Code. As part of the UL300 system upgrade, a Type K fire extinguisher is required.

**6.8 LITTER AND CLEANING OF ALLOTTED SPACE**

Each tenant and contractor shall at all times maintain its allotted space in a neat, clean, and orderly condition and shall comply with the following provisions:

- (A) Keep allotted space free from all trash and debris irrespective of the source of such trash and debris, and deposit and secure all trash and debris in appropriate receptacles (see Rule 8.1). For purposes of this Rule 6.8, "allotted space" means all Airport property which such tenant or contractor is permitted to use and is using for its operations, regardless of whether such use is on an exclusive, shared, or common use basis.
- (B) Flammable materials shall be stored only in approved, labeled containers and all floors within allotted space shall be clean of fuel, oil and waste. The use of volatile solvents for cleaning floors is prohibited. Approved metal receptacles with tight-fitting, self-closing covers shall be used for the storage of oily waste rags and similar materials. The contents of these receptacles shall be removed daily. Clothes lockers shall be constructed of metal or fire-resistant material.
- (C) Plastic sheeting used on the airfield ramp shall be covered by webbing and tied securely.
- (D) Plastic trash bags shall not be left unattended on any part of the AOA.

- (E) The placement of any devices to feed any wild bird, mammal, reptile, fish amphibian or invertebrate is prohibited.
- (F) Placement of litter or refuse containers in the International Terminal Building where passengers disembark from aircraft and/or the Federal Inspection System areas, including but not limited to jet bridges, sterile corridors, or ramp areas, is prohibited unless written approval is received from the Airport.

## **6.9 CONTROL OF CONTAMINANTS**

No person shall allow lavatory fluid, coolant/anti-freeze, fuel, oil, hydraulic fluid, petroleum-based products, or any other Hazardous Materials to leak or spill onto the Secured Area/AOA surface. No fuel, grease, oil, flammable liquids, or contaminants of any kind, including detergents used to wash aircraft or other surfaces, shall be allowed to flow into or be placed in any sewer system or open water areas without a separator or unless connected to an industrial waste system in which certain constituents such as heavy metals in the waste system are restricted. Refer to Rule 8.9, for additional requirements for Hazardous Material and hazardous waste management.

All contaminant spills must be reported to Airport Communications by dialing 911 immediately upon discovery of a reportable quantity.

Air Carriers shall use all appropriate pollution prevention procedures and equipment including but not limited to spill kits, storm drain intrusion dams and covers and vacuum recovery or spill scrubber vehicles to protect the Airport's storm, sanitary and industrial waste collection systems. Air Carriers shall maintain current and readily accessible site and procedure specific Storm Water Pollution Prevention Plans (SWPPP) that address Aircraft Deicing Fluid (ADF) usage and recovery. Air Carriers shall implement all appropriate SWPPP Best Management Practices (BMP) including but not limited to training, material storage, usage, recovery and disposal and record keeping.

## **6.10 AIRCRAFT PARTS CLEANING MATERIALS**

Cleaning of aircraft parts and other equipment shall be done preferably with nonflammable cleaning agents. When flammable combustibles must be used, only liquids having flash points in excess of 100 degrees F shall be used and special precautions shall be taken to eliminate ignition sources in compliance with good practice recommendations of the Uniform Fire Code, and the NFPA.

## **6.11 GASOLINE STORAGE FOR AUTOMOTIVE VEHICLES**

Except in such instances where the storage of fuel and other flammable liquids has been approved specifically by the Commission in writing, no more than ten (10) gallons of gasoline may be stored or kept in approved portable safety containers above ground by any person, firm, company, or corporation. All portable containers shall be stored in approved flammable liquid storage lockers when not in use. Gasoline may also be stored or kept for gasoline supply in approved double walled underground tanks. No more than 30,000 gallons of gasoline in aggregate shall be stored underground, and no tank shall have a capacity greater than 10,000 gallons; provided that the Director may grant permission to store or keep gasoline in excess of the above limitation in tanks having a capacity not greater than ten thousand five hundred (10,500) gallons each, if, in the Director's judgment, the additional gasoline is deemed necessary, but such gasoline shall be stored or kept only upon conditions and under such regulations as may be required by the Airport Fire Marshal.

All portable filling tanks, underground storage tanks, installations, safety provisions, pumps, and other necessary facilities shall be installed and operated in such a manner as to comply with the California Fire Code, San Francisco Fire Code, and the NFPA. Prior to the installation of any underground or above ground gasoline facilities, Airport tenants shall be required to acquire authorization by the Director based on the recommendation of the Airport Fire Marshal. In addition, an appropriate permit, if required, must be obtained from any other agency having jurisdiction.

**6.12 ENGINE OPERATIONS WITHIN HANGARS**

The starting or operating of aircraft engines inside any hangar is prohibited.

**6.13 HEATING AND LIGHTING OF HANGARS**

Lighting in hangars shall be restricted to electricity with automated dimming and shutoff features to comply with Building Code. Heating in any hangar shall be by approved systems or devices only as listed by the Underwriters Laboratories or other acceptable approved Laboratories.

**6.14 PAINT, VARNISH AND LACQUER USE**

For paint, varnish, or lacquer spraying operations, the arrangement, construction, ventilation, and protection of spraying booths and the storing and handling of materials shall be in accordance with the standards of the California Fire Code, and the NFPA.

**6.15 TESTING OR OPERATION OF RADIO EQUIPMENT**

Radio transmitters and similar equipment installed in aircraft shall not be tested or operated within a hangar with dynamotors running unless all parts of the antenna system are at least one foot removed from any other object. No aircraft shall be placed at any time so that any fabric-covered surface is within one foot of an antenna system.

**6.16 FUEL STORAGE, DISTRIBUTION AND HANDLING****(A) Appropriate Fuel Permits**

All individuals and entities that store, distribute or handle fuel shall obtain an appropriate permit from the Office of the Airport Fire Marshal prior to storing, dispensing, distributing or handling fuel.

**(B) Petroleum Companies**

Petroleum companies that own equipment or facilities operated or located on the Airport premises for the purpose of distributing aviation fuel shall possess a valid petroleum company distributor permit issued by the Director.

**(C) Business and General Aircraft Maintenance and Service Companies**

Business and General Aviation Maintenance and Service Companies (fixed base operators) may be authorized by the Director to act as dealer or agent for petroleum companies for the purpose of effecting delivery of aviation fuel into aircraft provided that the petroleum company supplying the aviation fuel possesses a valid petroleum company distributor permit, and that such deliveries are confined to the areas designated in writing for said company by the Director.

**(D) Single Fleet Operators**

Single fleet operators who maintain a base of operations on the Airport for the servicing and storage of their own aircraft may qualify for a permit to effect the delivery of aviation fuel to their own aircraft provided their fleet of planes based on the Airport aggregate at least three in number of 75,000 pounds in gross landing weight. A bona fide Single Fleet Operator Aviation Fuel Permit may be obtained from the Director.

**(E) Tenant Fueling Services**

All tenants and contractors authorized to store, dispense, distribute or otherwise handle fuel (“fuel agents”) shall comply with all training requirements set forth in Title 14 C.F.R. Part 139.321 and all FAA Advisory Circulars related to fueling, including FAA Advisory Circular 150/5320-4B. Each fueling agent shall have a fueling supervisor who possesses a current certificate from an FAA-approved fuel safety training program. A minimum of one resident fueling supervisor based at the Airport is required for every 50 personnel who handle or dispense fuel. The fueling supervisor(s) shall be responsible for training all personnel who distribute, dispense or otherwise handle fuel for the tenant or contractor and shall ensure that all such training is documented as specified by the Airport.

All employees who handle and dispense fuel shall successfully complete 14 CFR Part 139.321 and Airport-mandated training. The Airport fueling privilege is indicated by the fuel icon on Airport badges and is required prior to handling or dispensing fuel. Recurrent training for all fuelers shall be completed every 24 consecutive calendar months. The trainer’s certification and the training records shall be made available to the Fire Department and Airport staff upon request.

**(F) Fire Extinguisher Training**

All personnel who distribute, dispense or otherwise handle fuel shall receive hands-on instruction on the proper use of hand-held fire extinguishers. All such training shall be performed by a fueling supervisor who has successfully completed training required under Title 14 C.F.R. Part 139.321 and FAA Advisory Circular 150/5320-4B, and shall receive fire extinguisher training from an FAA-approved fuel fire safety course, the San Francisco Fire Department-Airport Bureau, or a training program approved by the San Francisco Fire Department.



## RULE 7.0

### AIRPORT SECURITY

#### 7.1 GENERAL PROVISIONS

- (A) **Priority.** Safety and security are the Airport's first priorities. The requirements of this Rule 7 are critical to the safe and secure operation of the Airport. All personnel working and doing business on Airport property must comply with this Rule at all times and model the significance of safety and security for co-workers, passengers, and members of the public.
- (B) **Definition of Restricted Area.** For the purpose of this Rule 7 only, any areas identified as Secured, Sterile, Restricted, SIDA, or Air Operations Area (AOA), whether within a building or terminal or on the ramp or airfield area, shall be referred to collectively as the "Restricted Area." Additionally, any cargo buildings with direct access to the AOA or SIDA shall be referred to as a "Restricted Area."
- (C) **Airport Security Program.** This Rule 7 includes the non-Sensitive Security Information (SSI) requirements set forth in the Airport Security Program (ASP) issued by the Director under 49 C.F.R. 1542.
- (D) **Enforcement.** Any person who violates this Rule 7, compromises Airport security, or creates or engages or participates in any unsafe, unsecure, or hazardous condition or activity at the Airport may have access privileges immediately revoked on a temporary or permanent basis at the sole discretion of the Airport (see also Rule 7.3 and Rule 14.4). Any person or entity responsible in whole or in part for any security violation shall also be responsible for any fine under Rule 14 and any resulting cost, including but not limited to any fine imposed by a regulatory agency or remediation of property damage or personal injury.

#### 7.2 SECURITY BADGES

Any person who works or does business in a Restricted Area or in the pre-security areas of Terminal Buildings on a permanent or temporary basis must hold a security badge issued by the Airport. Any person holding an Airport-issued security badge does so as a privilege and not a right.

The Airport shall issue a security badge to an individual only upon the request of a designated authorized signatory of an Airport tenant or contractor (an "Authorized Signatory") responsible for verifying that such individual is employed or authorized to perform duties or services on Airport property on behalf of the Airport tenant or contractor. The employer or sponsor of the Authorized Signatory and/or Airport ID badge holder shall remain responsible for the badge holder's compliance with these Rules and Regulations.

The Airport issues three types of security badges: (A) the Airport ID badge; (B) the Temporary or "T" badge; and (C) the Museum or "M" badge.

##### (A) Airport ID Badge

Persons who work or do business in a Restricted Area or in the pre-security areas of Terminal Buildings on a permanent or long-term (longer than 30 days) basis must have an Airport-issued identification in the form of an Airport ID badge. An individual holding an Airport ID badge may also be referred to as "badged personnel."

- (1) **Attainment:** An applicant for an Airport ID badge must pass all required Airport training course(s). Cheating, use of any electronic device or outside materials during any training course, or failure to follow the proctor's directions ~~regarding note taking~~ shall result in the immediate and permanent rejection of the badge application or revocation of an existing badge (for badge holders renewing a badge).
- (2) **Expiration:** The Airport ID badge is issued for a maximum of two (2) years, and must be renewed prior to expiration.
- (3) **Return:** Upon a change in an individual Airport ID badge holder's employment status, the sponsoring employer is responsible for (a) immediately requesting Airport deactivation of the Airport ID badge and (b) returning the Airport ID badge. Failure to return an Airport ID badge will result in a lost badge fee and any applicable fines in accordance with Rule 14, which shall be charged to the employer. For employees on long-term leave (more than 30 days), employers must comply with Rule 7.3(H) below.

An individual badge holder must return his/her Airport ID badge to the sponsoring employer within three business days of a change in employment status. Failure to do so will render that individual ineligible for a period of two years of the employment termination or separation date. An Airport ID badge applicant may cure such ineligibility by returning the previously-issued badge to the Airport Security Access Office prior to the badge expiration date.

- (4) **Icons:** The Airport ID badge holder may apply for badge icons indicating special privileges and responsibilities, such as Movement Area access, Escort privileges, and Customs (Federal Inspection Area) access. Additional qualifications and examinations may be required for these designations. Failure to comply with an icon safety and security requirement may result in the removal of icon privileges from the Airport ID badge holder or the suspension or revocation of the Airport ID badge. Special responsibilities for Escort privileges are provided at 7.3(C), below.

## (B) "T" Badge

Persons who work or do business on in a Restricted Area on a temporary basis (30 days or fewer) must have an Airport-issued Temporary or "T" badge.

- (1) **Attainment:** An applicant for a "T" badge must submit to security vetting prior to obtaining access to any Restricted Area.

The "T" badge identifies an individual who is accessing the Restricted Area under escort (see subsection (3) below) for work or to conduct business and how frequently that person is accessing the Restricted Area. "T" badges may not be used to escort individuals for non-business purposes (such as family members, children, and friends) without prior approval from an Airport Security Coordinator (ASC).

There are two types of "T" badges: (a) Standard and (b) Limited Duration.

- (a) Standard "T" badges are valid for a minimum of 24 hours and a maximum of 30 days.
- (b) Limited Duration "T" badges are valid for less than 24 hours and must be returned no later than 24 hours from the time of issuance.

- (2) **Frequency/Duration:** The Airport will issue any one individual a "T" badge on not more than four (4) occasions within the previous 12-months from any request. Any request for an exception to this limit will be reviewed on a case-by-case basis by an ASC. Access that is provided under escort by an Airfield Safety Officer (ASO), Airport Duty Manager

(ADM), or uniformed San Francisco Police Department-Airport Bureau (SFPD-AB) personnel does not require the use of a “T” badge and does not count toward the four occasions in the previous 12-month limit.

- (3) Limited Access/Escort Required:** An individual holding a “T” badge may access a Restricted Area of the Airport (a) only under the escort of an Airport ID badge holder who has been granted escort authority as indicated by the word “ESCORT” on their Airport ID badge and (b) only through a Passenger or Employee Security Screening Checkpoint, Vehicle Checkpoint, or a guarded exit lane if no Security Screening Checkpoint lanes accessing a terminal are staffed. Accessing Restricted Areas of the Airport from a public area through a bypass door is strictly prohibited unless under escort of an ADM, ASO, TSA K-9 Handlers and Training Coordinators, or other AOA Badged Law Enforcement Officer with escort privileges.

~~At all times within the Restricted Area, an individual granted a “T” badge must be under escort by an Airport ID badge holder who has been granted escort authority as indicated by the word “ESCORT” on their Airport ID badge. A “T” badge holder under escort may also enter a Restricted Area through a Vehicle Checkpoint. An escort is not required for individuals with a valid “T” badge in pre-security areas of the Airport Terminals, the Fixed-Base Operator (FBO) Terminal, or other non-secure/non-sterile areas of Airport property including but not limited to airfield haul routes that have been deemed non-secure/non-sterile by the Airport Aviation Security & Regulatory Compliance Office (AVSEC).~~

~~Employees with escort authority may escort no more than eight individuals at one time unless approved by an ASC. The escort shall ensure that all persons under their escort remain in their line of sight and within voice control at all times. An escort may pass escort responsibility to another individual with escort authority, however the original escort must confirm the subsequent escort has escort authority by verifying that the word “ESCORT” appears on their badge.~~

NOTE: More details on the “T” badge program are available on the Airport’s website at <https://sfoconnect.com/badging-security>.

**(C) “M” Badge**

The Museum or “M” badge is issued for the purpose of viewing SFO Museum Exhibits located in Sterile Areas. The Airport will issue “M” badges to individuals only upon security vetting. “M” badge holders are permitted unescorted access to Sterile Areas of the Airport for no longer than 24 hours. “M” badge holders may enter Sterile Areas only through Passenger Security Screening Checkpoints.

**7.3 AIRPORT ID BADGE HOLDER AND EMPLOYER SECURITY RESPONSIBILITIES / ACCESS CONTROL PROCEDURES**

All badged personnel have an affirmative duty to maintain a secure Airport. Airport tenants and contractors are responsible for ensuring that their employees, suppliers, contractors, subcontractors, and all other businesses and entities providing services on Airport property comply with Rule 7 of these Rules and Regulations.

Violation of the Airport access control procedures below may result in the assessment of fines under Rule 14, and/or fines under the terms of a lease and/or permit, and/or temporary or permanent revocation of an Airport ID badge at the sole discretion of the Airport (see Rule 7.1(D) and Rule 14.4). Administrative fines for violation of Rule 7 of these Rules and Regulations shall be payable to the Airport by the sponsoring tenant or contractor.

**(A) Badge Display and Use**

Personnel must display their Airport ID badge on the outermost garment, at or above the waist, at all times.

An individual employee's Airport ID badge may not be given to another, or used by another, to work and/or gain entry to a Restricted Area.

**(B) Security Screening**

Every person entering a Restricted Area is subject to security screening at any time.

When traveling for any purpose, an Airport ID badge holder (i) must present him/herself and his/her luggage/accessible property as a passenger; (ii) is prohibited from using her/his Airport ID badge to bypass Passenger Screening Checkpoints; and (iii) must remain in the Sterile Area after being screened. An Airport ID badge holder who exits a Sterile Area after being screened must be re-screened prior to traveling.

All persons entering a Restricted Area are subject to security screening at any time and must cooperate with any TSA or law enforcement search/pat down. Badged personnel are strictly prohibited from circumventing or avoiding security screening under any circumstance that security screening is required, such as at a vehicle checkpoint, for purposes of bringing prohibited items into a Restricted Area, when travelling, or when the TSA, Airport staff, Airport contractors, or law enforcement are conducting inspections.

Any badged individual who does not submit to a search/pat down in a Restricted Area is subject to citation, immediate suspension of his/her Airport ID badge, and removal from the Restricted Area. Unidentified or unauthorized personnel in the Restricted Area may be detained and/or removed by the Director or a duly-authorized representative. The Director or a duly-authorized representative may remove unidentified or unauthorized vehicles in the Restricted Area at the owner's expense.

**(C) Access to Restricted Area**

Airport ID badge holders and tenant/contractor employers must control access to the Restricted Area through careful use of any means of access, whether by door, vehicle checkpoint, or other.

Specifically, badged personnel and tenants/contractors must control access to any Restricted Area as follows:

**(1) Piggybacking/Tailgating:** An individual may not follow, or allow another to follow or access in any way through any direct access point to a Restricted Area, such as through a card/biometric reader-operated door or turnstile, unless specifically authorized by the Airport. Any badged personnel who gains or allows another person unauthorized access into a Restricted Area by piggybacking or tailgating may be subject to suspension or permanent revocation of the Airport ID badge ~~will be subject to the consequences as provided in Rule 14.~~

**(2) Escort:** An Airport ID badge holder with the ESCORT icon displayed on such badge may escort persons in a Restricted Area in compliance with the following escort responsibilities:

a. Each person under escort must hold a "T" badge;

b. Assure that each person under escort accesses the Restricted Area only through a secure checkpoint as provided under Rule 7.2(B)(3) above (access by a "T" badge

holder through a direct access point, such as a security controlled door or turnstile, is prohibited);

c. Escort not more than eight "T" badge holders at one time;

d. Keep any persons under escort within line of sight and voice control at all times; and

e. If handing off an escorted person to another Airport ID badge holder within a Restricted Area, confirm that the receiving badge holder has the ESCORT icon.

Waiver of any of the above requirements may be granted only by express permission of an ASC.

The escort's signatory shall be responsible for any failure to comply with the escort requirements and any damage, injury, or violation caused by an escorted "T" badge holder in a Restricted Area.

**(1)(3) Keys and Locks:**

- (a) Under no circumstance may an individual's Airport-issued security key be given to or used by another individual to gain entry through an Airport access-controlled door unless expressly authorized by the Airport.
- (b) Tenant security doors leading from leased tenant space to a Restricted Area shall be keyed to either the Airport Master keying system, tenant's locking system, or cipher lock system.
- (c) With respect to any cipher lock in the leasehold or control of any tenant, the tenant shall: ensure all cipher locks are properly maintained and operational at all times; conduct audits of cipher lock operability at least once per month; change cipher code locks in conformance with the Airport's schedule at least once per year; ensure that all access points providing direct access to Restricted Areas are closed and secured when not in use; immediately report to the Airport's Security Operations Center any cipher lock that is not functioning properly or any cipher lock code change.

**(2)(4) Secure Doors and Gates:**

- (a) Badged personnel must ensure security access doors and gates are closed and secured after entry, and without allowing another person to follow.
- (b) Security doors and gates shall be kept locked as required by the Airport Security Program.
- (c) Tenants shall be responsible for securing doors and gates located in their leased areas.
- (d) Before leaving the vicinity of an open Baggage Belt Roll Door, the attending badged personnel shall take deliberate action to ensure the door is properly closed and secured. Under no circumstance should the attending individual leave the immediate vicinity of the Baggage Belt Roll Door until it is properly closed and secured.

**(3)(5) Report False Alarm:** Badged personnel are required to immediately report any self-activation of a door alarm to the Security Operations Center at (650) 821-3915.

- ~~(4)~~(6) **Damage:** Under no circumstances may an individual engage in defacing, damaging, hacking, or interacting with any Airport Security System in any way that limits operation of such systems.
- ~~(5)~~(7) **Unauthorized Access:** Badged personnel must report any unauthorized person(s) in a Restricted Area and any potential security violations to the Airport's Communications Center by dialing 911.
- ~~(6)~~(8) **Access Point Malfunction:** If any facility on Airport property has an access point that is not functioning properly, such as a cargo facility roll up door, a pedestrian door secured by the access control system, or any other type of access point that, if unsecured, would allow for unauthorized access, the tenant or contractor must promptly take the following actions (ASB 20-07):
- Notify the Security Operations Center (SOC) immediately at (650) 821-3915.
  - If a temporary barricade will be used until the access point can be restored to normal operation, the temporary barricade must be inspected and approved by the SOC.
  - A guard with Airport ID Badge must be posted 24/7 at the location to prevent unauthorized access until the situation is resolved and the SOC approves reassignment of the guard.
  - Every repair or adjustment must be inspected and approved by the SOC.

**(D) Restricted Area Duty to Challenge**

Badged personnel must conscientiously observe the presence of an Airport ID badge on other employees. Every Airport ID badge holder must ensure the following:

- (1) Badge is valid for area of use;
- (2) Badge has not expired;
- (3) Photograph on badge matches person holding badge; and
- (4) As to any individual who fails to produce an Airport ID badge, appears suspicious, or is not under proper escort, badged personnel shall provide a detailed description to the Airport Communication Center by dialing 911. While badged personnel should not attempt to physically restrain the individual, they must make every effort to keep such individual under visual observation until security/law enforcement personnel arrive.

**(E) Drug and Alcohol Prohibition**

- (1) **Prohibited Substances:** No Airport ID badge holder may transport into the Restricted Area any alcohol or any drug identified by the United States Drug Enforcement Agency (DEA) as a "Schedule I" drug, nor may any individual with an Airport ID badge ingest alcohol or a Schedule I drug eight or fewer hours before work or while at work, including breaks. Schedule I drugs are: heroin, LSD, marijuana, ecstasy, methaqualone, and peyote. See <https://www.dea.gov/druginfo/ds.shtml>.
- (2) **Prescription Drugs:** No Airport ID badge holder may transport into any Restricted Area any of the following substances unless the individual has a prescription: Any drug identified by the DEA as a Schedule II, III, IV, or V drug. Individuals with a current prescription for Schedule II-V drugs must have in their possession the medication in the original prescription bottle, with a legible label showing the name of the individual.

- (3) **Working under the Influence:** No Airport ID badge holder may enter or remain in a Restricted Area if the individual is in any way impaired as a result of ingesting substances referenced in this Rule 7.3, including prescription drugs.

**(F) Use of Armed Guards, Armored Vehicles, Armed Courier Services**

Tenants or contractors using armed guards and/or armored courier services to, for example, transport currency or high value items or to service automated teller machines, must assure that that its service provider comply as follows:

- (1) **Badge Required:** All armed security guards/couriers accessing any area of the Airport – public (non-Restricted) or Restricted – must be in uniform and in possession of an Airport ID badge or hold a “T” badge under proper escort.
- (2) **Vehicle access:** Armored vehicles entering a Restricted Area for the purpose of picking up or dropping off freight planeside shall enter only through a Vehicle Screening Checkpoint. All drivers must have a non-movement area driving icon displayed on their badge and must follow all non-movement area driving rules. Prior to accessing the Restricted Area, armed vehicle drivers must complete the Armored/Courier Vehicle Information Sheet form (and provide it to the Police Services Aide at the Vehicle Screening Checkpoint: <https://sfoconnect.com/sites/default/files/ASB%202017-20%20Armed%20Guards%20Armored%20Vehicles%20Courier%20Services%20at%20the%20Airport.pdf>). A point of contact with a mobile phone must be in the vehicle at all times while on the AOA.
- (3) **Parking:** All armored vehicles requiring access to any public (non-Restricted) or Restricted Areas of the Airport Terminal Buildings must park on the Arrivals Level only. For the International Terminal, vehicles must be parked on either end of the terminal roadway and in the Domestic Terminal, vehicles may be parked anywhere on the Arrivals Area curb. Drivers are prohibited from double parking and/or obstructing active passenger loading or offloading. Alternatively, drivers may park in courtyards.

**(G) Security Testing**

Prior to commencing with any internal testing, air carriers must notify the Airport Security Operations Center (“SOC”) at (650) 821-3915. Notice must be given at least two (2) hours prior to the testing. The SOC must be advised of the date and time of the testing period, the location where the testing will take place, the type of test (badge challenge, tailgate, *etc.*), and when the testing has been completed.

**(H) Securing Badges of Individuals on Long Term Leave**

Every badged individual who goes on a leave of absence for 30 consecutive days or more shall surrender his/her/their Airport ID badge and keys to the individual’s Authorized Signatory. This requirement applies to every type of leave, including but not limited to medical leave, workers’ compensation leave, leave under the Family Medical Leave Act, military leave, jury duty, compensatory time off, and vacation.

- (1) **Duty of Authorized Signatories:** Authorized signatories shall collect all Airport ID badges and keys before badged individuals commence extended leaves of absence. Airport ID badges and keys shall be returned to the Security Access Office (“SAO”) within three calendar days of leave commencement. Authorized Signatories shall also submit an Employee Extended Leave form to the SAO, which is available on SFOConnect.
- (2) **Leaves of Uncertain Duration:** Where a badged individual commences a leave of fewer than 30 consecutive calendar days and the leave is extended beyond 30 consecutive



calendar days, the Authorized Signatory shall notify the SAO by the 30th day that a leave has been extended and shall complete the Badgeholder Extended Leave form within three calendar days. The SAO shall immediately deactivate security access, and the Authorized Signatory shall return City property to the SAO within three calendar days of such notification.

- (3) Re-entry Following Extended Leave:** When an individual returns to work from an extended leave, the Authorized Signatory shall contact the SAO to reactivate the individual's Airport ID badge and advise when the individual will retrieve the badge and keys (if applicable). In the event a badge has expired while an individual is on leave, or in cases where the leave exceeds 180 days, the affected employee must successfully complete (a) a criminal history records check, (b) a security threat assessment administered by the Transportation Security Agency, and (c) the computer-based security access training administered by the SAO.

Every non-City employee who fails to surrender his/her/their Airport ID badge and keys upon request will be subject to immediate and permanent badge revocation.

#### **7.4 TRANSPORTING ITEMS INTO THE RESTRICTED AREA**

##### **(A) TSA Prohibited Items**

Except as provided under TSA Regulations and this Rule 7.4, no person may transport a Prohibited Item into the Restricted Area. "Prohibited Items" are defined under 49 CFR 1540.111 and more specifically in the TSA website: <https://www.tsa.gov/travel/security-screening/whatcanibring/all>.

TSA shall provide the proper materials collection system to ensure that all materials, including those prohibited are properly sorted and delivered to the designated Materials Recovery Area.

Any badged personnel who discovers or comes into possession of a Prohibited Item, loose ammunition, or other potentially dangerous item during the check-in process or from a passenger, must immediately contact SFPD-AB at (650) 876-2424 to have an officer respond for proper confiscation and/or disposal. Such items shall not be disposed of in a trash receptacle or hazmat container.

##### **(B) Procedures to Transport Prohibited Items into the Restricted Area**

All Airport ID badge holders, tenants, or contractors requiring Prohibited Items, including but not limited to knives, tools, and/or or heavy equipment to perform their job duties or for their business operations in a Restricted Area are required to comply with the following procedures.

##### **(1) Food and Beverage Inventory Items:**

All Food and Beverage concessions shall follow these procedures when adding to or replacing their prohibited item inventories. The concessions manager shall contact Aviation Security (650-821-3915) to coordinate prohibited item access into the Restricted Area.

- (a) Aviation Security shall inspect the Prohibited Item(s) and then transport them to the Restricted Area business establishment. Prohibited Item(s) should be transported in a manner in which they are concealed from public view.
- (b) The concession tenant manager or designated representative shall proceed through the Passenger Screening Checkpoint, then meet the Aviation Security staff member at the business establishment to re-gain possession of the Prohibited Item(s).



- (c) The concession tenant manager or designated representative shall demonstrate to Aviation Security how Prohibited Items are secured during operational and non-operational hours.
- (d) All tenants and contractors shall be responsible for proper safeguarding and storage of Prohibited Items and tools during operational and non-operational hours.
- (e) Food and Beverage concessions may provide customers with only Airport-approved round-blade butter knives. Prior to providing a round-bladed metal butter knife for passenger use, the concession tenant must submit a letter requesting Airport approval of the implement with a sample round-bladed knife intended for use at its location. The request must be directed to the Airport's Aviation Security Department (AVSEC). Upon review, AVSEC will issue a written approval or rejection of the specific butter knife. Any subsequent proposed change by a concession tenant of its round-bladed butter knife shall be subject to the same approval process.
- (f) All concession tenants shall audit Prohibited Item inventories in conformance with the most current version of the Restricted Airport Security Bulletin (ASB) titled "Sterile Area Prohibited Items Requirements." Those with a need to know may obtain a copy of this Restricted ASB from AVSEC.

**(2) Inspection of Merchandise and Consumables:**

The following applies only to merchandise or consumables intended for a Sterile Area (passenger terminals):

Any merchandise or consumables intended for sale, consumption, and/or use in a Restricted Area – whether to be purchased or obtained from a concession tenant, an airline club or lounge, or at a special event – must be inspected by Airport-specified contract security personnel or by TSA at an employee or passenger screening checkpoint. Using employee bypass doors to transport merchandise or consumables into a Restricted Area is prohibited.

Inspections shall confirm that no commercially packaged boxes, cartons, containers, racks, or packages show signs of tampering or altering and do not include any items that are prohibited under TSA regulations. Inspections may include the person and belongings of any personnel transporting merchandise or consumables into a Restricted Area.

Only Airport ID badged personnel may transport merchandise or consumables into a Restricted Area and only through a screening checkpoint. An Airport ID badge holder may escort "T"-badged delivery personnel only if the Airport ID badge holder has escort authority.

Badged personnel shall cooperate with safety and security test inspections. Inspectors performing these tests may ask vendors to place prohibited items in their deliveries for testing purposes. Vendors shall comply with this request. Any badged individual who refuses to assist with ongoing security testing in Restricted Areas of the Airport may be subject to citation and suspension of his/her/their Airport ID badge.

**(3) Tools (Temporary Non-Inventory):**

- (a) Requester shall provide notification to the Airport Duty Manager (ADM) at (650) 821-5222. The ADM shall notify the TSA Coordination Center at (650) 266-1966

when the use of an exit lane is required. If the ADM is unavailable, an Airport Representative can assist.

- (b) Upon arrival at the Passenger Screening Checkpoint, the requester shall tender the tools to the ADM. The individual(s) shall then be processed (screened) through the security checkpoint. The ADM will inspect the tools to confirm they are work-related.
- (c) The ADM will then take the approved tools through a bypass door and meet the requester in the Restricted Area. If the prohibited item(s) is/are too heavy, the ADM will escort requesters and their approved tools into the Restricted Area through a by-pass door.
- (d) If the requester possesses a "T" badge, escort custody of this individual shall be transferred to a company sponsor and Airport ID badge holder with Escort privileges for continuation of proper escort.
- (e) The Airport ID badged personnel with "Escort" privileges shall ensure escort responsibility for their "T" badged workers' possession of tools at all times when in the Restricted Area.

**(4) Transport of Heavy/Oversized Prohibited Items:**

- (a) Requester shall provide notification to the Airport Duty Manager (ADM) at (650) 821-5222. The ADM shall notify the TSA Coordination Center at (650) 266-1966. If the ADM is unavailable, an Airport Representative will assist.
- (b) Only those heavy/oversized items necessary for a particular job are allowed into the Restricted Area and will be transported through a vehicle checkpoint, the passenger screening exit lane, or another secure access point escorted by authorized personnel.
- (c) Heavy/oversized items must be in some form of container, where possible.
- (d) If applicable, the requester will meet the ADM at the appropriate passenger security screening checkpoint exit lane.
- (e) At the exit lane, requesters shall tender their items to the TSA for inspection. Requesters shall then be processed through the checkpoint.
- (f) The tenant/contractor sponsor is responsible for providing the appropriate Airport security badge to the requester as required.
- (g) Except as permitted by the Airport, use of bypass doors to transport heavy or oversized prohibited items is strictly prohibited.

**7.5 VIDEO MONITORING AND RECORDING DEVICES / ACCESS TO AIRPORT CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM**

**(A) Installation or Removal of Video Monitoring and Other Recording Devices**

No video monitoring or other recording devices may be installed or removed by any Airport tenant or contractor in or around the Airport premises without prior written authorization from the Aviation Security unit. To obtain authorization for CCTV camera installation or removal, tenants and contractors must submit an application, specifying the following:

- Field-of View (FOV) screenshots
- Video monitoring/recording device model and specifications
- Recording system and retention time
- Camera layout drawing
- Security infrastructure and plan to prevent unauthorized access

The use of Pan-Tilt-Zoom (PTZ) security cameras by tenants and contractors in any Restricted area is strictly prohibited and no video monitoring and/or recording device may be installed or focused in a manner that depicts/records security checkpoints, or doors that provide access to any area on Airport premises that, in the sole and exclusive discretion of the Director or his designee, is deemed to present a potential risk to Airport security. All subsequent changes or modifications to tenant and contractor video monitoring and/or recording device use must be submitted to Aviation Security in writing and approved prior to executing modifications.

**(B) Remote Viewing and Authorization Access**

No video monitoring and/or recording device data may be streamed or otherwise transmitted on a wireless network unless the wireless network is equipped with WPA2 security. Real-time access to all footage must be available to the Aviation Security unit at all times. No tenant or contractor shall release any video monitoring and/or recording device footage from cameras/devices without prior written authorization from the Aviation Security unit and, if deemed appropriate, the TSA. Remote access to video monitoring and/or recording devices in secure areas will not be permitted unless explicitly authorized by the Director.

All forms of video footage, whether real-time or stored, must be password protected. Passwords must comply with the Airport's Password policy.

**(C) Inventory of Video Monitoring and Other Recording Devices**

All tenants and contractors shall provide Aviation Security with an inventory of existing video monitoring and/or recording devices and security plans, including all of the following:

- Device manufacturer, model and specifications
- Field-of-view
- Data retention time
- Placement of video monitoring and/or recording devices
- Remote access usage
- Written security plan detailing how unauthorized access will be prevented

**(D) Airport Closed-Circuit Television (CCTV) Access Policy**

The Airport owns and operates the CCTV system. This system contains information that is confidential, which may be sensitive secure, affect personal privacy, or both. A tenant or contractor may access Airport CCTV feeds only through Airport equipment upon request to Airport Aviation Security (AVSEC). If access is granted, the tenant or contractor shall designate individual employees to view CCTV feeds for the performance of official job duties, on a need-to-know basis only. Any such individual must hold an Airport ID badge and execute a Non-Disclosure Acknowledgement as a condition of authorized access. (ASB 20-02, ASB 20-06)

**7.6 OTHER RESTRICTED AREAS**

- (A) Clear Zone.** The Director or a duly-authorized representative, at the owner's expense, may remove unidentified or unauthorized vehicles parked in posted "no parking" zones within 10' along the Restricted Area/AOA perimeter fence, which has been designated as the "Clear Zone". The "Clear Zone" shall remain free of vehicles, stored materials or unattended equipment. Stored materials or unattended equipment may also be removed and/or disposed of at the owner's expense.

- (B) **Water Perimeter Zone.** Entry into the San Francisco International Airport Water Perimeter Security Zone (WPSZ) is prohibited. No person, vessel, or boat shall enter the WPSZ without the express permission of the United States Coast Guard Captain of the Port and Director or duly-authorized representative.
- (C) **Utility Tunnels.** Entry into any Airport utility tunnel is prohibited unless the person accessing the tunnel holds an Airport ID badge or is holding a “T” badge under escort with an Airport ID badge holder with escort authority.
- (D) **Roof Doors.** Access to any terminal building rooftop is restricted. Before accessing a rooftop, the individual must notify Airport Communications at (650) 876-2424. Additionally, the individual must either (1) be authorized by permission of Airport Aviation Security (AVSEC) (for doors with an access control reader) or (2) be escorted by a Duty Manager (for doors controlled by metal key). For AVSEC permission to use a roof door access control reader, the tenant/contractor must submit a completed request form (<https://sfoconnect.com/sites/default/files/legacy/access-level-request.pdf>), by electronic mail to SFOAVSEC@flysfo.com.

## 7.7 PROHIBITIONS

No person or entity may:

- (A) Tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure, or procedure implemented under the Airport’s ASP and TSA Regulations under 49 C.F.R. § 1500, *et seq.*;
- (B) Enter, or be present within, a Restricted Area without complying with the systems, measures, or procedures being applied to control access as defined in the Airport’s ASP and TSA Regulations under 49 C.F.R. § 1500, *et seq.*; or
- (C) Use or allow to be used any Airport-issued access medium or identification system that authorizes the access, presence, or movement of persons or vehicles in a Restricted Area in any unauthorized manner, including but not limited to entering a Restricted Area when not scheduled to work and/or for purposes unrelated to job duties.

## 7.8 QUALITY STANDARDS PROGRAM (“QSP”)

The Airport Commission adopted the Quality Standards Program (“QSP”) to enhance safety and security at SFO. The purpose of the policy is to ensure that the service providers offer the highest level of quality service to the Airport community, and to enforce the minimum standards for safety, health, hiring, training, wages and benefits, and equipment standards for the airline service provider employees.

The QSP applies to any firm, including airline and third party vendor (collectively, “covered employer”), which employs personnel involved in performing services which directly impact safety and/or security at the Airport. Any covered employer must, as a condition to its operating on the Airport, comply with the QSP, as the same may be amended from time to time at the sole discretion of the Airport Commission.

All tenants are required to comply with all other Airport operating requirements, including those in their respective leases and permits, Airport Rules and Regulations, and Airport Directives.

**RULE 8.0****AIRPORT ENVIRONMENTAL STANDARDS****~~8.1 — GENERAL~~**

~~All businesses operating at San Francisco International Airport must operate in an environmentally responsible manner by conserving resources, reducing operational emissions, preventing pollution, purchasing and/or using “green” products and supplies, and recycling/composting materials to the maximum extent practicable.~~

~~The Airport Commission adopted in its 2017-2021 Five-Year Strategic Plan a goal to achieve carbon neutrality by 2021. To achieve this goal and a deep decarbonization of facility operations, all businesses operating at the Airport should employ energy-efficient operations with the lowest carbon impact wherever practicable. Tenants shall whenever practicable: reduce lighting power density below code required levels; purchase only EnergyStar rated equipment and appliances; purchase, replace, and install lamps that are light-emitting diode (LED) with electronic ballasts.~~

~~To support the Strategic Plan, tenants must participate in the San Francisco International Airport's Green Business Program. Participation is initiated by registering through the California Green Business Program (<http://greenbusinessca.org/>) portal, completing all applicable measures required for certification, and hosting a site visit with the Airport's Green Business Team. For additional information, to enroll in the program, or to learn how to save money within leased space, contact [greenbusiness@flysfo.com](mailto:greenbusiness@flysfo.com). Tenants must also comply with the food service ware requirements set forth in Rule 8.14 of these Rules and Regulations.~~

**~~8.2 — POTABLE WATER SUPPLY~~****~~(A) — General Potable Water Requirements~~**

~~The purpose of this Rule 8.2 is to ensure the San Francisco International Airport Water System (“SFIAWS”) is providing the best quality water to Airport passengers, tenants, visitors, and employees. This Rule 8.2 applies to any commercial entity operating on Airport property, including but not limited to any tenant, permit holder, contractor, vendor, subtenant, subcontractor, or service provider (“commercial operators”). All commercial operators shall follow and meet all applicable local, state, and federal laws, codes, and regulations relating to the use and/or provision of potable water.~~

~~All work associated with or impacting provision of potable water supply to any Airport facility must conform to plans approved by Airport Building and Inspection Code Enforcement (“BICE”) and such work must be approved by the Airport Plumbing or Water Service Inspector prior to going into service. All commercial operators shall comply with the provisions of Appendix E, Potable Water Service and Supply, attached to these Rules and Regulations and incorporated by reference into this Rule 8.2 as though set forth in full. A commercial operator shall comply with this Rule 8.2 in addition to, and not exclusive or preclusive of, any other contractual or regulatory requirement applicable to the work performed or services provided. Failure to comply with the provisions of this Rule 8.2 may result in administrative fines under Rule 14.~~

**~~(B) — Cross Connection Control Program (Backflow Prevention)~~**

~~The Airport Commission has determined that regulations established under the Airport's Cross-Connection Control and Backflow Prevention Program pursuant to California Health and Safety Code Sections 116800 and 116805 and Title 17, California Code of Regulations Section 7584, are necessary and appropriate to protect the SFIAWS and the Airport's potable water supply. All commercial operators shall comply with the Cross-Connection Control and Backflow Prevention Program included in Appendix E, Potable Water Service and Supply. Failure to comply with the~~

~~provisions of the Cross-Connection Control and Backflow Prevention Program may result in enforcement actions identified in the Program in addition to administrative fines that may be imposed under Rule 14, as provided in Rule 8.2(A).~~

**(C) — Water Meters**

- ~~(1) — All water acquired from the SFIAWS must be metered.~~
- ~~(2) — All commercial operators responsible for ensuring that an Airport facility has access to the SFIAWS shall submit an application on a form provided by the Airport and submit it to the Planning, Design and Construction Division, Mechanical Engineering section, 30 days prior to the physical connection of the service pipe to the facility pipe.~~
- ~~(3) — Each individual operator or facility must furnish and install a water meter consistent with Airport specifications, unless otherwise approved by the Airport Water Service Inspector. The Airport in its sole discretion shall determine the type, location, and size of the water meter.~~
- ~~(4) — Water service connections shall be installed by a licensed contractor at the commercial operator's expense. Installation shall be in conformance with all requirements set forth in permits issued by BICE and as approved by the Plumbing or Water Service Inspector.~~

**(D) — Temporary Water Supply (Construction Meters)**

~~To access the SFIAWS during construction, all contractors are required to use a hydrant meter issued by the Environmental Operations section of the Airport's Facilities Division. Contractors must complete an application for a hydrant meter on a form provided by the Airport and submit the application along with a deposit to the Water Service group in the Environmental Operations section. Contractors are required to comply with all requirements for use of the hydrant meter and only at the locations as specified by the Airport at the time the hydrant meter is issued. Any use of a hydrant meter will require, in addition to any other requirements established by the Airport, a reduced pressure type backflow prevention device to protect the SFIAWS and potable water supply. Failure by a contractor to obtain a hydrant meter may result in fines imposed under Rule 14, as provided in Rule 8.2(A). Once a hydrant meter is issued, the contractor will not be subject to fines under Rule 14 but may be subject to other fines pursuant to the terms of the hydrant meter permit.~~

**(E) — Water Conservation**

~~All commercial operators shall take measures to reduce water usage in their operations at the Airport and shall comply with all water conservation measures instituted by the Director. No commercial operator shall waste or engage in inefficient use of water in their Airport operations.~~

**8.3 — CLEAN FUEL VEHICLES**

~~Tenants are encouraged to use vehicles that operate zero emission electric or hydrogen vehicles or low-emission renewable diesel or renewable natural gas vehicles; and provide education and incentives to encourage their employees to use commute alternatives including scheduled transportation, vanpools, carpools, and bicycles, in compliance with the Bay Area Commuter Benefits Program (Bay Area Air Quality Management District Regulation 14, Rule 1) and regional commute benefits ordinance (California Government Code section 65081).~~

~~Any motorized vehicles authorized for use in the Secured Area/Air Operations Area designed for and or used in the support of airline or aircraft operations including crew, employee or passenger transport exclusively powered by electricity, natural gas, or hydrogen, as approved by the Director shall be considered clean fuel vehicles.~~

## **8.4 — PROPER DISPOSAL OF MATERIALS**

### **(A) — General**

~~This Rule 8.4 provides material handling and diversion requirements for tenants.~~

~~The Airport has a 5-year Strategic Plan goal of becoming the world's first 'zero waste' airport by 2021. Zero waste, as defined by the Zero Waste Alliance, means diversion of at least 90% of waste from landfills and incinerators using methods like recycling and composting. The goal reflects a longstanding City and County of San Francisco and San Francisco International Airport Commission commitment to environmental leadership, natural resource stewardship, and climate action. In 2018, the Airport expanded the goal to include a 15% reduction in municipal solid waste generation by 2030 (reducing what goes to recycling, composting, and trash) and a 50% reduction in disposal to landfill and incineration by 2030 (reducing what goes in the black trash bins).~~

~~To achieve this goal, all businesses operating at the Airport must operate in an environmentally responsible manner. As provided in this Rule, tenants are required to separate all materials into recyclables, compostables and landfill materials, and then place all separated materials in the Materials Recovery Area receptacle designated for that type of material. This also applies to used or waste cooking oil, which must also be properly disposed of in the designated area in the Materials Recovery Area at the ramp level of the terminal buildings. Large bulk items, universal waste, electronic waste, and Hazardous Materials must be recycled or disposed of offsite through a third-party provider and is not a service offered to tenants by SFO's hauler nor included in Airport's trash permit fee.~~

### **(B) — Materials Disposal Requirements and Procedures**

- ~~(1) — **Compostable Materials.** Food waste, green waste, other organic materials (e.g. wet paper towels, food-soiled paper, wax paper and wax-coated cardboard), and compostable food service ware must be placed in a "green" compost-only compactor, roll-off box, bin or toter.~~
- ~~(2) — **Cooking Oils.** Used or excess cooking oils must be recycled. Bacon Fat must be transported in labeled buckets and placed next to a Clean Star — Grease collection unit. Liquid waste oil must be transported in a grease labeled and covered caddy and pumped into the grease collection unit. For newer Clean Start units that support heated caddy transfers, all waste oil and bacon fat shall be transported using the heated grease caddy. All Fats, Oils and Grease (FOG) shall be disposed and transported properly using the Airport's grease transfer storage tanks. Should any FOG be spilled during transfer to storage tank, tenant is responsible for all clean up. Consistent with Rule 8.7(G), no cooking process oils or greases, new or used, shall be discharged into the sanitary or industrial wastewater collection system. The use of floor drains or lavatories to dispose of cooking grease or food waste products is prohibited.~~
- ~~(3) — **Large Bulky Items.** Tenants are prohibited from abandoning or disposing of large bulk items anywhere in the Airport including designated Materials Recovery Areas. Large bulk items include but are not limited to: furniture, crates, pallets, strollers, suitcases, textiles, construction debris, etc. Consult the Materials Recovery Tenant Guide developed for Airport tenants to ensure these items are hauled offsite and recycled responsibly by a third-party provider (to obtain a copy of the Guide visit <https://www.flysfo.com/environment/green-business-program>).~~
- ~~(4) — **Non-Renewable Mixed Municipal Solid Waste (MSW).** Items that cannot be composted or recycled (e.g. broken glass and ceramics, diapers, pet waste, film plastics, polystyrene foam) must be placed in a "black" landfill-only compactor, roll-off box, bin or toter.~~



- ~~(5) — **Recyclable Materials.** Mixed paper, cardboard, glass, aluminum, rigid plastics, mixed metals, and lumber/wooden pallets must be placed in a “blue” recycling-only compactor, roll-off box, bin or toter designated for such recycling materials. Tenants are prohibited from disposing of recyclable or compostable items into any MSW/landfill compactor or container anywhere in the Airport including, but not limited to, within their leasehold, storage room, adjacent space and designated Materials Recovery Area.~~
- ~~(6) — **Universal and Electronic/Hazardous Waste.** Tenants are prohibited from disposing of electronic, universal, or hazardous waste anywhere in the Airport including designated Materials Recovery Areas. These items include but are not limited to: electronic appliances and accessories (e.g. computers, cords, phones, keyboards, computer monitors and equipment, fax machines, printers, kitchen appliances, microwave ovens, any item with a plug or batteries), light bulbs (e.g. CFL, LED, and fluorescent light bulbs), batteries, motor oil, chemical waste (including unused or leftover), cleaning chemicals, or paint. Consult the Materials Recovery Guide developed for tenants to ensure these items are hauled offsite and recycled responsibly by a third-party provider (visit <https://www.flysfo.com/environment/green-business-program>).~~

~~(C) — **Leasehold Sorting Requirements**~~

~~Tenants shall maximize recycling and composting within their leasehold by providing separate, labeled containers for recyclable, compostable, and landfill materials. Tenants shall separate each type of material in a designated recycling, compost, or landfill waste/trash container within their leasehold, storage room, or adjacent space and shall be responsible for ensuring that all employees and patrons do the same. These source-separated materials shall be properly deposited in the appropriate bin location within the Materials Recovery Area as provided under Rule 8.4(B). Contact SFOenv.ops@flysfso.com for tenant materials diversion trainings.~~

~~**8.5 — GENERAL WASTE WATER REQUIREMENTS**~~

~~This Rule 8.5 shall apply to all tenants and contractors when operating on Airport property and when performing operations which generate discharges into storm drains, sanitary sewage, and/or industrial wastewater collection systems, affecting the operations of the Airport’s Mel Leong (Wastewater) Treatment Plant (MLTP) facility, or affecting the health of the Airport community or the quality of water in the San Francisco Bay:~~

- ~~(A) — Tenants shall manage and perform permitted operations at authorized leaseholds or related sites in a manner to prevent any pollutant or unauthorized discharges entering the Airport’s storm drains, sanitary and industrial wastewater collection systems or in a manner that would contribute to the degradation of the San Francisco Bay.~~
- ~~(B) — All operations shall be performed in compliance with the latest National Pollutant Discharge Elimination System (NPDES) Permits issued to the Airport by San Francisco Bay Area Regional Water Quality Control Board (RWQCB) for Airport’s Sanitary and Industrial Wastewater Treatment Plants, all applicable general permits (such as the Construction General Permit) issued by the RWQCB or the State Water Resources Control Board, and the Airport’s Stormwater Pollution Prevention Plan (SWPPP) for management of storm water runoff at the Airport. Copies of the current orders/plans may be requested through bppp@flysfso.com.~~
- ~~(C) — Whenever a pollutant or illicit/unauthorized discharge of any kind occurs at any location within the Airport, the tenant, in addition to taking proper spill containment actions, shall immediately contact the Airport’s Emergency Communications Center at 911, notify the Airport’s and tenant’s management personnel, and safely maintain a presence at the spill site.~~
- ~~(D) — Tenants are required to stay in compliance with Airport’s Bay Pollution Prevention Compliance Program calling for employee training, pollution prevention and operational pretreatment in order~~



~~to ensure that authorized discharges are routed to the proper waste water collection system and prevent the discharge of any contaminated liquid to the Airport storm drain system or slug lodgings to the industrial or sanitary collection systems.~~

~~(E) Tenants shall develop, implement, and maintain an active and effective pollutant minimization program in accordance with RWQCB directives to the Airport.~~

~~(F) Tenants shall respond promptly to Airport SWPPP surveys and inquiries that seek to resolve water quality, program compliance, or regulatory agency permit concerns.~~

~~Tenants shall complete annually the Airport SWPPP training when requested to comply with the Airport's NPDES permit.~~

~~(G) The Airport retains the right to sample and characterize the wastewater discharge at a tenant's point of connection to any of the Airport's collection systems, and to go even further upstream in the system within the tenants' leasehold area, to track the source of pollutants as necessary, or to direct the tenant to perform such tasks and to report the results to the Airport.~~

~~(H) Except as provided in this Rule 8.5(H), no tenant shall discharge or cause to be discharged into any of the Airport's sanitary sewer, industrial waste sewer, or storm water collection and treatment system any of the following:~~

~~(1) Any liquid or vapor having a temperature higher than 120° F.~~

~~(2) Any water or waste containing more than 20 mg/L of fat, oil, or grease originating from food preparation or food service ware cleaning.~~

~~(3) Any waste containing gasoline, benzene, naphtha, fuel oil, petroleum, jet fuel, waste oil, or other flammable, hazardous, or explosive solid, liquid, or gas.~~

~~(4) Any food preparation solid waste. All shredded food preparation solid waste shall be disposed of as solid waste.~~

~~(5) Any solid debris such as ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, rugs, feathers, tar, plastic, wood, or any other solid or viscous substances capable of obstructing or interfering with the proper operation of the Airport's collection and treatment systems.~~

~~(6) Any process waters or waste containing a toxic or poisonous substance, alone or in combination with other discharges that cause interference, pass-through of pollutants, biosolid/sludge contamination, or constitute a hazard to humans, animals, public or private property, or adversely affects the quality of the treatment plant effluent, biosolids/sludge, or any receiving water body.~~

~~(7) Any noxious or malodorous gas, or substance in a quantity capable of creating a public nuisance.~~

~~(8) Any waste containing measurable or harmful levels of a radioactive substance.~~

~~(9) Any Hazardous Materials, sediment or debris that could obstruct or interfere with the proper and effective operation of any Airport collection system.~~

~~(10) Tenants must contact the Airport at 911 immediately when becoming aware of any unauthorized or illicit discharge, including when a Hazardous Materials secure containment system is breached, provide directive assistance and cooperate fully with the~~

~~first responders, and take all reasonable containment actions to protect the public health, the public, and Airport property.~~

### **8.6 — SANITARY SEWAGE**

- ~~(A) — Authorized discharge limits into the Airport's sanitary wastewater collection system are at the discretion of the Mel Leong Treatment Plant.~~
- ~~(B) — Tenants shall not allow or cause an illicit or unauthorized product discharge into the sanitary wastewater collection systems through floor drains, toilets, sinks, or any other access port of these systems. Tenants shall maintain verifiable records of such product disposal.~~
- ~~(C) — No unapproved or unauthorized collection device or piping may be connected or cross-connected into the Airport's sanitary wastewater collection system. Tenants shall promptly notify Airport upon discovery of such a condition.~~
- ~~(D) — Sanitary wastewater only shall be discharged into the sanitary wastewater collection and treatment system. No industrial wastewater or storm water runoff shall be discharged to any sanitary wastewater collection system. Nor shall any tank, bucket, or other container containing petroleum hydrocarbons or industrial waste be emptied into any toilet, sink, sump, or other receptacle connected to the sanitary wastewater collection or the storm drain system.~~
- ~~(E) — No discharge to the sanitary wastewater collection system shall be permitted that could create unacceptable Biochemical Oxygen Demand levels in the waste stream, exceeding the limit provided at the discretion of the Mel Leong Treatment Plant.~~
- ~~(F) — All Food Preparation Facilities, including restaurants, shall be responsible to properly size and maintain the Fats, Oils, and Grease (FOG) trap or interceptor connected to their wash water process discharge and shall maintain accurate and complete records of their maintenance program. Tenants shall comply with maintenance schedule/requirements as specified by the Airport's plumbing inspector.~~
- ~~(G) — No cooking process oils or greases, new or used, shall be discharged into the sanitary or industrial wastewater collection system. The use of floor drains or lavatories to dispose of cooking grease or food waste products is prohibited.~~
- ~~All FOG shall be disposed of properly using the Airport's grease transfer storage tanks. Should any FOG be spilled during transfer to storage tank, tenant is responsible for all clean up.~~
- ~~(H) — Food preparation operators shall use all necessary pretreatment equipment to remove solid debris, including food waste, from entering the sanitary or industrial wastewater collection systems.~~
- ~~(I) — Food preparation operators shall ensure that dishwasher discharges are directed only to a sanitary sewer line and do not flow through a grease trap or grease interceptor.~~
- ~~(J) — No concentrated sanitary wastewater collection system clearance chemical or process component shall be discharged into the Airport's sanitary collection system without prior written approval from the Airport.~~
- ~~(K) — Portable sanitary facility discharge operations such as aircraft lavatory collections shall discharge only at permitted locations and shall be operated in a careful and efficient manner such that the disposal site is acceptably maintained and spills do not escape the disposal site. Spillage outside of the disposal site shall be immediately called into 911.~~

~~Tenant responsible for an unauthorized and unacceptable lavatory discharge shall be responsible for the cost of all cleanup and recovery operations. Operational personnel shall be trained in the proper and careful operation of the equipment and material. Repeated violations shall be cause for revocation of lavatory service operating permit.~~

### ~~8.7 INDUSTRIAL WASTEWATER DISCHARGE~~

- ~~(A) No pollutants shall be discharged into the Airport Industrial Wastewater system in concentrations that cause a failure to the treatment plant or an exceedance of the Airport's National Pollutant Discharge Elimination System (NPDES) permit requirements.~~
- ~~(B) The discharge limits for all heavy metals at a minimum shall be controlled by the limits listed in the Airport's current NPDES permit requirements issued by the Regional Water Quality Control Board. (The Airport shall provide its NPDES permit upon request.)~~
- ~~(C) Tenants responsible for monitoring and reporting industrial waste discharges to Airport's collection system shall comply with proper sampling and analytical procedures listed below.~~
- ~~(D) Any analytical method used must comply with the required detection limits indicated by regulatory agencies.~~
- ~~(E) At the discretion of the Mel Leong Treatment Plant, when necessary, tenants shall comply with the Whole Effluent Toxicity Testing Requirements as indicated in the Airport's NPDES permit.~~
- ~~(F) No industrial substance capable of upsetting or passing through the Airport's Industrial Wastewater Treatment Plant and causing a violation of the Airport's Industrial Wastewater NPDES Permit shall be allowed to enter the Industrial Wastewater Collection System.~~
- ~~(G) Concentrated industrial waste that exceeds the Airport's acceptance limits, including organic and petroleum oils, shall not be discharged to any system operated by the Airport but shall be collected, in approved tanks, bins or sumps and periodically removed from the Airport. On request, the tenant shall submit disposal reports to the Environmental Operations section including information on the time and date, amount of waste removed, as well as the name of the carrier and treating entity. Chain of custody and manifest documentation records shall be maintained by tenants and shall be provided for Airport inspection in compliance with regulatory agency requirements.~~
- ~~(H) Tenants operating any form of pretreatment equipment that discharges directly into the Airport's Industrial Wastewater Collection System shall routinely monitor, inspect and maintain such equipment in proper working order and operate such equipment within its operational limits. Tenant staff operating this equipment shall be trained and acceptably knowledgeable in its operation and maintenance.~~
- ~~(I) Tenants shall perform aircraft maintenance only in designated areas and shall have proper spill kits and industrial waste collection devices readily available at work site.~~

~~All inoperable vehicles or equipment not being used or not scheduled for imminent repair shall be removed from Airport property. Drip pans shall be used for any vehicles or equipment not in active use. Tenants are responsible for maintaining pavement and cleaning all oil stains.~~

~~Vehicles and equipment washing shall only be performed in areas where wash water drains to the industrial system or to a closed sump are available. No wash water is permitted to enter the sanitary or storm drain system.~~

~~(J) Tenants shall immediately notify Airport Communications at 911 when determining that any equipment or procedure is not functioning in accordance with authorized operational and discharge parameters.~~

### ~~8.8 STORM WATER~~

~~(A) All tenant operations shall be carried out in a manner so that no unauthorized discharge enters the Airport's storm water collection system. Tenants shall have stocked spill kits/carts located near any area where fueling is taking place. Tenants shall be responsible for maintaining the spill kits/carts on a regular basis.~~

~~(B) No sanitary sewage, kitchen waste, putrescible organic waste, industrial process waste, solid debris or Hazardous Materials shall be discharged to the storm drain system.~~

~~(C) Tenant performing any industrial or sanitary wastewater treatment processes shall employ all appropriate measures to prevent and eliminate unauthorized and unacceptable discharge into the Airport's storm water collection system.~~

~~(D) If an unauthorized discharge occurs, responsible tenant shall immediately contact Airport Communications at 911 and maintain presence at incident location to guide the first responders. The responsible party shall promptly take all actions to identify and contain any spill. Failure to promptly and effectively respond to an unauthorized discharge which impacts the storm drain system shall be subject to a fine under Rule 14 of these Rules and Regulations.~~

~~(E) Tenants shall maintain a current and accurate site storm drainage drawing.~~

~~(F) Tenants shall practice effective housekeeping to prevent any storm water carry-off of debris, trash, sediment, spillage, or contaminants into Airport's stormwater runoff collection system.~~

~~(G) The Airport reserves the right to impose on the responsible party any and all fines and costs incurred to correct or resolve unacceptable conditions due to any unauthorized discharge into the storm drain system.~~

~~(H) Only clean storm water runoff shall be discharged to the Airport's storm water drainage system. Any discharge of non-storm water product into the storm water drainage system is prohibited unless approved in writing by the Airport's Bay Pollution Prevention Program.~~

~~(I) Tenants operating within the limits of the Airport shall comply with the Airport's SWPPP and when appropriate submit for review a SWPPP that is current, site specific to each local operation, and acknowledges tenant's responsibility to protect the Bay.~~

~~(J) Tenants shall maintain on site and train staff to properly operate and maintain pollution prevention and pretreatment equipment as listed in the submitted SWPPP.~~

~~(K) When appropriate, tenants shall maintain on site, submit a copy to the Airport, and actively implement a current and certified Spill Prevention Control and Countermeasures (SPCC) Plan.~~

**~~8.9 — HAZARDOUS MATERIALS AND HAZARDOUS WASTE MANAGEMENT~~**

~~Tenants shall comply with all Hazardous Materials handling requirements in Rule 6.0 and Rule 8.0 of these Rules and Regulations, and all Environmental Laws. Tenants causing spills of Hazardous Materials shall be responsible for protection of the Airport and the public; the prompt protection and clean-up of affected areas; all equipment, labor, material and remediation costs; and any fines or costs assessed by appropriate regulatory agency. If you have any questions, please contact [bppp@flysfco.com](mailto:bppp@flysfco.com).~~

**~~8.10 — SPILLS AND CLEAN-UP RESPONSIBILITY~~**

~~Tenants causing spill incident shall be responsible for protection of the Airport and the public; the prompt protection and clean-up of affected areas; all equipment, labor, material and remediation costs, and any fines or costs assessed by appropriate regulatory agency.~~

**~~8.11 — FOAM SPILL MANAGEMENT~~**

~~Tenants may not discharge any type of foam or foaming agent into the Airport's sanitary, industrial, or storm water collection and treatment systems; provided that, in the event of a fire, fire containment should be the immediate priority. All foam spills or discharges must be reported immediately by calling 911. Tenants shall contain and haul the foam off site for appropriate treatment, in conformance with Rule 6 of these Rules and Regulations, and shall provide a copy of the manifest to Airport Environmental Operations at [bppp@flysfco.com](mailto:bppp@flysfco.com).~~

~~Foams of concern include but are not limited to: Aqueous Film Forming Foam (AFFF) C-8 and C6; Alcohol-Resistant AFFF (AR-AFFF); synthetic — medium or high expansion types (detergent); Class "A" foam concentrate; Wetting Agent; and Film Forming Fluoroprotein (FFFP). (AOB-20-06)~~

**~~8.12 — INTEGRATED PEST MANAGEMENT~~**

~~Tenants shall comply with the San Francisco Integrated Pest Management (IPM) Ordinance (San Francisco Environmental Code Section 305). If pesticide use is required, tenants shall restrict usage to the approved list of products provided on the Reduced Risk Pesticide List: <https://sfenvironment.org/pest-management-for-city-departments#list>. If a tenant works with a third-party pest control company, the company is also required to comply with the Ordinance, which includes monthly reporting of pesticide usage to the San Francisco Department of the Environment.~~

**~~8.13 — EMISSIONS~~**

~~Tenants shall not cause emissions to the air in violation of Bay Area Air Quality Management District and California Air Resources Board rules, the Airport's Title V Permit, or any other Environmental Law.~~

**~~8.14 — DE-ICING POLICY AND PROCEDURES~~**

~~(A) — No Air Carrier shall use deicing procedures without first submitting a deicing plan to the Director of Operations.~~

~~(1) — The deicing plan shall include the following information:~~

~~(2) — Type of deicing fluid to be used~~

~~(3) — Method of application~~

~~(4) — Rate of application~~

~~(5) — Estimated duration of application~~

- ~~(6) Storm water runoff catch basin protection method~~
- ~~(7) Deicing fluid waste removal and disposal method~~
- ~~(B) Submitted deicing plans shall be reviewed and approved by Airport Environmental Operations Section at (650) 821-8380. Deicing products shall not contain urea.~~
- ~~(C) Discharge of deicing fluid waste into any storm water catch basin is prohibited and Air Carriers shall seal the adjacent storm runoff catch basins prior to the start of deicing operation.~~
- ~~(D) The rate of application of deicing fluid shall be controlled to minimize pooling of deicing fluid at the application site.~~
- ~~(E) All residual deicing fluid waste shall be removed from the surface of affected tarmac area immediately following the aircraft departure.~~
- ~~(F) Air Carrier must notify Airport Operations Duty Supervisor at (650) 821-3355 prior to commencing deicing operations.~~
- ~~(G) ADF application shall be determined by the Senior Pilot or crew member.~~
- ~~(H) Air Carriers must ensure that all ADF dispensing and storage equipment remain in good working condition.~~
- ~~(I) All deicing fluid waste collected at the application site shall be discharged into authorized industrial waste wash racks or pump stations as instructed by SFO Mel Leong Treatment Plant at (650) 821-8350.~~
- ~~(J) Air Carriers must closely monitor ADF application rates and prevent any ADF overspray that may impact the terminal facility or other aircraft.~~
- ~~(K) Air Carriers shall immediately notify Airport Communications at 911 if any ADF is discharged into the Airport storm water runoff collection system.~~
- ~~(L) Air Carriers are responsible for all costs associated with ADF recovery, mitigation, and/or fines that may be incurred by the Airport as a result of Air Carrier's use or misuse of ADF.~~
- ~~(M) Air Carriers shall comply with all provisions of Airport's Storm Water Pollution Prevention Plan and SWPPP.~~

### ~~8.15 FOOD SERVICE REQUIREMENTS~~

~~The Airport has adopted food service requirements to advance its zero-waste goals. Whenever possible, tenants should use reusable food service ware and provide food and beverage products packaged in compostable or recyclable material. In the provision or sale of food and beverage on Airport property (except on aircraft operations), tenants must comply with the following requirements and guidelines.~~

#### ~~(A) Definitions~~

~~The following terms in **bold** font shall for the purpose of this Rule 8.14 have the meaning indicated following the colon (-):~~

~~**Bottled Water:** Drinking water in a sealed box, bag, can, bottle, or other container intended primarily for single-service use and having a capacity of one liter or less. Drinking water includes purified water, mineral water, carbonated or sparkling water, and electrolyte-enhanced water.~~

~~**Fluorinated Chemical:** A class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.~~

~~**Natural Fiber:** A plant or animal-based, non-synthetic fiber, including but not limited to paper, wood, or bamboo. Natural Fiber does not include plastic of any kind.~~

~~**Single-Use Food Service Ware:** All containers, bowls, plates, trays, cups, and other like items that are designed for one-time use, including Food Service Ware Accessories.~~

~~**Single-Use Food Service Ware Accessory:** All types of single-use items usually provided alongside single-use plates or cups, including but not limited to container lids, utensils, chopsticks, napkins, cup lids, cup sleeves, food or beverage trays, condiment packets and saucers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks designed for a single use.~~

#### ~~(B) Bottled Water~~

~~The provision or sale of single-use Bottled Water in plastic or aseptic paper packaging is prohibited. A list of approved Bottled Water may be found at [sfoconnect.com/zero-waste-concessions](http://sfoconnect.com/zero-waste-concessions).~~

#### ~~(C) Single-Use Food Service Ware Requirements~~

~~Tenants may only use Single-Use Food Service Ware that meets the following criteria:~~

- ~~• Certified compostable by the Biodegradable Product Institute (BPI) or made entirely of Natural Fiber;~~
- ~~• Labelled "compostable" with green color coding; and~~
- ~~• Fluorinated Chemical-free. Note that molded fiber products generally contain Fluorinated Chemicals and are allowed only with documentation that confirms the products are free of Fluorinated Chemicals.~~

~~A zero waste compostable food service ware guide and a list of approved Single-Use Food Service Ware items may be found at [sfoconnect.com/zero-waste-concessions](http://sfoconnect.com/zero-waste-concessions). To recommend an item for the approved Single-Use Food Service Ware list, call the Sustainability and Environmental Policy team at 650-821-3632.~~

~~For items necessary for tenant operations but for which no commercially available option meets all of the criteria of this Rule 8.14(C), tenant shall at a minimum provide a BPI-certified compostable product.~~

~~The Airport may grant partial compliance, exceptions, and waivers based on commercial nonavailability. Tenants may direct such requests to the Sustainability and Environmental Policy team at 650-821-3632.~~

#### ~~(D) Single-Use Food Service Ware Accessory Requirements~~

~~Tenants may provide Single-Use Food Service Ware Accessories to consumers only upon specific request or in a self-service area or dispenser, except for single-use straws.~~

~~Single-use straws may not be made available in a self-service area or dispenser. Paper straws may be made available upon request. Understanding that individuals may require plastic straws for medical reasons, tenants may provide single-use plastic straws to individuals who specifically request them.~~



**(E) Events on Airport Property**

~~Tenants providing beverages at events at the Airport with 100 or more attendees must make reusable beverage cups (designed for repeated cleaning, disinfecting, and reuse at least 100 times and dishwasher safe) available to no less than 10% of attendees.~~

~~All businesses operating at San Francisco International Airport must operate in an environmentally responsible manner by conserving resources (e.g., electricity, natural gas, water, equipment, fuel, supplies), reducing operational emissions, preventing pollution, purchasing and using “green” products and supplies, and recycling and composting materials to the maximum extent practicable. This Rule 8.0 establishes the minimum environmental standards that tenants and contractors must achieve, in addition to complying with Environmental Laws. Failure to comply with the provisions of Rule 8.0 may result in administrative fines under Rule 14.~~

**8.1 AIR QUALITY**

~~(A) **General.** Tenants shall not cause emissions to the air in violation of Bay Area Air Quality Management District and California Air Resources Board rules, the Airport’s Title V Permit, or Environmental Laws.~~

~~(B) **Clean Fuel Vehicles.** Under its Clean Vehicle Policy, the Airport strongly encourages the replacement of gasoline and diesel vehicles with clean air vehicles powered by alternative fuels like electricity and renewable compressed natural gas (RCNG) (see [https://www.flysfo.com/sites/default/files/Clean\\_Vehicle\\_Policy\\_Fact\\_Sheet\\_April\\_2021.pdf](https://www.flysfo.com/sites/default/files/Clean_Vehicle_Policy_Fact_Sheet_April_2021.pdf)). The Airport also strongly encourages all vehicle owners/operators to exceed regulations set by the California Air Resources Board.~~

~~(C) **Commuter Benefits Programs.** Tenants shall provide education and incentives to encourage their employees to use commute alternatives, including scheduled transportation, vanpools, carpools, and bicycles, in compliance with the Bay Area Commuter Benefits Program (Bay Area Air Quality Management District Regulation 14, Rule 1), regional commute benefits ordinance (California Government Code section 65081), and Rule 10.0 of these Rules and Regulations.~~

**8.2 FOOD SERVICE REQUIREMENTS**

~~The Airport has adopted food service requirements to advance its zero-waste goals. Whenever possible, tenants should use reusable food service ware. Where tenants cannot use reusable food service ware, tenants must provide food and beverage products packaged in compostable or recyclable material. In providing or selling food and beverage on Airport property (except on-aircraft operations, where it is also strongly encouraged), tenants must comply with the following requirements and guidelines.~~

**(A) Definitions**

~~The following terms in **bold** font shall for the purpose of this Rule 8.2 have the meaning indicated following the colon (:).~~

~~**Aseptic Paper Packaging:** Shelf-safe packaging that typically contains layers of paper, plastic, and aluminum.~~

~~**Beverages:** Consumable drinks in a sealed box, bag, can, bottle, or other container of any size. Beverages include, but are not limited to, alcohol, coffee, energy drinks, milk, soy milk, nut milk, juice, soda, soft drinks, sports drinks, tea, yogurt drinks, water, carbonated water, and flavored water.~~



**Fluorinated Chemical:** A class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.

**Natural Fiber:** A plant- or animal-based, non-synthetic fiber, including but not limited to paper, wood, or bamboo. Natural Fiber does not include plastic of any kind.

**Single-Use Food Service Ware:** All containers, bowls, plates, trays, cups, and other like items that are designed for one-time use, including Food Service Ware Accessories.

**Single-Use Food Service Ware Accessory:** All types of single-use items usually provided alongside single-use plates or cups, including but not limited to container lids, utensils, chopsticks, napkins, cup lids, cup sleeves, food or beverage trays, condiment packets and saucers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks designed for a single use.

### **(B) Beverages**

The provision or sale of Beverages in plastic or Aseptic Paper Packaging is prohibited. A list of approved water bottles may be found at [sfoconnect.com/zero-waste-concessions](https://sfoconnect.com/zero-waste-concessions). (AOB 21-01.)

### **(C) Single-Use Food Service Ware Requirements**

Tenants may only use Single-Use Food Service Ware that meets the following criteria:

- Certified compostable by the Biodegradable Product Institute (BPI) or made entirely of Natural Fiber;
- Labelled “compostable” with green color coding; and
- Fluorinated Chemical-free. Note that molded fiber products generally contain Fluorinated Chemicals and are allowed only with documentation that confirms the products are free of Fluorinated Chemicals.

A zero-waste compostable food service ware guide and a list of approved Single-Use Food Service Ware items may be found at [sfoconnect.com/zero-waste-concessions](https://sfoconnect.com/zero-waste-concessions).

### **(D) Single-Use Food Service Ware Accessory Requirements**

Tenants may provide Single-Use Food Service Ware Accessories to consumers only upon specific request or in a self-service area or dispenser, except for single-use straws. Single-use straws may not be made available in a self-service area or dispenser. Paper straws may be made available upon request. Understanding that individuals may require plastic straws for medical reasons, tenants may provide single-use plastic straws to individuals who specifically request them.

### **(E) Events on Airport Property**

Tenants providing beverages at events at the Airport with 100 or more attendees must make reusable beverage cups (designed for repeated cleaning, disinfecting, and reuse at least 100 times and dishwasher safe) available to no less than 10% of attendees.

## **8-168.3 GREEN BUSINESS AND GREEN CLEANING PROGRAM**

To achieve Airport Commission Strategic Plan sustainability goals and advance the decarbonization of campus facilities, all businesses constructing and operating at the Airport should employ energy-efficient operations with the lowest resource and carbon impact wherever

practicable. Tenants shall whenever practicable: reduce lighting power density below code required levels; purchase only EnergyStar rated equipment and appliances; purchase, replace, and install lamps that are light emitting diode (LED) with electronic ballasts.

To support the Strategic Plan, tenants, prior to occupancy, must participate in the Airport's Green Business Program. Register through the California Green Business Program (<http://greenbusinessca.org/>) portal, complete all applicable measures required for certification, and host a site visit with the Airport's Green Business Team. For additional information on how to enroll in the program, or to learn how to save money within leased space, contact [greenbusiness@flysfo.com](mailto:greenbusiness@flysfo.com).

Further, the Airport Commission is committed to providing a healthy and productive work environment, while maintaining terminal and other Airport facilities that offer a safe and superior passenger experience. The Green Business Program includes a Tenant Green Cleaning Policy to achieve these aims by supporting tenants in reducing the levels of chemical, volatile organic compounds, biological, and particulate matter contaminants that impact human health. Tenants are required to follow green cleaning practices and use certified green cleaning products detailed in the Tenant Green Cleaning Policy: <https://www.sfoconnect.com/green-cleaning>.

**8.4 INTEGRATED PEST MANAGEMENT.** Tenants shall comply with the San Francisco Integrated Pest Management (IPM) Ordinance (San Francisco Environmental Code section 305). If pesticide use is required, tenants shall restrict usage to the approved list of products provided on the Reduced Risk Pesticide List: <https://sfenvironment.org/pest-management-for-city-departments#list>. If a tenant works with a third-party pest control company, the company must also comply with the IPM Ordinance, including monthly reporting of pesticide use to the San Francisco Department of the Environment, through the Pesticide Use Reporting System (PURS) database.

## **8.5 WASTE AND HAZARDOUS WASTE MANAGEMENT**

**(A) General.** Rule 8.5 provides material handling and diversion requirements for tenants. The Airport has a Strategic Plan goal of becoming the world's first "zero waste" airport. Zero waste, as defined by the Zero Waste Alliance, means diversion of at least 90% of waste from landfills and incinerators using methods like recycling and composting. The goal reflects a longstanding City and County of San Francisco and Airport Commission commitment to environmental leadership, natural resource stewardship, and climate action. In 2018, the Airport expanded the goal to include a 15% reduction in municipal solid waste generation by 2030 (reducing what goes to recycling, composting, and landfill) and a 50% reduction in disposal to landfill and incineration by 2030 (reducing what goes in the black landfill bins) to reflect the stated goals of the City and County.

### **(B) Materials Disposal Requirements and Procedures**

**(1) Compostable Materials.** Food waste, green waste, other organic materials (e.g., wet paper towels, food-soiled paper, wax paper and wax-coated cardboard), and compostable food service ware must be placed in a "green" compost-only compactor, roll-off box, bin, or toter.

**(2) Cooking Oils.** Used or excess cooking fats, oils, and grease (FOG) must be recycled. Bacon fat must be transported in labeled and covered buckets and placed next to a grease collection unit located at a Material Recovery Area (MRA). Liquid waste oil must be transported in a grease caddy and pumped into the grease collection unit. For newer grease collection units that support heated caddy transfers, all waste oil and bacon fat shall be transported using the heated grease caddy. Tenants must clean up any FOG spilled during transfer to a storage tank. No cooking oils or greases, new or used, shall be discharged into the sanitary or industrial wastewater collection systems. The use of

kitchen sinks, floor drains or lavatories to dispose of cooking grease or food waste products is prohibited.

- (3) Hazardous Materials and Hazardous Waste.** Tenants shall comply with all Hazardous Materials handling requirements in Rule 6.0 and Rule 8.0 of these Rules and Regulations and all Environmental Laws. Tenants causing spills of Hazardous Materials or other materials are responsible for protecting the Airport and the public; the prompt clean-up of affected areas; all equipment, labor, material, and remediation costs; and any fines or costs assessed by regulatory agencies. If you have any questions, please contact [bppp@flysf.com](mailto:bppp@flysf.com).
- (4) Large Bulky Items.** Tenants are prohibited from abandoning or disposing of large bulk items anywhere at the Airport, including designated Materials Recovery Areas. Large bulk items include but are not limited to: furniture, crates, pallets, strollers, suitcases, textiles, and construction debris. Consult the Materials Recovery Tenant Guide to ensure these items are hauled offsite and recycled responsibly by a third-party provider (for a copy of the Guide visit <https://www.flysf.com/environment/green-business-program>).
- (5) Non-Renewable Mixed Municipal Solid Waste (MSW).** Items that cannot be composted or recycled (e.g., broken glass and ceramics, diapers, pet waste, film plastics, polystyrene foam) must be placed in a “black” landfill-only compactor, roll-off box, bin, or toter.
- (6) Recyclable Materials.** Mixed paper, cardboard, glass, aluminum, rigid plastics, mixed metals, and lumber/wooden pallets must be placed in a “blue” recycling-only compactor, roll-off box, bin, or toter designated for such recycling materials. Tenants are prohibited from disposing of recyclable or compostable items into any MSW/landfill compactor or container anywhere in the Airport including, but not limited to, within their leasehold, storage room, adjacent space, and designated Materials Recovery Area.
- (7) Universal and Electronic/Hazardous Waste.** Tenants are prohibited from disposing of electronic, universal, or hazardous waste anywhere at the Airport, including designated Materials Recovery Areas. These items include but are not limited to: electronic appliances and accessories (e.g., computers, cords, phones, keyboards, computer monitors and equipment, fax machines, printers, kitchen appliances, microwave ovens, any item with a plug or batteries), light bulbs, batteries, motor oil, chemical waste, cleaning chemicals, or paint (including unused or leftover). Consult the Materials Recovery Guide to ensure these items are hauled offsite and disposed of or recycled responsibly by a third-party provider (visit <https://www.flysf.com/environment/green-business-program>).

**(C) Leasehold Sorting Requirements.** Tenants shall maximize recycling and composting within their leasehold by providing separate, labeled containers for recyclable, compostable, and landfill materials. Tenants shall separate each type of material in a designated recycling, compost, or landfill waste/trash container within their leasehold, storage room, or adjacent space and shall be responsible for ensuring that all employees and patrons do the same. These source-separated materials shall be properly deposited in the appropriate bin location within the MRA as provided under Rule 8.5(B). Contact [sustainability@flysf.com](mailto:sustainability@flysf.com) for tenant materials diversion trainings.

## **8.6 WATER QUALITY**

### **(A) POTABLE WATER SUPPLY**

- (1) General Potable Water Requirements.** Rule 8.6(A) is to ensure the San Francisco International Airport Water System (SFIAWS) provides the best quality water to Airport passengers, tenants, visitors, and employees. It applies to any commercial entity

operating on Airport property, including but not limited to a tenant, permittee, contractor, vendor, subtenant, subcontractor, or service provider (“commercial operators”).

**(2) Work Impacting Potable Water Supply.** All work associated with or impacting potable water supply to any Airport facility must conform to plans approved by Airport Building and Inspection Code Enforcement (BICE) and be approved by the Airport Plumbing or Water Service Inspector prior to going into service. All commercial operators shall comply with the provisions of Appendix E, Potable Water Service and Supply, to these Rules and Regulations. A commercial operator shall comply with this Rule 8.6(A) in addition to any other contractual or regulatory requirement applicable to the work performed or services provided.

**(3) Cross Connection Control Program (Backflow Prevention).** The Airport Commission has determined that regulations established by the Airport’s Cross-Connection Control and Backflow Prevention Program, under California Health and Safety Code sections 116800 and 116805 and Title 17, California Code of Regulations section 7584, are necessary and appropriate to protect the SFIAWS and the Airport’s potable water supply. All commercial operators shall comply with the Cross-Connection Control and Backflow Prevention Program included in Appendix E, Potable Water Service and Supply. The State Water Resources Control Board and San Mateo County Environmental Health Services are considering updates to state and local cross-connection control regulations. Commercial operators shall comply with any approved updates to those regulations.

**(4) Water Meters**

**(a)** All water acquired from the SFIAWS must be metered.

**(b)** All commercial operators responsible for ensuring that an Airport facility has access to the SFIAWS shall submit an application on a form provided by the Airport and submit it to the Planning, Design and Construction Division, Mechanical Engineering section, 30 days prior to the physical connection of the service pipe to the facility pipe.

**(c)** Each individual operator or facility must furnish and install a smart water meter consistent with Airport specifications, unless otherwise approved by the Airport Water Service Inspector. The Airport in its sole discretion shall determine the type, location, and size of the water meter.

**(d)** Water service connections shall be installed by a licensed contractor at the commercial operator’s expense. Installation shall conform with all requirements set forth in permits issued by BICE and as approved by the Plumbing or Water Service Inspector.

**(5) Temporary Water Supply (Construction Meters).** To access the SFIAWS during construction, all contractors must use a hydrant meter issued by the Environmental Operations section of the Airport’s Facilities Division. Contractors must complete an application for a hydrant meter on a form provided by the Airport and submit the application along with a deposit to the Water Service group in the Environmental Operations section. Contractors must comply with all requirements for use of the hydrant meter and only at the locations specified by the Airport at the time the hydrant meter is issued. Any use of a hydrant meter will require, in addition to any other requirements established by the Airport, a reduced pressure type backflow prevention device to protect the SFIAWS and potable water supply.

**(6) Water Conservation.** All commercial operators shall take measures to reduce water use in their operations at the Airport and shall comply with all water conservation measures

instituted by the Director and as mandated by other agencies. No commercial operator shall waste or engage in inefficient use of water in their Airport operations. Where feasible, construction dust control and street sweeping operations shall use recycled water from the Mel Leong Treatment Plant (MLTP). For more information or to obtain a recycled water permit contact [bppp@flysf.com](mailto:bppp@flysf.com).

**(B) GENERAL WASTE WATER REQUIREMENTS.** Rule 8.6(B) shall apply to all commercial operators when operating on Airport property and when performing operations which generate discharges into storm drains, sanitary sewage, or industrial wastewater collection systems, which may affect the operations of the Airport's Mel Leong (Wastewater) Treatment Plant (MLTP) facility, or affecting the health of the Airport community or the quality of water in the San Francisco Bay

- (1)** Commercial operators shall prevent any pollutant or unauthorized discharges from entering the Airport's storm drains, sanitary and industrial wastewater collection systems, or in any other manner that would degrade the San Francisco Bay. Commercial operators must comply with the latest National Pollutant Discharge Elimination System (NPDES) Permits issued to the Airport by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB), all applicable general permits (such as the Construction General Permit) issued by the RWQCB or the State Water Resources Control Board, and the Airport's Stormwater Pollution Prevention Plan (SWPPP) for management of storm water runoff at the Airport. Commercial operators shall develop, implement, and maintain an active and effective pollutant minimization program in accordance with RWQCB directives to the Airport. Commercial operators shall respond promptly to Airport SWPPP surveys and inquiries that seek to resolve water quality, program compliance, or regulatory agency permit concerns. Tenants shall complete annually the Airport SWPPP training when requested to comply with the Airport's NPDES permit. Copies of the current orders and plans may be requested through [bppp@flysf.com](mailto:bppp@flysf.com). Authorized discharge limits into the Airport's wastewater collection systems are at the discretion of the MLTP.
- (2)** Commercial operators must comply with the Airport's Bay Pollution Prevention Compliance Program, which requires employee training, pollution prevention, and operational pretreatment in order to ensure that authorized discharges are routed to the proper waste water collection system and to prevent the discharge of any contaminated liquid to the Airport storm drain system or slug lodgings to the industrial or sanitary collection systems.
- (3)** Whenever a pollutant or illicit/unauthorized discharge of any kind occurs at any location within the Airport, including when a Hazardous Materials secure containment system is breached, the commercial operator, in addition to taking proper spill containment actions, shall immediately contact the Airport's Emergency Communications Center at 911, notify the Airport's and commercial operator's management personnel, and safely maintain a presence at the spill site. Commercial operators shall provide direct assistance, cooperate fully with the first responders, and take all reasonable containment actions to protect the public health, the public, and Airport property
- (4)** The Airport retains the right to sample and characterize the wastewater discharge at a tenant's point of connection to any of the Airport's collection systems, and to go even further upstream in the system within the tenants' leasehold area, to track the source of pollutants as necessary, or to direct the tenant to perform such tasks and to report the results to the Airport.
- (5)** Except as provided in Rule 8.6(B)(5), no commercial operator shall discharge or cause to be discharged into any of the Airport's sanitary, industrial, or storm water collection and treatment system any of the following:



- (a) Any liquid or vapor having a temperature higher than 120° F.
- (b) Any water or waste containing fat, oil, or grease originating from food preparation or food service ware cleaning, including cooking process oils or greases, new or used that contributes to a sanitary sewer overflow or NPDES permit exceedance. Any food preparation solid waste. All shredded food preparation solid waste shall be disposed of as solid waste.
- (c) Any solid debris such as ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, rugs, feathers, tar, plastic, wood, or any other solid or viscous substances capable of obstructing or interfering with the proper operation of the Airport's collection and treatment systems.
- (d) Any Hazardous Materials, sediment, or debris that could obstruct or interfere with the proper and effective operation of any Airport collection system. Any waste containing gasoline, benzene, naphtha, fuel oil, petroleum, jet fuel, waste oil, or other flammable, hazardous, or explosive solid, liquid, or gas. Any process waters or waste containing a toxic or poisonous substance, alone or in combination with other discharges that cause interference, pass-through of pollutants, biosolid/sludge contamination, or constitute a hazard to humans, animals, public or private property, or adversely affects the quality of the treatment plant effluent, biosolids/sludge, or any receiving water body. Any noxious or malodorous gas, or substance in a quantity capable of creating a public nuisance.
- (e) Any waste containing measurable or harmful levels of a radioactive substance.
- (f) Any type of foam or foaming agent; provided that, in the event of a fire, fire containment should be the immediate priority. All foam spills or discharges must be reported immediately by calling 911. Commercial operators shall contain and haul the foam off site for appropriate treatment, in conformance with Rule 6 of these Rules and Regulations, and shall provide a copy of the manifest to Airport Environmental Operations at bppp@flysf.com. Foams of concern include but are not limited to: Aqueous Film Forming Foam (AFFF) C-8 and C6; Alcohol-Resistant AFFF (AR-AFFF); synthetic – medium or high expansion types (detergent); Class "A" foam concentrate; Wetting Agent; and Film Forming Fluoroprotein (FFFP).

### (C) INDUSTRIAL WASTEWATER

- (1) No pollutants or industrial substances capable of upsetting or passing through the Airport's Industrial Wastewater Treatment Plant shall be discharged into the Airport Industrial Wastewater system in concentrations that cause a failure to the treatment plant or an exceedance of the Airport's NPDES permit requirements. The discharge limits for all heavy metals at a minimum shall be controlled by the limits listed in the Airport's current NPDES permit.
- (2) Concentrated industrial waste that exceeds the Airport's acceptance limits, including organic and petroleum oils, shall be collected, in approved tanks, bins, or sumps and periodically removed from the Airport. On request, the commercial operators shall submit disposal reports to the Environmental Operations section, including information on the time and date, amount of waste removed, and name of the carrier and treating entity. Commercial operators shall maintain chain of custody and manifest records and provide them for Airport inspection in compliance with regulatory agency requirements.

- (3) Commercial operators must monitor and report industrial waste discharges to Airport's collection system and comply with proper sampling and analytical procedures. At the discretion of the MLTP, when necessary, commercial operators shall comply with the Whole Effluent Toxicity Testing Requirements in the Airport's NPDES permit. Any analytical method used must comply with the detection limits required by regulatory agencies.
- (4) Commercial operators operating any form of pretreatment equipment that discharges directly into the Airport's industrial system shall routinely monitor, inspect, and maintain such equipment in proper working order and operate such equipment within its operational limits. Commercial operator staff operating this equipment shall be trained and acceptably knowledgeable in its operation and maintenance, as provided in the Airport's SWPPP.
- (5) Commercial operators shall perform aircraft maintenance only in designated areas and shall have proper spill kits and industrial waste collection devices readily available at work site. All inoperable vehicles or equipment not being used or not scheduled for imminent repair shall be removed from Airport property. Drip pans shall be used for any vehicles or equipment not in active use. Commercial operators must maintain the pavement and clean all oil stains. Vehicles and equipment washing shall only be performed in areas where wash water drains to the industrial system or to a closed sump are available. No wash water is permitted to enter the sanitary or storm drain system.
- (6) Commercial operators shall immediately notify Airport Communications at 911 when determining that any equipment or procedure is not functioning in accordance with authorized operational and discharge parameters.

**(D) SANITARY WASTEWATER**

- (1) Only sanitary wastewater shall be discharged into the sanitary system. No industrial wastewater or storm water runoff shall be discharged to any sanitary system. Nor shall any tank, bucket, or other container containing petroleum hydrocarbons or industrial waste be emptied into any toilet, sink, sump, or other receptacle connected to the sanitary or storm drain system. Commercial operators shall not allow or cause an illicit or unauthorized product discharge into the sanitary systems through floor drains, toilets, sinks, or any other access port of these systems. Commercial operators shall maintain verifiable records of appropriate product disposal.
- (2) No unapproved or unauthorized collection device or piping may be connected or cross-connected into the Airport's sanitary system. Commercial operators shall promptly notify Airport upon discovery of an illicit connection or cross-connection.
- (3) All food preparation facilities, including restaurants, shall properly size and maintain FOG traps or interceptors connected to their wash water process discharge. Commercial operators shall comply with maintenance schedule and requirements specified by the Airport's plumbing inspector and maintain accurate and complete records of their maintenance program. The use of floor drains or lavatories to dispose of cooking grease or food waste is prohibited. Food preparation operators shall use pretreatment equipment to remove solid debris, including food waste, from entering the sanitary system. Food preparation operators shall ensure that dishwasher discharges are directed only to a sanitary sewer line and do not flow through a grease trap or grease interceptor.
- (4) No concentrated sanitary wastewater collection system clearance chemical or process component shall be discharged into the sanitary system without prior written approval from the MLTP. Portable sanitary facility discharge operations, such as aircraft lavatory collections, shall discharge only at permitted locations and shall be operated in a careful

and efficient manner, such that the disposal site is acceptably maintained and spills do not escape the disposal site. Spills outside of the disposal site shall be immediately called into 911. The commercial operator responsible for an unauthorized lavatory discharge shall be responsible for the cost of all cleanup and recovery operations. Operational personnel shall be trained in the proper and careful operation of the equipment and material. Repeated violations shall be cause for revoking lavatory service operating permit.

**(E) STORM WATER**

- (1)** Commercial operators shall not cause unauthorized discharges into the Airport's storm water system. Only clean storm water runoff shall be discharged to the storm water system. Any discharge of non-storm water product into the storm water system is prohibited unless approved in writing by the Airport's Bay Pollution Prevention Program. Commercial operators shall stock spill kits/carts located near any area where fueling is taking place. Commercial operators are responsible for maintaining the spill kits/carts on a regular basis.
- (2)** No sanitary sewage, kitchen waste, putrescible organic waste, industrial process waste, solid debris or Hazardous Materials shall be discharged to the storm water system. Commercial operators performing any industrial or sanitary wastewater treatment processes shall employ all appropriate measures to prevent and eliminate unauthorized and unacceptable discharge into the storm water system.
- (3)** Commercial operators shall maintain a current and accurate site storm drainage drawing. Commercial operators shall practice effective housekeeping to prevent any storm water carry-off of debris, trash, sediment, spillage, or contaminants into the storm water system.
- (4)** Commercial operators shall comply with the Airport's SWPPP and when appropriate submit for review a SWPPP that is current, site-specific to each local operation, and acknowledges the commercial operator's responsibility to protect the San Francisco Bay. Commercial operators shall maintain on site and train staff to properly operate and maintain pollution prevention and pretreatment equipment as listed in the submitted SWPPP.
- (5)** When appropriate, commercial operators must maintain on site, submit a copy to the Airport, and actively implement a current and certified Spill Prevention Control and Countermeasures (SPCC) Plan and a hazardous waste management plan.
- (6)** No commercial operator shall use deicing procedures without first submitting a deicing plan to the Airport Environmental Operations Section at (650) 821-8380. The deicing plan shall include the following information:

  - (a)** Type of deicing fluid to be used (deicing products shall not contain urea)
  - (b)** Method of application
  - (c)** Rate of application
  - (d)** Estimated duration of application
  - (e)** Storm water runoff catch basin protection method
  - (f)** Deicing fluid waste removal and disposal method



Commercial operator must notify Airport Operations Duty Supervisor at (650) 821-3355 prior to commencing deicing operations. Discharge of deicing fluid waste into any storm water catch basin is prohibited, and commercial operators shall seal the adjacent storm runoff catch basins prior to deicing operations. The rate of application of deicing fluid shall be controlled to minimize pooling of deicing fluid at the application site and prevent any overspray that may impact the terminal facility or other aircraft. All residual deicing fluid waste shall be removed from the surface of affected tarmac area immediately following the aircraft departure. Commercial operators must ensure that all deicing fluid dispensing and storage equipment remain in good working condition. All deicing fluid waste collected at the application site shall be discharged into authorized industrial waste wash racks or pump stations as instructed by MLTP at (650) 821-8350. Commercial operators are responsible for all costs associated with deicing fluid recovery, mitigation, and fines incurred by the Airport as a result of commercial operator's use or misuse of deicing fluid.

- (7) If an unauthorized discharge occurs, responsible commercial operator shall immediately contact Airport Communications at 911 and maintain presence at incident location to guide the first responders. The responsible party shall promptly take all actions to identify and contain any spill. Failure to promptly and effectively respond to an unauthorized discharged which impacts the storm drain system shall be subject to a fine under Rule 14 of these Rules and Regulations. The Airport reserves the right to impose on the responsible party any and all fines and costs incurred to correct or resolve unacceptable conditions due to any unauthorized discharge into the storm drain system.

## RULE 9.0

### COMMERCIAL ACTIVITIES ON AIRPORT PROPERTY

#### 9.1 AIRPORT OPERATING PERMIT REQUIRED

No person shall operate as a scheduled air carrier from the Airport unless in possession of a valid Airport Operating Permit or unless a signatory to an Airport/Airline Lease and Use Agreement or Airport Landing Fee Agreement for San Francisco International Airport.

#### 9.2 OPERATING A BUSINESS ON AIRPORT PROPERTY

No person shall operate or promote a business on Airport property without first obtaining a valid Airport Operating Agreement, permit, lease, or other written permission granted by the Director (see also Rule 3.3).

~~Any vendor engaged in the business of delivering goods or providing services within the AOA, Secured, or Sterile Areas to any Airport tenant, air carrier, concession, or any other leaseholder must possess a valid Airport Vendor Permit. Vendors without a valid Vendor Permit will not have access to the AOA, Secured, or Sterile Areas.~~

Any vendor engaged in the business of delivering goods or providing services anywhere on Airport property to, for, or on behalf of any tenant must have written permission granted by the Director in the form of a Vendor Permit or other permit or license. This requirement applies to any commercial operation, including but not limited to any internet-based digital commercial activity, to, for, or on behalf of any tenant and regardless whether the vendor has a physical presence on Airport property or reaches a tenant and/or passengers only through digital means. For example, an entity facilitating for one or more concession tenants app- or web-based food ordering by Airport passengers would be subject to this requirement. (AOB 21-02.)

#### 9.3 AIRPORT INFRASTRUCTURE

For purposes of this Rule 9, the term infrastructure shall include but not be limited to cables, wires, conduit, pipes, internet connections, and related technologies including wireless technologies on Airport property. No person shall use, modify, or impact any Airport infrastructure without the express written permission of the Director. Additionally, no person shall add, install, supplement, remove, or operate infrastructure on Airport property, whether connected to or independent of Airport infrastructure, without the express written permission of the Director. See also Rule 7.5, Video Monitoring and Recording Devices and see Rule 9.6.

#### 9.4 AIRPORT MAPPING

As a matter of security and safety for the traveling public, the Airport owns and controls all mapping of its property and facilities. No person shall depict the Airport either digitally or physically or publish any type of Airport map in any format without the express written permission of the Director. Additionally, no person shall collect data, coordinates, measurements, photographs, or other information regarding any Airport property, building, or facility without express written permission of the Director.

#### 9.5 ON-SITE PERSONNEL

Every commercial enterprise doing business at the Airport under permit, lease, or contract shall designate one or more responsible employees available on-site at all times while the enterprise is transacting business at the Airport. This Rule applies to all commercial operators but particularly for airlines and their contractors, whenever an airline is using a terminal gate and/or conducting passenger operations, and concessions, whenever a concession is open for business. The designated responsible on-site personnel must have authority to make decisions concerning minute-to-minute business operations and to react

(such as by moving an aircraft) in the event of unanticipated situations including but not limited to Airport safety or security concerns, customer service impacts, operational necessities, or emergencies. A commercial operator may apply for a qualified exception from this Rule 9.5 by written request documenting a proposed alternative plan; the request shall be directed to the Airport Chief Operating Officer and shall not be effective until accepted in writing. Failure to comply with this Rule 9.5 or with an alternative plan approved by the Chief Operating Officer shall result in an administrative fine under Rule 14 of these Rules and Regulations.

#### **9.6 CONSTRUCTION ACTIVITY ON AIRPORT PROPERTY; AIRPORT BUILDING REGULATIONS**

No person shall perform any construction activity, renovation, alteration, improvement, demolition, excavation, installation, or repair of any building, structure, infrastructure, utility or similar facility on Airport property without the written permission of the Director. See also Rule 9.3. All such activity is subject to the Airport Building Regulations, attached to these Rules and Regulations as Appendix F and incorporated as if set forth here in full, and the Airport Architecture and Engineering Standards as directed in writing. All tenant activity subject to this Rule 9.6 shall also comply with the Tenant Improvement Guide (TIG).

Tenants and contractors engaging in any construction activity as provided in this Rule 9.6 shall designate a Security Champion to assure compliance with security protocols for construction sites (see also Rule 7), as provided in Airport construction contract documents and the TIG. (ASB 20-03)

**RULE 10.0****TRIP REDUCTION RULE****10.1 PROGRAM OBJECTIVES**

The Airport is committed to reducing greenhouse gas emissions wherever possible. To support this commitment, all Covered Employers as defined in this Rule 10 shall cooperate with the Airport's Commuter Benefits Program Coordinator to organize and make available to all Covered Employees information regarding commute alternatives. Such alternatives include public and common carrier ground transportation, carpools, vanpools, and bicycling. Commute alternatives shall be described in new employee orientation materials, and all Covered Employers shall regularly encourage their employees to use commute alternatives.

**10.2 REQUIREMENTS OF ALL AIRPORT TENANTS AND CONTRACTORS UNDER INDIVIDUAL TENANT AGREEMENTS WITH 20 OR MORE EMPLOYEES IN THE UNITED STATES****(A) Scope of Program**

Each Covered Employer shall implement a Commuter Benefits Program (CBP) within the time frame specified in Rule 10.2(B), below. The CBP shall include the following definitions:

- (1) Airport:** the San Francisco International Airport.
- (2) Covered Employee:** any person who:
  - (a) performs an average of at least ten (10) hours of work per week for compensation within the geographic boundaries of the Airport for the same Employer within the previous calendar month; and
  - (b) qualifies as an employee entitled to payment of a minimum wage from the Employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission, or is a participant in a Welfare-to-Work Program.
- (3) Covered Employer:** an Employer for which an average of twenty (20) or more persons per week perform work for compensation in the United States, but shall not include governmental entities. In determining the number of persons performing work for an Employer during a given week, all persons performing work for compensation on a full-time, part-time or temporary basis, including those who perform work outside of the geographic boundaries of the Airport, shall be counted, including persons made available to work through the services of a temporary services or staffing agency or similar entity.
- (4) Fare Instrument:** any pass, token, fare card, voucher, smartcard or similar item entitling a person to transportation on public or common carrier ground transportation in Northern California within the meaning of 26 U.S.C. § 132(f)(5)(A), as the Federal law may be amended from time to time, including but not limited to, travel by ferry, bus, or train operated by public or common carriers.
- (5) Tenant:** a leaseholder, permittee or other occupant of land or premises within the boundaries of the San Francisco International Airport, and his or her sublessee or duly authorized agent.

- (6) **Vanpool:** means a 'commuter highway vehicle' within the meaning of 26 U.S.C. § 132(f)(5)(B), as the federal law may be amended from time to time, which currently means any highway vehicle:
- (a) the seating capacity of which is at least 6 adults (not including the driver); and
  - (b) at least 80% of the mileage use of which can reasonably be expected to be (1) for the purpose of transporting employees in connection with travel between their residences and their place of employment; and (2) on trips during which the number of employees transported for such purposes is at least ½ of the seating capacity of such vehicle (not including the driver).

**(B) Commuter Benefits Program**

This rule will take effect within six (6) months of the issuance of a Covered Employer's lease, operating permit or other agreement with the Airport, including any management agreement. All Covered Employers shall provide at least one of the following commuter benefits programs to Covered Employees:

- (1) **Pre-Tax Election:** A program, consistent with 26 U.S.C. §132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for fare instruments or vanpool charges (but not for parking), up to the maximum level allowed by federal tax law, 26 U.S.C. 132 (f)(2), which is Two Hundred Fifty Five Dollars (\$255) per month for transit or vanpool costs, and \$20 per month annualized for qualified bicycle commuting costs as of January 1, 2016;
- (2) **Employer-Paid Benefit:** A program whereby the Employer supplies or reimburses, at the request of each Covered Employee: (1) fare instrument(s) for public and/or common carrier ground transportation or vanpool charges at least equal in value to the purchase price of the designated benefit, an adult San Francisco MUNI Fast Pass with BART access, which costs \$94 per month as of July 1, 2017, and subject to change; or (2) reimbursement of all qualified bicycle commuting costs as defined by 26 U.S.C. § 132(f)(5)(F)9i), up to \$20 per month annualized.
- (3) **Employer-Provided Transportation:** Transportation furnished by the Employer at no cost to the Covered Employee in a multi-passenger vehicle operated by or for the employer serving a BART station. In the event BART does not provide service to the subject station for 24 hours or longer, said transportation shall serve the most convenient Caltrain station, SamTrans bus stop, and ferry terminal as needed by participating employees.

**(C) Tenant Liaison**

Tenants shall appoint a Liaison who is responsible for the implementation of the Commuter Benefits Program and for fulfilling the requirements of this Rule.

**(D) Contractors Under Individual Tenant Agreements**

Airport tenants are responsible for ensuring that their contractors comply with this Rule. Alternatively, tenants may allow contractors to work directly with the Airport to comply with this Rule, provided that all such agreements are in written form.

**10.3 PENALTIES FOR NON-COMPLIANCE**

Covered Employers who fail to comply with the provisions of this Rule 10 may be subject to administrative fines of \$100 for each day of non-compliance.

## RULE 11.0

### NOISE ABATEMENT REGULATION

#### 11.1 PURPOSE

The Airport Commission of the City and County of San Francisco ("Commission") promulgates this regulation to provide for a continual reduction of cumulative noise resulting from aircraft operations at San Francisco International Airport ("SFIA") in accordance with the Commission's authority as proprietor of SFIA, the Charter of the City and County of San Francisco, and the provisions of Title 21, Sub-chapter 6 of the California Administrative Code, while allowing SFIA to continue its historic function as the leading gateway to the Pacific, as a vital contributor to a strong and growing economy, and as a major source of employment for the Bay Area. Airport Commission Resolution #88-0016 provides for the administration of the Airport's Noise Abatement Program and has been amended as follows: Effective July 16, 1991 by Resolution No. 91-0099, and on July 7, 1992 by Resolution No. 92-0202 and on December 7, 1993 by Resolution No. 93-0248 and on January 17, 1995 by Resolution No. 95-0015 and on November 20, 2001 by Resolution No. 01-0354.

#### 11.2 EFFECTIVE DATE

This regulation shall become effective upon its adoption by resolution of the Commission, pursuant to the powers and duties vested in the Commission by the Charter of the City and County of San Francisco, and shall remain in effect until amended or repealed.

#### 11.3 DEFINITIONS

Whenever used in Rule 11, the following terms shall have the meanings set forth below.

**"Aircraft"** - all subsonic transport category large airplanes, subsonic turbojet powered airplanes and supersonic transport category airplanes, which were ever certificated or recertificated at a maximum gross takeoff weight in excess of 75,000 lbs., whether certificated or recertificated by the United States or by a foreign country.

**"Operation"** - an aircraft landing or takeoff.

**"Operator"** - an entity that exercises operational control over an aircraft. Operational control includes, among other matters, control over scheduling, routes, or choices of aircraft.

**"Preferential Runway Use Program"** - written procedures concerning the performance of operations at SFIA to minimize the noise impact of such operations, applicable when air safety, air traffic, and meteorological conditions permit.

**"Preferred Departure Procedure"** - an aircraft operating procedure, approved by either the Federal Aviation Administration (FAA) or the International Council Aeronautical Organization (ICAO), to be used to reduce noise impacts during the initial phase of flight.

**"Stage 2 Aircraft"** - an aircraft that is certificated by the FAA as complying with the noise levels prescribed in 14 C.F.R. Part 36, Appendix C, Section 36.5(a)(2), or is certificated in accordance with Chapter 2 of Annex 16 to Article 37 of the International Civil Aviation Organization Convention.

**"Stage 3 Aircraft"** - an aircraft that is certificated by the FAA as complying with the noise levels prescribed in 14 C.F.R. Part 36, Appendix C, Section 36.5(a)(3), or is certificated in accordance with Chapter 3 of Annex 16 to Article 37 of the International Civil Aviation Organization Convention.

**11.4 REGULATION****(A) Stage 3 Requirement for Aircraft**

Upon the effective date of this regulation, an aircraft will be permitted to commence or continue operation at SFIA only if it is a Stage 3 aircraft.

**(B) Auxiliary Power Unit (APU)**

To reduce the impacts of jet fuel emissions on the environment and improve conditions and safety for airfield personnel, operators are required to use 400Hz ground power and air sources where available, connect to those sources, and discontinue APUs promptly (within five minutes) after chocking the aircraft wheels upon parking at the apron, regardless of the duration at the gate. APUs may be used when aircraft are being towed.

- (1) APU use is not authorized without prior permission from Airport Operations, during the use of ground power and pre-conditioned air until a set amount of time prior to the scheduled time of departure as follows: (a) 15 minutes for Code C aircraft (specified in ICAO Annex 14) or (b) 25 minutes for Code D or above aircraft (specified in ICAO Annex 14), except A380 aircraft or (c) 45 minutes for A380 aircraft.
- (2) All aircraft scheduled to be at a gate between 2200 – 0700 hours are required to use 400Hz ground power and pre-conditioned air, where available, regardless of the duration at the gate. APU's are not authorized without prior permission from Airport Operations, during the use of ground power and pre-conditioned air until 30 minutes prior to push-back.

**(C) Aircraft Engine Run-ups**

High Power run-ups of mounted aircraft engines for maintenance or test purposes are prohibited except as provided below:

- (1) All aircraft shall be started and run-up in locations designated for such purposes by the Director. Engine run-ups are prohibited at Plot 2. Aircraft engines shall not be operated in such position that persons, structures or property may be endangered by the path of the aircraft propeller slip-stream or jet blast.
- (2) No aircraft engine exhaust, blast, and/or propeller wash shall be directed in such manner as to cause injury, damage, or hazard to any person, structure, or property.
- (3) The Airport Operations Supervisor will not approve any engine run-up more than two hours prior to the aircraft's scheduled departure between the hours of 2200-0700, without proper justification from the operator or airline concerned.
- (4) An idle check of a single engine is allowed under the following conditions:
  - (a) An idle check of a single engine not to exceed a 5-minute duration may be conducted in the lease hold area. If more than one engine is to be checked, each engine must be checked separately and the cumulative duration of the idle checks cannot exceed 5-minutes.
  - (b) Idle checks of a single engine or multiple engines (checked separately) which will exceed a duration of 5-minutes will be accomplished in the designated run-up areas. For purposes of noise abatement monitoring, this will be considered a power run-up.

- (5) During the hours of 2200 – 0700, the Operations Supervisor shall be called and permission received prior to any engine idle check or engine idle run-up, including any idle run for more than a cumulative duration of 5-minutes.

During other hours, the Operations Supervisor shall be called and permission received prior to any engine run-up.

Any request for an engine run-up clearance during the hours 2200 – 0700, other than that described above, which is the result of unusual or emergency circumstances, may be approved by the Airport Operations Supervisor. When approved and accomplished, the Maintenance Supervisor of the airline concerned must provide to the Director a monthly report detailing the following:

- (a) Date and time of the run-up
- (b) Type of aircraft
- (c) Aircraft identification number
- (d) Location of the run-up
- (e) Duration of the run-up
- (f) An explanation of the unusual or emergency circumstances making the run-up necessary

Reports will be submitted to the Director, Attn: Airport Operations, within three working days after the last day of each calendar month.

**(D) Noise Abatement Procedures**

To reduce the impacts of aircraft noise in surrounding communities, particularly between the hours of 2300 and 0700, the Airport encourages the use of the following procedures.

- (1) Depart on Runway 10.
- (2) When departing on Runway 28L/R, use the Shoreline Departure procedure whenever possible.
- (3) When departing straight out on Runway 28L/R use the appropriate ICAO A or AC 91-53A noise abatement climb procedure for communities close to the airport.
- (4) Use the Quiet Bridge Approach to Runway 28L/R.

**(E) Variances**

- (1) Upon the effective date of this regulation, requests by operators for a variance from any provision of this regulation must be made in writing to the Director at least 60 days prior to the date of the requested variance. Every request for a variance shall be reviewed by the Director or his designated representative. Among other factors, the noise impact on the surrounding community and the fairness to other operators, which are in compliance with this regulation, shall be considered in determining whether a variance should be granted.
- (2) The Director shall notify the operator in writing whether a variance is granted and include any instructions or restrictions pertaining to the waiver.



**(F) RUN-UP CLEARANCE AND EXEMPTIONS**

The Airport Operations Supervisor on-duty during nighttime hours (2200 – 0700) responsibilities include monitoring compliance with the Airport's run-up clearances and responding to requests for exemptions.

**11.5 CONSTRUCTION OF THE REGULATION**

References in this regulation to Federal Aviation Regulations, 14 C.F.R. Part 36, are not intended to incorporate into this regulation the construction, regulatory purpose or specific application given by the Federal Aviation Administration or any court to those provisions. This regulation is designed to accomplish distinct regulatory goals dictated by the peculiar local conditions existing at SFIA. The Commission shall be the final authority on the interpretation, regulatory purpose, and application of all aspects of this regulation to all aircraft seeking permission to commence operation or to continue operation at SFIA.

**11.6 SEVERABILITY**

If any portion of this regulation or if any application of this regulation is held unconstitutional or otherwise unlawful, the remainder of this regulation and the remaining applications of this regulation shall not be affected thereby.

**11.7 REPEAL**

Commission Resolution 78-0131 and all Airport Operations Bulletins (AOB) issued thereunder are repealed as of the effective date of this regulation. In addition, the following AOB's are also repealed:

- 84-07 AOB Noise Abatement Regulation
- 85-06 AOB Aircraft Engine Run-ups
- 85-07 AOB Noise Abatement Regulation
- 88-01 AOB Maintenance Exemption from SFO Noise Regulation
- 88-02 AOB Variance Procedures
- 88-03 AOB Preferential Runway Use
- 88-04 AOB Implementation of Noise Regulation
- 88-07 AOB Reporting Requirements of Noise Regulation
- 90-06 AOB Auxiliary Power Units
- 91-02 AOB New Scheduled Operations between 2300 and 0700 hours
- 92-02 AOB Late Night Stage 2 Operations
- 93-01 AOB Operation of Stage 2 Aircraft between 2300 and 0700
- 93-03 AOB Percentage Stage 3 Requirement
- 98-05 AOB Percentage Stage 3 Requirement
- 98-06 AOB International Operators Percentage Stage 3 Requirement
- 99-03 AOB Operation of Stage 2 Aircraft between 1900 and 0700 hours
- 01-02 AOB Gate Restrictions for Auxiliary Power Units (APU)

**RULE 12.0****WORKFORCE HARMONY****12.1 LABOR PEACE/CARD CHECK RULE**

An Employer/Contractor shall enter into a Labor Peace/Card Check Agreement, as defined in Appendix C of these Rules and Regulations, with any Labor Organization requesting such an agreement and which has registered with the Director.

**12.2 WORKER RETENTION POLICY**

The Worker Retention Policy is appended to these Rules and Regulations as Appendix D. The Worker Retention Policy applies to contractors, tenants, and permitted operators, and their respective subcontractors, that employ workers who perform essential services at the Airport on a regular and ongoing basis for the benefit of the travelling public, which services include, but are not limited to, parking garage and curbside management operations, information booths, concessions (food & beverage, retail, and passenger services), the SFO Medical Clinic, intra-airport transportation services, on-airport rental car operations, and services by service providers covered under the Airport's Quality Standards Program, excluding airlines.

## RULE 13.0

### FREE SPEECH AND EXPRESSIVE ACTIVITIES

#### 13.1 FINDINGS

The Airport is designed, operated and maintained as a facility for air transportation. The Airport was not designed and is not intended for use as a public forum for free speech activities. If left unregulated, free speech and expressive activities—such as proselytizing and cause advocacy, as well as leafleting and picketing—could negatively impact the Airport and the traveling public in a number of ways, including exacerbating congestion and delay, causing confusion and duress for the public and compromising public safety and security.

##### (A) Congestion and Delay

In fiscal year 2018, the Airport served more than 55 million passengers and is forecast to serve as many as 71 million by 2029. Air travelers are often on a tight schedule. They may be required to wait in lines at ticket counters, security check-points and other facilities. Departing travelers need to move quickly from BART, buses and cars, through ticket counters and check-in areas, to security checkpoints and departures gates beyond. Passengers with connecting flights need to move quickly from one gate area to another, sometimes changing terminals and exiting and reentering secured areas. Arriving passengers need to retrieve bags and connect with surface transportation, such as vans, taxis, limousines, buses, BART or cars.

The Airport has designed its terminal buildings, corridors, roads and parking areas to reduce congestion and facilitate the rapid and efficient movement of large numbers of people. Elevators, escalators, connecting corridors and moving walkways help travelers move quickly through the Airport. Facilities have been designed to assist navigation and movement while avoiding visual clutter and blight that can contribute to stress. The Airport closely monitors and regularly modifies its hallways, throughways and passenger security checkpoints to accommodate new amenities and facilities, evolving TSA technology and screening procedures, and changes in passenger flows.

In the absence of appropriate regulation, free speech activities—and particularly solicitation for the immediate receipt of funds—have the potential to disrupt passenger flows, increase congestion, and contribute to missed flights and travel delays.

##### (B) Confusion and Duress Relating to Solicitation of Funds

The Airport's customers may be susceptible to undue pressure, misrepresentation, duress or even fraud from persons engaged in solicitation for immediate receipt of funds. Airport travelers are often unfamiliar with their immediate surroundings, and may be fatigued and under time pressure. Some have mobility challenges. Others are young or elderly. Some speak little or no English.

The Airport has received over 125 complaints related to free speech activities and to the solicitation of funds, even though air travelers often forego making formal complaints due to time restrictions. Airport customers have complained that solicitors delayed them; behaved in a rude, offensive, harassing, intimidating or confrontational way; asked to review passports and traveling documents; misrepresented themselves as Airport or security personnel in order to get money; and defrauded, duped, conned, and cheated them:

"[Solicitor] ...started shouting at [traveler] and following him shouting through the terminal."

"The people asking for donations should not be [ ] harassing customers who are in a rush to get on a plane."

"They also intimidate people as well as harass non-English speakers."

"I thought they were security until they flagged me down and detained me with misleading information."

"Don't appreciate being scammed..."

"There are people ... misrepresenting themselves as airport employees asking for donations from passengers...I felt I was taken advantage of."

"Solicitor – he is very rude and says he is the information person then hits you up for a donation."

"[Solicitor] called out to me and asked to see my boarding pass. He tore off top page...then asked to see my driver's license...[solicitor] asked me if I would be willing to make a donation. At that point I realized he was a fraud and not a security agent at all."

### **(C) Safety and Security**

The Airport is a potential target for terrorist attack. The Airport is both a large domestic hub and a major international airport. The Airport is also one of the iconic symbols of the City and County of San Francisco, which the Department of Homeland security has identified as a high profile area at risk for terrorist attack. To deter attack, the Airport is mandated by the Transportation Security Administration (TSA) to implement the highest available security measures. In addition, the Airport must maintain the flexibility to adjust its operations on little or no notice to comply with federal security directives issued in response to perceived or actual threats against air travel.

The entire Airport is a security-sensitive environment. Multiple layers of security measures are in place throughout, not only at and beyond the ticketed-passenger screening checkpoints. Federal and local law enforcement and Airport operations personnel monitor activities and maintain a security program in terminal areas outside the passenger check-point, in parking lots and on approach roads. Free speech activities, like all activities at the Airport, must be conducted consistent with a strong and effective security program.

### **(D) Conclusion**

For all of these reasons, the Airport Commission finds that unrestricted use of the Airport for free speech and expressive activities threatens to compromise the Airport's primary air travel mission and impair the health, comfort and safety of air travelers and employees. The Airport Commission adopts the following reasonable restrictions in order to facilitate free speech activities consistent with the Airport's primary air transportation function; to maintain the health, security and safety of visitors and employees; to avoid confusion and undue duress; and to prevent congestion and facilitate the rapid and efficient movement of large numbers of people through the Airport.

## **13.2 GENERAL REQUIREMENTS**

- (A)** Free speech and expressive activities, including but not limited to proselytizing, cause advocacy, leafleting and picketing, are not permitted except in compliance with the permitting procedures described in Section 13.6.
- (B)** All free speech and expressive activities shall be conducted:
  - (1)** According to Rule 13 and all other Rules and Regulations;
  - (2)** In a peaceful and orderly manner, without physical harm, threat or harassment to others, and without obscenities, violence, breach of the peace, damage to property or other unlawful conduct; and

- (3) Without obstructing the use of the Airport for its intended purpose as an air transportation facility; without interference with the rapid, orderly and efficient movement of persons throughout the Airport; without misrepresentation or duress; and without compromising the safety and security of persons and property.

### **13.3 APPROPRIATE AREAS**

- (A) The Director has determined that only certain areas of the Airport provide a reasonable opportunity for free speech and expressive activities while not impeding the use of the Airport for its intended purpose of providing a safe and orderly facility for air transportation, including the efficient flow of pedestrian traffic and the maintenance of safety and security. The Director shall designate those areas where expressive activities may occur.
- (B) The Director may move, remove, or reduce the size of any previously-designated area as needed to respond to construction-in-progress, changes in pedestrian flow, evolving security requirements, or other appropriate circumstances.
- (C) The following areas do not provide a reasonable opportunity for free speech or expressive activities, and those activities are expressly prohibited:
  - (1) Air Operations Areas, Secured Areas and Sterile Areas;
  - (2) Roadways and thoroughfares for vehicles;
  - (3) Areas leased or assigned by agreement for use by airlines, airline service providers, restaurants, retail stores, other lessees or permittees, or areas within 10 feet of any such area;
  - (4) Airport Commission offices, work areas and facilities not open to the public;
  - (5) On or within 10 feet of any escalators, elevators, moving walkways, or interior baggage conveyance equipment;
  - (6) Inside of or blocking any doorway;
  - (7) Within 10 feet of any interior queue, including at ticketing and baggage check-in areas, security check-points, food and retail establishments, etc.; and
  - (8) On or within 50 feet of any construction site or construction equipment, except as may be required according to rights established under federal or state labor laws.

### **13.4 SOLICITING FOR THE IMMEDIATE RECEIPT OF FUNDS PROHIBITED**

- (A) The Airport has determined that solicitation for the immediate receipt of funds has been a particular source of disruption for Airport users and obstruction of the Airport's mission. Solicitation for immediate receipt of funds requires the recipient of the message to either stop in order to receive and consider the speaker's message or change course to avoid the message, both of which may obstruct passenger flows and cause delays. Listeners may need to set down bags and search for money or writing materials, blocking thoroughways and further contributing to delays. The Airport has received numerous complaints from Airport patrons stating that solicitors have misrepresented themselves—sometimes even behaving as if they are Airport representatives or security personnel—or have solicited in an aggressive or coercive manner. Over a period of years, the Airport has adopted reasonable regulations with the intent of mitigating these negative impacts. Despite the adoption and enforcement of appropriate regulations, problems have persisted and Airport patrons have continued to complain. Accordingly, to protect Airport patrons and preserve the Airport's primary function as an air transportation facility while

maintaining alternative channels of communication, the Airport issues the following restriction on solicitation for the immediate receipt of funds.

- (B)** No person shall solicit and receive funds inside the Airport terminals, in Airport parking areas, or on sidewalks or walkways adjacent to Airport buildings.
  - (1)** "Funds" shall mean money, property or anything else of value.
  - (2)** "Solicit and receive funds" shall mean any oral or written request for funds, where funds are immediately received.
- (C)** Nothing in this Rule is intended to prohibit distribution of literature, proselytizing, cause advocacy or solicitation for funds that will be received in the future, under an appropriate permit as provided in Rule 13.6.

### **13.5 PERMIT REQUIRED**

- (A)** No person shall engage in the conduct described in Rule 13.4 on Airport grounds without giving at least 72 hours written notice to and obtaining a permit from the Director. Notice is required in order to ensure that adequate measures may be taken to protect the public health, security, safety and order, to assure efficient and orderly use of Airport facilities for their primary purpose and to assure equal opportunity for expression.
- (B)** The Director may reduce or waive the 72 hour notice requirement if the permit applicant can show that the event or events giving rise to the permit application did not reasonably allow the applicant time to make an application within the time prescribed and that enforcement of the time requirement would place an unreasonable restriction on expressive activity.
- (C)** Written notice/permit applications shall be in writing and include the following information:
  - (1)** The full name, mailing address, and telephone number of the organization, group, person or persons on whose behalf the proposed activities will be conducted;
  - (2)** A general description of the proposed activities and the size and volume of any items to be handed out, displayed, or used in the proposed activities;
  - (3)** The number of people to be present at any one time;
  - (4)** The preferred date, hour and duration of the proposed activities;
  - (5)** Additional information, such as, for example, a particular audience that the applicant(s) wish to reach;
  - (6)** If proposed activities include solicitation for future receipt of funds, documentation supporting tax-exempt status.
- (D)** The Director will review the written notice/permit application and issue a permit if the following criteria, in the judgment of the Director, are met:
  - (1)** The proposed activities can be authorized in a manner that does not impede the operation of the Airport as an air transportation facility, and does not threaten the safety or security of others;
  - (2)** The proposed activities do not interfere with the ability of others to hear Airport announcements or see Airport signage, or interfere unreasonably with the ability of

airlines, concessionaires and other tenants and contractors to conduct their business in an orderly manner; and

- (3) The proposed activities do not hinder pedestrian flows, create congestion or block efficient movement of persons within and around Airport terminals and other facilities.
- (E) The Director shall apply the standards set forth in 13.6.D and, where the standards are satisfied, shall issue a permit within 72 hours of receiving the written notice/permit application.
- (F) The Director will designate a location, date and time for the proposed activities based on the following considerations:
  - (1) Safety and security procedures identified by federal and local security officials and Airport staff;
  - (2) Pedestrian flows, potential congestion, and areas needed to be kept clear for efficient movement of persons throughout the Airport;
  - (3) Reasonable access to the desired audience; and
  - (4) Availability of the requested space, date and time.
- (G) Where two or more persons or groups request the same location at the same date and time, the Director may issue permits on a first-come first-served basis or as the Airport determines in its sole discretion is the fair and appropriate accommodation for competing requests.
- (H) Permits shall be valid only for the date or dates specified on the permit. Applicants may request multiple days; however, all permits will expire at the end of each calendar month. Applicants may submit a new application for subsequent months.
  - (1) The Director reserves the right to issue identification badges to individuals who may be present repeatedly over a number of days. If the Director issues such a badge, the individual shall wear the badge above the waist on the outer garment of clothing at all times while present on Airport property. Badges must be clearly visible and must be shown to an Airport official or member of the public promptly upon request. Badges remain Airport property and must be relinquished immediately on request of the Director.
  - (2) The use of a musical instrument or noisemaking device, the playing recorded music or messages, or use of amplification equipment for free speech activities or expressive activities will be considered on an individual basis with consideration of the impact on the ability of the public to hear Airport announcements and/or the ability of Skycaps to conduct normal baggage check-in activities. Musical instruments, noise making devices and amplification equipment will not be permitted inside a terminal building
- (I) If the Director rejects a permit application, the Director shall provide a written summary specifying which standard the application fails to satisfy. The summary shall be provided at the time the applicant is informed of the denial.

### **13.6 PROHIBITED CONDUCT**

The following activities are prohibited, with or without a permit. Engaging in any of the following activities is grounds for suspension or revocation of a permit:

- (A) Engaging in free speech or expressive activities, including leafleting, proselytizing, picketing, or cause advocacy, in any area prohibited in Rule 13.4.c, or in any area or at a date or time other than the location, date and time specified in a valid permit.

- (B) Failing to wear an Airport-issued identification badge, above the waist on the outer garment of clothing, at all times, if one has been issued by the Director.
- (C) Refusing to show an Airport-issued identification badge, if one has been issued by the Director, to any Airport official or member of the public who asks to see it.
- (D) Blocking the path of, obstructing, or interfering with the movement of any person.
- (E) Touching another person or their property.
- (F) Misrepresenting oneself, including but not limited to representing oneself as a representative of the Airport, an airline, an Airport tenant or contractor, the State of California or the federal government.
- (G) Making verbal threats.
- (H) Requesting documents or personal information from others, including but not limited to requesting a patron's name, or requesting to see tickets, itineraries, boarding passes, driver's licenses or passports.
- (I) Promoting, advertising, or soliciting sales or business for any commercial enterprise, including but not limited to distributing free product samples or other promotional materials.
- (J) Placing signs, notices, posters, advertisements or other writing in, on or around Airport property, including but not limited to the interior or exterior of any terminal building, administration building or parking structure, or any roadway, utility or other infrastructure.
- (K) Creating a potential security threat by leaving literature, equipment, bags or personal items unattended.
- (L) Violating any security procedure, refusing or failing to comply with a written or oral instruction issued by the TSA, SFPD or other federal, state or local agency with responsibility for Airport security.
- (M) Refusing or failing to cooperate in an investigation of any complaint or allegation of violation of these rules.

### **13.7 SUSPENSION AND REVOCATION OF PERMITS**

- (A) The Director may suspend or terminate the permit of any person or organization who violates this Rule 13, Airport Rules and Regulations or state or federal law.
- (B) The Director shall issue a written notice of termination or suspension, which shall include the reason or reasons for the suspension or termination and the duration of any suspension. The suspension or termination shall be effective immediately upon personal delivery of the Director's notice to the permittee or certified mailing of the notice to the address provided on the permit application.
- (C) Upon termination for cause, the following persons and organizations shall be ineligible to apply for a permit for six months and any other permits held by such persons or organizations shall be deemed revoked:
  - (1) The person, persons or organization on whose behalf the permitted activities occurred;  
and



- (2) Any person who violated this Rule 13 or these Rules and Regulations resulting in the termination of the permit.

### **13.8 EMERGENCIES**

In the event of an emergency affecting the safety or security of Airport patrons, Airport property, or the integrity of the air transportation security system, the Director may suspend a permit immediately and without prior notice. The Director will restore any such permit as soon as reasonably practicable, consistent with security requirements.

### **13.9 EFFECTIVE DATE**

This Rule shall become effective on April 22, 2011, and shall apply to free speech and expressive activities on and after that date.

**RULE 14.0****ENFORCEMENT AND ADMINISTRATIVE APPEAL PROCEDURE****14.1 ENFORCEMENT GENERALLY**

The Airport, through any authorized Airport Commission employee or any Law Enforcement Officer, may cite infractions of these Rules and Regulations to any individual or business entity by issuance of a verbal or written Admonishment or a written Citation.

**14.2 GENERAL AND ADMINISTRATIVE FINES**

Any person or business entity violating or otherwise engaging in prohibited conduct under these Rules and Regulations may be subject to general and/or administrative fines as provided under this Rule 14. If the violator is an individual employee or agent of an Airport tenant or contractor, the fine may be assessed against the employer/tenant or contractor at the Airport's discretion.

All violations and respective fines may be cumulative of each other (one citation may contain multiple fines) and shall be imposed in addition to and neither exclusive nor preclusive of any other civil or criminal federal, state, or local fine or penalty under the law or of any other remedy available to the Airport under the law or under a lease, permit, or contract. An infraction may result in multiple charges to a tenant or contractor and/or its employee in the form of fines, fees, and charges under the applicable lease, permit, or contract. For example, a commercial ground transportation operator may receive a citation for speeding under the California Vehicle Code *and* a fine under these Rules and Regulations. The Airport reserves all rights with respect to its enforcement of these Rules and Regulations and of its leases, permits, and contracts.

The following list references violations by Rule and Regulation Rule, but may not be exhaustive of the entire Rules and Regulations as may be amended from time to time. The headings or titles above the Rules are solely for purpose of convenience and not intended to limit the scope of a listed Rule. In the event a prohibited activity described in the Rules and Regulations does not appear in the list below, the associated fine shall be charged under Category A.

| <b>RULE</b>            | <b>DESCRIPTION OF VIOLATION</b>                                    | <b>FINE CATEGORY</b> |
|------------------------|--------------------------------------------------------------------|----------------------|
| <b>GENERAL CONDUCT</b> |                                                                    |                      |
| 1.0                    | Airport Operations or Security Bulletin Violation                  | E                    |
| 3.3(C)                 | Bicycles and Other Devices                                         | B                    |
| <u>3.3(G)</u>          | <u>Damage to Airport Property</u>                                  | <u>E</u>             |
| 3.3(L)                 | Littering on Airport Property                                      | D                    |
| 3.3(Q)                 | Pedestrian Safety                                                  | B                    |
| 3.3(T)                 | SmarteCartes                                                       | B                    |
| 3.3(U)                 | Smoking or Using Electronic Cigarettes in a Prohibited Area        | E                    |
| 3.3(X)                 | Feeding or Otherwise Interfering with Wildlife on Airport Property | B                    |
| 3.5(B)                 | Employee Seating and Break Areas (employer)                        | B                    |
| 3.5(D)                 | Moving Airport-Owned Public Seating                                | B                    |
| 3.5(E)                 | Quiet Terminals Policy                                             | E                    |
| 3.5(G)                 | Wheelchairs (employer)                                             | E                    |
| 3.7                    | Airport-Owned Equipment Maintenance                                | E                    |

| RULE                                               | DESCRIPTION OF VIOLATION                                                                                                   | FINE CATEGORY |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------|
| 4.1(A)                                             | Violation Of Traffic Rules                                                                                                 | B             |
| 4.1(C)                                             | Speed Limits on Airport Roadways/Compliance with Signage and Roadway Markings                                              | B             |
| 4.4                                                | Improper Use Of Roadways and Walks                                                                                         | B             |
| 13.7                                               | Improper Use of Free Speech Permit                                                                                         | B             |
| <b>PARKING</b>                                     |                                                                                                                            |               |
| 4.2(A)                                             | No Parking – Restricted Parking Area                                                                                       | B             |
| 4.2(B)                                             | Unauthorized Parking                                                                                                       | B             |
| 4.2(C)                                             | Working Press Parking-2 Hours                                                                                              | B             |
| 4.2(D)                                             | Failure to Comply with All Signs and Road Markings                                                                         | B             |
| 4.2(E)                                             | Unauthorized Parking in a Handicapped/Disabled Parking Space                                                               | C             |
| 4.2(F)                                             | Unauthorized Parking in an Electric Plug-In Vehicle Charging Station                                                       | B             |
| 4.5                                                | Violating No Parking and No Stopping Signs, Obstructing Vehicle Flow                                                       | B             |
| 4.6                                                | Improper Use of a Curb Color Zone                                                                                          | B             |
| 4.7(B)(2)                                          | Picking up or discharging passengers or their baggage at any terminal level other than that designated for such purpose    | B             |
| 4.7(B)(3)                                          | Leaving a vehicle unattended, except in a designated staging area                                                          | B             |
| 4.7(B)(22)                                         | Staging in an unauthorized location (all GTOs)                                                                             | B             |
| 4.7(D)(1)(d)                                       | Staging in an unauthorized location (SF Taxis)                                                                             | B             |
| 4.7(D)(1)(g)                                       | Failing to remain in/with vehicle while in a curbside taxi queue                                                           | B             |
| 4.7(D)(1)(i)                                       | Improper use of a A-Card for parking garage access                                                                         | C             |
| <b>COMMERCIAL GROUND TRANSPORTATION OPERATIONS</b> |                                                                                                                            |               |
| 4.7(A)                                             | Failure to comply with permit terms, directives, and requirements of Rule 4.7(A)                                           | B             |
| 4.7(B)(1)                                          | Cutting in line, or jumping a taxicab lot, or bypassing a holding lot or ticket collection area before leaving the Airport | B             |
| 4.7(B)(4)                                          | Failure to provide a receipt on request                                                                                    | B             |
| 4.7(B)(5)                                          | Providing false information to Airport officials                                                                           | B             |
| 4.7(B)(6)                                          | Altered waybills, holding lot tickets or receipt                                                                           | B             |
| 4.7(B)(7)                                          | Failure to possess valid waybill unless not required by permit                                                             | B             |
| 4.7(B)(8)                                          | Lack of or improper trade dress, placard, TCP number, decal, logo                                                          | B             |
| 4.7(B)(9)                                          | Failure to activate, deactivating, tampering with or evading trip counting devices                                         | C             |
| 4.7(B)(10)                                         | Soliciting passengers                                                                                                      | C             |
| 4.7(B)(11)                                         | Recirculating or looping                                                                                                   | B             |
| 4.7(B)(12)                                         | Use/possession of alcohol, narcotics or controlled substances                                                              | C             |
| 4.7(B)(13)                                         | Profanity or Vulgarity                                                                                                     | B             |
| 4.7(B)(14)                                         | Soliciting Excessive Fees                                                                                                  | C             |
| 4.7(B)(15)                                         | Solicitation on Behalf of Hotel, Motel, or any Other Business                                                              | B             |
| 4.7(B)(16)                                         | Solicitation of Illegal Activity                                                                                           | B             |
| 4.7(B)(17)                                         | Unsafe driving; failed inspection; lack of required safety equipment                                                       | B             |
| 4.7(B)(18)                                         | Tampering with, disconnecting, modifying pollution control equipment; substituting diesel or gasoline for alternative fuel | B             |
| 4.7(B)(19)                                         | Using any part of the Airport premises other than a restroom to urinate and/or address personal needs.                     | B             |
| 4.7(B)(20)                                         | Failure to wear a visible photo identification card if required by applicable permit or regulatory agency                  | B             |
| 4.7(B)(21)                                         | Failure to comply with applicable headway requirements                                                                     | B             |

| <b>RULE</b>                  | <b>DESCRIPTION OF VIOLATION</b>                                                        | <b>FINE CATEGORY</b> |
|------------------------------|----------------------------------------------------------------------------------------|----------------------|
| 4.7(B)(23)                   | Shared-ride van coordinator in an unauthorized location                                | B                    |
| 4.7(B)(24)                   | Failure to comply with posted signage and pavement marking                             | B                    |
| 4.7(B)(25)                   | Idling a vehicle or engine for more than five minutes                                  | B                    |
| 4.7(C)(1)                    | Change in scheduled service without proper notice                                      | B                    |
| 4.7(D)(1)                    | Failure to comply with applicable Transportation Code and SFMTA regulation re taxicabs | B                    |
| 4.7(D)(1)(a)                 | Use of SFMTA A-Card by unauthorized driver                                             | B                    |
| 4.7(D)(1)(b)                 | Lack of AVI transponder on SFMTA taxicabs                                              | B                    |
| 4.7(D)(1)(c)                 | Lack of properly placed certification decal on SFMTA taxicabs                          | B                    |
| 4.7(D)(1)(e)                 | Failure to comply with dispatcher instructions                                         | B                    |
| 4.7(D)(1)(f)                 | Charging unauthorized fees or surcharges                                               | C                    |
| 4.7(D)(1)(h)                 | Unauthorized use of A-Card                                                             | C                    |
| 4.7(D)(2)                    | Non-SFMTA taxi driver failure to have a waybill; failure to pay trip fee               | B                    |
| <b>SAFETY AND SECURITY</b>   |                                                                                        |                      |
| 5.1                          | Airfield Marking, Signage, Control Towers                                              | D                    |
| 5.2                          | Airside personnel (employer)                                                           | D                    |
| 5.3                          | Aircraft operations                                                                    | D                    |
| 5.4(A)                       | GSE operators (employer)                                                               | D                    |
| 5.4(B)                       | GSE requirements                                                                       | D                    |
| 5.4(C)(1)                    | GSESIP: Each vehicle receiving a red tag                                               | C                    |
| 5.4(C)(1)                    | GSESIP: Tampering/interfering with a red tag or impoundment                            | F                    |
| 5.4(C)(1)                    | GSESIP: Each vehicle not returned for reinspection within time specified               | E                    |
| 5.4(C)(2)                    | GSE Impound Program                                                                    | C                    |
| 5.4(D)(1)                    | AOA signage                                                                            | D                    |
| 5.4(D)(2)                    | Checkpoint and Security Gates                                                          | F                    |
| 5.4(D)(3)-(9)                | GSE movement                                                                           | D                    |
| 5.5                          | Ramp operations and gate usage                                                         | D                    |
| 5.6                          | Passenger movement                                                                     | D                    |
| 5.7                          | Fueling                                                                                | E                    |
| 5.8                          | Accidents, incidents, incursions/deviations, disabled aircraft and GSE                 | D                    |
| 6.0                          | Fire and Safety                                                                        | E                    |
| 7.0                          | Security violations                                                                    | E                    |
| 7.2(A)(3)                    | Failure to comply with Airport ID Badge return requirements                            | C                    |
| <b>COMMERCIAL ACTIVITIES</b> |                                                                                        |                      |
| 8.0                          | Airport Environmental Standards                                                        | E                    |
| 8.245                        | Food service and food ware                                                             | C                    |
| <del>8.8(D)</del> 8.6(E)     | Unauthorized discharge impacting storm drain system                                    | F                    |
| 9.3                          | Airport Infrastructure                                                                 | F                    |
| 9.4                          | Airport Mapping                                                                        | F                    |
| 9.5                          | On-Site Personnel                                                                      | E                    |
| 9.6                          | Construction Activity                                                                  | F                    |
| 11                           | Noise Abatement                                                                        | E                    |

### 14.3 AMOUNT OF FINES

The amount of fines set forth in this Rule 14 shall be calculated for each violation cited under the Airport Rules and Regulations. The Airport shall impose a second offense charge when the actor has violated the same Rule twice within the same calendar year. The Airport shall impose a third offense charge when the

actor has violated the same Rule three times or more within the same calendar year. Given the specific circumstances of the violation and the Rule, the Airport, in its sole discretion, may determine that a violation of the same Rule is not a repeat offense for purposes of determining the amount of a fine. (AOB 20-09)

Payment of any fine shall be due within 30 days of the date of the citation. In the event that a person or entity receiving a citation fails or refuses to pay a fine, the Director in his sole discretion may suspend or terminate a permit and/or may deny reinstatement of an existing permit or issuance of any future permit until such time as the fine is paid in full with interest compounded monthly. In the event that the person or entity receiving a citation files a timely request for review or appeal, then the fine shall be payable as provided in Rule 14.5, below.

| <b>FINE CATEGORY</b> | <b>FIRST OFFENSE</b> | <b>SECOND OFFENSE</b> | <b>THIRD OFFENSE</b> |
|----------------------|----------------------|-----------------------|----------------------|
| A                    | \$50                 | \$75                  | \$100                |
| B                    | \$100                | \$200                 | \$250                |
| C                    | \$250                | \$500                 | \$750                |
| D                    | \$750                | \$1,000               | \$1,250              |
| E                    | \$1,000              | \$2,000               | \$3,000              |
| F                    | \$10,000             | \$15,000              | \$20,000             |

**14.4 INDIVIDUAL INFRACTIONS**

This Section 14.4 applies only to individual employees of tenants or contractors who are granted access to the AOA or other secure areas of Airport property for their work duties. Individual infractions on the AOA and/or relating to the safety or security of the Airport may result in the immediate suspension or permanent revocation of an Airport ID badge or driving privileges, at the sole discretion of the Airport, notwithstanding the Admonishment or Citation procedures below.

The charging officer may issue a verbal or written Admonishment which shall be considered a warning. A written Admonishment shall be recorded as a First Offense as described in the table below. Second and third offenses shall be calculated based on the calendar year, as provided in Rule 14.3 above.

If the charging officer issues a written Admonishment or a Citation for an individual infraction, the Airport will notify the employer/tenant or contractor and may assess against the employer the appropriate fine and any other charge under the lease, permit, or contract in addition to any consequences assessed against the individual employee. Any training required shall be designated by the Airport. The individual employee shall remain responsible for any training or training fee, as follows:

| <b>RULE</b>   | <b>DESCRIPTION</b>                                               | <b>OFFENSE</b>                     | <b>RESULT</b>                           |
|---------------|------------------------------------------------------------------|------------------------------------|-----------------------------------------|
| <b>3.1(A)</b> | <b>Illegal Activity / BART Fare Evasion</b>                      | First Offense                      | Airport ID badge suspended for 72 hours |
|               |                                                                  | Second Offense                     | Airport ID badge suspended for 72 hours |
|               |                                                                  | Third Offense                      | Airport ID badge permanently revoked    |
| <b>3.3(T)</b> | <b>Smoking in a Secured Area / Airport Operations Area (AOA)</b> | First Offense/written Admonishment | Airport ID badge suspended for 24 hours |
|               |                                                                  | Second Offense                     | Airport ID badge suspended for 72 hours |
|               |                                                                  | Third Offense                      | Airport ID badge suspended for 10 days  |
|               |                                                                  | Fourth Offense                     | Airport ID badge permanently revoked    |

| RULE | DESCRIPTION                           | OFFENSE                                                                 | RESULT                                                                                                                                                                                                                                                                                                                                                                               |
|------|---------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.4  | <b>GSE driver/operator violations</b> | First Offense/<br>written Admonishment                                  | Warning to driver/operator                                                                                                                                                                                                                                                                                                                                                           |
|      |                                       | First Offense/<br>Citation                                              | <ul style="list-style-type: none"> <li>▪ Two-hour training class; driver/operator pays the \$50 training class fee</li> <li>▪ Driver/operator's AOA security access badge and driving privileges suspended for the day the employee attends the training</li> </ul>                                                                                                                  |
|      |                                       | Second Offense                                                          | <ul style="list-style-type: none"> <li>▪ Two-hour training class; driver/operator pays the \$50 training class fee</li> <li>▪ Driver's AOA security access badge and driving privileges immediately suspended for three consecutive days (a 72-hour period) following Citation</li> <li>▪ Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>  |
|      |                                       | Third Offense                                                           | Driver/operator permanently loses driving privileges                                                                                                                                                                                                                                                                                                                                 |
| 7.0  | <b>Individual security violations</b> | First Offense/<br>written Admonishment                                  | Warning to employee                                                                                                                                                                                                                                                                                                                                                                  |
|      |                                       | First Offense/<br>Citation                                              | <ul style="list-style-type: none"> <li>▪ Airport ID badge immediately confiscated for one full day (a 24-hour period) following Citation</li> <li>▪ Security Access Office training class</li> </ul>                                                                                                                                                                                 |
|      |                                       | Second Offense                                                          | <ul style="list-style-type: none"> <li>▪ Airport ID badge immediately confiscated for three full consecutive days (a 72-hour period) following Citation</li> <li>▪ Security Access Office training class</li> <li>▪ Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>                                                                        |
|      |                                       | Third Offense                                                           | <ul style="list-style-type: none"> <li>▪ Airport ID badge immediately confiscated for ten full consecutive days (a 240-hour period) following Citation</li> <li>▪ Security Access Office training class</li> <li>▪ Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>                                                                         |
|      |                                       | Fourth Offense                                                          | Security access permanently terminated                                                                                                                                                                                                                                                                                                                                               |
|      |                                       | <b>Note for all individual security or security-related violations:</b> | Airport ID Badge holders directed to attend in-person training administered by the Security Access Office shall do so within the time specified or may be subject to further badge suspension or revocation. The charge for the training is a \$50 administrative fee which the employee or the employee's authorized signatory shall pay before attending the training. (ASB 19-06) |

**14.5 REVIEW AND APPEAL PROCEDURE****(A) General**

Any person or business entity seeking to challenge a Citation issued under these Rules and Regulations shall follow the administrative procedures of this Rule 14.5.

A requestor may seek review of a Citation and, following the review, may appeal from a decision affirming or amending the Citation.

Requests for review or appeal must be received by the Airport within the time(s) specified below. The requestor is solely responsible for assuring that the request is timely received. The Airport will consider only a properly documented and timely request. Failure to submit a properly documented and timely request for review or appeal will be considered acceptance of the Citation.

Communications required under this Section 14.5 shall be sent by electronic mail to SFOCitationReview@flysf.com, unless the requesting party does not have access to email. In that event, the request may be sent in paper form addressed to:

Chief Operating Officer  
International Terminal Building, Fifth Floor  
P.O. Box 8097  
San Francisco International Airport  
San Francisco, CA 94128

Any request for review and/or appeal shall be submitted on the template forms attached to these Rules and Regulations as Appendix G and incorporated here by reference.

**(B) Review**

Unless otherwise specified in an Operating Permit or unless a government investigation is ongoing, a request for review must be received by the Airport within ten (10) calendar days of the date the Notice of Citation is issued. A request for review shall include (i) the name, date, mailing address, e-mail address, and phone number of the requestor and (ii) a detailed basis for the review. If the matter is under investigation by a government agency, then the request for review must be made within ten calendar days of the date the investigation report is issued.

The Director shall designate an Airport Commission employee to review a request. The designated reviewer will have no personal knowledge of the incident resulting in the Citation. The reviewer may request additional information from the requestor; requestor's failure to provide the stated information within the time specified by the reviewer will result in a decision based on the information available.

Within thirty (30) calendar days of receipt of the Request for Initial Review, the reviewer shall issue an administrative decision affirming, dismissing, or amending the citation.

Payment of a fine following a final decision affirming or amending a citation shall be due within ten days of the date the administrative review decision is issued.

**(C) Appeal**

An administrative decision affirming or amending a Citation may be appealed within ten (10) calendar days of the date the decision is issued. The request for appeal must include information detailing the basis for the appeal.

For all matters except those involving long-term suspension (more than 72 hours) or revocation of an Airport ID badge, the Director shall designate an Airport Commission employee to hear an appeal. The hearing officer will have no personal knowledge of the incident resulting in the citation and whose regular job duties are outside the chain of command of either the citing official or the reviewer.

The Chief Operating Officer shall be the hearing officer for any appeal involving long-term suspension (more than 72 hours) or permanent revocation of an Airport ID badge.

The hearing officer may request additional information from the appellant; appellant's failure to provide the stated information within the time specified by the reviewer will result in a decision based on the information available. The hearing officer may in his/her sole discretion invite both the appellant and the Airport Division issuing the citation to a hearing to state their respective positions and answer questions posed by the hearing officer; the hearing may be in person or in writing as directed by the hearing officer.

The hearing officer shall issue an administrative decision affirming, dismissing, or amending the citation. The hearing officer's decision shall be final on the date issued. The hearing officer shall issue a decision within sixty (60) days of the date of the receipt of the written appeal.

Payment of a fine following a final decision affirming or amending a Citation shall be due within ten (10) calendar days of the date the decision is issued.



# Ramp Bus Operations

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The Airport conducts airfield remote passenger bus operations between certain terminals and remote hardstands facilitated by a Bus Operator retained by the Airport. Airline tenants must comply with the following standards:

## Part 1 – Safety & Security

### (A) Safety

During inclement weather, air carriers must follow weather plans established under AOB 17-05 Airport Tenant All-Weather Program (Rule 3.3(V)). Airport carriers must communicate with the Airport Duty Manager and Airfield Operations to assess the safety conditions and coordinate a plan of action prior to engaging in remote operations in inclement weather.

### (B) Security

- (1) All operations must comply with Rule 7 of these Rules and Regulations and all additional security requirements as determined by Aviation Security. The security requirements are included in appendix for each remote bus operation and may be adjusted as necessary to comply with the Airport Security Program.
- (2) Stanchions shall be used to control passenger movement during passenger arrival and departure to/from aircraft, shuttle bus, and bus annex.
- (3) CCTV cameras provide continuous sight of remote bus operations and shuttle bus paths of travel at hardstand, bus annex, and on vehicle service roads.
- (4) For International operations, the following protocols have been established:
  - (a) International operations must remain separate from domestic operations to prevent comingling of passengers. Gate A3 vestibule doors interlock, which allow only one international operation (arrival, departure, turn) at a time.
  - (b) The words “U.S. CUSTOMS AND BORDER PROTECTION - DO NOT CROSS DURING INTERNATIONAL OPERATIONS” will be painted on the ground at designated hardstands and the bus annex to indicate Federal Inspection Service (FIS) demarcation and jurisdiction.
  - (c) All areas encompassing international remote bus operations, including the shuttle buses and aircraft parked in the international hardstand parking area, are considered an extension of the FIS and are subject to all U.S. Customs and Border Protection (CBP) policies.
  - (d) All SFIA SIDA badged employees working in the vicinity where international flights enplane and deplane shall have the appropriate CBP seal on their badges.
  - (e) Existing CBP FIS protocols regarding emergency response and incident protocols shall be followed.
  - (f) When applicable, Ramp Tower A will hold aircraft traffic from entering/exiting taxi lane during active incidents of any kind that could impact operations.

(5) For operations at Gate A3 Bus Annex, air carriers must follow specific door procedures for boarding and arriving passengers to ensure a safe and secure passage, as established in AOB 20-13 Gate A3 & Bus Annex.

## Part 2 – Bus Service Request and Shuttle Bus Operations

### (A) Bus Service Requests

- (1) Unless regularly scheduled or otherwise arranged, requests for Remote Bussing Operations shall be requested not less than four (4) hours in advance. Air carriers shall request remote passenger bus service through Ramp Tower A (“RTA”).
- (2) At least two (2) hours in advance of operation, air carriers shall provide RTA with a revised Estimated Time of Arrival (ETA)/Estimated Time of Departure (ETD) with passenger loads and wheelchair requirements.

### (B) Ramp Tower A Responsibilities

- (1) RTA shall manage the request, assignment, and availability of hardstands designated for remote bus operations at gates and hardstands under their control.
- (2) RTA shall monitor remote bus operations and apply special conditions or restrictions associated to each hardstand as needed.
- (3) On a daily basis, RTA shall communicate and confirm flight schedules and updates with stakeholders, Bus Operator, Airfield Operations Supervisor, and the Security Operations Center (SOC).
- (4) RTA shall coordinate ad-hoc requests with the Airfield Operations Supervisor, Airport Duty Manager (ADM), Bus Operator, and the SOC.
- (5) RTA will provide passenger loads and wheelchair requirements to the Bus Operator at least one (1) hour in advance of any requested operation.

### (C) Shuttle Bus Operations

- (1) Shuttle bus representatives shall inspect buses to ensure they are clear, safe, and secure to operate before and after each operation.
  - (a) Any items, including trash, food or beverages found in the shuttle bus shall be reported to the air carrier representative.
  - (b) Trash containers are not permitted inside shuttle buses.
- ~~(1)~~(2) Shuttle buses will be equipped with two-way radios for drivers and spotters to communicate directly with Airfield Safety Officers (ASOs) when under escort.
- ~~(2)~~(3) The Bus Operator shall operate an Airport-procured shuttle bus and assign bus drivers and spotters (where required).
- ~~(3)~~(4) The Bus Operator shall determine equipment needs based on passenger loads and wheelchair requirements received from RTA.
- ~~(4)~~(5) The Bus Operator will ensure its drivers possess and display SIDA badges with appropriate indicia and black U.S. Customs Seals for International Terminal Building operations only.

~~(5)~~(6) Bus drivers are prohibited from executing multi-point turns when passengers are on board; all multi-point turns must be executed before passengers are loaded onto the bus or after they have exited the bus.

NOTE: A spotter must be present for every multi-point turn; no multi-point turn or other movement shall occur in the absence of a spotter.

~~(6)~~(7) Shuttle bus drivers shall refrain from any passenger contact. Inquiries by passengers shall be directed to the air carrier representative on-board each shuttle.

~~(7)~~(8) Spotters shall provide guidance for bus movements and positioning.

~~(8)~~(9) Spotters shall deploy an ADA-compliant ramp for wheelchair and special needs access.

~~(10)~~ At Gate A3 Bus Annex, shuttle bus operations must adhere to the following:

(a) SFO inbound passengers and flight crew shall be transported from the remote hardstand to Gate A3 Bus Annex aboard an Airport-procured shuttle bus, as referenced in AOB 20-14 Gate A3 Bus Annex Procedures for Remote Aircraft Parking (Hardstand), Shuttle Bus Departure and Arrival Operations for International Flights Appendix A.

(b) SFO outbound passengers and flight crews shall be transported from Gate A3 Bus Annex to the remote hardstand aboard an Airport-procured shuttle bus, as referenced in AOB 20-14 Gate A3 Bus Annex Procedures for Remote Aircraft Parking (Hardstand), Shuttle Bus Departure and Arrival Operations for International Flights Appendix B.

(D) Airport Operations

(1) As needed, busses transporting passengers to and from aircraft hardstands will be escorted by Airside Safety Officers (ASOs) in sufficient numbers to maintain safe movement on the AOA. The ASO shall determine the safest path of travel.

(2) Only Airfield Airside Safety Personnel are authorized to provide Airport-procured shuttle bus escort to/from the aircraft at the hardstand.

### Part 3 – Air Carrier Responsibilities

(A) All Air Carriers shall submit a detailed Operational Plan to SFO-Terminal Systems. The Plan shall provide information about passenger handling procedures during bussing operations. At a minimum the plan must cover the following:

(1) Ensuring positive control of passengers while on the tarmac, consistent with CBP and TSA requirements.

(2) Monitoring and controlling the movement of passengers during the enplanement and deplanement process.

(3) Ensuring adequate and properly SIDA-badged personnel are assigned to each flight operation. When necessary, badges should include the appropriate black U.S. Customs Seal.

(4) Coordinating all wheelchair needs and ensure sufficient personnel are present for the operation.

- (5) Complying with all required notifications including notification to SFO Airfield Operations, SFO Security Operations Center, and Airport Security guard at the beginning and end of each bus operation.
- (B) Air carriers are required to monitor and control all aspects of ramp operations and provide sufficient personnel and equipment to ensure the safety and security of passengers and operations including, but not limited to:
- (1) Inspecting each shuttle bus before and after passenger boarding to ensure the bus is clear of all items, including, but not limited to, belongings left by passengers, trash, food, etc.
    - (a) Airlines shall make public announcements to passengers that personal belongings, food, beverages, trash, etc. may not be left behind on the bus
    - (b) The procedures for international flights regarding disposal of trash, food and abandoned items shall be followed.
  - ~~(1)~~(2) Monitoring switchback ramp and bus operations to ensure all passengers and flight crew are present, and ensure such individuals move directly to and from their intended on-Airport destination.
  - ~~(2)~~(3) Controlling passenger movement to/from the aircraft, shuttle bus, and bus annex, and ensuring passengers remain on aircraft until buses are parked and ready to accept passengers.

NOTE: During International flight operations, aAn airline representative shall be present on each bus during passenger transport to/from Gate A3 Bus Annex and hardstand.
  - ~~(3)~~(4) Providing accurate and timely information to all stakeholders and keep RTA informed of changes to scheduled times or operations procedures.
  - ~~(4)~~(5) Obtaining approval from CBP for international remote bus operations.
 

NOTE: When scheduled or ad-hoc international remote bus operations are cancelled, air carriers must notify CBP.
  - ~~(5)~~(6) Providing, maintaining, and inspecting all necessary ground service equipment (GSE) (i.e. switchback ramps, air stairs, ambulift, etc), including passenger switchback ramps where applicable and ensuring each GSE is cleared by airairline personnel before and after each operation.
  - ~~(6)~~(7) During fuel operations, permitting passenger occupancy on the aircraft or passenger movement only when the loading walkways and/or jet bridges are connected.

NOTE: No airline shall commence deplaning of passengers at remote spot when fueling operations are underway.

## Part 4 – Hardstand Operations

### (A) Operations

- (1) Aircraft shall not park anywhere other than assigned hardstand.
  - (a) International flights assigned to Hardstand Bus Operations shall park within the designated CBP hardstand perimeter.

~~(b)~~ Hardstands are under CBP jurisdiction and are subject to all CBP protocols.

~~(c)~~ Domestic flights shall not be assigned to hardstands during active international remote operations.

~~(a)~~~~(d)~~ Trash containers are not permitted at the hardstands.

~~(1)~~~~(2)~~ Passengers shall be moved to and from the terminal on board an Airport-procured shuttle bus.

~~(2)~~~~(3)~~ Air Carriers are responsible for arranging crew shuttle service for crew members who are not transported with passengers on an Airport-procured shuttle bus. The Airport-procured shuttle bus will not provide transport exclusively for flight crew.

~~(3)~~~~(4)~~ Passengers and flight crews shall only exit the Airport-procured shuttle bus under escort of badged air carrier staff with an Airport-issued SIDA badge.

~~(4)~~~~(5)~~ Operations are limited to those aircraft types approved by the Airport.

**(B) Equipment**

**(1)** The Airport will provide stanchions for use at hardstands, to the extent they are available. Airlines engaged in remote hardstand operations are prohibited from moving stanchions from their designated location and shall promptly report any problems with stanchions to an ASO or Airport Duty Manager.

**(2)** If available and appropriate, the Airport may provide a switchback ramp at a remote hardstand location. In the event the switchback ramp is unavailable, the airline must have a contingency plan for the immediate provision of a switchback ramp. No airline personnel shall operate an Airport switchback ramp unless such personnel are properly trained to do so.

**(3)** Upon approval of SFO Terminal Systems Management, air carriers may conduct switchback ramp training. Alternatively, the Airport shall provide such training upon request. Air carriers and their agents shall promptly report all damage or required maintenance of the common use equipment to the SFO Airport Duty Manager or Airfield Operations.

## Part 5 - Ambulift Requests and Operations

**(A) Ambulift Operators**

All Ambulift operators must complete training and be signatories on the Airport Memorandum of Understanding (MOU) for Ambulift use.

**(B) Ambulift Requests**

Requests for Ambulift equipment must be made a minimum of four (4) hours in advance of operation by contacting Airfield Operations.



**ATTACHMENT C**  
**PROPOSED NEW VERSION**  
**AMENDMENTS INCORPORATED**

Airport  
Commission

City and  
County of  
San Francisco

London N. Breed  
Mayor

Commissioners:

Larry Mazzola  
President

Eleanor Johns  
Vice President

Everett  
A.Hewlett, Jr.

Jane Natoli

Malcom Yeung

Ivar C. Satero  
Director

# Rules and Regulations

## San Francisco International Airport

Adopted: October XX, 2021

Effective: January 1, 2022

Issued by: The Airport Commission  
City and County of San Francisco





**AIRPORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED**  
MAYOR

**COMMISSIONERS**

**LARRY MAZZOLA**  
PRESIDENT

**ELEANOR JOHNS**  
VICE PRESIDENT

**EVERETT A. HEWLETT, JR.**

**JANE NATOLI**

**MALCOLM YEUNG**

## **FOREWORD**

The statements contained in this document express the policy of the San Francisco Airport Commission, duly adopted as the Rules and Regulations, and are intended to ensure the safe, secure, and efficient operations of San Francisco International Airport.

These Rules and Regulations govern the general conduct of the public, tenants, employees, and commercial users of San Francisco International Airport as their activities relate to the use, possession, management, supervision, operation, and control of San Francisco International Airport by the City and County of San Francisco through its Airport Commission.

**IVAR C. SATERO  
AIRPORT DIRECTOR**

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## RULE 1.0

### DEFINITIONS

Unless otherwise expressly stated and defined in a separate Rule and Regulation, the following terms in **bold** font shall for the purpose of these Rules and Regulations have the meaning indicated following the colon (:).

**Aircraft:** Any and all contrivances now known or hereafter designed, invented, or used for navigation of or flight in the air.

**Airline Cargo Areas:** Those areas where the primary activity is the loading, unloading, storage and overall processing of air freight and mail. The Air Cargo Area includes, but is not limited to, cargo buildings/hangars, loading docks, aircraft aprons, and auto parking.

**Airline Maintenance Areas:** Those areas where the primary activity is the routine maintenance and/or major overhaul of air carrier aircraft and engines, parts, accessories, ground support vehicles and other equipment. The Airline Maintenance Area includes, but is not limited to, maintenance hangars, aircraft aprons, and auto parking.

**Airline Support Areas:** Those areas where activities other than airline maintenance, cargo, and passenger processing that support overall airline operations are conducted. The Airline Support Area includes, but is not limited to, in-flight kitchens, catering, employee cafeterias, parking lots, offices, storage facilities, and training schools.

**Air Operations Area (AOA):** That portion of the Airport designated and used for aircraft movement including landing, taking off, or surface maneuvering of aircraft. The AOA includes the Movement Area and excludes the Secured Area.

**Airport:** All land and improvements located within the geographical boundaries of the San Francisco International Airport, San Mateo County, California, exclusive of the SFO U.S. Coast Guard Air Station. "Airport" may also be referred to as "SFO" or "SFIA".

**Airport Airfield Areas:** Those areas where the primary activity is the accommodation of aircraft operations. Aircraft operations include aircraft landing, taxiing, take-off, and passenger enplanement/deplanement at a gate. The Airfield Area includes, but is not limited to, the landing areas, runways, taxiways, ramps, aprons, adjacent infield areas, airfield lighting, navigational aids, secured service roads, and other facilities necessary for the support and maintenance of the airfield areas.

**Airport ID Badge:** Airport-issued identification providing the holder access to the SIDA and/or sterile, secure, or restricted areas of the Airport as designated by the Airport and as provided under federal law and these Rules and Regulations (see Rule 7). A person holding an Airport ID badge does so as a privilege and not as a right.

**Airport Landside Areas:** Those areas of the Airport that include, but are not limited to, on-Airport roadways, courtyards, bridges, parking lots, garages, and transportation systems. The primary activity in the Landside Area is the movement of goods, services and people, including transporting employees, passengers, meeters and greeters, and various business and service company personnel, from outside the Airport to all areas within the Airport.

**Airport Operations Bulletin (AOB):** A notice issued by the Airport concerning specific operational requirements for Airport tenants or contractors. AOBs have an issue date and an expiration date. The adoption of any amendment to these Rules and Regulations may incorporate all or any applicable portion of current AOBs into the Rules and Regulations. AOBs issued after the adoption date of the most recent

amendment to the Rules and Regulations shall have the force and effect of a Rule and may be enforced as provided in Rule 14.

**Airport Security Bulletin (ASB):** A notice issued by the Airport concerning specific security requirements for Airport tenants or contractors. ASBs have an issue date and an expiration date. The adoption of any amendment to these Rules and Regulations may incorporate all or any applicable portion of current ASBs into the Rules and Regulations. ASBs issued after the adoption date of the most recent amendment to the Rules and Regulations shall have the force and effect of a Rule and may be enforced as provided in Rule 14.

**Airport Security Program (ASP):** The security program issued by the Director which contains procedures, measures, facilities and equipment designed to ensure Airport security both required and approved by the Transportation Security Administration.

**Airport Support Areas:** Areas where activities are conducted that serve both public as well as private interests in general support of the Airport's Operations and other functional areas. The Airport Support Area includes, but is not limited to, crash/fire rescue stations, utility facilities and distribution systems; storm and sewage drainage facilities; Airport administration, maintenance, engineering and police facilities; auto parking; bank and hotel facilities; commercial office buildings; educational facilities; fuel storage areas; State and Federal agency facilities (Coast Guard, FAA, FBI).

**Airport Terminal Areas:** Areas where the primary activity is the processing of airline passengers. Passengers processing includes baggage check-in, ticketing, aircraft enplaning and deplaning, inter-terminal/transportation center connections, food servicing, rental car transactions and all other normally associated services and amenities available for processing passengers. The Terminal Area includes, but is not limited to, terminal buildings, baggage facilities, boarding areas, parking lots/garages and transportation centers.

**Airport Traffic Control Tower (ATCT):** The Airport Traffic Control Tower, located between Terminal 1 and Terminal 2, governs and oversees all activity in the Movement Area including but not limited to the use of taxiways and runways. The ATCT is operated and controlled by the Federal Aviation Administration (FAA).

**Apron:** That portion of the Secured Area/AOA which accommodates aircraft for the purposes of parking, loading and unloading passengers or cargo, refueling, or maintenance. Same as Ramp (see Rule 1.36).

**Architecture and Engineering Standards:** The Airport Architecture and Engineering Standards is a document issued by the Director that sets forth the design and construction standards for most works of improvement on Airport property. The Architecture and Engineering Standards shall apply on a per project basis as determined in the sole discretion of the Airport. Where applicable, the Architecture and Engineering Standards shall function as a supplement to the Airport Building Regulations.

**Building Regulations:** The Airport Building Regulations set forth the building code requirements for all works of improvement on Airport property. The Building Regulations are adopted by the Airport Commission and incorporated by reference into these Rules and Regulations as Appendix F.

**Bus:** A motor vehicle with a seating capacity for 11 or more passengers, including the driver, which is used or maintained for the transportation of passengers. Buses exclusively powered by electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**City:** The City and County of San Francisco.

**Clear Zone:** The area adjacent to the Secured Area/AOA perimeter fence measuring 10 feet on each side of the AOA fence line.

**Commission:** The Airport Commission of the City and County of San Francisco.



**Contractor:** Any contractor, subcontractor (at any tier), or vendor providing services or goods to, on, or about the Airport. Contractor includes any agent of contractor. The reference to a contractor shall be interpreted in the broadest sense and this definition shall not be used to narrow the applicability of these Rules and Regulations.

**Courtesy Vehicle:** Those vehicles which are used in the business operation of any hotel, motel, parking lot, restaurant or auto rental office solely to transport customers between points at San Francisco International Airport and such hotel, motel, parking lot, restaurant or automobile rental office located on or off Airport property. Courtesy vehicles exclusively powered by electricity, natural gas, or hydrogen gas approved by the Director shall be considered clean fuel vehicles.

**Director:** The Airport Director for the City and County of San Francisco or his/her duly authorized representative or designee.

**Environmental Law:** Any federal, state, local, or administrative law, rule, regulation, order, or requirement relating to industrial hygiene, environmental conditions, or Hazardous Materials, whether now in effect or hereafter adopted, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 9601, et seq.), the Resources Conservation and Recovery Act of 1976 (42 U.S.C. Section 9601, et seq.), the Clean Air Act (42 U.S.C. Section 7401, et seq.), the Clean Water Act (33 U.S.C. Section 1251, et seq.), the Safe Drinking Water Act (14 U.S.C. Section 401, et seq.), the Hazardous Materials Transportation Act (49 U.S.C. Section 1801, et seq.), the Toxic Substance Control Act (15 U.S.C. Section 2601, et seq.), the California Hazardous Waste Control Law (California Health and Safety Code Section 25100, et seq.), the Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.), and the Safe Drinking Water and Toxic Enforcement Act of 1986 (California Health and Safety Code Section 25249.5, et seq.).

**Foreign Object Debris (FOD):** Any material found on runways, taxiways, and aprons that can cause damage to aircraft.

**Fuel Storage Area:** Those portions of the Airport designated by the Airport Commission as areas in which gasoline or any other type of fuel may be stored, including, but not limited to gasoline tank farms and bulkheads, piers or wharves at which fuel is loaded.

**Hazardous Materials:** Any material that, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment. "Hazardous Material" includes, without limitation, any material or substance defined as a "hazardous substance," "pollutant," or "contaminant" pursuant to any Environmental Law; any asbestos and asbestos containing materials; and petroleum, including crude oil or any fraction thereof, natural gas or natural gas liquids.

**Incursion:** Any occurrence at the Airport involving the incorrect presence of an aircraft, vehicle or person on the protected area of a surface designated for the landing and take-off of aircraft.

**Jet Blast:** The jet engine exhaust or propeller wash from an aircraft.

**Landing Area:** Those portions of the Airport, including runways and taxiways, designated and made available for the landing, taking off, and taxiing of aircraft and shall include other areas between and adjacent to said runways and taxiways.

**Limousine:** A chauffeur-operated sedan (standard or extended length), sport utility vehicle (standard or extended length), or other Airport-approved vehicle available for charter, having a seating capacity of not less than four passengers nor more than nine passengers, including the driver, and which requires a Charter Party Permit from the State of California Public Utilities Commission. Limousines exclusively powered by electricity, hybrid-electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**Movement Area:** That portion of the AOA used exclusively for the take-off, landing, and maneuvering of aircraft, comprised of runways, taxiways, and safety areas. Safety areas are the surfaces surrounding the runways and taxiways prepared or suitable for reducing the risk of damage to an airplane.

**Operator on the Secured Area/Air Operations Area (AOA):** Any person who is in actual physical control of an aircraft or a motor vehicle on the AOA.

**Oversize Vehicle:** Any vehicle exceeding the posted height and width limitations of the service road and underpasses.

**Owner on the Secured Area/Air Operations Area (AOA):** A person who or entity that holds the legal title to an aircraft or a motor vehicle on the AOA.

**Passenger Boarding Bridge:** An enclosed movable connector which extends from the Airport Terminal to an airplane enabling passengers to board and disembark.

**Passenger Ramp Area:** Those portions of the Airport designated for the ground level loading of passengers to and from aircraft.

**Permit:** A written authorization issued by the Director which authorizes specific activity or occupancy of space within the Airport.

**Person:** Any individual, firm, co-partnership, corporation, company, association, joint stock association, or political body, and includes any trustee, receiver, assignee, or representative thereof.

**Police:** The Airport Bureau of the San Francisco Police Department (SFPD or SFPD-AB).

**Pre-Arranged Lower-Level Transit Service (see also Shared Ride Van Service):** Shared Ride Van Service provided in vans between the Airport and any destination requested in advance of the pickup by a passenger that lies within a carrier's authorized service area, pursuant to a Passenger Stage Certificate issued by the State of California Public Utilities Commission and a Commercial Ground Transportation Operating Permit issued by the Director.

**Ramp:** That portion of the Secured Area/AOA which accommodates aircraft for the purposes of parking, loading and unloading passengers or cargo, refueling, or maintenance. See Apron (Refer to Rule 1.12).

**Restricted Areas:** The areas of the Airport to which entry or access by the general public is either limited or prohibited. All areas other than public areas are considered restricted. See also Security Identification Display Area (SIDA).

**Roadway:** That portion of a highway, street, or Vehicle Service Road (VSR) improved, designed, or ordinarily used for vehicular travel.

**Scheduled Service:** A ground transportation service which operates to established stops or drop off points adhering to an established schedule with valid operating authority from the State of California Public Utilities Commission.

**Secured Area:** Those portions of the Airport designated in the Airport Security Plan (ASP) to which access is restricted and controlled where aircraft operators enplane and deplane passengers and sort and load baggage.

**Security Identification Display Area (SIDA):** Each secured area designated by the Airport as requiring an Airport-issued identification badge (Airport ID badge), in conformance with 49 CFR Section 1542.205. .

**Service Road:** The designated roadway network on the airfield side of the facility. That network includes both painted and unpainted traffic lanes around the passenger terminals, cargo facilities and maintenance areas.

**Shared Ride Van Service:** Transportation service provided in vans between the Airport and any destination requested by a passenger that lies within a carrier's authorized service area, pursuant to a Passenger Stage Certificate issued by the State of California Public Utilities Commission and a Commercial Ground Transportation Operating Permit Issued by the Director.

**Sterile Area:** Those portions of the Airport's terminal complex between the entrances to aircraft and the TSA-controlled security checkpoints for the screening of persons and property.

**Tailgating:** The unauthorized process of two or more persons entering the Secured Area/AOA on the same card swipe. This is also known as "piggybacking."

**Taxicab:** A passenger-carrying vehicle of distinctive color or colors, of an appearance customary for taxicabs in the United States, operated at rates per mile or upon a waiting time basis or both, equipped with a taxi meter, and used for the transportation of passengers for hire over and upon the public streets and highways, not over a defined route but in accordance with and under the direction of the person hiring such vehicle as to the route and destination. Taxicabs exclusively powered by electricity, hybrid-electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**Tenant:** Any lessee, sublessee, permittee, licensee, or other permitted occupant of land or premises within the boundaries of the Airport. Tenant includes any agent of tenant. The reference to a tenant shall be interpreted in the broadest sense and this definition shall not be used to narrow the applicability of these Rules and Regulations.

**Tenant Construction:** Any new construction, alteration, replacement, renovation, repairs, relocation or demolition by an Airport tenant or its contractor(s).

**Tenant Improvement Guide (TIG):** The Airport Tenant Improvement Guide is a document issued by the Director which sets forth the requirements for any Tenant Construction. The Airport may also, in its sole discretion and on a per project basis, issue additional requirements or parameters as provided in a supplemental Tenant Work Letter or similar documentation.

**Terminal Building:** All buildings and structures located within the Airport and open to the public for the purpose of flight ticket purchase, public lobby waiting, baggage check-in and those other services related to public air travel.

**Transportation Network Company (TNC):** Defined by the California Public Utilities Commission (CPUC) as "an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled application (app) or platform to connect passengers with drivers using their personal vehicles." In the event the definition is modified by the CPUC or by statute, all such modifications are incorporated here by reference without the need for further amendment of these Rules and Regulations.

**Transportation Security Administration (TSA):** The Federal agency created by the November 19, 2001 enactment of the Aviation Transportation and Security Act (ATSA) responsible for overall security of the nation's transportation system.

**Trip:** Each time a permittee's vehicle passes in front of the Airport's terminal buildings, whether on the upper or lower roadway, except for those scheduled transit permittees who operate on an Airport-approved schedule. A trip for a scheduled transit permittee is defined as a scheduled arrival at/or departure from the Airport.

**Van:** A motor vehicle with a seating capacity for 10 or fewer passengers, including the driver, which is used or maintained for the transportation of passengers. Vans exclusively powered by electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**Vehicle:** Any automobile, truck, motorcycle, bicycle, and other wheeled conveyances in which any person or property can be transported upon land, except aircraft.

**Vehicle Checkpoint:** Any security checkpoint for vehicle entry onto the AOA.

**Water Perimeter Security Zone (WPSZ):** A zone that extends 200 yards seaward from the high tide mark of the shorelines surrounding the Airport. The security zone is identified by a buoy system deployed at prescribed geographical latitudes/longitudes.

**RULE 2.0****VIOLATION, SEVERABILITY AND INTERPRETATION****2.1. ADMINISTRATIVE INTERPRETATION OF RULES**

In the event that any provision of these Rules and Regulations is deemed to be ambiguous and a determination as to the meaning of the provision is required, the matter shall be referred to the Director. The Director's determination as to the meaning of the provision shall be final and shall be deemed incorporated in these Rules and Regulations as though it were here fully set forth.

**2.2. VIOLATION OF RULES**

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of these Rules and Regulations or any lawful order issued pursuant thereto may be denied use of the Airport by the Director and/or may be subject to an administrative fine as provided under Rule 14. Any administrative fines imposed for violation of these Rules and Regulations shall be in addition to and not exclusive or preclusive of any other civil, legal, or administrative penalties available under federal, state, local, or administrative law or under any lease, permit, or contract.

**2.3. SEVERABILITY**

- (A) If any Rule, section, subsection, subdivision, paragraph, sentence, clause or phrase of these Rules and Regulations or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity or effectiveness of the remaining portions of these Rules and Regulations or any part thereof.

The Airport Commission hereby declares that it would have passed each rule, section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

- (B) If the application of any provision or provisions of these Rules and Regulations to any lot, building, sign or other structure, or parcel of land is found to be invalid or ineffective in whole or in part by any court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the property or situation immediately involved in the controversy, and the application of any such provision to other properties and situations shall not be affected.
- (C) This Section 2.3 shall apply to every portion of these Rules and Regulations as it has existed in the past, as it now exists and as it may exist in the future, including all modifications thereof and additions and amendments thereto.

## **RULE 3.0**

### **GENERAL**

Written operating procedures issued by the Director shall be appended to these Rules and Regulations as addenda. Such addenda will be issued as Airport Operations Bulletins (AOB) and shall remain in effect until included in subsequent amendments to these Rules and Regulations or deleted at the direction of the Director.

#### **3.1 APPLICABLE LAWS AND RULES**

- (A)** All applicable Federal and State laws and regulations and the laws and regulations of any other legal authority having jurisdiction, as now in effect or as they may from time to time be amended, are hereby incorporated as part of these Rules and Regulations as though set forth here in full. A violation of law on Airport property shall also be considered a violation of these Rules and Regulations. Any criminal or civil penalty resulting from a violation of law on Airport property shall neither exclude nor preclude enforcement of these Rules and Regulations, including but not limited to the imposition of administrative fines or the suspension or revocation of an Airport ID badge.
- (B)** Permits issued by the Airport are the property of the Airport and are subject to revocation by the Director.

#### **3.2 EMERGENCIES**

- (A)** When the Director determines that an emergency affecting the health, welfare and/or safety of persons and/or property exists at the Airport, the Director shall be empowered to take such action which, in his or her discretion and judgment, is necessary or desirable to protect persons and property and to facilitate the operation of the Airport.
- (B)** During such an emergency the Director may suspend these Rules and Regulations, or any part thereof, and the Director may issue such orders, rules and regulations as may be necessary.
- (C)** The Director shall at all times have authority to take such reasonable action as may be necessary for the proper conduct and management of the Airport and the public.

#### **3.3 GENERAL CONDUCT**

##### **(A) Activities Generally**

No tenant, tenant employee, or any other employee authorized to perform any function on the Airport, shall in any way assist any person to engage in any activity on the Airport which is not authorized by the Commission or Director.

##### **(B) Advertisements**

Except as may be allowed under Rule 13 of the Rules and Regulations, no person shall post, distribute, or display signs, advertisements, circulars, printed or written matter at the Airport, without the express written consent of the Director and in such manner as the Director may prescribe.

**(C) Bicycles and Other Devices****(1) Secured Area/Air Operations Area**

Bicycles, skateboards, hoverboards, rollerblades/skates, scooters, rideable luggage, and/or other personal transportation devices, shall not be operated on the Secured Area/Air Operations Area (AOA) outside a tenant's leasehold area unless authorized by the Director. Permitted operators must comply with all Airport vehicle and traffic rules. Bicycles and other devices must have operational headlights and taillights during night or during periods of limited visibility. The vehicle service roads, vehicle checkpoints, and ramps areas are all part of the AOA.

**(2) Public Areas**

Bicycles, skateboards, hoverboards, rollerblades/skates, scooters, rideable luggage, and/or other personal transportation devices, excluding those necessary for medical purposes, are prohibited from operating on any Airport inbound or outbound roadway, terminal roadways, sidewalks, or within terminal buildings except as explicitly permitted by the Director. All bicyclists must comply with applicable California Vehicle Code Laws.

Bicycles must be parked in designated Airport bicycle racks in compliance with posted signage. Bicycles and/or locks left unattended for more than 30 days may be subject to confiscation. Dockless bicycles, scooters, or other personal transportation devices must be left within five feet of Airport bicycle racks or other designated locations and may not obstruct pedestrian or vehicle circulation. Dockless transportation devices left unattended, more than five feet from a bicycle rack, or obstructing pedestrian or vehicle circulation, shall be subject to immediate confiscation.

Entities supplying dockless transportation devices to the public may not use Airport property as a designated pick-up or drop-off location without the express written permission of the Director.

The Airport is not responsible for the loss, theft, or damage of any personal transportation device on Airport property.

This Rule 3.3(C)(2) does not apply to the use of bicycles, Segways, or other transportation devices used by on-duty law enforcement personnel.

**(3) Leaseholds**

Within tenant leaseholds, bicycles or other personal transportation devices may be parked anywhere that does not negatively impact the flow of pedestrian or vehicular traffic, negatively impact adjoining property owners or leaseholds, or cause damage to Airport landscaping or infrastructure. Airport tenants may set their own policies for parking such devices within their leasehold area.

**(D) Commercial Activities**

No person shall enter or remain on Airport property and buy, sell, peddle or offer for sale or purchase any goods, merchandise, property or services of any kind whatsoever, to, on, or from Airport property, without the express written consent of the Director or the Director's duly authorized representative.

No person shall operate or promote a business on Airport property or through the Airport's wireless internet system, without first obtaining a valid permit, lease, or other written permission granted by the Director (see also Rule 9).

**(E) Commercial Photography**

No person, except representatives of the news media on duty or during official assignments, shall take still, motion, television, or sound pictures for commercial purposes on the Airport without the express written consent of the Director.

**(F) Communications**

The Airport has made available to its tenants and contractors access to a web-based information program known as PASSUR. The program is available to all Airport users and provides comprehensive information regarding the current and anticipated status of Airport operations and supporting infrastructure. All airlines must provide the Director with at least one valid email address capable of accepting critical Airport PASSUR notifications and alerts.

**(G) Damage to Airport Property**

No person shall destroy or cause to be destroyed, injure, damage, deface, or disturb in any way, property of any nature located on the Airport, nor willfully abandon any personal property on the Airport. Any person causing or responsible for such injury, destruction, damage or disturbance shall report such damage to the Police, remain at the incident location, and upon demand by the Director, shall reimburse the Airport for the full amount of the damage. If the damage occurs on the Air Operations Area (AOA), contact the Airport Communications Center at 911.

Any person causing or failing to report and/or reimburse the Airport for injury, destruction, damage, or disturbance of Airport property, may be refused the use of any facility and may lose all security badge and access privileges at the discretion of the Director, until and unless a report and/or full reimbursement has been made.

**(H) Dogs and Other Animals**

No person shall enter a terminal building with any animal, except certified service animals, unless the animal is properly confined or ready for shipment. Animals, except certified service animals, are prohibited in other public areas of the Airport unless properly on a leash or otherwise restrained in such manner as to be under control.

**(I) Emergency Procedures**

Emergencies shall be reported immediately to Airport Communications by dialing 911 from a courtesy or cell phone.

All airline tenants must develop and maintain written procedures to be used in the event of a bombing and/or bomb threat, natural disaster, hijacking or other emergency and train their personnel in the implementation of those procedures. Airline tenants must annually provide the Director with their emergency procedures and these procedures must interface with procedures established by the Commission.

**(J) Golf Carts**

The use of golf carts anywhere in the Airport terminals, including the passenger boarding areas, is strictly prohibited, except for limited use by Airport staff.

**(K) Hours of Operation**

The Airport's regular hours of operation are 6:00am-10:00pm. During the hours of 10:00pm-6:00am, only ticketed passengers, persons engaged in transporting ticketed passengers, and persons holding an Airport ID badge may use Airport facilities.



**(L) Litter and Refuse**

No person shall place, discharge, or deposit in any manner, food waste and other compostable materials, recyclable materials, landfill waste/trash, or other refuse anywhere on the Airport, except in Airport-approved receptacles and other such places designated by the Director. Tenant may not place or leave or permit to be placed or left in or upon any part of the common areas or areas adjacent to its demised premises any garbage, debris, or refuse. All litter and refuse must be covered when transported in vehicles, and all receptacles for said materials must have covers. Stored or transported litter or refuse must be in tied plastic bags. Trash bags shall not be left unattended on jet bridges, outside garbage receptacles, or any portion of the ramp surface.

**(M) Lost and Found Articles**

Any person finding lost articles shall submit them to the Police or an Information Booth attendant. Any lost articles abandoned within the passenger security checkpoints will be turned over to the Transportation Security Administration personnel.

**(N) Nondiscrimination Policy**

- (1) It is the policy of the Airport Commission that all individuals employed on Airport property, including Airport Commission employees, other City employees, and the employees of tenants or contractors are entitled to work without being subjected to discrimination and harassment.
- (2) It is also the policy of the Airport Commission that no tenant or contractor shall discriminate or harass any person employed at SFO or seeking the customer services of tenants or contractors on the basis of the person's actual or perceived race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or AIDS/HIV status, weight, height or residence/business location.
- (3) Upon the receipt of a complaint that this nondiscrimination policy has been violated, the Director shall immediately and thoroughly investigate the complaint.
- (4) Should the Director find that a tenant or contractor has violated this policy, the Director may take appropriate corrective action, including but not limited to, imposing a requirement that the tenant or contractor provide diversity, disability access, and cultural sensitivity training to its Airport based employees.

The required training shall take place within a time frame designated by the Director. The tenant or contractor shall be responsible for all costs associated with the training. Tenant or contractor shall choose a trainer from a list provided by the Airport.

- (5) All organizations employing individuals at the Airport, including tenants or contractors, are urged to provide their employees with annual workplace diversity, disability access, and cultural sensitivity training, which the Director may also require at his or her discretion. Any training sponsored or directed by the Airport shall be in addition to, and not a replacement for, any other training as required by local, state or federal law.
- (6) The Airport Commission shall provide reasonable levels of technical assistance to those organizations requiring support to develop workplace diversity and cultural sensitivity training.

**(O) On-Demand Mobile Fueling Prohibited**

On-Demand mobile fueling operations on Airport property (as referenced in California Fire Code Section 5707) are strictly prohibited. No business may engage in fueling activities in the absence of a permit issued by the Airport. This prohibition is intended to be broadly construed and applied to on-demand fueling of vehicles in Airport garages, parking lots, holding lots, or on roadways. This prohibition does not apply to approved service vehicles and aircraft operating in the Air Operations Area (AOA). (AOB 20-01)

**(P) Passenger Elevators, Moving Walkways and Escalators**

Passenger elevators, moving walkways and escalators shall be restricted to passenger use only. Cargo shall be confined to freight elevators.

Tenants, contractors, and employees are prohibited from using carts for transporting goods or supplies on escalators and moving walkways. Elevators, rather than escalators, shall be used for the movement of hand trucks and similar equipment. Cart and hand trucks are prohibited from being used on escalators and moving walkways.

**(Q) Pedestrian Safety**

- (1) No pedestrian shall traverse the aircraft apron area between boarding areas, enter the AOA via vehicle checkpoints, or walk along vehicle service roads.
- (2) No pedestrian may traverse a roadway between terminal buildings and parking garages except in designated crosswalks, pedestrian crossover bridges, or pedestrian tunnels.
- (3) Except when proceeding in a crosswalk, no pedestrian may intentionally stop or delay traffic on any Airport roadway.

**(R) Restricted Areas**

No person shall enter any restricted area posted by the Director as closed to the public, except persons assigned to duty therein or authorized by the Director, and who are in possession of a proper permit and an Airport ID badge.

**(S) Signs**

No person shall install a sign on Airport property exposed to public view without prior written approval from the Director. Hand lettered, photocopied or paper signs are strictly prohibited. Tenant or contractor sign installations shall conform to the requirements of the San Francisco International Airport Tenant Improvement Guide (TIG).

**(T) SmarteCartes**

SmarteCartes are an amenity for Airport passengers only. They are not for use by employees, tenants, or contractors to haul items such as trash, odd size bags, maintenance items, *etc.*, nor are they to be held or stored in employee or tenant leasehold areas for any reason. Use of SmarteCartes on the AOA is strictly prohibited due to safety concerns.

**(U) Smoking**

- (1) Secured Area/Air Operations Area

No person shall smoke or carry lighted or unlighted cigars, cigarettes, electronic cigarettes, pipes, matches or any naked flame in or upon the Secured Area/Air Operations Area nor any

open deck, gallery or balcony contiguous to or overlooking the Secured Area/Air Operations Area.

**(2) Places of Employment**

Smoking, and use of electronic cigarettes, is prohibited in enclosed places of employment.

**(3) Prohibition of Smoking in Public Areas of Airport**

- (a) Smoking, and use of electronic cigarettes, is prohibited in all public areas of San Francisco International Airport terminal buildings.
- (b) The public areas of San Francisco International Airport terminal buildings include all enclosed areas of the buildings to which members of the general public have access. Such areas include, by way of example only, terminal lobbies, baggage claim areas, restaurants, restrooms open to the public, stairways, hallways, escalators, moving walkways, elevators, and observation decks.
- (c) Smoking, and use of electronic cigarettes, is prohibited in public curbside areas outside of and adjacent to Airport terminal buildings except in specifically designated areas.
- (d) Designated smoking areas are located outside terminal buildings at the departure and arrival levels and at a minimum of 20' from the building entrances.
- (e) Smoking, and use of electronic cigarettes, is prohibited in the Airport's designated ground transportation zones at the terminals, Rental Car Center, and Long Term Parking Garage, and at the ground transportation staging lots, including the taxicab staging lots, except in specifically designated areas.

**(V) Use of Airport Property, Equipment and Systems**

For Airport-owned property, equipment, and systems, the Airport reserves the right to require that individuals receive training prior to use of such property, equipment and systems.

**(W) Weather Action Plan/Tenant All-Weather Program**

All Airport tenants who conduct outside operations must develop and maintain a weather action plan. The plan must provide requirements, constraints, and process to reduce weather-related risk to workers, passengers, and facilities.

The plan should address a broad spectrum of weather-related events, including flooding, tornadoes, thunderstorms, typhoons, high winds, tropical storms, extreme temperatures, and air quality with the following core elements:

- Written plan that is well communicated to employees through awareness training and access to program details.
- Notification system to receive and disseminate weather-related information, which may be through a contract weather service.
- Identification of weather-related threats and dissemination of weather watch, warning, or stage alerts to employees to ensure proper response.
- Employer and employee requirements, including ownership of program document for amendment and provide control measures.
- Regulatory compliance.

- Evacuation / communication procedures in the event of an extreme weather event, aligned with emergency evacuation plan requirements as specified in Rule 3.3(I) of these Rules and Regulations.

Employers should conduct weather threat reviews to identify hazards associated with their operations. This threat analysis is the building block for program requirements and constraints.

All weather plan requirements should outline activities based on elements such as storm direction, speed, intensity, temperature, wind levels, water levels, lightening activity, and air quality. Those weather factors along with identified threats may indicate requirements for activities such as securing aircraft, equipment, and facilities. Response requirements should also indicate activities that should be curtailed during specific weather events, including but not limited to high lift work, fueling, movement and general ramp work. Planned activities or the curtailment of activities must be aligned with state and federal regulatory requirements, as well as these Rules and Regulations.

Where applicable, plan requirements should address passenger safety. This may involve controlling passenger movement including boarding and debarking activity, holding passengers in gate areas and interaction with flight crews.

**(X) Wildlife Management**

No person shall feed, approach, disturb, frighten, hunt, trap, capture, wound, kill or disturb the habitat of any wild bird, mammal, reptile, fish, amphibian or invertebrate anywhere on Airport property. Furthermore, no person shall create an attractant for rodents or other wildlife by leaving food or debris in any open and exposed area. It is the responsibility of the tenant to maintain its leasehold areas in a manner that does not promote wildlife hazards. This prohibition shall not apply to the following:

- (1) Action taken by public officials or their employees and agents, within the scope of their authorized duties, to protect the public health and safety.
- (2) The taking of fish as permitted by State Fish and Game Regulations.
- (3) The capturing and/or taking of wildlife for scientific research purposes when done with written permission from the Director.

**3.4 AIRPORT CONSTRUCTION AND OBSTRUCTION CONTROL**

**(A) No person shall:**

- (1) erect, construct, modify or in any manner alter any structure, sign, post or pole of any type;
- (2) alter or in any way change color, design or decor of existing Airport improvements;
- (3) operate, park, or store any equipment, vehicles, supplies or materials;
- (4) create any mounds of earth or debris;
- (5) cause or create any physical object on land or water that penetrates the operational air space;
- (6) conduct any work on Airport premises without first obtaining a building permit from Building Inspection and Code Enforcement (BICE) of the Airport Planning, Design & Construction Division and without strict compliance and adherence to the safety specifications and directions of the Director.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by these Rules and Regulations, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

- (B)** All tenant construction must conform to the requirements as contained in the latest edition of the San Francisco International Airport Tenant Improvement Guide (TIG) and as may be outlined in a Tenant Work Letter, if any.

### **3.5 PASSENGER TERMINAL REGULATIONS**

#### **(A) Berman Reflection Room**

The Berman Reflection Room, located in the International Terminal Building, will be open to passengers and employees during its operating hours. The purpose of the Berman Reflection Room is to provide an area for Airport passengers and employees engage in quiet, reflective and meditative activities.

- (1)** The Berman Reflection Room is a security sensitive area. Accordingly, activity in the Berman Reflection Room is restricted to employees, passengers, or individuals with authorization from the Director.
- (2)** Users of the Berman Reflection Room are required to comply with all provisions of these Rules and Regulations and posted signs within the facility. Any violation of regulations or posted signs may result in displacement and restriction from further use. Further, users of the Berman Reflection Room shall comply with the following provisions:
  - (a) No individual shall use the Berman Reflection Room for lodging or sleeping purposes.
  - (b) No individual shall solicit participants on Airport property for Berman Reflection Room gatherings.
  - (c) No individual shall display or distribute obscene material.
  - (d) Individuals shall exercise care to maintain the areas in use in a safe and appropriate condition.
  - (e) Individuals shall conduct their activities on the Airport premises at their own risk and shall exercise all reasonable diligence and precaution to avoid damage to property or injury to persons.
  - (f) Individuals must receive prior approval and written authorization from the Director for the use of incense, candles, or other incendiary devices.
  - (g) Food and/or beverages are not permitted in the Berman Reflection Room unless approved in writing by the Director.
  - (h) The Director may immediately suspend use of the Berman Reflection Room upon the occurrence of any emergency affecting the safety of persons or property in the terminal buildings or when required in the implementation of security procedures.
  - (i) The Director reserves the right at all times herein to impose such other reasonable conditions as may be necessary to avoid injury to persons or damage to property or to assure the safe and orderly use of the Airport facilities by the air-traveling public.

- (j) Groups wishing to use the Berman Reflection Room may apply for a permit through the Economic and Community Development Office at [Community@flysfo.com](mailto:Community@flysfo.com) or (650) 821-5242.

**(B) Employee Seating and Break Areas**

Seating in the ticket counter lobby and boarding areas is specifically provided for the comfort and convenience of Airport passengers while traveling through SFO. Passengers have priority to the limited seating. Employees are required to use company-provided break facilities and other approved areas for employee seating. No sleeping or loud noise is permitted in any public area of the Airport. Employees found lounging or sleeping in the Airport ticket lobby, boarding areas or public seating areas will be directed to relocate to company break rooms or the Airport employee and seating break area or the employee cafeteria.

**(C) Porter Service - Tenant Compliance**

Any regularly scheduled passenger airline at San Francisco International Airport shall provide porter services for the passenger's convenience. Such services shall be available not less than one hour prior to departure at curbside on the departure (upper) level of the Airport for all domestic flights.

Porter Service in the International Terminal must be provided on a continual basis by the current International Terminal airline service contractor.

Additionally, airlines shall ensure that continuous porter service is available in the baggage claim areas at the arrival (lower) level of the terminal facilities in conjunction with the delivery of baggage from all arriving flights until the baggage claim area is clear.

**(D) Public Seating**

The placement of Airport-owned public seating is determined by the Airport. No person shall move any Airport-owned public seating except for cleaning or maintenance purposes. Violators may be fined under Rule 14 of these Rules and Regulations.

**(E) Quiet Terminals Policy**

The purpose of the Airport Quiet Terminals Policy is to provide a tranquil environment for passengers as they make their way through the terminals. Loud music or other amplified sound from leasehold areas competes with public announcements and contributes to the stress of travel. Tenants shall not amplify sound outside of their demised premises. Sound amplifying devices shall be directed only within the premises at a volume low enough for patrons to hear public announcements from within the premises. Music or other sound shall not be broadcast for the purpose of attracting foot traffic. Lyrics shall be free of profanity and other offensive content. The playing of music is prohibited in the following locations: at the podiums, ticket counters, and seating areas adjacent to gates; at the ticket counters in the pre-screening area of the Airport; in the baggage areas of the arrivals level. (AOB 19-09)

**(F) Stanchions**

All airlines shall use passenger control stanchions to control lines. Stanchions shall be located within the space directly in front of the airline counter leasehold or as permitted by the Director. Stanchions and signs used in the Domestic Terminals shall be placed so as to maintain a minimum of 12-feet for a public passage corridor between the narrowest terminal building point and the stanchion farthest out from the counter. Stanchions and signs used in the International Terminal shall also be placed so as to maintain a minimum of 12 feet of public passage between any stanchion and/or sign and any adjacent structure or fixture. The single exception to the

foregoing is the required clearance between stanchion arrangements at facing check-in counters on Level 3 (e.g. stanchions used for Aisle's 2 and 3, 4 and 5, etc.). These stanchions shall be placed so as to maintain a minimum of 30 feet of public passage between stanchion arrangements for adjacent check-in aisles, such clear space to be maintained through the center of the passageway between adjacent Aisles, with 150 feet of clear space on each side of the center line as defined by a prominent line embedded in the floor finish.

The number of stanchions shall be determined by the peak passenger volume or level of activity for the applicable period. Airlines shall relocate their stanchions at the end of their operating day and place them against the face of their counter to facilitate cleaning activities. This also applies to stanchions that may be used to control passenger lines associated with the security checkpoints. Post mounted and floor mounted signs are permitted within approved stanchion areas consistent with the following guidelines regarding content, size and production quality:

- (1) Passenger processing information as it relates to security or to designate separate queuing lines.
- (2) Bag size or weight limitation signage.
- (3) Enter/exit signs.
- (4) Airline identification signs or class of onboard service signs.
- (5) Floor sign size shall not exceed 28" w x 96" h and shall be produced in a professional manner conforming to terminal graphic and color standards.
- (6) Hand lettered, photocopied or paper signs are strictly prohibited.
- (7) The Director or his representative reserves the right to disapprove and require removal of any signs not conforming to approved guidelines.
- (8) Advertising content and slogans shall not be included in the signage permitted above.

**(G) Wheelchairs and Priority Disabled Seating and Wheelchair Waiting Areas**

**(1) Wheelchair Service Performance Standards**

Airlines and their contracted wheelchair service providers must provide safe, timely, and courteous service to passengers in conformance with the following standards:

- (a) Wheelchair attendants must be professionally attired.
- (b) Wheelchair attendants must have the physical ability to:
  - Lift/carry pieces of luggage weighing up to 70 pounds;
  - Push a wheelchair with a customer weighing up to 200 pounds, up and down inclines of up to 2.86 degrees (5%), into and out of elevators and throughout the areas where service is offered;
  - Communicate clearly in English;
  - Maintain a pleasant demeanor and remain professional at all times; and
  - Provide wheelchair to the passenger where the passenger is situated; a

passenger shall not be required to self ambulate to a wheelchair dispatch location or any other location.

- (c) Passengers who pre-arrange wheelchair services shall be provided with a wheelchair upon arrival at the Airport, but in no event shall a passenger be required to wait more than ten (10) minutes for a wheelchair and an assigned attendant.
- (d) Passengers who request a wheelchair upon arrival at the Airport, whether on an incoming or departing flight, shall be provided with a wheelchair as soon as possible, but in no event shall a passenger be required to wait more than twenty (20) minutes for a wheelchair and an assigned attendant.
- (e) The solicitation of tips by a wheelchair attendant or a service provider is strictly prohibited.

## **(2) Equipment**

All wheelchairs and related equipment used to provide this service must:

- (a) conform to the requirements of the Americans with Disabilities Act (ADA);
- (b) meet the current industry standards, which include: maneuverable arm rests; accommodation of personal items; and "nesting" capability for storage, except for International Terminal Gates A1-12 and G91-G102, where standard collapsible type wheelchairs will be allowed for use in the loading bridges for passenger enplaning and deplaning only when necessary; and
- (c) be well maintained free from tears and frays or replaced, as necessary.

All airlines, domestic and international, and their contracted wheelchair service providers who violate this rule may be required to secure additional wheelchairs and/or attendants at the expense of the airline involved.

## **(3) Priority Disabled Seating and Wheelchair Waiting Areas**

Priority Disabled Seating and Wheelchair Waiting Areas are available in each of the terminal lobbies and Boarding Areas as indicated by signage. Due to limited seating areas and congestion in the lobbies, these areas are designated for temporary seating for our passengers with disabilities while wheelchair assistance is being coordinated. These areas are being provided for their convenience and as a customer service enhancement for our passengers. Service providers are prohibited from pre-staging or waiting in these areas.

Each airline is responsible for coordinating the appropriate and timely service for their passengers in need of a wheelchair to avoid lengthy waiting periods.

### **3.6 BAGGAGE HANDLING SYSTEM**

The Airport's Baggage Handling Systems are an integral part of Airport and Airline operations. Properly tagged luggage that is correctly loaded onto conveyors (proper baggage hygiene) ensures that baggage moves efficiently from baggage check locations through security screening/inspection areas, and out to make-up carrousel. Improper baggage tagging and placement creates bag jams and system outages, ultimately resulting in flight delays.

All employees of the Airport Commission, the airlines and airline contractors who are directly involved in baggage handling shall comply with the Airport's Baggage Hygiene Policy set forth in Appendix A to these Rules and Regulations.



### **3.7 AIRPORT-OWNED EQUIPMENT MAINTENANCE**

The Airport owns Passenger Boarding Bridges, Baggage Handling Systems, and other equipment and systems at the Airport, much of which is leased to airline tenants. Airline tenants shall maintain Airport-owned equipment in accordance with schedules, record-keeping, reporting, and quality standards established by the Airport and agreed-upon with the tenant, as follows:

#### **(A) Maintenance Plan**

- (1) A tenant airline shall have a maintenance plan approved by the Airport for the airline to perform maintenance of Airport-owned equipment. The airline maintenance plan shall detail how the airline will maintain the Airport-owned equipment in a continually safe, operable, and optimum condition for the term of the lease. The plan shall at a minimum include a schedule for the preventative and regular maintenance and service-readiness for minor repairs.
- (2) The airline shall submit a proposed plan to the Airport no fewer than 15 days prior to airline use of Airport-owned equipment. The airline shall receive Airport approval prior to performing any maintenance of any Airport-owned equipment.

#### **(B) Parts and Equipment**

- (1) Airline shall maintain an inventory of spare parts, equipment, and consumables at the level sufficient to maintain the Airport-owned equipment.
- (2) Only Original Equipment Manufacturer (OEM) approved or recommended parts, equipment, and consumables shall be used, unless an exception is granted for functionally equivalent items upon written request to the Airport.

#### **(C) Performance Monitoring and Reports**

- (1) Restoration of equipment and systems shall be the Airline's priority and shall be accomplished in accordance with maintenance plan and the OEM maintenance manuals
- (2) The Airline shall submit the required reports agreed upon in the maintenance plans.

Failure by the tenant airline to submit a plan as provided in this Rule 3.7 or comply with the agreed-upon equipment maintenance and operating requirements shall result in fines assessed for each month or any part of a month beyond such period as provided in Rule 14 of these Rules and Regulations.

**RULE 4.0****OPERATION OF MOTOR VEHICLES**

This Rule applies to the operation of all motor vehicles driven by or on behalf of all individuals and entities conducting business on Airport premises, including but not limited to: rental car agencies, airlines and their subcontractors, Airport tenants and permittees, Airport contractors and subcontractors, and all businesses engaged in commercial transportation. Rules 4.1-4.6 also apply to members of the public through Chapter 7.72 of the San Mateo County Code of Ordinances.

The Director may at any time change, alter, expand, or limit access to Airport roadways, parking zones, and designated pick-up, drop-off, and staging areas necessary to accommodate renovation, construction, and other structural improvements and/or modifications to Airport property.

**4.1 TRAFFIC AND PARKING SIGNS, DIRECTIONS AND SIGNALS**

- (A)** Motor vehicles shall be operated upon the Airport in strict accordance with the rules herein prescribed for the control of such vehicles and the California Vehicle Code, except in cases of emergency involving the protection of life and/or property. All vehicles operated on Airport roadways must at all times comply with any lawful order, signal or direction by authorized personnel. When roadway traffic is controlled by signs or by mechanical or electrical signals, such signs or signals shall be obeyed unless directed otherwise by authorized personnel. Similarly, when movement in any parking facility, holding lot or other location is controlled by signs or by mechanical or electrical signals, such signs or signals shall be obeyed unless directed otherwise by authorized personnel.
- (B)** The Director is authorized to place and maintain such traffic signs, signals, pavement markings, and other traffic control devices upon Airport roadways, parking facilities and other Airport property as required to indicate and carry out the provisions of these Rules and Regulations and of the California Vehicle Code to guide and control traffic.
- (C)** Vehicles on Airport roadways shall be operated in strict compliance with the roadway speed limits, posted signs, and pavement and/or curb markings prescribed by the Airport Commission.

**4.2 RESERVED, POSTED OR RESTRICTED PARKING AREA**

- (A)** The Director is authorized to reserve all or any part of parking lots or terminal courtyards or other areas not under lease or permit for the sole use of vehicles of the City and County of San Francisco, its officers or employees, tenants, or for such visitors to the Airport as the Airport may designate, and to indicate such restrictions by appropriate markings and/or signs; designate a parking time limit on any portion of said lots and courtyards; designate any portion of said lots and courtyards as a passenger loading zone or a freight loading zone; designate any portion of said lots and courtyards as a No Stopping, No Waiting or No Parking area; designate where and how vehicles shall be parked by means of parking space markers; and designate direction of travel and indicate same by means of appropriate signs and/or markings.
- (B)** When appropriate signs and/or markings have been installed, no person may park or drive a vehicle on any portion of such lots or courtyards reserved for the exclusive use of any vehicle unless authorized by the Director.

- (C) Working news media representatives must comply with Airport "Media Procedures" found at <https://www.flysfo.com/media/media-procedures>. Unless otherwise provided for in the Media Procedures, working news media representatives may park their vehicles in designated press parking areas for a period not to exceed two hours while on assignment at the Airport.
- (D) Vehicles parked along any roadway curb or in any garage, parking lot or other authorized parking area designated for public, private or employee use, shall park in such a manner as to comply with all posted and/or painted lines, signs, and rules.
- (E) Vehicles displaying either a distinguishing license plate or a placard issued pursuant to 22511.5 or Section 9105 of the State of California Vehicle Code may park in designated handicapped/disabled parking sections for such periods as indicated by appropriate signs and/or markings.
- (F) Electric Vehicle Plug-In Charging Stations may be located in parking lots, terminal courtyards, garages or other parking areas to provide electric charging for plug-in electric and plug-in electric hybrid vehicles. No vehicle shall stop, wait, or park within the plug-in electric vehicle stalls unless the vehicles are equipped to use the designated plug-in electric charging stations. All other vehicles will be cited pursuant to Rule 14.

#### **4.3 AUTHORIZATION TO MOVE VEHICLES**

The Director may remove, or cause to be removed at the owner's expense from any restricted or reserved area, any roadway or right-of-way, or any other area on the Airport any vehicle which is disabled, abandoned, or illegally or improperly parked, or which creates an operations problem. Any such vehicle may be removed to the official vehicle impound areas designated by the Director. Any vehicle impounded shall be released to the owner or operator thereof upon proper identification of the person claiming such vehicle and upon payment of the towing charge currently in effect and the accrued parking fees thereon. The Airport Commission shall not be liable for damage to any vehicle or loss of personal property which might result from the act of removal.

#### **4.4 USE OF ROADS AND WALKS**

- (A) No person shall operate any vehicle on the Airport other than on the roads or places authorized by the Director for use by that particular type of vehicle.
- (B) No person shall use Airport roads, crosswalks, or walkways in a manner that hinders or obstructs proper use.

#### **4.5 PARKING AND STOPPING OF VEHICLES**

- (A) No vehicle shall be parked or stopped on any Airport roadway except in the manner and at a location authorized for stopping, standing or parking as indicated by posted traffic signs and/or painted curb markings, or in a parking facility designated for public or employee use. Double parking on Airports roadways is strictly prohibited.
- (B) No vehicle shall block or obstruct vehicular movement on any Airport roadway, ramp, or parking facility, including areas designated as staging areas for commercial vehicles.

#### **4.6 TERMINAL CURB MARKINGS**

All vehicle operators on terminal roadways shall comply with curb markings, signage, and directions from traffic control personnel to maintain a safe, secure, and efficient use of the limited curb space in front of terminals.

Vehicles using Airport terminal roadways may stop only for the pick-up/drop-off of passengers or other permitted commercial operations, only at marked curbs, and only in the color zone designated for that type

of vehicle, as provided in this Rule 4.6 or as directed on roadway signage or by traffic control personnel. Vehicles must be attended at all times. Waiting along a terminal curb for passengers or baggage is prohibited. Commercial vehicle operators must additionally at all times comply with the Airport Permit and any notice or direction issued by the Airport to the Permit holder.

Unless specifically excepted by the Director, any vehicle which violates this Rule 4.6 may be cited and towed immediately, at the owner's expense.

The curb color zones are generally designated as follows:

|                              |                                                                                                                                                           |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Red Zone:</b>             | Hotel Courtesy Shuttles and SamTrans Buses.                                                                                                               |
| <b>Yellow Zone:</b>          | Delivery Vehicles and Limousines.                                                                                                                         |
| <b>White Zone:</b>           | Private Vehicles, Permitted Commercial Ground Transportation Vehicles as posted, and Car Rental Shuttles providing services for disabled passengers only. |
| <b>Red and Yellow Zone:</b>  | Taxicabs.                                                                                                                                                 |
| <b>Green and White Zone:</b> | Airporters, Crew Shuttles, and Charter Buses.                                                                                                             |
| <b>Red and White Zone:</b>   | Shared-Ride Vans.                                                                                                                                         |
| <b>Blue and White Zone:</b>  | Employee Shuttles, SFO Parking Shuttles, and Off-Airport Parking Shuttles.                                                                                |
| <b>Blue and Red Zone:</b>    | Hotel Courtesy Shuttles and Off-Airport Parking Shuttles.                                                                                                 |
| <b>Blue and Green Zone:</b>  | TNC Vehicles.                                                                                                                                             |

#### **4.7 COMMERCIAL GROUND TRANSPORTATION OPERATIONS**

All commercial ground transportation operators ("GTOs"), whether an individual or business entity of any type whatsoever, providing transportation services to, on, or from Airport property including, but not limited to, those operators who use Airport roadways as part of a business conducted for monetary consideration, shall comply with this Rule 4.7. Violation of this Rule may result in an admonishment and/or citation under Rule 14 of these Rules and Regulations, in addition to any other fines, charges, or penalties assessed under applicable law or permit, including permit suspension or revocation.

##### **(A) General Requirements**

###### **(1) Modes Requiring CPUC and Airport Permits**

The following GTOs operating on the Airport's roadways shall have a valid certificate or permit issued by the California Public Utilities Commission ("CPUC") and an Airport-issued operating permit:

- (a) Charter buses
- (b) Courtesy shuttles (including but not limited to crew, rental car, parking, and hotel shuttles)
- (c) Limousines
- (d) Scheduled transportation operators, unless excluded in A.3, below

- (e) Shared-ride vans
- (f) Transportation Network Companies (“TNCs”)

**(2) Taxicab Permitting Requirements**

Every taxicab operating on Airport premises must be licensed either by the San Francisco Municipal Transportation Agency (“SFMTA”) or another local public entity. Consistent with San Francisco Transportation Code § 1105(a)(6), taxicab operators regulated by the SFMTA are required to comply with Airport Rules and Regulations and the terms of their Airport/SFMTA Taxi User Agreement.

**(3) Modes Exempt from Airport Permit Requirement**

Transportation vendors contracted by the City and County of San Francisco

**(4) Permit Terms**

All permits, regardless of the transportation mode, require the permit holder to ensure that all vehicles and drivers operating under the permit comply with the permit terms and conditions, including, but not limited to:

- (a) display of proper vehicle trade dress, visible TCP numbers, decals, emblems, license plates, and any and all other markings required by applicable laws and permit terms and conditions;
- (b) maintaining vehicle tracking device or system without alteration, removal or destruction;
- (c) following signage and directives, including but not limited to signage and directives regarding loading and unloading of passengers;
- (d) operating only in designated areas;
- (e) maintaining applicable vehicle safety and inspections requirements; and
- (f) complying with these Rules and Regulations.

**(5) Trip Fees**

Unless excluded from the payment of trip fees under applicable permit terms, all permit holders are responsible for the payment of trip fees, which fees are used to recover Airport costs for roadway and garage maintenance and infrastructure. Trip fees are calculated on an annual basis by mode and trip frequency, and are subject to the approval of the Airport Commission. The Airport tracks trip fees and permit holders must pay such fees in conformance with the terms and conditions of the applicable permit. Failure to pay trip fees owed and/or late payment of trip fees may result in any one or all of the following: a fine under Rule 14 of the Airport Rules and Regulations, interest on unpaid trip fees at the rate of one and one-half percent (1-1/2%) per month, administrative fines under the terms of the applicable permit, and permit suspension and/or permit revocation.

**(6) Payment of Other Fees**

Consistent with the terms of the applicable permit, permit holders may be assessed fees for lost, missing or altered transponders, lack of operating decals, failure to comply with annual registration requirements, late registration, and other fees.

**(7) Audit and Inspection of Records**

Each GTO permit holder shall make books and records identified in the applicable permit available for inspection, including, without limitation, reports, records, and compilations as may be requested by the Director or his/her designee. Should any examination of records or vehicle trip count result in discovery of underpayment by permittee in excess of five percent (5%) of the fees due, the permittee shall promptly pay to the City and County of San Francisco the amount of the underpayment plus all costs incurred in conducting the examination or vehicle trip count. The permittee shall also be liable for expenses incurred in assessing or collecting any money owed to the City and County of San Francisco.

**(8) Waybills**

Consistent with California law and GTO permit terms, every limousine, TNC, charter and pre-arranged transit passenger pick up and drop off shall be documented by a waybill, which waybill shall conform to the requirements of the applicable law and permit terms.

All transportation operators who use the Airport's courtyards for picking up patrons must display a copy of their waybill inside the vehicle so it can be easily read from outside of the front windshield. Another copy of the waybill shall be carried by the driver of the vehicle.

All drivers of vehicles operating under an Airport GTO permit shall present the waybill to any Airport or law enforcement official upon request.

**(9) Courtyard Parking and Staging Area**

To address roadway congestion and changing conditions on the ground, from time to time, the Director or the Director's designee may establish and construct staging areas for select vehicle classes providing ground transportation services, and may require all drivers operating under select GTO permits to wait in courtyards or designated staging areas until such time as their passengers have arrived and are at the curbside. The Airport may charge a fee for use of courtyards and staging areas. When staging space is not available, the Director or the Director's designee may require vehicles to stage off the Airport.

**(10) Passenger Receipts**

All taxis, TNCs, limousines, scheduled, and pre-arranged van operators must have the ability to immediately provide passenger receipts generated either electronically or by hard copy (paper and pen). All such receipts must include the name of the permittee, the date and time of service, and all other information required by the regulatory agency of that mode.

**(11) Emergency Contact**

All GTOs, regardless of transportation mode, must maintain current emergency contact phone numbers and/or email addresses with the Airport, where automated emergency notifications can be immediately transmitted.

**(B) General Conduct Applicable to all Modes of Commercial Ground Transportation**

The drivers of all permitted vehicles must comply with all applicable laws, the general conduct provisions in their respective permits, and with all posted signs, directions, curb markings, and other directives set forth in Rule 4.1-4.6 of these Rules and Regulations.

In addition, the following conduct by GTO service providers is prohibited and is subject to administrative fines under Rule 14, as well as administrative penalties under the applicable permit:

- (1) Cutting in line, jumping a taxicab lot, or bypassing a holding lot or ticket collection area before leaving the Airport;
- (2) Picking up or discharging passengers or their baggage at any terminal levels other than those designated for such purpose;
- (3) Leaving a vehicle unattended, except in designated staging areas;
- (4) Failing to provide a receipt upon passenger request;
- (5) Disregarding instructions by or providing false information to Airport Officials, including law enforcement personnel, Curbside Management Program personnel, and/or the Airport's designated duty managers, garage managers, leads, and guards;
- (6) Displaying to an Airport Official an altered or fictitious waybill, holding lot ticket or receipt;
- (7) Failure to possess a valid waybill unless not required by applicable permit;
- (8) Driving a vehicle without appropriate trade dress, placards, license plates, TCP numbers, decals, and/or logos as required by applicable law and/or permit;
- (9) Failing to activate, deactivating, tampering with, damaging, removing or evading vehicle trip counting and tracking devices and applications, including transponders, smart phone applications, and license plate recognition devices;
- (10) Soliciting passengers on Airport property;
- (11) Recirculating or "looping" on any terminal roadway;
- (12) Use or possession of any alcoholic beverage, narcotic or controlled substance while operating a vehicle on Airport premises;
- (13) Use of profane or vulgar language;
- (14) Any attempt to solicit payment in excess of that authorized by law;
- (15) Any solicitation for or on behalf of any hotel, motel, club, nightclub, or any other business whatsoever;
- (16) Solicitation of any activity prohibited by the Penal Code of the State of California;
- (17) Operating a vehicle:
  - (a) in an unsafe manner;
  - (b) after the vehicle has failed a safety inspection; or
  - (c) that lacks mandatory safety equipment as defined in the California Vehicle Code;
- (18) Tampering with, disconnecting, or modifying any emissions-control equipment, modifying a defined clean fuel vehicle, or using unauthorized fuel to power a defined clean fuel vehicle;

- (19) Using any part of the Airport premises other than a restroom to urinate and/or address personal hygiene needs;
- (20) Failure to wear a visible photo identification card if required by applicable permit or regulatory agency;
- (21) Failure to comply with applicable headway requirements;
- (22) Staging in an unauthorized location;
- (23) Staging a coordinator (such as for shared-ride vans) in an unauthorized location;
- (24) Failure to comply with posted signage and pavement markings; and
- (25) Idling a vehicle or engine for more than five minutes as prohibited under California Air Resources Board regulations

**(C) Scheduled Transportation Operations**

**(1) Proposed Changes in Operations**

No changes in service may be made in scheduled transportation operations of applicable permittees unless first requested in writing to the Director or the Director's designee no fewer than thirty (30) days in advance of the proposed implementation date. "Changes in service" means (a) increasing or decreasing the number of vehicles authorized to operate at the Airport, (b) changing the frequency of service runs, or (c) modifying routes or stops.

**(2) Criteria for Approving Proposed Changes**

The Director or the Director's designee will review the merits of any proposed change in scheduled transportation operations based on the following criteria:

- (a) determination of the potential ridership and revenue recovery;
- (b) evaluation of the planned route, the location, and number of all proposed Airport ground transportation services in the subject corridor;
- (c) analysis of the service travel time;
- (d) determination of the type or size of vehicle appropriate for the operation; and
- (e) determination of availability of Airport curb and staging space.

The Director or the Director's designee has the discretion to approve, reject or require modification to any such proposed changes in service.

**(D) Taxicabs**

**(1) San Francisco Taxicabs**

Taxicabs licensed by the SFMTA shall comply with all SFMTA operating requirements, including, but not limited to, Articles 1105 and 1108 of the San Francisco Transportation Code, SFMTA's Motor Vehicles for Hire Regulations, and any and all other ordinances,



laws and/or regulations that may be applicable to operating taxicabs. In addition, every SFMTA regulated taxi operating at the Airport shall:

- (a) only be driven by an individual with an SFMTA issued A-Card and with an Airport permit (necessary for pick-up);
- (b) have an Airport-issued AVI transponder affixed to the vehicle;
- (c) have a certification decal affixed to the right and left rear rooftop quarter section of the vehicle;
- (d) stage only in designated areas when waiting for a passenger pick-up;
- (e) comply with dispatcher instructions for passenger pick-up;
- (f) charge fees in conformance with SFMTA rate schedules and no other unapproved fees or surcharges;
- (g) remain in/with vehicle while in a curbside taxi queue;
- (h) occupy Airport taxi lots only during daily operational hours; and
- (i) use an A-Card to enter an Airport parking garage only for Airport-authorized taxicab-related business which includes but is not limited to entering the taxi queue line or meeting with Airport staff.
- (j) possess a cellular mobile device (Android or Apple) with a supported operating system, capable of running applications, with an up-to-date version of the SFO-created application required for taxi dispatching, verification, or queuing, and abide by all terms and conditions of such mobile application.

Certification decals and AVIs are the property of the Airport and, upon suspension or revocation of certification, shall be immediately surrendered to the Director or his/her designee.

Taxicab drivers who are issued an Administrative Citation may be required to pay an administrative fine under Rule 14 of these Rules and Regulations or may have Airport pick-up privileges suspended.

**(2) Non-SFMTA Taxicabs**

Taxicabs licensed and regulated by public entities other than the SFMTA shall comply with all laws, ordinances, and regulations of the licensing entity and any and all other ordinances, laws, and regulations that may be applicable to operating taxicabs. Non-SFMTA taxis are prohibited from picking up passengers except for on a pre-arranged basis, and for each trip, shall have a waybill with the name of the passenger, the number of people in the party, and the location and time of pickup. Drivers must pay a trip fee to pick up passengers at the Airport.

**(E) Director's Discretion**

Notwithstanding any provisions of these Rules and Regulations or of the terms of an operating permit, the Director at all times retains the sole and absolute discretion to suspend operating privileges at SFO and/or to assess fines as provided under a permit and/or these Rules and Regulations.

**RULE 5.0****AIRSIDE OPERATIONS****5.1 GENERAL**

- (A) **Application and Purpose.** This Rule 5.0 applies to all operations on the Air Operations Area (AOA). The purpose of this Rule 5.0 is to promote the safe operation of aircraft and vehicles on the airfield and the safety of all airfield activities. All persons on the AOA must comply with this Rule, in addition to all other applicable Rules of these Rules and Regulations.
- (B) **Authority of the Director.** The Director has charge of the AOA and may take any action deemed necessary and appropriate to assure the safe and proper operation of the Airport. The Director shall have the right at any time to close the entire or any part of the Airport to air traffic; to delay or restrict any flight or other aircraft operation; to refuse takeoff permission to aircraft; or to deny the use of the entire or any part of the Airport to any specified class of aircraft or to any individual or group. In the event the Director determines the condition of the Airport or any part of the Airport to be unsafe for landings or takeoffs, the Director shall issue, or cause to be issued, a Notice to Airmen (NOTAM).
- (C) **Aircraft.** All persons shall navigate, land, service, maintain, and repair aircraft in conformance with Federal Aviation Administration (FAA) and National Transportation Safety Board rules and regulations.
- (D) **Ground Support Equipment (GSE).** Any vehicle operated to support aircraft on the AOA or to perform airside operations, regardless whether such vehicle is motorized or nonmotorized or leaves the AOA perimeter, is Ground Support Equipment (GSE) and may be operated only with the permission of the Director. Safe operation of GSE on the AOA is critical to the overall safety and security of Airport operations. Employers who own and operate GSE on the AOA shall assure that their drivers and vehicles comply with the requirements of all applicable Rules and Regulations. Failure to comply with the provisions of this Rule may result in administrative fines under Rule 14 and/or vehicle impoundment consistent with the GSE Safety Inspection Program (GSESIP), at Appendix B to these Rules and Regulations.
- (E) **Airfield Marking and Signage.** Any person engaged in airfield activity shall comply with all marking and signage. Pilots and vehicle operators shall obey all lights, signs, signals, markings, and NOTAMs unless an authorized representative of the Director or Control Tower directs otherwise. Pilots and vehicle operators engaged in airside operations must at all times comply with any lawful order, signal or direction of the Director, except when subject to the direction or control for ground movement purposes of the FAA or other federal agency. No aircraft or other vehicle shall use any part of the airfield, apron, ramp, taxiway, runway or other area considered temporarily unsafe for landing or takeoff, or which is not available for any reason. The Airport will mark boundaries of such areas with barricades and flags by day and high intensity flashing red lights at night and low visibility periods, and will issue communications by PASSUR and/or NOTAM, as appropriate.
- (F) **Air Traffic Control Tower (ATCT) and Ramp Towers.** Any person engaging in moving aircraft or GSE shall communicate with and follow all instructions by FAA Air Traffic Control and/or the Ramp Tower, as appropriate, for crossing or proceeding on Taxilanes, Taxiways, and/or Runways. Any person who fails to properly communicate with Air Traffic Control and/or comply with Air Traffic Control instruction may, at the sole discretion of the Director, lose the privilege to operate at the Airport on a temporary or permanent basis. Any such action by the Airport may be independent of and/or in addition to any investigation or action by the FAA or the National Transportation Safety Board.

**5.2 AIRSIDE PERSONNEL**

- (A) **Intoxicants and Drugs.** No person engaged in airside operations shall be under the influence of intoxicating liquor or drugs, nor shall any person under the influence of intoxicating liquor or drugs be permitted to board any aircraft, except a medical patient under care. Any person violating this Rule may be denied use of the Airport by the Airport Director in his sole discretion. See FAR Part 91.17.
- (B) **Personal Listening Devices.** No person shall use personal listening devices while walking, operating, or driving on the AOA. Personnel authorized to operate vehicles on the AOA may use personal cell phones and/or any other type of hand-held or hands-free device, only after stopping (whether in or out of a vehicle) in a safe manner and in a safe location.
- (C) **Reflective Clothing.** To enhance visibility and promote safety for persons working on the AOA, all employers/tenants or contractors-must provide all employees with reflective clothing meeting or exceeding Class 2 reflectivity per the Standard for High-Visibility Safety Apparel (ANSI/ISEA 107-2004). Employees shall wear reflective clothing at all times while performing such duties on the AOA unless competing safety concerns necessitate the temporary removal of reflective clothing. This requirement does not apply to uniformed airline crewmembers within the aircraft envelope.

**5.3 AIRCRAFT OPERATIONS****(A) Aircraft Operators****(1) Registration and Fees**

The Director may require and may designate appropriate locations for the registration of pilots and aircraft using the Airport. Pilots shall comply with the requirements of such registration. The payment of rentals, fees, and charges relating to the use of Airport premises and facilities shall be made before takeoff. In lieu of such payments, satisfactory credit arrangements shall be made by the pilot or owner of aircraft with the Director.

**(2) Training Flights and Student Pilots**

No aircraft shall land, take off or taxi at the Airport while the aircraft is under the control of a student pilot. No person shall conduct training flights on or over the Airport.

**(3) Helicopter Operations**

- (a) Helicopter aircraft arriving and departing the Airport shall operate under the direction of the Control Tower at all times while in the Airport Control Zone. No helicopter may land or take off from the Airport unless it is equipped with a two-way radio, is in communication with, and has received authorization from the Control Tower.
- (b) Helicopters shall have braking devices and/or rotor mooring tie-downs applied to the rotor blades. Helicopters shall not be taxied, towed, or otherwise moved with rotors turning unless there is a clear area of at least 25 feet in all directions from the outer tips of the rotor blades.
- (c) Helicopters may park only in approved parking areas on the Fixed Base Operators ramp. Additional locations may be approved by the Director. This rule does not apply to the U.S. Coast Guard station helicopters.

**(4) Charter Aircraft**

All airlines are required to advise Airport Operations 72 hours in advance of any charter aircraft other than their own, except to those charter flights managed by the Airport's Fixed Base Operator.

**(5) Unmanned Aircraft (drones)**

No motorless or unmanned aircraft, such as drones, shall land or takeoff from the Airport. Operation of unmanned aircraft to, on, or from Airport property is strictly prohibited, except as expressly permitted by the FAA and/or the Director as may be appropriate under applicable law or rules.

**(B) Aircraft Equipment Requirements**

All aircraft operating at the Airport must be equipped with functioning brakes, a two-way radio, and a 4096 transponder for altitude and coding. All aircraft must additionally have VHF Omnidirectional Range capability.

**(C) Aircraft Parking, Maintenance, Repair****(1) Parking Responsibility**

Upon direction from the Director, the operator of any aircraft parked or stored at an air terminal or hardstand shall move such aircraft from the place where it is parked or stored. All remote parking requests for locations outside of lease, permit, or contract terms, shall be made through Airfield Operations and/or Ramp Tower A.

Non-terminal aircraft parking reservations must be made within 24 hours of the time the space is needed. The Airport will not accept requests for reservations more than 24 hours in advance except under special circumstances such as emergencies, charters, VIP, or special events.

Failure to comply with direction to relocate an aircraft or parking in an unauthorized location shall result a fine under Rule 14.

**(2) Aircraft Repairs**

All repairs to aircraft and/or engines shall be made in areas designated for this purpose. Minor adjustments and repairs may be performed on aircraft at gate positions on the ramp when such repairs can be safely accomplished without inconvenience to persons or other companies. Any spills must be promptly and properly addressed. Any aircraft being repaired at a gate position shall be moved immediately upon the request of the Director. No aircraft engine shall be run-up for test purposes at any gate position.

**(3) Parking and Washing of Aircraft**

(a) Aircraft shall not be parked on the Airport, except in areas and in the manner designated by the Director. The City and County of San Francisco and its agents assume no responsibility for aircraft parked or in the process of being parked on the Airport.

(b) Aircraft shall not be washed, except in areas and in the manner designated by the Director. No aircraft shall be washed at any terminal gate position.

**(4) Cargo Aircraft On-Ground Time Limits at Plot 50**

Aircraft hardstands 50-1 through 50-8 have a maximum Aircraft-On-Ground (AOG) time of six hours. Upon reaching the six-hour mark, aircraft may be assigned a new parking location by Airfield Operations; the airline must have tow capability available at that time.

Moving the aircraft, or arranging for its movement, is the sole responsibility of the airline. The airline must ensure that a 24-hour contact is available for Airfield Operations. (AOB 20-11)

**(D) Aircraft Movement**

**(1) Extended On-Airfield Flight Delays**

Airline personnel are required to contact the Airport Duty Manager (ADM) at (650) 821-5222 to report any incidents of a live flight being held away from the terminal in excess of 60 minutes. The Airport Duty Manager is available 24 hours a day and must be called as soon as airline staff becomes aware of a situation which may lead to passengers remaining on an aircraft for more than 60 minutes away from a terminal gate – whether on an arriving or departing flight. Personnel responsible for aircraft movement, including personnel in the ATCT or the International Terminal Tower and/or Airport Airfield Safety Officer personnel who become aware of a live flight being held away from a terminal gate for more than 60 minutes must also contact the Airport Duty Manager. Airport resources shall help meet the airline and Airport's collective customer service goals and compliance in notifying the ADM of this situation. Prompt notification to the ADM will enable the Airport to activate our contingency plans.

**(2) Starting or Running of Aircraft Engines**

No aircraft engine shall be started or run unless a licensed pilot or certificated A and P mechanic is attending the aircraft controls. Wheel blocks equipped with ropes or other suitable means of chocking the wheels of an aircraft to deter movement shall always be placed in front of the main landing wheels before starting the engine or engines, unless the aircraft is locked into position by functioning locking brakes.

**(3) Run-Up of Aircraft Engines**

- (a) All aircraft shall be started and run-up in locations designated for such purposes by the Director. Aircraft engines shall not be operated in such position that persons, structures or property may be endangered by the path of the aircraft propeller slip-stream or jet blast. Wingwalkers and/or road guards must be present at all times while starting or running engines in a ramp area.
- (b) No aircraft engine exhaust, blast, and/or propeller wash shall be directed in such manner as to cause injury, damage, or hazard to any person, structure, or property.
- (c) Power back of aircraft at any gate is prohibited.
- (d) The run-up of mounted aircraft engines for maintenance or test purposes is prohibited between the hours 2200-0600, except as provided below:
  - (i) An idle check of a single engine is allowed under the following conditions:

An idle check of a single engine not to exceed a 5-minute duration may be conducted in the leasehold area. If more than one engine is to be checked, each engine must be checked separately and the total duration of the idle checks cannot exceed 5-minutes.

An idle check of a single engine or engines (checked separately) which will exceed a duration of 5-minutes shall be accomplished at an authorized run-up area.

- (ii) During the hours of 2200-0600, Airfield Operations shall be called and permission received prior to any engine idle check, or engine idle run-up. All engine starts at the gate shall be approved by Airfield Operations. Any idle run for more than a duration of 5-minutes will be considered an engine run-up.

During other hours Airfield Operations shall be called and permission received prior to any engine run-up. When approved and accomplished the Maintenance Supervisor of the airline concerned must provide to the Director a monthly report detailing the following:

- Date and time of the run-up
- Type aircraft
- Aircraft identification number
- Location of the run-up
- Duration of the run-up
- An explanation of the emergency circumstances making the run-up necessary.

Reports shall be submitted to the Director within 3 working days following the last day of each calendar month.

- (e) Air carriers shall comply with Federal Aviation Regulations for noise abatement and noise emission standards and must conform with all rules, policies, procedures and resolutions as established by the Airport Commission relative to noise abatement.

## **(E) Taxiing or Moving of Aircraft on Operational Areas**

### **(1) Apron, Ramp, and Airfield**

Aircraft shall not be taxied, towed or otherwise moved on any part of AOA without a functional tower radio, and until specifically cleared to do so by the FAA Control Tower or Ramp Tower. Unless otherwise agreed between the Director and an airline and its contractors, whenever any aircraft is being taxied, towed or otherwise moved on the apron, ramp, or airfield, there shall be a person attending the controls of the aircraft who shall monitor by radio the transmitting frequency in use by the Control Tower or who, if necessary, will cause that frequency to be monitored by another person in the aircraft. In the event of radio equipment failure, the Control Tower may use an Aldis Lamp for communication. Airfield Operations shall provide escorts only for aircraft with functioning tower radios.

All personnel engaged in moving aircraft, except receipt into or dispatch from an apron, shall have an Airport ID badge with an "M" icon as specified in Rule 5.4(A) below. Tenants shall ensure that a current copy of the SFO Airport Layout Map is prominently displayed in all aircraft tow tractors and readily accessible to cockpit brake riders.

### **(2) Envelope Receipt and Dispatch**

Vigilance in aircraft operations in and around the terminal gate envelope is critical for the safety of passengers, ramp workers, and equipment and to minimize taxiway and taxilane congestion. Airlines shall deploy personnel to assure sufficient wingtip and tail clearances for all aircraft operations entering and exiting the terminal gate envelope. Unless

otherwise agreed between the Director and an airline and its contractors, the following procedures shall be used:

- (a) For receipt of an aircraft into the envelope, there shall be a minimum of (i) two guide personnel, or wingwalkers, one at each wing, and (ii) a marshaller directing the pilot into the envelope. If the gate is equipped with Auto Park, a marshaller is not required.
  - (b) When taxiing in the Non-Movement Area, particularly alleys between boarding areas, aircraft must use idle thrust to minimize jet blast. If an aircraft must stop before its assigned gate or hardstand, the crew must ensure that any temporary breakaway thrust required to regenerate taxiing momentum is directed away from nearby VSRs, aircraft gates/hardstands, and ramp service areas. If an aircraft cannot regenerate taxiing momentum in a manner that directs harmful jet blast away from VSRs, aircraft gates/hardstands, and ramp service areas, it must be towed into its gate or hardstand. Ramp crews that are ready to accept aircraft will reduce this jet blast hazard by enabling aircraft to complete taxiing at idle thrust and avoid tow operations. (AOB 21-08)
  - (c) For dispatch of an aircraft from the envelope, as in pushbacks and remote hardstands, there shall be a minimum of (i) two guide personnel, or wingwalkers, one at each wing, and (ii) a tug driver at the nose of the aircraft. The wingwalkers shall remain in position until the aircraft passes the adjacent service road. The wingwalker closest to the service road shall be positioned to also control vehicular traffic.
  - (d) Aircraft shall be aligned with the nose wheel on the taxiway or taxilane centerline during pushbacks from terminal gates or hardstands prior to being disconnected from an aircraft tug.
  - (e) Pushback personnel must wear reflective clothing and carry signal wands while in the process of moving or directing aircraft. During daylight hours, the pushback personnel may use a day or lighted signal wand and during hours of darkness or limited visibility, the personnel shall use a lighted signal wand.
- (3) Tenant vehicles used for towing aircraft are restricted to routes prescribed by the Director.

**(4) Towbarless Towing Vehicles (TLTV)**

The standards for Towbarless Towing Vehicles (TLTV) are based on FAA Advisory Circulars 150/5210-5D Painting, Marking, and Lighting of Vehicles Used on an Airport and 00-65 Towbar and Towbarless Movement of Aircraft. TLTV must either be painted International Orange or outlined on both sides with a minimum 8-inch wide horizontal band of reflective tape with coverage greater than 25% of the vehicle's vertical surface. A LED light bar or yellow flashing beacon must be placed above the TLTV operator's cab. In addition, a yellow flashing light must be installed on both the upper-left and upper-right rear corners of the vehicle, with all lights activated when operating in low light and/or low visibility conditions. Unless otherwise agreed between the Director and an airline and its contractors, a properly trained and qualified flight deck/cockpit observer must be in place in the towed aircraft cockpit during any aircraft towing operation. When towing an aircraft between sunset and sunrise, aircraft wingtips, tail, and fuselage must be clearly illuminated by aircraft position lights and anti-collision lights (when appropriate). Airline and/or ground support tenant must otherwise meet FAA training and operational requirements described in FAA Advisory Circulars 150/5320-5D and 00-65.

TLTVs are restricted to taxiways and taxi-lanes only, unless these vehicles can operate safely on and within the lanes of the vehicle service roads.

**(F) Taxiing into or Out Of Hangars**

No aircraft shall be taxied into or out of a hangar under its own power.

**(G) Aircraft Marking During Low Visibility Periods**

- (1)** Every aircraft parked on the ramp or apron shall have its running lights illuminated during the hours between sunset and sunrise and during low visibility periods, except in areas designated by the Director. Other means of identifying and marking of the wingtips of the craft while parked may be used in lieu of the running lights, but prior authorization for any substitute wingtip identification must be obtained from the Director.
- (2)** All aircraft being taxied, towed or otherwise moved on the ramp, apron or taxiways shall proceed with running lights on during the hours between sunset and sunrise and during periods of low visibility. Upon request of an Airport tenant, Airfield Operations may provide a vehicle escort for aircraft with inoperative running lights.

**(H) Prohibited Flight Approaches and Landings**

The following flight approaches and departures are prohibited at the Airport and will not be approved by the Air Traffic Control Tower except upon special pre-approval by the Control Tower or as directed by the Control Tower in emergency circumstances:

- **Touch & Go** – aircraft lands and departs on a runway without stopping or exiting the runway;
- **Stop & Go** – aircraft is brought to a complete stop, purposefully reconfigures for takeoff, and takes off from the same point;
- **Full Stop Taxi Back** – aircraft lands, exits the runway, and taxis to the departure end;
- **Low Approach** – a go-around maneuver following an approach;
- **Practice Approach** – an instrument approach where there is no landing intended.
- **Option Approach** – an approach requested and conducted by a pilot which will result in a touch-and-go, missed approach, stop-and-go, or full stop landing.

(AOB 20-08)

**5.4 GROUND SERVICE EQUIPMENT (GSE) OPERATIONS**

**(A) GSE Operators**

**(1) License**

A GSE driver shall hold a California Department of Motor Vehicles driver's license consistent with the requirements of California law for the type or weight of vehicle operated.

**(2) Employer Pull Notice Program**

Prior to operating a motor vehicle in the Secured Area/Air Operations Area every individual shall be registered through his or her employer in the California Department of Motor Vehicles ("DMV") Employer Pull Notice Program. All individuals, partnerships, corporations, tenants, contractors, and entities with employees and/or independent contractors who operate motor vehicles in the Secured/Operations Area shall comply with the DMV Employer Pull Notice Program.



**(3) Airfield Driving Test/Movement Area Operator**

To drive in the Secured Area/AOA, an individual must pass any applicable Airport-administered test and must obtain the proper Airport credential(s) as appropriate to the area(s) of vehicle operation. Driving without the proper credential shall result in immediate revocation of the driver's Airport ID badge.

Aircraft tow crews and other individuals with an operational need to drive on the Airport's movement area (as determined by the permittee) must receive company training every consecutive 12 months for operations in the movement area; training must include subject matters listed in 14 CFR Part 139.303. After company training is completed, the individual must successfully complete the Airport Movement Area Operator (MAO) training and testing at least every 12 consecutive months. The Airport movement area privilege is indicated by the "M" icon on the Airport ID badge and is required before operating in the movement area. For any aircraft taxi or tow operation, all personnel at the controls of the aircraft, communicating on the ATC radio, or operating a tow tractor must have the "M" icon on their Airport ID badge.

**(B) GSE Requirements****(1) Registration**

All GSEs shall be registered with the Airport on an annual basis. The following types of motor vehicles operating on the AOA, regardless of whether such vehicles enter or exit the AOA, shall also be currently registered with and display valid license plates issued by the State of California Department of Motor Vehicles: sedans, vans, station wagons, sport utility vehicles, buses, and "motor trucks." For the purposes of this Section, "motor trucks" means both passenger and commercial trucks regardless of weight or number of axles, including but not limited to pickup trucks (open box and utility body), flatbed trucks, truck tractors, and catering trucks. For the purposes of this Rule, "motor trucks" does not mean vehicles designed and exclusively used for the refueling or movement of aircraft. Upon application to the Director by the owner of a vehicle exclusively operated on the premises of the Airport, an identifying number shall be assigned to that vehicle which together with the initials "S.F.I.A.," shall be displayed prominently on the vehicle in the manner prescribed by the Director. Tampering with or altering Ramp Access Permit Placards or SFIA identifying numbers is prohibited. Tenants are responsible for immediately requesting replacement of any placard or permit which becomes damaged, faded, or otherwise illegible.

**(2) Insurance**

Every vehicle operated on the Secured Area/Air Operations Area must be covered by the permittee's liability insurance as required by the Director.

**(3) Trade Dress**

All vehicles and equipment operated on the Secured Area/Air Operations Area (AOA) must have a magnetic, stenciled, or painted logo and number at least eight inches in height marked on both exterior sides. Prior authorization for use of any markings outside of these parameters must be obtained in writing from the Airport by submitting a written request to the Director of Safety and Security Services. All such requests shall be considered on a case-by-case basis. All equipment must be maintained in a clean and clearly identifiable condition. No dirt, oil, or grease shall cover or obscure the vehicle's trade dress, paint scheme and company name.

**(4) Safety Equipment**

No GSE or vehicle shall be permitted in or upon the Secured Area/Air Operations Area unless it is in sound mechanical condition with unobstructed forward and side vision from the driver's seat. All motorized vehicles must be equipped with seat belts or other appropriate safety restraints. Trailers on the Airport ramp or apron areas must be equipped with proper brakes so that when disengaged from a towing vehicle, neither aircraft blast nor wind will cause them to become free rolling. Positive locking couplings are required for all towed equipment. Brakes must be set in secured position when equipment is not being towed.

**(5) FAA-Required Equipment**

Unless authorized by the Director, all vehicles operating on a ramp or across taxiways or runways must be equipped with FAA-approved beacon or flashing lights or under positive escort while operating during hours of darkness or periods of low visibility. Vehicles authorized for unescorted operation in the movement area must be equipped with operating FAA-approved Vehicle Movement Area Transmitters (VMAT). Vehicles without a VMAT must be escorted by movement-area qualified operators using VMAT

**(6) Lights**

Carts, trailers, and/or pieces of equipment being towed or carried after dark must have either rear reflectors or rear lights.

**(7) Hazardous Materials**

All GSE carrying hazardous materials must be properly labeled and display a legible 24/7 emergency telephone number.

**(8) Shared Equipment**

A tenant shall not use equipment of another tenant without written authorization from the owner. If a tenant borrows or uses equipment of another tenant, the owner of such equipment shall remain responsible for its use and shall be responsible for any citation issued under these Rules and Regulations with respect to such equipment, regardless of the operator. The GSE owner shall provide to Airfield Operations an individual designee who may be reached at any time its GSE may be in use, regardless of the operator, to address immediate operational and safety concerns.

**(9) ULD Containers**

Cargo containers typically used for freight and mail operations ("ULD containers") and/or cargo pallets shall not be left on the ground in ramp areas unless in a designated cargo area. ULD containers and/or cargo pallets must be secured on racks or dollies when in ramp areas. ULD containers and/or cargo pallets on the ground in designated areas shall be stacked or organized in a safe and tidy manner.

**(C) GSE Safety Inspection and Impound Programs**

**(1) Safety Inspection Program**

The Ground Support Equipment Safety Inspection Program (GSESIP) is necessary to ensure that all GSE operating and around the AOA are mechanically sound and safe, promoting the overall safety of the Airport Community. All tenants and contractors whose employees use or operate vehicles or equipment on the AOA must comply with the GSESIP.

The GSESIP includes scheduled periodic physical inspections, audits, and random or targeted inspection of GSE. The GSESIP is annexed to these Rules and Regulations as Appendix B. Every lease, permit, or contract authorizing use of ground support equipment on the AOA shall incorporate the GSESIP.

**(2) Impoundment Program**

The Airport may impound GSE that presents a safety hazard or interferes with safe and efficient operations. Every tenant is responsible for its own GSE equipment regardless of the operator (i.e., borrowed or used by another tenant). There are two types of impound procedures:

- (a) Immediate Impound: GSE that pose an imminent safety hazard shall be impounded. An Airfield Safety Officer or delegated representative will red-tag the GSE and arrange for removal to the Airport impound lot. A citation will be issued and the tenant owner of the GSE will be notified. Disposal fees will apply.
- (b) Non-critical Impound: When GSE is located in an area that is not authorized for staging, parking, or storage but does not present an imminent safety hazard, the Airport will allow tenant 30 minutes to move the GSE to an appropriate location. Notification will be by telephone. After 30 minutes, the equipment will be impounded. Citation and disposal fees will apply.

The Airport may impose the following fees on owners of impounded GSE:

- Citation fees: All towing and impound fees will be covered through citation fees associated with the appropriate Rule and Regulation. One citation will be issued for each large piece of GSE; it is the impounding officer's discretion to issue additional citations based on efforts required to remove the GSE.
- Secondary citation fees: If equipment is not recovered within 15 days of impoundment (including the day of impoundment) a second citation will be issued, and additional citation fees will apply.
- Disposal fees: In addition to any initial or secondary citation fee, a disposal citation will be issued should the impounded equipment not be retrieved within 30 days. Disposal citation fees will apply. Any additional charges required to dispose of unclaimed equipment will be billed to the tenant owner of the equipment.
- Compounding fees: Per the fee schedule in the Rules and Regulations fees will compound and increase with each subsequent impounding event.

Recovery of Impounded GSE: To recover impounded equipment a tenant must contact Airfield Operations at (650) 821-3355. Tenant must coordinate a retrieval time with the Airfield Supervisor who will document the equipment retrieval. The tenant will be responsible for safely removing the equipment.

Review of Impoundment: To request a review of an impoundment citation fee, the GSE owner must follow the procedure set forth in Rule 14.5. A pending request for review or appeal, however, shall not relieve the GSE owner of the 15-day impoundment fine period; fees will continue to accrue while a review is pending if a GSE remains in impoundment beyond the initial 15-day period.

**(D) GSE Movement****(1) Signage**

Drivers on the AOA must comply with all posted signage and ground markings.

**(2) Checkpoints and Security Gates / Vehicle Escorts**

- (a) **Vehicle Checkpoints.** Vehicles entering the AOA must pass through a Vehicle Checkpoint and follow the instructions of the Vehicle Checkpoint security personnel, law enforcement officer, posted signage, and/or vehicle guidance systems. The owner of the vehicle shall be subject to fines under Rule 14 and, in addition, shall be responsible for any personal or property damage resulting from the operator's failure to follow such instruction.
- (b) **Security Gates.** Each vehicle operator using an Airport perimeter (security) gate shall ensure the gate closes behind the vehicle prior to leaving the vicinity of the gate. The vehicle operator shall also ensure that no unauthorized vehicles or persons access to the Secured Area/Air Operations Area (AOA) while the gate is open.
- (c) **Vehicle Escorts.** Only badged personnel with both driving and escort credentials may perform vehicle escort on the AOA. Only one vehicle may be escorted at a time. Drivers performing vehicle escorts will maintain safe following distance, communication, and line-of-sight with the escorted vehicle driver. Vehicle escorts shall ensure that when performing escort services, no vehicle will block taxiways, taxilanes, or aircraft gates. All vehicles entering the AOA through a construction access gate must be escorted by Airfield Operations unless following an approved designated haul route. Vehicles carrying or designed to carry construction debris and building materials such as rock, concrete, dirt, sand, debris, or similar material that could be dislodged from the vehicle must be escorted by Airfield Operations. No tenant or contractor shall escort a vehicle with more than two axles. Tenant or contractor badged personnel may operate larger vehicles without an escort. No tenant or contractor shall escort a vehicle with a wide-load. A wide-load is any load that extends beyond the width of the body of the vehicle or trailer or any vehicle that is wider than the width of the vehicle service road (12'). All vehicle checkpoint gate openings are 16' wide: Northfield Checkpoint – no vehicles with a combined length over 65' long are permitted; Westfield Checkpoint – no tractor trailers are allowed through Checkpoint 2. (AOB 19-08)

**(3) Movements on the AOA**

- (a) Before entering onto any runway, taxiway, or apron area, ground traffic shall yield right-of-way to taxiing aircraft and aircraft under tow in all cases.
- (b) Except as authorized by the Director, vehicular traffic on the aircraft ramp shall use the service roadway.(c) Drivers must always yield to emergency vehicles operating with flashing lights and/or siren.
- (c) A guide person is required whenever the operator's vision is restricted during vehicle maneuvers.
- (d) No vehicle shall pass any bus in transit supporting the Ramp Bus Operation, as described in Appendix H to these Rules and Regulations.
- (e) Only in the non-movement area, drivers are permitted to detour the equivalent of one vehicle width outside the vehicle service road if a parked aircraft or disabled equipment encroaches upon the roadway.

**(4) Towing and Carrying**

- (a) Tractor and/or container carriers shall tow no more than four carts, pallets, igloos, or ULD containers and shall adhere to all posted signage. Operators shall at all times maintain safe control and proper tracking of their towed items.
- (b) The towing of any cargo dolly or container larger than an LD3 or comparable-sized baggage cart is prohibited in the International Terminal Underpass (Tunnel).
- (c) No person shall operate any vehicle that is overloaded or carrying more passengers than the number for which the vehicle was designed. In addition, no person shall ride on the running board or stand up in the body of a moving vehicle.
- (d) All items in or on vehicles must be securely fastened. Equipment, supplies, tools and all other items transported on the exterior of a vehicle, including but not limited to water containers and lunch boxes, must be securely fastened to avoid being blown off of or dislodged from vehicles due to high wind conditions, jet blasts and other hazardous surface and air conditions. Items inside vehicles, such as radios, clipboards, sunglasses, cell phones, and beverages must be secured in a manner that will not obscure the driver's view and/or distract the driver.

**(5) Prohibitions**

- (a) Persons shall not operate GSE or vehicles in a reckless or careless manner. A reckless or careless manner is one that intentionally or through negligence threatens the life or safety of any person or threatens damage or destruction to property. Equipment shall only be used for its intended purpose.
- (b) No person shall operate a vehicle or other equipment within the Secured Area/Air Operations Area (AOA) while under the influence of alcohol or any drug that impairs, or may impair, the operator's ability to safely operate GSE.
- (c) No person shall use personal listening devices while walking or driving on the AOA. Personnel authorized to operate vehicles on the AOA may use personal cell phones and/or any other type of hand-held or hands-free device, only after stopping (whether in or out of a vehicle) in a safe manner and in a safe location.

**(6) Passenger Safety**

Each vehicle operator is responsible for the safety and activities of the operator's passengers while within the Secured Area/Air Operations Area (AOA). Each vehicle operator shall ensure that all occupants use seat belts and other safety devices when conveyance is so equipped and while traversing on any vehicle service road.

**(7) Speed Limit**

No person operating or driving a vehicle upon the AOA shall drive at a speed greater than: five (5) mph within baggage make up areas and aircraft envelopes; ten (10) miles per hour around the terminals; fifteen (15) miles per hour between Westfield and Romeo checkpoints to Access Gate 118; fifteen (15) miles per hour along the restricted vehicle service road (RVSR); or at any speed greater than is reasonable and prudent having due regard for weather, visibility, traffic, and the surface, and in no event at a speed which endangers the safety of persons or property.

**(8) Parking**

- (a) Ramp vehicles and equipment shall be parked only within a tenant's own area and in approved marked parking stalls.
- (b) Vehicle operators shall not park vehicles under any passenger loading bridge or within the striped "Keep Clear" zone.
- (c) No person shall park vehicles or other equipment that interfere with the use of a facility by others or prevent movement or passage of aircraft, emergency vehicles, or other motor vehicles or equipment.
- (d) No person shall position a vehicle or equipment within 10 feet of a fire hydrant, emergency fuel shutoff device, standpipe, or aircraft fire extinguisher, or in a manner that prohibits a vehicle from accessing these fire suppression units. To prevent damage to the underground hydrant system, GSE shall not traverse, park, or stage in the areas delineated with red-painted border markings.
- (e) Vehicles with running engines must never be left unattended.

**(9) Restricted Areas**

- (a) No vehicle shall enter the AOA unless clearance and permission has been obtained from Airport Operations. No vehicle shall enter or operate within the Movement Area unless the driver possesses a current movement area credential, monitors and receives Airport Traffic Control Tower (ATCT) clearance by two-way radio communication, or is under escort by Airfield Operations or other authorized party. Once within the Movement and safety areas, personnel and vehicle operators shall remain in continuous communication with the ATCT and comply with all ATCT instructions.
- (b) No vehicle shall pass between an aircraft and passenger terminal or passenger walkway, or operate under a wing or tail, when the aircraft is parked at a gate position, except those vehicles servicing the aircraft. No vehicle shall enter the envelope of an aircraft-occupied gate. All other vehicles must drive around the aircraft away from the passenger loading gates and walkways. Vehicles are permitted to drive the equivalent of one vehicle's width outside the non-movement boundary line if a parked aircraft encroaches onto the vehicle service road.
- (c) Ground vehicles shall not pass between an aircraft and any member of the associated push back crew unless so directed by a member of the crew.
- (d) Unescorted access to the Restricted Vehicle Service Road (RVSR), which is located in the east and north areas of the Airport between access gates #1 and #118, shall be explicitly granted by Airside Operations. Each person requiring this access must first attend the Airside Operations RVSR training to receive their permit. Before entering the RVSR from access gate #1 or via the terminus of the VSR near access gate #118, the vehicle operator must call (650) 821-3355 to request access. Unescorted access permits must be displayed in a manner that is visible from the vehicle windshield.

**5.5 RAMP OPERATIONS AND GATE USAGE**

**(A) Terminal Ramp and Gate Restriction**

- (1)** No General Aviation private, business, or corporate aircraft may enter or use terminal area gates without the prior written permission of the Director. The owner and/or operator making the request for such entry or use assumes full and sole responsibility for the safety and security of all aircraft.

- (2) All international flights must depart from the International Terminal unless they are transborder flights approved in advance by the Director.
- (3) All transborder flights pre-cleared by U.S. Customs and Border Protection may arrive either in a domestic terminal or the International Terminal and will be treated as domestic flights.
- (4) Parking of aircraft on the Terminal Ramp is restricted to no less than 138 feet from the center line of Taxiway "A".
- (5) No person shall install or alter any marking, sign, or light on the Secured Area/ AOA, including within leasehold areas, without first receiving written permission from the Airport. Building Inspection and Code Enforcement (BICE) shall evaluate such proposed alterations for compliance with the Airport Building Regulations and other applicable standards and requirements.

**(B) Ramp Drive Boarding Bridge Operations**

All Ramp Drive Passenger Boarding Bridge ("Bridge") operators are required to use a ground level Guide Person/Spotter ("Spotter") who is in full view of and in communication with the Bridge Operator. Bridges shall not be moved without the use of a Spotter. The Spotter shall be in a physical location to observe the Bridge's path of travel, assist in providing direction, enforce a safety zone around the Bridge and advise the Bridge operator when it is safe to move the bridge.

**(C) Guide Person/Spotter Duties**

- (1) Before signaling to the Bridge Operator that it is safe to move, the Spotter shall ensure that Bridge path of travel is clear of personnel, vehicles, ground support equipment, debris and any other obstruction that could interfere with the safe movement of the Bridge.
- (2) Spotters shall maintain constant visibility and communication with Bridge Operator using visual signs and/or radio communications to advise Bridge Operator when it is safe to move; perform all duties from physical vantage point that allows Spotter to observe path of travel while remaining in view of Bridge Operator.
- (3) After completion of boarding, assist operator in safely returning Bridge to Home Base.

**(D) Bridge Operator Training – Employer Requirements**

Tenants engaged in Bridge operations are responsible for the proper training of their employees. No Bridge Operator shall operate a Bridge without first successfully completing a Bridge operating training course administered by the operator's employer. All Airport-owned (common use, joint use, and preferentially assigned) Bridge operators shall complete the Airport's Ramp Drive Passenger Boarding Bridge computer based training and practical (hands-on) training provided by their employers before operating a Bridge. Computer based training is valid for a one-year period. Bridge operators shall complete annual recurrent computer based training. All employers of Bridge operators shall make training records available for inspection by the Airport upon the Airport's request.

**(E) Bridge Operator Duties**

- (1) Never operate a Bridge without the active assistance of a Spotter, even when the Bridge is equipped with a camera.
- (2) Never operate a common use, joint use, or preferentially assigned Bridge without successfully completing Bridge Operator training.

- (3) Never allow wheelchairs, aisle chairs or other items to be stowed in, around or near the Bridge.
- (4) Always leave Airport-owned Bridges clean and orderly. The Airport encourages Bridge Operators to leave airline-owned Bridges in a similar condition after use.
- (5) Bridge safety devices shall not be bypassed at any time, including 400hz power interlocks.

**(F) Duties of Other Ground Personnel**

All ground personnel working in and around Bridges must stay alert to Bridge movement and always stay out of the path of a moving Bridge. No equipment or vehicles shall be left unattended, parked or operated around or under a Bridge wheel.

**(G) Use of Alternating Current Power Sockets Affixed to a Passenger Boarding Bridge (PBB)**

- (1) Except as necessary for operation and maintenance of a PBB, use of AC power sockets located on the cross member of the PBB is prohibited.
- (2) The use of AC power sockets affixed to a PBB to connect and/or charge personal electronic devices such as, but not limited to, radios, smartphones, or tablets, is prohibited.

**(H) Pre-Positioning of a Passenger Boarding Bridge (PBB)**

At certain gates, the configuration of the PBB and aircraft parking is such that pre-positioning of the PBB is required before the arrival of aircraft. At such locations, the operator shall conform to the following procedure:

- (1) Relocate the PBB from the permanent home base location to the preposition circle located on the ramp area prior to aircraft arrival.
- (2) If equipped with a collision avoidance system, the PBB will slow down as it gets closer to other PBBs.
- (3) Upon departure of aircraft, return the PBB to the permanent home base location with the assistance of a designated guide person.

**(I) Housekeeping**

Before and after each use of a gate area, all air carriers shall:

- pick up and dispose of all Foreign Object Debris (FOD) in designated areas, placing it in an Airport-approved receptacle;
- store in proper locations the 400 Hz power cable, PC air duct, and potable water hose;
- confirm that the area is free of all spills; and
- remove all GSE to allow the next tenant to service its aircraft.

For purposes of this Rule 5.5, the gate area includes the following: The rectangular footprint extending lengthwise from the vehicle service road to the terminal building and widthwise from a point which is ten feet beyond the widest section of the aircraft apron delineated by red and white striping to a point which is ten feet beyond the widest section of the aircraft on the opposite side.



**(J) Management Protocols For Joint or Common Use Gate Resources**

To ensure the efficient, systematic, and equitable management of Joint Use and Common Use gates in the International and Domestic Terminals as well as other common use resources, including, but not limited to, the pre-conditioned air, 400 Hz systems, and the Passenger Boarding Bridges, all airlines must adhere to agreements limiting periods of use. Airlines shall promptly comply with all Airport directives to vacate a Joint or Common Use resource.

Failure to comply with agreed-upon terms for period of use or failure to comply within 1/4 hour of an Airport directive to vacate a Joint or Common Use resource, shall result in fines assessed for each 1/4 hour (rounded up to the next 1/4 hour), beyond such period as provided in Rule 14 of these Rules and Regulations.

**(K) Advanced Visual Docking Guidance System (A-VDGS)**

All air carriers with flights assigned to a gate with an active A-VDGS unit are required to use the docking station. A-VDGS units integrate with the Airport operations database to log accurate aircraft on-block and off-block times, and interface with the Passenger Boarding Bridge (PBB) to check availability and status of PBB Auxiliary Systems. The system is designed to log the use of Pre-Conditioned Air (PC Air) and 400 Hz equipment. Failure to use the A-VDGS will lock the use of the PC Air Unit, 400 Hz power, and the PBB itself.

The A-VDGS will automatically display gate identification, flight information, aircraft type and sub-type, (+/-) departure or arrival time, and assigned baggage claim. The system operates in a semi-automatic mode as ad-hoc notification messages may be displayed by authorized personnel and confirmation of all information must be acknowledged at the A-VDGS control panel by ramp personnel servicing the flight. The A-VDGS must be activated before aircraft arrival because the A-VDGS will safely guide pilots through the aircraft docking process by ensuring the aircraft arrives at the assigned and compatible gate, the pilot follows the correct lead-in line (at gates with multiple lead-in lines), and the aircraft is parked on the correct stop bar.

The use of A-VDGS does not replace the ground crew. Ground crews must meet the arriving aircraft. Ground personnel are required to keep the ramp clear and safe for aircraft arrival, and personnel must be within proximity of the A-VDGS control panel in the event the Emergency Stop button requires activation. A designated ground crew member is required to monitor the operation of the A-VDGS unit while also confirming safety personnel are ready for aircraft arrival. (AOB 19-06)

**5.6 PASSENGER MOVEMENT****(A) Passenger Enplaning And Deplaning**

To maximize the safety and security of passengers, all aircraft shall be loaded or unloaded and passengers enplaned or deplaned in designated areas unless otherwise permitted by the Director. There shall be no enplaning or deplaning of passengers on the ramp when aircraft in the vicinity of the designated route have engines operating. No pedestrian traffic is allowed to cross any taxiway, taxilane, or terminal ramp between boarding areas. Ground loading of jet aircraft in the Terminal Ramp Area is prohibited unless otherwise permitted by the Director.

All passengers shall be directed along designated routes to and from the terminal buildings. These designated routes shall meet the following minimum standards for aircraft parked in the Terminal Ramp Area:

- (1)** For jet aircraft parked in the Terminal Ramp Area, the approved designated route for enplaned and deplaned passengers shall be through a Passenger Loading Bridge that meets the Americans with Disabilities Act Accessibility Guidelines (ADAAG) slope

requirements and connecting between the Terminal Building and aircraft entrance doorway.

- (2) For jet aircraft parked in the Terminal Ramp Area for which it is not possible to meet ADAAG slope requirements with a Passenger Loading Bridge alone or for which a Passenger Loading Bridge is not compatible, the approved designated route for enplaned and deplaned passengers shall be through a Passenger Loading Bridge that meets ADAAG slope requirements connecting between the Terminal Building and an enclosed Passenger Ramp. The enclosed Passenger Ramp shall meet ADAAG slope requirements and connect between the Passenger Loading Bridge and the aircraft entrance doorway, including if necessary, a Mobile Bridge Adapter between the enclosed Passenger Ramp and Aircraft entrance doorway.
- (3) For non-jet (prop and turboprop) and regional jet craft parked in the Terminal Ramp Area, ground loading shall be used and passengers shall be directed along designated routes to and from Terminal Buildings. Airline personnel shall be stationed in sufficient numbers to readily assist and direct passengers during the ground level enplaning and deplaning process.
- (4) For each aircraft type, operators shall identify and eliminate hazards or risks associated with fueling activities while passengers are enplaning and deplaning.

**(B) Ramp Bus Operations**

The Airport conducts airfield remote passenger bus operations between certain terminals and remote hardstands, using a Bus Operator retained by the Airport. Airline tenants must comply with Remote Bus Operations standards set forth in Appendix H to these Rules and Regulations:

**5.7 FUELING**

**(A) Authorized Personnel**

Fueling units shall be operated only by qualified persons who shall be situated at the dead man switch when such unit is being operated. Tenants who perform fueling services must have an approved FAA training program for their employees. Employees who perform fueling services must receive a certificate from the Security Access Office. Employees who have authorization to drive on the AOA, but have not completed an FAA-approved fueling training program, may drive a fuel truck on the AOA solely for the limited purpose of relocation, not fuel handling.

**(B) Fueling Equipment**

- (1) All aircraft and aircraft fueling units shall be adequately bonded in conformance with National Fire Protection Association Rule 407 and California State Fire Code during fueling or defueling operations to prevent static charges of electricity. Fueling operations shall be discontinued when lightning is observed or reported in the vicinity of the Airport.
- (2) The fuel cargo of any refueling unit shall be unloaded by approved transfer apparatus only, into the fueling tanks of aircraft or underground storage tanks, except that when such unit is disabled through accident or mechanical failure and it is necessary to remove the fuel, such fuel may be transferred to another refueling tank or unit vehicle, provided the necessary bonding and grounding connections have been made prior to fuel transfer and that adequate provisions are in place to contain a fuel spill.
- (3) All airlines shall accept underground fueling whenever such facilities are available unless otherwise authorized by the Director.

- (4) Every fueling unit shall display the name of the organization operating the unit and signage/placards indicating the type of fuel in conformance with NFPA Rule 407 and California State Fire Code Requirements.
- (5) Fueling units shall be loaded only at an approved loading platform except when defueling.
- (6) All tenants and contractors are required to inspect aircraft and automotive refueling vehicles operated on the airfield. Any refueling vehicle with embedded ignition keys or ignition starter buttons must be converted to a removable key ignition starter. Refueling vehicle ignition keys must be under positive control whenever the vehicle is left unattended.
- (7) For all aircraft refueling vehicles equipped with an exhaust after-treatment device, such as diesel particulate filter (DPF), requiring the filter to be cleaned at high temperatures (regenerated) while installed on the vehicle, regeneration shall be performed only in the location designated or approved by the Airport and Fire Department. All such exhaust systems shall be installed and maintained in conformance with NFPA Rule 407 and manufacturer's written instructions.

**(C) Fueling Aircraft with Passengers On Board**

Aircraft occupancy and passenger traffic is permitted during fueling operations only when all of the following safety measures are in place: (1) a trained, qualified employee of the aircraft owner is on board and available to direct emergency evacuation through regular and emergency exits, and (2) passenger walkways or stands are left in the loading position.

**(D) Driving/Storing Fueling Equipment**

- (1) No fuel truck shall be driven under any boarding area or underpass.
- (2) No fuel servicing tank vehicles truck shall be brought into, stored, or parked within 50 feet of any Airport terminal building or other Airport structure unless authorized by the Director. The parking of fuel servicing tank vehicles within 10 feet of other tank vehicles is prohibited (NFPA Rule 407).

**(E) Fires and Spills**

- (1) In the event of a fire or fuel spill, the airline shall immediately:
  - summon the Fire Department and Airport Operations by calling Airport Communications at 911;
  - evacuate the aircraft and loading bridge; and
  - discontinue all fueling activity and shut down all emergency valves and dome covers.
- (2) In the event of a fuel spill and in the absence of a fire, the airline shall immediately secure the site; contain spillage/ prevent fuel from entering storm drains; and perform clean-up. Additionally, the following procedures shall apply:
  - passengers shall not be re-admitted to the jet bridge or the aircraft until authorized by the Fire Department;

- fuel delivery units shall not be moved until directed by the San Francisco Fire Department; and
- no aircraft or vehicular movement shall be allowed in the area until authorized by the San Francisco Fire Department.

**(F) Role of Fire Department**

- (1) San Francisco Fire Department – Fire Marshal and Airport staff shall inspect refueling vehicles and equipment in compliance with FAR 139.321, DOT standards, NFPA Rule 407, California State Fire Code requirements, and the GSESIP. Non-complying vehicles and equipment shall be removed from service until such time as noncompliance is corrected and the vehicle/equipment passes re-inspection.
- (2) The Airport Fire Marshal issues all permits for mobile fueling operations. Mobile fueling operations without such a permit is strictly prohibited. Tenant operators and contractors shall comply with applicable requirements of the California Fire Code, Section 5706. A fueling plan shall be submitted to the Airport Fire Marshal which shall address all code requirements.

**5.8 ACCIDENTS, INCURSIONS, DISABLED AIRCRAFT/GSE**

**(A) Accidents/Incidents**

Operators of aircraft or GSE involved in an incident on the Secured Area/Air Operations Area (AOA) that results in injury to a person or damage to an aircraft, Airport property, or another vehicle shall:

- (1) Immediately stop and remain at the scene of the incident.
- (2) Render reasonable assistance, if capable, to any person injured in the incident.
- (3) Report the incident immediately to Airport Communications by dialing 911 from an Airport or cell phone, if possible. Any person causing or failing to report and/or reimburse the Airport for injury, destruction, damage, or disturbance of Airport property, may be refused the use of any facility and may lose all security badge and access privileges at the discretion of the Director, until and unless a report and/or full reimbursement has been made.
- (4) Provide and surrender the following to any responding Airfield Safety Officer and/or San Francisco Police Department Officer: name and address, Airport identification card, State driver's license, and any information such personnel need to complete a motor vehicle accident report.
- (5) Within 48 hours of the incident, submit a complete report of the accident or incident to the Director through Airport Operations. When a written report of an accident or incident is required by the Federal Aviation Administration, a copy of such report may also be submitted to Airport Operations to satisfy this requirement.

**(B) Incursions or Deviations**

Failure to obtain a clearance or follow instructions in entering or operating within the Movement Area, including any safety area, may result in a taxiway deviation or runway incursion. The classification of an incident or occurrence as a taxiway deviation or runway incursion is determined by the Airport Traffic Control Tower. Any aircraft or GSE operator who causes a taxiway deviation or runway incursion shall immediately surrender the operator's Airport ID badge

and be escorted off of the airfield. The Airport shall confiscate the operator's Airport ID badge and shall fine the employer and/or operator as provided under Rule 14.

The confiscation of the operator's Movement Area authorization shall be permanent unless the Airport grants a request for reinstatement. Only the employer of the vehicle operator involved in the incident may request reinstatement of Movement Area privileges. Such request shall be in writing and provide a detailed explanation of the incident and the plan for re-training of the operator. Upon receipt of such request and upon review of the Airport and/or Federal Aviation Administration (FAA) incident reports, the Airport in its sole discretion may permit re-testing of the operator and reinstatement of Movement Area privileges. In no event, however, will the Airport permit AOA Movement Area authorization for any operator or personnel responsible for an incursion or deviation involving, in the Airport's sole discretion, reckless disregard for the safety of the airfield.

**(C) Disabled Aircraft or GSE**

Any owner, lessee, operator or other person having the control, or the right of control, of any disabled aircraft or GSE on the AOA shall be responsible for its prompt removal and disposal, including all parts of the disabled aircraft or GSE, subject, however, to any requirements or direction by the National Transportation Safety Board, the Federal Aviation Administration, or the Director that such removal or disposal be delayed pending an investigation of an accident or incident. Any owner, lessee, operator or other person having control, or the right of control, of any aircraft or GSE does, by use of the Airport, agree and consent, notwithstanding any provision in any agreement, lease, permit or other instrument to the contrary, that the Director may take any and all necessary action to effect the prompt removal or disposal of disabled aircraft that obstruct any part of the Airport used for aircraft operations; that any costs incurred by or on behalf of the Airport for any such removal or disposal of any aircraft shall be paid to the City; that any claim for compensation against the City and County of San Francisco, the Airport Commission, and any of their officers, agents or employees, for any and all loss or damage sustained to any such disabled aircraft or GSE, or any part of such aircraft or GSE, by reason of any such removal or disposal, is waived; and that the owner, lessee, operator or other person having control, or the right of control, of such aircraft or GSE shall indemnify, hold harmless and defend the City and County of San Francisco, the Airport Commission, and all of their officers, agents and employees, against any and all liability for injury to or the death of any person, or for any injury to any property arising out of such removal or disposal of said aircraft.

## **RULE 6.0**

### **FIRE AND SAFETY**

All fire and fire-related safety provisions of these Rules and Regulations, including Hazardous Materials, shall be in accordance with applicable sections of the Uniform and San Francisco Fire Codes, and/or the National Fire Protection Association (NFPA) Codes and standards, and all applicable laws, rules, and regulations as enforced by the Fire Marshal, San Francisco International Airport. Fire safety provisions under this Rule 6.0 may also be enforced by Airport Operations or Airfield Safety Officers.

#### **6.1 FIRE MARSHAL**

It shall be the duty of the Airport Fire Marshal to enforce all applicable Rules of these Rules and Regulations pertaining to fire protection, fire prevention and fire spread control.

All buildings, structures and premises shall be inspected periodically by the Airport Fire Marshal, or the Fire Marshal's duly authorized representatives, to ensure compliance with these Rules and Regulations.

No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of the Airport Building Regulations. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of the Airport Building Regulations for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

#### **6.2 HANDLING OF EXPLOSIVES and OTHER HAZARDOUS MATERIALS**

Explosives not acceptable for transportation under applicable federal regulations are not permitted on the Airport.

Hazardous Materials shall be stored, kept, handled, used, dispensed, or transported in conformance with Environmental Law and the latest edition of the Airport Building Regulations and/or the Tenant Improvement Guide (TIG), as may be applicable.

- (A)** All applicable regulations governing explosives which are acceptable for transportation must be strictly adhered to. Any other material subject to federal or state regulations governing Hazardous Materials must be handled in strict compliance with those regulations and any other more restrictive regulations that the Director might deem necessary to impose. Any waiver of such regulations or any part thereof by the Federal Aviation Administration (FAA) or by any other competent authority shall not constitute or be construed to constitute a waiver of this rule by the Director or an implied permission by the Director.
- (B)** Advance notice of at least twenty-four hours shall be given the Director for any operation(s) requiring the Director's permission pursuant to this rule.
- (C)** Permission may be given for the movement of radioactive materials only when such materials are packaged, marked, labeled and limited as required by regulations applying to transportation of explosives and other dangerous articles and which do not create an undue hazard to life or property at the Airport. All hauling of Hazardous Materials must be performed by a registered hazardous waste hauler. The Airport Fire Department shall provide the Director with information relative to the hazards of any material subject to this Rule.
- (D)** All Airport tenants and contractors involved with handling Hazardous Materials must provide the Airport with Standard Operating Procedures for the handling and disposal of Hazardous Materials in compliance with Environmental Law, including an Emergency Response Plan, and maintain an

accurate and current inventory of all Hazardous Materials and readily accessible, on-site Safety Data Sheets (SDS). The plan will include the name of the company used for removal of Hazardous Materials and the names and 24-hour telephone numbers of tenant/contractor personnel authorized to handle such removals. The plan will be updated annually and resubmitted to bppp@flysfo.com.

- (E) Tenants and contractors must properly collect, contain, sample, characterize, and dispose of any Hazardous Materials generated as a result of tenants/contractors' operations, and maintain chain of custody documentation and disposal manifests. All Hazardous Materials shall be properly managed, labeled, stored, and disposed as required by Environmental Laws. Marked containers with inconsistent product and unmarked containers are subject to seizure by the Airport with all costs for characterization, handling, and disposal to be borne by the responsible tenant/contractor. Tenants and contractors shall provide secondary containment for Hazardous Materials, which shall be tested in accordance with appropriate regulatory requirements, and shall be reliable, adequately sized, and routinely serviced. Hazardous Materials shall be stored in a manner that will prevent contact with the outdoor elements. Tenants and contractors are responsible to dispose of Hazardous Materials within the time period dictated by the appropriate regulatory agency.
- (F) Buildings, rooms and spaces containing Hazardous Materials shall be identified by hazard warning signs in accordance with the California Fire Code Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, each application for a permit shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with the California Fire Code.

### **6.3 FIRE EXTINGUISHERS AND EQUIPMENT**

- (A) Fire extinguisher equipment shall not be tampered with at any time, nor used for any purpose other than firefighting or fire prevention.
- (B) In accordance with their lease agreements, tenants shall maintain their own fire extinguishers, fire protection equipment and special systems within their respective areas in accordance with the San Francisco Amendments to the California Fire Code. The Fire Marshal and/or his designated staff shall routinely check tenant areas for compliance with the maintenance of their equipment. In areas that are not the responsibility of the tenant, the Fire Marshal shall make arrangements to maintain fire extinguishers. Airport Facilities and Maintenance shall maintain other fire protection equipment not covered under lease agreements.

### **6.4 FIRE PROTECTION SYSTEMS**

- (A) Airport fire protection systems and equipment shall not be tampered with at any time. No person other than authorized employees of the City and County of San Francisco shall turn heaters in public areas on and off, or operate any other Airport equipment, except tenants in their respective areas.
- (B) Construction documents for fire protection systems shall be submitted for review and approval prior to system installation in conformance with the Airport Building Regulations.

Fire protection systems shall be inspected, tested and maintained in accordance with the applicable referenced CBC/CFC codes and NFPA standards. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request.

- (C) A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

**6.5 OPEN FLAMES**

- (A) No person shall start any open fire of any type on any part of the Airport without permission from the Director and an open flame permit from the Office of the Airport Fire Marshal.
- (B) No person shall operate an oxyacetylene torch, electric arc or similar flame or spark producing device on any part of the Airport except in areas within leased premises specifically designated for such use by the Director, unless a permit from the Airport Fire Marshal has first been obtained. No permit shall be issued for operations within an aircraft hangar, any fuel storage area, or upon any components or section of the hydrant fuel distribution systems, unless the work is required for repair of such areas or hangars or fuel systems. Where such operation is required, permission shall first be obtained from the Airport Fire Marshal and shall be subject to such conditions as the Fire Marshal may impose.

**6.6 REPORTING FIRES**

Every person observing any unattended or uncontrolled fire on the Airport premises shall immediately report it directly to Airport Communications at 911. No person shall make any regulation or order, written or verbal that would require any person to take any unnecessary delaying action prior to reporting such fire to the Fire Department. Fires extinguished by non-firefighting personnel shall not be removed or disturbed until clearance is given by the San Francisco Fire Department.

**6.7 INSPECTION AND CLEANING SCHEDULES**

Commercial cooking equipment shall be installed, maintained and protected from fire in accordance with the requirements of the Airport Building Regulations. National Fire Protection Association #96, "Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment", has been adopted by reference in the Airport Building Regulations as the standard for insuring proper installation, inspection, and maintenance procedures. The Airport Fire Marshall shall be supplied a copy of all inspection and maintenance contractors for each commercial hood and duct system being operated on the Airport upon request.

All Type 1 Suppression Systems shall be upgraded to UL 300 Systems by the second servicing of 2008 per Section 904.11 of the 2007 California Fire Code. As part of the UL300 system upgrade, a Type K fire extinguisher is required.

**6.8 LITTER AND CLEANING OF ALLOTTED SPACE**

Each tenant and contractor shall at all times maintain its allotted space in a neat, clean, and orderly condition and shall comply with the following provisions:

- (A) Keep allotted space free from all trash and debris irrespective of the source of such trash and debris, and deposit and secure all trash and debris in appropriate receptacles (see Rule 8.1). For purposes of this Rule 6.8, "allotted space" means all Airport property which such tenant or contractor is permitted to use and is using for its operations, regardless of whether such use is on an exclusive, shared, or common use basis.
- (B) Flammable materials shall be stored only in approved, labeled containers and all floors within allotted space shall be clean of fuel, oil and waste. The use of volatile solvents for cleaning floors is prohibited. Approved metal receptacles with tight-fitting, self-closing covers shall be used for the storage of oily waste rags and similar materials. The contents of these receptacles shall be removed daily. Clothes lockers shall be constructed of metal or fire-resistant material.
- (C) Plastic sheeting used on the airfield ramp shall be covered by webbing and tied securely.
- (D) Plastic trash bags shall not be left unattended on any part of the AOA.



- (E) The placement of any devices to feed any wild bird, mammal, reptile, fish amphibian or invertebrate is prohibited.
- (F) Placement of litter or refuse containers in the International Terminal Building where passengers disembark from aircraft and/or the Federal Inspection System areas, including but not limited to jet bridges, sterile corridors, or ramp areas, is prohibited unless written approval is received from the Airport.

## **6.9 CONTROL OF CONTAMINANTS**

No person shall allow lavatory fluid, coolant/anti-freeze, fuel, oil, hydraulic fluid, petroleum-based products, or any other Hazardous Materials to leak or spill onto the Secured Area/AOA surface. No fuel, grease, oil, flammable liquids, or contaminants of any kind, including detergents used to wash aircraft or other surfaces, shall be allowed to flow into or be placed in any sewer system or open water areas without a separator or unless connected to an industrial waste system in which certain constituents such as heavy metals in the waste system are restricted. Refer to Rule 8.9, for additional requirements for Hazardous Material and hazardous waste management.

All contaminant spills must be reported to Airport Communications by dialing 911 immediately upon discovery of a reportable quantity.

Air Carriers shall use all appropriate pollution prevention procedures and equipment including but not limited to spill kits, storm drain intrusion dams and covers and vacuum recovery or spill scrubber vehicles to protect the Airport's storm, sanitary and industrial waste collection systems. Air Carriers shall maintain current and readily accessible site and procedure specific Storm Water Pollution Prevention Plans (SWPPP) that address Aircraft Deicing Fluid (ADF) usage and recovery. Air Carriers shall implement all appropriate SWPPP Best Management Practices (BMP) including but not limited to training, material storage, usage, recovery and disposal and record keeping.

## **6.10 AIRCRAFT PARTS CLEANING MATERIALS**

Cleaning of aircraft parts and other equipment shall be done preferably with nonflammable cleaning agents. When flammable combustibles must be used, only liquids having flash points in excess of 100 degrees F shall be used and special precautions shall be taken to eliminate ignition sources in compliance with good practice recommendations of the Uniform Fire Code, and the NFPA.

## **6.11 GASOLINE STORAGE FOR AUTOMOTIVE VEHICLES**

Except in such instances where the storage of fuel and other flammable liquids has been approved specifically by the Commission in writing, no more than ten (10) gallons of gasoline may be stored or kept in approved portable safety containers above ground by any person, firm, company, or corporation. All portable containers shall be stored in approved flammable liquid storage lockers when not in use. Gasoline may also be stored or kept for gasoline supply in approved double walled underground tanks. No more than 30,000 gallons of gasoline in aggregate shall be stored underground, and no tank shall have a capacity greater than 10,000 gallons; provided that the Director may grant permission to store or keep gasoline in excess of the above limitation in tanks having a capacity not greater than ten thousand five hundred (10,500) gallons each, if, in the Director's judgment, the additional gasoline is deemed necessary, but such gasoline shall be stored or kept only upon conditions and under such regulations as may be required by the Airport Fire Marshal.

All portable filling tanks, underground storage tanks, installations, safety provisions, pumps, and other necessary facilities shall be installed and operated in such a manner as to comply with the California Fire Code, San Francisco Fire Code, and the NFPA. Prior to the installation of any underground or above ground gasoline facilities, Airport tenants shall be required to acquire authorization by the Director based on the recommendation of the Airport Fire Marshal. In addition, an appropriate permit, if required, must be obtained from any other agency having jurisdiction.

**6.12 ENGINE OPERATIONS WITHIN HANGARS**

The starting or operating of aircraft engines inside any hangar is prohibited.

**6.13 HEATING AND LIGHTING OF HANGARS**

Lighting in hangars shall be restricted to electricity with automated dimming and shutoff features to comply with Building Code. Heating in any hangar shall be by approved systems or devices only as listed by the Underwriters Laboratories or other acceptable approved Laboratories.

**6.14 PAINT, VARNISH AND LACQUER USE**

For paint, varnish, or lacquer spraying operations, the arrangement, construction, ventilation, and protection of spraying booths and the storing and handling of materials shall be in accordance with the standards of the California Fire Code, and the NFPA.

**6.15 TESTING OR OPERATION OF RADIO EQUIPMENT**

Radio transmitters and similar equipment installed in aircraft shall not be tested or operated within a hangar with dynamotors running unless all parts of the antenna system are at least one foot removed from any other object. No aircraft shall be placed at any time so that any fabric-covered surface is within one foot of an antenna system.

**6.16 FUEL STORAGE, DISTRIBUTION AND HANDLING****(A) Appropriate Fuel Permits**

All individuals and entities that store, distribute or handle fuel shall obtain an appropriate permit from the Office of the Airport Fire Marshal prior to storing, dispensing, distributing or handling fuel.

**(B) Petroleum Companies**

Petroleum companies that own equipment or facilities operated or located on the Airport premises for the purpose of distributing aviation fuel shall possess a valid petroleum company distributor permit issued by the Director.

**(C) Business and General Aircraft Maintenance and Service Companies**

Business and General Aviation Maintenance and Service Companies (fixed base operators) may be authorized by the Director to act as dealer or agent for petroleum companies for the purpose of effecting delivery of aviation fuel into aircraft provided that the petroleum company supplying the aviation fuel possesses a valid petroleum company distributor permit, and that such deliveries are confined to the areas designated in writing for said company by the Director.

**(D) Single Fleet Operators**

Single fleet operators who maintain a base of operations on the Airport for the servicing and storage of their own aircraft may qualify for a permit to effect the delivery of aviation fuel to their own aircraft provided their fleet of planes based on the Airport aggregate at least three in number of 75,000 pounds in gross landing weight. A bona fide Single Fleet Operator Aviation Fuel Permit may be obtained from the Director.

**(E) Tenant Fueling Services**

All tenants and contractors authorized to store, dispense, distribute or otherwise handle fuel (“fuel agents”) shall comply with all training requirements set forth in Title 14 C.F.R. Part 139.321 and all FAA Advisory Circulars related to fueling, including FAA Advisory Circular 150/5320-4B. Each fueling agent shall have a fueling supervisor who possesses a current certificate from an FAA-approved fuel safety training program. A minimum of one resident fueling supervisor based at the Airport is required for every 50 personnel who handle or dispense fuel. The fueling supervisor(s) shall be responsible for training all personnel who distribute, dispense or otherwise handle fuel for the tenant or contractor and shall ensure that all such training is documented as specified by the Airport.

All employees who handle and dispense fuel shall successfully complete 14 CFR Part 139.321 and Airport-mandated training. The Airport fueling privilege is indicated by the fuel icon on Airport badges and is required prior to handling or dispensing fuel. Recurrent training for all fuelers shall be completed every 24 consecutive calendar months. The trainer’s certification and the training records shall be made available to the Fire Department and Airport staff upon request.

**(F) Fire Extinguisher Training**

All personnel who distribute, dispense or otherwise handle fuel shall receive hands-on instruction on the proper use of hand-held fire extinguishers. All such training shall be performed by a fueling supervisor who has successfully completed training required under Title 14 C.F.R. Part 139.321 and FAA Advisory Circular 150/5320-4B, and shall receive fire extinguisher training from an FAA-approved fuel fire safety course, the San Francisco Fire Department-Airport Bureau, or a training program approved by the San Francisco Fire Department.

## RULE 7.0

### AIRPORT SECURITY

#### 7.1 GENERAL PROVISIONS

- (A) **Priority.** Safety and security are the Airport's first priorities. The requirements of this Rule 7 are critical to the safe and secure operation of the Airport. All personnel working and doing business on Airport property must comply with this Rule at all times and model the significance of safety and security for co-workers, passengers, and members of the public.
- (B) **Definition of Restricted Area.** For the purpose of this Rule 7 only, any areas identified as Secured, Sterile, Restricted, SIDA, or Air Operations Area (AOA), whether within a building or terminal or on the ramp or airfield area, shall be referred to collectively as the "Restricted Area." Additionally, any cargo buildings with direct access to the AOA or SIDA shall be referred to as a "Restricted Area."
- (C) **Airport Security Program.** This Rule 7 includes the non-Sensitive Security Information (SSI) requirements set forth in the Airport Security Program (ASP) issued by the Director under 49 C.F.R. 1542.
- (D) **Enforcement.** Any person who violates this Rule 7, compromises Airport security, or creates or engages or participates in any unsafe, unsecure, or hazardous condition or activity at the Airport may have access privileges immediately revoked on a temporary or permanent basis at the sole discretion of the Airport (see also Rule 7.3 and Rule 14.4). Any person or entity responsible in whole or in part for any security violation shall also be responsible for any fine under Rule 14 and any resulting cost, including but not limited to any fine imposed by a regulatory agency or remediation of property damage or personal injury.

#### 7.2 SECURITY BADGES

Any person who works or does business in a Restricted Area or in the pre-security areas of Terminal Buildings on a permanent or temporary basis must hold a security badge issued by the Airport. Any person holding an Airport-issued security badge does so as a privilege and not a right.

The Airport shall issue a security badge to an individual only upon the request of a designated authorized signatory of an Airport tenant or contractor (an "Authorized Signatory") responsible for verifying that such individual is employed or authorized to perform duties or services on Airport property on behalf of the Airport tenant or contractor. The employer or sponsor of the Authorized Signatory and/or Airport ID badge holder shall remain responsible for the badge holder's compliance with these Rules and Regulations.

The Airport issues three types of security badges: (A) the Airport ID badge; (B) the Temporary or "T" badge; and (C) the Museum or "M" badge.

##### (A) Airport ID Badge

Persons who work or do business in a Restricted Area or in the pre-security areas of Terminal Buildings on a permanent or long-term (longer than 30 days) basis must have an Airport-issued identification in the form of an Airport ID badge. An individual holding an Airport ID badge may also be referred to as "badged personnel."

- (1) **Attainment:** An applicant for an Airport ID badge must pass all required Airport training course(s). Cheating, use of any electronic device or outside materials during any training course, or failure to follow the proctor's directions shall result in the immediate and permanent rejection of the badge application or revocation of an existing badge (for badge holders renewing a badge).
- (2) **Expiration:** The Airport ID badge is issued for a maximum of two (2) years, and must be renewed prior to expiration.
- (3) **Return:** Upon a change in an individual Airport ID badge holder's employment status, the sponsoring employer is responsible for (a) immediately requesting Airport deactivation of the Airport ID badge and (b) returning the Airport ID badge. Failure to return an Airport ID badge will result in a lost badge fee and any applicable fines in accordance with Rule 14, which shall be charged to the employer. For employees on long-term leave (more than 30 days), employers must comply with Rule 7.3(H) below.

An individual badge holder must return his/her Airport ID badge to the sponsoring employer within three business days of a change in employment status. Failure to do so will render that individual ineligible for a period of two years of the employment termination or separation date. An Airport ID badge applicant may cure such ineligibility by returning the previously-issued badge to the Airport Security Access Office prior to the badge expiration date.

- (4) **Icons:** The Airport ID badge holder may apply for badge icons indicating special privileges and responsibilities, such as Movement Area access, Escort privileges, and Customs (Federal Inspection Area) access. Additional qualifications and examinations may be required for these designations. Failure to comply with an icon safety and security requirement may result in the removal of icon privileges from the Airport ID badge holder or the suspension or revocation of the Airport ID badge. Special responsibilities for Escort privileges are provided at 7.3(C), below.

**(B) "T" Badge**

Persons who work or do business on in a Restricted Area on a temporary basis (30 days or fewer) must have an Airport-issued Temporary or "T" badge.

- (1) **Attainment:** An applicant for a "T" badge must submit to security vetting prior to obtaining access to any Restricted Area.

The "T" badge identifies an individual who is accessing the Restricted Area under escort (see subsection (3) below) for work or to conduct business and how frequently that person is accessing the Restricted Area. "T" badges may not be used to escort individuals for non-business purposes (such as family members, children, and friends) without prior approval from an Airport Security Coordinator (ASC).

There are two types of "T" badges: (a) Standard and (b) Limited Duration.

- (a) Standard "T" badges are valid for a minimum of 24 hours and a maximum of 30 days.
- (b) Limited Duration "T" badges are valid for less than 24 hours and must be returned no later than 24 hours from the time of issuance.

- (2) **Frequency/Duration:** The Airport will issue any one individual a "T" badge on not more than four (4) occasions within the previous 12-months from any request. Any request for an exception to this limit will be reviewed on a case-by-case basis by an ASC. Access that is provided under escort by an Airfield Safety Officer (ASO), Airport Duty Manager

(ADM), or uniformed San Francisco Police Department-Airport Bureau (SFPD-AB) personnel does not require the use of a “T” badge and does not count toward the four occasions in the previous 12-month limit.

- (3) Limited Access/Escort Required:** An individual holding a “T” badge may access a Restricted Area of the Airport (a) only under the escort of an Airport ID badge holder who has been granted escort authority as indicated by the word “ESCORT” on their Airport ID badge and (b) only through a Passenger or Employee Security Screening Checkpoint, Vehicle Checkpoint, or a guarded exit lane if no Security Screening Checkpoint lanes accessing a terminal are staffed. Accessing Restricted Areas of the Airport from a public area through a bypass door is strictly prohibited unless under escort of an ADM, ASO, TSA K-9 Handlers and Training Coordinators, or other AOA Badged Law Enforcement Officer with escort privileges.

NOTE: More details on the “T” badge program are available on the Airport’s website at <https://sfoconnect.com/badging-security>.

**(C) “M” Badge**

The Museum or “M” badge is issued for the purpose of viewing SFO Museum Exhibits located in Sterile Areas. The Airport will issue “M” badges to individuals only upon security vetting. “M” badge holders are permitted unescorted access to Sterile Areas of the Airport for no longer than 24 hours. “M” badge holders may enter Sterile Areas only through Passenger Security Screening Checkpoints.

**7.3 AIRPORT ID BADGE HOLDER AND EMPLOYER SECURITY RESPONSIBILITIES / ACCESS CONTROL PROCEDURES**

All badged personnel have an affirmative duty to maintain a secure Airport. Airport tenants and contractors are responsible for ensuring that their employees, suppliers, contractors, subcontractors, and all other businesses and entities providing services on Airport property comply with Rule 7 of these Rules and Regulations.

Violation of the Airport access control procedures below may result in the assessment of fines under Rule 14, and/or fines under the terms of a lease and/or permit, and/or temporary or permanent revocation of an Airport ID badge at the sole discretion of the Airport (see Rule 7.1(D) and Rule 14.4). Administrative fines for violation of Rule 7 of these Rules and Regulations shall be payable to the Airport by the sponsoring tenant or contractor.

**(A) Badge Display and Use**

Personnel must display their Airport ID badge on the outermost garment, at or above the waist, at all times.

An individual employee’s Airport ID badge may not be given to another, or used by another, to work and/or gain entry to a Restricted Area.

**(B) Security Screening**

Every person entering a Restricted Area is subject to security screening at any time.

When traveling for any purpose, an Airport ID badge holder (i) must present him/herself and his/her luggage/accessible property as a passenger; (ii) is prohibited from using her/his Airport ID badge to bypass Passenger Screening Checkpoints; and (iii) must remain in the Sterile Area after

being screened. An Airport ID badge holder who exits a Sterile Area after being screened must be re-screened prior to traveling.

All persons entering a Restricted Area are subject to security screening at any time and must cooperate with any TSA or law enforcement search/pat down. Badged personnel are strictly prohibited from circumventing or avoiding security screening under any circumstance that security screening is required, such as at a vehicle checkpoint, for purposes of bringing prohibited items into a Restricted Area, when travelling, or when the TSA, Airport staff, Airport contractors, or law enforcement are conducting inspections.

Any badged individual who does not submit to a search/pat down in a Restricted Area is subject to citation, immediate suspension of his/her Airport ID badge, and removal from the Restricted Area. Unidentified or unauthorized personnel in the Restricted Area may be detained and/or removed by the Director or a duly-authorized representative. The Director or a duly-authorized representative may remove unidentified or unauthorized vehicles in the Restricted Area at the owner's expense.

**(C) Access to Restricted Area**

Airport ID badge holders and tenant/contractor employers must control access to the Restricted Area through careful use of any means of access, whether by door, vehicle checkpoint, or other.

Specifically, badged personnel and tenants/contractors must control access to any Restricted Area as follows:

- (1) Piggybacking/Tailgating:** An individual may not follow, or allow another to follow or access in any way through any direct access point to a Restricted Area, such as through a card/biometric reader-operated door or turnstile, unless specifically authorized by the Airport. Any badged personnel who gains or allows another person unauthorized access into a Restricted Area by piggybacking or tailgating may be subject to suspension or permanent revocation of the Airport ID badge.
- (2) Escort:** An Airport ID badge holder with the ESCORT icon displayed on such badge may escort persons in a Restricted Area in compliance with the following escort responsibilities:
  - a. Each person under escort must hold a "T" badge;
  - b. Assure that each person under escort accesses the Restricted Area only through a secure checkpoint as provided under Rule 7.2(B)(3) above (access by a "T" badge holder through a direct access point, such as a security controlled door or turnstile, is prohibited);
  - c. Escort not more than eight "T" badge holders at one time;
  - d. Keep any persons under escort within line of sight and voice control at all times; and
  - e. If handing off an escorted person to another Airport ID badge holder within a Restricted Area, confirm that the receiving badge holder has the ESCORT icon.

Waiver of any of the above requirements may be granted only by express permission of an ASC.

The escort's signatory shall be responsible for any failure to comply with the escort requirements and any damage, injury, or violation caused by an escorted "T" badge holder in a Restricted Area.

**(3) Keys and Locks:**

- (a) Under no circumstance may an individual's Airport-issued security key be given to or used by another individual to gain entry through an Airport access-controlled door unless expressly authorized by the Airport.
- (b) Tenant security doors leading from leased tenant space to a Restricted Area shall be keyed to either the Airport Master keying system, tenant's locking system, or cipher lock system.
- (c) With respect to any cipher lock in the leasehold or control of any tenant, the tenant shall: ensure all cipher locks are properly maintained and operational at all times; conduct audits of cipher lock operability at least once per month; change cipher code locks in conformance with the Airport's schedule at least once per year; ensure that all access points providing direct access to Restricted Areas are closed and secured when not in use; immediately report to the Airport's Security Operations Center any cipher lock that is not functioning properly or any cipher lock code change.

**(4) Secure Doors and Gates:**

- (a) Badged personnel must ensure security access doors and gates are closed and secured after entry, and without allowing another person to follow.
- (b) Security doors and gates shall be kept locked as required by the Airport Security Program.
- (c) Tenants shall be responsible for securing doors and gates located in their leased areas.
- (d) Before leaving the vicinity of an open Baggage Belt Roll Door, the attending badged personnel shall take deliberate action to ensure the door is properly closed and secured. Under no circumstance should the attending individual leave the immediate vicinity of the Baggage Belt Roll Door until it is properly closed and secured.

**(5) Report False Alarm:** Badged personnel are required to immediately report any self-activation of a door alarm to the Security Operations Center at (650) 821-3915.**(6) Damage:** Under no circumstances may an individual engage in defacing, damaging, hacking, or interacting with any Airport Security System in any way that limits operation of such systems.**(7) Unauthorized Access:** Badged personnel must report any unauthorized person(s) in a Restricted Area and any potential security violations to the Airport's Communications Center by dialing 911.**(8) Access Point Malfunction:** If any facility on Airport property has an access point that is not functioning properly, such as a cargo facility roll up door, a pedestrian door secured by the access control system, or any other type of access point that, if unsecured, would allow for unauthorized access, the tenant or contractor must promptly take the following actions (ASB 20-07):

- Notify the Security Operations Center (SOC) immediately at (650) 821-3915.
- If a temporary barricade will be used until the access point can be restored to normal operation, the temporary barricade must be inspected and approved by the SOC.



- A guard with Airport ID Badge must be posted 24/7 at the location to prevent unauthorized access until the situation is resolved and the SOC approves reassignment of the guard.
- Every repair or adjustment must be inspected and approved by the SOC.

**(D) Restricted Area Duty to Challenge**

Badged personnel must conscientiously observe the presence of an Airport ID badge on other employees. Every Airport ID badge holder must ensure the following:

- (1) Badge is valid for area of use;
- (2) Badge has not expired;
- (3) Photograph on badge matches person holding badge; and
- (4) As to any individual who fails to produce an Airport ID badge, appears suspicious, or is not under proper escort, badged personnel shall provide a detailed description to the Airport Communication Center by dialing 911. While badged personnel should not attempt to physically restrain the individual, they must make every effort to keep such individual under visual observation until security/law enforcement personnel arrive.

**(E) Drug and Alcohol Prohibition**

- (1) **Prohibited Substances:** No Airport ID badge holder may transport into the Restricted Area any alcohol or any drug identified by the United States Drug Enforcement Agency (DEA) as a "Schedule I" drug, nor may any individual with an Airport ID badge ingest alcohol or a Schedule I drug eight or fewer hours before work or while at work, including breaks. Schedule I drugs are: heroin, LSD, marijuana, ecstasy, methaqualone, and peyote. See <https://www.dea.gov/druginfo/ds.shtml>.
- (2) **Prescription Drugs:** No Airport ID badge holder may transport into any Restricted Area any of the following substances unless the individual has a prescription: Any drug identified by the DEA as a Schedule II, III, IV, or V drug. Individuals with a current prescription for Schedule II-V drugs must have in their possession the medication in the original prescription bottle, with a legible label showing the name of the individual.
- (3) **Working under the Influence:** No Airport ID badge holder may enter or remain in a Restricted Area if the individual is in any way impaired as a result of ingesting substances referenced in this Rule 7.3, including prescription drugs.

**(F) Use of Armed Guards, Armored Vehicles, Armed Courier Services**

Tenants or contractors using armed guards and/or armored courier services to, for example, transport currency or high value items or to service automated teller machines, must assure that that its service provider comply as follows:

- (1) **Badge Required:** All armed security guards/couriers accessing any area of the Airport – public (non-Restricted) or Restricted – must be in uniform and in possession of an Airport ID badge or hold a "T" badge under proper escort.
- (2) **Vehicle access:** Armored vehicles entering a Restricted Area for the purpose of picking up or dropping off freight planeside shall enter only through a Vehicle Screening Checkpoint. All drivers must have a non-movement area driving icon displayed on their badge and must follow all non-movement area driving rules. Prior to accessing the

Restricted Area, armed vehicle drivers must complete the Armored/Courier Vehicle Information Sheet form (and provide it to the Police Services Aide at the Vehicle Screening Checkpoint: <https://sfoconnect.com/sites/default/files/ASB%202017-20%20Armed%20Guards%20Armored%20Vehicles%20Courier%20Services%20at%20the%20Airport.pdf>). A point of contact with a mobile phone must be in the vehicle at all times while on the AOA.

- (3) **Parking:** All armored vehicles requiring access to any public (non-Restricted) or Restricted Areas of the Airport Terminal Buildings must park on the Arrivals Level only. For the International Terminal, vehicles must be parked on either end of the terminal roadway and in the Domestic Terminal, vehicles may be parked anywhere on the Arrivals Area curb. Drivers are prohibited from double parking and/or obstructing active passenger loading or offloading. Alternatively, drivers may park in courtyards.

(G) **Security Testing**

Prior to commencing with any internal testing, air carriers must notify the Airport Security Operations Center (“SOC”) at (650) 821-3915. Notice must be given at least two (2) hours prior to the testing. The SOC must be advised of the date and time of the testing period, the location where the testing will take place, the type of test (badge challenge, tailgate, *etc.*), and when the testing has been completed.

(H) **Securing Badges of Individuals on Long Term Leave**

Every badged individual who goes on a leave of absence for 30 consecutive days or more shall surrender his/her/their Airport ID badge and keys to the individual’s Authorized Signatory. This requirement applies to every type of leave, including but not limited to medical leave, workers’ compensation leave, leave under the Family Medical Leave Act, military leave, jury duty, compensatory time off, and vacation.

- (1) **Duty of Authorized Signatories:** Authorized signatories shall collect all Airport ID badges and keys before badged individuals commence extended leaves of absence. Airport ID badges and keys shall be returned to the Security Access Office (“SAO”) within three calendar days of leave commencement. Authorized Signatories shall also submit an Employee Extended Leave form to the SAO, which is available on SFOConnect.
- (2) **Leaves of Uncertain Duration:** Where a badged individual commences a leave of fewer than 30 consecutive calendar days and the leave is extended beyond 30 consecutive calendar days, the Authorized Signatory shall notify the SAO by the 30th day that a leave has been extended and shall complete the Badgeworker Extended Leave form within three calendar days. The SAO shall immediately deactivate security access, and the Authorized Signatory shall return City property to the SAO within three calendar days of such notification.
- (3) **Re-entry Following Extended Leave:** When an individual returns to work from an extended leave, the Authorized Signatory shall contact the SAO to reactivate the individual’s Airport ID badge and advise when the individual will retrieve the badge and keys (if applicable). In the event a badge has expired while an individual is on leave, or in cases where the leave exceeds 180 days, the affected employee must successfully complete (a) a criminal history records check, (b) a security threat assessment administered by the Transportation Security Agency, and (c) the computer-based security access training administered by the SAO.

Every non-City employee who fails to surrender his/her/their Airport ID badge and keys upon request will be subject to immediate and permanent badge revocation.

**7.4 TRANSPORTING ITEMS INTO THE RESTRICTED AREA****(A) TSA Prohibited Items**

Except as provided under TSA Regulations and this Rule 7.4, no person may transport a Prohibited Item into the Restricted Area. "Prohibited Items" are defined under 49 CFR 1540.111 and more specifically in the TSA website: <https://www.tsa.gov/travel/security-screening/whatcanibring/all>.

TSA shall provide the proper materials collection system to ensure that all materials, including those prohibited are properly sorted and delivered to the designated Materials Recovery Area.

Any badged personnel who discovers or comes into possession of a Prohibited Item, loose ammunition, or other potentially dangerous item during the check-in process or from a passenger, must immediately contact SFPD-AB at (650) 876-2424 to have an officer respond for proper confiscation and/or disposal. Such items shall not be disposed of in a trash receptacle or hazmat container.

**(B) Procedures to Transport Prohibited Items into the Restricted Area**

All Airport ID badge holders, tenants, or contractors requiring Prohibited Items, including but not limited to knives, tools, and/or or heavy equipment to perform their job duties or for their business operations in a Restricted Area are required to comply with the following procedures.

**(1) Food and Beverage Inventory Items:**

All Food and Beverage concessions shall follow these procedures when adding to or replacing their prohibited item inventories. The concessions manager shall contact Aviation Security (650-821-3915) to coordinate prohibited item access into the Restricted Area.

- (a) Aviation Security shall inspect the Prohibited Item(s) and then transport them to the Restricted Area business establishment. Prohibited Item(s) should be transported in a manner in which they are concealed from public view.
- (b) The concession tenant manager or designated representative shall proceed through the Passenger Screening Checkpoint, then meet the Aviation Security staff member at the business establishment to re-gain possession of the Prohibited Item(s).
- (c) The concession tenant manager or designated representative shall demonstrate to Aviation Security how Prohibited Items are secured during operational and non-operational hours.
- (d) All tenants and contractors shall be responsible for proper safeguarding and storage of Prohibited Items and tools during operational and non-operational hours.
- (e) Food and Beverage concessions may provide customers with only Airport-approved round-blade butter knives. Prior to providing a round-bladed metal butter knife for passenger use, the concession tenant must submit a letter requesting Airport approval of the implement with a sample round-bladed knife intended for use at its location. The request must be directed to the Airport's Aviation Security Department (AVSEC). Upon review, AVSEC will issue a written approval or rejection of the specific butter knife. Any subsequent proposed change by a concession tenant of its round-bladed butter knife shall be subject to the same approval process.

- (f) All concession tenants shall audit Prohibited Item inventories in conformance with the most current version of the Restricted Airport Security Bulletin (ASB) titled "Sterile Area Prohibited Items Requirements." Those with a need to know may obtain a copy of this Restricted ASB from AVSEC.

**(2) Inspection of Merchandise and Consumables:**

The following applies only to merchandise or consumables intended for a Sterile Area (passenger terminals):

Any merchandise or consumables intended for sale, consumption, and/or use in a Restricted Area – whether to be purchased or obtained from a concession tenant, an airline club or lounge, or at a special event – must be inspected by Airport-specified contract security personnel or by TSA at an employee or passenger screening checkpoint. Using employee bypass doors to transport merchandise or consumables into a Restricted Area is prohibited.

Inspections shall confirm that no commercially packaged boxes, cartons, containers, racks, or packages show signs of tampering or altering and do not include any items that are prohibited under TSA regulations. Inspections may include the person and belongings of any personnel transporting merchandise or consumables into a Restricted Area.

Only Airport ID badged personnel may transport merchandise or consumables into a Restricted Area and only through a screening checkpoint. An Airport ID badge holder may escort "T"-badged delivery personnel only if the Airport ID badge holder has escort authority.

Badged personnel shall cooperate with safety and security test inspections. Inspectors performing these tests may ask vendors to place prohibited items in their deliveries for testing purposes. Vendors shall comply with this request. Any badged individual who refuses to assist with ongoing security testing in Restricted Areas of the Airport may be subject to citation and suspension of his/her/their Airport ID badge.

**(3) Tools (Temporary Non-Inventory):**

- (a) Requester shall provide notification to the Airport Duty Manager (ADM) at (650) 821-5222. The ADM shall notify the TSA Coordination Center at (650) 266-1966 when the use of an exit lane is required. If the ADM is unavailable, an Airport Representative can assist.
- (b) Upon arrival at the Passenger Screening Checkpoint, the requester shall tender the tools to the ADM. The individual(s) shall then be processed (screened) through the security checkpoint. The ADM will inspect the tools to confirm they are work-related.
- (c) The ADM will then take the approved tools through a bypass door and meet the requester in the Restricted Area. If the prohibited item(s) is/are too heavy, the ADM will escort requesters and their approved tools into the Restricted Area through a by-pass door.
- (d) If the requester possesses a "T" badge, escort custody of this individual shall be transferred to a company sponsor and Airport ID badge holder with Escort privileges for continuation of proper escort.

- (e) The Airport ID badged personnel with “Escort” privileges shall ensure escort responsibility for their “T” badged workers’ possession of tools at all times when in the Restricted Area.

**(4) Transport of Heavy/Oversized Prohibited Items:**

- (a) Requester shall provide notification to the Airport Duty Manager (ADM) at (650) 821-5222. The ADM shall notify the TSA Coordination Center at (650) 266-1966. If the ADM is unavailable, an Airport Representative will assist.
- (b) Only those heavy/oversized items necessary for a particular job are allowed into the Restricted Area and will be transported through a vehicle checkpoint, the passenger screening exit lane, or another secure access point escorted by authorized personnel.
- (c) Heavy/oversized items must be in some form of container, where possible.
- (d) If applicable, the requester will meet the ADM at the appropriate passenger security screening checkpoint exit lane.
- (e) At the exit lane, requesters shall tender their items to the TSA for inspection. Requesters shall then be processed through the checkpoint.
- (f) The tenant/contractor sponsor is responsible for providing the appropriate Airport security badge to the requester as required.
- (g) Except as permitted by the Airport, use of bypass doors to transport heavy or oversized prohibited items is strictly prohibited.

**7.5 VIDEO MONITORING AND RECORDING DEVICES / ACCESS TO AIRPORT CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM**

**(A) Installation or Removal of Video Monitoring and Other Recording Devices**

No video monitoring or other recording devices may be installed or removed by any Airport tenant or contractor in or around the Airport premises without prior written authorization from the Aviation Security unit. To obtain authorization for CCTV camera installation or removal, tenants and contractors must submit an application, specifying the following:

- Field-of View (FOV) screenshots
- Video monitoring/recording device model and specifications
- Recording system and retention time
- Camera layout drawing
- Security infrastructure and plan to prevent unauthorized access

The use of Pan-Tilt-Zoom (PTZ) security cameras by tenants and contractors in any Restricted area is strictly prohibited and no video monitoring and/or recording device may be installed or focused in a manner that depicts/records security checkpoints, or doors that provide access to any area on Airport premises that, in the sole and exclusive discretion of the Director or his designee, is deemed to present a potential risk to Airport security. All subsequent changes or modifications to tenant and contractor video monitoring and/or recording device use must be submitted to Aviation Security in writing and approved prior to executing modifications.

**(B) Remote Viewing and Authorization Access**

No video monitoring and/or recording device data may be streamed or otherwise transmitted on a wireless network unless the wireless network is equipped with WPA2 security. Real-time access to all footage must be available to the Aviation Security unit at all times. No tenant or contractor shall release any video monitoring and/or recording device footage from cameras/devices without prior written authorization from the Aviation Security unit and, if deemed appropriate, the TSA. Remote access to video monitoring and/or recording devices in secure areas will not be permitted unless explicitly authorized by the Director.

All forms of video footage, whether real-time or stored, must be password protected. Passwords must comply with the Airport's Password policy.

**(C) Inventory of Video Monitoring and Other Recording Devices**

All tenants and contractors shall provide Aviation Security with an inventory of existing video monitoring and/or recording devices and security plans, including all of the following:

- Device manufacturer, model and specifications
- Field-of-view
- Data retention time
- Placement of video monitoring and/or recording devices
- Remote access usage
- Written security plan detailing how unauthorized access will be prevented

**(D) Airport Closed-Circuit Television (CCTV) Access Policy**

The Airport owns and operates the CCTV system. This system contains information that is confidential, which may be sensitive secure, affect personal privacy, or both. A tenant or contractor may access Airport CCTV feeds only through Airport equipment upon request to Airport Aviation Security (AVSEC). If access is granted, the tenant or contractor shall designate individual employees to view CCTV feeds for the performance of official job duties, on a need-to-know basis only. Any such individual must hold an Airport ID badge and execute a Non-Disclosure Acknowledgement as a condition of authorized access. (ASB 20-02, ASB 20-06)

**7.6 OTHER RESTRICTED AREAS**

- (A) Clear Zone.** The Director or a duly-authorized representative, at the owner's expense, may remove unidentified or unauthorized vehicles parked in posted "no parking" zones within 10' along the Restricted Area/AOA perimeter fence, which has been designated as the "Clear Zone". The "Clear Zone" shall remain free of vehicles, stored materials or unattended equipment. Stored materials or unattended equipment may also be removed and/or disposed of at the owner's expense.
- (B) Water Perimeter Zone.** Entry into the San Francisco International Airport Water Perimeter Security Zone (WPSZ) is prohibited. No person, vessel, or boat shall enter the WPSZ without the express permission of the United States Coast Guard Captain of the Port and Director or duly-authorized representative.
- (C) Utility Tunnels.** Entry into any Airport utility tunnel is prohibited unless the person accessing the tunnel holds an Airport ID badge or is holding a "T" badge under escort with an Airport ID badge holder with escort authority.
- (D) Roof Doors.** Access to any terminal building rooftop is restricted. Before accessing a rooftop, the individual must notify Airport Communications at (650) 876-2424. Additionally, the individual must either (1) be authorized by permission of Airport Aviation Security (AVSEC) (for doors with an access control reader) or (2) be escorted by a Duty Manager (for doors controlled by metal key). For AVSEC permission to use a roof door access control reader, the tenant/contractor must

submit a completed request form (<https://sfoconnect.com/sites/default/files/legacy/access-level-request.pdf>), by electronic mail to [SFOAVSEC@flysfo.com](mailto:SFOAVSEC@flysfo.com).

## **7.7 PROHIBITIONS**

No person or entity may:

- (A)** Tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure, or procedure implemented under the Airport's ASP and TSA Regulations under 49 C.F.R. § 1500, *et seq.*;
- (B)** Enter, or be present within, a Restricted Area without complying with the systems, measures, or procedures being applied to control access as defined in the Airport's ASP and TSA Regulations under 49 C.F.R. § 1500, *et seq.*; or
- (C)** Use or allow to be used any Airport-issued access medium or identification system that authorizes the access, presence, or movement of persons or vehicles in a Restricted Area in any unauthorized manner, including but not limited to entering a Restricted Area when not scheduled to work and/or for purposes unrelated to job duties.

## **7.8 QUALITY STANDARDS PROGRAM ("QSP")**

The Airport Commission adopted the Quality Standards Program ("QSP") to enhance safety and security at SFO. The purpose of the policy is to ensure that the service providers offer the highest level of quality service to the Airport community, and to enforce the minimum standards for safety, health, hiring, training, wages and benefits, and equipment standards for the airline service provider employees.

The QSP applies to any firm, including airline and third party vendor (collectively, "covered employer"), which employs personnel involved in performing services which directly impact safety and/or security at the Airport. Any covered employer must, as a condition to its operating on the Airport, comply with the QSP, as the same may be amended from time to time at the sole discretion of the Airport Commission.

All tenants are required to comply with all other Airport operating requirements, including those in their respective leases and permits, Airport Rules and Regulations, and Airport Directives.

## RULE 8.0

### AIRPORT ENVIRONMENTAL STANDARDS

All businesses operating at San Francisco International Airport must operate in an environmentally responsible manner by conserving resources (e.g., electricity, natural gas, water, equipment, fuel, supplies), reducing operational emissions, preventing pollution, purchasing and using “green” products and supplies, and recycling and composting materials to the maximum extent practicable. This Rule 8.0 establishes the minimum environmental standards that tenants and contractors must achieve, in addition to complying with Environmental Laws. Failure to comply with the provisions of Rule 8.0 may result in administrative fines under Rule 14.

#### 8.1 AIR QUALITY

- (A) **General.** Tenants shall not cause emissions to the air in violation of Bay Area Air Quality Management District and California Air Resources Board rules, the Airport’s Title V Permit, or Environmental Laws.
- (B) **Clean Fuel Vehicles.** Under its Clean Vehicle Policy, the Airport strongly encourages the replacement of gasoline and diesel vehicles with clean air vehicles powered by alternative fuels like electricity and renewable compressed natural gas (RCNG) (see [https://www.flysfo.com/sites/default/files/Clean\\_Vehicle\\_Policy\\_Fact\\_Sheet\\_April\\_2021.pdf](https://www.flysfo.com/sites/default/files/Clean_Vehicle_Policy_Fact_Sheet_April_2021.pdf)). The Airport also strongly encourages all vehicle owners/operators to exceed regulations set by the California Air Resources Board.
- (C) **Commuter Benefits Programs.** Tenants shall provide education and incentives to encourage their employees to use commute alternatives, including scheduled transportation, vanpools, carpools, and bicycles, in compliance with the Bay Area Commuter Benefits Program (Bay Area Air Quality Management District Regulation 14, Rule 1), regional commute benefits ordinance (California Government Code section 65081), and Rule 10.0 of these Rules and Regulations.

#### 8.2 FOOD SERVICE REQUIREMENTS

The Airport has adopted food service requirements to advance its zero-waste goals. Whenever possible, tenants should use reusable food service ware. Where tenants cannot use reusable food service ware, tenants must provide food and beverage products packaged in compostable or recyclable material. In providing or selling food and beverage on Airport property (except on-aircraft operations, where it is also strongly encouraged), tenants must comply with the following requirements and guidelines.

##### (A) Definitions

The following terms in **bold** font shall for the purpose of this Rule 8.2 have the meaning indicated following the colon (:).

**Aseptic Paper Packaging:** Shelf-safe packaging that typically contains layers of paper, plastic, and aluminum.

**Beverages:** Consumable drinks in a sealed box, bag, can, bottle, or other container of any size. Beverages include, but are not limited to, alcohol, coffee, energy drinks, milk, soy milk, nut milk, juice, soda, soft drinks, sports drinks, tea, yogurt drinks, water, carbonated water, and flavored water.

**Fluorinated Chemical:** A class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.



**Natural Fiber:** A plant- or animal-based, non-synthetic fiber, including but not limited to paper, wood, or bamboo. Natural Fiber does not include plastic of any kind.

**Single-Use Food Service Ware:** All containers, bowls, plates, trays, cups, and other like items that are designed for one-time use, including Food Service Ware Accessories.

**Single-Use Food Service Ware Accessory:** All types of single-use items usually provided alongside single-use plates or cups, including but not limited to container lids, utensils, chopsticks, napkins, cup lids, cup sleeves, food or beverage trays, condiment packets and saucers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks designed for a single use.

**(B) Beverages**

The provision or sale of Beverages in plastic or Aseptic Paper Packaging is prohibited. A list of approved water bottles may be found at [sfoconnect.com/zero-waste-concessions](http://sfoconnect.com/zero-waste-concessions). (AOB 21-01.)

**(C) Single-Use Food Service Ware Requirements**

Tenants may only use Single-Use Food Service Ware that meets the following criteria:

- Certified compostable by the Biodegradable Product Institute (BPI) or made entirely of Natural Fiber;
- Labelled “compostable” with green color coding; and
- Fluorinated Chemical-free. Note that molded fiber products generally contain Fluorinated Chemicals and are allowed only with documentation that confirms the products are free of Fluorinated Chemicals.

A zero-waste compostable food service ware guide and a list of approved Single-Use Food Service Ware items may be found at [sfoconnect.com/zero-waste-concessions](http://sfoconnect.com/zero-waste-concessions).

**(D) Single-Use Food Service Ware Accessory Requirements**

Tenants may provide Single-Use Food Service Ware Accessories to consumers only upon specific request or in a self-service area or dispenser, except for single-use straws. Single-use straws may not be made available in a self-service area or dispenser. Paper straws may be made available upon request. Understanding that individuals may require plastic straws for medical reasons, tenants may provide single-use plastic straws to individuals who specifically request them.

**(E) Events on Airport Property**

Tenants providing beverages at events at the Airport with 100 or more attendees must make reusable beverage cups (designed for repeated cleaning, disinfecting, and reuse at least 100 times and dishwasher safe) available to no less than 10% of attendees.

**8.3 GREEN BUSINESS AND GREEN CLEANING PROGRAM**

To achieve Airport Commission Strategic Plan sustainability goals and advance the decarbonization of campus facilities, all businesses constructing and operating at the Airport should employ energy-efficient operations with the lowest resource and carbon impact wherever practicable. Tenants shall whenever practicable: reduce lighting power density below code required levels; purchase only EnergyStar rated equipment and appliances; purchase, replace, and install lamps that are light emitting diode (LED) with electronic ballasts.

To support the Strategic Plan, tenants, prior to occupancy, must participate in the Airport's Green Business Program. Register through the California Green Business Program (<http://greenbusinessca.org/>) portal, complete all applicable measures required for certification, and host a site visit with the Airport's Green Business Team. For additional information on how to enroll in the program, or to learn how to save money within leased space, contact [greenbusiness@flysf.com](mailto:greenbusiness@flysf.com).

Further, the Airport Commission is committed to providing a healthy and productive work environment, while maintaining terminal and other Airport facilities that offer a safe and superior passenger experience. The Green Business Program includes a Tenant Green Cleaning Policy to achieve these aims by supporting tenants in reducing the levels of chemical, volatile organic compounds, biological, and particulate matter contaminants that impact human health. Tenants are required to follow green cleaning practices and use certified green cleaning products detailed in the Tenant Green Cleaning Policy: <https://www.sfoconnect.com/green-cleaning>.

**8.4 INTEGRATED PEST MANAGEMENT.** Tenants shall comply with the San Francisco Integrated Pest Management (IPM) Ordinance (San Francisco Environmental Code section 305). If pesticide use is required, tenants shall restrict usage to the approved list of products provided on the Reduced Risk Pesticide List: <https://sfenvironment.org/pest-management-for-city-departments#list>. If a tenant works with a third-party pest control company, the company must also comply with the IPM Ordinance, including monthly reporting of pesticide use to the San Francisco Department of the Environment, through the Pesticide Use Reporting System (PURS) database.

#### **8.5 WASTE AND HAZARDOUS WASTE MANAGEMENT**

**(A) General.** Rule 8.5 provides material handling and diversion requirements for tenants. The Airport has a Strategic Plan goal of becoming the world's first "zero waste" airport. Zero waste, as defined by the Zero Waste Alliance, means diversion of at least 90% of waste from landfills and incinerators using methods like recycling and composting. The goal reflects a longstanding City and County of San Francisco and Airport Commission commitment to environmental leadership, natural resource stewardship, and climate action. In 2018, the Airport expanded the goal to include a 15% reduction in municipal solid waste generation by 2030 (reducing what goes to recycling, composting, and landfill) and a 50% reduction in disposal to landfill and incineration by 2030 (reducing what goes in the black landfill bins) to reflect the stated goals of the City and County.

#### **(B) Materials Disposal Requirements and Procedures**

**(1) Compostable Materials.** Food waste, green waste, other organic materials (e.g., wet paper towels, food-soiled paper, wax paper and wax-coated cardboard), and compostable food service ware must be placed in a "green" compost-only compactor, roll-off box, bin, or toter.

**(2) Cooking Oils.** Used or excess cooking fats, oils, and grease (FOG) must be recycled. Bacon fat must be transported in labeled and covered buckets and placed next to a grease collection unit located at a Material Recovery Area (MRA). Liquid waste oil must be transported in a grease caddy and pumped into the grease collection unit. For newer grease collection units that support heated caddy transfers, all waste oil and bacon fat shall be transported using the heated grease caddy. Tenants must clean up any FOG spilled during transfer to a storage tank. No cooking oils or greases, new or used, shall be discharged into the sanitary or industrial wastewater collection systems. The use of kitchen sinks, floor drains or lavatories to dispose of cooking grease or food waste products is prohibited.

**(3) Hazardous Materials and Hazardous Waste.** Tenants shall comply with all Hazardous Materials handling requirements in Rule 6.0 and Rule 8.0 of these Rules and Regulations

and all Environmental Laws. Tenants causing spills of Hazardous Materials or other materials are responsible for protecting the Airport and the public; the prompt clean-up of affected areas; all equipment, labor, material, and remediation costs; and any fines or costs assessed by regulatory agencies. If you have any questions, please contact [bppp@flysf.com](mailto:bppp@flysf.com).

- (4) **Large Bulky Items.** Tenants are prohibited from abandoning or disposing of large bulk items anywhere at the Airport, including designated Materials Recovery Areas. Large bulk items include but are not limited to: furniture, crates, pallets, strollers, suitcases, textiles, and construction debris. Consult the Materials Recovery Tenant Guide to ensure these items are hauled offsite and recycled responsibly by a third-party provider (for a copy of the Guide visit <https://www.flysf.com/environment/green-business-program>).
  - (5) **Non-Renewable Mixed Municipal Solid Waste (MSW).** Items that cannot be composted or recycled (e.g., broken glass and ceramics, diapers, pet waste, film plastics, polystyrene foam) must be placed in a “black” landfill-only compactor, roll-off box, bin, or toter.
  - (6) **Recyclable Materials.** Mixed paper, cardboard, glass, aluminum, rigid plastics, mixed metals, and lumber/wooden pallets must be placed in a “blue” recycling-only compactor, roll-off box, bin, or toter designated for such recycling materials. Tenants are prohibited from disposing of recyclable or compostable items into any MSW/landfill compactor or container anywhere in the Airport including, but not limited to, within their leasehold, storage room, adjacent space, and designated Materials Recovery Area.
  - (7) **Universal and Electronic/Hazardous Waste.** Tenants are prohibited from disposing of electronic, universal, or hazardous waste anywhere at the Airport, including designated Materials Recovery Areas. These items include but are not limited to: electronic appliances and accessories (e.g., computers, cords, phones, keyboards, computer monitors and equipment, fax machines, printers, kitchen appliances, microwave ovens, any item with a plug or batteries), light bulbs, batteries, motor oil, chemical waste, cleaning chemicals, or paint (including unused or leftover). Consult the Materials Recovery Guide to ensure these items are hauled offsite and disposed of or recycled responsibly by a third-party provider (visit <https://www.flysf.com/environment/green-business-program>).
- (C) **Leasehold Sorting Requirements.** Tenants shall maximize recycling and composting within their leasehold by providing separate, labeled containers for recyclable, compostable, and landfill materials. Tenants shall separate each type of material in a designated recycling, compost, or landfill waste/trash container within their leasehold, storage room, or adjacent space and shall be responsible for ensuring that all employees and patrons do the same. These source-separated materials shall be properly deposited in the appropriate bin location within the MRA as provided under Rule 8.5(B). Contact [sustainability@flysf.com](mailto:sustainability@flysf.com) for tenant materials diversion trainings.

## 8.6 WATER QUALITY

### (A) POTABLE WATER SUPPLY

- (1) **General Potable Water Requirements.** Rule 8.6(A) is to ensure the San Francisco International Airport Water System (SFIAWS) provides the best quality water to Airport passengers, tenants, visitors, and employees. It applies to any commercial entity operating on Airport property, including but not limited to a tenant, permittee, contractor, vendor, subtenant, subcontractor, or service provider (“commercial operators”).
- (2) **Work Impacting Potable Water Supply.** All work associated with or impacting potable water supply to any Airport facility must conform to plans approved by Airport Building and

Inspection Code Enforcement (BICE) and be approved by the Airport Plumbing or Water Service Inspector prior to going into service. All commercial operators shall comply with the provisions of Appendix E, Potable Water Service and Supply, to these Rules and Regulations. A commercial operator shall comply with this Rule 8.6(A) in addition to any other contractual or regulatory requirement applicable to the work performed or services provided.

- (3) **Cross Connection Control Program (Backflow Prevention).** The Airport Commission has determined that regulations established by the Airport's Cross-Connection Control and Backflow Prevention Program, under California Health and Safety Code sections 116800 and 116805 and Title 17, California Code of Regulations section 7584, are necessary and appropriate to protect the SFIAWS and the Airport's potable water supply. All commercial operators shall comply with the Cross-Connection Control and Backflow Prevention Program included in Appendix E, Potable Water Service and Supply. The State Water Resources Control Board and San Mateo County Environmental Health Services are considering updates to state and local cross-connection control regulations. Commercial operators shall comply with any approved updates to those regulations.
- (4) **Water Meters**
- (a) All water acquired from the SFIAWS must be metered.
- (b) All commercial operators responsible for ensuring that an Airport facility has access to the SFIAWS shall submit an application on a form provided by the Airport and submit it to the Planning, Design and Construction Division, Mechanical Engineering section, 30 days prior to the physical connection of the service pipe to the facility pipe.
- (c) Each individual operator or facility must furnish and install a smart water meter consistent with Airport specifications, unless otherwise approved by the Airport Water Service Inspector. The Airport in its sole discretion shall determine the type, location, and size of the water meter.
- (d) Water service connections shall be installed by a licensed contractor at the commercial operator's expense. Installation shall conform with all requirements set forth in permits issued by BICE and as approved by the Plumbing or Water Service Inspector.
- (5) **Temporary Water Supply (Construction Meters).** To access the SFIAWS during construction, all contractors must use a hydrant meter issued by the Environmental Operations section of the Airport's Facilities Division. Contractors must complete an application for a hydrant meter on a form provided by the Airport and submit the application along with a deposit to the Water Service group in the Environmental Operations section. Contractors must comply with all requirements for use of the hydrant meter and only at the locations specified by the Airport at the time the hydrant meter is issued. Any use of a hydrant meter will require, in addition to any other requirements established by the Airport, a reduced pressure type backflow prevention device to protect the SFIAWS and potable water supply.
- (6) **Water Conservation.** All commercial operators shall take measures to reduce water use in their operations at the Airport and shall comply with all water conservation measures instituted by the Director and as mandated by other agencies. No commercial operator shall waste or engage in inefficient use of water in their Airport operations. Where feasible, construction dust control and street sweeping operations shall use recycled water from the Mel Leong Treatment Plant (MLTP). For more information or to obtain a recycled water permit contact [bppp@flysfo.com](mailto:bppp@flysfo.com).

- (B) GENERAL WASTE WATER REQUIREMENTS.** Rule 8.6(B) shall apply to all commercial operators when operating on Airport property and when performing operations which generate discharges into storm drains, sanitary sewage, or industrial wastewater collection systems, which may affect the operations of the Airport's Mel Leong (Wastewater) Treatment Plant (MLTP) facility, or affecting the health of the Airport community or the quality of water in the San Francisco Bay
- (1)** Commercial operators shall prevent any pollutant or unauthorized discharges from entering the Airport's storm drains, sanitary and industrial wastewater collection systems, or in any other manner that would degrade the San Francisco Bay. Commercial operators must comply with the latest National Pollutant Discharge Elimination System (NPDES) Permits issued to the Airport by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB), all applicable general permits (such as the Construction General Permit) issued by the RWQCB or the State Water Resources Control Board, and the Airport's Stormwater Pollution Prevention Plan (SWPPP) for management of storm water runoff at the Airport. Commercial operators shall develop, implement, and maintain an active and effective pollutant minimization program in accordance with RWQCB directives to the Airport. Commercial operators shall respond promptly to Airport SWPPP surveys and inquiries that seek to resolve water quality, program compliance, or regulatory agency permit concerns. Tenants shall complete annually the Airport SWPPP training when requested to comply with the Airport's NPDES permit. Copies of the current orders and plans may be requested through [bppp@flysf.com](mailto:bppp@flysf.com). Authorized discharge limits into the Airport's wastewater collection systems are at the discretion of the MLTP.
  - (2)** Commercial operators must comply with the Airport's Bay Pollution Prevention Compliance Program, which requires employee training, pollution prevention, and operational pretreatment in order to ensure that authorized discharges are routed to the proper waste water collection system and to prevent the discharge of any contaminated liquid to the Airport storm drain system or slug lodgings to the industrial or sanitary collection systems.
  - (3)** Whenever a pollutant or illicit/unauthorized discharge of any kind occurs at any location within the Airport, including when a Hazardous Materials secure containment system is breached, the commercial operator, in addition to taking proper spill containment actions, shall immediately contact the Airport's Emergency Communications Center at 911, notify the Airport's and commercial operator's management personnel, and safely maintain a presence at the spill site. Commercial operators shall provide direct assistance, cooperate fully with the first responders, and take all reasonable containment actions to protect the public health, the public, and Airport property
  - (4)** The Airport retains the right to sample and characterize the wastewater discharge at a tenant's point of connection to any of the Airport's collection systems, and to go even further upstream in the system within the tenants' leasehold area, to track the source of pollutants as necessary, or to direct the tenant to perform such tasks and to report the results to the Airport.
  - (5)** Except as provided in Rule 8.6(B)(5), no commercial operator shall discharge or cause to be discharged into any of the Airport's sanitary, industrial, or storm water collection and treatment system any of the following:
    - (a)** Any liquid or vapor having a temperature higher than 120° F.
    - (b)** Any water or waste containing fat, oil, or grease originating from food preparation or food service ware cleaning, including cooking process oils or greases, new or used that contributes to a sanitary sewer overflow or NPDES permit exceedance.

Any food preparation solid waste. All shredded food preparation solid waste shall be disposed of as solid waste.

- (c) Any solid debris such as ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, rugs, feathers, tar, plastic, wood, or any other solid or viscous substances capable of obstructing or interfering with the proper operation of the Airport's collection and treatment systems.
- (d) Any Hazardous Materials, sediment, or debris that could obstruct or interfere with the proper and effective operation of any Airport collection system. Any waste containing gasoline, benzene, naphtha, fuel oil, petroleum, jet fuel, waste oil, or other flammable, hazardous, or explosive solid, liquid, or gas. Any process waters or waste containing a toxic or poisonous substance, alone or in combination with other discharges that cause interference, pass-through of pollutants, biosolid/sludge contamination, or constitute a hazard to humans, animals, public or private property, or adversely affects the quality of the treatment plant effluent, biosolids/sludge, or any receiving water body. Any noxious or malodorous gas, or substance in a quantity capable of creating a public nuisance.
- (e) Any waste containing measurable or harmful levels of a radioactive substance.
- (f) Any type of foam or foaming agent; provided that, in the event of a fire, fire containment should be the immediate priority. All foam spills or discharges must be reported immediately by calling 911. Commercial operators shall contain and haul the foam off site for appropriate treatment, in conformance with Rule 6 of these Rules and Regulations, and shall provide a copy of the manifest to Airport Environmental Operations at [bppp@flysfo.com](mailto:bppp@flysfo.com). Foams of concern include but are not limited to: Aqueous Film Forming Foam (AFFF) C-8 and C6; Alcohol-Resistant AFFF (AR-AFFF); synthetic – medium or high expansion types (detergent); Class "A" foam concentrate; Wetting Agent; and Film Forming Fluoroprotein (FFFP).

## **(C) INDUSTRIAL WASTEWATER**

- (1) No pollutants or industrial substances capable of upsetting or passing through the Airport's Industrial Wastewater Treatment Plant shall be discharged into the Airport Industrial Wastewater system in concentrations that cause a failure to the treatment plant or an exceedance of the Airport's NPDES permit requirements. The discharge limits for all heavy metals at a minimum shall be controlled by the limits listed in the Airport's current NPDES permit.
- (2) Concentrated industrial waste that exceeds the Airport's acceptance limits, including organic and petroleum oils, shall be collected, in approved tanks, bins, or sumps and periodically removed from the Airport. On request, the commercial operators shall submit disposal reports to the Environmental Operations section, including information on the time and date, amount of waste removed, and name of the carrier and treating entity. Commercial operators shall maintain chain of custody and manifest records and provide them for Airport inspection in compliance with regulatory agency requirements.
- (3) Commercial operators must monitor and report industrial waste discharges to Airport's collection system and comply with proper sampling and analytical procedures. At the discretion of the MLTP, when necessary, commercial operators shall comply with the Whole Effluent Toxicity Testing Requirements in the Airport's NPDES permit. Any analytical method used must comply with the detection limits required by regulatory agencies.

- (4) Commercial operators operating any form of pretreatment equipment that discharges directly into the Airport's industrial system shall routinely monitor, inspect, and maintain such equipment in proper working order and operate such equipment within its operational limits. Commercial operator staff operating this equipment shall be trained and acceptably knowledgeable in its operation and maintenance, as provided in the Airport's SWPPP.
- (5) Commercial operators shall perform aircraft maintenance only in designated areas and shall have proper spill kits and industrial waste collection devices readily available at work site. All inoperable vehicles or equipment not being used or not scheduled for imminent repair shall be removed from Airport property. Drip pans shall be used for any vehicles or equipment not in active use. Commercial operators must maintain the pavement and clean all oil stains. Vehicles and equipment washing shall only be performed in areas where wash water drains to the industrial system or to a closed sump are available. No wash water is permitted to enter the sanitary or storm drain system.
- (6) Commercial operators shall immediately notify Airport Communications at 911 when determining that any equipment or procedure is not functioning in accordance with authorized operational and discharge parameters.

**(D) SANITARY WASTEWATER**

- (1) Only sanitary wastewater shall be discharged into the sanitary system. No industrial wastewater or storm water runoff shall be discharged to any sanitary system. Nor shall any tank, bucket, or other container containing petroleum hydrocarbons or industrial waste be emptied into any toilet, sink, sump, or other receptacle connected to the sanitary or storm drain system. Commercial operators shall not allow or cause an illicit or unauthorized product discharge into the sanitary systems through floor drains, toilets, sinks, or any other access port of these systems. Commercial operators shall maintain verifiable records of appropriate product disposal.
- (2) No unapproved or unauthorized collection device or piping may be connected or cross-connected into the Airport's sanitary system. Commercial operators shall promptly notify Airport upon discovery of an illicit connection or cross-connection.
- (3) All food preparation facilities, including restaurants, shall properly size and maintain FOG traps or interceptors connected to their wash water process discharge. Commercial operators shall comply with maintenance schedule and requirements specified by the Airport's plumbing inspector and maintain accurate and complete records of their maintenance program. The use of floor drains or lavatories to dispose of cooking grease or food waste is prohibited. Food preparation operators shall use pretreatment equipment to remove solid debris, including food waste, from entering the sanitary system. Food preparation operators shall ensure that dishwasher discharges are directed only to a sanitary sewer line and do not flow through a grease trap or grease interceptor.
- (4) No concentrated sanitary wastewater collection system clearance chemical or process component shall be discharged into the sanitary system without prior written approval from the MLTP. Portable sanitary facility discharge operations, such as aircraft lavatory collections, shall discharge only at permitted locations and shall be operated in a careful and efficient manner, such that the disposal site is acceptably maintained and spills do not escape the disposal site. Spills outside of the disposal site shall be immediately called into 911. The commercial operator responsible for an unauthorized lavatory discharge shall be responsible for the cost of all cleanup and recovery operations. Operational personnel shall be trained in the proper and careful operation of the equipment and material. Repeated violations shall be cause for revoking lavatory service operating permit.

**(E) STORM WATER**

- (1)** Commercial operators shall not cause unauthorized discharges into the Airport's storm water system. Only clean storm water runoff shall be discharged to the storm water system. Any discharge of non-storm water product into the storm water system is prohibited unless approved in writing by the Airport's Bay Pollution Prevention Program. Commercial operators shall stock spill kits/carts located near any area where fueling is taking place. Commercial operators are responsible for maintaining the spill kits/carts on a regular basis.
- (2)** No sanitary sewage, kitchen waste, putrescible organic waste, industrial process waste, solid debris or Hazardous Materials shall be discharged to the storm water system. Commercial operators performing any industrial or sanitary wastewater treatment processes shall employ all appropriate measures to prevent and eliminate unauthorized and unacceptable discharge into the storm water system.
- (3)** Commercial operators shall maintain a current and accurate site storm drainage drawing. Commercial operators shall practice effective housekeeping to prevent any storm water carry-off of debris, trash, sediment, spillage, or contaminants into the storm water system.
- (4)** Commercial operators shall comply with the Airport's SWPPP and when appropriate submit for review a SWPPP that is current, site-specific to each local operation, and acknowledges the commercial operator's responsibility to protect the San Francisco Bay. Commercial operators shall maintain on site and train staff to properly operate and maintain pollution prevention and pretreatment equipment as listed in the submitted SWPPP.
- (5)** When appropriate, commercial operators must maintain on site, submit a copy to the Airport, and actively implement a current and certified Spill Prevention Control and Countermeasures (SPCC) Plan and a hazardous waste management plan.
- (6)** No commercial operator shall use deicing procedures without first submitting a deicing plan to the Airport Environmental Operations Section at (650) 821-8380. The deicing plan shall include the following information:
  - (a)** Type of deicing fluid to be used (deicing products shall not contain urea)
  - (b)** Method of application
  - (c)** Rate of application
  - (d)** Estimated duration of application
  - (e)** Storm water runoff catch basin protection method
  - (f)** Deicing fluid waste removal and disposal method

Commercial operator must notify Airport Operations Duty Supervisor at (650) 821-3355 prior to commencing deicing operations. Discharge of deicing fluid waste into any storm water catch basin is prohibited, and commercial operators shall seal the adjacent storm runoff catch basins prior to deicing operations. The rate of application of deicing fluid shall be controlled to minimize pooling of deicing fluid at the application site and prevent any overspray that may impact the terminal facility or other aircraft. All residual deicing fluid waste shall be removed from the surface of affected tarmac area immediately following the aircraft departure. Commercial operators must ensure that all deicing fluid dispensing and storage equipment remain in good working condition. All deicing fluid



waste collected at the application site shall be discharged into authorized industrial waste wash racks or pump stations as instructed by MLTP at (650) 821-8350. Commercial operators are responsible for all costs associated with deicing fluid recovery, mitigation, and fines incurred by the Airport as a result of commercial operator's use or misuse of deicing fluid.

- (7)** If an unauthorized discharge occurs, responsible commercial operator shall immediately contact Airport Communications at 911 and maintain presence at incident location to guide the first responders. The responsible party shall promptly take all actions to identify and contain any spill. Failure to promptly and effectively respond to an unauthorized discharged which impacts the storm drain system shall be subject to a fine under Rule 14 of these Rules and Regulations. The Airport reserves the right to impose on the responsible party any and all fines and costs incurred to correct or resolve unacceptable conditions due to any unauthorized discharge into the storm drain system.

## **RULE 9.0**

### **COMMERCIAL ACTIVITIES ON AIRPORT PROPERTY**

#### **9.1 AIRPORT OPERATING PERMIT REQUIRED**

No person shall operate as a scheduled air carrier from the Airport unless in possession of a valid Airport Operating Permit or unless a signatory to an Airport/Airline Lease and Use Agreement or Airport Landing Fee Agreement for San Francisco International Airport.

#### **9.2 OPERATING A BUSINESS ON AIRPORT PROPERTY**

No person shall operate or promote a business on Airport property without first obtaining a valid Airport Operating Agreement, permit, lease, or other written permission granted by the Director (see also Rule 3.3).

Any vendor engaged in the business of delivering goods or providing services anywhere on Airport property to, for, or on behalf of any tenant must have written permission granted by the Director in the form of a Vendor Permit or other permit or license. This requirement applies to any commercial operation, including but not limited to any internet-based digital commercial activity, to, for, or on behalf of any tenant and regardless whether the vendor has a physical presence on Airport property or reaches a tenant and/or passengers only through digital means. For example, an entity facilitating for one or more concession tenants app- or web-based food ordering by Airport passengers would be subject to this requirement. (AOB 21-02.)

#### **9.3 AIRPORT INFRASTRUCTURE**

For purposes of this Rule 9, the term infrastructure shall include but not be limited to cables, wires, conduit, pipes, internet connections, and related technologies including wireless technologies on Airport property. No person shall use, modify, or impact any Airport infrastructure without the express written permission of the Director. Additionally, no person shall add, install, supplement, remove, or operate infrastructure on Airport property, whether connected to or independent of Airport infrastructure, without the express written permission of the Director. See also Rule 7.5, Video Monitoring and Recording Devices and see Rule 9.6.

#### **9.4 AIRPORT MAPPING**

As a matter of security and safety for the traveling public, the Airport owns and controls all mapping of its property and facilities. No person shall depict the Airport either digitally or physically or publish any type of Airport map in any format without the express written permission of the Director. Additionally, no person shall collect data, coordinates, measurements, photographs, or other information regarding any Airport property, building, or facility without express written permission of the Director.

#### **9.5 ON-SITE PERSONNEL**

Every commercial enterprise doing business at the Airport under permit, lease, or contract shall designate one or more responsible employees available on-site at all times while the enterprise is transacting business at the Airport. This Rule applies to all commercial operators but particularly for airlines and their contractors, whenever an airline is using a terminal gate and/or conducting passenger operations, and concessions, whenever a concession is open for business. The designated responsible on-site personnel must have authority to make decisions concerning minute-to-minute business operations and to react (such as by moving an aircraft) in the event of unanticipated situations including but not limited to Airport safety or security concerns, customer service impacts, operational necessities, or emergencies. A commercial operator may apply for a qualified exception from this Rule 9.5 by written request documenting

a proposed alternative plan; the request shall be directed to the Airport Chief Operating Officer and shall not be effective until accepted in writing. Failure to comply with this Rule 9.5 or with an alternative plan approved by the Chief Operating Officer shall result in an administrative fine under Rule 14 of these Rules and Regulations.

#### **9.6 CONSTRUCTION ACTIVITY ON AIRPORT PROPERTY; AIRPORT BUILDING REGULATIONS**

No person shall perform any construction activity, renovation, alteration, improvement, demolition, excavation, installation, or repair of any building, structure, infrastructure, utility or similar facility on Airport property without the written permission of the Director. See also Rule 9.3. All such activity is subject to the Airport Building Regulations, attached to these Rules and Regulations as Appendix F and incorporated as if set forth here in full, and the Airport Architecture and Engineering Standards as directed in writing. All tenant activity subject to this Rule 9.6 shall also comply with the Tenant Improvement Guide (TIG).

Tenants and contractors engaging in any construction activity as provided in this Rule 9.6 shall designate a Security Champion to assure compliance with security protocols for construction sites (see also Rule 7), as provided in Airport construction contract documents and the TIG. (ASB 20-03)

**RULE 10.0****TRIP REDUCTION RULE****10.1 PROGRAM OBJECTIVES**

The Airport is committed to reducing greenhouse gas emissions wherever possible. To support this commitment, all Covered Employers as defined in this Rule 10 shall cooperate with the Airport's Commuter Benefits Program Coordinator to organize and make available to all Covered Employees information regarding commute alternatives. Such alternatives include public and common carrier ground transportation, carpools, vanpools, and bicycling. Commute alternatives shall be described in new employee orientation materials, and all Covered Employers shall regularly encourage their employees to use commute alternatives.

**10.2 REQUIREMENTS OF ALL AIRPORT TENANTS AND CONTRACTORS UNDER INDIVIDUAL TENANT AGREEMENTS WITH 20 OR MORE EMPLOYEES IN THE UNITED STATES****(A) Scope of Program**

Each Covered Employer shall implement a Commuter Benefits Program (CBP) within the time frame specified in Rule 10.2(B), below. The CBP shall include the following definitions:

- (1) Airport:** the San Francisco International Airport.
- (2) Covered Employee:** any person who:
  - (a) performs an average of at least ten (10) hours of work per week for compensation within the geographic boundaries of the Airport for the same Employer within the previous calendar month; and
  - (b) qualifies as an employee entitled to payment of a minimum wage from the Employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission, or is a participant in a Welfare-to-Work Program.
- (3) Covered Employer:** an Employer for which an average of twenty (20) or more persons per week perform work for compensation in the United States, but shall not include governmental entities. In determining the number of persons performing work for an Employer during a given week, all persons performing work for compensation on a full-time, part-time or temporary basis, including those who perform work outside of the geographic boundaries of the Airport, shall be counted, including persons made available to work through the services of a temporary services or staffing agency or similar entity.
- (4) Fare Instrument:** any pass, token, fare card, voucher, smartcard or similar item entitling a person to transportation on public or common carrier ground transportation in Northern California within the meaning of 26 U.S.C. § 132(f)(5)(A), as the Federal law may be amended from time to time, including but not limited to, travel by ferry, bus, or train operated by public or common carriers.
- (5) Tenant:** a leaseholder, permittee or other occupant of land or premises within the boundaries of the San Francisco International Airport, and his or her sublessee or duly authorized agent.

- (6) **Vanpool:** means a 'commuter highway vehicle' within the meaning of 26 U.S.C. § 132(f)(5)(B), as the federal law may be amended from time to time, which currently means any highway vehicle:
- (a) the seating capacity of which is at least 6 adults (not including the driver); and
  - (b) at least 80% of the mileage use of which can reasonably be expected to be (1) for the purpose of transporting employees in connection with travel between their residences and their place of employment; and (2) on trips during which the number of employees transported for such purposes is at least ½ of the seating capacity of such vehicle (not including the driver).

**(B) Commuter Benefits Program**

This rule will take effect within six (6) months of the issuance of a Covered Employer's lease, operating permit or other agreement with the Airport, including any management agreement. All Covered Employers shall provide at least one of the following commuter benefits programs to Covered Employees:

- (1) **Pre-Tax Election:** A program, consistent with 26 U.S.C. §132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for fare instruments or vanpool charges (but not for parking), up to the maximum level allowed by federal tax law, 26 U.S.C. 132 (f)(2), which is Two Hundred Fifty Five Dollars (\$255) per month for transit or vanpool costs, and \$20 per month annualized for qualified bicycle commuting costs as of January 1, 2016;
- (2) **Employer-Paid Benefit:** A program whereby the Employer supplies or reimburses, at the request of each Covered Employee: (1) fare instrument(s) for public and/or common carrier ground transportation or vanpool charges at least equal in value to the purchase price of the designated benefit, an adult San Francisco MUNI Fast Pass with BART access, which costs \$94 per month as of July 1, 2017, and subject to change; or (2) reimbursement of all qualified bicycle commuting costs as defined by 26 U.S.C. § 132(f)(5)(F)9i), up to \$20 per month annualized.
- (3) **Employer-Provided Transportation:** Transportation furnished by the Employer at no cost to the Covered Employee in a multi-passenger vehicle operated by or for the employer serving a BART station. In the event BART does not provide service to the subject station for 24 hours or longer, said transportation shall serve the most convenient Caltrain station, SamTrans bus stop, and ferry terminal as needed by participating employees.

**(C) Tenant Liaison**

Tenants shall appoint a Liaison who is responsible for the implementation of the Commuter Benefits Program and for fulfilling the requirements of this Rule.

**(D) Contractors Under Individual Tenant Agreements**

Airport tenants are responsible for ensuring that their contractors comply with this Rule. Alternatively, tenants may allow contractors to work directly with the Airport to comply with this Rule, provided that all such agreements are in written form.

**10.3 PENALTIES FOR NON-COMPLIANCE**

Covered Employers who fail to comply with the provisions of this Rule 10 may be subject to administrative fines of \$100 for each day of non-compliance.

## RULE 11.0

### NOISE ABATEMENT REGULATION

#### 11.1 PURPOSE

The Airport Commission of the City and County of San Francisco ("Commission") promulgates this regulation to provide for a continual reduction of cumulative noise resulting from aircraft operations at San Francisco International Airport ("SFIA") in accordance with the Commission's authority as proprietor of SFIA, the Charter of the City and County of San Francisco, and the provisions of Title 21, Sub-chapter 6 of the California Administrative Code, while allowing SFIA to continue its historic function as the leading gateway to the Pacific, as a vital contributor to a strong and growing economy, and as a major source of employment for the Bay Area. Airport Commission Resolution #88-0016 provides for the administration of the Airport's Noise Abatement Program and has been amended as follows: Effective July 16, 1991 by Resolution No. 91-0099, and on July 7, 1992 by Resolution No. 92-0202 and on December 7, 1993 by Resolution No. 93-0248 and on January 17, 1995 by Resolution No. 95-0015 and on November 20, 2001 by Resolution No. 01-0354.

#### 11.2 EFFECTIVE DATE

This regulation shall become effective upon its adoption by resolution of the Commission, pursuant to the powers and duties vested in the Commission by the Charter of the City and County of San Francisco, and shall remain in effect until amended or repealed.

#### 11.3 DEFINITIONS

Whenever used in Rule 11, the following terms shall have the meanings set forth below.

**"Aircraft"** - all subsonic transport category large airplanes, subsonic turbojet powered airplanes and supersonic transport category airplanes, which were ever certificated or recertificated at a maximum gross takeoff weight in excess of 75,000 lbs., whether certificated or recertificated by the United States or by a foreign country.

**"Operation"** - an aircraft landing or takeoff.

**"Operator"** - an entity that exercises operational control over an aircraft. Operational control includes, among other matters, control over scheduling, routes, or choices of aircraft.

**"Preferential Runway Use Program"** - written procedures concerning the performance of operations at SFIA to minimize the noise impact of such operations, applicable when air safety, air traffic, and meteorological conditions permit.

**"Preferred Departure Procedure"** - an aircraft operating procedure, approved by either the Federal Aviation Administration (FAA) or the International Council Aeronautical Organization (ICAO), to be used to reduce noise impacts during the initial phase of flight.

**"Stage 2 Aircraft"** - an aircraft that is certificated by the FAA as complying with the noise levels prescribed in 14 C.F.R. Part 36, Appendix C, Section 36.5(a)(2), or is certificated in accordance with Chapter 2 of Annex 16 to Article 37 of the International Civil Aviation Organization Convention.

**"Stage 3 Aircraft"** - an aircraft that is certificated by the FAA as complying with the noise levels prescribed in 14 C.F.R. Part 36, Appendix C, Section 36.5(a)(3), or is certificated in accordance with Chapter 3 of Annex 16 to Article 37 of the International Civil Aviation Organization Convention.

**11.4 REGULATION****(A) Stage 3 Requirement for Aircraft**

Upon the effective date of this regulation, an aircraft will be permitted to commence or continue operation at SFIA only if it is a Stage 3 aircraft.

**(B) Auxiliary Power Unit (APU)**

To reduce the impacts of jet fuel emissions on the environment and improve conditions and safety for airfield personnel, operators are required to use 400Hz ground power and air sources where available, connect to those sources, and discontinue APUs promptly (within five minutes) after chocking the aircraft wheels upon parking at the apron, regardless of the duration at the gate. APUs may be used when aircraft are being towed.

- (1) APU use is not authorized without prior permission from Airport Operations, during the use of ground power and pre-conditioned air until a set amount of time prior to the scheduled time of departure as follows: (a) 15 minutes for Code C aircraft (specified in ICAO Annex 14) or (b) 25 minutes for Code D or above aircraft (specified in ICAO Annex 14), except A380 aircraft or (c) 45 minutes for A380 aircraft.
- (2) All aircraft scheduled to be at a gate between 2200 – 0700 hours are required to use 400Hz ground power and pre-conditioned air, where available, regardless of the duration at the gate. APU's are not authorized without prior permission from Airport Operations, during the use of ground power and pre-conditioned air until 30 minutes prior to push-back.

**(C) Aircraft Engine Run-ups**

High Power run-ups of mounted aircraft engines for maintenance or test purposes are prohibited except as provided below:

- (1) All aircraft shall be started and run-up in locations designated for such purposes by the Director. Engine run-ups are prohibited at Plot 2. Aircraft engines shall not be operated in such position that persons, structures or property may be endangered by the path of the aircraft propeller slip-stream or jet blast.
- (2) No aircraft engine exhaust, blast, and/or propeller wash shall be directed in such manner as to cause injury, damage, or hazard to any person, structure, or property.
- (3) The Airport Operations Supervisor will not approve any engine run-up more than two hours prior to the aircraft's scheduled departure between the hours of 2200-0700, without proper justification from the operator or airline concerned.
- (4) An idle check of a single engine is allowed under the following conditions:
  - (a) An idle check of a single engine not to exceed a 5-minute duration may be conducted in the lease hold area. If more than one engine is to be checked, each engine must be checked separately and the cumulative duration of the idle checks cannot exceed 5-minutes.
  - (b) Idle checks of a single engine or multiple engines (checked separately) which will exceed a duration of 5-minutes will be accomplished in the designated run-up areas. For purposes of noise abatement monitoring, this will be considered a power run-up.

- (5) During the hours of 2200 – 0700, the Operations Supervisor shall be called and permission received prior to any engine idle check or engine idle run-up, including any idle run for more than a cumulative duration of 5-minutes.

During other hours, the Operations Supervisor shall be called and permission received prior to any engine run-up.

Any request for an engine run-up clearance during the hours 2200 – 0700, other than that described above, which is the result of unusual or emergency circumstances, may be approved by the Airport Operations Supervisor. When approved and accomplished, the Maintenance Supervisor of the airline concerned must provide to the Director a monthly report detailing the following:

- (a) Date and time of the run-up
- (b) Type of aircraft
- (c) Aircraft identification number
- (d) Location of the run-up
- (e) Duration of the run-up
- (f) An explanation of the unusual or emergency circumstances making the run-up necessary

Reports will be submitted to the Director, Attn: Airport Operations, within three working days after the last day of each calendar month.

**(D) Noise Abatement Procedures**

To reduce the impacts of aircraft noise in surrounding communities, particularly between the hours of 2300 and 0700, the Airport encourages the use of the following procedures.

- (1) Depart on Runway 10.
- (2) When departing on Runway 28L/R, use the Shoreline Departure procedure whenever possible.
- (3) When departing straight out on Runway 28L/R use the appropriate ICAO A or AC 91-53A noise abatement climb procedure for communities close to the airport.
- (4) Use the Quiet Bridge Approach to Runway 28L/R.

**(E) Variances**

- (1) Upon the effective date of this regulation, requests by operators for a variance from any provision of this regulation must be made in writing to the Director at least 60 days prior to the date of the requested variance. Every request for a variance shall be reviewed by the Director or his designated representative. Among other factors, the noise impact on the surrounding community and the fairness to other operators, which are in compliance with this regulation, shall be considered in determining whether a variance should be granted.
- (2) The Director shall notify the operator in writing whether a variance is granted and include any instructions or restrictions pertaining to the waiver.



**(F) RUN-UP CLEARANCE AND EXEMPTIONS**

The Airport Operations Supervisor on-duty during nighttime hours (2200 – 0700) responsibilities include monitoring compliance with the Airport's run-up clearances and responding to requests for exemptions.

**11.5 CONSTRUCTION OF THE REGULATION**

References in this regulation to Federal Aviation Regulations, 14 C.F.R. Part 36, are not intended to incorporate into this regulation the construction, regulatory purpose or specific application given by the Federal Aviation Administration or any court to those provisions. This regulation is designed to accomplish distinct regulatory goals dictated by the peculiar local conditions existing at SFIA. The Commission shall be the final authority on the interpretation, regulatory purpose, and application of all aspects of this regulation to all aircraft seeking permission to commence operation or to continue operation at SFIA.

**11.6 SEVERABILITY**

If any portion of this regulation or if any application of this regulation is held unconstitutional or otherwise unlawful, the remainder of this regulation and the remaining applications of this regulation shall not be affected thereby.

**11.7 REPEAL**

Commission Resolution 78-0131 and all Airport Operations Bulletins (AOB) issued thereunder are repealed as of the effective date of this regulation. In addition, the following AOB's are also repealed:

- 84-07 AOB Noise Abatement Regulation
- 85-06 AOB Aircraft Engine Run-ups
- 85-07 AOB Noise Abatement Regulation
- 88-01 AOB Maintenance Exemption from SFO Noise Regulation
- 88-02 AOB Variance Procedures
- 88-03 AOB Preferential Runway Use
- 88-04 AOB Implementation of Noise Regulation
- 88-07 AOB Reporting Requirements of Noise Regulation
- 90-06 AOB Auxiliary Power Units
- 91-02 AOB New Scheduled Operations between 2300 and 0700 hours
- 92-02 AOB Late Night Stage 2 Operations
- 93-01 AOB Operation of Stage 2 Aircraft between 2300 and 0700
- 93-03 AOB Percentage Stage 3 Requirement
- 98-05 AOB Percentage Stage 3 Requirement
- 98-06 AOB International Operators Percentage Stage 3 Requirement
- 99-03 AOB Operation of Stage 2 Aircraft between 1900 and 0700 hours
- 01-02 AOB Gate Restrictions for Auxiliary Power Units (APU)

**RULE 12.0****WORKFORCE HARMONY****12.1 LABOR PEACE/CARD CHECK RULE**

An Employer/Contractor shall enter into a Labor Peace/Card Check Agreement, as defined in Appendix C of these Rules and Regulations, with any Labor Organization requesting such an agreement and which has registered with the Director.

**12.2 WORKER RETENTION POLICY**

The Worker Retention Policy is appended to these Rules and Regulations as Appendix D. The Worker Retention Policy applies to contractors, tenants, and permitted operators, and their respective subcontractors, that employ workers who perform essential services at the Airport on a regular and ongoing basis for the benefit of the travelling public, which services include, but are not limited to, parking garage and curbside management operations, information booths, concessions (food & beverage, retail, and passenger services), the SFO Medical Clinic, intra-airport transportation services, on-airport rental car operations, and services by service providers covered under the Airport's Quality Standards Program, excluding airlines.

## **RULE 13.0**

### **FREE SPEECH AND EXPRESSIVE ACTIVITIES**

#### **13.1 FINDINGS**

The Airport is designed, operated and maintained as a facility for air transportation. The Airport was not designed and is not intended for use as a public forum for free speech activities. If left unregulated, free speech and expressive activities—such as proselytizing and cause advocacy, as well as leafleting and picketing—could negatively impact the Airport and the traveling public in a number of ways, including exacerbating congestion and delay, causing confusion and duress for the public and compromising public safety and security.

##### **(A) Congestion and Delay**

In fiscal year 2018, the Airport served more than 55 million passengers and is forecast to serve as many as 71 million by 2029. Air travelers are often on a tight schedule. They may be required to wait in lines at ticket counters, security check-points and other facilities. Departing travelers need to move quickly from BART, buses and cars, through ticket counters and check-in areas, to security checkpoints and departures gates beyond. Passengers with connecting flights need to move quickly from one gate area to another, sometimes changing terminals and exiting and reentering secured areas. Arriving passengers need to retrieve bags and connect with surface transportation, such as vans, taxis, limousines, buses, BART or cars.

The Airport has designed its terminal buildings, corridors, roads and parking areas to reduce congestion and facilitate the rapid and efficient movement of large numbers of people. Elevators, escalators, connecting corridors and moving walkways help travelers move quickly through the Airport. Facilities have been designed to assist navigation and movement while avoiding visual clutter and blight that can contribute to stress. The Airport closely monitors and regularly modifies its hallways, throughways and passenger security checkpoints to accommodate new amenities and facilities, evolving TSA technology and screening procedures, and changes in passenger flows.

In the absence of appropriate regulation, free speech activities—and particularly solicitation for the immediate receipt of funds—have the potential to disrupt passenger flows, increase congestion, and contribute to missed flights and travel delays.

##### **(B) Confusion and Duress Relating to Solicitation of Funds**

The Airport's customers may be susceptible to undue pressure, misrepresentation, duress or even fraud from persons engaged in solicitation for immediate receipt of funds. Airport travelers are often unfamiliar with their immediate surroundings, and may be fatigued and under time pressure. Some have mobility challenges. Others are young or elderly. Some speak little or no English.

The Airport has received over 125 complaints related to free speech activities and to the solicitation of funds, even though air travelers often forego making formal complaints due to time restrictions. Airport customers have complained that solicitors delayed them; behaved in a rude, offensive, harassing, intimidating or confrontational way; asked to review passports and traveling documents; misrepresented themselves as Airport or security personnel in order to get money; and defrauded, duped, conned, and cheated them:

"[Solicitor] ...started shouting at [traveler] and following him shouting through the terminal."

"The people asking for donations should not be [ ] harassing customers who are in a rush to get on a plane."

"They also intimidate people as well as harass non-English speakers."

"I thought they were security until they flagged me down and detained me with misleading information."

"Don't appreciate being scammed..."

"There are people ... misrepresenting themselves as airport employees asking for donations from passengers...I felt I was taken advantage of."

"Solicitor – he is very rude and says he is the information person then hits you up for a donation."

"[Solicitor] called out to me and asked to see my boarding pass. He tore off top page...then asked to see my driver's license...[solicitor] asked me if I would be willing to make a donation. At that point I realized he was a fraud and not a security agent at all."

### **(C) Safety and Security**

The Airport is a potential target for terrorist attack. The Airport is both a large domestic hub and a major international airport. The Airport is also one of the iconic symbols of the City and County of San Francisco, which the Department of Homeland security has identified as a high profile area at risk for terrorist attack. To deter attack, the Airport is mandated by the Transportation Security Administration (TSA) to implement the highest available security measures. In addition, the Airport must maintain the flexibility to adjust its operations on little or no notice to comply with federal security directives issued in response to perceived or actual threats against air travel.

The entire Airport is a security-sensitive environment. Multiple layers of security measures are in place throughout, not only at and beyond the ticketed-passenger screening checkpoints. Federal and local law enforcement and Airport operations personnel monitor activities and maintain a security program in terminal areas outside the passenger check-point, in parking lots and on approach roads. Free speech activities, like all activities at the Airport, must be conducted consistent with a strong and effective security program.

### **(D) Conclusion**

For all of these reasons, the Airport Commission finds that unrestricted use of the Airport for free speech and expressive activities threatens to compromise the Airport's primary air travel mission and impair the health, comfort and safety of air travelers and employees. The Airport Commission adopts the following reasonable restrictions in order to facilitate free speech activities consistent with the Airport's primary air transportation function; to maintain the health, security and safety of visitors and employees; to avoid confusion and undue duress; and to prevent congestion and facilitate the rapid and efficient movement of large numbers of people through the Airport.

## **13.2 GENERAL REQUIREMENTS**

- (A)** Free speech and expressive activities, including but not limited to proselytizing, cause advocacy, leafleting and picketing, are not permitted except in compliance with the permitting procedures described in Section 13.6.
- (B)** All free speech and expressive activities shall be conducted:
  - (1)** According to Rule 13 and all other Rules and Regulations;
  - (2)** In a peaceful and orderly manner, without physical harm, threat or harassment to others, and without obscenities, violence, breach of the peace, damage to property or other unlawful conduct; and

- (3) Without obstructing the use of the Airport for its intended purpose as an air transportation facility; without interference with the rapid, orderly and efficient movement of persons throughout the Airport; without misrepresentation or duress; and without compromising the safety and security of persons and property.

### **13.3 APPROPRIATE AREAS**

- (A) The Director has determined that only certain areas of the Airport provide a reasonable opportunity for free speech and expressive activities while not impeding the use of the Airport for its intended purpose of providing a safe and orderly facility for air transportation, including the efficient flow of pedestrian traffic and the maintenance of safety and security. The Director shall designate those areas where expressive activities may occur.
- (B) The Director may move, remove, or reduce the size of any previously-designated area as needed to respond to construction-in-progress, changes in pedestrian flow, evolving security requirements, or other appropriate circumstances.
- (C) The following areas do not provide a reasonable opportunity for free speech or expressive activities, and those activities are expressly prohibited:
  - (1) Air Operations Areas, Secured Areas and Sterile Areas;
  - (2) Roadways and thoroughfares for vehicles;
  - (3) Areas leased or assigned by agreement for use by airlines, airline service providers, restaurants, retail stores, other lessees or permittees, or areas within 10 feet of any such area;
  - (4) Airport Commission offices, work areas and facilities not open to the public;
  - (5) On or within 10 feet of any escalators, elevators, moving walkways, or interior baggage conveyance equipment;
  - (6) Inside of or blocking any doorway;
  - (7) Within 10 feet of any interior queue, including at ticketing and baggage check-in areas, security check-points, food and retail establishments, etc.; and
  - (8) On or within 50 feet of any construction site or construction equipment, except as may be required according to rights established under federal or state labor laws.

### **13.4 SOLICITING FOR THE IMMEDIATE RECEIPT OF FUNDS PROHIBITED**

- (A) The Airport has determined that solicitation for the immediate receipt of funds has been a particular source of disruption for Airport users and obstruction of the Airport's mission. Solicitation for immediate receipt of funds requires the recipient of the message to either stop in order to receive and consider the speaker's message or change course to avoid the message, both of which may obstruct passenger flows and cause delays. Listeners may need to set down bags and search for money or writing materials, blocking throughways and further contributing to delays. The Airport has received numerous complaints from Airport patrons stating that solicitors have misrepresented themselves—sometimes even behaving as if they are Airport representatives or security personnel—or have solicited in an aggressive or coercive manner. Over a period of years, the Airport has adopted reasonable regulations with the intent of mitigating these negative impacts. Despite the adoption and enforcement of appropriate regulations, problems have persisted and Airport patrons have continued to complain. Accordingly, to protect Airport patrons and preserve the Airport's primary function as an air transportation facility while

maintaining alternative channels of communication, the Airport issues the following restriction on solicitation for the immediate receipt of funds.

- (B)** No person shall solicit and receive funds inside the Airport terminals, in Airport parking areas, or on sidewalks or walkways adjacent to Airport buildings.
  - (1)** "Funds" shall mean money, property or anything else of value.
  - (2)** "Solicit and receive funds" shall mean any oral or written request for funds, where funds are immediately received.
- (C)** Nothing in this Rule is intended to prohibit distribution of literature, proselytizing, cause advocacy or solicitation for funds that will be received in the future, under an appropriate permit as provided in Rule 13.6.

### **13.5 PERMIT REQUIRED**

- (A)** No person shall engage in the conduct described in Rule 13.4 on Airport grounds without giving at least 72 hours written notice to and obtaining a permit from the Director. Notice is required in order to ensure that adequate measures may be taken to protect the public health, security, safety and order, to assure efficient and orderly use of Airport facilities for their primary purpose and to assure equal opportunity for expression.
- (B)** The Director may reduce or waive the 72 hour notice requirement if the permit applicant can show that the event or events giving rise to the permit application did not reasonably allow the applicant time to make an application within the time prescribed and that enforcement of the time requirement would place an unreasonable restriction on expressive activity.
- (C)** Written notice/permit applications shall be in writing and include the following information:
  - (1)** The full name, mailing address, and telephone number of the organization, group, person or persons on whose behalf the proposed activities will be conducted;
  - (2)** A general description of the proposed activities and the size and volume of any items to be handed out, displayed, or used in the proposed activities;
  - (3)** The number of people to be present at any one time;
  - (4)** The preferred date, hour and duration of the proposed activities;
  - (5)** Additional information, such as, for example, a particular audience that the applicant(s) wish to reach;
  - (6)** If proposed activities include solicitation for future receipt of funds, documentation supporting tax-exempt status.
- (D)** The Director will review the written notice/permit application and issue a permit if the following criteria, in the judgment of the Director, are met:
  - (1)** The proposed activities can be authorized in a manner that does not impede the operation of the Airport as an air transportation facility, and does not threaten the safety or security of others;
  - (2)** The proposed activities do not interfere with the ability of others to hear Airport announcements or see Airport signage, or interfere unreasonably with the ability of

airlines, concessionaires and other tenants and contractors to conduct their business in an orderly manner; and

- (3) The proposed activities do not hinder pedestrian flows, create congestion or block efficient movement of persons within and around Airport terminals and other facilities.
- (E) The Director shall apply the standards set forth in 13.6.D and, where the standards are satisfied, shall issue a permit within 72 hours of receiving the written notice/permit application.
- (F) The Director will designate a location, date and time for the proposed activities based on the following considerations:
  - (1) Safety and security procedures identified by federal and local security officials and Airport staff;
  - (2) Pedestrian flows, potential congestion, and areas needed to be kept clear for efficient movement of persons throughout the Airport;
  - (3) Reasonable access to the desired audience; and
  - (4) Availability of the requested space, date and time.
- (G) Where two or more persons or groups request the same location at the same date and time, the Director may issue permits on a first-come first-served basis or as the Airport determines in its sole discretion is the fair and appropriate accommodation for competing requests.
- (H) Permits shall be valid only for the date or dates specified on the permit. Applicants may request multiple days; however, all permits will expire at the end of each calendar month. Applicants may submit a new application for subsequent months.
  - (1) The Director reserves the right to issue identification badges to individuals who may be present repeatedly over a number of days. If the Director issues such a badge, the individual shall wear the badge above the waist on the outer garment of clothing at all times while present on Airport property. Badges must be clearly visible and must be shown to an Airport official or member of the public promptly upon request. Badges remain Airport property and must be relinquished immediately on request of the Director.
  - (2) The use of a musical instrument or noisemaking device, the playing recorded music or messages, or use of amplification equipment for free speech activities or expressive activities will be considered on an individual basis with consideration of the impact on the ability of the public to hear Airport announcements and/or the ability of Skycaps to conduct normal baggage check-in activities. Musical instruments, noise making devices and amplification equipment will not be permitted inside a terminal building
- (I) If the Director rejects a permit application, the Director shall provide a written summary specifying which standard the application fails to satisfy. The summary shall be provided at the time the applicant is informed of the denial.

### **13.6 PROHIBITED CONDUCT**

The following activities are prohibited, with or without a permit. Engaging in any of the following activities is grounds for suspension or revocation of a permit:

- (A) Engaging in free speech or expressive activities, including leafleting, proselytizing, picketing, or cause advocacy, in any area prohibited in Rule 13.4.c, or in any area or at a date or time other than the location, date and time specified in a valid permit.

- (B) Failing to wear an Airport-issued identification badge, above the waist on the outer garment of clothing, at all times, if one has been issued by the Director.
- (C) Refusing to show an Airport-issued identification badge, if one has been issued by the Director, to any Airport official or member of the public who asks to see it.
- (D) Blocking the path of, obstructing, or interfering with the movement of any person.
- (E) Touching another person or their property.
- (F) Misrepresenting oneself, including but not limited to representing oneself as a representative of the Airport, an airline, an Airport tenant or contractor, the State of California or the federal government.
- (G) Making verbal threats.
- (H) Requesting documents or personal information from others, including but not limited to requesting a patron's name, or requesting to see tickets, itineraries, boarding passes, driver's licenses or passports.
- (I) Promoting, advertising, or soliciting sales or business for any commercial enterprise, including but not limited to distributing free product samples or other promotional materials.
- (J) Placing signs, notices, posters, advertisements or other writing in, on or around Airport property, including but not limited to the interior or exterior of any terminal building, administration building or parking structure, or any roadway, utility or other infrastructure.
- (K) Creating a potential security threat by leaving literature, equipment, bags or personal items unattended.
- (L) Violating any security procedure, refusing or failing to comply with a written or oral instruction issued by the TSA, SFPD or other federal, state or local agency with responsibility for Airport security.
- (M) Refusing or failing to cooperate in an investigation of any complaint or allegation of violation of these rules.

### **13.7 SUSPENSION AND REVOCATION OF PERMITS**

- (A) The Director may suspend or terminate the permit of any person or organization who violates this Rule 13, Airport Rules and Regulations or state or federal law.
- (B) The Director shall issue a written notice of termination or suspension, which shall include the reason or reasons for the suspension or termination and the duration of any suspension. The suspension or termination shall be effective immediately upon personal delivery of the Director's notice to the permittee or certified mailing of the notice to the address provided on the permit application.
- (C) Upon termination for cause, the following persons and organizations shall be ineligible to apply for a permit for six months and any other permits held by such persons or organizations shall be deemed revoked:
  - (1) The person, persons or organization on whose behalf the permitted activities occurred;  
and



- (2) Any person who violated this Rule 13 or these Rules and Regulations resulting in the termination of the permit.

### **13.8 EMERGENCIES**

In the event of an emergency affecting the safety or security of Airport patrons, Airport property, or the integrity of the air transportation security system, the Director may suspend a permit immediately and without prior notice. The Director will restore any such permit as soon as reasonably practicable, consistent with security requirements.

### **13.9 EFFECTIVE DATE**

This Rule shall become effective on April 22, 2011, and shall apply to free speech and expressive activities on and after that date.

**RULE 14.0****ENFORCEMENT AND ADMINISTRATIVE APPEAL PROCEDURE****14.1 ENFORCEMENT GENERALLY**

The Airport, through any authorized Airport Commission employee or any Law Enforcement Officer, may cite infractions of these Rules and Regulations to any individual or business entity by issuance of a verbal or written Admonishment or a written Citation.

**14.2 GENERAL AND ADMINISTRATIVE FINES**

Any person or business entity violating or otherwise engaging in prohibited conduct under these Rules and Regulations may be subject to general and/or administrative fines as provided under this Rule 14. If the violator is an individual employee or agent of an Airport tenant or contractor, the fine may be assessed against the employer/tenant or contractor at the Airport's discretion.

All violations and respective fines may be cumulative of each other (one citation may contain multiple fines) and shall be imposed in addition to and neither exclusive nor preclusive of any other civil or criminal federal, state, or local fine or penalty under the law or of any other remedy available to the Airport under the law or under a lease, permit, or contract. An infraction may result in multiple charges to a tenant or contractor and/or its employee in the form of fines, fees, and charges under the applicable lease, permit, or contract. For example, a commercial ground transportation operator may receive a citation for speeding under the California Vehicle Code *and* a fine under these Rules and Regulations. The Airport reserves all rights with respect to its enforcement of these Rules and Regulations and of its leases, permits, and contracts.

The following list references violations by Rule and Regulation Rule, but may not be exhaustive of the entire Rules and Regulations as may be amended from time to time. The headings or titles above the Rules are solely for purpose of convenience and not intended to limit the scope of a listed Rule. In the event a prohibited activity described in the Rules and Regulations does not appear in the list below, the associated fine shall be charged under Category A.

| <b>RULE</b>            | <b>DESCRIPTION OF VIOLATION</b>                                    | <b>FINE CATEGORY</b> |
|------------------------|--------------------------------------------------------------------|----------------------|
| <b>GENERAL CONDUCT</b> |                                                                    |                      |
| 1.0                    | Airport Operations or Security Bulletin Violation                  | E                    |
| 3.3(C)                 | Bicycles and Other Devices                                         | B                    |
| 3.3(G)                 | Damage to Airport Property                                         | E                    |
| 3.3(L)                 | Littering on Airport Property                                      | D                    |
| 3.3(Q)                 | Pedestrian Safety                                                  | B                    |
| 3.3(T)                 | SmarteCartes                                                       | B                    |
| 3.3(U)                 | Smoking or Using Electronic Cigarettes in a Prohibited Area        | E                    |
| 3.3(X)                 | Feeding or Otherwise Interfering with Wildlife on Airport Property | B                    |
| 3.5(B)                 | Employee Seating and Break Areas (employer)                        | B                    |
| 3.5(D)                 | Moving Airport-Owned Public Seating                                | B                    |
| 3.5(E)                 | Quiet Terminals Policy                                             | E                    |
| 3.5(G)                 | Wheelchairs (employer)                                             | E                    |
| 3.7                    | Airport-Owned Equipment Maintenance                                | E                    |

| <b>RULE</b>                                        | <b>DESCRIPTION OF VIOLATION</b>                                                                                            | <b>FINE CATEGORY</b> |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------|
| 4.1(A)                                             | Violation Of Traffic Rules                                                                                                 | B                    |
| 4.1(C)                                             | Speed Limits on Airport Roadways/Compliance with Signage and Roadway Markings                                              | B                    |
| 4.4                                                | Improper Use Of Roadways and Walks                                                                                         | B                    |
| 13.7                                               | Improper Use of Free Speech Permit                                                                                         | B                    |
| <b>PARKING</b>                                     |                                                                                                                            |                      |
| 4.2(A)                                             | No Parking – Restricted Parking Area                                                                                       | B                    |
| 4.2(B)                                             | Unauthorized Parking                                                                                                       | B                    |
| 4.2(C)                                             | Working Press Parking-2 Hours                                                                                              | B                    |
| 4.2(D)                                             | Failure to Comply with All Signs and Road Markings                                                                         | B                    |
| 4.2(E)                                             | Unauthorized Parking in a Handicapped/Disabled Parking Space                                                               | C                    |
| 4.2(F)                                             | Unauthorized Parking in an Electric Plug-In Vehicle Charging Station                                                       | B                    |
| 4.5                                                | Violating No Parking and No Stopping Signs, Obstructing Vehicle Flow                                                       | B                    |
| 4.6                                                | Improper Use of a Curb Color Zone                                                                                          | B                    |
| 4.7(B)(2)                                          | Picking up or discharging passengers or their baggage at any terminal level other than that designated for such purpose    | B                    |
| 4.7(B)(3)                                          | Leaving a vehicle unattended, except in a designated staging area                                                          | B                    |
| 4.7(B)(22)                                         | Staging in an unauthorized location (all GTOs)                                                                             | B                    |
| 4.7(D)(1)(d)                                       | Staging in an unauthorized location (SF Taxis)                                                                             | B                    |
| 4.7(D)(1)(g)                                       | Failing to remain in/with vehicle while in a curbside taxi queue                                                           | B                    |
| 4.7(D)(1)(i)                                       | Improper use of a A-Card for parking garage access                                                                         | C                    |
| <b>COMMERCIAL GROUND TRANSPORTATION OPERATIONS</b> |                                                                                                                            |                      |
| 4.7(A)                                             | Failure to comply with permit terms, directives, and requirements of Rule 4.7(A)                                           | B                    |
| 4.7(B)(1)                                          | Cutting in line, or jumping a taxicab lot, or bypassing a holding lot or ticket collection area before leaving the Airport | B                    |
| 4.7(B)(4)                                          | Failure to provide a receipt on request                                                                                    | B                    |
| 4.7(B)(5)                                          | Providing false information to Airport officials                                                                           | B                    |
| 4.7(B)(6)                                          | Altered waybills, holding lot tickets or receipt                                                                           | B                    |
| 4.7(B)(7)                                          | Failure to possess valid waybill unless not required by permit                                                             | B                    |
| 4.7(B)(8)                                          | Lack of or improper trade dress, placard, TCP number, decal, logo                                                          | B                    |
| 4.7(B)(9)                                          | Failure to activate, deactivating, tampering with or evading trip counting devices                                         | C                    |
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| 4.7(B)(16)                                         | Solicitation of Illegal Activity                                                                                           | B                    |
| 4.7(B)(17)                                         | Unsafe driving; failed inspection; lack of required safety equipment                                                       | B                    |
| 4.7(B)(18)                                         | Tampering with, disconnecting, modifying pollution control equipment; substituting diesel or gasoline for alternative fuel | B                    |
| 4.7(B)(19)                                         | Using any part of the Airport premises other than a restroom to urinate and/or address personal needs.                     | B                    |
| 4.7(B)(20)                                         | Failure to wear a visible photo identification card if required by applicable permit or regulatory agency                  | B                    |
| 4.7(B)(21)                                         | Failure to comply with applicable headway requirements                                                                     | B                    |

| <b>RULE</b>                  | <b>DESCRIPTION OF VIOLATION</b>                                                        | <b>FINE CATEGORY</b> |
|------------------------------|----------------------------------------------------------------------------------------|----------------------|
| 4.7(B)(23)                   | Shared-ride van coordinator in an unauthorized location                                | B                    |
| 4.7(B)(24)                   | Failure to comply with posted signage and pavement marking                             | B                    |
| 4.7(B)(25)                   | Idling a vehicle or engine for more than five minutes                                  | B                    |
| 4.7(C)(1)                    | Change in scheduled service without proper notice                                      | B                    |
| 4.7(D)(1)                    | Failure to comply with applicable Transportation Code and SFMTA regulation re taxicabs | B                    |
| 4.7(D)(1)(a)                 | Use of SFMTA A-Card by unauthorized driver                                             | B                    |
| 4.7(D)(1)(b)                 | Lack of AVI transponder on SFMTA taxicabs                                              | B                    |
| 4.7(D)(1)(c)                 | Lack of properly placed certification decal on SFMTA taxicabs                          | B                    |
| 4.7(D)(1)(e)                 | Failure to comply with dispatcher instructions                                         | B                    |
| 4.7(D)(1)(f)                 | Charging unauthorized fees or surcharges                                               | C                    |
| 4.7(D)(1)(h)                 | Unauthorized use of A-Card                                                             | C                    |
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### 14.3 AMOUNT OF FINES

The amount of fines set forth in this Rule 14 shall be calculated for each violation cited under the Airport Rules and Regulations. The Airport shall impose a second offense charge when the actor has violated the same Rule twice within the same calendar year. The Airport shall impose a third offense charge when the

actor has violated the same Rule three times or more within the same calendar year. Given the specific circumstances of the violation and the Rule, the Airport, in its sole discretion, may determine that a violation of the same Rule is not a repeat offense for purposes of determining the amount of a fine. (AOB 20-09)

Payment of any fine shall be due within 30 days of the date of the citation. In the event that a person or entity receiving a citation fails or refuses to pay a fine, the Director in his sole discretion may suspend or terminate a permit and/or may deny reinstatement of an existing permit or issuance of any future permit until such time as the fine is paid in full with interest compounded monthly. In the event that the person or entity receiving a citation files a timely request for review or appeal, then the fine shall be payable as provided in Rule 14.5, below.

| <b>FINE CATEGORY</b> | <b>FIRST OFFENSE</b> | <b>SECOND OFFENSE</b> | <b>THIRD OFFENSE</b> |
|----------------------|----------------------|-----------------------|----------------------|
| A                    | \$50                 | \$75                  | \$100                |
| B                    | \$100                | \$200                 | \$250                |
| C                    | \$250                | \$500                 | \$750                |
| D                    | \$750                | \$1,000               | \$1,250              |
| E                    | \$1,000              | \$2,000               | \$3,000              |
| F                    | \$10,000             | \$15,000              | \$20,000             |

**14.4 INDIVIDUAL INFRACTIONS**

This Section 14.4 applies only to individual employees of tenants or contractors who are granted access to the AOA or other secure areas of Airport property for their work duties. Individual infractions on the AOA and/or relating to the safety or security of the Airport may result in the immediate suspension or permanent revocation of an Airport ID badge or driving privileges, at the sole discretion of the Airport, notwithstanding the Admonishment or Citation procedures below.

The charging officer may issue a verbal or written Admonishment which shall be considered a warning. A written Admonishment shall be recorded as a First Offense as described in the table below. Second and third offenses shall be calculated based on the calendar year, as provided in Rule 14.3 above.

If the charging officer issues a written Admonishment or a Citation for an individual infraction, the Airport will notify the employer/tenant or contractor and may assess against the employer the appropriate fine and any other charge under the lease, permit, or contract in addition to any consequences assessed against the individual employee. Any training required shall be designated by the Airport. The individual employee shall remain responsible for any training or training fee, as follows:

| <b>RULE</b>   | <b>DESCRIPTION</b>                                               | <b>OFFENSE</b>                     | <b>RESULT</b>                           |
|---------------|------------------------------------------------------------------|------------------------------------|-----------------------------------------|
| <b>3.1(A)</b> | <b>Illegal Activity / BART Fare Evasion</b>                      | First Offense                      | Airport ID badge suspended for 72 hours |
|               |                                                                  | Second Offense                     | Airport ID badge suspended for 72 hours |
|               |                                                                  | Third Offense                      | Airport ID badge permanently revoked    |
| <b>3.3(T)</b> | <b>Smoking in a Secured Area / Airport Operations Area (AOA)</b> | First Offense/written Admonishment | Airport ID badge suspended for 24 hours |
|               |                                                                  | Second Offense                     | Airport ID badge suspended for 72 hours |
|               |                                                                  | Third Offense                      | Airport ID badge suspended for 10 days  |
|               |                                                                  | Fourth Offense                     | Airport ID badge permanently revoked    |

| RULE | DESCRIPTION                           | OFFENSE                                                                 | RESULT                                                                                                                                                                                                                                                                                                                                                                               |
|------|---------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.4  | <b>GSE driver/operator violations</b> | First Offense/<br>written Admonishment                                  | Warning to driver/operator                                                                                                                                                                                                                                                                                                                                                           |
|      |                                       | First Offense/<br>Citation                                              | <ul style="list-style-type: none"> <li>▪ Two-hour training class; driver/operator pays the \$50 training class fee</li> <li>▪ Driver/operator's AOA security access badge and driving privileges suspended for the day the employee attends the training</li> </ul>                                                                                                                  |
|      |                                       | Second Offense                                                          | <ul style="list-style-type: none"> <li>▪ Two-hour training class; driver/operator pays the \$50 training class fee</li> <li>▪ Driver's AOA security access badge and driving privileges immediately suspended for three consecutive days (a 72-hour period) following Citation</li> <li>▪ Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>  |
|      |                                       | Third Offense                                                           | Driver/operator permanently loses driving privileges                                                                                                                                                                                                                                                                                                                                 |
| 7.0  | <b>Individual security violations</b> | First Offense/<br>written Admonishment                                  | Warning to employee                                                                                                                                                                                                                                                                                                                                                                  |
|      |                                       | First Offense/<br>Citation                                              | <ul style="list-style-type: none"> <li>▪ Airport ID badge immediately confiscated for one full day (a 24-hour period) following Citation</li> <li>▪ Security Access Office training class</li> </ul>                                                                                                                                                                                 |
|      |                                       | Second Offense                                                          | <ul style="list-style-type: none"> <li>▪ Airport ID badge immediately confiscated for three full consecutive days (a 72-hour period) following Citation</li> <li>▪ Security Access Office training class</li> <li>▪ Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>                                                                        |
|      |                                       | Third Offense                                                           | <ul style="list-style-type: none"> <li>▪ Airport ID badge immediately confiscated for ten full consecutive days (a 240-hour period) following Citation</li> <li>▪ Security Access Office training class</li> <li>▪ Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>                                                                         |
|      |                                       | Fourth Offense                                                          | Security access permanently terminated                                                                                                                                                                                                                                                                                                                                               |
|      |                                       | <b>Note for all individual security or security-related violations:</b> | Airport ID Badge holders directed to attend in-person training administered by the Security Access Office shall do so within the time specified or may be subject to further badge suspension or revocation. The charge for the training is a \$50 administrative fee which the employee or the employee's authorized signatory shall pay before attending the training. (ASB 19-06) |

**14.5 REVIEW AND APPEAL PROCEDURE****(A) General**

Any person or business entity seeking to challenge a Citation issued under these Rules and Regulations shall follow the administrative procedures of this Rule 14.5.

A requestor may seek review of a Citation and, following the review, may appeal from a decision affirming or amending the Citation.

Requests for review or appeal must be received by the Airport within the time(s) specified below. The requestor is solely responsible for assuring that the request is timely received. The Airport will consider only a properly documented and timely request. Failure to submit a properly documented and timely request for review or appeal will be considered acceptance of the Citation.

Communications required under this Section 14.5 shall be sent by electronic mail to SFOCitationReview@flysf.com, unless the requesting party does not have access to email. In that event, the request may be sent in paper form addressed to:

Chief Operating Officer  
International Terminal Building, Fifth Floor  
P.O. Box 8097  
San Francisco International Airport  
San Francisco, CA 94128

Any request for review and/or appeal shall be submitted on the template forms attached to these Rules and Regulations as Appendix G and incorporated here by reference.

**(B) Review**

Unless otherwise specified in an Operating Permit or unless a government investigation is ongoing, a request for review must be received by the Airport within ten (10) calendar days of the date the Notice of Citation is issued. A request for review shall include (i) the name, date, mailing address, e-mail address, and phone number of the requestor and (ii) a detailed basis for the review. If the matter is under investigation by a government agency, then the request for review must be made within ten calendar days of the date the investigation report is issued.

The Director shall designate an Airport Commission employee to review a request. The designated reviewer will have no personal knowledge of the incident resulting in the Citation. The reviewer may request additional information from the requestor; requestor's failure to provide the stated information within the time specified by the reviewer will result in a decision based on the information available.

Within thirty (30) calendar days of receipt of the Request for Initial Review, the reviewer shall issue an administrative decision affirming, dismissing, or amending the citation.

Payment of a fine following a final decision affirming or amending a citation shall be due within ten days of the date the administrative review decision is issued.

**(C) Appeal**

An administrative decision affirming or amending a Citation may be appealed within ten (10) calendar days of the date the decision is issued. The request for appeal must include information detailing the basis for the appeal.

For all matters except those involving long-term suspension (more than 72 hours) or revocation of an Airport ID badge, the Director shall designate an Airport Commission employee to hear an appeal. The hearing officer will have no personal knowledge of the incident resulting in the citation and whose regular job duties are outside the chain of command of either the citing official or the reviewer.

The Chief Operating Officer shall be the hearing officer for any appeal involving long-term suspension (more than 72 hours) or permanent revocation of an Airport ID badge.

The hearing officer may request additional information from the appellant; appellant's failure to provide the stated information within the time specified by the reviewer will result in a decision based on the information available. The hearing officer may in his/her sole discretion invite both the appellant and the Airport Division issuing the citation to a hearing to state their respective positions and answer questions posed by the hearing officer; the hearing may be in person or in writing as directed by the hearing officer.

The hearing officer shall issue an administrative decision affirming, dismissing, or amending the citation. The hearing officer's decision shall be final on the date issued. The hearing officer shall issue a decision within sixty (60) days of the date of the receipt of the written appeal.

Payment of a fine following a final decision affirming or amending a Citation shall be due within ten (10) calendar days of the date the decision is issued.





San Francisco International Airport

Airport  
Commission

City and  
County of  
San Francisco

London N. Breed  
Mayor

Commissioners:

Larry Mazzola  
President

Eleanor Johns  
Vice President

Everett A.  
Hewlett, Jr.

Jane Natoli

Malcom Yeung

Ivar C. Satero  
Director

# Rules and Regulations

## San Francisco International Airport

Adopted: October 19, 2021

Effective: January 1, 2022

Issued by: The Airport Commission  
City and County of San Francisco



**AIRPORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED**  
MAYOR

**COMMISSIONERS**

**LARRY MAZZOLA**  
PRESIDENT

**ELEANOR JOHNS**  
VICE PRESIDENT

**EVERETT A. HEWLETT, JR.**

**JANE NATOLI**

**MALCOLM YEUNG**

## **FOREWORD**

The statements contained in this document express the policy of the San Francisco Airport Commission, duly adopted as the Rules and Regulations, and are intended to ensure the safe, secure, and efficient operations of San Francisco International Airport.

These Rules and Regulations govern the general conduct of the public, tenants, employees, and commercial users of San Francisco International Airport as their activities relate to the use, possession, management, supervision, operation, and control of San Francisco International Airport by the City and County of San Francisco through its Airport Commission.

**IVAR C. SATERO  
AIRPORT DIRECTOR**

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## RULE 1.0

### DEFINITIONS

Unless otherwise expressly stated and defined in a separate Rule and Regulation, the following terms in **bold** font shall for the purpose of these Rules and Regulations have the meaning indicated following the colon (:).

**Aircraft:** Any and all contrivances now known or hereafter designed, invented, or used for navigation of or flight in the air.

**Airline Cargo Areas:** Those areas where the primary activity is the loading, unloading, storage and overall processing of air freight and mail. The Air Cargo Area includes, but is not limited to, cargo buildings/hangars, loading docks, aircraft aprons, and auto parking.

**Airline Maintenance Areas:** Those areas where the primary activity is the routine maintenance and/or major overhaul of air carrier aircraft and engines, parts, accessories, ground support vehicles and other equipment. The Airline Maintenance Area includes, but is not limited to, maintenance hangars, aircraft aprons, and auto parking.

**Airline Support Areas:** Those areas where activities other than airline maintenance, cargo, and passenger processing that support overall airline operations are conducted. The Airline Support Area includes, but is not limited to, in-flight kitchens, catering, employee cafeterias, parking lots, offices, storage facilities, and training schools.

**Air Operations Area (AOA):** That portion of the Airport designated and used for aircraft movement including landing, taking off, or surface maneuvering of aircraft. The AOA includes the Movement Area and excludes the Secured Area.

**Airport:** All land and improvements located within the geographical boundaries of the San Francisco International Airport, San Mateo County, California, exclusive of the SFO U.S. Coast Guard Air Station. "Airport" may also be referred to as "SFO" or "SFIA".

**Airport Airfield Areas:** Those areas where the primary activity is the accommodation of aircraft operations. Aircraft operations include aircraft landing, taxiing, take-off, and passenger enplanement/deplanement at a gate. The Airfield Area includes, but is not limited to, the landing areas, runways, taxiways, ramps, aprons, adjacent infield areas, airfield lighting, navigational aids, secured service roads, and other facilities necessary for the support and maintenance of the airfield areas.

**Airport ID Badge:** Airport-issued identification providing the holder access to the SIDA and/or sterile, secure, or restricted areas of the Airport as designated by the Airport and as provided under federal law and these Rules and Regulations (see Rule 7). A person holding an Airport ID badge does so as a privilege and not as a right.

**Airport Landside Areas:** Those areas of the Airport that include, but are not limited to, on-Airport roadways, courtyards, bridges, parking lots, garages, and transportation systems. The primary activity in the Landside Area is the movement of goods, services and people, including transporting employees, passengers, meeters and greeters, and various business and service company personnel, from outside the Airport to all areas within the Airport.

**Airport Operations Bulletin (AOB):** A notice issued by the Airport concerning specific operational requirements for Airport tenants or contractors. AOBs have an issue date and an expiration date. The adoption of any amendment to these Rules and Regulations may incorporate all or any applicable portion of current AOBs into the Rules and Regulations. AOBs issued after the adoption date of the most recent



amendment to the Rules and Regulations shall have the force and effect of a Rule and may be enforced as provided in Rule 14.

**Airport Security Bulletin (ASB):** A notice issued by the Airport concerning specific security requirements for Airport tenants or contractors. ASBs have an issue date and an expiration date. The adoption of any amendment to these Rules and Regulations may incorporate all or any applicable portion of current ASBs into the Rules and Regulations. ASBs issued after the adoption date of the most recent amendment to the Rules and Regulations shall have the force and effect of a Rule and may be enforced as provided in Rule 14.

**Airport Security Program (ASP):** The security program issued by the Director which contains procedures, measures, facilities and equipment designed to ensure Airport security both required and approved by the Transportation Security Administration.

**Airport Support Areas:** Areas where activities are conducted that serve both public as well as private interests in general support of the Airport's Operations and other functional areas. The Airport Support Area includes, but is not limited to, crash/fire rescue stations, utility facilities and distribution systems; storm and sewage drainage facilities; Airport administration, maintenance, engineering and police facilities; auto parking; bank and hotel facilities; commercial office buildings; educational facilities; fuel storage areas; State and Federal agency facilities (Coast Guard, FAA, FBI).

**Airport Terminal Areas:** Areas where the primary activity is the processing of airline passengers. Passengers processing includes baggage check-in, ticketing, aircraft enplaning and deplaning, inter-terminal/transportation center connections, food servicing, rental car transactions and all other normally associated services and amenities available for processing passengers. The Terminal Area includes, but is not limited to, terminal buildings, baggage facilities, boarding areas, parking lots/garages and transportation centers.

**Airport Traffic Control Tower (ATCT):** The Airport Traffic Control Tower, located between Terminal 1 and Terminal 2, governs and oversees all activity in the Movement Area including but not limited to the use of taxiways and runways. The ATCT is operated and controlled by the Federal Aviation Administration (FAA).

**Apron:** That portion of the Secured Area/AOA which accommodates aircraft for the purposes of parking, loading and unloading passengers or cargo, refueling, or maintenance. Same as Ramp (see Rule 1.36).

**Architecture and Engineering Standards:** The Airport Architecture and Engineering Standards is a document issued by the Director that sets forth the design and construction standards for most works of improvement on Airport property. The Architecture and Engineering Standards shall apply on a per project basis as determined in the sole discretion of the Airport. Where applicable, the Architecture and Engineering Standards shall function as a supplement to the Airport Building Regulations.

**Building Regulations:** The Airport Building Regulations set forth the building code requirements for all works of improvement on Airport property. The Building Regulations are adopted by the Airport Commission and incorporated by reference into these Rules and Regulations as Appendix F.

**Bus:** A motor vehicle with a seating capacity for 11 or more passengers, including the driver, which is used or maintained for the transportation of passengers. Buses exclusively powered by electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**City:** The City and County of San Francisco.

**Clear Zone:** The area adjacent to the Secured Area/AOA perimeter fence measuring 10 feet on each side of the AOA fence line.

**Commission:** The Airport Commission of the City and County of San Francisco.

**Contractor:** Any contractor, subcontractor (at any tier), or vendor providing services or goods to, on, or about the Airport. Contractor includes any agent of contractor. The reference to a contractor shall be interpreted in the broadest sense and this definition shall not be used to narrow the applicability of these Rules and Regulations.

**Courtesy Vehicle:** Those vehicles which are used in the business operation of any hotel, motel, parking lot, restaurant or auto rental office solely to transport customers between points at San Francisco International Airport and such hotel, motel, parking lot, restaurant or automobile rental office located on or off Airport property. Courtesy vehicles exclusively powered by electricity, natural gas, or hydrogen gas approved by the Director shall be considered clean fuel vehicles.

**Director:** The Airport Director for the City and County of San Francisco or his/her duly authorized representative or designee.

**Environmental Law:** Any federal, state, local, or administrative law, rule, regulation, order, or requirement relating to industrial hygiene, environmental conditions, or Hazardous Materials, whether now in effect or hereafter adopted, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 9601, et seq.), the Resources Conservation and Recovery Act of 1976 (42 U.S.C. Section 9601, et seq.), the Clean Air Act (42 U.S.C. Section 7401, et seq.), the Clean Water Act (33 U.S.C. Section 1251, et seq.), the Safe Drinking Water Act (14 U.S.C. Section 401, et seq.), the Hazardous Materials Transportation Act (49 U.S.C. Section 1801, et seq.), the Toxic Substance Control Act (15 U.S.C. Section 2601, et seq.), the California Hazardous Waste Control Law (California Health and Safety Code Section 25100, et seq.), the Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.), and the Safe Drinking Water and Toxic Enforcement Act of 1986 (California Health and Safety Code Section 25249.5, et seq.).

**Foreign Object Debris (FOD):** Any material found on runways, taxiways, and aprons that can cause damage to aircraft.

**Fuel Storage Area:** Those portions of the Airport designated by the Airport Commission as areas in which gasoline or any other type of fuel may be stored, including, but not limited to gasoline tank farms and bulkheads, piers or wharves at which fuel is loaded.

**Hazardous Materials:** Any material that, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment. "Hazardous Material" includes, without limitation, any material or substance defined as a "hazardous substance," "pollutant," or "contaminant" pursuant to any Environmental Law; any asbestos and asbestos containing materials; and petroleum, including crude oil or any fraction thereof, natural gas or natural gas liquids.

**Incursion:** Any occurrence at the Airport involving the incorrect presence of an aircraft, vehicle or person on the protected area of a surface designated for the landing and take-off of aircraft.

**Jet Blast:** The jet engine exhaust or propeller wash from an aircraft.

**Landing Area:** Those portions of the Airport, including runways and taxiways, designated and made available for the landing, taking off, and taxiing of aircraft and shall include other areas between and adjacent to said runways and taxiways.

**Limousine:** A chauffeur-operated sedan (standard or extended length), sport utility vehicle (standard or extended length), or other Airport-approved vehicle available for charter, having a seating capacity of not less than four passengers nor more than nine passengers, including the driver, and which requires a Charter Party Permit from the State of California Public Utilities Commission. Limousines exclusively powered by electricity, hybrid-electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**Movement Area:** That portion of the AOA used exclusively for the take-off, landing, and maneuvering of aircraft, comprised of runways, taxiways, and safety areas. Safety areas are the surfaces surrounding the runways and taxiways prepared or suitable for reducing the risk of damage to an airplane.

**Operator on the Secured Area/Air Operations Area (AOA):** Any person who is in actual physical control of an aircraft or a motor vehicle on the AOA.

**Oversize Vehicle:** Any vehicle exceeding the posted height and width limitations of the service road and underpasses.

**Owner on the Secured Area/Air Operations Area (AOA):** A person who or entity that holds the legal title to an aircraft or a motor vehicle on the AOA.

**Passenger Boarding Bridge:** An enclosed movable connector which extends from the Airport Terminal to an airplane enabling passengers to board and disembark.

**Passenger Ramp Area:** Those portions of the Airport designated for the ground level loading of passengers to and from aircraft.

**Permit:** A written authorization issued by the Director which authorizes specific activity or occupancy of space within the Airport.

**Person:** Any individual, firm, co-partnership, corporation, company, association, joint stock association, or political body, and includes any trustee, receiver, assignee, or representative thereof.

**Police:** The Airport Bureau of the San Francisco Police Department (SFPD or SFPD-AB).

**Pre-Arranged Lower-Level Transit Service (see also Shared Ride Van Service):** Shared Ride Van Service provided in vans between the Airport and any destination requested in advance of the pickup by a passenger that lies within a carrier's authorized service area, pursuant to a Passenger Stage Certificate issued by the State of California Public Utilities Commission and a Commercial Ground Transportation Operating Permit issued by the Director.

**Ramp:** That portion of the Secured Area/AOA which accommodates aircraft for the purposes of parking, loading and unloading passengers or cargo, refueling, or maintenance. See Apron (Refer to Rule 1.12).

**Restricted Areas:** The areas of the Airport to which entry or access by the general public is either limited or prohibited. All areas other than public areas are considered restricted. See also Security Identification Display Area (SIDA).

**Roadway:** That portion of a highway, street, or Vehicle Service Road (VSR) improved, designed, or ordinarily used for vehicular travel.

**Scheduled Service:** A ground transportation service which operates to established stops or drop off points adhering to an established schedule with valid operating authority from the State of California Public Utilities Commission.

**Secured Area:** Those portions of the Airport designated in the Airport Security Plan (ASP) to which access is restricted and controlled where aircraft operators enplane and deplane passengers and sort and load baggage.

**Security Identification Display Area (SIDA):** Each secured area designated by the Airport as requiring an Airport-issued identification badge (Airport ID badge), in conformance with 49 CFR Section 1542.205.

**Service Road:** The designated roadway network on the airfield side of the facility. That network includes both painted and unpainted traffic lanes around the passenger terminals, cargo facilities and maintenance areas.

**Shared Ride Van Service:** Transportation service provided in vans between the Airport and any destination requested by a passenger that lies within a carrier's authorized service area, pursuant to a Passenger Stage Certificate issued by the State of California Public Utilities Commission and a Commercial Ground Transportation Operating Permit Issued by the Director.

**Sterile Area:** Those portions of the Airport's terminal complex between the entrances to aircraft and the TSA-controlled security checkpoints for the screening of persons and property.

**Tailgating:** The unauthorized process of two or more persons entering the Secured Area/AOA on the same card swipe. This is also known as "piggybacking."

**Taxicab:** A passenger-carrying vehicle of distinctive color or colors, of an appearance customary for taxicabs in the United States, operated at rates per mile or upon a waiting time basis or both, equipped with a taxi meter, and used for the transportation of passengers for hire over and upon the public streets and highways, not over a defined route but in accordance with and under the direction of the person hiring such vehicle as to the route and destination. Taxicabs exclusively powered by electricity, hybrid-electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**Tenant:** Any lessee, sublessee, permittee, licensee, or other permitted occupant of land or premises within the boundaries of the Airport. Tenant includes any agent of tenant. The reference to a tenant shall be interpreted in the broadest sense and this definition shall not be used to narrow the applicability of these Rules and Regulations.

**Tenant Construction:** Any new construction, alteration, replacement, renovation, repairs, relocation or demolition by an Airport tenant or its contractor(s).

**Tenant Improvement Guide (TIG):** The Airport Tenant Improvement Guide is a document issued by the Director which sets forth the requirements for any Tenant Construction. The Airport may also, in its sole discretion and on a per project basis, issue additional requirements or parameters as provided in a supplemental Tenant Work Letter or similar documentation.

**Terminal Building:** All buildings and structures located within the Airport and open to the public for the purpose of flight ticket purchase, public lobby waiting, baggage check-in and those other services related to public air travel.

**Transportation Network Company (TNC):** Defined by the California Public Utilities Commission (CPUC) as "an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled application (app) or platform to connect passengers with drivers using their personal vehicles." In the event the definition is modified by the CPUC or by statute, all such modifications are incorporated here by reference without the need for further amendment of these Rules and Regulations.

**Transportation Security Administration (TSA):** The Federal agency created by the November 19, 2001 enactment of the Aviation Transportation and Security Act (ATSA) responsible for overall security of the nation's transportation system.

**Trip:** Each time a permittee's vehicle passes in front of the Airport's terminal buildings, whether on the upper or lower roadway, except for those scheduled transit permittees who operate on an Airport-approved schedule. A trip for a scheduled transit permittee is defined as a scheduled arrival at/or departure from the Airport.

**Van:** A motor vehicle with a seating capacity for 10 or fewer passengers, including the driver, which is used or maintained for the transportation of passengers. Vans exclusively powered by electricity, natural gas, or hydrogen as approved by the Director shall be considered clean fuel vehicles.

**Vehicle:** Any automobile, truck, motorcycle, bicycle, and other wheeled conveyances in which any person or property can be transported upon land, except aircraft.

**Vehicle Checkpoint:** Any security checkpoint for vehicle entry onto the AOA.

**Water Perimeter Security Zone (WPSZ):** A zone that extends 200 yards seaward from the high tide mark of the shorelines surrounding the Airport. The security zone is identified by a buoy system deployed at prescribed geographical latitudes/longitudes.

## **RULE 2.0**

### **VIOLATION, SEVERABILITY AND INTERPRETATION**

#### **2.1. ADMINISTRATIVE INTERPRETATION OF RULES**

In the event that any provision of these Rules and Regulations is deemed to be ambiguous and a determination as to the meaning of the provision is required, the matter shall be referred to the Director. The Director's determination as to the meaning of the provision shall be final and shall be deemed incorporated in these Rules and Regulations as though it were here fully set forth.

#### **2.2. VIOLATION OF RULES**

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of these Rules and Regulations or any lawful order issued pursuant thereto may be denied use of the Airport by the Director and/or may be subject to an administrative fine as provided under Rule 14. Any administrative fines imposed for violation of these Rules and Regulations shall be in addition to and not exclusive or preclusive of any other civil, legal, or administrative penalties available under federal, state, local, or administrative law or under any lease, permit, or contract.

#### **2.3. SEVERABILITY**

- (A) If any Rule, section, subsection, subdivision, paragraph, sentence, clause or phrase of these Rules and Regulations or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity or effectiveness of the remaining portions of these Rules and Regulations or any part thereof.

The Airport Commission hereby declares that it would have passed each rule, section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

- (B) If the application of any provision or provisions of these Rules and Regulations to any lot, building, sign or other structure, or parcel of land is found to be invalid or ineffective in whole or in part by any court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the property or situation immediately involved in the controversy, and the application of any such provision to other properties and situations shall not be affected.
- (C) This Section 2.3 shall apply to every portion of these Rules and Regulations as it has existed in the past, as it now exists and as it may exist in the future, including all modifications thereof and additions and amendments thereto.

## **RULE 3.0**

### **GENERAL**

Written operating procedures issued by the Director shall be appended to these Rules and Regulations as addenda. Such addenda will be issued as Airport Operations Bulletins (AOB) and shall remain in effect until included in subsequent amendments to these Rules and Regulations or deleted at the direction of the Director.

#### **3.1 APPLICABLE LAWS AND RULES**

- (A)** All applicable Federal and State laws and regulations and the laws and regulations of any other legal authority having jurisdiction, as now in effect or as they may from time to time be amended, are hereby incorporated as part of these Rules and Regulations as though set forth here in full. A violation of law on Airport property shall also be considered a violation of these Rules and Regulations. Any criminal or civil penalty resulting from a violation of law on Airport property shall neither exclude nor preclude enforcement of these Rules and Regulations, including but not limited to the imposition of administrative fines or the suspension or revocation of an Airport ID badge.
- (B)** Permits issued by the Airport are the property of the Airport and are subject to revocation by the Director.

#### **3.2 EMERGENCIES**

- (A)** When the Director determines that an emergency affecting the health, welfare and/or safety of persons and/or property exists at the Airport, the Director shall be empowered to take such action which, in his or her discretion and judgment, is necessary or desirable to protect persons and property and to facilitate the operation of the Airport.
- (B)** During such an emergency the Director may suspend these Rules and Regulations, or any part thereof, and the Director may issue such orders, rules and regulations as may be necessary.
- (C)** The Director shall at all times have authority to take such reasonable action as may be necessary for the proper conduct and management of the Airport and the public.

#### **3.3 GENERAL CONDUCT**

##### **(A) Activities Generally**

No tenant, tenant employee, or any other employee authorized to perform any function on the Airport, shall in any way assist any person to engage in any activity on the Airport which is not authorized by the Commission or Director.

##### **(B) Advertisements**

Except as may be allowed under Rule 13 of the Rules and Regulations, no person shall post, distribute, or display signs, advertisements, circulars, printed or written matter at the Airport, without the express written consent of the Director and in such manner as the Director may prescribe.

**(C) Bicycles and Other Devices****(1) Secured Area/Air Operations Area**

Bicycles, skateboards, hoverboards, rollerblades/skates, scooters, rideable luggage, and/or other personal transportation devices, shall not be operated on the Secured Area/Air Operations Area (AOA) outside a tenant's leasehold area unless authorized by the Director. Permitted operators must comply with all Airport vehicle and traffic rules. Bicycles and other devices must have operational headlights and taillights during night or during periods of limited visibility. The vehicle service roads, vehicle checkpoints, and ramps areas are all part of the AOA.

**(2) Public Areas**

Bicycles, skateboards, hoverboards, rollerblades/skates, scooters, rideable luggage, and/or other personal transportation devices, excluding those necessary for medical purposes, are prohibited from operating on any Airport inbound or outbound roadway, terminal roadways, sidewalks, or within terminal buildings except as explicitly permitted by the Director. All bicyclists must comply with applicable California Vehicle Code Laws.

Bicycles must be parked in designated Airport bicycle racks in compliance with posted signage. Bicycles and/or locks left unattended for more than 30 days may be subject to confiscation. Dockless bicycles, scooters, or other personal transportation devices must be left within five feet of Airport bicycle racks or other designated locations and may not obstruct pedestrian or vehicle circulation. Dockless transportation devices left unattended, more than five feet from a bicycle rack, or obstructing pedestrian or vehicle circulation, shall be subject to immediate confiscation.

Entities supplying dockless transportation devices to the public may not use Airport property as a designated pick-up or drop-off location without the express written permission of the Director.

The Airport is not responsible for the loss, theft, or damage of any personal transportation device on Airport property.

This Rule 3.3(C)(2) does not apply to the use of bicycles, Segways, or other transportation devices used by on-duty law enforcement personnel.

**(3) Leaseholds**

Within tenant leaseholds, bicycles or other personal transportation devices may be parked anywhere that does not negatively impact the flow of pedestrian or vehicular traffic, negatively impact adjoining property owners or leaseholds, or cause damage to Airport landscaping or infrastructure. Airport tenants may set their own policies for parking such devices within their leasehold area.

**(D) Commercial Activities**

No person shall enter or remain on Airport property and buy, sell, peddle or offer for sale or purchase any goods, merchandise, property or services of any kind whatsoever, to, on, or from Airport property, without the express written consent of the Director or the Director's duly authorized representative.

No person shall operate or promote a business on Airport property or through the Airport's wireless internet system, without first obtaining a valid permit, lease, or other written permission granted by the Director (see also Rule 9).



**(E) Commercial Photography**

No person, except representatives of the news media on duty or during official assignments, shall take still, motion, television, or sound pictures for commercial purposes on the Airport without the express written consent of the Director.

**(F) Communications**

The Airport has made available to its tenants and contractors access to a web-based information program known as PASSUR. The program is available to all Airport users and provides comprehensive information regarding the current and anticipated status of Airport operations and supporting infrastructure. All airlines must provide the Director with at least one valid email address capable of accepting critical Airport PASSUR notifications and alerts.

**(G) Damage to Airport Property**

No person shall destroy or cause to be destroyed, injure, damage, deface, or disturb in any way, property of any nature located on the Airport, nor willfully abandon any personal property on the Airport. Any person causing or responsible for such injury, destruction, damage or disturbance shall report such damage to the Police, remain at the incident location, and upon demand by the Director, shall reimburse the Airport for the full amount of the damage. If the damage occurs on the Air Operations Area (AOA), contact the Airport Communications Center at 911.

Any person causing or failing to report and/or reimburse the Airport for injury, destruction, damage, or disturbance of Airport property, may be refused the use of any facility and may lose all security badge and access privileges at the discretion of the Director, until and unless a report and/or full reimbursement has been made.

**(H) Dogs and Other Animals**

No person shall enter a terminal building with any animal, except certified service animals, unless the animal is properly confined or ready for shipment. Animals, except certified service animals, are prohibited in other public areas of the Airport unless properly on a leash or otherwise restrained in such manner as to be under control.

**(I) Emergency Procedures**

Emergencies shall be reported immediately to Airport Communications by dialing 911 from a courtesy or cell phone.

All airline tenants must develop and maintain written procedures to be used in the event of a bombing and/or bomb threat, natural disaster, hijacking or other emergency and train their personnel in the implementation of those procedures. Airline tenants must annually provide the Director with their emergency procedures and these procedures must interface with procedures established by the Commission.

**(J) Golf Carts**

The use of golf carts anywhere in the Airport terminals, including the passenger boarding areas, is strictly prohibited, except for limited use by Airport staff.

**(K) Hours of Operation**

The Airport's regular hours of operation are 6:00am-10:00pm. During the hours of 10:00pm-6:00am, only ticketed passengers, persons engaged in transporting ticketed passengers, and persons holding an Airport ID badge may use Airport facilities.

**(L) Litter and Refuse**

No person shall place, discharge, or deposit in any manner, food waste and other compostable materials, recyclable materials, landfill waste/trash, or other refuse anywhere on the Airport, except in Airport-approved receptacles and other such places designated by the Director. Tenant may not place or leave or permit to be placed or left in or upon any part of the common areas or areas adjacent to its demised premises any garbage, debris, or refuse. All litter and refuse must be covered when transported in vehicles, and all receptacles for said materials must have covers. Stored or transported litter or refuse must be in tied plastic bags. Trash bags shall not be left unattended on jet bridges, outside garbage receptacles, or any portion of the ramp surface.

**(M) Lost and Found Articles**

Any person finding lost articles shall submit them to the Police or an Information Booth attendant. Any lost articles abandoned within the passenger security checkpoints will be turned over to the Transportation Security Administration personnel.

**(N) Nondiscrimination Policy**

- (1) It is the policy of the Airport Commission that all individuals employed on Airport property, including Airport Commission employees, other City employees, and the employees of tenants or contractors are entitled to work without being subjected to discrimination and harassment.
- (2) It is also the policy of the Airport Commission that no tenant or contractor shall discriminate or harass any person employed at SFO or seeking the customer services of tenants or contractors on the basis of the person's actual or perceived race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or AIDS/HIV status, weight, height or residence/business location.
- (3) Upon the receipt of a complaint that this nondiscrimination policy has been violated, the Director shall immediately and thoroughly investigate the complaint.
- (4) Should the Director find that a tenant or contractor has violated this policy, the Director may take appropriate corrective action, including but not limited to, imposing a requirement that the tenant or contractor provide diversity, disability access, and cultural sensitivity training to its Airport based employees.

The required training shall take place within a time frame designated by the Director. The tenant or contractor shall be responsible for all costs associated with the training. Tenant or contractor shall choose a trainer from a list provided by the Airport.

- (5) All organizations employing individuals at the Airport, including tenants or contractors, are urged to provide their employees with annual workplace diversity, disability access, and cultural sensitivity training, which the Director may also require at his or her discretion. Any training sponsored or directed by the Airport shall be in addition to, and not a replacement for, any other training as required by local, state or federal law.
- (6) The Airport Commission shall provide reasonable levels of technical assistance to those organizations requiring support to develop workplace diversity and cultural sensitivity training.

**(O) On-Demand Mobile Fueling Prohibited**

On-Demand mobile fueling operations on Airport property (as referenced in California Fire Code Section 5707) are strictly prohibited. No business may engage in fueling activities in the absence of a permit issued by the Airport. This prohibition is intended to be broadly construed and applied to on-demand fueling of vehicles in Airport garages, parking lots, holding lots, or on roadways. This prohibition does not apply to approved service vehicles and aircraft operating in the Air Operations Area (AOA). (AOB 20-01)

**(P) Passenger Elevators, Moving Walkways and Escalators**

Passenger elevators, moving walkways and escalators shall be restricted to passenger use only. Cargo shall be confined to freight elevators.

Tenants, contractors, and employees are prohibited from using carts for transporting goods or supplies on escalators and moving walkways. Elevators, rather than escalators, shall be used for the movement of hand trucks and similar equipment. Cart and hand trucks are prohibited from being used on escalators and moving walkways.

**(Q) Pedestrian Safety**

- (1) No pedestrian shall traverse the aircraft apron area between boarding areas, enter the AOA via vehicle checkpoints, or walk along vehicle service roads.
- (2) No pedestrian may traverse a roadway between terminal buildings and parking garages except in designated crosswalks, pedestrian crossover bridges, or pedestrian tunnels.
- (3) Except when proceeding in a crosswalk, no pedestrian may intentionally stop or delay traffic on any Airport roadway.

**(R) Restricted Areas**

No person shall enter any restricted area posted by the Director as closed to the public, except persons assigned to duty therein or authorized by the Director, and who are in possession of a proper permit and an Airport ID badge.

**(S) Signs**

No person shall install a sign on Airport property exposed to public view without prior written approval from the Director. Hand lettered, photocopied or paper signs are strictly prohibited. Tenant or contractor sign installations shall conform to the requirements of the San Francisco International Airport Tenant Improvement Guide (TIG).

**(T) SmarteCartes**

SmarteCartes are an amenity for Airport passengers only. They are not for use by employees, tenants, or contractors to haul items such as trash, odd size bags, maintenance items, *etc.*, nor are they to be held or stored in employee or tenant leasehold areas for any reason. Use of SmarteCartes on the AOA is strictly prohibited due to safety concerns.

**(U) Smoking**

- (1) Secured Area/Air Operations Area

No person shall smoke or carry lighted or unlighted cigars, cigarettes, electronic cigarettes, pipes, matches or any naked flame in or upon the Secured Area/Air Operations Area nor any

open deck, gallery or balcony contiguous to or overlooking the Secured Area/Air Operations Area.

**(2) Places of Employment**

Smoking, and use of electronic cigarettes, is prohibited in enclosed places of employment.

**(3) Prohibition of Smoking in Public Areas of Airport**

- (a) Smoking, and use of electronic cigarettes, is prohibited in all public areas of San Francisco International Airport terminal buildings.
- (b) The public areas of San Francisco International Airport terminal buildings include all enclosed areas of the buildings to which members of the general public have access. Such areas include, by way of example only, terminal lobbies, baggage claim areas, restaurants, restrooms open to the public, stairways, hallways, escalators, moving walkways, elevators, and observation decks.
- (c) Smoking, and use of electronic cigarettes, is prohibited in public curbside areas outside of and adjacent to Airport terminal buildings except in specifically designated areas.
- (d) Designated smoking areas are located outside terminal buildings at the departure and arrival levels and at a minimum of 20' from the building entrances.
- (e) Smoking, and use of electronic cigarettes, is prohibited in the Airport's designated ground transportation zones at the terminals, Rental Car Center, and Long Term Parking Garage, and at the ground transportation staging lots, including the taxicab staging lots, except in specifically designated areas.

**(V) Use of Airport Property, Equipment and Systems**

For Airport-owned property, equipment, and systems, the Airport reserves the right to require that individuals receive training prior to use of such property, equipment and systems.

**(W) Weather Action Plan/Tenant All-Weather Program**

All Airport tenants who conduct outside operations must develop and maintain a weather action plan. The plan must provide requirements, constraints, and process to reduce weather-related risk to workers, passengers, and facilities.

The plan should address a broad spectrum of weather-related events, including flooding, tornadoes, thunderstorms, typhoons, high winds, tropical storms, extreme temperatures, and air quality with the following core elements:

- Written plan that is well communicated to employees through awareness training and access to program details.
- Notification system to receive and disseminate weather-related information, which may be through a contract weather service.
- Identification of weather-related threats and dissemination of weather watch, warning, or stage alerts to employees to ensure proper response.
- Employer and employee requirements, including ownership of program document for amendment and provide control measures.
- Regulatory compliance.

- Evacuation / communication procedures in the event of an extreme weather event, aligned with emergency evacuation plan requirements as specified in Rule 3.3(I) of these Rules and Regulations.

Employers should conduct weather threat reviews to identify hazards associated with their operations. This threat analysis is the building block for program requirements and constraints.

All weather plan requirements should outline activities based on elements such as storm direction, speed, intensity, temperature, wind levels, water levels, lightening activity, and air quality. Those weather factors along with identified threats may indicate requirements for activities such as securing aircraft, equipment, and facilities. Response requirements should also indicate activities that should be curtailed during specific weather events, including but not limited to high lift work, fueling, movement and general ramp work. Planned activities or the curtailment of activities must be aligned with state and federal regulatory requirements, as well as these Rules and Regulations.

Where applicable, plan requirements should address passenger safety. This may involve controlling passenger movement including boarding and debarking activity, holding passengers in gate areas and interaction with flight crews.

**(X) Wildlife Management**

No person shall feed, approach, disturb, frighten, hunt, trap, capture, wound, kill or disturb the habitat of any wild bird, mammal, reptile, fish, amphibian or invertebrate anywhere on Airport property. Furthermore, no person shall create an attractant for rodents or other wildlife by leaving food or debris in any open and exposed area. It is the responsibility of the tenant to maintain its leasehold areas in a manner that does not promote wildlife hazards. This prohibition shall not apply to the following:

- (1) Action taken by public officials or their employees and agents, within the scope of their authorized duties, to protect the public health and safety.
- (2) The taking of fish as permitted by State Fish and Game Regulations.
- (3) The capturing and/or taking of wildlife for scientific research purposes when done with written permission from the Director.

**3.4 AIRPORT CONSTRUCTION AND OBSTRUCTION CONTROL**

**(A) No person shall:**

- (1) erect, construct, modify or in any manner alter any structure, sign, post or pole of any type;
- (2) alter or in any way change color, design or decor of existing Airport improvements;
- (3) operate, park, or store any equipment, vehicles, supplies or materials;
- (4) create any mounds of earth or debris;
- (5) cause or create any physical object on land or water that penetrates the operational air space;
- (6) conduct any work on Airport premises without first obtaining a building permit from Building Inspection and Code Enforcement (BICE) of the Airport Planning, Design & Construction Division and without strict compliance and adherence to the safety specifications and directions of the Director.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by these Rules and Regulations, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

- (B)** All tenant construction must conform to the requirements as contained in the latest edition of the San Francisco International Airport Tenant Improvement Guide (TIG) and as may be outlined in a Tenant Work Letter, if any.

### **3.5 PASSENGER TERMINAL REGULATIONS**

#### **(A) Berman Reflection Room**

The Berman Reflection Room, located in the International Terminal Building, will be open to passengers and employees during its operating hours. The purpose of the Berman Reflection Room is to provide an area for Airport passengers and employees engage in quiet, reflective and meditative activities.

- (1)** The Berman Reflection Room is a security sensitive area. Accordingly, activity in the Berman Reflection Room is restricted to employees, passengers, or individuals with authorization from the Director.
- (2)** Users of the Berman Reflection Room are required to comply with all provisions of these Rules and Regulations and posted signs within the facility. Any violation of regulations or posted signs may result in displacement and restriction from further use. Further, users of the Berman Reflection Room shall comply with the following provisions:
  - (a) No individual shall use the Berman Reflection Room for lodging or sleeping purposes.
  - (b) No individual shall solicit participants on Airport property for Berman Reflection Room gatherings.
  - (c) No individual shall display or distribute obscene material.
  - (d) Individuals shall exercise care to maintain the areas in use in a safe and appropriate condition.
  - (e) Individuals shall conduct their activities on the Airport premises at their own risk and shall exercise all reasonable diligence and precaution to avoid damage to property or injury to persons.
  - (f) Individuals must receive prior approval and written authorization from the Director for the use of incense, candles, or other incendiary devices.
  - (g) Food and/or beverages are not permitted in the Berman Reflection Room unless approved in writing by the Director.
  - (h) The Director may immediately suspend use of the Berman Reflection Room upon the occurrence of any emergency affecting the safety of persons or property in the terminal buildings or when required in the implementation of security procedures.
  - (i) The Director reserves the right at all times herein to impose such other reasonable conditions as may be necessary to avoid injury to persons or damage to property or to assure the safe and orderly use of the Airport facilities by the air-traveling public.

- (j) Groups wishing to use the Berman Reflection Room may apply for a permit through the Economic and Community Development Office at [Community@flysfso.com](mailto:Community@flysfso.com) or (650) 821-5242.

**(B) Employee Seating and Break Areas**

Seating in the ticket counter lobby and boarding areas is specifically provided for the comfort and convenience of Airport passengers while traveling through SFO. Passengers have priority to the limited seating. Employees are required to use company-provided break facilities and other approved areas for employee seating. No sleeping or loud noise is permitted in any public area of the Airport. Employees found lounging or sleeping in the Airport ticket lobby, boarding areas or public seating areas will be directed to relocate to company break rooms or the Airport employee and seating break area or the employee cafeteria.

**(C) Porter Service - Tenant Compliance**

Any regularly scheduled passenger airline at San Francisco International Airport shall provide porter services for the passenger's convenience. Such services shall be available not less than one hour prior to departure at curbside on the departure (upper) level of the Airport for all domestic flights.

Porter Service in the International Terminal must be provided on a continual basis by the current International Terminal airline service contractor.

Additionally, airlines shall ensure that continuous porter service is available in the baggage claim areas at the arrival (lower) level of the terminal facilities in conjunction with the delivery of baggage from all arriving flights until the baggage claim area is clear.

**(D) Public Seating**

The placement of Airport-owned public seating is determined by the Airport. No person shall move any Airport-owned public seating except for cleaning or maintenance purposes. Violators may be fined under Rule 14 of these Rules and Regulations.

**(E) Quiet Terminals Policy**

The purpose of the Airport Quiet Terminals Policy is to provide a tranquil environment for passengers as they make their way through the terminals. Loud music or other amplified sound from leasehold areas competes with public announcements and contributes to the stress of travel. Tenants shall not amplify sound outside of their demised premises. Sound amplifying devices shall be directed only within the premises at a volume low enough for patrons to hear public announcements from within the premises. Music or other sound shall not be broadcast for the purpose of attracting foot traffic. Lyrics shall be free of profanity and other offensive content. The playing of music is prohibited in the following locations: at the podiums, ticket counters, and seating areas adjacent to gates; at the ticket counters in the pre-screening area of the Airport; in the baggage areas of the arrivals level. (AOB 19-09)

**(F) Stanchions**

All airlines shall use passenger control stanchions to control lines. Stanchions shall be located within the space directly in front of the airline counter leasehold or as permitted by the Director. Stanchions and signs used in the Domestic Terminals shall be placed so as to maintain a minimum of 12-feet for a public passage corridor between the narrowest terminal building point and the stanchion farthest out from the counter. Stanchions and signs used in the International Terminal shall also be placed so as to maintain a minimum of 12 feet of public passage between any stanchion and/or sign and any adjacent structure or fixture. The single exception to the

foregoing is the required clearance between stanchion arrangements at facing check-in counters on Level 3 (e.g. stanchions used for Aisle's 2 and 3, 4 and 5, etc.). These stanchions shall be placed so as to maintain a minimum of 30 feet of public passage between stanchion arrangements for adjacent check-in aisles, such clear space to be maintained through the center of the passageway between adjacent Aisles, with 150 feet of clear space on each side of the center line as defined by a prominent line embedded in the floor finish.

The number of stanchions shall be determined by the peak passenger volume or level of activity for the applicable period. Airlines shall relocate their stanchions at the end of their operating day and place them against the face of their counter to facilitate cleaning activities. This also applies to stanchions that may be used to control passenger lines associated with the security checkpoints. Post mounted and floor mounted signs are permitted within approved stanchion areas consistent with the following guidelines regarding content, size and production quality:

- (1) Passenger processing information as it relates to security or to designate separate queuing lines.
- (2) Bag size or weight limitation signage.
- (3) Enter/exit signs.
- (4) Airline identification signs or class of onboard service signs.
- (5) Floor sign size shall not exceed 28" w x 96" h and shall be produced in a professional manner conforming to terminal graphic and color standards.
- (6) Hand lettered, photocopied or paper signs are strictly prohibited.
- (7) The Director or his representative reserves the right to disapprove and require removal of any signs not conforming to approved guidelines.
- (8) Advertising content and slogans shall not be included in the signage permitted above.

**(G) Wheelchairs and Priority Disabled Seating and Wheelchair Waiting Areas**

**(1) Wheelchair Service Performance Standards**

Airlines and their contracted wheelchair service providers must provide safe, timely, and courteous service to passengers in conformance with the following standards:

- (a) Wheelchair attendants must be professionally attired.
- (b) Wheelchair attendants must have the physical ability to:
  - Lift/carry pieces of luggage weighing up to 70 pounds;
  - Push a wheelchair with a customer weighing up to 200 pounds, up and down inclines of up to 2.86 degrees (5%), into and out of elevators and throughout the areas where service is offered;
  - Communicate clearly in English;
  - Maintain a pleasant demeanor and remain professional at all times; and
  - Provide wheelchair to the passenger where the passenger is situated; a



passenger shall not be required to self ambulate to a wheelchair dispatch location or any other location.

- (c) Passengers who pre-arrange wheelchair services shall be provided with a wheelchair upon arrival at the Airport, but in no event shall a passenger be required to wait more than ten (10) minutes for a wheelchair and an assigned attendant.
- (d) Passengers who request a wheelchair upon arrival at the Airport, whether on an incoming or departing flight, shall be provided with a wheelchair as soon as possible, but in no event shall a passenger be required to wait more than twenty (20) minutes for a wheelchair and an assigned attendant.
- (e) The solicitation of tips by a wheelchair attendant or a service provider is strictly prohibited.

## **(2) Equipment**

All wheelchairs and related equipment used to provide this service must:

- (a) conform to the requirements of the Americans with Disabilities Act (ADA);
- (b) meet the current industry standards, which include: maneuverable arm rests; accommodation of personal items; and "nesting" capability for storage, except for International Terminal Gates A1-12 and G91-G102, where standard collapsible type wheelchairs will be allowed for use in the loading bridges for passenger enplaning and deplaning only when necessary; and
- (c) be well maintained free from tears and frays or replaced, as necessary.

All airlines, domestic and international, and their contracted wheelchair service providers who violate this rule may be required to secure additional wheelchairs and/or attendants at the expense of the airline involved.

## **(3) Priority Disabled Seating and Wheelchair Waiting Areas**

Priority Disabled Seating and Wheelchair Waiting Areas are available in each of the terminal lobbies and Boarding Areas as indicated by signage. Due to limited seating areas and congestion in the lobbies, these areas are designated for temporary seating for our passengers with disabilities while wheelchair assistance is being coordinated. These areas are being provided for their convenience and as a customer service enhancement for our passengers. Service providers are prohibited from pre-staging or waiting in these areas.

Each airline is responsible for coordinating the appropriate and timely service for their passengers in need of a wheelchair to avoid lengthy waiting periods.

### **3.6 BAGGAGE HANDLING SYSTEM**

The Airport's Baggage Handling Systems are an integral part of Airport and Airline operations. Properly tagged luggage that is correctly loaded onto conveyors (proper baggage hygiene) ensures that baggage moves efficiently from baggage check locations through security screening/inspection areas, and out to make-up carousels. Improper baggage tagging and placement creates bag jams and system outages, ultimately resulting in flight delays.

All employees of the Airport Commission, the airlines and airline contractors who are directly involved in baggage handling shall comply with the Airport's Baggage Hygiene Policy set forth in Appendix A to these Rules and Regulations.

### **3.7 AIRPORT-OWNED EQUIPMENT MAINTENANCE**

The Airport owns Passenger Boarding Bridges, Baggage Handling Systems, and other equipment and systems at the Airport, much of which is leased to airline tenants. Airline tenants shall maintain Airport-owned equipment in accordance with schedules, record-keeping, reporting, and quality standards established by the Airport and agreed-upon with the tenant, as follows:

#### **(A) Maintenance Plan**

- (1) A tenant airline shall have a maintenance plan approved by the Airport for the airline to perform maintenance of Airport-owned equipment. The airline maintenance plan shall detail how the airline will maintain the Airport-owned equipment in a continually safe, operable, and optimum condition for the term of the lease. The plan shall at a minimum include a schedule for the preventative and regular maintenance and service-readiness for minor repairs.
- (2) The airline shall submit a proposed plan to the Airport no fewer than 15 days prior to airline use of Airport-owned equipment. The airline shall receive Airport approval prior to performing any maintenance of any Airport-owned equipment.

#### **(B) Parts and Equipment**

- (1) Airline shall maintain an inventory of spare parts, equipment, and consumables at the level sufficient to maintain the Airport-owned equipment.
- (2) Only Original Equipment Manufacturer (OEM) approved or recommended parts, equipment, and consumables shall be used, unless an exception is granted for functionally equivalent items upon written request to the Airport.

#### **(C) Performance Monitoring and Reports**

- (1) Restoration of equipment and systems shall be the Airline's priority and shall be accomplished in accordance with maintenance plan and the OEM maintenance manuals
- (2) The Airline shall submit the required reports agreed upon in the maintenance plans.

Failure by the tenant airline to submit a plan as provided in this Rule 3.7 or comply with the agreed-upon equipment maintenance and operating requirements shall result in fines assessed for each month or any part of a month beyond such period as provided in Rule 14 of these Rules and Regulations.

**RULE 4.0****OPERATION OF MOTOR VEHICLES**

This Rule applies to the operation of all motor vehicles driven by or on behalf of all individuals and entities conducting business on Airport premises, including but not limited to: rental car agencies, airlines and their subcontractors, Airport tenants and permittees, Airport contractors and subcontractors, and all businesses engaged in commercial transportation. Rules 4.1-4.6 also apply to members of the public through Chapter 7.72 of the San Mateo County Code of Ordinances.

The Director may at any time change, alter, expand, or limit access to Airport roadways, parking zones, and designated pick-up, drop-off, and staging areas necessary to accommodate renovation, construction, and other structural improvements and/or modifications to Airport property.

**4.1 TRAFFIC AND PARKING SIGNS, DIRECTIONS AND SIGNALS**

- (A)** Motor vehicles shall be operated upon the Airport in strict accordance with the rules herein prescribed for the control of such vehicles and the California Vehicle Code, except in cases of emergency involving the protection of life and/or property. All vehicles operated on Airport roadways must at all times comply with any lawful order, signal or direction by authorized personnel. When roadway traffic is controlled by signs or by mechanical or electrical signals, such signs or signals shall be obeyed unless directed otherwise by authorized personnel. Similarly, when movement in any parking facility, holding lot or other location is controlled by signs or by mechanical or electrical signals, such signs or signals shall be obeyed unless directed otherwise by authorized personnel.
- (B)** The Director is authorized to place and maintain such traffic signs, signals, pavement markings, and other traffic control devices upon Airport roadways, parking facilities and other Airport property as required to indicate and carry out the provisions of these Rules and Regulations and of the California Vehicle Code to guide and control traffic.
- (C)** Vehicles on Airport roadways shall be operated in strict compliance with the roadway speed limits, posted signs, and pavement and/or curb markings prescribed by the Airport Commission.

**4.2 RESERVED, POSTED OR RESTRICTED PARKING AREA**

- (A)** The Director is authorized to reserve all or any part of parking lots or terminal courtyards or other areas not under lease or permit for the sole use of vehicles of the City and County of San Francisco, its officers or employees, tenants, or for such visitors to the Airport as the Airport may designate, and to indicate such restrictions by appropriate markings and/or signs; designate a parking time limit on any portion of said lots and courtyards; designate any portion of said lots and courtyards as a passenger loading zone or a freight loading zone; designate any portion of said lots and courtyards as a No Stopping, No Waiting or No Parking area; designate where and how vehicles shall be parked by means of parking space markers; and designate direction of travel and indicate same by means of appropriate signs and/or markings.
- (B)** When appropriate signs and/or markings have been installed, no person may park or drive a vehicle on any portion of such lots or courtyards reserved for the exclusive use of any vehicle unless authorized by the Director.

- (C) Working news media representatives must comply with Airport "Media Procedures" found at <https://www.flysfo.com/media/media-procedures>. Unless otherwise provided for in the Media Procedures, working news media representatives may park their vehicles in designated press parking areas for a period not to exceed two hours while on assignment at the Airport.
- (D) Vehicles parked along any roadway curb or in any garage, parking lot or other authorized parking area designated for public, private or employee use, shall park in such a manner as to comply with all posted and/or painted lines, signs, and rules.
- (E) Vehicles displaying either a distinguishing license plate or a placard issued pursuant to 22511.5 or Section 9105 of the State of California Vehicle Code may park in designated handicapped/disabled parking sections for such periods as indicated by appropriate signs and/or markings.
- (F) Electric Vehicle Plug-In Charging Stations may be located in parking lots, terminal courtyards, garages or other parking areas to provide electric charging for plug-in electric and plug-in electric hybrid vehicles. No vehicle shall stop, wait, or park within the plug-in electric vehicle stalls unless the vehicles are equipped to use the designated plug-in electric charging stations. All other vehicles will be cited pursuant to Rule 14.

#### **4.3 AUTHORIZATION TO MOVE VEHICLES**

The Director may remove, or cause to be removed at the owner's expense from any restricted or reserved area, any roadway or right-of-way, or any other area on the Airport any vehicle which is disabled, abandoned, or illegally or improperly parked, or which creates an operations problem. Any such vehicle may be removed to the official vehicle impound areas designated by the Director. Any vehicle impounded shall be released to the owner or operator thereof upon proper identification of the person claiming such vehicle and upon payment of the towing charge currently in effect and the accrued parking fees thereon. The Airport Commission shall not be liable for damage to any vehicle or loss of personal property which might result from the act of removal.

#### **4.4 USE OF ROADS AND WALKS**

- (A) No person shall operate any vehicle on the Airport other than on the roads or places authorized by the Director for use by that particular type of vehicle.
- (B) No person shall use Airport roads, crosswalks, or walkways in a manner that hinders or obstructs proper use.

#### **4.5 PARKING AND STOPPING OF VEHICLES**

- (A) No vehicle shall be parked or stopped on any Airport roadway except in the manner and at a location authorized for stopping, standing or parking as indicated by posted traffic signs and/or painted curb markings, or in a parking facility designated for public or employee use. Double parking on Airports roadways is strictly prohibited.
- (B) No vehicle shall block or obstruct vehicular movement on any Airport roadway, ramp, or parking facility, including areas designated as staging areas for commercial vehicles.

#### **4.6 TERMINAL CURB MARKINGS**

All vehicle operators on terminal roadways shall comply with curb markings, signage, and directions from traffic control personnel to maintain a safe, secure, and efficient use of the limited curb space in front of terminals.

Vehicles using Airport terminal roadways may stop only for the pick-up/drop-off of passengers or other permitted commercial operations, only at marked curbs, and only in the color zone designated for that type

of vehicle, as provided in this Rule 4.6 or as directed on roadway signage or by traffic control personnel. Vehicles must be attended at all times. Waiting along a terminal curb for passengers or baggage is prohibited. Commercial vehicle operators must additionally at all times comply with the Airport Permit and any notice or direction issued by the Airport to the Permit holder.

Unless specifically excepted by the Director, any vehicle which violates this Rule 4.6 may be cited and towed immediately, at the owner's expense.

The curb color zones are generally designated as follows:

|                              |                                                                                                                                                           |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Red Zone:</b>             | Hotel Courtesy Shuttles and SamTrans Buses.                                                                                                               |
| <b>Yellow Zone:</b>          | Delivery Vehicles and Limousines.                                                                                                                         |
| <b>White Zone:</b>           | Private Vehicles, Permitted Commercial Ground Transportation Vehicles as posted, and Car Rental Shuttles providing services for disabled passengers only. |
| <b>Red and Yellow Zone:</b>  | Taxicabs.                                                                                                                                                 |
| <b>Green and White Zone:</b> | Airporters, Crew Shuttles, and Charter Buses.                                                                                                             |
| <b>Red and White Zone:</b>   | Shared-Ride Vans.                                                                                                                                         |
| <b>Blue and White Zone:</b>  | Employee Shuttles, SFO Parking Shuttles, and Off-Airport Parking Shuttles.                                                                                |
| <b>Blue and Red Zone:</b>    | Hotel Courtesy Shuttles and Off-Airport Parking Shuttles.                                                                                                 |
| <b>Blue and Green Zone:</b>  | TNC Vehicles.                                                                                                                                             |

#### **4.7 COMMERCIAL GROUND TRANSPORTATION OPERATIONS**

All commercial ground transportation operators ("GTOs"), whether an individual or business entity of any type whatsoever, providing transportation services to, on, or from Airport property including, but not limited to, those operators who use Airport roadways as part of a business conducted for monetary consideration, shall comply with this Rule 4.7. Violation of this Rule may result in an admonishment and/or citation under Rule 14 of these Rules and Regulations, in addition to any other fines, charges, or penalties assessed under applicable law or permit, including permit suspension or revocation.

##### **(A) General Requirements**

###### **(1) Modes Requiring CPUC and Airport Permits**

The following GTOs operating on the Airport's roadways shall have a valid certificate or permit issued by the California Public Utilities Commission ("CPUC") and an Airport-issued operating permit:

- (a) Charter buses
- (b) Courtesy shuttles (including but not limited to crew, rental car, parking, and hotel shuttles)
- (c) Limousines
- (d) Scheduled transportation operators, unless excluded in A.3, below

- (e) Shared-ride vans
- (f) Transportation Network Companies (“TNCs”)

**(2) Taxicab Permitting Requirements**

Every taxicab operating on Airport premises must be licensed either by the San Francisco Municipal Transportation Agency (“SFMTA”) or another local public entity. Consistent with San Francisco Transportation Code § 1105(a)(6), taxicab operators regulated by the SFMTA are required to comply with Airport Rules and Regulations and the terms of their Airport/SFMTA Taxi User Agreement.

**(3) Modes Exempt from Airport Permit Requirement**

Transportation vendors contracted by the City and County of San Francisco

**(4) Permit Terms**

All permits, regardless of the transportation mode, require the permit holder to ensure that all vehicles and drivers operating under the permit comply with the permit terms and conditions, including, but not limited to:

- (a) display of proper vehicle trade dress, visible TCP numbers, decals, emblems, license plates, and any and all other markings required by applicable laws and permit terms and conditions;
- (b) maintaining vehicle tracking device or system without alteration, removal or destruction;
- (c) following signage and directives, including but not limited to signage and directives regarding loading and unloading of passengers;
- (d) operating only in designated areas;
- (e) maintaining applicable vehicle safety and inspections requirements; and
- (f) complying with these Rules and Regulations.

**(5) Trip Fees**

Unless excluded from the payment of trip fees under applicable permit terms, all permit holders are responsible for the payment of trip fees, which fees are used to recover Airport costs for roadway and garage maintenance and infrastructure. Trip fees are calculated on an annual basis by mode and trip frequency, and are subject to the approval of the Airport Commission. The Airport tracks trip fees and permit holders must pay such fees in conformance with the terms and conditions of the applicable permit. Failure to pay trip fees owed and/or late payment of trip fees may result in any one or all of the following: a fine under Rule 14 of the Airport Rules and Regulations, interest on unpaid trip fees at the rate of one and one-half percent (1-1/2%) per month, administrative fines under the terms of the applicable permit, and permit suspension and/or permit revocation.

**(6) Payment of Other Fees**

Consistent with the terms of the applicable permit, permit holders may be assessed fees for lost, missing or altered transponders, lack of operating decals, failure to comply with annual registration requirements, late registration, and other fees.

**(7) Audit and Inspection of Records**

Each GTO permit holder shall make books and records identified in the applicable permit available for inspection, including, without limitation, reports, records, and compilations as may be requested by the Director or his/her designee. Should any examination of records or vehicle trip count result in discovery of underpayment by permittee in excess of five percent (5%) of the fees due, the permittee shall promptly pay to the City and County of San Francisco the amount of the underpayment plus all costs incurred in conducting the examination or vehicle trip count. The permittee shall also be liable for expenses incurred in assessing or collecting any money owed to the City and County of San Francisco.

**(8) Waybills**

Consistent with California law and GTO permit terms, every limousine, TNC, charter and pre-arranged transit passenger pick up and drop off shall be documented by a waybill, which waybill shall conform to the requirements of the applicable law and permit terms.

All transportation operators who use the Airport's courtyards for picking up patrons must display a copy of their waybill inside the vehicle so it can be easily read from outside of the front windshield. Another copy of the waybill shall be carried by the driver of the vehicle.

All drivers of vehicles operating under an Airport GTO permit shall present the waybill to any Airport or law enforcement official upon request.

**(9) Courtyard Parking and Staging Area**

To address roadway congestion and changing conditions on the ground, from time to time, the Director or the Director's designee may establish and construct staging areas for select vehicle classes providing ground transportation services, and may require all drivers operating under select GTO permits to wait in courtyards or designated staging areas until such time as their passengers have arrived and are at the curbside. The Airport may charge a fee for use of courtyards and staging areas. When staging space is not available, the Director or the Director's designee may require vehicles to stage off the Airport.

**(10) Passenger Receipts**

All taxis, TNCs, limousines, scheduled, and pre-arranged van operators must have the ability to immediately provide passenger receipts generated either electronically or by hard copy (paper and pen). All such receipts must include the name of the permittee, the date and time of service, and all other information required by the regulatory agency of that mode.

**(11) Emergency Contact**

All GTOs, regardless of transportation mode, must maintain current emergency contact phone numbers and/or email addresses with the Airport, where automated emergency notifications can be immediately transmitted.

**(B) General Conduct Applicable to all Modes of Commercial Ground Transportation**

The drivers of all permitted vehicles must comply with all applicable laws, the general conduct provisions in their respective permits, and with all posted signs, directions, curb markings, and other directives set forth in Rule 4.1-4.6 of these Rules and Regulations.

In addition, the following conduct by GTO service providers is prohibited and is subject to administrative fines under Rule 14, as well as administrative penalties under the applicable permit:

- (1) Cutting in line, jumping a taxicab lot, or bypassing a holding lot or ticket collection area before leaving the Airport;
- (2) Picking up or discharging passengers or their baggage at any terminal levels other than those designated for such purpose;
- (3) Leaving a vehicle unattended, except in designated staging areas;
- (4) Failing to provide a receipt upon passenger request;
- (5) Disregarding instructions by or providing false information to Airport Officials, including law enforcement personnel, Curbside Management Program personnel, and/or the Airport's designated duty managers, garage managers, leads, and guards;
- (6) Displaying to an Airport Official an altered or fictitious waybill, holding lot ticket or receipt;
- (7) Failure to possess a valid waybill unless not required by applicable permit;
- (8) Driving a vehicle without appropriate trade dress, placards, license plates, TCP numbers, decals, and/or logos as required by applicable law and/or permit;
- (9) Failing to activate, deactivating, tampering with, damaging, removing or evading vehicle trip counting and tracking devices and applications, including transponders, smart phone applications, and license plate recognition devices;
- (10) Soliciting passengers on Airport property;
- (11) Recirculating or "looping" on any terminal roadway;
- (12) Use or possession of any alcoholic beverage, narcotic or controlled substance while operating a vehicle on Airport premises;
- (13) Use of profane or vulgar language;
- (14) Any attempt to solicit payment in excess of that authorized by law;
- (15) Any solicitation for or on behalf of any hotel, motel, club, nightclub, or any other business whatsoever;
- (16) Solicitation of any activity prohibited by the Penal Code of the State of California;
- (17) Operating a vehicle:
  - (a) in an unsafe manner;
  - (b) after the vehicle has failed a safety inspection; or
  - (c) that lacks mandatory safety equipment as defined in the California Vehicle Code;
- (18) Tampering with, disconnecting, or modifying any emissions-control equipment, modifying a defined clean fuel vehicle, or using unauthorized fuel to power a defined clean fuel vehicle;



- (19) Using any part of the Airport premises other than a restroom to urinate and/or address personal hygiene needs;
- (20) Failure to wear a visible photo identification card if required by applicable permit or regulatory agency;
- (21) Failure to comply with applicable headway requirements;
- (22) Staging in an unauthorized location;
- (23) Staging a coordinator (such as for shared-ride vans) in an unauthorized location;
- (24) Failure to comply with posted signage and pavement markings; and
- (25) Idling a vehicle or engine for more than five minutes as prohibited under California Air Resources Board regulations

**(C) Scheduled Transportation Operations**

**(1) Proposed Changes in Operations**

No changes in service may be made in scheduled transportation operations of applicable permittees unless first requested in writing to the Director or the Director's designee no fewer than thirty (30) days in advance of the proposed implementation date. "Changes in service" means (a) increasing or decreasing the number of vehicles authorized to operate at the Airport, (b) changing the frequency of service runs, or (c) modifying routes or stops.

**(2) Criteria for Approving Proposed Changes**

The Director or the Director's designee will review the merits of any proposed change in scheduled transportation operations based on the following criteria:

- (a) determination of the potential ridership and revenue recovery;
- (b) evaluation of the planned route, the location, and number of all proposed Airport ground transportation services in the subject corridor;
- (c) analysis of the service travel time;
- (d) determination of the type or size of vehicle appropriate for the operation; and
- (e) determination of availability of Airport curb and staging space.

The Director or the Director's designee has the discretion to approve, reject or require modification to any such proposed changes in service.

**(D) Taxicabs**

**(1) San Francisco Taxicabs**

Taxicabs licensed by the SFMTA shall comply with all SFMTA operating requirements, including, but not limited to, Articles 1105 and 1108 of the San Francisco Transportation Code, SFMTA's Motor Vehicles for Hire Regulations, and any and all other ordinances,

laws and/or regulations that may be applicable to operating taxicabs. In addition, every SFMTA regulated taxi operating at the Airport shall:

- (a) only be driven by an individual with an SFMTA issued A-Card and with an Airport permit (necessary for pick-up);
- (b) have an Airport-issued AVI transponder affixed to the vehicle;
- (c) have a certification decal affixed to the right and left rear rooftop quarter section of the vehicle;
- (d) stage only in designated areas when waiting for a passenger pick-up;
- (e) comply with dispatcher instructions for passenger pick-up;
- (f) charge fees in conformance with SFMTA rate schedules and no other unapproved fees or surcharges;
- (g) remain in/with vehicle while in a curbside taxi queue;
- (h) occupy Airport taxi lots only during daily operational hours; and
- (i) use an A-Card to enter an Airport parking garage only for Airport-authorized taxicab-related business which includes but is not limited to entering the taxi queue line or meeting with Airport staff.
- (j) possess a cellular mobile device (Android or Apple) with a supported operating system, capable of running applications, with an up-to-date version of the SFO-created application required for taxi dispatching, verification, or queuing, and abide by all terms and conditions of such mobile application.

Certification decals and AVIs are the property of the Airport and, upon suspension or revocation of certification, shall be immediately surrendered to the Director or his/her designee.

Taxicab drivers who are issued an Administrative Citation may be required to pay an administrative fine under Rule 14 of these Rules and Regulations or may have Airport pick-up privileges suspended.

**(2) Non-SFMTA Taxicabs**

Taxicabs licensed and regulated by public entities other than the SFMTA shall comply with all laws, ordinances, and regulations of the licensing entity and any and all other ordinances, laws, and regulations that may be applicable to operating taxicabs. Non-SFMTA taxis are prohibited from picking up passengers except for on a pre-arranged basis, and for each trip, shall have a waybill with the name of the passenger, the number of people in the party, and the location and time of pickup. Drivers must pay a trip fee to pick up passengers at the Airport.

**(E) Director's Discretion**

Notwithstanding any provisions of these Rules and Regulations or of the terms of an operating permit, the Director at all times retains the sole and absolute discretion to suspend operating privileges at SFO and/or to assess fines as provided under a permit and/or these Rules and Regulations.

**RULE 5.0****AIRSIDE OPERATIONS****5.1 GENERAL**

- (A) **Application and Purpose.** This Rule 5.0 applies to all operations on the Air Operations Area (AOA). The purpose of this Rule 5.0 is to promote the safe operation of aircraft and vehicles on the airfield and the safety of all airfield activities. All persons on the AOA must comply with this Rule, in addition to all other applicable Rules of these Rules and Regulations.
- (B) **Authority of the Director.** The Director has charge of the AOA and may take any action deemed necessary and appropriate to assure the safe and proper operation of the Airport. The Director shall have the right at any time to close the entire or any part of the Airport to air traffic; to delay or restrict any flight or other aircraft operation; to refuse takeoff permission to aircraft; or to deny the use of the entire or any part of the Airport to any specified class of aircraft or to any individual or group. In the event the Director determines the condition of the Airport or any part of the Airport to be unsafe for landings or takeoffs, the Director shall issue, or cause to be issued, a Notice to Airmen (NOTAM).
- (C) **Aircraft.** All persons shall navigate, land, service, maintain, and repair aircraft in conformance with Federal Aviation Administration (FAA) and National Transportation Safety Board rules and regulations.
- (D) **Ground Support Equipment (GSE).** Any vehicle operated to support aircraft on the AOA or to perform airside operations, regardless whether such vehicle is motorized or nonmotorized or leaves the AOA perimeter, is Ground Support Equipment (GSE) and may be operated only with the permission of the Director. Safe operation of GSE on the AOA is critical to the overall safety and security of Airport operations. Employers who own and operate GSE on the AOA shall assure that their drivers and vehicles comply with the requirements of all applicable Rules and Regulations. Failure to comply with the provisions of this Rule may result in administrative fines under Rule 14 and/or vehicle impoundment consistent with the GSE Safety Inspection Program (GSESIP), at Appendix B to these Rules and Regulations.
- (E) **Airfield Marking and Signage.** Any person engaged in airfield activity shall comply with all marking and signage. Pilots and vehicle operators shall obey all lights, signs, signals, markings, and NOTAMs unless an authorized representative of the Director or Control Tower directs otherwise. Pilots and vehicle operators engaged in airside operations must at all times comply with any lawful order, signal or direction of the Director, except when subject to the direction or control for ground movement purposes of the FAA or other federal agency. No aircraft or other vehicle shall use any part of the airfield, apron, ramp, taxiway, runway or other area considered temporarily unsafe for landing or takeoff, or which is not available for any reason. The Airport will mark boundaries of such areas with barricades and flags by day and high intensity flashing red lights at night and low visibility periods, and will issue communications by PASSUR and/or NOTAM, as appropriate.
- (F) **Air Traffic Control Tower (ATCT) and Ramp Towers.** Any person engaging in moving aircraft or GSE shall communicate with and follow all instructions by FAA Air Traffic Control and/or the Ramp Tower, as appropriate, for crossing or proceeding on Taxilanes, Taxiways, and/or Runways. Any person who fails to properly communicate with Air Traffic Control and/or comply with Air Traffic Control instruction may, at the sole discretion of the Director, lose the privilege to operate at the Airport on a temporary or permanent basis. Any such action by the Airport may be independent of and/or in addition to any investigation or action by the FAA or the National Transportation Safety Board.

**5.2 AIRSIDE PERSONNEL**

- (A) **Intoxicants and Drugs.** No person engaged in airside operations shall be under the influence of intoxicating liquor or drugs, nor shall any person under the influence of intoxicating liquor or drugs be permitted to board any aircraft, except a medical patient under care. Any person violating this Rule may be denied use of the Airport by the Airport Director in his sole discretion. See FAR Part 91.17.
- (B) **Personal Listening Devices.** No person shall use personal listening devices while walking, operating, or driving on the AOA. Personnel authorized to operate vehicles on the AOA may use personal cell phones and/or any other type of hand-held or hands-free device, only after stopping (whether in or out of a vehicle) in a safe manner and in a safe location.
- (C) **Reflective Clothing.** To enhance visibility and promote safety for persons working on the AOA, all employers/tenants or contractors-must provide all employees with reflective clothing meeting or exceeding Class 2 reflectivity per the Standard for High-Visibility Safety Apparel (ANSI/ISEA 107-2004). Employees shall wear reflective clothing at all times while performing such duties on the AOA unless competing safety concerns necessitate the temporary removal of reflective clothing. This requirement does not apply to uniformed airline crewmembers within the aircraft envelope.

**5.3 AIRCRAFT OPERATIONS****(A) Aircraft Operators****(1) Registration and Fees**

The Director may require and may designate appropriate locations for the registration of pilots and aircraft using the Airport. Pilots shall comply with the requirements of such registration. The payment of rentals, fees, and charges relating to the use of Airport premises and facilities shall be made before takeoff. In lieu of such payments, satisfactory credit arrangements shall be made by the pilot or owner of aircraft with the Director.

**(2) Training Flights and Student Pilots**

No aircraft shall land, take off or taxi at the Airport while the aircraft is under the control of a student pilot. No person shall conduct training flights on or over the Airport.

**(3) Helicopter Operations**

- (a) Helicopter aircraft arriving and departing the Airport shall operate under the direction of the Control Tower at all times while in the Airport Control Zone. No helicopter may land or take off from the Airport unless it is equipped with a two-way radio, is in communication with, and has received authorization from the Control Tower.
- (b) Helicopters shall have braking devices and/or rotor mooring tie-downs applied to the rotor blades. Helicopters shall not be taxied, towed, or otherwise moved with rotors turning unless there is a clear area of at least 25 feet in all directions from the outer tips of the rotor blades.
- (c) Helicopters may park only in approved parking areas on the Fixed Base Operators ramp. Additional locations may be approved by the Director. This rule does not apply to the U.S. Coast Guard station helicopters.

**(4) Charter Aircraft**

All airlines are required to advise Airport Operations 72 hours in advance of any charter aircraft other than their own, except to those charter flights managed by the Airport's Fixed Base Operator.

**(5) Unmanned Aircraft (drones)**

No motorless or unmanned aircraft, such as drones, shall land or takeoff from the Airport. Operation of unmanned aircraft to, on, or from Airport property is strictly prohibited, except as expressly permitted by the FAA and/or the Director as may be appropriate under applicable law or rules.

**(B) Aircraft Equipment Requirements**

All aircraft operating at the Airport must be equipped with functioning brakes, a two-way radio, and a 4096 transponder for altitude and coding. All aircraft must additionally have VHF Omnidirectional Range capability.

**(C) Aircraft Parking, Maintenance, Repair****(1) Parking Responsibility**

Upon direction from the Director, the operator of any aircraft parked or stored at an air terminal or hardstand shall move such aircraft from the place where it is parked or stored. All remote parking requests for locations outside of lease, permit, or contract terms, shall be made through Airfield Operations and/or Ramp Tower A.

Non-terminal aircraft parking reservations must be made within 24 hours of the time the space is needed. The Airport will not accept requests for reservations more than 24 hours in advance except under special circumstances such as emergencies, charters, VIP, or special events.

Failure to comply with direction to relocate an aircraft or parking in an unauthorized location shall result a fine under Rule 14.

**(2) Aircraft Repairs**

All repairs to aircraft and/or engines shall be made in areas designated for this purpose. Minor adjustments and repairs may be performed on aircraft at gate positions on the ramp when such repairs can be safely accomplished without inconvenience to persons or other companies. Any spills must be promptly and properly addressed. Any aircraft being repaired at a gate position shall be moved immediately upon the request of the Director. No aircraft engine shall be run-up for test purposes at any gate position.

**(3) Parking and Washing of Aircraft**

(a) Aircraft shall not be parked on the Airport, except in areas and in the manner designated by the Director. The City and County of San Francisco and its agents assume no responsibility for aircraft parked or in the process of being parked on the Airport.

(b) Aircraft shall not be washed, except in areas and in the manner designated by the Director. No aircraft shall be washed at any terminal gate position.

**(4) Cargo Aircraft On-Ground Time Limits at Plot 50**

Aircraft hardstands 50-1 through 50-8 have a maximum Aircraft-On-Ground (AOG) time of six hours. Upon reaching the six-hour mark, aircraft may be assigned a new parking location by Airfield Operations; the airline must have tow capability available at that time.

Moving the aircraft, or arranging for its movement, is the sole responsibility of the airline. The airline must ensure that a 24-hour contact is available for Airfield Operations. (AOB 20-11)

**(D) Aircraft Movement**

**(1) Extended On-Airfield Flight Delays**

Airline personnel are required to contact the Airport Duty Manager (ADM) at (650) 821-5222 to report any incidents of a live flight being held away from the terminal in excess of 60 minutes. The Airport Duty Manager is available 24 hours a day and must be called as soon as airline staff becomes aware of a situation which may lead to passengers remaining on an aircraft for more than 60 minutes away from a terminal gate – whether on an arriving or departing flight. Personnel responsible for aircraft movement, including personnel in the ATCT or the International Terminal Tower and/or Airport Airfield Safety Officer personnel who become aware of a live flight being held away from a terminal gate for more than 60 minutes must also contact the Airport Duty Manager. Airport resources shall help meet the airline and Airport's collective customer service goals and compliance in notifying the ADM of this situation. Prompt notification to the ADM will enable the Airport to activate our contingency plans.

**(2) Starting or Running of Aircraft Engines**

No aircraft engine shall be started or run unless a licensed pilot or certificated A and P mechanic is attending the aircraft controls. Wheel blocks equipped with ropes or other suitable means of chocking the wheels of an aircraft to deter movement shall always be placed in front of the main landing wheels before starting the engine or engines, unless the aircraft is locked into position by functioning locking brakes.

**(3) Run-Up of Aircraft Engines**

- (a) All aircraft shall be started and run-up in locations designated for such purposes by the Director. Aircraft engines shall not be operated in such position that persons, structures or property may be endangered by the path of the aircraft propeller slip-stream or jet blast. Wingwalkers and/or road guards must be present at all times while starting or running engines in a ramp area.
- (b) No aircraft engine exhaust, blast, and/or propeller wash shall be directed in such manner as to cause injury, damage, or hazard to any person, structure, or property.
- (c) Power back of aircraft at any gate is prohibited.
- (d) The run-up of mounted aircraft engines for maintenance or test purposes is prohibited between the hours 2200-0600, except as provided below:
  - (i) An idle check of a single engine is allowed under the following conditions:

An idle check of a single engine not to exceed a 5-minute duration may be conducted in the leasehold area. If more than one engine is to be checked, each engine must be checked separately and the total duration of the idle checks cannot exceed 5-minutes.

An idle check of a single engine or engines (checked separately) which will exceed a duration of 5-minutes shall be accomplished at an authorized run-up area.

- (ii) During the hours of 2200-0600, Airfield Operations shall be called and permission received prior to any engine idle check, or engine idle run-up. All engine starts at the gate shall be approved by Airfield Operations. Any idle run for more than a duration of 5-minutes will be considered an engine run-up.

During other hours Airfield Operations shall be called and permission received prior to any engine run-up. When approved and accomplished the Maintenance Supervisor of the airline concerned must provide to the Director a monthly report detailing the following:

- Date and time of the run-up
- Type aircraft
- Aircraft identification number
- Location of the run-up
- Duration of the run-up
- An explanation of the emergency circumstances making the run-up necessary.

Reports shall be submitted to the Director within 3 working days following the last day of each calendar month.

- (e) Air carriers shall comply with Federal Aviation Regulations for noise abatement and noise emission standards and must conform with all rules, policies, procedures and resolutions as established by the Airport Commission relative to noise abatement.

**(E) Taxiing or Moving of Aircraft on Operational Areas**

**(1) Apron, Ramp, and Airfield**

Aircraft shall not be taxied, towed or otherwise moved on any part of AOA without a functional tower radio, and until specifically cleared to do so by the FAA Control Tower or Ramp Tower. Unless otherwise agreed between the Director and an airline and its contractors, whenever any aircraft is being taxied, towed or otherwise moved on the apron, ramp, or airfield, there shall be a person attending the controls of the aircraft who shall monitor by radio the transmitting frequency in use by the Control Tower or who, if necessary, will cause that frequency to be monitored by another person in the aircraft. In the event of radio equipment failure, the Control Tower may use an Aldis Lamp for communication. Airfield Operations shall provide escorts only for aircraft with functioning tower radios.

All personnel engaged in moving aircraft, except receipt into or dispatch from an apron, shall have an Airport ID badge with an "M" icon as specified in Rule 5.4(A) below. Tenants shall ensure that a current copy of the SFO Airport Layout Map is prominently displayed in all aircraft tow tractors and readily accessible to cockpit brake riders.

**(2) Envelope Receipt and Dispatch**

Vigilance in aircraft operations in and around the terminal gate envelope is critical for the safety of passengers, ramp workers, and equipment and to minimize taxiway and taxilane congestion. Airlines shall deploy personnel to assure sufficient wingtip and tail clearances for all aircraft operations entering and exiting the terminal gate envelope. Unless

otherwise agreed between the Director and an airline and its contractors, the following procedures shall be used:

- (a) For receipt of an aircraft into the envelope, there shall be a minimum of (i) two guide personnel, or wingwalkers, one at each wing, and (ii) a marshaller directing the pilot into the envelope. If the gate is equipped with Auto Park, a marshaller is not required.
  - (b) When taxiing in the Non-Movement Area, particularly alleys between boarding areas, aircraft must use idle thrust to minimize jet blast. If an aircraft must stop before its assigned gate or hardstand, the crew must ensure that any temporary breakaway thrust required to regenerate taxiing momentum is directed away from nearby VSRs, aircraft gates/hardstands, and ramp service areas. If an aircraft cannot regenerate taxiing momentum in a manner that directs harmful jet blast away from VSRs, aircraft gates/hardstands, and ramp service areas, it must be towed into its gate or hardstand. Ramp crews that are ready to accept aircraft will reduce this jet blast hazard by enabling aircraft to complete taxiing at idle thrust and avoid tow operations. (AOB 21-08)
  - (c) For dispatch of an aircraft from the envelope, as in pushbacks and remote hardstands, there shall be a minimum of (i) two guide personnel, or wingwalkers, one at each wing, and (ii) a tug driver at the nose of the aircraft. The wingwalkers shall remain in position until the aircraft passes the adjacent service road. The wingwalker closest to the service road shall be positioned to also control vehicular traffic.
  - (d) Aircraft shall be aligned with the nose wheel on the taxiway or taxilane centerline during pushbacks from terminal gates or hardstands prior to being disconnected from an aircraft tug.
  - (e) Pushback personnel must wear reflective clothing and carry signal wands while in the process of moving or directing aircraft. During daylight hours, the pushback personnel may use a day or lighted signal wand and during hours of darkness or limited visibility, the personnel shall use a lighted signal wand.
- (3)** Tenant vehicles used for towing aircraft are restricted to routes prescribed by the Director.

**(4) Towbarless Towing Vehicles (TLTV)**

The standards for Towbarless Towing Vehicles (TLTV) are based on FAA Advisory Circulars 150/5210-5D Painting, Marking, and Lighting of Vehicles Used on an Airport and 00-65 Towbar and Towbarless Movement of Aircraft. TLTV must either be painted International Orange or outlined on both sides with a minimum 8-inch wide horizontal band of reflective tape with coverage greater than 25% of the vehicle's vertical surface. A LED light bar or yellow flashing beacon must be placed above the TLTV operator's cab. In addition, a yellow flashing light must be installed on both the upper-left and upper-right rear corners of the vehicle, with all lights activated when operating in low light and/or low visibility conditions. Unless otherwise agreed between the Director and an airline and its contractors, a properly trained and qualified flight deck/cockpit observer must be in place in the towed aircraft cockpit during any aircraft towing operation. When towing an aircraft between sunset and sunrise, aircraft wingtips, tail, and fuselage must be clearly illuminated by aircraft position lights and anti-collision lights (when appropriate). Airline and/or ground support tenant must otherwise meet FAA training and operational requirements described in FAA Advisory Circulars 150/5320-5D and 00-65.

TLTVs are restricted to taxiways and taxi-lanes only, unless these vehicles can operate safely on and within the lanes of the vehicle service roads.

**(F) Taxiing into or Out Of Hangars**



No aircraft shall be taxied into or out of a hangar under its own power.

**(G) Aircraft Marking During Low Visibility Periods**

- (1)** Every aircraft parked on the ramp or apron shall have its running lights illuminated during the hours between sunset and sunrise and during low visibility periods, except in areas designated by the Director. Other means of identifying and marking of the wingtips of the craft while parked may be used in lieu of the running lights, but prior authorization for any substitute wingtip identification must be obtained from the Director.
- (2)** All aircraft being taxied, towed or otherwise moved on the ramp, apron or taxiways shall proceed with running lights on during the hours between sunset and sunrise and during periods of low visibility. Upon request of an Airport tenant, Airfield Operations may provide a vehicle escort for aircraft with inoperative running lights.

**(H) Prohibited Flight Approaches and Landings**

The following flight approaches and departures are prohibited at the Airport and will not be approved by the Air Traffic Control Tower except upon special pre-approval by the Control Tower or as directed by the Control Tower in emergency circumstances:

- **Touch & Go** – aircraft lands and departs on a runway without stopping or exiting the runway;
- **Stop & Go** – aircraft is brought to a complete stop, purposefully reconfigures for takeoff, and takes off from the same point;
- **Full Stop Taxi Back** – aircraft lands, exits the runway, and taxis to the departure end;
- **Low Approach** – a go-around maneuver following an approach;
- **Practice Approach** – an instrument approach where there is no landing intended.
- **Option Approach** – an approach requested and conducted by a pilot which will result in a touch-and-go, missed approach, stop-and-go, or full stop landing.

(AOB 20-08)

**5.4 GROUND SERVICE EQUIPMENT (GSE) OPERATIONS**

**(A) GSE Operators**

**(1) License**

A GSE driver shall hold a California Department of Motor Vehicles driver's license consistent with the requirements of California law for the type or weight of vehicle operated.

**(2) Employer Pull Notice Program**

Prior to operating a motor vehicle in the Secured Area/Air Operations Area every individual shall be registered through his or her employer in the California Department of Motor Vehicles ("DMV") Employer Pull Notice Program. All individuals, partnerships, corporations, tenants, contractors, and entities with employees and/or independent contractors who operate motor vehicles in the Secured/Operations Area shall comply with the DMV Employer Pull Notice Program.

**(3) Airfield Driving Test/Movement Area Operator**

To drive in the Secured Area/AOA, an individual must pass any applicable Airport-administered test and must obtain the proper Airport credential(s) as appropriate to the area(s) of vehicle operation. Driving without the proper credential shall result in immediate revocation of the driver's Airport ID badge.

Aircraft tow crews and other individuals with an operational need to drive on the Airport's movement area (as determined by the permittee) must receive company training every consecutive 12 months for operations in the movement area; training must include subject matters listed in 14 CFR Part 139.303. After company training is completed, the individual must successfully complete the Airport Movement Area Operator (MAO) training and testing at least every 12 consecutive months. The Airport movement area privilege is indicated by the "M" icon on the Airport ID badge and is required before operating in the movement area. For any aircraft taxi or tow operation, all personnel at the controls of the aircraft, communicating on the ATC radio, or operating a tow tractor must have the "M" icon on their Airport ID badge.

**(B) GSE Requirements****(1) Registration**

All GSEs shall be registered with the Airport on an annual basis. The following types of motor vehicles operating on the AOA, regardless of whether such vehicles enter or exit the AOA, shall also be currently registered with and display valid license plates issued by the State of California Department of Motor Vehicles: sedans, vans, station wagons, sport utility vehicles, buses, and "motor trucks." For the purposes of this Section, "motor trucks" means both passenger and commercial trucks regardless of weight or number of axles, including but not limited to pickup trucks (open box and utility body), flatbed trucks, truck tractors, and catering trucks. For the purposes of this Rule, "motor trucks" does not mean vehicles designed and exclusively used for the refueling or movement of aircraft. Upon application to the Director by the owner of a vehicle exclusively operated on the premises of the Airport, an identifying number shall be assigned to that vehicle which together with the initials "S.F.I.A.," shall be displayed prominently on the vehicle in the manner prescribed by the Director. Tampering with or altering Ramp Access Permit Placards or SFIA identifying numbers is prohibited. Tenants are responsible for immediately requesting replacement of any placard or permit which becomes damaged, faded, or otherwise illegible.

**(2) Insurance**

Every vehicle operated on the Secured Area/Air Operations Area must be covered by the permittee's liability insurance as required by the Director.

**(3) Trade Dress**

All vehicles and equipment operated on the Secured Area/Air Operations Area (AOA) must have a magnetic, stenciled, or painted logo and number at least eight inches in height marked on both exterior sides. Prior authorization for use of any markings outside of these parameters must be obtained in writing from the Airport by submitting a written request to the Director of Safety and Security Services. All such requests shall be considered on a case-by-case basis. All equipment must be maintained in a clean and clearly identifiable condition. No dirt, oil, or grease shall cover or obscure the vehicle's trade dress, paint scheme and company name.

**(4) Safety Equipment**

No GSE or vehicle shall be permitted in or upon the Secured Area/Air Operations Area unless it is in sound mechanical condition with unobstructed forward and side vision from the driver's seat. All motorized vehicles must be equipped with seat belts or other appropriate safety restraints. Trailers on the Airport ramp or apron areas must be equipped with proper brakes so that when disengaged from a towing vehicle, neither aircraft blast nor wind will cause them to become free rolling. Positive locking couplings are required for all towed equipment. Brakes must be set in secured position when equipment is not being towed.

**(5) FAA-Required Equipment**

Unless authorized by the Director, all vehicles operating on a ramp or across taxiways or runways must be equipped with FAA-approved beacon or flashing lights or under positive escort while operating during hours of darkness or periods of low visibility. Vehicles authorized for unescorted operation in the movement area must be equipped with operating FAA-approved Vehicle Movement Area Transmitters (VMAT). Vehicles without a VMAT must be escorted by movement-area qualified operators using VMAT

**(6) Lights**

Carts, trailers, and/or pieces of equipment being towed or carried after dark must have either rear reflectors or rear lights.

**(7) Hazardous Materials**

All GSE carrying hazardous materials must be properly labeled and display a legible 24/7 emergency telephone number.

**(8) Shared Equipment**

A tenant shall not use equipment of another tenant without written authorization from the owner. If a tenant borrows or uses equipment of another tenant, the owner of such equipment shall remain responsible for its use and shall be responsible for any citation issued under these Rules and Regulations with respect to such equipment, regardless of the operator. The GSE owner shall provide to Airfield Operations an individual designee who may be reached at any time its GSE may be in use, regardless of the operator, to address immediate operational and safety concerns.

**(9) ULD Containers**

Cargo containers typically used for freight and mail operations ("ULD containers") and/or cargo pallets shall not be left on the ground in ramp areas unless in a designated cargo area. ULD containers and/or cargo pallets must be secured on racks or dollies when in ramp areas. ULD containers and/or cargo pallets on the ground in designated areas shall be stacked or organized in a safe and tidy manner.

**(C) GSE Safety Inspection and Impound Programs**

**(1) Safety Inspection Program**

The Ground Support Equipment Safety Inspection Program (GSESIP) is necessary to ensure that all GSE operating and around the AOA are mechanically sound and safe, promoting the overall safety of the Airport Community. All tenants and contractors whose employees use or operate vehicles or equipment on the AOA must comply with the GSESIP.

The GSESIP includes scheduled periodic physical inspections, audits, and random or targeted inspection of GSE. The GSESIP is annexed to these Rules and Regulations as Appendix B. Every lease, permit, or contract authorizing use of ground support equipment on the AOA shall incorporate the GSESIP.

**(2) Impoundment Program**

The Airport may impound GSE that presents a safety hazard or interferes with safe and efficient operations. Every tenant is responsible for its own GSE equipment regardless of the operator (i.e., borrowed or used by another tenant). There are two types of impound procedures:

- (a) Immediate Impound: GSE that pose an imminent safety hazard shall be impounded. An Airfield Safety Officer or delegated representative will red-tag the GSE and arrange for removal to the Airport impound lot. A citation will be issued and the tenant owner of the GSE will be notified. Disposal fees will apply.
- (b) Non-critical Impound: When GSE is located in an area that is not authorized for staging, parking, or storage but does not present an imminent safety hazard, the Airport will allow tenant 30 minutes to move the GSE to an appropriate location. Notification will be by telephone. After 30 minutes, the equipment will be impounded. Citation and disposal fees will apply.

The Airport may impose the following fees on owners of impounded GSE:

- Citation fees: All towing and impound fees will be covered through citation fees associated with the appropriate Rule and Regulation. One citation will be issued for each large piece of GSE; it is the impounding officer's discretion to issue additional citations based on efforts required to remove the GSE.
- Secondary citation fees: If equipment is not recovered within 15 days of impoundment (including the day of impoundment) a second citation will be issued, and additional citation fees will apply.
- Disposal fees: In addition to any initial or secondary citation fee, a disposal citation will be issued should the impounded equipment not be retrieved within 30 days. Disposal citation fees will apply. Any additional charges required to dispose of unclaimed equipment will be billed to the tenant owner of the equipment.
- Compounding fees: Per the fee schedule in the Rules and Regulations fees will compound and increase with each subsequent impounding event.

**Recovery of Impounded GSE:** To recover impounded equipment a tenant must contact Airfield Operations at (650) 821-3355. Tenant must coordinate a retrieval time with the Airfield Supervisor who will document the equipment retrieval. The tenant will be responsible for safely removing the equipment.

**Review of Impoundment:** To request a review of an impoundment citation fee, the GSE owner must follow the procedure set forth in Rule 14.5. A pending request for review or appeal, however, shall not relieve the GSE owner of the 15-day impoundment fine period; fees will continue to accrue while a review is pending if a GSE remains in impoundment beyond the initial 15-day period.

**(D) GSE Movement****(1) Signage**

Drivers on the AOA must comply with all posted signage and ground markings.

**(2) Checkpoints and Security Gates / Vehicle Escorts**

- (a) **Vehicle Checkpoints.** Vehicles entering the AOA must pass through a Vehicle Checkpoint and follow the instructions of the Vehicle Checkpoint security personnel, law enforcement officer, posted signage, and/or vehicle guidance systems. The owner of the vehicle shall be subject to fines under Rule 14 and, in addition, shall be responsible for any personal or property damage resulting from the operator's failure to follow such instruction.
- (b) **Security Gates.** Each vehicle operator using an Airport perimeter (security) gate shall ensure the gate closes behind the vehicle prior to leaving the vicinity of the gate. The vehicle operator shall also ensure that no unauthorized vehicles or persons access to the Secured Area/Air Operations Area (AOA) while the gate is open.
- (c) **Vehicle Escorts.** Only badged personnel with both driving and escort credentials may perform vehicle escort on the AOA. Only one vehicle may be escorted at a time. Drivers performing vehicle escorts will maintain safe following distance, communication, and line-of-sight with the escorted vehicle driver. Vehicle escorts shall ensure that when performing escort services, no vehicle will block taxiways, taxilanes, or aircraft gates. All vehicles entering the AOA through a construction access gate must be escorted by Airfield Operations unless following an approved designated haul route. Vehicles carrying or designed to carry construction debris and building materials such as rock, concrete, dirt, sand, debris, or similar material that could be dislodged from the vehicle must be escorted by Airfield Operations. No tenant or contractor shall escort a vehicle with more than two axles. Tenant or contractor badged personnel may operate larger vehicles without an escort. No tenant or contractor shall escort a vehicle with a wide-load. A wide-load is any load that extends beyond the width of the body of the vehicle or trailer or any vehicle that is wider than the width of the vehicle service road (12'). All vehicle checkpoint gate openings are 16' wide: Northfield Checkpoint – no vehicles with a combined length over 65' long are permitted; Westfield Checkpoint – no tractor trailers are allowed through Checkpoint 2. (AOB 19-08)

**(3) Movements on the AOA**

- (a) Before entering onto any runway, taxiway, or apron area, ground traffic shall yield right-of-way to taxiing aircraft and aircraft under tow in all cases.
- (b) Except as authorized by the Director, vehicular traffic on the aircraft ramp shall use the service roadway.
- (c) Drivers must always yield to emergency vehicles operating with flashing lights and/or siren.
- (d) A guide person is required whenever the operator's vision is restricted during vehicle maneuvers.
- (e) No vehicle shall pass any bus in transit supporting the Ramp Bus Operation, as described in Appendix H to these Rules and Regulations.
- (f) Only in the non-movement area, drivers are permitted to detour the equivalent of one vehicle width outside the vehicle service road if a parked aircraft or disabled equipment encroaches upon the roadway.

**(4) Towing and Carrying**

- (a) Tractor and/or container carriers shall tow no more than four carts, pallets, igloos, or ULD containers and shall adhere to all posted signage. Operators shall at all times maintain safe control and proper tracking of their towed items.
- (b) The towing of any cargo dolly or container larger than an LD3 or comparable-sized baggage cart is prohibited in the International Terminal Underpass (Tunnel).
- (c) No person shall operate any vehicle that is overloaded or carrying more passengers than the number for which the vehicle was designed. In addition, no person shall ride on the running board or stand up in the body of a moving vehicle.
- (d) All items in or on vehicles must be securely fastened. Equipment, supplies, tools and all other items transported on the exterior of a vehicle, including but not limited to water containers and lunch boxes, must be securely fastened to avoid being blown off of or dislodged from vehicles due to high wind conditions, jet blasts and other hazardous surface and air conditions. Items inside vehicles, such as radios, clipboards, sunglasses, cell phones, and beverages must be secured in a manner that will not obscure the driver's view and/or distract the driver.

**(5) Prohibitions**

- (a) Persons shall not operate GSE or vehicles in a reckless or careless manner. A reckless or careless manner is one that intentionally or through negligence threatens the life or safety of any person or threatens damage or destruction to property. Equipment shall only be used for its intended purpose.
- (b) No person shall operate a vehicle or other equipment within the Secured Area/Air Operations Area (AOA) while under the influence of alcohol or any drug that impairs, or may impair, the operator's ability to safely operate GSE.
- (c) No person shall use personal listening devices while walking or driving on the AOA. Personnel authorized to operate vehicles on the AOA may use personal cell phones and/or any other type of hand-held or hands-free device, only after stopping (whether in or out of a vehicle) in a safe manner and in a safe location.

**(6) Passenger Safety**

Each vehicle operator is responsible for the safety and activities of the operator's passengers while within the Secured Area/Air Operations Area (AOA). Each vehicle operator shall ensure that all occupants use seat belts and other safety devices when conveyance is so equipped and while traversing on any vehicle service road.

**(7) Speed Limit**

No person operating or driving a vehicle upon the AOA shall drive at a speed greater than: five (5) mph within baggage make up areas and aircraft envelopes; ten (10) miles per hour around the terminals; fifteen (15) miles per hour between Westfield and Romeo checkpoints to Access Gate 118; fifteen (15) miles per hour along the restricted vehicle service road (RVSR); or at any speed greater than is reasonable and prudent having due regard for weather, visibility, traffic, and the surface, and in no event at a speed which endangers the safety of persons or property.

**(8) Parking**

- (a) Ramp vehicles and equipment shall be parked only within a tenant's own area and in approved marked parking stalls.

- (b) Vehicle operators shall not park vehicles under any passenger loading bridge or within the striped "Keep Clear" zone.
- (c) No person shall park vehicles or other equipment that interfere with the use of a facility by others or prevent movement or passage of aircraft, emergency vehicles, or other motor vehicles or equipment.
- (d) No person shall position a vehicle or equipment within 10 feet of a fire hydrant, emergency fuel shutoff device, standpipe, or aircraft fire extinguisher, or in a manner that prohibits a vehicle from accessing these fire suppression units. To prevent damage to the underground hydrant system, GSE shall not traverse, park, or stage in the areas delineated with red-painted border markings.
- (e) Vehicles with running engines must never be left unattended.

**(9) Restricted Areas**

- (a) No vehicle shall enter the AOA unless clearance and permission has been obtained from Airport Operations. No vehicle shall enter or operate within the Movement Area unless the driver possesses a current movement area credential, monitors and receives Airport Traffic Control Tower (ATCT) clearance by two-way radio communication, or is under escort by Airfield Operations or other authorized party. Once within the Movement and safety areas, personnel and vehicle operators shall remain in continuous communication with the ATCT and comply with all ATCT instructions.
- (b) No vehicle shall pass between an aircraft and passenger terminal or passenger walkway, or operate under a wing or tail, when the aircraft is parked at a gate position, except those vehicles servicing the aircraft. No vehicle shall enter the envelope of an aircraft-occupied gate. All other vehicles must drive around the aircraft away from the passenger loading gates and walkways. Vehicles are permitted to drive the equivalent of one vehicle's width outside the non-movement boundary line if a parked aircraft encroaches onto the vehicle service road.
- (c) Ground vehicles shall not pass between an aircraft and any member of the associated push back crew unless so directed by a member of the crew.
- (d) Unescorted access to the Restricted Vehicle Service Road (RVSR), which is located in the east and north areas of the Airport between access gates #1 and #118, shall be explicitly granted by Airside Operations. Each person requiring this access must first attend the Airside Operations RVSR training to receive their permit. Before entering the RVSR from access gate #1 or via the terminus of the VSR near access gate #118, the vehicle operator must call (650) 821-3355 to request access. Unescorted access permits must be displayed in a manner that is visible from the vehicle windshield.

**5.5 RAMP OPERATIONS AND GATE USAGE**

**(A) Terminal Ramp and Gate Restriction**

- (1)** No General Aviation private, business, or corporate aircraft may enter or use terminal area gates without the prior written permission of the Director. The owner and/or operator making the request for such entry or use assumes full and sole responsibility for the safety and security of all aircraft.

- (2) All international flights must depart from the International Terminal unless they are transborder flights approved in advance by the Director.
- (3) All transborder flights pre-cleared by U.S. Customs and Border Protection may arrive either in a domestic terminal or the International Terminal and will be treated as domestic flights.
- (4) Parking of aircraft on the Terminal Ramp is restricted to no less than 138 feet from the center line of Taxiway "A".
- (5) No person shall install or alter any marking, sign, or light on the Secured Area/ AOA, including within leasehold areas, without first receiving written permission from the Airport. Building Inspection and Code Enforcement (BICE) shall evaluate such proposed alterations for compliance with the Airport Building Regulations and other applicable standards and requirements.

**(B) Ramp Drive Boarding Bridge Operations**

All Ramp Drive Passenger Boarding Bridge ("Bridge") operators are required to use a ground level Guide Person/Spotter ("Spotter") who is in full view of and in communication with the Bridge Operator. Bridges shall not be moved without the use of a Spotter. The Spotter shall be in a physical location to observe the Bridge's path of travel, assist in providing direction, enforce a safety zone around the Bridge and advise the Bridge operator when it is safe to move the bridge.

**(C) Guide Person/Spotter Duties**

- (1) Before signaling to the Bridge Operator that it is safe to move, the Spotter shall ensure that Bridge path of travel is clear of personnel, vehicles, ground support equipment, debris and any other obstruction that could interfere with the safe movement of the Bridge.
- (2) Spotters shall maintain constant visibility and communication with Bridge Operator using visual signs and/or radio communications to advise Bridge Operator when it is safe to move; perform all duties from physical vantage point that allows Spotter to observe path of travel while remaining in view of Bridge Operator.
- (3) After completion of boarding, assist operator in safely returning Bridge to Home Base.

**(D) Bridge Operator Training – Employer Requirements**

Tenants engaged in Bridge operations are responsible for the proper training of their employees. No Bridge Operator shall operate a Bridge without first successfully completing a Bridge operating training course administered by the operator's employer. All Airport-owned (common use, joint use, and preferentially assigned) Bridge operators shall complete the Airport's Ramp Drive Passenger Boarding Bridge computer based training and practical (hands-on) training provided by their employers before operating a Bridge. Computer based training is valid for a one-year period. Bridge operators shall complete annual recurrent computer based training. All employers of Bridge operators shall make training records available for inspection by the Airport upon the Airport's request.

**(E) Bridge Operator Duties**

- (1) Never operate a Bridge without the active assistance of a Spotter, even when the Bridge is equipped with a camera.
- (2) Never operate a common use, joint use, or preferentially assigned Bridge without successfully completing Bridge Operator training.



- (3) Never allow wheelchairs, aisle chairs or other items to be stowed in, around or near the Bridge.
- (4) Always leave Airport-owned Bridges clean and orderly. The Airport encourages Bridge Operators to leave airline-owned Bridges in a similar condition after use.
- (5) Bridge safety devices shall not be bypassed at any time, including 400hz power interlocks.

**(F) Duties of Other Ground Personnel**

All ground personnel working in and around Bridges must stay alert to Bridge movement and always stay out of the path of a moving Bridge. No equipment or vehicles shall be left unattended, parked or operated around or under a Bridge wheel.

**(G) Use of Alternating Current Power Sockets Affixed to a Passenger Boarding Bridge (PBB)**

- (1) Except as necessary for operation and maintenance of a PBB, use of AC power sockets located on the cross member of the PBB is prohibited.
- (2) The use of AC power sockets affixed to a PBB to connect and/or charge personal electronic devices such as, but not limited to, radios, smartphones, or tablets, is prohibited.

**(H) Pre-Positioning of a Passenger Boarding Bridge (PBB)**

At certain gates, the configuration of the PBB and aircraft parking is such that pre-positioning of the PBB is required before the arrival of aircraft. At such locations, the operator shall conform to the following procedure:

- (1) Relocate the PBB from the permanent home base location to the preposition circle located on the ramp area prior to aircraft arrival.
- (2) If equipped with a collision avoidance system, the PBB will slow down as it gets closer to other PBBs.
- (3) Upon departure of aircraft, return the PBB to the permanent home base location with the assistance of a designated guide person.

**(I) Housekeeping**

Before and after each use of a gate area, all air carriers shall:

- pick up and dispose of all Foreign Object Debris (FOD) in designated areas, placing it in an Airport-approved receptacle;
- store in proper locations the 400 Hz power cable, PC air duct, and potable water hose;
- confirm that the area is free of all spills; and
- remove all GSE to allow the next tenant to service its aircraft.

For purposes of this Rule 5.5, the gate area includes the following: The rectangular footprint extending lengthwise from the vehicle service road to the terminal building and widthwise from a point which is ten feet beyond the widest section of the aircraft apron delineated by red and white striping to a point which is ten feet beyond the widest section of the aircraft on the opposite side.

**(J) Management Protocols For Joint or Common Use Gate Resources**

To ensure the efficient, systematic, and equitable management of Joint Use and Common Use gates in the International and Domestic Terminals as well as other common use resources, including, but not limited to, the pre-conditioned air, 400 Hz systems, and the Passenger Boarding Bridges, all airlines must adhere to agreements limiting periods of use. Airlines shall promptly comply with all Airport directives to vacate a Joint or Common Use resource.

Failure to comply with agreed-upon terms for period of use or failure to comply within 1/4 hour of an Airport directive to vacate a Joint or Common Use resource, shall result in fines assessed for each 1/4 hour (rounded up to the next 1/4 hour), beyond such period as provided in Rule 14 of these Rules and Regulations.

**(K) Advanced Visual Docking Guidance System (A-VDGS)**

All air carriers with flights assigned to a gate with an active A-VDGS unit are required to use the docking station. A-VDGS units integrate with the Airport operations database to log accurate aircraft on-block and off-block times, and interface with the Passenger Boarding Bridge (PBB) to check availability and status of PBB Auxiliary Systems. The system is designed to log the use of Pre-Conditioned Air (PC Air) and 400 Hz equipment. Failure to use the A-VDGS will lock the use of the PC Air Unit, 400 Hz power, and the PBB itself.

The A-VDGS will automatically display gate identification, flight information, aircraft type and sub-type, (+/-) departure or arrival time, and assigned baggage claim. The system operates in a semi-automatic mode as ad-hoc notification messages may be displayed by authorized personnel and confirmation of all information must be acknowledged at the A-VDGS control panel by ramp personnel servicing the flight. The A-VDGS must be activated before aircraft arrival because the A-VDGS will safely guide pilots through the aircraft docking process by ensuring the aircraft arrives at the assigned and compatible gate, the pilot follows the correct lead-in line (at gates with multiple lead-in lines), and the aircraft is parked on the correct stop bar.

The use of A-VDGS does not replace the ground crew. Ground crews must meet the arriving aircraft. Ground personnel are required to keep the ramp clear and safe for aircraft arrival, and personnel must be within proximity of the A-VDGS control panel in the event the Emergency Stop button requires activation. A designated ground crew member is required to monitor the operation of the A-VDGS unit while also confirming safety personnel are ready for aircraft arrival. (AOB 19-06)

**5.6 PASSENGER MOVEMENT****(A) Passenger Enplaning And Deplaning**

To maximize the safety and security of passengers, all aircraft shall be loaded or unloaded and passengers enplaned or deplaned in designated areas unless otherwise permitted by the Director. There shall be no enplaning or deplaning of passengers on the ramp when aircraft in the vicinity of the designated route have engines operating. No pedestrian traffic is allowed to cross any taxiway, taxilane, or terminal ramp between boarding areas. Ground loading of jet aircraft in the Terminal Ramp Area is prohibited unless otherwise permitted by the Director.

All passengers shall be directed along designated routes to and from the terminal buildings. These designated routes shall meet the following minimum standards for aircraft parked in the Terminal Ramp Area:

- (1)** For jet aircraft parked in the Terminal Ramp Area, the approved designated route for enplaned and deplaned passengers shall be through a Passenger Loading Bridge that meets the Americans with Disabilities Act Accessibility Guidelines (ADAAG) slope

requirements and connecting between the Terminal Building and aircraft entrance doorway.

- (2) For jet aircraft parked in the Terminal Ramp Area for which it is not possible to meet ADAAG slope requirements with a Passenger Loading Bridge alone or for which a Passenger Loading Bridge is not compatible, the approved designated route for enplaned and deplaned passengers shall be through a Passenger Loading Bridge that meets ADAAG slope requirements connecting between the Terminal Building and an enclosed Passenger Ramp. The enclosed Passenger Ramp shall meet ADAAG slope requirements and connect between the Passenger Loading Bridge and the aircraft entrance doorway, including if necessary, a Mobile Bridge Adapter between the enclosed Passenger Ramp and Aircraft entrance doorway.
- (3) For non-jet (prop and turboprop) and regional jet craft parked in the Terminal Ramp Area, ground loading shall be used and passengers shall be directed along designated routes to and from Terminal Buildings. Airline personnel shall be stationed in sufficient numbers to readily assist and direct passengers during the ground level enplaning and deplaning process.
- (4) For each aircraft type, operators shall identify and eliminate hazards or risks associated with fueling activities while passengers are enplaning and deplaning.

**(B) Ramp Bus Operations**

The Airport conducts airfield remote passenger bus operations between certain terminals and remote hardstands, using a Bus Operator retained by the Airport. Airline tenants must comply with Remote Bus Operations standards set forth in Appendix H to these Rules and Regulations:

**5.7 FUELING**

**(A) Authorized Personnel**

Fueling units shall be operated only by qualified persons who shall be situated at the dead man switch when such unit is being operated. Tenants who perform fueling services must have an approved FAA training program for their employees. Employees who perform fueling services must receive a certificate from the Security Access Office. Employees who have authorization to drive on the AOA, but have not completed an FAA-approved fueling training program, may drive a fuel truck on the AOA solely for the limited purpose of relocation, not fuel handling.

**(B) Fueling Equipment**

- (1) All aircraft and aircraft fueling units shall be adequately bonded in conformance with National Fire Protection Association Rule 407 and California State Fire Code during fueling or defueling operations to prevent static charges of electricity. Fueling operations shall be discontinued when lightning is observed or reported in the vicinity of the Airport.
- (2) The fuel cargo of any refueling unit shall be unloaded by approved transfer apparatus only, into the fueling tanks of aircraft or underground storage tanks, except that when such unit is disabled through accident or mechanical failure and it is necessary to remove the fuel, such fuel may be transferred to another refueling tank or unit vehicle, provided the necessary bonding and grounding connections have been made prior to fuel transfer and that adequate provisions are in place to contain a fuel spill.
- (3) All airlines shall accept underground fueling whenever such facilities are available unless otherwise authorized by the Director.

- (4) Every fueling unit shall display the name of the organization operating the unit and signage/placards indicating the type of fuel in conformance with NFPA Rule 407 and California State Fire Code Requirements.
- (5) Fueling units shall be loaded only at an approved loading platform except when defueling.
- (6) All tenants and contractors are required to inspect aircraft and automotive refueling vehicles operated on the airfield. Any refueling vehicle with embedded ignition keys or ignition starter buttons must be converted to a removable key ignition starter. Refueling vehicle ignition keys must be under positive control whenever the vehicle is left unattended.
- (7) For all aircraft refueling vehicles equipped with an exhaust after-treatment device, such as diesel particulate filter (DPF), requiring the filter to be cleaned at high temperatures (regenerated) while installed on the vehicle, regeneration shall be performed only in the location designated or approved by the Airport and Fire Department. All such exhaust systems shall be installed and maintained in conformance with NFPA Rule 407 and manufacturer's written instructions.

**(C) Fueling Aircraft with Passengers On Board**

Aircraft occupancy and passenger traffic is permitted during fueling operations only when all of the following safety measures are in place: (1) a trained, qualified employee of the aircraft owner is on board and available to direct emergency evacuation through regular and emergency exits, and (2) passenger walkways or stands are left in the loading position.

**(D) Driving/Storing Fueling Equipment**

- (1) No fuel truck shall be driven under any boarding area or underpass.
- (2) No fuel servicing tank vehicles truck shall be brought into, stored, or parked within 50 feet of any Airport terminal building or other Airport structure unless authorized by the Director. The parking of fuel servicing tank vehicles within 10 feet of other tank vehicles is prohibited (NFPA Rule 407).

**(E) Fires and Spills**

- (1) In the event of a fire or fuel spill, the airline shall immediately:
  - summon the Fire Department and Airport Operations by calling Airport Communications at 911;
  - evacuate the aircraft and loading bridge; and
  - discontinue all fueling activity and shut down all emergency valves and dome covers.
- (2) In the event of a fuel spill and in the absence of a fire, the airline shall immediately secure the site; contain spillage/ prevent fuel from entering storm drains; and perform clean-up. Additionally, the following procedures shall apply:
  - passengers shall not be re-admitted to the jet bridge or the aircraft until authorized by the Fire Department;

- fuel delivery units shall not be moved until directed by the San Francisco Fire Department; and
- no aircraft or vehicular movement shall be allowed in the area until authorized by the San Francisco Fire Department.

**(F) Role of Fire Department**

- (1) San Francisco Fire Department – Fire Marshal and Airport staff shall inspect refueling vehicles and equipment in compliance with FAR 139.321, DOT standards, NFPA Rule 407, California State Fire Code requirements, and the GSESIP. Non-complying vehicles and equipment shall be removed from service until such time as noncompliance is corrected and the vehicle/equipment passes re-inspection.
- (2) The Airport Fire Marshal issues all permits for mobile fueling operations. Mobile fueling operations without such a permit is strictly prohibited. Tenant operators and contractors shall comply with applicable requirements of the California Fire Code, Section 5706. A fueling plan shall be submitted to the Airport Fire Marshal which shall address all code requirements.

**5.8 ACCIDENTS, INCURSIONS, DISABLED AIRCRAFT/GSE**

**(A) Accidents/Incidents**

Operators of aircraft or GSE involved in an incident on the Secured Area/Air Operations Area (AOA) that results in injury to a person or damage to an aircraft, Airport property, or another vehicle shall:

- (1) Immediately stop and remain at the scene of the incident.
- (2) Render reasonable assistance, if capable, to any person injured in the incident.
- (3) Report the incident immediately to Airport Communications by dialing 911 from an Airport or cell phone, if possible. Any person causing or failing to report and/or reimburse the Airport for injury, destruction, damage, or disturbance of Airport property, may be refused the use of any facility and may lose all security badge and access privileges at the discretion of the Director, until and unless a report and/or full reimbursement has been made.
- (4) Provide and surrender the following to any responding Airfield Safety Officer and/or San Francisco Police Department Officer: name and address, Airport identification card, State driver's license, and any information such personnel need to complete a motor vehicle accident report.
- (5) Within 48 hours of the incident, submit a complete report of the accident or incident to the Director through Airport Operations. When a written report of an accident or incident is required by the Federal Aviation Administration, a copy of such report may also be submitted to Airport Operations to satisfy this requirement.

**(B) Incursions or Deviations**

Failure to obtain a clearance or follow instructions in entering or operating within the Movement Area, including any safety area, may result in a taxiway deviation or runway incursion. The classification of an incident or occurrence as a taxiway deviation or runway incursion is determined by the Airport Traffic Control Tower. Any aircraft or GSE operator who causes a taxiway deviation or runway incursion shall immediately surrender the operator's Airport ID badge

and be escorted off of the airfield. The Airport shall confiscate the operator's Airport ID badge and shall fine the employer and/or operator as provided under Rule 14.

The confiscation of the operator's Movement Area authorization shall be permanent unless the Airport grants a request for reinstatement. Only the employer of the vehicle operator involved in the incident may request reinstatement of Movement Area privileges. Such request shall be in writing and provide a detailed explanation of the incident and the plan for re-training of the operator. Upon receipt of such request and upon review of the Airport and/or Federal Aviation Administration (FAA) incident reports, the Airport in its sole discretion may permit re-testing of the operator and reinstatement of Movement Area privileges. In no event, however, will the Airport permit AOA Movement Area authorization for any operator or personnel responsible for an incursion or deviation involving, in the Airport's sole discretion, reckless disregard for the safety of the airfield.

**(C) Disabled Aircraft or GSE**

Any owner, lessee, operator or other person having the control, or the right of control, of any disabled aircraft or GSE on the AOA shall be responsible for its prompt removal and disposal, including all parts of the disabled aircraft or GSE, subject, however, to any requirements or direction by the National Transportation Safety Board, the Federal Aviation Administration, or the Director that such removal or disposal be delayed pending an investigation of an accident or incident. Any owner, lessee, operator or other person having control, or the right of control, of any aircraft or GSE does, by use of the Airport, agree and consent, notwithstanding any provision in any agreement, lease, permit or other instrument to the contrary, that the Director may take any and all necessary action to effect the prompt removal or disposal of disabled aircraft that obstruct any part of the Airport used for aircraft operations; that any costs incurred by or on behalf of the Airport for any such removal or disposal of any aircraft shall be paid to the City; that any claim for compensation against the City and County of San Francisco, the Airport Commission, and any of their officers, agents or employees, for any and all loss or damage sustained to any such disabled aircraft or GSE, or any part of such aircraft or GSE, by reason of any such removal or disposal, is waived; and that the owner, lessee, operator or other person having control, or the right of control, of such aircraft or GSE shall indemnify, hold harmless and defend the City and County of San Francisco, the Airport Commission, and all of their officers, agents and employees, against any and all liability for injury to or the death of any person, or for any injury to any property arising out of such removal or disposal of said aircraft.

## **RULE 6.0**

### **FIRE AND SAFETY**

All fire and fire-related safety provisions of these Rules and Regulations, including Hazardous Materials, shall be in accordance with applicable sections of the Uniform and San Francisco Fire Codes, and/or the National Fire Protection Association (NFPA) Codes and standards, and all applicable laws, rules, and regulations as enforced by the Fire Marshal, San Francisco International Airport. Fire safety provisions under this Rule 6.0 may also be enforced by Airport Operations or Airfield Safety Officers.

#### **6.1 FIRE MARSHAL**

It shall be the duty of the Airport Fire Marshal to enforce all applicable Rules of these Rules and Regulations pertaining to fire protection, fire prevention and fire spread control.

All buildings, structures and premises shall be inspected periodically by the Airport Fire Marshal, or the Fire Marshal's duly authorized representatives, to ensure compliance with these Rules and Regulations.

No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of the Airport Building Regulations. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of the Airport Building Regulations for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

#### **6.2 HANDLING OF EXPLOSIVES and OTHER HAZARDOUS MATERIALS**

Explosives not acceptable for transportation under applicable federal regulations are not permitted on the Airport.

Hazardous Materials shall be stored, kept, handled, used, dispensed, or transported in conformance with Environmental Law and the latest edition of the Airport Building Regulations and/or the Tenant Improvement Guide (TIG), as may be applicable.

- (A)** All applicable regulations governing explosives which are acceptable for transportation must be strictly adhered to. Any other material subject to federal or state regulations governing Hazardous Materials must be handled in strict compliance with those regulations and any other more restrictive regulations that the Director might deem necessary to impose. Any waiver of such regulations or any part thereof by the Federal Aviation Administration (FAA) or by any other competent authority shall not constitute or be construed to constitute a waiver of this rule by the Director or an implied permission by the Director.
- (B)** Advance notice of at least twenty-four hours shall be given the Director for any operation(s) requiring the Director's permission pursuant to this rule.
- (C)** Permission may be given for the movement of radioactive materials only when such materials are packaged, marked, labeled and limited as required by regulations applying to transportation of explosives and other dangerous articles and which do not create an undue hazard to life or property at the Airport. All hauling of Hazardous Materials must be performed by a registered hazardous waste hauler. The Airport Fire Department shall provide the Director with information relative to the hazards of any material subject to this Rule.
- (D)** All Airport tenants and contractors involved with handling Hazardous Materials must provide the Airport with Standard Operating Procedures for the handling and disposal of Hazardous Materials in compliance with Environmental Law, including an Emergency Response Plan, and maintain an

accurate and current inventory of all Hazardous Materials and readily accessible, on-site Safety Data Sheets (SDS). The plan will include the name of the company used for removal of Hazardous Materials and the names and 24-hour telephone numbers of tenant/contractor personnel authorized to handle such removals. The plan will be updated annually and resubmitted to [bppp@flysfso.com](mailto:bppp@flysfso.com).

- (E) Tenants and contractors must properly collect, contain, sample, characterize, and dispose of any Hazardous Materials generated as a result of tenants/contractors' operations, and maintain chain of custody documentation and disposal manifests. All Hazardous Materials shall be properly managed, labeled, stored, and disposed as required by Environmental Laws. Marked containers with inconsistent product and unmarked containers are subject to seizure by the Airport with all costs for characterization, handling, and disposal to be borne by the responsible tenant/contractor. Tenants and contractors shall provide secondary containment for Hazardous Materials, which shall be tested in accordance with appropriate regulatory requirements, and shall be reliable, adequately sized, and routinely serviced. Hazardous Materials shall be stored in a manner that will prevent contact with the outdoor elements. Tenants and contractors are responsible to dispose of Hazardous Materials within the time period dictated by the appropriate regulatory agency.
- (F) Buildings, rooms and spaces containing Hazardous Materials shall be identified by hazard warning signs in accordance with the California Fire Code Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, each application for a permit shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with the California Fire Code.

### **6.3 FIRE EXTINGUISHERS AND EQUIPMENT**

- (A) Fire extinguisher equipment shall not be tampered with at any time, nor used for any purpose other than firefighting or fire prevention.
- (B) In accordance with their lease agreements, tenants shall maintain their own fire extinguishers, fire protection equipment and special systems within their respective areas in accordance with the San Francisco Amendments to the California Fire Code. The Fire Marshal and/or his designated staff shall routinely check tenant areas for compliance with the maintenance of their equipment. In areas that are not the responsibility of the tenant, the Fire Marshal shall make arrangements to maintain fire extinguishers. Airport Facilities and Maintenance shall maintain other fire protection equipment not covered under lease agreements.

### **6.4 FIRE PROTECTION SYSTEMS**

- (A) Airport fire protection systems and equipment shall not be tampered with at any time. No person other than authorized employees of the City and County of San Francisco shall turn heaters in public areas on and off, or operate any other Airport equipment, except tenants in their respective areas.
- (B) Construction documents for fire protection systems shall be submitted for review and approval prior to system installation in conformance with the Airport Building Regulations.

Fire protection systems shall be inspected, tested and maintained in accordance with the applicable referenced CBC/CFC codes and NFPA standards. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request.

- (C) A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.



**6.5 OPEN FLAMES**

- (A) No person shall start any open fire of any type on any part of the Airport without permission from the Director and an open flame permit from the Office of the Airport Fire Marshal.
- (B) No person shall operate an oxyacetylene torch, electric arc or similar flame or spark producing device on any part of the Airport except in areas within leased premises specifically designated for such use by the Director, unless a permit from the Airport Fire Marshal has first been obtained. No permit shall be issued for operations within an aircraft hangar, any fuel storage area, or upon any components or section of the hydrant fuel distribution systems, unless the work is required for repair of such areas or hangars or fuel systems. Where such operation is required, permission shall first be obtained from the Airport Fire Marshal and shall be subject to such conditions as the Fire Marshal may impose.

**6.6 REPORTING FIRES**

Every person observing any unattended or uncontrolled fire on the Airport premises shall immediately report it directly to Airport Communications at 911. No person shall make any regulation or order, written or verbal that would require any person to take any unnecessary delaying action prior to reporting such fire to the Fire Department. Fires extinguished by non-firefighting personnel shall not be removed or disturbed until clearance is given by the San Francisco Fire Department.

**6.7 INSPECTION AND CLEANING SCHEDULES**

Commercial cooking equipment shall be installed, maintained and protected from fire in accordance with the requirements of the Airport Building Regulations. National Fire Protection Association #96, "Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment", has been adopted by reference in the Airport Building Regulations as the standard for insuring proper installation, inspection, and maintenance procedures. The Airport Fire Marshall shall be supplied a copy of all inspection and maintenance contractors for each commercial hood and duct system being operated on the Airport upon request.

All Type 1 Suppression Systems shall be upgraded to UL 300 Systems by the second servicing of 2008 per Section 904.11 of the 2007 California Fire Code. As part of the UL300 system upgrade, a Type K fire extinguisher is required.

**6.8 LITTER AND CLEANING OF ALLOTTED SPACE**

Each tenant and contractor shall at all times maintain its allotted space in a neat, clean, and orderly condition and shall comply with the following provisions:

- (A) Keep allotted space free from all trash and debris irrespective of the source of such trash and debris, and deposit and secure all trash and debris in appropriate receptacles (see Rule 8.1). For purposes of this Rule 6.8, "allotted space" means all Airport property which such tenant or contractor is permitted to use and is using for its operations, regardless of whether such use is on an exclusive, shared, or common use basis.
- (B) Flammable materials shall be stored only in approved, labeled containers and all floors within allotted space shall be clean of fuel, oil and waste. The use of volatile solvents for cleaning floors is prohibited. Approved metal receptacles with tight-fitting, self-closing covers shall be used for the storage of oily waste rags and similar materials. The contents of these receptacles shall be removed daily. Clothes lockers shall be constructed of metal or fire-resistant material.
- (C) Plastic sheeting used on the airfield ramp shall be covered by webbing and tied securely.
- (D) Plastic trash bags shall not be left unattended on any part of the AOA.

- (E) The placement of any devices to feed any wild bird, mammal, reptile, fish amphibian or invertebrate is prohibited.
- (F) Placement of litter or refuse containers in the International Terminal Building where passengers disembark from aircraft and/or the Federal Inspection System areas, including but not limited to jet bridges, sterile corridors, or ramp areas, is prohibited unless written approval is received from the Airport.

## **6.9 CONTROL OF CONTAMINANTS**

No person shall allow lavatory fluid, coolant/anti-freeze, fuel, oil, hydraulic fluid, petroleum-based products, or any other Hazardous Materials to leak or spill onto the Secured Area/AOA surface. No fuel, grease, oil, flammable liquids, or contaminants of any kind, including detergents used to wash aircraft or other surfaces, shall be allowed to flow into or be placed in any sewer system or open water areas without a separator or unless connected to an industrial waste system in which certain constituents such as heavy metals in the waste system are restricted. Refer to Rule 8.9, for additional requirements for Hazardous Material and hazardous waste management.

All contaminant spills must be reported to Airport Communications by dialing 911 immediately upon discovery of a reportable quantity.

Air Carriers shall use all appropriate pollution prevention procedures and equipment including but not limited to spill kits, storm drain intrusion dams and covers and vacuum recovery or spill scrubber vehicles to protect the Airport's storm, sanitary and industrial waste collection systems. Air Carriers shall maintain current and readily accessible site and procedure specific Storm Water Pollution Prevention Plans (SWPPP) that address Aircraft Deicing Fluid (ADF) usage and recovery. Air Carriers shall implement all appropriate SWPPP Best Management Practices (BMP) including but not limited to training, material storage, usage, recovery and disposal and record keeping.

## **6.10 AIRCRAFT PARTS CLEANING MATERIALS**

Cleaning of aircraft parts and other equipment shall be done preferably with nonflammable cleaning agents. When flammable combustibles must be used, only liquids having flash points in excess of 100 degrees F shall be used and special precautions shall be taken to eliminate ignition sources in compliance with good practice recommendations of the Uniform Fire Code, and the NFPA.

## **6.11 GASOLINE STORAGE FOR AUTOMOTIVE VEHICLES**

Except in such instances where the storage of fuel and other flammable liquids has been approved specifically by the Commission in writing, no more than ten (10) gallons of gasoline may be stored or kept in approved portable safety containers above ground by any person, firm, company, or corporation. All portable containers shall be stored in approved flammable liquid storage lockers when not in use. Gasoline may also be stored or kept for gasoline supply in approved double walled underground tanks. No more than 30,000 gallons of gasoline in aggregate shall be stored underground, and no tank shall have a capacity greater than 10,000 gallons; provided that the Director may grant permission to store or keep gasoline in excess of the above limitation in tanks having a capacity not greater than ten thousand five hundred (10,500) gallons each, if, in the Director's judgment, the additional gasoline is deemed necessary, but such gasoline shall be stored or kept only upon conditions and under such regulations as may be required by the Airport Fire Marshal.

All portable filling tanks, underground storage tanks, installations, safety provisions, pumps, and other necessary facilities shall be installed and operated in such a manner as to comply with the California Fire Code, San Francisco Fire Code, and the NFPA. Prior to the installation of any underground or above ground gasoline facilities, Airport tenants shall be required to acquire authorization by the Director based on the recommendation of the Airport Fire Marshal. In addition, an appropriate permit, if required, must be obtained from any other agency having jurisdiction.

**6.12 ENGINE OPERATIONS WITHIN HANGARS**

The starting or operating of aircraft engines inside any hangar is prohibited.

**6.13 HEATING AND LIGHTING OF HANGARS**

Lighting in hangars shall be restricted to electricity with automated dimming and shutoff features to comply with Building Code. Heating in any hangar shall be by approved systems or devices only as listed by the Underwriters Laboratories or other acceptable approved Laboratories.

**6.14 PAINT, VARNISH AND LACQUER USE**

For paint, varnish, or lacquer spraying operations, the arrangement, construction, ventilation, and protection of spraying booths and the storing and handling of materials shall be in accordance with the standards of the California Fire Code, and the NFPA.

**6.15 TESTING OR OPERATION OF RADIO EQUIPMENT**

Radio transmitters and similar equipment installed in aircraft shall not be tested or operated within a hangar with dynamotors running unless all parts of the antenna system are at least one foot removed from any other object. No aircraft shall be placed at any time so that any fabric-covered surface is within one foot of an antenna system.

**6.16 FUEL STORAGE, DISTRIBUTION AND HANDLING****(A) Appropriate Fuel Permits**

All individuals and entities that store, distribute or handle fuel shall obtain an appropriate permit from the Office of the Airport Fire Marshal prior to storing, dispensing, distributing or handling fuel.

**(B) Petroleum Companies**

Petroleum companies that own equipment or facilities operated or located on the Airport premises for the purpose of distributing aviation fuel shall possess a valid petroleum company distributor permit issued by the Director.

**(C) Business and General Aircraft Maintenance and Service Companies**

Business and General Aviation Maintenance and Service Companies (fixed base operators) may be authorized by the Director to act as dealer or agent for petroleum companies for the purpose of effecting delivery of aviation fuel into aircraft provided that the petroleum company supplying the aviation fuel possesses a valid petroleum company distributor permit, and that such deliveries are confined to the areas designated in writing for said company by the Director.

**(D) Single Fleet Operators**

Single fleet operators who maintain a base of operations on the Airport for the servicing and storage of their own aircraft may qualify for a permit to effect the delivery of aviation fuel to their own aircraft provided their fleet of planes based on the Airport aggregate at least three in number of 75,000 pounds in gross landing weight. A bona fide Single Fleet Operator Aviation Fuel Permit may be obtained from the Director.

**(E) Tenant Fueling Services**

All tenants and contractors authorized to store, dispense, distribute or otherwise handle fuel (“fuel agents”) shall comply with all training requirements set forth in Title 14 C.F.R. Part 139.321 and all FAA Advisory Circulars related to fueling, including FAA Advisory Circular 150/5320-4B. Each fueling agent shall have a fueling supervisor who possesses a current certificate from an FAA-approved fuel safety training program. A minimum of one resident fueling supervisor based at the Airport is required for every 50 personnel who handle or dispense fuel. The fueling supervisor(s) shall be responsible for training all personnel who distribute, dispense or otherwise handle fuel for the tenant or contractor and shall ensure that all such training is documented as specified by the Airport.

All employees who handle and dispense fuel shall successfully complete 14 CFR Part 139.321 and Airport-mandated training. The Airport fueling privilege is indicated by the fuel icon on Airport badges and is required prior to handling or dispensing fuel. Recurrent training for all fuelers shall be completed every 24 consecutive calendar months. The trainer’s certification and the training records shall be made available to the Fire Department and Airport staff upon request.

**(F) Fire Extinguisher Training**

All personnel who distribute, dispense or otherwise handle fuel shall receive hands-on instruction on the proper use of hand-held fire extinguishers. All such training shall be performed by a fueling supervisor who has successfully completed training required under Title 14 C.F.R. Part 139.321 and FAA Advisory Circular 150/5320-4B, and shall receive fire extinguisher training from an FAA-approved fuel fire safety course, the San Francisco Fire Department-Airport Bureau, or a training program approved by the San Francisco Fire Department.

## RULE 7.0

### AIRPORT SECURITY

#### 7.1 GENERAL PROVISIONS

- (A) **Priority.** Safety and security are the Airport's first priorities. The requirements of this Rule 7 are critical to the safe and secure operation of the Airport. All personnel working and doing business on Airport property must comply with this Rule at all times and model the significance of safety and security for co-workers, passengers, and members of the public.
- (B) **Definition of Restricted Area.** For the purpose of this Rule 7 only, any areas identified as Secured, Sterile, Restricted, SIDA, or Air Operations Area (AOA), whether within a building or terminal or on the ramp or airfield area, shall be referred to collectively as the "Restricted Area." Additionally, any cargo buildings with direct access to the AOA or SIDA shall be referred to as a "Restricted Area."
- (C) **Airport Security Program.** This Rule 7 includes the non-Sensitive Security Information (SSI) requirements set forth in the Airport Security Program (ASP) issued by the Director under 49 C.F.R. 1542.
- (D) **Enforcement.** Any person who violates this Rule 7, compromises Airport security, or creates or engages or participates in any unsafe, unsecure, or hazardous condition or activity at the Airport may have access privileges immediately revoked on a temporary or permanent basis at the sole discretion of the Airport (see also Rule 7.3 and Rule 14.4). Any person or entity responsible in whole or in part for any security violation shall also be responsible for any fine under Rule 14 and any resulting cost, including but not limited to any fine imposed by a regulatory agency or remediation of property damage or personal injury.

#### 7.2 SECURITY BADGES

Any person who works or does business in a Restricted Area or in the pre-security areas of Terminal Buildings on a permanent or temporary basis must hold a security badge issued by the Airport. Any person holding an Airport-issued security badge does so as a privilege and not a right.

The Airport shall issue a security badge to an individual only upon the request of a designated authorized signatory of an Airport tenant or contractor (an "Authorized Signatory") responsible for verifying that such individual is employed or authorized to perform duties or services on Airport property on behalf of the Airport tenant or contractor. The employer or sponsor of the Authorized Signatory and/or Airport ID badge holder shall remain responsible for the badge holder's compliance with these Rules and Regulations.

The Airport issues three types of security badges: (A) the Airport ID badge; (B) the Temporary or "T" badge; and (C) the Museum or "M" badge.

##### (A) Airport ID Badge

Persons who work or do business in a Restricted Area or in the pre-security areas of Terminal Buildings on a permanent or long-term (longer than 30 days) basis must have an Airport-issued identification in the form of an Airport ID badge. An individual holding an Airport ID badge may also be referred to as "badged personnel."

- (1) **Attainment:** An applicant for an Airport ID badge must pass all required Airport training course(s). Cheating, use of any electronic device or outside materials during any training course, or failure to follow the proctor's directions shall result in the immediate and permanent rejection of the badge application or revocation of an existing badge (for badge holders renewing a badge).
- (2) **Expiration:** The Airport ID badge is issued for a maximum of two (2) years, and must be renewed prior to expiration.
- (3) **Return:** Upon a change in an individual Airport ID badge holder's employment status, the sponsoring employer is responsible for (a) immediately requesting Airport deactivation of the Airport ID badge and (b) returning the Airport ID badge. Failure to return an Airport ID badge will result in a lost badge fee and any applicable fines in accordance with Rule 14, which shall be charged to the employer. For employees on long-term leave (more than 30 days), employers must comply with Rule 7.3(H) below.

An individual badge holder must return his/her Airport ID badge to the sponsoring employer within three business days of a change in employment status. Failure to do so will render that individual ineligible for a period of two years of the employment termination or separation date. An Airport ID badge applicant may cure such ineligibility by returning the previously-issued badge to the Airport Security Access Office prior to the badge expiration date.

- (4) **Icons:** The Airport ID badge holder may apply for badge icons indicating special privileges and responsibilities, such as Movement Area access, Escort privileges, and Customs (Federal Inspection Area) access. Additional qualifications and examinations may be required for these designations. Failure to comply with an icon safety and security requirement may result in the removal of icon privileges from the Airport ID badge holder or the suspension or revocation of the Airport ID badge. Special responsibilities for Escort privileges are provided at 7.3(C), below.

**(B) "T" Badge**

Persons who work or do business on in a Restricted Area on a temporary basis (30 days or fewer) must have an Airport-issued Temporary or "T" badge.

- (1) **Attainment:** An applicant for a "T" badge must submit to security vetting prior to obtaining access to any Restricted Area.

The "T" badge identifies an individual who is accessing the Restricted Area under escort (see subsection (3) below) for work or to conduct business and how frequently that person is accessing the Restricted Area. "T" badges may not be used to escort individuals for non-business purposes (such as family members, children, and friends) without prior approval from an Airport Security Coordinator (ASC).

There are two types of "T" badges: (a) Standard and (b) Limited Duration.

- (a) Standard "T" badges are valid for a minimum of 24 hours and a maximum of 30 days.
- (b) Limited Duration "T" badges are valid for less than 24 hours and must be returned no later than 24 hours from the time of issuance.

- (2) **Frequency/Duration:** The Airport will issue any one individual a "T" badge on not more than four (4) occasions within the previous 12-months from any request. Any request for an exception to this limit will be reviewed on a case-by-case basis by an ASC. Access that is provided under escort by an Airfield Safety Officer (ASO), Airport Duty Manager

(ADM), or uniformed San Francisco Police Department-Airport Bureau (SFPD-AB) personnel does not require the use of a “T” badge and does not count toward the four occasions in the previous 12-month limit.

- (3) Limited Access/Escort Required:** An individual holding a “T” badge may access a Restricted Area of the Airport (a) only under the escort of an Airport ID badge holder who has been granted escort authority as indicated by the word “ESCORT” on their Airport ID badge and (b) only through a Passenger or Employee Security Screening Checkpoint, Vehicle Checkpoint, or a guarded exit lane if no Security Screening Checkpoint lanes accessing a terminal are staffed. Accessing Restricted Areas of the Airport from a public area through a bypass door is strictly prohibited unless under escort of an ADM, ASO, TSA K-9 Handlers and Training Coordinators, or other AOA Badged Law Enforcement Officer with escort privileges.

NOTE: More details on the “T” badge program are available on the Airport’s website at <https://sfoconnect.com/badging-security>.

**(C) “M” Badge**

The Museum or “M” badge is issued for the purpose of viewing SFO Museum Exhibits located in Sterile Areas. The Airport will issue “M” badges to individuals only upon security vetting. “M” badge holders are permitted unescorted access to Sterile Areas of the Airport for no longer than 24 hours. “M” badge holders may enter Sterile Areas only through Passenger Security Screening Checkpoints.

**7.3 AIRPORT ID BADGE HOLDER AND EMPLOYER SECURITY RESPONSIBILITIES / ACCESS CONTROL PROCEDURES**

All badged personnel have an affirmative duty to maintain a secure Airport. Airport tenants and contractors are responsible for ensuring that their employees, suppliers, contractors, subcontractors, and all other businesses and entities providing services on Airport property comply with Rule 7 of these Rules and Regulations.

Violation of the Airport access control procedures below may result in the assessment of fines under Rule 14, and/or fines under the terms of a lease and/or permit, and/or temporary or permanent revocation of an Airport ID badge at the sole discretion of the Airport (see Rule 7.1(D) and Rule 14.4). Administrative fines for violation of Rule 7 of these Rules and Regulations shall be payable to the Airport by the sponsoring tenant or contractor.

**(A) Badge Display and Use**

Personnel must display their Airport ID badge on the outermost garment, at or above the waist, at all times.

An individual employee’s Airport ID badge may not be given to another, or used by another, to work and/or gain entry to a Restricted Area.

**(B) Security Screening**

Every person entering a Restricted Area is subject to security screening at any time.

When traveling for any purpose, an Airport ID badge holder (i) must present him/herself and his/her luggage/accessible property as a passenger; (ii) is prohibited from using her/her Airport ID badge to bypass Passenger Screening Checkpoints; and (iii) must remain in the Sterile Area after being screened. An Airport ID badge holder who exits a Sterile Area after being screened must be re-screened prior to traveling.

All persons entering a Restricted Area are subject to security screening at any time and must cooperate with any TSA or law enforcement search/pat down. Badged personnel are strictly prohibited from circumventing or avoiding security screening under any circumstance that security screening is required, such as at a vehicle checkpoint, for purposes of bringing prohibited items into a Restricted Area, when travelling, or when the TSA, Airport staff, Airport contractors, or law enforcement are conducting inspections.

Any badged individual who does not submit to a search/pat down in a Restricted Area is subject to citation, immediate suspension of his/her Airport ID badge, and removal from the Restricted Area. Unidentified or unauthorized personnel in the Restricted Area may be detained and/or removed by the Director or a duly-authorized representative. The Director or a duly-authorized representative may remove unidentified or unauthorized vehicles in the Restricted Area at the owner's expense.

**(C) Access to Restricted Area**

Airport ID badge holders and tenant/contractor employers must control access to the Restricted Area through careful use of any means of access, whether by door, vehicle checkpoint, or other.

Specifically, badged personnel and tenants/contractors must control access to any Restricted Area as follows:

- (1) Piggybacking/Tailgating:** An individual may not follow, or allow another to follow or access in any way through any direct access point to a Restricted Area, such as through a card/biometric reader-operated door or turnstile, unless specifically authorized by the Airport. Any badged personnel who gains or allows another person unauthorized access into a Restricted Area by piggybacking or tailgating may be subject to suspension or permanent revocation of the Airport ID badge.
- (2) Escort:** An Airport ID badge holder with the ESCORT icon displayed on such badge may escort persons in a Restricted Area in compliance with the following escort responsibilities:
  - (a) Each person under escort must hold a "T" badge;
  - (b) Assure that each person under escort accesses the Restricted Area only through a secure checkpoint as provided under Rule 7.2(B)(3) above (access by a "T" badge holder through a direct access point, such as a security controlled door or turnstile, is prohibited);
  - (c) Escort not more than eight "T" badge holders at one time;
  - (d) Keep any persons under escort within line of sight and voice control at all times; and
  - (e) If handing off an escorted person to another Airport ID badge holder within a Restricted Area, confirm that the receiving badge holder has the ESCORT icon.

Waiver of any of the above requirements may be granted only by express permission of an ASC.

The escort's signatory shall be responsible for any failure to comply with the escort requirements and any damage, injury, or violation caused by an escorted "T" badge holder in a Restricted Area.

**(3) Keys and Locks:**



- (a) Under no circumstance may an individual's Airport-issued security key be given to or used by another individual to gain entry through an Airport access-controlled door unless expressly authorized by the Airport.
  - (b) Tenant security doors leading from leased tenant space to a Restricted Area shall be keyed to either the Airport Master keying system, tenant's locking system, or cipher lock system.
  - (c) With respect to any cipher lock in the leasehold or control of any tenant, the tenant shall: ensure all cipher locks are properly maintained and operational at all times; conduct audits of cipher lock operability at least once per month; change cipher code locks in conformance with the Airport's schedule at least once per year; ensure that all access points providing direct access to Restricted Areas are closed and secured when not in use; immediately report to the Airport's Security Operations Center any cipher lock that is not functioning properly or any cipher lock code change.
- (4) Secure Doors and Gates:**
- (a) Badged personnel must ensure security access doors and gates are closed and secured after entry, and without allowing another person to follow.
  - (b) Security doors and gates shall be kept locked as required by the Airport Security Program.
  - (c) Tenants shall be responsible for securing doors and gates located in their leased areas.
  - (d) Before leaving the vicinity of an open Baggage Belt Roll Door, the attending badged personnel shall take deliberate action to ensure the door is properly closed and secured. Under no circumstance should the attending individual leave the immediate vicinity of the Baggage Belt Roll Door until it is properly closed and secured.
- (5) Report False Alarm:** Badged personnel are required to immediately report any self-activation of a door alarm to the Security Operations Center at (650) 821-3915.
- (6) Damage:** Under no circumstances may an individual engage in defacing, damaging, hacking, or interacting with any Airport Security System in any way that limits operation of such systems.
- (7) Unauthorized Access:** Badged personnel must report any unauthorized person(s) in a Restricted Area and any potential security violations to the Airport's Communications Center by dialing 911.
- (8) Access Point Malfunction:** If any facility on Airport property has an access point that is not functioning properly, such as a cargo facility roll up door, a pedestrian door secured by the access control system, or any other type of access point that, if unsecured, would allow for unauthorized access, the tenant or contractor must promptly take the following actions (ASB 20-07):
- Notify the Security Operations Center (SOC) immediately at (650) 821-3915.
  - If a temporary barricade will be used until the access point can be restored to normal operation, the temporary barricade must be inspected and approved by the SOC.

- A guard with Airport ID Badge must be posted 24/7 at the location to prevent unauthorized access until the situation is resolved and the SOC approves reassignment of the guard.
- Every repair or adjustment must be inspected and approved by the SOC.

**(D) Restricted Area Duty to Challenge**

Badged personnel must conscientiously observe the presence of an Airport ID badge on other employees. Every Airport ID badge holder must ensure the following:

- (1) Badge is valid for area of use;
- (2) Badge has not expired;
- (3) Photograph on badge matches person holding badge; and
- (4) As to any individual who fails to produce an Airport ID badge, appears suspicious, or is not under proper escort, badged personnel shall provide a detailed description to the Airport Communication Center by dialing 911. While badged personnel should not attempt to physically restrain the individual, they must make every effort to keep such individual under visual observation until security/law enforcement personnel arrive.

**(E) Drug and Alcohol Prohibition**

- (1) **Prohibited Substances:** No Airport ID badge holder may transport into the Restricted Area any alcohol or any drug identified by the United States Drug Enforcement Agency (DEA) as a "Schedule I" drug, nor may any individual with an Airport ID badge ingest alcohol or a Schedule I drug eight or fewer hours before work or while at work, including breaks. Schedule I drugs are: heroin, LSD, marijuana, ecstasy, methaqualone, and peyote. See <https://www.dea.gov/druginfo/ds.shtml>.
- (2) **Prescription Drugs:** No Airport ID badge holder may transport into any Restricted Area any of the following substances unless the individual has a prescription: Any drug identified by the DEA as a Schedule II, III, IV, or V drug. Individuals with a current prescription for Schedule II-V drugs must have in their possession the medication in the original prescription bottle, with a legible label showing the name of the individual.
- (3) **Working under the Influence:** No Airport ID badge holder may enter or remain in a Restricted Area if the individual is in any way impaired as a result of ingesting substances referenced in this Rule 7.3, including prescription drugs.

**(F) Use of Armed Guards, Armored Vehicles, Armed Courier Services**

Tenants or contractors using armed guards and/or armored courier services to, for example, transport currency or high value items or to service automated teller machines, must assure that that its service provider comply as follows:

- (1) **Badge Required:** All armed security guards/couriers accessing any area of the Airport – public (non-Restricted) or Restricted – must be in uniform and in possession of an Airport ID badge or hold a "T" badge under proper escort.
- (2) **Vehicle access:** Armored vehicles entering a Restricted Area for the purpose of picking up or dropping off freight planeside shall enter only through a Vehicle Screening Checkpoint. All drivers must have a non-movement area driving icon displayed on their badge and must follow all non-movement area driving rules. Prior to accessing the

Restricted Area, armed vehicle drivers must complete the Armored/Courier Vehicle Information Sheet form (and provide it to the Police Services Aide at the Vehicle Screening Checkpoint: <https://sfoconnect.com/forms-documents/asb-2017-20-armed-guards-armored-vehicles-courier-services-airport>.. A point of contact with a mobile phone must be in the vehicle at all times while on the AOA.

- (3) **Parking:** All armored vehicles requiring access to any public (non-Restricted) or Restricted Areas of the Airport Terminal Buildings must park on the Arrivals Level only. For the International Terminal, vehicles must be parked on either end of the terminal roadway and in the Domestic Terminal, vehicles may be parked anywhere on the Arrivals Area curb. Drivers are prohibited from double parking and/or obstructing active passenger loading or offloading. Alternatively, drivers may park in courtyards.

**(G) Security Testing**

Prior to commencing with any internal testing, air carriers must notify the Airport Security Operations Center (“SOC”) at (650) 821-3915. Notice must be given at least two (2) hours prior to the testing. The SOC must be advised of the date and time of the testing period, the location where the testing will take place, the type of test (badge challenge, tailgate, *etc.*), and when the testing has been completed.

**(H) Securing Badges of Individuals on Long Term Leave**

Every badged individual who goes on a leave of absence for 30 consecutive days or more shall surrender his/her/their Airport ID badge and keys to the individual’s Authorized Signatory. This requirement applies to every type of leave, including but not limited to medical leave, workers’ compensation leave, leave under the Family Medical Leave Act, military leave, jury duty, compensatory time off, and vacation.

- (1) **Duty of Authorized Signatories:** Authorized signatories shall collect all Airport ID badges and keys before badged individuals commence extended leaves of absence. Airport ID badges and keys shall be returned to the Security Access Office (“SAO”) within three calendar days of leave commencement. Authorized Signatories shall also submit an Employee Extended Leave form to the SAO, which is available on SFOConnect.
- (2) **Leaves of Uncertain Duration:** Where a badged individual commences a leave of fewer than 30 consecutive calendar days and the leave is extended beyond 30 consecutive calendar days, the Authorized Signatory shall notify the SAO by the 30th day that a leave has been extended and shall complete the Badgeholder Extended Leave form within three calendar days. The SAO shall immediately deactivate security access, and the Authorized Signatory shall return City property to the SAO within three calendar days of such notification.
- (3) **Re-entry Following Extended Leave:** When an individual returns to work from an extended leave, the Authorized Signatory shall contact the SAO to reactivate the individual’s Airport ID badge and advise when the individual will retrieve the badge and keys (if applicable). In the event a badge has expired while an individual is on leave, or in cases where the leave exceeds 180 days, the affected employee must successfully complete (a) a criminal history records check, (b) a security threat assessment administered by the Transportation Security Agency, and (c) the computer-based security access training administered by the SAO.

Every non-City employee who fails to surrender his/her/their Airport ID badge and keys upon request will be subject to immediate and permanent badge revocation.

**7.4 TRANSPORTING ITEMS INTO THE RESTRICTED AREA**

**(A) TSA Prohibited Items**

Except as provided under TSA Regulations and this Rule 7.4, no person may transport a Prohibited Item into the Restricted Area. "Prohibited Items" are defined under 49 CFR 1540.111 and more specifically in the TSA website: <https://www.tsa.gov/travel/security-screening/whatcanibring/all>.

TSA shall provide the proper materials collection system to ensure that all materials, including those prohibited are properly sorted and delivered to the designated Materials Recovery Area.

Any badged personnel who discovers or comes into possession of a Prohibited Item, loose ammunition, or other potentially dangerous item during the check-in process or from a passenger, must immediately contact SFPD-AB at (650) 876-2424 to have an officer respond for proper confiscation and/or disposal. Such items shall not be disposed of in a trash receptacle or hazmat container.

**(B) Procedures to Transport Prohibited Items into the Restricted Area**

All Airport ID badge holders, tenants, or contractors requiring Prohibited Items, including but not limited to knives, tools, and/or heavy equipment to perform their job duties or for their business operations in a Restricted Area are required to comply with the following procedures.

**(1) Food and Beverage Inventory Items:**

All Food and Beverage concessions shall follow these procedures when adding to or replacing their prohibited item inventories. The concessions manager shall contact Aviation Security (650-821-3915) to coordinate prohibited item access into the Restricted Area.

- (a) Aviation Security shall inspect the Prohibited Item(s) and then transport them to the Restricted Area business establishment. Prohibited Item(s) should be transported in a manner in which they are concealed from public view.
- (b) The concession tenant manager or designated representative shall proceed through the Passenger Screening Checkpoint, then meet the Aviation Security staff member at the business establishment to re-gain possession of the Prohibited Item(s).
- (c) The concession tenant manager or designated representative shall demonstrate to Aviation Security how Prohibited Items are secured during operational and non-operational hours.
- (d) All tenants and contractors shall be responsible for proper safeguarding and storage of Prohibited Items and tools during operational and non-operational hours.
- (e) Food and Beverage concessions may provide customers with only Airport-approved round-blade butter knives. Prior to providing a round-bladed metal butter knife for passenger use, the concession tenant must submit a letter requesting Airport approval of the implement with a sample round-bladed knife intended for use at its location. The request must be directed to the Airport's Aviation Security Department (AVSEC). Upon review, AVSEC will issue a written approval or rejection of the specific butter knife. Any subsequent proposed change by a concession tenant of its round-bladed butter knife shall be subject to the same approval process.

- (f) All concession tenants shall audit Prohibited Item inventories in conformance with the most current version of the Restricted Airport Security Bulletin (ASB) titled "Sterile Area Prohibited Items Requirements." Those with a need to know may obtain a copy of this Restricted ASB from AVSEC.

**(2) Inspection of Merchandise and Consumables:**

The following applies only to merchandise or consumables intended for a Sterile Area (passenger terminals):

Any merchandise or consumables intended for sale, consumption, and/or use in a Restricted Area – whether to be purchased or obtained from a concession tenant, an airline club or lounge, or at a special event – must be inspected by Airport-specified contract security personnel or by TSA at an employee or passenger screening checkpoint. Using employee bypass doors to transport merchandise or consumables into a Restricted Area is prohibited.

Inspections shall confirm that no commercially packaged boxes, cartons, containers, racks, or packages show signs of tampering or altering and do not include any items that are prohibited under TSA regulations. Inspections may include the person and belongings of any personnel transporting merchandise or consumables into a Restricted Area.

Only Airport ID badged personnel may transport merchandise or consumables into a Restricted Area and only through a screening checkpoint. An Airport ID badge holder may escort "T"-badged delivery personnel only if the Airport ID badge holder has escort authority.

Badged personnel shall cooperate with safety and security test inspections. Inspectors performing these tests may ask vendors to place prohibited items in their deliveries for testing purposes. Vendors shall comply with this request. Any badged individual who refuses to assist with ongoing security testing in Restricted Areas of the Airport may be subject to citation and suspension of his/her/their Airport ID badge.

**(3) Tools (Temporary Non-Inventory):**

- (a) Requester shall provide notification to the Airport Duty Manager (ADM) at (650) 821-5222. The ADM shall notify the TSA Coordination Center at (650) 266-1966 when the use of an exit lane is required. If the ADM is unavailable, an Airport Representative can assist.
- (b) Upon arrival at the Passenger Screening Checkpoint, the requester shall tender the tools to the ADM. The individual(s) shall then be processed (screened) through the security checkpoint. The ADM will inspect the tools to confirm they are work-related.
- (c) The ADM will then take the approved tools through a bypass door and meet the requester in the Restricted Area. If the prohibited item(s) is/are too heavy, the ADM will escort requesters and their approved tools into the Restricted Area through a by-pass door.
- (d) If the requester possesses a "T" badge, escort custody of this individual shall be transferred to a company sponsor and Airport ID badge holder with Escort privileges for continuation of proper escort.

- (e) The Airport ID badged personnel with “Escort” privileges shall ensure escort responsibility for their “T” badged workers’ possession of tools at all times when in the Restricted Area.

**(4) Transport of Heavy/Oversized Prohibited Items:**

- (a) Requester shall provide notification to the Airport Duty Manager (ADM) at (650) 821-5222. The ADM shall notify the TSA Coordination Center at (650) 266-1966. If the ADM is unavailable, an Airport Representative will assist.
- (b) Only those heavy/oversized items necessary for a particular job are allowed into the Restricted Area and will be transported through a vehicle checkpoint, the passenger screening exit lane, or another secure access point escorted by authorized personnel.
- (c) Heavy/oversized items must be in some form of container, where possible.
- (d) If applicable, the requester will meet the ADM at the appropriate passenger security screening checkpoint exit lane.
- (e) At the exit lane, requesters shall tender their items to the TSA for inspection. Requesters shall then be processed through the checkpoint.
- (f) The tenant/contractor sponsor is responsible for providing the appropriate Airport security badge to the requester as required.
- (g) Except as permitted by the Airport, use of bypass doors to transport heavy or oversized prohibited items is strictly prohibited.

**7.5 VIDEO MONITORING AND RECORDING DEVICES / ACCESS TO AIRPORT CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM**

**(A) Installation or Removal of Video Monitoring and Other Recording Devices**

No video monitoring or other recording devices may be installed or removed by any Airport tenant or contractor in or around the Airport premises without prior written authorization from the Aviation Security unit. To obtain authorization for CCTV camera installation or removal, tenants and contractors must submit an application, specifying the following:

- Field-of View (FOV) screenshots
- Video monitoring/recording device model and specifications
- Recording system and retention time
- Camera layout drawing
- Security infrastructure and plan to prevent unauthorized access

The use of Pan-Tilt-Zoom (PTZ) security cameras by tenants and contractors in any Restricted area is strictly prohibited and no video monitoring and/or recording device may be installed or focused in a manner that depicts/records security checkpoints, or doors that provide access to any area on Airport premises that, in the sole and exclusive discretion of the Director or his designee, is deemed to present a potential risk to Airport security. All subsequent changes or modifications to tenant and contractor video monitoring and/or recording device use must be submitted to Aviation Security in writing and approved prior to executing modifications.

**(B) Remote Viewing and Authorization Access**

No video monitoring and/or recording device data may be streamed or otherwise transmitted on a wireless network unless the wireless network is equipped with WPA2 security. Real-time access to all footage must be available to the Aviation Security unit at all times. No tenant or contractor shall release any video monitoring and/or recording device footage from cameras/devices without prior written authorization from the Aviation Security unit and, if deemed appropriate, the TSA. Remote access to video monitoring and/or recording devices in secure areas will not be permitted unless explicitly authorized by the Director.

All forms of video footage, whether real-time or stored, must be password protected. Passwords must comply with the Airport's Password policy.

**(C) Inventory of Video Monitoring and Other Recording Devices**

All tenants and contractors shall provide Aviation Security with an inventory of existing video monitoring and/or recording devices and security plans, including all of the following:

- Device manufacturer, model and specifications
- Field-of-view
- Data retention time
- Placement of video monitoring and/or recording devices
- Remote access usage
- Written security plan detailing how unauthorized access will be prevented

**(D) Airport Closed-Circuit Television (CCTV) Access Policy**

The Airport owns and operates the CCTV system. This system contains information that is confidential, which may be sensitive secure, affect personal privacy, or both. A tenant or contractor may access Airport CCTV feeds only through Airport equipment upon request to Airport Aviation Security (AVSEC). If access is granted, the tenant or contractor shall designate individual employees to view CCTV feeds for the performance of official job duties, on a need-to-know basis only. Any such individual must hold an Airport ID badge and execute a Non-Disclosure Acknowledgement as a condition of authorized access. (ASB 20-02, ASB 20-06)

**7.6 OTHER RESTRICTED AREAS**

- (A) Clear Zone.** The Director or a duly-authorized representative, at the owner's expense, may remove unidentified or unauthorized vehicles parked in posted "no parking" zones within 10' along the Restricted Area/AOA perimeter fence, which has been designated as the "Clear Zone". The "Clear Zone" shall remain free of vehicles, stored materials or unattended equipment. Stored materials or unattended equipment may also be removed and/or disposed of at the owner's expense.
- (B) Water Perimeter Zone.** Entry into the San Francisco International Airport Water Perimeter Security Zone (WPSZ) is prohibited. No person, vessel, or boat shall enter the WPSZ without the express permission of the United States Coast Guard Captain of the Port and Director or duly-authorized representative.
- (C) Utility Tunnels.** Entry into any Airport utility tunnel is prohibited unless the person accessing the tunnel holds an Airport ID badge or is holding a "T" badge under escort with an Airport ID badge holder with escort authority.
- (D) Roof Doors.** Access to any terminal building rooftop is restricted. Before accessing a rooftop, the individual must notify Airport Communications at (650) 876-2424. Additionally, the individual must either (1) be authorized by permission of Airport Aviation Security (AVSEC) (for doors with an access control reader) or (2) be escorted by a Duty Manager (for doors controlled by metal key). For AVSEC permission to use a roof door access control reader, the tenant/contractor must

submit a completed request form (<https://sfoconnect.com/sites/default/files/legacy/access-level-request.pdf>), by electronic mail to [SFOAVSEC@flysf.com](mailto:SFOAVSEC@flysf.com).

## **7.7 PROHIBITIONS**

No person or entity may:

- (A)** Tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure, or procedure implemented under the Airport's ASP and TSA Regulations under 49 C.F.R. § 1500, *et seq.*;
- (B)** Enter, or be present within, a Restricted Area without complying with the systems, measures, or procedures being applied to control access as defined in the Airport's ASP and TSA Regulations under 49 C.F.R. § 1500, *et seq.*; or
- (C)** Use or allow to be used any Airport-issued access medium or identification system that authorizes the access, presence, or movement of persons or vehicles in a Restricted Area in any unauthorized manner, including but not limited to entering a Restricted Area when not scheduled to work and/or for purposes unrelated to job duties.

## **7.8 QUALITY STANDARDS PROGRAM ("QSP")**

The Airport Commission adopted the Quality Standards Program ("QSP") to enhance safety and security at SFO. The purpose of the policy is to ensure that the service providers offer the highest level of quality service to the Airport community, and to enforce the minimum standards for safety, health, hiring, training, wages and benefits, and equipment standards for the airline service provider employees.

The QSP applies to any firm, including airline and third party vendor (collectively, "covered employer"), which employs personnel involved in performing services which directly impact safety and/or security at the Airport. Any covered employer must, as a condition to its operating on the Airport, comply with the QSP, as the same may be amended from time to time at the sole discretion of the Airport Commission.

All tenants are required to comply with all other Airport operating requirements, including those in their respective leases and permits, Airport Rules and Regulations, and Airport Directives.



## RULE 8.0

### AIRPORT ENVIRONMENTAL STANDARDS

All businesses operating at San Francisco International Airport must operate in an environmentally responsible manner by conserving resources (e.g., electricity, natural gas, water, equipment, fuel, supplies), reducing operational emissions, preventing pollution, purchasing and using “green” products and supplies, and recycling and composting materials to the maximum extent practicable. This Rule 8.0 establishes the minimum environmental standards that tenants and contractors must achieve, in addition to complying with Environmental Laws. Failure to comply with the provisions of Rule 8.0 may result in administrative fines under Rule 14.

#### 8.1 AIR QUALITY

- (A) **General.** Tenants shall not cause emissions to the air in violation of Bay Area Air Quality Management District and California Air Resources Board rules, the Airport’s Title V Permit, or Environmental Laws.
- (B) **Clean Fuel Vehicles.** Under its Clean Vehicle Policy, the Airport strongly encourages the replacement of gasoline and diesel vehicles with clean air vehicles powered by alternative fuels like electricity and renewable compressed natural gas (RCNG) (see <https://www.flysfo.com/sites/default/files/default/download/about/news/pressres/fact-sheet/pdf/CleanVehiclePolicy.pdf>). The Airport also strongly encourages all vehicle owners/operators to exceed regulations set by the California Air Resources Board.
- (C) **Commuter Benefits Programs.** Tenants shall provide education and incentives to encourage their employees to use commute alternatives, including scheduled transportation, vanpools, carpools, and bicycles, in compliance with the Bay Area Commuter Benefits Program (Bay Area Air Quality Management District Regulation 14, Rule 1), regional commute benefits ordinance (California Government Code section 65081), and Rule 10.0 of these Rules and Regulations.

#### 8.2 FOOD SERVICE REQUIREMENTS

The Airport has adopted food service requirements to advance its zero-waste goals. Whenever possible, tenants should use reusable food service ware. Where tenants cannot use reusable food service ware, tenants must provide food and beverage products packaged in compostable or recyclable material. In providing or selling food and beverage on Airport property (except on-aircraft operations, where it is also strongly encouraged), tenants must comply with the following requirements and guidelines.

##### (A) Definitions

The following terms in **bold** font shall for the purpose of this Rule 8.2 have the meaning indicated following the colon (:).

**Aseptic Paper Packaging:** Shelf-safe packaging that typically contains layers of paper, plastic, and aluminum.

**Beverages:** Consumable drinks in a sealed box, bag, can, bottle, or other container of any size. Beverages include, but are not limited to, alcohol, coffee, energy drinks, milk, soy milk, nut milk, juice, soda, soft drinks, sports drinks, tea, yogurt drinks, water, carbonated water, and flavored water.

**Fluorinated Chemical:** A class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.

**Natural Fiber:** A plant- or animal-based, non-synthetic fiber, including but not limited to paper, wood, or bamboo. Natural Fiber does not include plastic of any kind.

**Single-Use Food Service Ware:** All containers, bowls, plates, trays, cups, and other like items that are designed for one-time use, including Food Service Ware Accessories.

**Single-Use Food Service Ware Accessory:** All types of single-use items usually provided alongside single-use plates or cups, including but not limited to container lids, utensils, chopsticks, napkins, cup lids, cup sleeves, food or beverage trays, condiment packets and saucers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks designed for a single use.

**(B) Beverages**

The provision or sale of Beverages in plastic or Aseptic Paper Packaging is prohibited. A list of approved water bottles may be found at [sfoconnect.com/zero-waste-concessions](https://sfoconnect.com/zero-waste-concessions). (AOB 21-01.)

**(C) Single-Use Food Service Ware Requirements**

Tenants may only use Single-Use Food Service Ware that meets the following criteria:

- Certified compostable by the Biodegradable Product Institute (BPI) or made entirely of Natural Fiber;
- Labelled “compostable” with green color coding; and
- Fluorinated Chemical-free. Note that molded fiber products generally contain Fluorinated Chemicals and are allowed only with documentation that confirms the products are free of Fluorinated Chemicals.

A zero-waste compostable food service ware guide and a list of approved Single-Use Food Service Ware items may be found at [sfoconnect.com/zero-waste-concessions](https://sfoconnect.com/zero-waste-concessions).

**(D) Single-Use Food Service Ware Accessory Requirements**

Tenants may provide Single-Use Food Service Ware Accessories to consumers only upon specific request or in a self-service area or dispenser, except for single-use straws. Single-use straws may not be made available in a self-service area or dispenser. Paper straws may be made available upon request. Understanding that individuals may require plastic straws for medical reasons, tenants may provide single-use plastic straws to individuals who specifically request them.

**(E) Events on Airport Property**

Tenants providing beverages at events at the Airport with 100 or more attendees must make reusable beverage cups (designed for repeated cleaning, disinfecting, and reuse at least 100 times and dishwasher safe) available to no less than 10% of attendees.

**8.3 GREEN BUSINESS AND GREEN CLEANING PROGRAM**

To achieve Airport Commission Strategic Plan sustainability goals and advance the decarbonization of campus facilities, all businesses constructing and operating at the Airport should employ energy-efficient operations with the lowest resource and carbon impact wherever practicable. Tenants shall whenever practicable: reduce lighting power density below code required levels; purchase only EnergyStar rated equipment and appliances; purchase, replace, and install lamps that are light emitting diode (LED) with electronic ballasts.

To support the Strategic Plan, tenants, prior to occupancy, must participate in the Airport's Green Business Program. Register through the California Green Business Program (<http://greenbusinessca.org/>) portal, complete all applicable measures required for certification, and host a site visit with the Airport's Green Business Team. For additional information on how to enroll in the program, or to learn how to save money within leased space, contact [greenbusiness@flysf.com](mailto:greenbusiness@flysf.com).

Further, the Airport Commission is committed to providing a healthy and productive work environment, while maintaining terminal and other Airport facilities that offer a safe and superior passenger experience. The Green Business Program includes a Tenant Green Cleaning Policy to achieve these aims by supporting tenants in reducing the levels of chemical, volatile organic compounds, biological, and particulate matter contaminants that impact human health. Tenants are required to follow green cleaning practices and use certified green cleaning products detailed in the Tenant Green Cleaning Policy: <https://www.sfoconnect.com/green-cleaning>.

**8.4 INTEGRATED PEST MANAGEMENT.** Tenants shall comply with the San Francisco Integrated Pest Management (IPM) Ordinance (San Francisco Environmental Code section 305). If pesticide use is required, tenants shall restrict usage to the approved list of products provided on the Reduced Risk Pesticide List: <https://sfenvironment.org/pest-management-for-city-departments#list>. If a tenant works with a third-party pest control company, the company must also comply with the IPM Ordinance, including monthly reporting of pesticide use to the San Francisco Department of the Environment, through the Pesticide Use Reporting System (PURS) database.

#### **8.5 WASTE AND HAZARDOUS WASTE MANAGEMENT**

**(A) General.** Rule 8.5 provides material handling and diversion requirements for tenants. The Airport has a Strategic Plan goal of becoming the world's first "zero waste" airport. Zero waste, as defined by the Zero Waste Alliance, means diversion of at least 90% of waste from landfills and incinerators using methods like recycling and composting. The goal reflects a longstanding City and County of San Francisco and Airport Commission commitment to environmental leadership, natural resource stewardship, and climate action. In 2018, the Airport expanded the goal to include a 15% reduction in municipal solid waste generation by 2030 (reducing what goes to recycling, composting, and landfill) and a 50% reduction in disposal to landfill and incineration by 2030 (reducing what goes in the black landfill bins) to reflect the stated goals of the City and County.

#### **(B) Materials Disposal Requirements and Procedures**

**(1) Compostable Materials.** Food waste, green waste, other organic materials (e.g., wet paper towels, food-soiled paper, wax paper and wax-coated cardboard), and compostable food service ware must be placed in a "green" compost-only compactor, roll-off box, bin, or toter.

**(2) Cooking Oils.** Used or excess cooking fats, oils, and grease (FOG) must be recycled. Bacon fat must be transported in labeled and covered buckets and placed next to a grease collection unit located at a Material Recovery Area (MRA). Liquid waste oil must be transported in a grease caddy and pumped into the grease collection unit. For newer grease collection units that support heated caddy transfers, all waste oil and bacon fat shall be transported using the heated grease caddy. Tenants must clean up any FOG spilled during transfer to a storage tank. No cooking oils or greases, new or used, shall be discharged into the sanitary or industrial wastewater collection systems. The use of kitchen sinks, floor drains or lavatories to dispose of cooking grease or food waste products is prohibited.

**(3) Hazardous Materials and Hazardous Waste.** Tenants shall comply with all Hazardous Materials handling requirements in Rule 6.0 and Rule 8.0 of these Rules and Regulations

and all Environmental Laws. Tenants causing spills of Hazardous Materials or other materials are responsible for protecting the Airport and the public; the prompt clean-up of affected areas; all equipment, labor, material, and remediation costs; and any fines or costs assessed by regulatory agencies. If you have any questions, please contact [bppp@flysf.com](mailto:bppp@flysf.com).

- (4) **Large Bulky Items.** Tenants are prohibited from abandoning or disposing of large bulk items anywhere at the Airport, including designated Materials Recovery Areas. Large bulk items include but are not limited to: furniture, crates, pallets, strollers, suitcases, textiles, and construction debris. Consult the Materials Recovery Tenant Guide to ensure these items are hauled offsite and recycled responsibly by a third-party provider (for a copy of the Guide visit <https://www.flysf.com/environment/green-business-program>).
  - (5) **Non-Renewable Mixed Municipal Solid Waste (MSW).** Items that cannot be composted or recycled (e.g., broken glass and ceramics, diapers, pet waste, film plastics, polystyrene foam) must be placed in a “black” landfill-only compactor, roll-off box, bin, or toter.
  - (6) **Recyclable Materials.** Mixed paper, cardboard, glass, aluminum, rigid plastics, mixed metals, and lumber/wooden pallets must be placed in a “blue” recycling-only compactor, roll-off box, bin, or toter designated for such recycling materials. Tenants are prohibited from disposing of recyclable or compostable items into any MSW/landfill compactor or container anywhere in the Airport including, but not limited to, within their leasehold, storage room, adjacent space, and designated Materials Recovery Area.
  - (7) **Universal and Electronic/Hazardous Waste.** Tenants are prohibited from disposing of electronic, universal, or hazardous waste anywhere at the Airport, including designated Materials Recovery Areas. These items include but are not limited to: electronic appliances and accessories (e.g., computers, cords, phones, keyboards, computer monitors and equipment, fax machines, printers, kitchen appliances, microwave ovens, any item with a plug or batteries), light bulbs, batteries, motor oil, chemical waste, cleaning chemicals, or paint (including unused or leftover). Consult the Materials Recovery Guide to ensure these items are hauled offsite and disposed of or recycled responsibly by a third-party provider (visit <https://www.flysf.com/environment/green-business-program>).
- (C) **Leasehold Sorting Requirements.** Tenants shall maximize recycling and composting within their leasehold by providing separate, labeled containers for recyclable, compostable, and landfill materials. Tenants shall separate each type of material in a designated recycling, compost, or landfill waste/trash container within their leasehold, storage room, or adjacent space and shall be responsible for ensuring that all employees and patrons do the same. These source-separated materials shall be properly deposited in the appropriate bin location within the MRA as provided under Rule 8.5(B). Contact [sustainability@flysf.com](mailto:sustainability@flysf.com) for tenant materials diversion trainings.

## 8.6 WATER QUALITY

### (A) POTABLE WATER SUPPLY

- (1) **General Potable Water Requirements.** Rule 8.6(A) is to ensure the San Francisco International Airport Water System (SFIAWS) provides the best quality water to Airport passengers, tenants, visitors, and employees. It applies to any commercial entity operating on Airport property, including but not limited to a tenant, permittee, contractor, vendor, subtenant, subcontractor, or service provider (“commercial operators”).
- (2) **Work Impacting Potable Water Supply.** All work associated with or impacting potable water supply to any Airport facility must conform to plans approved by Airport Building and

Inspection Code Enforcement (BICE) and be approved by the Airport Plumbing or Water Service Inspector prior to going into service. All commercial operators shall comply with the provisions of Appendix E, Potable Water Service and Supply, to these Rules and Regulations. A commercial operator shall comply with this Rule 8.6(A) in addition to any other contractual or regulatory requirement applicable to the work performed or services provided.

- (3) **Cross Connection Control Program (Backflow Prevention).** The Airport Commission has determined that regulations established by the Airport's Cross-Connection Control and Backflow Prevention Program, under California Health and Safety Code sections 116800 and 116805 and Title 17, California Code of Regulations section 7584, are necessary and appropriate to protect the SFIAWS and the Airport's potable water supply. All commercial operators shall comply with the Cross-Connection Control and Backflow Prevention Program included in Appendix E, Potable Water Service and Supply. The State Water Resources Control Board and San Mateo County Environmental Health Services are considering updates to state and local cross-connection control regulations. Commercial operators shall comply with any approved updates to those regulations.
- (4) **Water Meters**
- (a) All water acquired from the SFIAWS must be metered.
- (b) All commercial operators responsible for ensuring that an Airport facility has access to the SFIAWS shall submit an application on a form provided by the Airport and submit it to the Planning, Design and Construction Division, Mechanical Engineering section, 30 days prior to the physical connection of the service pipe to the facility pipe.
- (c) Each individual operator or facility must furnish and install a smart water meter consistent with Airport specifications, unless otherwise approved by the Airport Water Service Inspector. The Airport in its sole discretion shall determine the type, location, and size of the water meter.
- (d) Water service connections shall be installed by a licensed contractor at the commercial operator's expense. Installation shall conform with all requirements set forth in permits issued by BICE and as approved by the Plumbing or Water Service Inspector.
- (5) **Temporary Water Supply (Construction Meters).** To access the SFIAWS during construction, all contractors must use a hydrant meter issued by the Environmental Operations section of the Airport's Facilities Division. Contractors must complete an application for a hydrant meter on a form provided by the Airport and submit the application along with a deposit to the Water Service group in the Environmental Operations section. Contractors must comply with all requirements for use of the hydrant meter and only at the locations specified by the Airport at the time the hydrant meter is issued. Any use of a hydrant meter will require, in addition to any other requirements established by the Airport, a reduced pressure type backflow prevention device to protect the SFIAWS and potable water supply.
- (6) **Water Conservation.** All commercial operators shall take measures to reduce water use in their operations at the Airport and shall comply with all water conservation measures instituted by the Director and as mandated by other agencies. No commercial operator shall waste or engage in inefficient use of water in their Airport operations. Where feasible, construction dust control and street sweeping operations shall use recycled water from the Mel Leong Treatment Plant (MLTP). For more information or to obtain a recycled water permit contact [bppp@flsfo.com](mailto:bppp@flsfo.com).

- (B) GENERAL WASTE WATER REQUIREMENTS.** Rule 8.6(B) shall apply to all commercial operators when operating on Airport property and when performing operations which generate discharges into storm drains, sanitary sewage, or industrial wastewater collection systems, which may affect the operations of the Airport's Mel Leong (Wastewater) Treatment Plant (MLTP) facility, or affecting the health of the Airport community or the quality of water in the San Francisco Bay
- (1)** Commercial operators shall prevent any pollutant or unauthorized discharges from entering the Airport's storm drains, sanitary and industrial wastewater collection systems, or in any other manner that would degrade the San Francisco Bay. Commercial operators must comply with the latest National Pollutant Discharge Elimination System (NPDES) Permits issued to the Airport by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB), all applicable general permits (such as the Construction General Permit) issued by the RWQCB or the State Water Resources Control Board, and the Airport's Stormwater Pollution Prevention Plan (SWPPP) for management of storm water runoff at the Airport. Commercial operators shall develop, implement, and maintain an active and effective pollutant minimization program in accordance with RWQCB directives to the Airport. Commercial operators shall respond promptly to Airport SWPPP surveys and inquiries that seek to resolve water quality, program compliance, or regulatory agency permit concerns. Tenants shall complete annually the Airport SWPPP training when requested to comply with the Airport's NPDES permit. Copies of the current orders and plans may be requested through [bppp@flysf.com](mailto:bppp@flysf.com). Authorized discharge limits into the Airport's wastewater collection systems are at the discretion of the MLTP.
  - (2)** Commercial operators must comply with the Airport's Bay Pollution Prevention Compliance Program, which requires employee training, pollution prevention, and operational pretreatment in order to ensure that authorized discharges are routed to the proper waste water collection system and to prevent the discharge of any contaminated liquid to the Airport storm drain system or slug lodgings to the industrial or sanitary collection systems.
  - (3)** Whenever a pollutant or illicit/unauthorized discharge of any kind occurs at any location within the Airport, including when a Hazardous Materials secure containment system is breached, the commercial operator, in addition to taking proper spill containment actions, shall immediately contact the Airport's Emergency Communications Center at 911, notify the Airport's and commercial operator's management personnel, and safely maintain a presence at the spill site. Commercial operators shall provide direct assistance, cooperate fully with the first responders, and take all reasonable containment actions to protect the public health, the public, and Airport property
  - (4)** The Airport retains the right to sample and characterize the wastewater discharge at a tenant's point of connection to any of the Airport's collection systems, and to go even further upstream in the system within the tenants' leasehold area, to track the source of pollutants as necessary, or to direct the tenant to perform such tasks and to report the results to the Airport.
  - (5)** Except as provided in Rule 8.6(B)(5), no commercial operator shall discharge or cause to be discharged into any of the Airport's sanitary, industrial, or storm water collection and treatment system any of the following:
    - (a)** Any liquid or vapor having a temperature higher than 120° F.
    - (b)** Any water or waste containing fat, oil, or grease originating from food preparation or food service ware cleaning, including cooking process oils or greases, new or used that contributes to a sanitary sewer overflow or NPDES permit exceedance. Any food

preparation solid waste. All shredded food preparation solid waste shall be disposed of as solid waste.

- (c) Any solid debris such as ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, rags, feathers, tar, plastic, wood, or any other solid or viscous substances capable of obstructing or interfering with the proper operation of the Airport's collection and treatment systems.
- (d) Any Hazardous Materials, sediment, or debris that could obstruct or interfere with the proper and effective operation of any Airport collection system. Any waste containing gasoline, benzene, naphtha, fuel oil, petroleum, jet fuel, waste oil, or other flammable, hazardous, or explosive solid, liquid, or gas. Any process waters or waste containing a toxic or poisonous substance, alone or in combination with other discharges that cause interference, pass-through of pollutants, biosolid/sludge contamination, or constitute a hazard to humans, animals, public or private property, or adversely affects the quality of the treatment plant effluent, biosolids/sludge, or any receiving water body. Any noxious or malodorous gas, or substance in a quantity capable of creating a public nuisance.
- (e) Any waste containing measurable or harmful levels of a radioactive substance.
- (f) Any type of foam or foaming agent; provided that, in the event of a fire, fire containment should be the immediate priority. All foam spills or discharges must be reported immediately by calling 911. Commercial operators shall contain and haul the foam off site for appropriate treatment, in conformance with Rule 6 of these Rules and Regulations, and shall provide a copy of the manifest to Airport Environmental Operations at [bppp@flysf.com](mailto:bppp@flysf.com). Foams of concern include but are not limited to: Aqueous Film Forming Foam (AFFF) C-8 and C6; Alcohol-Resistant AFFF (AR-AFFF); synthetic – medium or high expansion types (detergent); Class "A" foam concentrate; Wetting Agent; and Film Forming Fluoroprotein (FFFP).

## (C) INDUSTRIAL WASTEWATER

- (1) No pollutants or industrial substances capable of upsetting or passing through the Airport's Industrial Wastewater Treatment Plant shall be discharged into the Airport Industrial Wastewater system in concentrations that cause a failure to the treatment plant or an exceedance of the Airport's NPDES permit requirements. The discharge limits for all heavy metals at a minimum shall be controlled by the limits listed in the Airport's current NPDES permit.
- (2) Concentrated industrial waste that exceeds the Airport's acceptance limits, including organic and petroleum oils, shall be collected, in approved tanks, bins, or sumps and periodically removed from the Airport. On request, the commercial operators shall submit disposal reports to the Environmental Operations section, including information on the time and date, amount of waste removed, and name of the carrier and treating entity. Commercial operators shall maintain chain of custody and manifest records and provide them for Airport inspection in compliance with regulatory agency requirements.
- (3) Commercial operators must monitor and report industrial waste discharges to Airport's collection system and comply with proper sampling and analytical procedures. At the discretion of the MLTP, when necessary, commercial operators shall comply with the Whole Effluent Toxicity Testing Requirements in the Airport's NPDES permit. Any analytical method used must comply with the detection limits required by regulatory agencies.

- (4) Commercial operators operating any form of pretreatment equipment that discharges directly into the Airport's industrial system shall routinely monitor, inspect, and maintain such equipment in proper working order and operate such equipment within its operational limits. Commercial operator staff operating this equipment shall be trained and acceptably knowledgeable in its operation and maintenance, as provided in the Airport's SWPPP.
- (5) Commercial operators shall perform aircraft maintenance only in designated areas and shall have proper spill kits and industrial waste collection devices readily available at work site. All inoperable vehicles or equipment not being used or not scheduled for imminent repair shall be removed from Airport property. Drip pans shall be used for any vehicles or equipment not in active use. Commercial operators must maintain the pavement and clean all oil stains. Vehicles and equipment washing shall only be performed in areas where wash water drains to the industrial system or to a closed sump are available. No wash water is permitted to enter the sanitary or storm drain system.
- (6) Commercial operators shall immediately notify Airport Communications at 911 when determining that any equipment or procedure is not functioning in accordance with authorized operational and discharge parameters.

**(D) SANITARY WASTEWATER**

- (1) Only sanitary wastewater shall be discharged into the sanitary system. No industrial wastewater or storm water runoff shall be discharged to any sanitary system. Nor shall any tank, bucket, or other container containing petroleum hydrocarbons or industrial waste be emptied into any toilet, sink, sump, or other receptacle connected to the sanitary or storm drain system. Commercial operators shall not allow or cause an illicit or unauthorized product discharge into the sanitary systems through floor drains, toilets, sinks, or any other access port of these systems. Commercial operators shall maintain verifiable records of appropriate product disposal.
- (2) No unapproved or unauthorized collection device or piping may be connected or cross-connected into the Airport's sanitary system. Commercial operators shall promptly notify Airport upon discovery of an illicit connection or cross-connection.
- (3) All food preparation facilities, including restaurants, shall properly size and maintain FOG traps or interceptors connected to their wash water process discharge. Commercial operators shall comply with maintenance schedule and requirements specified by the Airport's plumbing inspector and maintain accurate and complete records of their maintenance program. The use of floor drains or lavatories to dispose of cooking grease or food waste is prohibited. Food preparation operators shall use pretreatment equipment to remove solid debris, including food waste, from entering the sanitary system. Food preparation operators shall ensure that dishwasher discharges are directed only to a sanitary sewer line and do not flow through a grease trap or grease interceptor.
- (4) No concentrated sanitary wastewater collection system clearance chemical or process component shall be discharged into the sanitary system without prior written approval from the MLTP. Portable sanitary facility discharge operations, such as aircraft lavatory collections, shall discharge only at permitted locations and shall be operated in a careful and efficient manner, such that the disposal site is acceptably maintained and spills do not escape the disposal site. Spills outside of the disposal site shall be immediately called into 911. The commercial operator responsible for an unauthorized lavatory discharge shall be responsible for the cost of all cleanup and recovery operations. Operational personnel shall be trained in the proper and careful operation of the equipment and material. Repeated violations shall be cause for revoking lavatory service operating permit.



**(E) STORM WATER**

- (1)** Commercial operators shall not cause unauthorized discharges into the Airport's storm water system. Only clean storm water runoff shall be discharged to the storm water system. Any discharge of non-storm water product into the storm water system is prohibited unless approved in writing by the Airport's Bay Pollution Prevention Program. Commercial operators shall stock spill kits/carts located near any area where fueling is taking place. Commercial operators are responsible for maintaining the spill kits/carts on a regular basis.
- (2)** No sanitary sewage, kitchen waste, putrescible organic waste, industrial process waste, solid debris or Hazardous Materials shall be discharged to the storm water system. Commercial operators performing any industrial or sanitary wastewater treatment processes shall employ all appropriate measures to prevent and eliminate unauthorized and unacceptable discharge into the storm water system.
- (3)** Commercial operators shall maintain a current and accurate site storm drainage drawing. Commercial operators shall practice effective housekeeping to prevent any storm water carry-off of debris, trash, sediment, spillage, or contaminants into the storm water system.
- (4)** Commercial operators shall comply with the Airport's SWPPP and when appropriate submit for review a SWPPP that is current, site-specific to each local operation, and acknowledges the commercial operator's responsibility to protect the San Francisco Bay. Commercial operators shall maintain on site and train staff to properly operate and maintain pollution prevention and pretreatment equipment as listed in the submitted SWPPP.
- (5)** When appropriate, commercial operators must maintain on site, submit a copy to the Airport, and actively implement a current and certified Spill Prevention Control and Countermeasures (SPCC) Plan and a hazardous waste management plan.
- (6)** No commercial operator shall use deicing procedures without first submitting a deicing plan to the Airport Environmental Operations Section at (650) 821-8380. The deicing plan shall include the following information:
  - (a)** Type of deicing fluid to be used (deicing products shall not contain urea)
  - (b)** Method of application
  - (c)** Rate of application
  - (d)** Estimated duration of application
  - (e)** Storm water runoff catch basin protection method
  - (f)** Deicing fluid waste removal and disposal method

Commercial operator must notify Airport Operations Duty Supervisor at (650) 821-3355 prior to commencing deicing operations. Discharge of deicing fluid waste into any storm water catch basin is prohibited, and commercial operators shall seal the adjacent storm runoff catch basins prior to deicing operations. The rate of application of deicing fluid shall be controlled to minimize pooling of deicing fluid at the application site and prevent any overspray that may impact the terminal facility or other aircraft. All residual deicing fluid waste shall be removed from the surface of affected tarmac area immediately following the aircraft departure. Commercial operators must ensure that all deicing fluid dispensing and storage equipment remain in good working condition. All deicing fluid

waste collected at the application site shall be discharged into authorized industrial waste wash racks or pump stations as instructed by MLTP at (650) 821-8350. Commercial operators are responsible for all costs associated with deicing fluid recovery, mitigation, and fines incurred by the Airport as a result of commercial operator's use or misuse of deicing fluid.

- (7)** If an unauthorized discharge occurs, responsible commercial operator shall immediately contact Airport Communications at 911 and maintain presence at incident location to guide the first responders. The responsible party shall promptly take all actions to identify and contain any spill. Failure to promptly and effectively respond to an unauthorized discharged which impacts the storm drain system shall be subject to a fine under Rule 14 of these Rules and Regulations. The Airport reserves the right to impose on the responsible party any and all fines and costs incurred to correct or resolve unacceptable conditions due to any unauthorized discharge into the storm drain system.

## **RULE 9.0**

### **COMMERCIAL ACTIVITIES ON AIRPORT PROPERTY**

#### **9.1 AIRPORT OPERATING PERMIT REQUIRED**

No person shall operate as a scheduled air carrier from the Airport unless in possession of a valid Airport Operating Permit or unless a signatory to an Airport/Airline Lease and Use Agreement or Airport Landing Fee Agreement for San Francisco International Airport.

#### **9.2 OPERATING A BUSINESS ON AIRPORT PROPERTY**

No person shall operate or promote a business on Airport property without first obtaining a valid Airport Operating Agreement, permit, lease, or other written permission granted by the Director (see also Rule 3.3).

Any vendor engaged in the business of delivering goods or providing services anywhere on Airport property to, for, or on behalf of any tenant must have written permission granted by the Director in the form of a Vendor Permit or other permit or license. This requirement applies to any commercial operation, including but not limited to any internet-based digital commercial activity, to, for, or on behalf of any tenant and regardless whether the vendor has a physical presence on Airport property or reaches a tenant and/or passengers only through digital means. For example, an entity facilitating for one or more concession tenants app- or web-based food ordering by Airport passengers would be subject to this requirement. (AOB 21-02.)

#### **9.3 AIRPORT INFRASTRUCTURE**

For purposes of this Rule 9, the term infrastructure shall include but not be limited to cables, wires, conduit, pipes, internet connections, and related technologies including wireless technologies on Airport property. No person shall use, modify, or impact any Airport infrastructure without the express written permission of the Director. Additionally, no person shall add, install, supplement, remove, or operate infrastructure on Airport property, whether connected to or independent of Airport infrastructure, without the express written permission of the Director. See also Rule 7.5, Video Monitoring and Recording Devices and see Rule 9.6.

#### **9.4 AIRPORT MAPPING**

As a matter of security and safety for the traveling public, the Airport owns and controls all mapping of its property and facilities. No person shall depict the Airport either digitally or physically or publish any type of Airport map in any format without the express written permission of the Director. Additionally, no person shall collect data, coordinates, measurements, photographs, or other information regarding any Airport property, building, or facility without express written permission of the Director.

#### **9.5 ON-SITE PERSONNEL**

Every commercial enterprise doing business at the Airport under permit, lease, or contract shall designate one or more responsible employees available on-site at all times while the enterprise is transacting business at the Airport. This Rule applies to all commercial operators but particularly for airlines and their contractors, whenever an airline is using a terminal gate and/or conducting passenger operations, and concessions, whenever a concession is open for business. The designated responsible on-site personnel must have authority to make decisions concerning minute-to-minute business operations and to react (such as by moving an aircraft) in the event of unanticipated situations including but not limited to Airport safety or security concerns, customer service impacts, operational necessities, or emergencies. A commercial operator may apply for a qualified exception from this Rule 9.5 by written request documenting a proposed alternative plan; the request shall be directed to the Airport Chief Operating Officer and shall not be effective until accepted in writing. Failure to comply with this Rule 9.5 or with an alternative plan

approved by the Chief Operating Officer shall result in an administrative fine under Rule 14 of these Rules and Regulations.

#### **9.6 CONSTRUCTION ACTIVITY ON AIRPORT PROPERTY; AIRPORT BUILDING REGULATIONS**

No person shall perform any construction activity, renovation, alteration, improvement, demolition, excavation, installation, or repair of any building, structure, infrastructure, utility or similar facility on Airport property without the written permission of the Director. See also Rule 9.3. All such activity is subject to the Airport Building Regulations, attached to these Rules and Regulations as Appendix F and incorporated as if set forth here in full, and the Airport Architecture and Engineering Standards as directed in writing. All tenant activity subject to this Rule 9.6 shall also comply with the Tenant Improvement Guide (TIG).

Tenants and contractors engaging in any construction activity as provided in this Rule 9.6 shall designate a Security Champion to assure compliance with security protocols for construction sites (see also Rule 7), as provided in Airport construction contract documents and the TIG. (ASB 20-03)

**RULE 10.0****TRIP REDUCTION RULE****10.1 PROGRAM OBJECTIVES**

The Airport is committed to reducing greenhouse gas emissions wherever possible. To support this commitment, all Covered Employers as defined in this Rule 10 shall cooperate with the Airport's Commuter Benefits Program Coordinator to organize and make available to all Covered Employees information regarding commute alternatives. Such alternatives include public and common carrier ground transportation, carpools, vanpools, and bicycling. Commute alternatives shall be described in new employee orientation materials, and all Covered Employers shall regularly encourage their employees to use commute alternatives.

**10.2 REQUIREMENTS OF ALL AIRPORT TENANTS AND CONTRACTORS UNDER INDIVIDUAL TENANT AGREEMENTS WITH 20 OR MORE EMPLOYEES IN THE UNITED STATES****(A) Scope of Program**

Each Covered Employer shall implement a Commuter Benefits Program (CBP) within the time frame specified in Rule 10.2(B), below. The CBP shall include the following definitions:

- (1) Airport:** the San Francisco International Airport.
- (2) Covered Employee:** any person who:
  - (a) performs an average of at least ten (10) hours of work per week for compensation within the geographic boundaries of the Airport for the same Employer within the previous calendar month; and
  - (b) qualifies as an employee entitled to payment of a minimum wage from the Employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission, or is a participant in a Welfare-to-Work Program.
- (3) Covered Employer:** an Employer for which an average of twenty (20) or more persons per week perform work for compensation in the United States, but shall not include governmental entities. In determining the number of persons performing work for an Employer during a given week, all persons performing work for compensation on a full-time, part-time or temporary basis, including those who perform work outside of the geographic boundaries of the Airport, shall be counted, including persons made available to work through the services of a temporary services or staffing agency or similar entity.
- (4) Fare Instrument:** any pass, token, fare card, voucher, smartcard or similar item entitling a person to transportation on public or common carrier ground transportation in Northern California within the meaning of 26 U.S.C. § 132(f)(5)(A), as the Federal law may be amended from time to time, including but not limited to, travel by ferry, bus, or train operated by public or common carriers.
- (5) Tenant:** a leaseholder, permittee or other occupant of land or premises within the boundaries of the San Francisco International Airport, and his or her sublessee or duly authorized agent.

- (6) **Vanpool:** means a 'commuter highway vehicle' within the meaning of 26 U.S.C. § 132(f)(5)(B), as the federal law may be amended from time to time, which currently means any highway vehicle:
- (a) the seating capacity of which is at least 6 adults (not including the driver); and
  - (b) at least 80% of the mileage use of which can reasonably be expected to be (1) for the purpose of transporting employees in connection with travel between their residences and their place of employment; and (2) on trips during which the number of employees transported for such purposes is at least ½ of the seating capacity of such vehicle (not including the driver).

**(B) Commuter Benefits Program**

This rule will take effect within six (6) months of the issuance of a Covered Employer's lease, operating permit or other agreement with the Airport, including any management agreement. All Covered Employers shall provide at least one of the following commuter benefits programs to Covered Employees:

- (1) **Pre-Tax Election:** A program, consistent with 26 U.S.C. §132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for fare instruments or vanpool charges (but not for parking), up to the maximum level allowed by federal tax law, 26 U.S.C. 132 (f)(2), which is Two Hundred Fifty Five Dollars (\$255) per month for transit or vanpool costs, and \$20 per month annualized for qualified bicycle commuting costs as of January 1, 2016;
- (2) **Employer-Paid Benefit:** A program whereby the Employer supplies or reimburses, at the request of each Covered Employee: (1) fare instrument(s) for public and/or common carrier ground transportation or vanpool charges at least equal in value to the purchase price of the designated benefit, an adult San Francisco MUNI Fast Pass with BART access, which costs \$94 per month as of July 1, 2017, and subject to change; or (2) reimbursement of all qualified bicycle commuting costs as defined by 26 U.S.C. § 132(f)(5)(F)9i), up to \$20 per month annualized.
- (3) **Employer-Provided Transportation:** Transportation furnished by the Employer at no cost to the Covered Employee in a multi-passenger vehicle operated by or for the employer serving a BART station. In the event BART does not provide service to the subject station for 24 hours or longer, said transportation shall serve the most convenient Caltrain station, SamTrans bus stop, and ferry terminal as needed by participating employees.

**(C) Tenant Liaison**

Tenants shall appoint a Liaison who is responsible for the implementation of the Commuter Benefits Program and for fulfilling the requirements of this Rule.

**(D) Contractors Under Individual Tenant Agreements**

Airport tenants are responsible for ensuring that their contractors comply with this Rule. Alternatively, tenants may allow contractors to work directly with the Airport to comply with this Rule, provided that all such agreements are in written form.

**10.3 PENALTIES FOR NON-COMPLIANCE**

Covered Employers who fail to comply with the provisions of this Rule 10 may be subject to administrative fines of \$100 for each day of non-compliance.

## RULE 11.0

### NOISE ABATEMENT REGULATION

#### 11.1 PURPOSE

The Airport Commission of the City and County of San Francisco ("Commission") promulgates this regulation to provide for a continual reduction of cumulative noise resulting from aircraft operations at San Francisco International Airport ("SFIA") in accordance with the Commission's authority as proprietor of SFIA, the Charter of the City and County of San Francisco, and the provisions of Title 21, Sub-chapter 6 of the California Administrative Code, while allowing SFIA to continue its historic function as the leading gateway to the Pacific, as a vital contributor to a strong and growing economy, and as a major source of employment for the Bay Area. Airport Commission Resolution #88-0016 provides for the administration of the Airport's Noise Abatement Program and has been amended as follows: Effective July 16, 1991 by Resolution No. 91-0099, and on July 7, 1992 by Resolution No. 92-0202 and on December 7, 1993 by Resolution No. 93-0248 and on January 17, 1995 by Resolution No. 95-0015 and on November 20, 2001 by Resolution No. 01-0354.

#### 11.2 EFFECTIVE DATE

This regulation shall become effective upon its adoption by resolution of the Commission, pursuant to the powers and duties vested in the Commission by the Charter of the City and County of San Francisco, and shall remain in effect until amended or repealed.

#### 11.3 DEFINITIONS

Whenever used in Rule 11, the following terms shall have the meanings set forth below.

**"Aircraft"** - all subsonic transport category large airplanes, subsonic turbojet powered airplanes and supersonic transport category airplanes, which were ever certificated or recertificated at a maximum gross takeoff weight in excess of 75,000 lbs., whether certificated or recertificated by the United States or by a foreign country.

**"Operation"** - an aircraft landing or takeoff.

**"Operator"** - an entity that exercises operational control over an aircraft. Operational control includes, among other matters, control over scheduling, routes, or choices of aircraft.

**"Preferential Runway Use Program"** - written procedures concerning the performance of operations at SFIA to minimize the noise impact of such operations, applicable when air safety, air traffic, and meteorological conditions permit.

**"Preferred Departure Procedure"** - an aircraft operating procedure, approved by either the Federal Aviation Administration (FAA) or the International Council Aeronautical Organization (ICAO), to be used to reduce noise impacts during the initial phase of flight.

**"Stage 2 Aircraft"** - an aircraft that is certificated by the FAA as complying with the noise levels prescribed in 14 C.F.R. Part 36, Appendix C, Section 36.5(a)(2), or is certificated in accordance with Chapter 2 of Annex 16 to Article 37 of the International Civil Aviation Organization Convention.

**"Stage 3 Aircraft"** - an aircraft that is certificated by the FAA as complying with the noise levels prescribed in 14 C.F.R. Part 36, Appendix C, Section 36.5(a)(3), or is certificated in accordance with Chapter 3 of Annex 16 to Article 37 of the International Civil Aviation Organization Convention.

**11.4 REGULATION****(A) Stage 3 Requirement for Aircraft**

Upon the effective date of this regulation, an aircraft will be permitted to commence or continue operation at SFIA only if it is a Stage 3 aircraft.

**(B) Auxiliary Power Unit (APU)**

To reduce the impacts of jet fuel emissions on the environment and improve conditions and safety for airfield personnel, operators are required to use 400Hz ground power and air sources where available, connect to those sources, and discontinue APUs promptly (within five minutes) after chocking the aircraft wheels upon parking at the apron, regardless of the duration at the gate. APUs may be used when aircraft are being towed.

- (1) APU use is not authorized without prior permission from Airport Operations, during the use of ground power and pre-conditioned air until a set amount of time prior to the scheduled time of departure as follows: (a) 15 minutes for Code C aircraft (specified in ICAO Annex 14) or (b) 25 minutes for Code D or above aircraft (specified in ICAO Annex 14), except A380 aircraft or (c) 45 minutes for A380 aircraft.
- (2) All aircraft scheduled to be at a gate between 2200 – 0700 hours are required to use 400Hz ground power and pre-conditioned air, where available, regardless of the duration at the gate. APU's are not authorized without prior permission from Airport Operations, during the use of ground power and pre-conditioned air until 30 minutes prior to push-back.

**(C) Aircraft Engine Run-ups**

High Power run-ups of mounted aircraft engines for maintenance or test purposes are prohibited except as provided below:

- (1) All aircraft shall be started and run-up in locations designated for such purposes by the Director. Engine run-ups are prohibited at Plot 2. Aircraft engines shall not be operated in such position that persons, structures or property may be endangered by the path of the aircraft propeller slip-stream or jet blast.
- (2) No aircraft engine exhaust, blast, and/or propeller wash shall be directed in such manner as to cause injury, damage, or hazard to any person, structure, or property.
- (3) The Airport Operations Supervisor will not approve any engine run-up more than two hours prior to the aircraft's scheduled departure between the hours of 2200-0700, without proper justification from the operator or airline concerned.
- (4) An idle check of a single engine is allowed under the following conditions:
  - (a) An idle check of a single engine not to exceed a 5-minute duration may be conducted in the lease hold area. If more than one engine is to be checked, each engine must be checked separately and the cumulative duration of the idle checks cannot exceed 5-minutes.
  - (b) Idle checks of a single engine or multiple engines (checked separately) which will exceed a duration of 5-minutes will be accomplished in the designated run-up areas. For purposes of noise abatement monitoring, this will be considered a power run-up.



- (5) During the hours of 2200 – 0700, the Operations Supervisor shall be called and permission received prior to any engine idle check or engine idle run-up, including any idle run for more than a cumulative duration of 5-minutes.

During other hours, the Operations Supervisor shall be called and permission received prior to any engine run-up.

Any request for an engine run-up clearance during the hours 2200 – 0700, other than that described above, which is the result of unusual or emergency circumstances, may be approved by the Airport Operations Supervisor. When approved and accomplished, the Maintenance Supervisor of the airline concerned must provide to the Director a monthly report detailing the following:

- (a) Date and time of the run-up
- (b) Type of aircraft
- (c) Aircraft identification number
- (d) Location of the run-up
- (e) Duration of the run-up
- (f) An explanation of the unusual or emergency circumstances making the run-up necessary

Reports will be submitted to the Director, Attn: Airport Operations, within three working days after the last day of each calendar month.

**(D) Noise Abatement Procedures**

To reduce the impacts of aircraft noise in surrounding communities, particularly between the hours of 2300 and 0700, the Airport encourages the use of the following procedures.

- (1) Depart on Runway 10.
- (2) When departing on Runway 28L/R, use the Shoreline Departure procedure whenever possible.
- (3) When departing straight out on Runway 28L/R use the appropriate ICAO A or AC 91-53A noise abatement climb procedure for communities close to the airport.
- (4) Use the Quiet Bridge Approach to Runway 28L/R.

**(E) Variances**

- (1) Upon the effective date of this regulation, requests by operators for a variance from any provision of this regulation must be made in writing to the Director at least 60 days prior to the date of the requested variance. Every request for a variance shall be reviewed by the Director or his designated representative. Among other factors, the noise impact on the surrounding community and the fairness to other operators, which are in compliance with this regulation, shall be considered in determining whether a variance should be granted.
- (2) The Director shall notify the operator in writing whether a variance is granted and include any instructions or restrictions pertaining to the waiver.

**(F) RUN-UP CLEARANCE AND EXEMPTIONS**

The Airport Operations Supervisor on-duty during nighttime hours (2200 – 0700) responsibilities include monitoring compliance with the Airport's run-up clearances and responding to requests for exemptions.

**11.5 CONSTRUCTION OF THE REGULATION**

References in this regulation to Federal Aviation Regulations, 14 C.F.R. Part 36, are not intended to incorporate into this regulation the construction, regulatory purpose or specific application given by the Federal Aviation Administration or any court to those provisions. This regulation is designed to accomplish distinct regulatory goals dictated by the peculiar local conditions existing at SFIA. The Commission shall be the final authority on the interpretation, regulatory purpose, and application of all aspects of this regulation to all aircraft seeking permission to commence operation or to continue operation at SFIA.

**11.6 SEVERABILITY**

If any portion of this regulation or if any application of this regulation is held unconstitutional or otherwise unlawful, the remainder of this regulation and the remaining applications of this regulation shall not be affected thereby.

**11.7 REPEAL**

Commission Resolution 78-0131 and all Airport Operations Bulletins (AOB) issued thereunder are repealed as of the effective date of this regulation. In addition, the following AOB's are also repealed:

- 84-07 AOB Noise Abatement Regulation
- 85-06 AOB Aircraft Engine Run-ups
- 85-07 AOB Noise Abatement Regulation
- 88-01 AOB Maintenance Exemption from SFO Noise Regulation
- 88-02 AOB Variance Procedures
- 88-03 AOB Preferential Runway Use
- 88-04 AOB Implementation of Noise Regulation
- 88-07 AOB Reporting Requirements of Noise Regulation
- 90-06 AOB Auxiliary Power Units
- 91-02 AOB New Scheduled Operations between 2300 and 0700 hours
- 92-02 AOB Late Night Stage 2 Operations
- 93-01 AOB Operation of Stage 2 Aircraft between 2300 and 0700
- 93-03 AOB Percentage Stage 3 Requirement
- 98-05 AOB Percentage Stage 3 Requirement
- 98-06 AOB International Operators Percentage Stage 3 Requirement
- 99-03 AOB Operation of Stage 2 Aircraft between 1900 and 0700 hours
- 01-02 AOB Gate Restrictions for Auxiliary Power Units (APU)

**RULE 12.0****WORKFORCE HARMONY****12.1 LABOR PEACE/CARD CHECK RULE**

An Employer/Contractor shall enter into a Labor Peace/Card Check Agreement, as defined in Appendix C of these Rules and Regulations, with any Labor Organization requesting such an agreement and which has registered with the Director.

**12.2 WORKER RETENTION POLICY**

The Worker Retention Policy is appended to these Rules and Regulations as Appendix D. The Worker Retention Policy applies to contractors, tenants, and permitted operators, and their respective subcontractors, that employ workers who perform essential services at the Airport on a regular and ongoing basis for the benefit of the travelling public, which services include, but are not limited to, parking garage and curbside management operations, information booths, concessions (food & beverage, retail, and passenger services), the SFO Medical Clinic, intra-airport transportation services, on-airport rental car operations, and services by service providers covered under the Airport's Quality Standards Program, excluding airlines.

## RULE 13.0

### FREE SPEECH AND EXPRESSIVE ACTIVITIES

#### 13.1 FINDINGS

The Airport is designed, operated and maintained as a facility for air transportation. The Airport was not designed and is not intended for use as a public forum for free speech activities. If left unregulated, free speech and expressive activities—such as proselytizing and cause advocacy, as well as leafleting and picketing—could negatively impact the Airport and the traveling public in a number of ways, including exacerbating congestion and delay, causing confusion and duress for the public and compromising public safety and security.

##### (A) Congestion and Delay

In fiscal year 2018, the Airport served more than 55 million passengers and is forecast to serve as many as 71 million by 2029. Air travelers are often on a tight schedule. They may be required to wait in lines at ticket counters, security check-points and other facilities. Departing travelers need to move quickly from BART, buses and cars, through ticket counters and check-in areas, to security checkpoints and departures gates beyond. Passengers with connecting flights need to move quickly from one gate area to another, sometimes changing terminals and exiting and reentering secured areas. Arriving passengers need to retrieve bags and connect with surface transportation, such as vans, taxis, limousines, buses, BART or cars.

The Airport has designed its terminal buildings, corridors, roads and parking areas to reduce congestion and facilitate the rapid and efficient movement of large numbers of people. Elevators, escalators, connecting corridors and moving walkways help travelers move quickly through the Airport. Facilities have been designed to assist navigation and movement while avoiding visual clutter and blight that can contribute to stress. The Airport closely monitors and regularly modifies its hallways, throughways and passenger security checkpoints to accommodate new amenities and facilities, evolving TSA technology and screening procedures, and changes in passenger flows.

In the absence of appropriate regulation, free speech activities—and particularly solicitation for the immediate receipt of funds—have the potential to disrupt passenger flows, increase congestion, and contribute to missed flights and travel delays.

##### (B) Confusion and Duress Relating to Solicitation of Funds

The Airport's customers may be susceptible to undue pressure, misrepresentation, duress or even fraud from persons engaged in solicitation for immediate receipt of funds. Airport travelers are often unfamiliar with their immediate surroundings, and may be fatigued and under time pressure. Some have mobility challenges. Others are young or elderly. Some speak little or no English.

The Airport has received over 125 complaints related to free speech activities and to the solicitation of funds, even though air travelers often forego making formal complaints due to time restrictions. Airport customers have complained that solicitors delayed them; behaved in a rude, offensive, harassing, intimidating or confrontational way; asked to review passports and traveling documents; misrepresented themselves as Airport or security personnel in order to get money; and defrauded, duped, conned, and cheated them:

"[Solicitor] ...started shouting at [traveler] and following him shouting through the terminal."

"The people asking for donations should not be [ ] harassing customers who are in a rush to get on a plane."

"They also intimidate people as well as harass non-English speakers."

"I thought they were security until they flagged me down and detained me with misleading information."

"Don't appreciate being scammed..."

"There are people ... misrepresenting themselves as airport employees asking for donations from passengers...I felt I was taken advantage of."

"Solicitor – he is very rude and says he is the information person then hits you up for a donation."

"[Solicitor] called out to me and asked to see my boarding pass. He tore off top page...then asked to see my driver's license...[solicitor] asked me if I would be willing to make a donation. At that point I realized he was a fraud and not a security agent at all."

**(C) Safety and Security**

The Airport is a potential target for terrorist attack. The Airport is both a large domestic hub and a major international airport. The Airport is also one of the iconic symbols of the City and County of San Francisco, which the Department of Homeland security has identified as a high profile area at risk for terrorist attack. To deter attack, the Airport is mandated by the Transportation Security Administration (TSA) to implement the highest available security measures. In addition, the Airport must maintain the flexibility to adjust its operations on little or no notice to comply with federal security directives issued in response to perceived or actual threats against air travel.

The entire Airport is a security-sensitive environment. Multiple layers of security measures are in place throughout, not only at and beyond the ticketed-passenger screening checkpoints. Federal and local law enforcement and Airport operations personnel monitor activities and maintain a security program in terminal areas outside the passenger check-point, in parking lots and on approach roads. Free speech activities, like all activities at the Airport, must be conducted consistent with a strong and effective security program.

**(D) Conclusion**

For all of these reasons, the Airport Commission finds that unrestricted use of the Airport for free speech and expressive activities threatens to compromise the Airport's primary air travel mission and impair the health, comfort and safety of air travelers and employees. The Airport Commission adopts the following reasonable restrictions in order to facilitate free speech activities consistent with the Airport's primary air transportation function; to maintain the health, security and safety of visitors and employees; to avoid confusion and undue duress; and to prevent congestion and facilitate the rapid and efficient movement of large numbers of people through the Airport.

**13.2 GENERAL REQUIREMENTS**

- (A)** Free speech and expressive activities, including but not limited to proselytizing, cause advocacy, leafleting and picketing, are not permitted except in compliance with the permitting procedures described in Section 13.6.
- (B)** All free speech and expressive activities shall be conducted:
- (1)** According to Rule 13 and all other Rules and Regulations;
  - (2)** In a peaceful and orderly manner, without physical harm, threat or harassment to others, and without obscenities, violence, breach of the peace, damage to property or other unlawful conduct; and

- (3) Without obstructing the use of the Airport for its intended purpose as an air transportation facility; without interference with the rapid, orderly and efficient movement of persons throughout the Airport; without misrepresentation or duress; and without compromising the safety and security of persons and property.

### **13.3 APPROPRIATE AREAS**

- (A) The Director has determined that only certain areas of the Airport provide a reasonable opportunity for free speech and expressive activities while not impeding the use of the Airport for its intended purpose of providing a safe and orderly facility for air transportation, including the efficient flow of pedestrian traffic and the maintenance of safety and security. The Director shall designate those areas where expressive activities may occur.
- (B) The Director may move, remove, or reduce the size of any previously-designated area as needed to respond to construction-in-progress, changes in pedestrian flow, evolving security requirements, or other appropriate circumstances.
- (C) The following areas do not provide a reasonable opportunity for free speech or expressive activities, and those activities are expressly prohibited:
  - (1) Air Operations Areas, Secured Areas and Sterile Areas;
  - (2) Roadways and thoroughfares for vehicles;
  - (3) Areas leased or assigned by agreement for use by airlines, airline service providers, restaurants, retail stores, other lessees or permittees, or areas within 10 feet of any such area;
  - (4) Airport Commission offices, work areas and facilities not open to the public;
  - (5) On or within 10 feet of any escalators, elevators, moving walkways, or interior baggage conveyance equipment;
  - (6) Inside of or blocking any doorway;
  - (7) Within 10 feet of any interior queue, including at ticketing and baggage check-in areas, security check-points, food and retail establishments, etc.; and
  - (8) On or within 50 feet of any construction site or construction equipment, except as may be required according to rights established under federal or state labor laws.

### **13.4 SOLICITING FOR THE IMMEDIATE RECEIPT OF FUNDS PROHIBITED**

- (A) The Airport has determined that solicitation for the immediate receipt of funds has been a particular source of disruption for Airport users and obstruction of the Airport's mission. Solicitation for immediate receipt of funds requires the recipient of the message to either stop in order to receive and consider the speaker's message or change course to avoid the message, both of which may obstruct passenger flows and cause delays. Listeners may need to set down bags and search for money or writing materials, blocking thoroughways and further contributing to delays. The Airport has received numerous complaints from Airport patrons stating that solicitors have misrepresented themselves—sometimes even behaving as if they are Airport representatives or security personnel—or have solicited in an aggressive or coercive manner. Over a period of years, the Airport has adopted reasonable regulations with the intent of mitigating these negative impacts. Despite the adoption and enforcement of appropriate regulations, problems have persisted and Airport patrons have continued to complain. Accordingly, to protect Airport patrons and preserve the Airport's primary function as an air transportation facility while

maintaining alternative channels of communication, the Airport issues the following restriction on solicitation for the immediate receipt of funds.

- (B)** No person shall solicit and receive funds inside the Airport terminals, in Airport parking areas, or on sidewalks or walkways adjacent to Airport buildings.
  - (1)** "Funds" shall mean money, property or anything else of value.
  - (2)** "Solicit and receive funds" shall mean any oral or written request for funds, where funds are immediately received.
- (C)** Nothing in this Rule is intended to prohibit distribution of literature, proselytizing, cause advocacy or solicitation for funds that will be received in the future, under an appropriate permit as provided in Rule 13.6.

### **13.5 PERMIT REQUIRED**

- (A)** No person shall engage in the conduct described in Rule 13.4 on Airport grounds without giving at least 72 hours written notice to and obtaining a permit from the Director. Notice is required in order to ensure that adequate measures may be taken to protect the public health, security, safety and order, to assure efficient and orderly use of Airport facilities for their primary purpose and to assure equal opportunity for expression.
- (B)** The Director may reduce or waive the 72 hour notice requirement if the permit applicant can show that the event or events giving rise to the permit application did not reasonably allow the applicant time to make an application within the time prescribed and that enforcement of the time requirement would place an unreasonable restriction on expressive activity.
- (C)** Written notice/permit applications shall be in writing and include the following information:
  - (1)** The full name, mailing address, and telephone number of the organization, group, person or persons on whose behalf the proposed activities will be conducted;
  - (2)** A general description of the proposed activities and the size and volume of any items to be handed out, displayed, or used in the proposed activities;
  - (3)** The number of people to be present at any one time;
  - (4)** The preferred date, hour and duration of the proposed activities;
  - (5)** Additional information, such as, for example, a particular audience that the applicant(s) wish to reach;
  - (6)** If proposed activities include solicitation for future receipt of funds, documentation supporting tax-exempt status.
- (D)** The Director will review the written notice/permit application and issue a permit if the following criteria, in the judgment of the Director, are met:
  - (1)** The proposed activities can be authorized in a manner that does not impede the operation of the Airport as an air transportation facility, and does not threaten the safety or security of others;
  - (2)** The proposed activities do not interfere with the ability of others to hear Airport announcements or see Airport signage, or interfere unreasonably with the ability of

airlines, concessionaires and other tenants and contractors to conduct their business in an orderly manner; and

- (3) The proposed activities do not hinder pedestrian flows, create congestion or block efficient movement of persons within and around Airport terminals and other facilities.
- (E) The Director shall apply the standards set forth in 13.6.D and, where the standards are satisfied, shall issue a permit within 72 hours of receiving the written notice/permit application.
- (F) The Director will designate a location, date and time for the proposed activities based on the following considerations:
- (1) Safety and security procedures identified by federal and local security officials and Airport staff;
  - (2) Pedestrian flows, potential congestion, and areas needed to be kept clear for efficient movement of persons throughout the Airport;
  - (3) Reasonable access to the desired audience; and
  - (4) Availability of the requested space, date and time.
- (G) Where two or more persons or groups request the same location at the same date and time, the Director may issue permits on a first-come first-served basis or as the Airport determines in its sole discretion is the fair and appropriate accommodation for competing requests.
- (H) Permits shall be valid only for the date or dates specified on the permit. Applicants may request multiple days; however, all permits will expire at the end of each calendar month. Applicants may submit a new application for subsequent months.
- (1) The Director reserves the right to issue identification badges to individuals who may be present repeatedly over a number of days. If the Director issues such a badge, the individual shall wear the badge above the waist on the outer garment of clothing at all times while present on Airport property. Badges must be clearly visible and must be shown to an Airport official or member of the public promptly upon request. Badges remain Airport property and must be relinquished immediately on request of the Director.
  - (2) The use of a musical instrument or noisemaking device, the playing recorded music or messages, or use of amplification equipment for free speech activities or expressive activities will be considered on an individual basis with consideration of the impact on the ability of the public to hear Airport announcements and/or the ability of Skycaps to conduct normal baggage check-in activities. Musical instruments, noise making devices and amplification equipment will not be permitted inside a terminal building
- (I) If the Director rejects a permit application, the Director shall provide a written summary specifying which standard the application fails to satisfy. The summary shall be provided at the time the applicant is informed of the denial.

### **13.6 PROHIBITED CONDUCT**

The following activities are prohibited, with or without a permit. Engaging in any of the following activities is grounds for suspension or revocation of a permit:

- (A) Engaging in free speech or expressive activities, including leafleting, proselytizing, picketing, or cause advocacy, in any area prohibited in Rule 13.4.c, or in any area or at a date or time other than the location, date and time specified in a valid permit.



- (B) Failing to wear an Airport-issued identification badge, above the waist on the outer garment of clothing, at all times, if one has been issued by the Director.
- (C) Refusing to show an Airport-issued identification badge, if one has been issued by the Director, to any Airport official or member of the public who asks to see it.
- (D) Blocking the path of, obstructing, or interfering with the movement of any person.
- (E) Touching another person or their property.
- (F) Misrepresenting oneself, including but not limited to representing oneself as a representative of the Airport, an airline, an Airport tenant or contractor, the State of California or the federal government.
- (G) Making verbal threats.
- (H) Requesting documents or personal information from others, including but not limited to requesting a patron's name, or requesting to see tickets, itineraries, boarding passes, driver's licenses or passports.
- (I) Promoting, advertising, or soliciting sales or business for any commercial enterprise, including but not limited to distributing free product samples or other promotional materials.
- (J) Placing signs, notices, posters, advertisements or other writing in, on or around Airport property, including but not limited to the interior or exterior of any terminal building, administration building or parking structure, or any roadway, utility or other infrastructure.
- (K) Creating a potential security threat by leaving literature, equipment, bags or personal items unattended.
- (L) Violating any security procedure, refusing or failing to comply with a written or oral instruction issued by the TSA, SFPD or other federal, state or local agency with responsibility for Airport security.
- (M) Refusing or failing to cooperate in an investigation of any complaint or allegation of violation of these rules.

### **13.7 SUSPENSION AND REVOCATION OF PERMITS**

- (A) The Director may suspend or terminate the permit of any person or organization who violates this Rule 13, Airport Rules and Regulations or state or federal law.
- (B) The Director shall issue a written notice of termination or suspension, which shall include the reason or reasons for the suspension or termination and the duration of any suspension. The suspension or termination shall be effective immediately upon personal delivery of the Director's notice to the permittee or certified mailing of the notice to the address provided on the permit application.
- (C) Upon termination for cause, the following persons and organizations shall be ineligible to apply for a permit for six months and any other permits held by such persons or organizations shall be deemed revoked:
  - (1) The person, persons or organization on whose behalf the permitted activities occurred;  
and

- (2) Any person who violated this Rule 13 or these Rules and Regulations resulting in the termination of the permit.

### **13.8 EMERGENCIES**

In the event of an emergency affecting the safety or security of Airport patrons, Airport property, or the integrity of the air transportation security system, the Director may suspend a permit immediately and without prior notice. The Director will restore any such permit as soon as reasonably practicable, consistent with security requirements.

### **13.9 EFFECTIVE DATE**

This Rule shall become effective on April 22, 2011, and shall apply to free speech and expressive activities on and after that date.

**RULE 14.0****ENFORCEMENT AND ADMINISTRATIVE APPEAL PROCEDURE****14.1 ENFORCEMENT GENERALLY**

The Airport, through any authorized Airport Commission employee or any Law Enforcement Officer, may cite infractions of these Rules and Regulations to any individual or business entity by issuance of a verbal or written Admonishment or a written Citation.

**14.2 GENERAL AND ADMINISTRATIVE FINES**

Any person or business entity violating or otherwise engaging in prohibited conduct under these Rules and Regulations may be subject to general and/or administrative fines as provided under this Rule 14. If the violator is an individual employee or agent of an Airport tenant or contractor, the fine may be assessed against the employer/tenant or contractor at the Airport's discretion.

All violations and respective fines may be cumulative of each other (one citation may contain multiple fines) and shall be imposed in addition to and neither exclusive nor preclusive of any other civil or criminal federal, state, or local fine or penalty under the law or of any other remedy available to the Airport under the law or under a lease, permit, or contract. An infraction may result in multiple charges to a tenant or contractor and/or its employee in the form of fines, fees, and charges under the applicable lease, permit, or contract. For example, a commercial ground transportation operator may receive a citation for speeding under the California Vehicle Code *and* a fine under these Rules and Regulations. The Airport reserves all rights with respect to its enforcement of these Rules and Regulations and of its leases, permits, and contracts.

The following list references violations by Rule and Regulation Rule, but may not be exhaustive of the entire Rules and Regulations as may be amended from time to time. The headings or titles above the Rules are solely for purpose of convenience and not intended to limit the scope of a listed Rule. In the event a prohibited activity described in the Rules and Regulations does not appear in the list below, the associated fine shall be charged under Category A.

| <b>RULE</b>            | <b>DESCRIPTION OF VIOLATION</b>                                    | <b>FINE CATEGORY</b> |
|------------------------|--------------------------------------------------------------------|----------------------|
| <b>GENERAL CONDUCT</b> |                                                                    |                      |
| 1.0                    | Airport Operations or Security Bulletin Violation                  | E                    |
| 3.3(C)                 | Bicycles and Other Devices                                         | B                    |
| 3.3(G)                 | Damage to Airport Property                                         | E                    |
| 3.3(L)                 | Littering on Airport Property                                      | D                    |
| 3.3(Q)                 | Pedestrian Safety                                                  | B                    |
| 3.3(T)                 | SmarteCartes                                                       | B                    |
| 3.3(U)                 | Smoking or Using Electronic Cigarettes in a Prohibited Area        | E                    |
| 3.3(X)                 | Feeding or Otherwise Interfering with Wildlife on Airport Property | B                    |
| 3.5(B)                 | Employee Seating and Break Areas (employer)                        | B                    |
| 3.5(D)                 | Moving Airport-Owned Public Seating                                | B                    |
| 3.5(E)                 | Quiet Terminals Policy                                             | E                    |
| 3.5(G)                 | Wheelchairs (employer)                                             | E                    |
| 3.7                    | Airport-Owned Equipment Maintenance                                | E                    |

| <b>RULE</b>                                        | <b>DESCRIPTION OF VIOLATION</b>                                                                                            | <b>FINE CATEGORY</b> |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------|
| 4.1(A)                                             | Violation Of Traffic Rules                                                                                                 | B                    |
| 4.1(C)                                             | Speed Limits on Airport Roadways/Compliance with Signage and Roadway Markings                                              | B                    |
| 4.4                                                | Improper Use Of Roadways and Walks                                                                                         | B                    |
| 13.7                                               | Improper Use of Free Speech Permit                                                                                         | B                    |
| <b>PARKING</b>                                     |                                                                                                                            |                      |
| 4.2(A)                                             | No Parking – Restricted Parking Area                                                                                       | B                    |
| 4.2(B)                                             | Unauthorized Parking                                                                                                       | B                    |
| 4.2(C)                                             | Working Press Parking-2 Hours                                                                                              | B                    |
| 4.2(D)                                             | Failure to Comply with All Signs and Road Markings                                                                         | B                    |
| 4.2(E)                                             | Unauthorized Parking in a Handicapped/Disabled Parking Space                                                               | C                    |
| 4.2(F)                                             | Unauthorized Parking in an Electric Plug-In Vehicle Charging Station                                                       | B                    |
| 4.5                                                | Violating No Parking and No Stopping Signs, Obstructing Vehicle Flow                                                       | B                    |
| 4.6                                                | Improper Use of a Curb Color Zone                                                                                          | B                    |
| 4.7(B)(2)                                          | Picking up or discharging passengers or their baggage at any terminal level other than that designated for such purpose    | B                    |
| 4.7(B)(3)                                          | Leaving a vehicle unattended, except in a designated staging area                                                          | B                    |
| 4.7(B)(22)                                         | Staging in an unauthorized location (all GTOs)                                                                             | B                    |
| 4.7(D)(1)(d)                                       | Staging in an unauthorized location (SF Taxis)                                                                             | B                    |
| 4.7(D)(1)(g)                                       | Failing to remain in/with vehicle while in a curbside taxi queue                                                           | B                    |
| 4.7(D)(1)(i)                                       | Improper use of a A-Card for parking garage access                                                                         | C                    |
| <b>COMMERCIAL GROUND TRANSPORTATION OPERATIONS</b> |                                                                                                                            |                      |
| 4.7(A)                                             | Failure to comply with permit terms, directives, and requirements of Rule 4.7(A)                                           | B                    |
| 4.7(B)(1)                                          | Cutting in line, or jumping a taxicab lot, or bypassing a holding lot or ticket collection area before leaving the Airport | B                    |
| 4.7(B)(4)                                          | Failure to provide a receipt on request                                                                                    | B                    |
| 4.7(B)(5)                                          | Providing false information to Airport officials                                                                           | B                    |
| 4.7(B)(6)                                          | Altered waybills, holding lot tickets or receipt                                                                           | B                    |
| 4.7(B)(7)                                          | Failure to possess valid waybill unless not required by permit                                                             | B                    |
| 4.7(B)(8)                                          | Lack of or improper trade dress, placard, TCP number, decal, logo                                                          | B                    |
| 4.7(B)(9)                                          | Failure to activate, deactivating, tampering with or evading trip counting devices                                         | C                    |
| 4.7(B)(10)                                         | Soliciting passengers                                                                                                      | C                    |
| 4.7(B)(11)                                         | Recirculating or looping                                                                                                   | B                    |
| 4.7(B)(12)                                         | Use/possession of alcohol, narcotics or controlled substances                                                              | C                    |
| 4.7(B)(13)                                         | Profanity or Vulgarity                                                                                                     | B                    |
| 4.7(B)(14)                                         | Soliciting Excessive Fees                                                                                                  | C                    |
| 4.7(B)(15)                                         | Solicitation on Behalf of Hotel, Motel, or any Other Business                                                              | B                    |
| 4.7(B)(16)                                         | Solicitation of Illegal Activity                                                                                           | B                    |
| 4.7(B)(17)                                         | Unsafe driving; failed inspection; lack of required safety equipment                                                       | B                    |
| 4.7(B)(18)                                         | Tampering with, disconnecting, modifying pollution control equipment; substituting diesel or gasoline for alternative fuel | B                    |
| 4.7(B)(19)                                         | Using any part of the Airport premises other than a restroom to urinate and/or address personal needs.                     | B                    |
| 4.7(B)(20)                                         | Failure to wear a visible photo identification card if required by applicable permit or regulatory agency                  | B                    |
| 4.7(B)(21)                                         | Failure to comply with applicable headway requirements                                                                     | B                    |

| <b>RULE</b>                  | <b>DESCRIPTION OF VIOLATION</b>                                                        | <b>FINE CATEGORY</b> |
|------------------------------|----------------------------------------------------------------------------------------|----------------------|
| 4.7(B)(23)                   | Shared-ride van coordinator in an unauthorized location                                | B                    |
| 4.7(B)(24)                   | Failure to comply with posted signage and pavement marking                             | B                    |
| 4.7(B)(25)                   | Idling a vehicle or engine for more than five minutes                                  | B                    |
| 4.7(C)(1)                    | Change in scheduled service without proper notice                                      | B                    |
| 4.7(D)(1)                    | Failure to comply with applicable Transportation Code and SFMTA regulation re taxicabs | B                    |
| 4.7(D)(1)(a)                 | Use of SFMTA A-Card by unauthorized driver                                             | B                    |
| 4.7(D)(1)(b)                 | Lack of AVI transponder on SFMTA taxicabs                                              | B                    |
| 4.7(D)(1)(c)                 | Lack of properly placed certification decal on SFMTA taxicabs                          | B                    |
| 4.7(D)(1)(e)                 | Failure to comply with dispatcher instructions                                         | B                    |
| 4.7(D)(1)(f)                 | Charging unauthorized fees or surcharges                                               | C                    |
| 4.7(D)(1)(h)                 | Unauthorized use of A-Card                                                             | C                    |
| 4.7(D)(2)                    | Non-SFMTA taxi driver failure to have a waybill; failure to pay trip fee               | B                    |
| <b>SAFETY AND SECURITY</b>   |                                                                                        |                      |
| 5.1                          | Airfield Marking, Signage, Control Towers                                              | D                    |
| 5.2                          | Airside personnel (employer)                                                           | D                    |
| 5.3                          | Aircraft operations                                                                    | D                    |
| 5.4(A)                       | GSE operators (employer)                                                               | D                    |
| 5.4(B)                       | GSE requirements                                                                       | D                    |
| 5.4(C)(1)                    | GSESIP: Each vehicle receiving a red tag                                               | C                    |
| 5.4(C)(1)                    | GSESIP: Tampering/interfering with a red tag or impoundment                            | F                    |
| 5.4(C)(1)                    | GSESIP: Each vehicle not returned for reinspection within time specified               | E                    |
| 5.4(C)(2)                    | GSE Impound Program                                                                    | C                    |
| 5.4(D)(1)                    | AOA signage                                                                            | D                    |
| 5.4(D)(2)                    | Checkpoint and Security Gates                                                          | F                    |
| 5.4(D)(3)-(9)                | GSE movement                                                                           | D                    |
| 5.5                          | Ramp operations and gate usage                                                         | D                    |
| 5.6                          | Passenger movement                                                                     | D                    |
| 5.7                          | Fueling                                                                                | E                    |
| 5.8                          | Accidents, incidents, incursions/deviations, disabled aircraft and GSE                 | D                    |
| 6.0                          | Fire and Safety                                                                        | E                    |
| 7.0                          | Security violations                                                                    | E                    |
| 7.2(A)(3)                    | Failure to comply with Airport ID Badge return requirements                            | C                    |
| <b>COMMERCIAL ACTIVITIES</b> |                                                                                        |                      |
| 8.0                          | Airport Environmental Standards                                                        | E                    |
| 8.2                          | Food service and food ware                                                             | C                    |
| 8.6(E)                       | Unauthorized discharge impacting storm drain system                                    | F                    |
| 9.3                          | Airport Infrastructure                                                                 | F                    |
| 9.4                          | Airport Mapping                                                                        | F                    |
| 9.5                          | On-Site Personnel                                                                      | E                    |
| 9.6                          | Construction Activity                                                                  | F                    |
| 11                           | Noise Abatement                                                                        | E                    |

### 14.3 AMOUNT OF FINES

The amount of fines set forth in this Rule 14 shall be calculated for each violation cited under the Airport Rules and Regulations. The Airport shall impose a second offense charge when the actor has violated the same Rule twice within the same calendar year. The Airport shall impose a third offense charge when the

actor has violated the same Rule three times or more within the same calendar year. Given the specific circumstances of the violation and the Rule, the Airport, in its sole discretion, may determine that a violation of the same Rule is not a repeat offense for purposes of determining the amount of a fine. (AOB 20-09)

Payment of any fine shall be due within 30 days of the date of the citation. In the event that a person or entity receiving a citation fails or refuses to pay a fine, the Director in his sole discretion may suspend or terminate a permit and/or may deny reinstatement of an existing permit or issuance of any future permit until such time as the fine is paid in full with interest compounded monthly. In the event that the person or entity receiving a citation files a timely request for review or appeal, then the fine shall be payable as provided in Rule 14.5, below.

| <b>FINE CATEGORY</b> | <b>FIRST OFFENSE</b> | <b>SECOND OFFENSE</b> | <b>THIRD OFFENSE</b> |
|----------------------|----------------------|-----------------------|----------------------|
| A                    | \$50                 | \$75                  | \$100                |
| B                    | \$100                | \$200                 | \$250                |
| C                    | \$250                | \$500                 | \$750                |
| D                    | \$750                | \$1,000               | \$1,250              |
| E                    | \$1,000              | \$2,000               | \$3,000              |
| F                    | \$10,000             | \$15,000              | \$20,000             |

**14.4 INDIVIDUAL INFRACTIONS**

This Section 14.4 applies only to individual employees of tenants or contractors who are granted access to the AOA or other secure areas of Airport property for their work duties. Individual infractions on the AOA and/or relating to the safety or security of the Airport may result in the immediate suspension or permanent revocation of an Airport ID badge or driving privileges, at the sole discretion of the Airport, notwithstanding the Admonishment or Citation procedures below.

The charging officer may issue a verbal or written Admonishment which shall be considered a warning. A written Admonishment shall be recorded as a First Offense as described in the table below. Second and third offenses shall be calculated based on the calendar year, as provided in Rule 14.3 above.

If the charging officer issues a written Admonishment or a Citation for an individual infraction, the Airport will notify the employer/tenant or contractor and may assess against the employer the appropriate fine and any other charge under the lease, permit, or contract in addition to any consequences assessed against the individual employee. Any training required shall be designated by the Airport. The individual employee shall remain responsible for any training or training fee, as follows:

| <b>RULE</b>   | <b>DESCRIPTION</b>                                               | <b>OFFENSE</b>                     | <b>RESULT</b>                           |
|---------------|------------------------------------------------------------------|------------------------------------|-----------------------------------------|
| <b>3.1(A)</b> | <b>Illegal Activity / BART Fare Evasion</b>                      | First Offense                      | Airport ID badge suspended for 72 hours |
|               |                                                                  | Second Offense                     | Airport ID badge suspended for 72 hours |
|               |                                                                  | Third Offense                      | Airport ID badge permanently revoked    |
| <b>3.3(T)</b> | <b>Smoking in a Secured Area / Airport Operations Area (AOA)</b> | First Offense/written Admonishment | Airport ID badge suspended for 24 hours |
|               |                                                                  | Second Offense                     | Airport ID badge suspended for 72 hours |
|               |                                                                  | Third Offense                      | Airport ID badge suspended for 10 days  |
|               |                                                                  | Fourth Offense                     | Airport ID badge permanently revoked    |

| RULE | DESCRIPTION                           | OFFENSE                                                                 | RESULT                                                                                                                                                                                                                                                                                                                                                                                      |
|------|---------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.4  | <b>GSE driver/operator violations</b> | First Offense/<br>written Admonishment                                  | Warning to driver/operator                                                                                                                                                                                                                                                                                                                                                                  |
|      |                                       | First Offense/<br>Citation                                              | <ul style="list-style-type: none"> <li>▪ Two-hour training class; driver/operator pays the \$50 training class fee</li> <li>▪ Driver/operator's AOA security access badge and driving privileges suspended for the day the employee attends the training</li> </ul>                                                                                                                         |
|      |                                       | Second Offense                                                          | <ul style="list-style-type: none"> <li>▪ Two-hour training class; driver/operator pays the \$50 training class fee</li> <li>▪ Driver's AOA security access badge and driving privileges immediately suspended for three consecutive days (a 72-hour period) following Citation</li> <li>▪ Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>         |
|      |                                       | Third Offense                                                           | Driver/operator permanently loses driving privileges                                                                                                                                                                                                                                                                                                                                        |
| 7.0  | <b>Individual security violations</b> | First Offense/<br>written Admonishment                                  | Warning to employee                                                                                                                                                                                                                                                                                                                                                                         |
|      |                                       | First Offense/<br>Citation                                              | <ul style="list-style-type: none"> <li>▪ Airport ID badge immediately confiscated for one full day (a 24-hour period) following Citation</li> <li>▪ Security Access Office training class</li> </ul>                                                                                                                                                                                        |
|      |                                       | Second Offense                                                          | <ul style="list-style-type: none"> <li>▪ Airport ID badge immediately confiscated for three full consecutive days (a 72-hour period) following Citation</li> <li>▪ Security Access Office training class</li> <li>▪ Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>                                                                               |
|      |                                       | Third Offense                                                           | <ul style="list-style-type: none"> <li>▪ Airport ID badge immediately confiscated for ten full consecutive days (a 240-hour period) following Citation</li> <li>▪ Security Access Office training class</li> <li>▪ Employer pays lease/permit charge for a violation of the Rules and Regulations</li> </ul>                                                                                |
|      |                                       | Fourth Offense                                                          | Security access permanently terminated                                                                                                                                                                                                                                                                                                                                                      |
|      |                                       | <b>Note for all individual security or security-related violations:</b> | <p>Airport ID Badge holders directed to attend in-person training administered by the Security Access Office shall do so within the time specified or may be subject to further badge suspension or revocation. The charge for the training is a \$50 administrative fee which the employee or the employee's authorized signatory shall pay before attending the training. (ASB 19-06)</p> |

**14.5 REVIEW AND APPEAL PROCEDURE****(A) General**

Any person or business entity seeking to challenge a Citation issued under these Rules and Regulations shall follow the administrative procedures of this Rule 14.5.

A requestor may seek review of a Citation and, following the review, may appeal from a decision affirming or amending the Citation.

Requests for review or appeal must be received by the Airport within the time(s) specified below. The requestor is solely responsible for assuring that the request is timely received. The Airport will consider only a properly documented and timely request. Failure to submit a properly documented and timely request for review or appeal will be considered acceptance of the Citation.

Communications required under this Section 14.5 shall be sent by electronic mail to SFOCitationReview@flysf.com, unless the requesting party does not have access to email. In that event, the request may be sent in paper form addressed to:

Chief Operating Officer  
International Terminal Building, Fifth Floor  
P.O. Box 8097  
San Francisco International Airport  
San Francisco, CA 94128

Any request for review and/or appeal shall be submitted on the template forms attached to these Rules and Regulations as Appendix G and incorporated here by reference.

**(B) Review**

Unless otherwise specified in an Operating Permit or unless a government investigation is ongoing, a request for review must be received by the Airport within ten (10) calendar days of the date the Notice of Citation is issued. A request for review shall include (i) the name, date, mailing address, e-mail address, and phone number of the requestor and (ii) a detailed basis for the review. If the matter is under investigation by a government agency, then the request for review must be made within ten calendar days of the date the investigation report is issued.

The Director shall designate an Airport Commission employee to review a request. The designated reviewer will have no personal knowledge of the incident resulting in the Citation. The reviewer may request additional information from the requestor; requestor's failure to provide the stated information within the time specified by the reviewer will result in a decision based on the information available.

Within thirty (30) calendar days of receipt of the Request for Initial Review, the reviewer shall issue an administrative decision affirming, dismissing, or amending the citation.

Payment of a fine following a final decision affirming or amending a citation shall be due within ten days of the date the administrative review decision is issued.

**(C) Appeal**

An administrative decision affirming or amending a Citation may be appealed within ten (10) calendar days of the date the decision is issued. The request for appeal must include information detailing the basis for the appeal.



For all matters except those involving long-term suspension (more than 72 hours) or revocation of an Airport ID badge, the Director shall designate an Airport Commission employee to hear an appeal. The hearing officer will have no personal knowledge of the incident resulting in the citation and whose regular job duties are outside the chain of command of either the citing official or the reviewer.

The Chief Operating Officer shall be the hearing officer for any appeal involving long-term suspension (more than 72 hours) or permanent revocation of an Airport ID badge.

The hearing officer may request additional information from the appellant; appellant's failure to provide the stated information within the time specified by the reviewer will result in a decision based on the information available. The hearing officer may in his/her sole discretion invite both the appellant and the Airport Division issuing the citation to a hearing to state their respective positions and answer questions posed by the hearing officer; the hearing may be in person or in writing as directed by the hearing officer.

The hearing officer shall issue an administrative decision affirming, dismissing, or amending the citation. The hearing officer's decision shall be final on the date issued. The hearing officer shall issue a decision within sixty (60) days of the date of the receipt of the written appeal.

Payment of a fine following a final decision affirming or amending a Citation shall be due within ten (10) calendar days of the date the decision is issued.

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Immigrant Rights Commission Letter & Resources on Ending AAPI Hate  
**Date:** Tuesday, November 30, 2021 8:51:00 AM  
**Attachments:** [IRC Letter & Recommendations Ending AAPI Hate 11.29.21.pdf](#)  
[Ending AAPI Hate in SF resource guide multilingual.pdf](#)

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**From:** Shore, Elena (ADM) <elena.shore@sfgov.org>  
**Sent:** Monday, November 29, 2021 4:54 PM  
**To:** Engagement, Civic (ADM) <civic.engagement@sfgov.org>  
**Cc:** Pon, Adrienne (ADM) <adrienne.pon@sfgov.org>  
**Subject:** Immigrant Rights Commission Letter & Resources on Ending AAPI Hate

Dear President Walton and Supervisors,

On behalf of Director Adrienne Pon, attached is a letter, along with recommendations and a multilingual resource guide, on ending anti-Asian American Pacific Islander (AAPI) hate, based on testimony heard by the Immigrant Rights Commission earlier this year.

Please let us know if you have any questions or need additional information.

Thank you,

Elena

**Elena Shore | Senior Immigrant Affairs Advisor | Clerk, Immigrant Rights Commission**

**Pronouns:** She, Her, Hers

Office of Civic Engagement & Immigrant Affairs | City & County of San Francisco

[elena.shore@sfgov.org](mailto:elena.shore@sfgov.org) | [OCEIA](#) | [Immigrant Rights Commission](#)

1155 Market Street, 1<sup>st</sup> Floor | San Francisco, CA 94103



CITY AND COUNTY OF SAN FRANCISCO  
**IMMIGRANT RIGHTS COMMISSION**

November 29, 2021

Honorable London N. Breed  
Mayor, San Francisco City and County  
City Hall, Room 200  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

President Shamann Walton and  
Members of the San Francisco Board of  
Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

City Administrator Carmen Chu  
Office of the City Administrator  
City Hall, Room 362  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

City Attorney David Chiu  
Office of the City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl.  
San Francisco, CA 94102

Director Mary Ellen Carroll  
San Francisco Department of Emergency  
Management  
1011 Turk Street  
San Francisco, CA 94102

Executive Director Paul Henderson  
San Francisco Department of Police  
Accountability  
1 South Van Ness Avenue, 8th Floor  
San Francisco, CA 94103

Director of Health Dr. Grant Colfax  
San Francisco Department of Public Health  
101 Grove Street  
San Francisco, CA 94102

District Attorney Chesa Boudin  
San Francisco District Attorney's Office  
350 Rhode Island Street North Building,  
Suite 400N  
San Francisco, CA 94103

Fire Chief Jeanine Nicholson  
San Francisco Fire Department  
698 - 2nd Street  
San Francisco, CA 94107

Chair Karen Clopton and  
Executive Director Dr. Sheryl Davis  
San Francisco Human Rights Commission  
25 Van Ness Avenue, 8th Floor  
San Francisco, CA 94102

Chief William Scott  
San Francisco Police Department  
1245 3rd Street, 6th Floor  
San Francisco, CA 94158

Sheriff Paul Miyamoto  
San Francisco Sheriff's Office  
City Hall, Room 456  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102



# CITY AND COUNTY OF SAN FRANCISCO

## IMMIGRANT RIGHTS COMMISSION

Dear City Leaders and Departments,

Earlier this year, the San Francisco Immigrant Rights Commission (IRC) and the Office of Civic Engagement & Immigrant Affairs (OCEIA) convened a special virtual hearing on the rise of violence against Asian American and Pacific Islander (AAPI) community members and efforts to end the hate. We were fortunate to be joined by City Administrator Carmen Chu as well as representatives from City Departments, the Stop AAPI Hate coalition and community-based organizations.

We are all unfortunately aware of the historic hate towards AAPI communities in San Francisco and nationally that escalated during the COVID-19 pandemic. The Commission has unanimously agreed that we as a City must prioritize the safety and wellbeing of this community, work collaboratively to find solutions to the public safety crisis, and end racial violence and hate against all communities.

A summary of the concerns, requests, and recommendations from community members, leaders and speakers is attached. We hope you take this input into consideration with a sense of urgency. One issue of particular importance is the need for increased language access and cultural competence when it comes to first responders and the treatment of victims. The IRC held two special virtual hearings on language access and the Language Access Ordinance on April 12, 2021 and May 10, 2021, and will share its recommendations with the Board of Supervisors. As a City, we must do better to strengthen the community's ability to seek help and receive help in a swift and efficient manner.

The IRC acknowledges that one special hearing on the rise of hate and efforts to end it can only go so far. We must work together to listen to the community and increase the City's ongoing response and efforts to protect AAPI community members, in addition to all residents. The Commission plans to convene a special hearing early next year to follow up on the progress that has been made.

Please let us know how we may continue to assist you and collaborate on effective, culturally appropriate and creative solutions. Please also keep the IRC updated on your work so that we may remain informed. Thank you for your time and consideration.

Sincerely,

Handwritten signature of Celine Kennelly in black ink.

Celine Kennelly  
Commission Chair

Handwritten signature of Mario Paz in blue ink.

Mario Paz  
Commission Vice Chair

Ryan Khojasteh and Nima Rahimi  
Executive Committee Members

San Francisco Immigrant Rights Commission



# CITY AND COUNTY OF SAN FRANCISCO

## IMMIGRANT RIGHTS COMMISSION

### **Ending AAPI Hate: Recommendations for the City of San Francisco**

*In response to an increase in anti-Asian American Pacific Islander (AAPI) hate incidents during COVID-19, the San Francisco Immigrant Rights Commission developed the following recommendations for the City of San Francisco based on community testimony at its May 19, 2021 special hearing on anti-AAPI hate.*

#### **1. Assistance for victims and survivors**

- Allocate more resources to inform community members about how to report hate incidents and the importance of doing so; address barriers to reporting, including language access, digital barriers, and fears of immigration enforcement.
- Address the mental health impacts on community members, including social isolation among elders.

#### **2. Language access as a safety issue**

- Allocate resources to ensure that lack of language access does not continue to act as a barrier for victims to report hate incidents and get the help they need.
- Update the Language Access Ordinance to develop protocols that address the language needs of community members during emergency and crisis situations.
- The Immigrant Rights Commission will issue a series of recommendations on the Language Access Ordinance based on community testimony and the results of its language access community survey.

#### **3. Community support and funding for service providers**

- Allocate resources for multilingual community patrols and safety escorts.
- Provide funding to non-profit organizations that serve community members.

#### **4. Intervention and prevention**

- Support programs such as the bystander training organized by Asian Americans Advancing Justice – Asian Law Caucus and Hollaback! for community members to safely intervene in hate incidents.

#### **5. Models for cross-racial healing and solidarity work**

- Promote policies that address systemic racism and respond to people's underlying needs (housing, jobs, etc.), rather than emphasizing incarceration.



# RESOURCE GUIDE: ENDING AAPI HATE IN SAN FRANCISCO

*Hate incidents against Asian American Pacific Islander (AAPI) communities have risen during the COVID-19 pandemic. Below are resources on how to report hate incidents, seek help, and prevent future incidents from occurring in San Francisco.*

## REPORT

**Call 911** to report an emergency or a crime in progress.

**Call the San Francisco Police Department's multilingual tip line:**

415-558-5588

If you have non-emergency information that could help solve a hate crime or any other crime, press:

- 1 for Cantonese
- 2 for Mandarin
- 3 for Spanish
- 4 for Tagalog
- 5 for Russian
- 6 for Vietnamese
- 7 for Korean
- 8 for Japanese
- 9 for Thai

**Call the San Francisco District Attorney's Hate Crime Hotline:**

628-652-4311

**Report a hate incident in your community:**

[stopaapihate.org/reportincident](http://stopaapihate.org/reportincident)

## GET HELP

**San Francisco District Attorney Victim Services:**

628-652-4100

[victimservices@sfgov.org](mailto:victimservices@sfgov.org)

**Get immigration legal help**

Get connected to immigration legal help in San Francisco. Some immigrants who are victims of crime qualify for U visas.

[immigrants.sfgov.org](http://immigrants.sfgov.org)

**Request a community safety escort**

Call 311 to request a Community Ambassador safety escort on weekdays in San Francisco's Bayview, Visitacion Valley and Portola, Chinatown, Mid-Market and Mission neighborhoods.

**Access information in your language**

Request an interpreter to help you access City meetings, information, and services.

Report a City department for not providing translation or interpretation: [sf.gov/oceia](http://sf.gov/oceia)

## PREVENT

**Attend a Bystander Intervention Training:**

[advancingjustice-aajc.org/events](http://advancingjustice-aajc.org/events)



# GUÍA DE RECURSOS:

## PONER FIN AL ODIO ANTIASIÁTICO-ESTADOUNIDENSE, ISLEÑO DEL PACÍFICO EN SAN FRANCISCO

Los incidentes de odio contra las comunidades asiáticas-estadounidenses, isleñas del Pacífico (AAPI) han aumentado durante la pandemia COVID-19. A continuación se presentan recursos sobre cómo denunciar incidentes de odio, buscar ayuda y evitar que ocurran incidentes futuros en San Francisco.

### DENUNCIAR

Llame al **911** para reportar una emergencia o un crimen en progreso.

Llame a la **línea anónima plurilingüe del Departamento de Policía:**

415-558-5588

Si usted tiene información no urgente que podría ayudar a resolver un crimen de odio o cualquier otro delito, presione:

- 1 para cantonés
- 2 para mandarín
- 3 para español
- 4 para tagalo
- 5 para ruso
- 6 para vietnamita
- 7 para coreano
- 8 para japonés
- 9 para tailandés

Llame la **línea directa del fiscal de distrito de San Francisco:**

628-652-4311

Denuncie un incidente motivado por odio en su comunidad:

[stopaapihate.org/reportincident](http://stopaapihate.org/reportincident)

### RECIBA AYUDA

**Servicios para víctimas del fiscal de distrito de San Francisco:**

628-652-4100

[victimservices@sfgov.org](mailto:victimservices@sfgov.org)

**Reciba ayuda legal para inmigración**

Póngase en contacto para recibir ayuda migratoria legal en San Francisco. Algunos inmigrantes víctimas de crímenes califican para visas tipo U.

[immigrants.sfgov.org](http://immigrants.sfgov.org)

**Solicite un escolta de seguridad comunitaria**

Llame al 311 para solicitar un Embajador Comunitario escolta de seguridad entre semana en los vecindarios de Bayview, Visitacion Valley, Portola, Chinatown, Mid-Market y la Misión en San Francisco.

**Acceso a información en su idioma**

Pida servicios de interpretación para ayudarle a acceder a las asambleas, servicios e información municipales.

Denuncie los departamentos municipales por no ofrecer servicios de traducción o interpretación: [sf.gov/oceia](http://sf.gov/oceia)

### PREVENCIÓN

**Participe en un taller para la intervención de observadores:**

[advancingjustice-ajc.org/events](http://advancingjustice-ajc.org/events)



資源指南：

# 三藩市呼籲

## 「停止仇視亞太裔」

針對亞太裔 (AAPI) 社區的仇恨事件在COVID-19大流行期間日益攀升。  
以下是關於如何舉報仇恨事件、尋求幫助以及防止事故在三藩市再發生的資源。

### 舉報

如遇到緊急事故或正在發生的犯罪，  
請致電**911**報警求助。

請致電三藩市警察局的多語言舉報熱線：

415-558-5588

如果您可以提供能幫助解決仇恨犯罪或任何其它犯罪的非緊急類資訊的話，請按：

- 1 粵語
- 2 普通話
- 3 西班牙語
- 4 他加祿語
- 5 俄語
- 6 越南語
- 7 韓語
- 8 日語
- 9 泰語

致電三藩市地檢署的仇恨犯罪熱線：

628-652-4311

舉報在您社區發生的仇恨事件：

[stopaapihate.org/reportincident](http://stopaapihate.org/reportincident)

### 獲取幫助

三藩市地檢署受害者服務部：

628-652-4100

[victimservices@sfgov.org](mailto:victimservices@sfgov.org)

獲取移民法律援助

聯絡獲取三藩市的移民法律援助。某些罪行受害者的移民符合資格申請U簽證。

[immigrants.sfgov.org](http://immigrants.sfgov.org)

請求社區安全護送

致電311請求社區大使安全護送服務。

服務時段：工作日。服務區域：灣景區、訪谷區和寶多拉區、華埠、中市場街區以及米慎區等三藩市鄰里社區。

以您所偏好的語言獲取資訊

請求口譯員提供服務，助您參與市政會議以及獲取市政資訊或服務。

舉報不提供翻譯或口譯服務的市府部門：

[sf.gov/oceia](http://sf.gov/oceia)

### 預防

參加旁觀者介入培訓：

[advancingjustice-aajc.org/events](http://advancingjustice-aajc.org/events)





# GABAY SA REKURSO: PAGTIGIL NG KARAHASAN LABAN SA AAPI SA SAN FRANCISCO

*Tumaas ang mga insidente ng karahasan laban sa mga komunidad ng Asyano Amerikano at Taga-Isla Pasipiko (AAPI) ngayong panahon ng pandemyang COVID-19. Mahahanap sa ibaba ang mga rekurso kung paano mag-ulat ng mga insidente ng karahasan, humanap ng tulong, at pigilan ang pangyayari ng mga insidente sa hinaharap dito sa San Francisco.*

## PAG-ULAT

**Tumawag sa 911** para mag-ulat ng emerhensya o krimen na kasalukuyang nagaganap.

**Tumawag sa maramihang-wika na linya (tip line) ng San Francisco Police Department:**

415-558-5588

Kung mayroon kayong impormasyon na hindi pang-emerhensya na maaaring makatulong sa paglutas ng krimen na dulot ng karahasan o iba pang krimen, pindutin ang:

- 1 para sa Cantonese
- 2 para sa Mandarin
- 3 para sa Espanyol
- 4 para sa Tagalog/Pilipino
- 5 para sa Ruso
- 6 para sa Vietnamese
- 7 para sa Koreano
- 8 para sa Hapones/Niponggo
- 9 para sa Thai

**Tawagan ang Hotline sa Krimen na Dulot ng Karahasan ng San Francisco District Attorney:**

628-652-4311

**Mag-ulat ng insidente ng karahasan sa inyong komunidad:**

[stopaapihate.org/reportincident](http://stopaapihate.org/reportincident)

## HUMINGI NG TULONG

**Serbisyong Pang-Biktima ng San Francisco District Attorney:**

628-652-4100  
[victimservices@sfgov.org](mailto:victimservices@sfgov.org)

**Humingi ng tulong pang-legal sa imigrasyon**  
Makipagkonektahan sa pang-legal na tulong sa imigrasyon dito sa San Francisco. Kwalipikado sa U visa ang iilang imigrante na biktima ng karahasan.

[immigrants.sfgov.org](http://immigrants.sfgov.org)

**Humingi ng kasama mula sa komunidad para manatiling ligtas (community safety escort):** Tumawag sa 311 para humiling ng isang Community Ambassador safety escort tuwing karaniwang araw ng linggo sa mga distrito ng San Francisco na Bayview, Visitacion Valley at Portola, Chinatown, Mid-Market at Mission.

**Tumanggap ng impormasyon sa inyong wika**  
Humingi ng serbisyong pang-interpretasyon para makatulong sa pag-akses ng mga miting, impormasyon, at serbisyo ng Lungsod.

Mag-ulat ng departamento ng Lungsod na hindi nagbibigay ng serbisyo sa pagsasalin ng wika o interpretasyon: [sf.gov/oceia](http://sf.gov/oceia)

## PIGILAN

**Dumalo ng isang Bystander Intervention Training (pagsasanay para sa mga nais tumulong habang nanatiling ligtas):**

[advancingjustice-ajc.org/events](http://advancingjustice-ajc.org/events)



# HƯỚNG DẪN TÀI NGUYÊN: KẾT THÚC KỲ THỊ VỀ AAPI Ở SAN FRANCISCO

Sự căm thù đối với cộng đồng người Mỹ gốc Á ở Đảo Thái Bình Dương (AAPI) đã gia tăng trong đại dịch COVID-19. Dưới đây là các tài nguyên về cách báo cáo các sự cố thù địch, tìm kiếm sự trợ giúp và ngăn chặn các sự cố xảy ra trong tương lai ở San Francisco.

## BÁO CÁO

Gọi 911 để báo cáo trường hợp khẩn cấp hoặc tội phạm đang diễn ra.

Vui lòng gọi đường dây nóng đa ngôn ngữ của Sở Cảnh sát San Francisco:

415-558-5588

Nếu bạn có thông tin không khẩn cấp để có thể giúp giải quyết tội ác hoặc bất kỳ tội phạm nào khác, hãy nhấn:

- 1 cho tiếng Quảng Đông
- 2 cho tiếng Quan Thoại
- 3 cho tiếng Tây Ban Nha
- 4 cho Tiếng Phi
- 5 cho tiếng Nga
- 6 cho tiếng Việt
- 7 cho tiếng Hàn
- 8 cho tiếng Nhật
- 9 cho tiếng Thái

Gọi cho đường dây nóng của Tòa án Quận San Francisco về tội ác:

628-652-4311

Báo cáo một sự tội phạm trong cộng đồng của bạn:

[stopaapihate.org/reportincident](http://stopaapihate.org/reportincident)

## NHẬN TRỢ GIÚP

Tòa án quận San Francisco Dịch vụ Nạn nhân:

628-652-4100

[victimservices@sfgov.org](mailto:victimservices@sfgov.org)

**Nhận trợ giúp pháp lý về nhập cư**

Kết nối với trợ giúp pháp lý nhập cư ở San Francisco. Một số người nhập cư là nạn nhân của tội phạm đủ điều kiện để được cấp thị thực U.

[immigrants.sfgov.org](http://immigrants.sfgov.org)

**Yêu cầu một hộ tống an toàn**

Gọi 311 để yêu cầu một đại sứ cộng đồng hộ tống an toàn vào các ngày trong tuần ở San Francisco's Bayview, Visitacion Valley và các vùng lân cận Portola, Chinatown, Mid-Market và Mission.

**Truy cập thông tin bằng ngôn ngữ của bạn**

Yêu cầu thông dịch viên giúp bạn tiếp cận các cuộc họp, thông tin, và dịch vụ của Thành phố.

Báo cáo bộ phận Thành phố về việc không cung cấp bản dịch hoặc phiên dịch:

[sf.gov/oceia](http://sf.gov/oceia)

## NGĂN NGỪA

Tham dự khóa đào tạo can thiệp cho người ngoài cuộc:

[advancingjustice-aaajc.org/events](http://advancingjustice-aaajc.org/events)

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Jalipa, Brent \(BOS\)](#)  
**Subject:** 22 Letters for File No. 210538  
**Date:** Thursday, December 2, 2021 1:15:00 PM  
**Attachments:** [22 letters for File No. 210538.pdf](#)

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Hello,

Please see attached 22 letters for File No. 210538.

**File No. 210538** – Appropriation - Fiscal Cliff Reserve \$64,150,000 - Mayor's Office of Housing and Community Development - \$64,150,000 for Social Housing - FY2021-2022

Regards,

Office of the Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**From:** [Zoe Landis](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 10:49:47 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

The 100% affordable homes at 2550 Irving Street will expand access and opportunities for working families and renters by creating safe and stable homes in a community with good access to schools, parks, and the Irving Street commercial district. They will also help address SF's staggering housing inequality, allow diverse families to remain in our Westside community, and support the urgent needs of our most vulnerable neighbors.

Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Zoe Landis  
zoehollylandis@gmail.com

San Francisco, California 94116

**From:** [Rogelio Foronda](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 10:50:11 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Rogelio Foronda  
rforonda316@gmail.com

San Francisco, California 94131

**From:** [Wesley Tam](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 11:42:02 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District. As a lifelong San Francisco resident who spent much of my childhood walking and shopping along Irving Street, it is crucial to provide affordable housing to the community that continues to live there.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Wesley Tam  
wesley\_tam@yahoo.com

San Francisco, California 94123

**From:** [Corey D.](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Wednesday, November 24, 2021 5:26:52 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

The 100% affordable homes at 2550 Irving Street will expand access and opportunities for working families and renters by creating safe and stable homes in a community with good access to schools, parks, and the Irving Street commercial district. They will also help address SF's staggering housing inequality, allow diverse families to remain in our Westside community, and support the urgent needs of our most vulnerable neighbors.

Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Corey D.  
cdickerson1185@gmail.com

San Francisco, California 94188

**From:** [Paul Foppe](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Wednesday, November 24, 2021 9:58:37 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District. As someone who lives at Judah and 34th and who shops along Irving Street, I'd be happy to see as much housing as possible built at this location.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

The 100% affordable homes at 2550 Irving Street will expand access and opportunities for working families and renters by creating safe and stable homes in a community with good access to schools, parks, and the Irving Street commercial district. They will also help address SF's staggering housing inequality, allow diverse families to remain in our Westside community, and support the urgent needs of our most vulnerable neighbors.

Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Paul Foppe  
hugfoppe@gmail.com  
2935 Judah St  
San Francisco, California 94122



**From:** [Nadia Rahman](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Wednesday, November 24, 2021 11:50:28 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Nadia Rahman  
nadia.a.rahman@gmail.com  
775 9th Avenue, Apt. B  
San Francisco, California 94118

**From:** [Andrew Day](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Wednesday, November 24, 2021 12:38:34 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Andrew Day  
aday.nu@gmail.com  
1788 Clay St  
San Francisco, California 94115

**From:** [Martin Munoz](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support All SEVEN STORIES of 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 7:59:10 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

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Again, I'm urging you to support bringing all SEVEN STORIES of 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Martin Munoz  
martinmunozdz@gmail.com

San Francisco, California 94117

**From:** [Raul Maldonado](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 7:46:43 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Raul Maldonado  
rmaldonadocloud@gmail.com

San Francisco, California 94132

**From:** [Eli Sokol](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 8:06:58 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Eli Sokol  
elipsokol@gmail.com

San Francisco, California 94114

**From:** [Jonathan Tyburski](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 8:11:00 PM

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Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Jonathan Tyburski  
jtyburski@gmail.com  
1849 Page St  
Arlington, California 94117

**From:** [Dan Federman](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 8:55:09 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing as many 100% affordable homes to 2550 Irving Street in SF's Sunset District as is fiscally feasible.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Make this building as tall and as dense as fiscally possible. Do not remove 100% affordable homes to appease neighbors who are comfortably housed. Thank you.

Dan Federman  
dfed@me.com  
1353 Page St  
San Francisco, California 94117

**From:** [Kassia Filkins](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 9:00:22 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Kassia Filkins  
candysweetisme@gmail.com

San Francisco, California 94121



**From:** [Anna Stratton-Brook](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 9:08:51 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Anna Stratton-Brook  
annacsbrook@gmail.com

San Francisco, California 94121

**From:** [Hunter Oatman-Stanford](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 9:13:38 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Hunter Oatman-Stanford  
hoatmanstanford@gmail.com

San Francisco, California 94107

**From:** [Nathanael Aff](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 9:14:53 PM

---

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Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Nathanael Aff  
nathanaelaff@gmail.com

San Francisco, California 94122

**From:** [Matthew Janes](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 9:15:31 PM

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Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Matthew Janes  
mjanes@gmail.com

San Francisco, California 94110

**From:** [Louis Magarshack](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 9:22:03 PM

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Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Louis Magarshack  
louis.magarshack@gmail.com

San Francisco, California 94116

**From:** [Dominique Meroux](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 9:30:00 PM

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Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

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With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Dominique Meroux  
dmeroux@gmail.com

Belmont, California 94134

**From:** [Alfred Twu](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support the maximum number of affordable homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 10:32:58 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors Members of the San Francisco Board of Supervisors,

Please do not delay this project any further.

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of longstanding families, it is long past time for the Board of Supervisors to take bold action to protect our community. Each year, thousands of Sunset residents submit applications for affordable housing but there are virtually no affordable housing opportunities in the Sunset to meet the needs of working families and renters. That's why it is imperative that we build more safe, stable, and affordable homes right now.

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Alfred

Alfred Twu  
firstcultural@gmail.com  
2415 Prospect Street  
Berkeley, California 94704

**From:** [Steve Marzo](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 10:34:59 PM

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Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Steve Marzo  
smarzo@alumni.nd.edu

San Francisco, California 94112



**From:** [Elliot Schwartz](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** Support 100% Affordable Homes at 2550 Irving Street in The Sunset!  
**Date:** Tuesday, November 23, 2021 10:35:41 PM

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Supervisors Members of the San Francisco Board of Supervisors,

San Francisco's housing shortage and affordability crisis is more acute than ever, which is why I'm urging you to support bringing 100% affordable homes to 2550 Irving Street in SF's Sunset District.

Our city urgently needs more affordable housing on the Westside generally and in District 4 specifically. District 4, as you know, falls behind every other district when it comes to building affordable housing and has added only 17 new affordable homes over the last decade!

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Again, I'm urging you to support bringing 100% affordable homes to 2550 Irving Street without delay so that more residents can call San Francisco home. Thank you.

Elliot Schwartz  
elliot.schwartz@gmail.com

San Francisco, California 94107

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Jalipa, Brent \(BOS\)](#)  
**Subject:** 4 Letters Regarding File No. 210538  
**Date:** Thursday, December 2, 2021 1:10:00 PM  
**Attachments:** [4 letters regarding File No. 210538.pdf](#)

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Hello,

Please see attached 4 letters for File No. 210538.

**File No. 210538** – Appropriation - Fiscal Cliff Reserve \$64,150,000 - Mayor's Office of Housing and Community Development - \$64,150,000 for Social Housing - FY2021-2022

Regards,

Office of the Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**From:** [Simone Manganelli](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [MandelmanStaff, \[BOS\]](#)  
**Cc:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Support the Emergency Housing Acquisition Program, say YES to \$64M for social housing  
**Date:** Tuesday, November 23, 2021 12:47:28 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed, Supervisor Mandelman, and the Board of Supervisors,

I'm a resident of District 8, and I am writing to urge your support for Supervisor Preston's ordinance to allocate \$64 million to social housing (File No 210538), and to move it forward without delay.

Last year I voted for Prop I to get more money for social housing. The Board of Supervisors supported this plan in a resolution passed unanimously. Supervisor Preston's ordinance would make good on that promise by putting Prop I funds to its intended purpose, to get more social housing by taking at-risk properties off the private market through an Emergency Housing Acquisition Program.

It's imperative that we use the Prop I money for the purpose it was intended: housing. We could save the homes of 300 families RIGHT NOW by using this money for the emergency acquisition of hundreds of units that would be removed from the speculative market. This will be our only opportunity to do this, because just like the Great Recession of 2008, thousands of people will lose their homes as speculators and investors take advantage of a down market to buy buildings and kick out long term tenants.

This money is an appropriate use of pandemic emergency funds to make sure that people in need still have housing. There is no greater imperative in San Francisco right now than to stabilize families and make sure they stay in their homes.

Vote YES, and SUPPORT the Emergency Housing Acquisition Program.

Thank you,

Simone Manganelli  
Resident, District 8

**From:** [Kathy Howard](#)  
**To:** [ChanStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors \(BOS\)](#)  
**Subject:** Small Sites Funding - Please approve  
**Date:** Tuesday, November 30, 2021 9:00:43 AM

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Dear Supervisors,  
Please reallocate \$64 million of Prop I money to re-fund the critical Small Sites Program. This is a sensible way to immediately provide more affordable housing.  
Katherine Howard  
Sunset District

**From:** [Stephanie Peek](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** support the purchase of existing housing today  
**Date:** Tuesday, November 30, 2021 9:28:54 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

Please support the purchase of existing housing to keep it affordable.

It is cost effective and residents would not be displaced.

Thank you in advance for your wisdom and compassion,

Stephanie Peek D2

**From:** [Malaika Finkelstein](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)  
**Subject:** Letter of Support from AFT 2121 for the Emergency Housing Acquisition Program  
**Date:** Monday, November 29, 2021 11:59:57 PM  
**Attachments:** [Emergency Housing Acquisition Program.doc](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and Board of Supervisors,

I am writing to urge your support for Supervisor Preston's ordinance to fund the Emergency Housing Acquisition Program (File No. 210538). These funds will save hundreds of San Franciscans from pandemic-related displacement. On behalf of AFT 2121, I urge you to move this effort forward without delay.

The pandemic crisis has created extreme financial hardship for tens of thousands of working families, seniors, and other vulnerable households. While COVID initially depressed rents and rental property sales, now rents and market trends are on the rebound. Increasing numbers of rental properties are being put on the private market at rising prices.

Unless the City significantly increases its capacity to acquire and preserve rental properties now, thousands of existing tenants will be put at greater risk of displacement. The City will lose a time-limited opportunity to remove housing from the speculative market and permanently preserve units at affordable rents.

That's why I am urging you to support Supervisor Preston's proposal to allocate \$64 million to housing acquisition. This ordinance would deliver on the promise of Prop I, and the unanimous resolution passed last year by the Board of Supervisors, to use the transfer tax revenue for social housing.

AFT 2121 represents teachers, counselors, and librarians at CCSF. Our membership is more than half adjunct faculty, many in precarious housing. Their ability to continue to serve the students of San Francisco depends on your action. The students our college serves are at even greater risk. We work everyday with students who are homeless and those living in precarious situations. We see first-hand the struggles they experience, and how hardship impacts their education.

We can prevent displacement of many hundreds of long-term San Franciscans and guarantee long term stability if we act now. I ask for your support to fund the Emergency Housing Acquisition Program, and save our residents from pandemic-fueled displacement.

Sincerely,  
Malaika Finkelstein

11/29/2021

FROM: American Federation of Teachers, Local 2121  
TO: Mayor London Breed, Board of Supervisors

Dear Mayor Breed and Board of Supervisors,

I am writing to urge your support for Supervisor Preston's ordinance to fund the Emergency Housing Acquisition Program (File No. 210538). These funds will save hundreds of San Franciscans from pandemic-related displacement. On behalf of AFT 2121, I urge you to move this effort forward without delay.

The pandemic crisis has created extreme financial hardship for tens of thousands of working families, seniors, and other vulnerable households. While COVID initially depressed rents and rental property sales, now rents and market trends are on the rebound. Increasing numbers of rental properties are being put on the private market at rising prices.

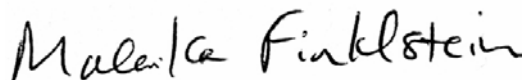
Unless the City significantly increases its capacity to acquire and preserve rental properties now, thousands of existing tenants will be put at greater risk of displacement. The City will lose a time-limited opportunity to remove housing from the speculative market and permanently preserve units at affordable rents.

That's why I am urging you to support Supervisor Preston's proposal to allocate \$64 million to housing acquisition. This ordinance would deliver on the promise of Prop I, and the unanimous resolution passed last year by the Board of Supervisors, to use the transfer tax revenue for social housing.

AFT 2121 represents teachers, counselors, and librarians at CCSF. Our membership is more than half adjunct faculty, many in precarious housing. Their ability to continue to serve the students of San Francisco depends on your action. The students our college serves are at even greater risk. We work everyday with students who are homeless and those living in precarious situations. We see first-hand the struggles they experience, and how hardship impacts their education.

We can prevent displacement of many hundreds of long-term San Franciscans and guarantee long term stability if we act now. I ask for your support to fund the Emergency Housing Acquisition Program, and save our residents from pandemic-fueled displacement.

Sincerely,



Malaika Finkelstein  
President, AFT 2121

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Social Housing  
**Date:** Tuesday, November 30, 2021 8:39:00 AM

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**From:** Judith Beck <judy.beck@juno.com>  
**Sent:** Monday, November 29, 2021 11:13 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Social Housing

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To all the Supervisors of San Francisco,

Please be sure to advance the excellent solution of Social Housing in our desperately housing-needy city by supporting Sup. Preston's \$64 million measure to acquire housing via the Small Sites program for Social Housing purposes. Please do this in support of the voters' will as expressed through the passage of Prop. I. Do not lose this opportunity.

Thank you,

Judith Beck, S. F. resident and voter

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- ['Jussie Smollett Is a Real Victim,' Says Lawyer as Trial Opens](#)
- [CDC Strengthens Booster Advice](#)



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Jalipa, Brent \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Housing acquisition funds support letter  
**Date:** Monday, November 29, 2021 11:45:00 AM  
**Attachments:** [Housing Acquisition Support Letter.doc](#)

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File no. 210538

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**From:** Cynthia Gómez <[cgomez@unitehere2.org](mailto:cgomez@unitehere2.org)>  
**Sent:** Monday, November 29, 2021 8:41 AM  
**To:** Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>; Breed, London (MYR) <[london.breed@sfgov.org](mailto:london.breed@sfgov.org)>  
**Cc:** Smeallie, Kyle (BOS) <[kyle.smeallie@sfgov.org](mailto:kyle.smeallie@sfgov.org)>  
**Subject:** Housing acquisition funds support letter

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

--  
Cynthia Gómez  
Senior Research Analyst  
she/her/hers  
UNITE/HERE, Local 2  
209 Golden Gate Avenue  
San Francisco, CA 94102  
[cgomez@unitehere2.org](mailto:cgomez@unitehere2.org)  
[415.864.8770](tel:415.864.8770), ext. 763



# UNITE HERE!

November 29, 2021

The Honorable Mayor London Breed  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4678  
RE: Support for Housing Acquisition  
VIA EMAIL  
cc: Board of Supervisors

Dear Mayor Breed and Members of the Board of Supervisors:

I am writing to urge your support for Supervisor Preston's ordinance to fund the Emergency Housing Acquisition Program (File No. 210538). These funds will save hundreds of San Franciscans from pandemic-related displacement, and on behalf of the thousands of members of Local 2 who make their homes in this city, we are strongly urging you to move this effort forward without delay.

The pandemic crisis has put extreme financial hardship on tens of thousands of working families, seniors, and other vulnerable households. While COVID initially depressed rents and rental property sales, now rents and market trends are on the rebound with increasing numbers of rental properties being put on the private market at rising prices.

Unless the City significantly increases its capacity to acquire and preserve rental properties now, thousands of existing tenants will be put at greater risk of displacement and the City will lose a time-limited opportunity to remove housing from the speculative market and permanently preserve units at affordable rents.

That's why I am urging you to support Supervisor Preston's proposal to allocate \$64 million to housing acquisition. This ordinance would deliver on the promise of Prop I, and the unanimous resolution passed last year by the Board of Supervisors, to use the transfer tax revenue for social housing.

---

Anand Singh  
President

Chito Cuéllar  
Vice-President

Tina Chen  
Secretary-Treasurer

209 Golden Gate Ave., San Francisco, CA 94102 • phone: 415.864.8770 • fax: 415.864.4158

209 Highland Ave., Burlingame, CA, 94010 • phone: 650.344.6827 • fax: 650.344.9406



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# UNITE HERE!

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Our members were hit very hard by the financial devastation brought by Covid-19, and in many cases are still reeling from this devastation; in this, they are joined by the thousands of working people still struggling to hold onto their housing in this city.

We can prevent the evictions of many hundreds of long-term San Franciscans and guarantee long-term stability if we act now. I ask for your support to fund the Emergency Housing Acquisition Program, as one path to save our residents from pandemic-fueled displacement.

Sincerely,

Cynthia Gómez  
Senior Research Analyst  
Unite Here, Local 2

---

Anand Singh  
President

Chito Cuéllar  
Vice-President

Tina Chen  
Secretary-Treasurer

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# UNITE HERE!

---

Anand Singh  
President

Chito Cuéllar  
Vice-President

Tina Chen  
Secretary-Treasurer

---

209 Golden Gate Ave., San Francisco, CA 94102 • phone: 415.864.8770 • fax: 415.864.4158

209 Highland Ave., Burlingame, CA, 94010 • phone: 650.344.6827 • fax: 650.344.9406

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#); [PEARSON, ANNE \(CAT\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Sent on Behalf of Daniel Golub: Letter re 450-474 O'Farrell Street/532 Jones Street Project Application (Case No. 2013.1535EIA-02)  
**Date:** Tuesday, November 30, 2021 9:00:00 AM  
**Attachments:** [2021-11-29 Letter re 450 O'Farrell\(152680919.8\).pdf](#)

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Ref. File No. 210858.

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**From:** Lauren.Williams-Santiago@hklaw.com <Lauren.Williams-Santiago@hklaw.com>  
**Sent:** Monday, November 29, 2021 3:44 PM  
**To:** Cityattorney <Cityattorney@sfcityatty.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Divya.Sen@hcd.ca.gov; david.murray08@gmail.com; ela@elastrong.com; davidc@dpclawoffices.com; pick@storzerlaw.com; storzer@storzerlaw.com; sonja@yimbylaw.org; Daniel.Golub@hklaw.com  
**Subject:** Sent on Behalf of Daniel Golub: Letter re 450-474 O'Farrell Street/532 Jones Street Project Application (Case No. 2013.1535EIA-02)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Sent on Behalf of Daniel Golub:**

Please find the attached letter regarding 450-474 O'Farrell Street/532 Jones Street Project Application (Case No. 2013.1535EIA-02).

Please contact us if you have any difficulty accessing.

Thank you!

**Lauren Williams-Santiago | Holland & Knight**

Practice Assistant

Holland & Knight LLP

50 California Street, Suite 2800 | San Francisco, California 94111

Phone 415.743.6959 | Fax 415.743.6910

[lauren.williams-santiago@hklaw.com](mailto:lauren.williams-santiago@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)

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NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect

confidentiality.

# Holland & Knight

50 California Street, Suite 2800 | San Francisco, CA 94111 | T 415.743.6900 | F 415.743.6910  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Daniel R. Golub  
+1 415-743-6900  
[Daniel.Golub@hklaw.com](mailto:Daniel.Golub@hklaw.com)

November 29, 2021

Via email: [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)  
David Chiu  
City Attorney  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Via email: [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)  
Angela Calvillo  
Clerk of the Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Re: **450-474 O'Farrell Street/532 Jones Street Project Application**  
**Case No. 2013.1535EIA-02**

Dear Mr. Chiu and Ms. Calvillo:

Holland & Knight LLP<sup>1</sup> has been retained to represent Fifth Church of Christ, Scientist (the “Applicant”) to protect its rights under California housing law for the 450-474 O’Farrell Street/532 Jones Street Project. The project includes “316 group housing units (632 beds), 172,323 square feet of residential use, including amenities and common areas, 4,900 square feet of open space, 6,023 square feet of restaurant/retail space, and 9,924 square feet for religious institution use (i.e., replacement of the existing church)” (the “Project”). (Addendum 2 to Environmental Impact Report (“Addendum 2”), June 23, 2021, at 3.) As we described in our many prior communications in the record, the Project is fully protected under numerous state housing laws, including but not limited to the Housing Accountability Act (“HAA”), the Housing Crisis Act (also known as SB 330), and the Permit Streamlining Act. These laws were enacted and revised to meet the state’s devastating housing supply crisis and to ensure the prompt approval of housing developments such as the Project.

As you are aware, the California Department of Housing and Development (“HCD”) wrote to the City and County of San Francisco (“City”) on November 22 to express HCD’s concern about the Board of Supervisors’ (“Board”) October 5 “effective denial” of this Project, and in particular the practice of “prior Planning Commission approvals of significant housing projects being overturned by the ... [Board] – without any documented findings.” We write to further

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<sup>1</sup> The Applicant is also represented by David Cincotta as well as Storzer & Associates, P.C. in connection with the Religious Land Use and Institutionalized Persons Act (RLUIPA) and other federal laws. This letter focuses on violations of California housing law, but the Applicant also reserves its right to enforce RLUIPA and other federal laws.

emphasize why the Board’s decision violated state housing law and why this violation cannot be remedied by *post hoc* rationalizations produced long after the Board made its decision.

The Planning Commission issued the approvals for the Project on June 24, 2021, as the HAA and other state laws required. However, the approvals were appealed to the Board of Supervisors on July 21, 2021. Section 308.1 of the San Francisco Planning Code required the Board to decide the appeal “not more than 90 days from the date of filing of the appeal.” The code further provides that if no final decision is rendered within 90 days, the Planning Commission decision is deemed approved. On October 5, 2021, the Board of Supervisors voted to approve a motion to conditionally grant the appeal. The 90-day deadline for a final decision then lapsed on October 19, 2021. Despite this, we understand that City staff is still preparing further “findings” intended to constitute part of the Board’s decision, with the expectation that these later-prepared findings would then retroactively become part of the Board’s decision, despite occurring long after the code-mandated timeline has expired. This would be an *ultra vires* act in violation of the Planning Code. If the Board has yet to formally act to deny the approval, then the Planning Commission’s approval of the Project is now deemed approved. (Obviously, we would welcome the City confirming that this is the case.) If not, however, then the only alternative consistent with the Planning Code is that the Board’s October 5, 2021 motion – and not any later-adopted findings – comprises the final decision of the Board subject to review in mandamus.

Even if the City’s own Planning Code did not require this result, it would be required under well-established principles of law. “Findings are not supposed to be a *post hoc* rationalization for a decision already made.” Bam, Inc. v. Bd. of Police Commissioners (1992) 7 Cal.App.4th 1343, 1346; *see also* T-Mobile South, LLC v. City of Roswell, Ga. (2015) 574 U.S. 293, 304, n. 3 (a court reviewing a local agency action must review findings “to ensure that those reasons are not post hoc rationalizations”). In any litigation challenging the unlawful disapproval of the Project, a reviewing court will only look to the decision that the Board actually made on October 5, and the record that was before the Board when it made that decision. *See, e.g., La Costa Beach Homeowners’ Assn. v. California Coastal Com.* (2002) 101 Cal.App.4th 804, 819 (unless findings “reflect[ed] in writing the rationale that the Commissioners and staff articulated on the record at the . . . public hearing,” they are impermissible *post hoc* rationalizations). “[R]evised findings are meant to capture actions, not change them.” San Diego Navy Broadway Complex Coalition v. California Coastal Com. (2019) 40 Cal.App.5th 563, 577, n. 8.

As the U.S. Supreme Court held when striking down the Trump Administration’s unlawful attempt to end the DACA program, in litigation an agency is “limited to the agency’s original reasons,” and the position an agency takes in litigation “‘must be viewed critically’ to ensure that” the agency’s decision “is not upheld on the basis of impermissible ‘post hoc rationalization.’” Dep’t of Homeland Sec. v. Regents of the Univ. of California, \_\_\_ U.S. \_\_\_, 140 S. Ct. 1891, 1908 (2020).<sup>2</sup> California courts have been just as consistent in affirming this principle. The California Court of Appeal, for example, recently refused to consider *post hoc* rationalizations supplied by California Coastal Commission staff that did not conform precisely

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<sup>2</sup> Chief Justice Roberts authored this opinion for the Court, joined by Justices Ginsburg, Breyer, Sotomayor and Kagan.



to the stated reasons articulated by the Commissioners at the time the Commission made its decision. Friends, Artists And Neighbors Of Elkhorn Slough v. Cal. Coastal Commission, No. H048088, H048409 (Cal. Ct. App. Nov. 15, 2021) (attached hereto).

As outlined in our prior letters, the Project is subject to protections from several state housing laws. With respect to the HAA in particular, no Board or staff member at the October 5 hearing disputed – because it cannot be disputed – that the Project is a “housing development project,” as defined in Gov. Code § 65589.5(h)(2). *See, e.g., Yes In My Back Yard v. City of Simi Valley*, No. 56-2020-00539590-CU-WM-VTA (Ventura Cty. Super. Ct. May 17, 2021) (attached hereto). It has also always been undisputed that the Project complies with “applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete.” Gov. Code § 65589.5(j)(1). This is true as a matter of fact but also as a matter of law. The application was deemed complete on February 28, 2020 under the Permit Streamlining Act, and the City did not provide written documentation identifying inconsistencies with any objective standards within the mandatory 60-day deadline, and so the Project is now deemed to satisfy the standards as a matter of law. *See* Gov. Code § 65589.5(j)(2); *cf. Ruegg & Ellsworth v. City of Berkeley* (2021) 63 Cal. App. 5th 277, 327 (enforcing nearly identical “deemed to satisfy” requirement in Gov. Code § 65913.4). Therefore, the Board was only lawfully permitted to disapprove the Project if it made the public health and safety findings in Gov. Code § 65589.5(j)(1), which the Board did not do, and in any event could not have done. To the extent any of this is subject to debate, recent published case law has confirmed that the HAA will “be interpreted and implemented to ‘afford the fullest possible weight’ to the approval of housing.” California Renters Legal Advoc. & Educ. Fund v. City of San Mateo (2021) 68 Cal. App. 5th 820, 894 (*quoting* Gov. Code § 65589.5(a)(2)(L)).

Moreover, the City conducted eight hearings on the Project, in direct violation of the Housing Crisis Act and Permit Streamlining Act. Section 65905.5(a) of the Government Code plainly states in mandatory terms that the City “shall not conduct more than five hearings...in connection with the approval of that housing development project” and that the “city and county shall consider and either approve or disapprove the application at any of the five hearings allowed under this section consistent with the applicable timelines under the Permit Streamlining Act.” It was only after the mandatory limit in state law had been exceeded that the Board voted to disapprove the Project, and the disapproval is for this additional reason an unlawful action.

At the October 5 hearing, the Board disapproved the Project on the basis of plainly subjective considerations, without making the findings required by the HAA, and therefore the Board violated the HAA. *See California Renters*, 68 Cal. App. 5th at 883. The Board’s October 5 decision – the only determination to disapprove the Project that was made within the mandatory timeline in the City’s own Planning Code – violated state law.

We note that our client, of course, would be deeply disappointed if it is necessary to seek judicial relief in order to enforce state housing law as well as federal law. In any litigation, the Applicant will seek to recover its attorneys’ fees, as well as to recover applicable fines and penalties. *See* Gov. Code § 65589.5(k). We would welcome exploring alternatives to litigation. However, absent hearing from you immediately that this is of interest, we are likely to take immediate steps

November 29, 2021

Page 4

to enforce the law. In the interim, please observe a “litigation hold” preserving all city records and communications related to the Project, and please be advised the City is under a mandatory duty to prepare the administrative record at its own cost within 30 days that any petition for mandate is served. *See* Gov. Code § 65589.5(m).

Please let us know as soon as possible if you would like to discuss.

Sincerely yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Daniel R. Golub", is written over a light gray rectangular background.

Daniel R. Golub

DRG:lmw

cc: Divya Sen, Department of Housing & Community Development  
(Divya.Sen@hcd.ca.gov)  
David Murray, Fifth Church of Christ, Scientist (david.murray08@gmail.com)  
Ela Strong, Fifth Church of Christ, Scientist (ela@elastrong.com)  
David Cincotta, Law Office of David Cincotta (davidc@dpclawoffices.com)  
Robin Pick, Storzer Law (pick@storzerlaw.com)  
Roman Storzer, Storzer Law (storzer@storzerlaw.com)  
Sonja Trauss, YIMBY Law (sonja@yimbylaw.org)

Attachment 1 – Friends, Artists And Neighbors Of Elkhorn Slough v. Cal. Coastal Commission,  
No. H048088, H048409 (Cal. Ct. App. Nov. 15, 2021)

Attachment 2 - Yes In My Back Yard v. City of Simi Valley, No. 56-2020-00539590-CU-WM-  
VTA (Ventura Cty. Super. Ct. May 17, 2021)

# **ATTACHMENT 1**

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

FRIENDS, ARTISTS AND NEIGHBORS  
OF ELKHORN SLOUGH et al.,

Plaintiffs and Appellants,

v.

CALIFORNIA COASTAL COMMISSION,

Defendant and Respondent;

HERITAGE/WESTERN COMMUNITIES,  
LTD, et al.,

Real Parties in Interest and  
Respondents.

H048088, H048409  
(Monterey County  
Super. Ct. No. 18CV001000)

**I. INTRODUCTION**

Respondents Heritage/Western Communities, Ltd and Heritage Development Corporation (collectively, Heritage) sought to develop property in Monterey County. Heritage obtained the requisite government approvals, including a coastal development permit, from Monterey County.

Appellant Friends, Artists and Neighbors of Elkhorn Slough (FANS) filed an appeal with respondent California Coastal Commission (Coastal Commission) regarding Monterey County's approval of the coastal development permit. Coastal Commission staff prepared a report recommending denial of Heritage's coastal development permit

application primarily due to the lack of adequate water supply. At a public hearing on November 8, 2017, the Coastal Commission expressed disagreement with staff's recommendation and approved Heritage's permit application. Commission staff thereafter prepared written revised findings to support the commission's action, and those revised findings were later adopted by the commission on September 13, 2018.

Appellants FANS and LandWatch Monterey County (LandWatch) filed a petition for writ of mandate in the trial court, contending that the Coastal Commission's approval of the coastal development permit to Heritage violated the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.)<sup>1</sup> and the California Coastal Act of 1976 (Coastal Act; § 30000 et seq.). The court denied the petition and entered judgment against FANS and LandWatch.

On appeal, FANS and LandWatch contend that the trial court erred in denying the petition for writ of mandate and the Coastal Commission's approval of Heritage's coastal development permit should be set aside, because the Coastal Commission failed to complete the requisite environmental review before approving Heritage's permit application.

For reasons that we will explain, we determine that the Coastal Commission's environmental review was incomplete at the time it approved Heritage's coastal development permit application on November 8, 2017. This failure to complete the requisite environmental review before approving the application requires that the approval be vacated. We will therefore reverse the judgment and direct the trial court (1) to vacate its decision denying the petition for writ of mandate, (2) to enter a new judgment granting the petition against the commission, and (3) to issue a writ of mandate directing the commission to vacate its approval of the coastal development permit.

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<sup>1</sup> All further statutory references are to the Public Resources Code unless otherwise indicated.

## II. OVERVIEW: COASTAL DEVELOPMENT PERMITS

“The Coastal Act ‘was enacted by the Legislature as a comprehensive scheme to govern land use planning for the entire coastal zone of California. The Legislature found that “the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people”; that “the permanent protection of the state’s natural and scenic resources is a paramount concern”; that “it is necessary to protect the ecological balance of the coastal zone” and that “existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state . . . .” [Citation.]’ [Citation.] The Coastal Act is to be ‘liberally construed to accomplish its purposes and objectives.’ [Citation.]” (*Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 793-794 (*Pacific Palisades*)).

The Coastal Act “requires local governments to develop local coastal programs, comprised of a land use plan and a set of implementing ordinances designed to promote the act’s objectives of protecting the coastline and its resources and of maximizing public access. [Citations.] Once the California Coastal Commission certifies a local government’s program, and all implementing actions become effective, the commission delegates authority over coastal development permits to the local government. [Citations.]” (*Pacific Palisades, supra*, 55 Cal.4th at p. 794.) In this case, the record reflects that Monterey County’s local coastal program (LCP) was certified in 1988.

The Coastal Act generally requires that a coastal development permit be obtained for “any development in the coastal zone” in addition to obtaining any other permit required by law. (§ 30600, subd. (a); see *Pacific Palisades, supra*, 55 Cal.4th at p. 794.) A local government’s action on a coastal development permit application may be appealed to the Coastal Commission. (See § 30603, subd. (a); *Pacific Palisades, supra*, at p. 794.) If the Coastal Commission on appeal “finds that the proposed development is

in conformity with the certified local coastal program,” a coastal development permit must be issued. (§ 30604, subd. (b).)

### **III. FACTUAL AND PROCEDURAL BACKGROUND**

#### ***A. Monterey County’s Approval of Coastal Development Permit***

In August 2000, Heritage/Western Communities, Ltd applied for a combined development permit, including a coastal development permit, from Monterey County for the “Rancho Los Robles Subdivision.” The proposed project was located in the northern part of the county and initially included more than 100 residential units and a commercial parcel. Monterey County prepared an environmental impact report (EIR) for the project. The EIR contained several alternatives to the project, including an alternative that reduced the number of residential units.

In October 2008, the Monterey County Planning Commission recommended denying the project due to water supply and traffic congestion issues and because the project’s benefits would not outweigh the environmental effects. The planning commission’s decision was appealed to the county board of supervisors.

In December 2008, the Monterey County Board of Supervisors disagreed with the planning commission’s recommendation. The board of supervisors approved a combined development permit (which included a coastal development permit) with 102 conditions for a staff-proposed, reduced density alternative to the project, which included only 80 residential units.<sup>2</sup> The board of supervisors also certified the EIR and adopted a

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<sup>2</sup> The reduced project, as approved by the county, provided for the following: (1) the division of two parcels (33.58 acres total) into 76 lots, consisting of 68 single-family residential parcels, four duplex lots, a 1.76-acre mixed-use parcel, and 9.7 acres of common area parcel which included a 2.5-acre community recreation area with a small parking lot and two 0.5-acre miniparks; (2) the development of a commercial parcel and the construction of a four-unit apartment building above the commercial space; (3) the removal of up to 25 coastal oak trees and on-site relocation of 0.1-acre of willow trees; (4) the demolition of two single-family dwellings, two barns, and a garage, and the removal of two mobilehomes; and (5) the development on slopes greater than 25 percent.

statement of overriding considerations regarding significant and unavoidable traffic impacts on State Route 1 and on regional groundwater and seawater intrusion.

**B. Appeal by FANS to the Coastal Commission**

In 2009, FANS<sup>3</sup> filed an appeal with the Coastal Commission regarding the county's approval of the coastal development permit.<sup>4</sup> A second appeal was filed by two commissioners from the Coastal Commission.<sup>5</sup>

In 2011, Coastal Commission staff asked Heritage whether it intended to continue pursuing the development. Commission staff indicated that they would be recommending denial of a coastal development permit for the project due to the project's inconsistencies with the LCP, including regarding water supply and potential adverse impacts to environmentally sensitive habitat areas (ESHA).<sup>6</sup>

In 2015, Heritage Western Communities, Ltd. indicated that it was still interested in pursuing the project, and that it was revising the project in an attempt to address the issues raised. Coastal Commission staff subsequently met with Heritage several times to discuss project issues. By mid-2017, Heritage had modified the proposed project,

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<sup>3</sup> FANS describes itself as “an association of citizens committed to preserving and enhancing the Elkhorn Slough and its watershed through public education, citizen activism and advocacy.”

<sup>4</sup> A Coastal Commission staff report noted that the county's approval of the project was appealable to the Coastal Commission because, among other reasons, the proposed development was located within 100 feet of a wetland. (See § 30603, subd. (a)(2).)

<sup>5</sup> An appeal to the Coastal Commission may be filed by an applicant, an aggrieved person, or any two members of the commission. (§ 30625, subd. (a).)

<sup>6</sup> “ESHA . . . are ‘rare or especially valuable’ habitat areas in the coastal zone, given enhanced protection by the Coastal Act. [Citation.]” (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 936.)



including by: (1) reducing the number of residential units from 80 to 54, (2) dedicating land for future parks and other facilities, and (3) eliminating the commercial space.<sup>7</sup>

The Coastal Commission determined that the appeals raised a substantial issue, and the matter was set for a de novo hearing. (See § 30625, subd. (b)(2).)

**1. Coastal Commission’s De Novo Review and  
Approval of Permit Application**

**a. 2017 staff report recommending denial of coastal development permit**

In October 2017, Coastal Commission staff issued a report (hereafter 2017 staff report) that recommended denial of the coastal development permit for the project on de novo review by the commission. Commission staff described the project as being “located in the unincorporated community of Las Lomas in North Monterey County. Las Lomas is a small, rural, mostly residential community surrounded by North Monterey County’s characteristic rolling hills consisting of open space, agriculture, and very low-density residential development. The project site consists of sloping hills containing 16.5 acres of oak woodland habitat and 11 acres of strawberry row-crop agricultural production.”

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<sup>7</sup> The modified project included 50 single-family residences and four units in duplexes. Two of the single-family residences would be reserved as “Workforce Housing for families earning up to 180% of Monterey County median income,” and the duplexes would be designated as affordable rental homes. Heritage would pay the county an “affordable housing in-lieu fee” to satisfy remaining affordable housing requirements. In addition, 3.5 acres of land would be dedicated to the county for public park and recreation improvements. Also, approximately 17 acres of land would be dedicated to a to-be-formed community service district. Specific community facilities would be identified and built subject to the community service district securing funding and separate approval by the community service district in the future. The proposed commercial space was eliminated from the project. The revised project also included the demolition of one single-family residence and two barns, the removal of two mobilehomes, and the construction of roads and related improvements.

Commission staff indicated that the primary reason for the denial was the lack of adequate water supply. The project was “inconsistent with the LCP’s water supply and priority land use policies,” “because the project proposes to convert existing high-priority agricultural uses to allow for the construction of a low-priority 54-unit residential subdivision within a groundwater basin that is severely overdrafted.” “When such a combination results,” that is, a residential subdivision which is “a low-LCP-priority use” in an area “with known water supply deficiencies,” “the LCP affirmatively requires the proposed development to be denied.” Commission staff indicated that the project must be denied under these policies even if the proposed project would result, as argued by Heritage, in “a ‘no-net increase’ use of water, . . . including through proposed water offsets and retrofits to make the project ‘water neutral.’ ”

Significantly, commission staff indicated that even if the project was consistent with the LCP regarding water supply, then the commission would still need additional information or documentation, such as project modifications and design alternatives, from Heritage addressing issues pertaining to (1) oak woodland,<sup>8</sup> (2) water quality, (3) visual resources and community character, (4) agricultural areas, and (5) traffic. However, because commission staff was recommending “independently denying the project based on the lack of an adequate water supply,” commission staff indicated that additional information or documentation regarding these other issues was “not warranted at this time,” and that any additional analysis, modification, or alternatives with respect to these other issues was rendered “moot.”

Commission staff observed that the Coastal Commission was required to determine whether the coastal development permit application was consistent with CEQA. To that end, commission staff stated that “the proposed project would have

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<sup>8</sup> Regarding oak woodland on a portion of the project site, commission staff determined that such oak woodland was an ESHA, and that the proposal to subdivide this area into residential lots was “not allowed within this habitat.”

significant adverse effects on the environment” as detailed in the report’s findings. “[T]o avoid the significant effects on coastal resources,” denial of the project was necessary. Commission staff concluded that, by denying the project, CEQA and its requirements did not apply to the project. (See Cal. Code Regs., tit. 14, §§ 15042, 15270, subd. (a).)<sup>9</sup>

Heritage subsequently sent a letter dated November 7, 2017, to the Coastal Commission. The letter was more than 40 pages long and had over 400 pages of exhibits. Among other arguments in the letter, Heritage contended that the project was “water positive and will generate no net draw on the aquifer,” and therefore the project “cannot cause water to be extracted at a level that exceeds its LCP-required safe yield amount.” Heritage argued that if commission staff’s “water related recommendations” were adopted, it would “result in a de facto moratorium” on development. Heritage also contended that commission staff had incorrectly interpreted LCP policies to require “complete avoidance of oak woodlands and a buffer around the entire habitat.” Heritage contended that the policies instead allowed for oak tree removal and development within oak woodlands. Heritage further argued that the conditions included with the county’s approval of the project, along with additional special conditions proposed by Heritage, provided sufficient mitigation measures.

In response to Heritage’s letter, commission staff issued an addendum dated November 7, 2017, to the staff report. The addendum reiterated that “it is not enough to have a ‘water neutral’ (or even ‘water positive’) project; rather the groundwater resource itself is required to be in a safe, long-term yield condition to be able to support new residential subdivisions in North Monterey County. The LCP simply does not allow approval of residential subdivisions when the basin is in its current state of severe overdraft.” Regarding oak woodland, the addendum reiterated that the LCP designated

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<sup>9</sup> All further undesignated references to regulations are to title 14 of the California Code of Regulations (Regulations).

oak woodland as ESHA, and that subdivisions were not allowed within ESHA even if oak tree removal was minimized. Finally, the addendum reiterated that “while many of the project’s LCP conformance issues could be addressed by project modifications, including with respect to avoidance of residential subdivision and development within oak woodland ESHA, on prime/productive agricultural soils, and along the ridgeline (albeit with what would most likely be a substantially reduced project size), such modifications are moot because the project is and would remain inconsistent with the LCP’s water supply, groundwater resources, and priority land use policies and standards.”

**b. 2017 Coastal Commission de novo hearing**

On November 8, 2017, the Coastal Commission held a public hearing in connection with its de novo review of Heritage’s application for a coastal development permit. At the hearing, commission staff made a presentation and recommended denial of the permit application. Commission staff emphasized that the project consisted of a “large, suburban-style residential subdivision in a predominantly rural agricultural area with severe water supply deficiencies and on land comprised of oak woodland ESHA and productive agricultural soils.” Heritage made a presentation recommending approval of the project, contending that its water balance study showed the project would be “water positive”; that the property was designated medium-density residential, not agricultural for crop farming; that development was allowed on oak woodlands; and that the project was otherwise consistent with the LCP. FANS argued against the project, contending that the project was inconsistent with the LCP as described in the report by commission staff, and that there were flaws in Heritage’s water balance study. Other speakers at the hearing included LandWatch<sup>10</sup> which opposed the project, and a Monterey County

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<sup>10</sup> LandWatch describes itself as nonprofit public benefit corporation with the following purposes: “to promote sound land use planning and legislation at the city, County, and regional levels, to combat urban sprawl, and to promote livability in the

employee who had been involved in the county’s review of the project and who expressed “a different perspective” than commission staff regarding water supply, ESHA, and agriculture.

The Coastal Commissioners primarily asked staff about water supply and ESHA issues. One of the commissioners expressed disagreement with the staff report regarding whether the relevant policies imposed a “moratorium” on residential development based on the condition of the aquifer, and indicated that he believed the proposed project could be approved based on evidence in the record that the project would not have the requisite impact on the aquifer. The commissioner also expressed a belief that the policy regarding ESHA and oak woodlands did not contain a “blanket prohibition” on development, and that Heritage’s, not commission staff’s, interpretation of the policy appeared to be correct. Another commissioner referred to the needs of “disadvantaged unincorporated communities” and indicated that the developer for this project was “very willing” to provide various amenities, including “build a park, fix the streets, [and] do some lighting,” for the community.

At the conclusion of the hearing, the Coastal Commission voted seven to five in favor of approving Heritage’s coastal development permit application.

## **2. Coastal Commission’s Revised Findings**

### ***a. 2018 staff report regarding revised findings***

In August 2018, Coastal Commission staff issued a report (hereafter 2018 staff report) containing revised findings in support of the commission’s approval of Heritage’s

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region’s cities and towns, through public policy development, advocacy, and education,” and “to preserv[e] economic vitality, high agricultural productivity, and environmental health in Monterey County by encouraging effective public participation in the land use planning process.”

coastal development permit.<sup>11</sup> Whereas the prior staff report recommended denial of the permit primarily due to the lack of adequate water supply, the 2018 staff report determined that water supply was no longer an issue that necessitated denial of the project, and that other LCP policies supported approval of the project.

Regarding water, commission staff acknowledged that, “in order to both protect groundwater resources and to ensure that scarce water supply remains available for priority uses,” “the LCP does not allow certain development.” However, “[t]he LCP also includes policies identifying the need for affordable housing and other community goods in Las Lomas, specifically identifying Las Lomas as one of only three areas in the entire North County area appropriate for such growth given natural resource and public service capacity constraints. In addition, the County also has argued that the LCP’s water supply and groundwater resources policies should not be read as prohibiting all development in all cases when an overdraft condition exists, but rather that certain limited projects that provide needed (and LCP envisioned) community goods that are undertaken in a manner that will not adversely impact the underlying groundwater basin (i.e., will not generate a water demand exceeding or adversely impacting the safe, long-term yield of the local aquifer) can be found consistent with the LCP’s overall framework. The Commission in this case agreed based on the specific facts presented. Specifically, because this project included on-site low and moderate income housing (as well as an in-lieu fee for additional off-site affordable housing), parks, and infrastructure improvements within the Las Lomas urban services line called out by the LCP for allowable growth, and because the [Heritage’s] project-specific water balance study found the project to have a net

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<sup>11</sup> By this time, as we set forth below, FANS and LandWatch had filed their December 7, 2017 petition for writ of mandate in the trial court, challenging the Coastal Commission’s approval of Heritage’s project.

positive effect on the groundwater basin,<sup>[12]</sup> the Commission found that the project meets these LCP goals and requirements. Relying on . . . groundwater recharge conclusions [from Heritage’s water balance study], the Commission found the project to be supplied by a long-term adequate water supply that would not negatively impact the underlying aquifer. These factors—the project’s proposed community investments (affordable housing, parks, open space, and infrastructure improvements), within a community the LCP explicitly identifies as appropriate for such investment, and positive groundwater recharge are what differentiate it with other proposed North County residential subdivision projects the Commission has denied. Those projects were located outside of Las Lomas, did not provide the type of community goods proposed here (i.e., they were strictly residential subdivisions), and did not demonstrate positive (or even neutral) groundwater recharge. As such, the project’s factset here is unique and specific due to what is being proposed and where, and the Commission approved this project as consistent with the relevant LCP policies considering these specific facts and circumstances.”

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<sup>12</sup> Commission staff indicated that Heritage’s water balance report showed that the project would be “water positive.” Specifically, “with proposed stormwater improvements, groundwater infiltration, and water recycling, the project would actually result in a positive groundwater recharge of 7.61 [acre-feet per year] (i.e., 7.61 [acre-feet per year] more water would infiltrate the groundwater basin than the development will consume from the basin, based on . . . water usage of 18.21 [acre-feet per year] and infiltration of 25.82 [acre-feet per year] . . . . [T]he project will have a net positive effect on groundwater supplies.” Further, “additional recharge associated with the project is expected to improve groundwater health.” Commission staff also explained that Heritage’s water balance report indicated that the proposed project’s estimated use of 18.21 acre-feet per year of water was “slightly less than the current estimated water usage of 23.7 [acre-feet per year], and further indicates that the project would result in a net benefit to the aquifer even if the existing water use at the site is not taken into account. Thus, based on the Water Balance Report’s findings that the project will improve groundwater aquifer health relative to the project’s water usage, the Commission found that the project can be served by a long term, adequate water supply.” (Fn. omitted.)

The staff report also addressed the other issues that had been identified as the basis for commission staff's earlier recommendation to deny approval of the permit application. For example, regarding oak woodland, the staff report explained that "the project minimized disruption and habitat loss, and also included both oak woodland restoration and preservation via dedication."<sup>13</sup> Regarding agricultural use, the staff report indicated that the LCP had designated the site for concentrated development, not agricultural use, and that the site was zoned for medium-density residential use. Further, "[t]he Commission also found the proposed project consistent with other LCP requirements, including with respect to water quality, visual resources, and traffic." The staff report indicated that project approval was based on certain project parameters relating to road improvements, residential siting and design features, water quality protection measures, and water use audits. Further, the county's earlier conditions of approval would also apply to the project, and those conditions were to be "adjusted where necessary" and "implemented in a manner consistent with" the parameters of the project as approved by the Coastal Commission.

Regarding the coastal development permit application's consistency with CEQA, commission staff observed that CEQA prohibited project approval if there were feasible alternatives or feasible mitigation measures that would substantially lessen any significant adverse effect the project may have on the environment (§ 21080.5, subd. (d)(2)(A)). Commission staff stated that "the project as proposed appropriately addresses any potential adverse impacts to . . . coastal resources," and that "the proposed

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<sup>13</sup> Regarding the approximately 17 acres of land that would be dedicated to a to-be-formed community services district or other appropriate public entity, commission staff explained that the land was for "recreation and for habitat preservation for the remaining undeveloped oak woodland, wetland, and willow habitat areas. [Heritage] would undertake the restoration of these habitat areas and then dedicate the land . . . , but the additional specific community facilities would be identified and built subject to the [community services district] securing funding and separate . . . approval in the future."



project avoids significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects . . . .”

**b. 2018 Coastal Commission hearing regarding revised findings**

On September 13, 2018, the Coastal Commission held a public hearing to consider revised findings to support the commission’s earlier November 8, 2017 approval of Heritage’s coastal development permit application. At the hearing, Heritage requested that the commission make modifications to commission staff’s proposed revised findings. Heritage’s proposed modifications, including regarding water, oak woodlands/ESHA, and traffic, were set forth in a September 7, 2018 letter from Heritage to the commission. Heritage contended that its proposed modifications “better reflect[ed]” the commission’s earlier approval of the permit application. At the public hearing, Heritage also contended that its project, as proposed to the commission, “always included” the county’s 102 conditions of approval, and that commission staff had incorporated certain specifics from those conditions into the description of the project that was contained in the staff report.

At the hearing, commission staff expressed disagreement with the modifications proposed by Heritage. Staff indicated that the proposed revised findings by staff reflected “what was presented to the Commission in November,” and that staff had “tried to be as accurate as possible in that regard.” Staff explained that “the commission was presented with . . . a project that would use that amount of water, and because it was using that amount of water, it would have this net positive per [Heritage’s] calculations and [its] water report. And that’s what we have reflected in the project description and also reflected throughout the revised findings in the report.” One commissioner responded, “I don’t know that we drew to a specific standard, we simply said in the aggregate, if it’s neutral or positive, then we can find consistency with the LCP provision.” Commission staff agreed that “that was the discussion,” but that staff was

“trying to reflect what we thought [Heritage] was bringing forward in terms of the project . . . .”

Of the seven commissioners who originally voted in favor of the permit application, three were present at the hearing regarding revised findings. One of those three commissioners remarked: “[W]e find ourselves in a situation where the interests, generally speaking, of the Commission in terms of the permit itself and that of [Heritage] should be somewhat aligned. So it is in the interest of [Heritage] to strengthen our findings from their perspective, not to weaken them. [¶] It’s also in the interest of the Commission to have the most defensible findings possible here in the interest of [Heritage] and the Commission should be aligned because the Commission granted the permit. We granted the application. [¶] . . . [P]rocedurally we neglected to notice that we needed to also mention in our motion that we should incorporate all of the recommended conditions at the time of the hearing. But as [Heritage] points out, based upon the Commission’s action, I believe they are inclusive of the County conditions of approval.” The commissioner later stated, “I think that generally the staff’s revised findings accurately reflect the hearing, but I also think that I have no objection to the suggested modifications made by [Heritage] because I think they also in most cases -- they strengthen and broaden and add to the findings that were made by the majority at that hearing. And so I would personally have no objection to incorporating that.” A second commissioner who had voted in favor of the permit stated, “[Heritage’s] revised findings do adequately reflect what my thought process was and why I voted the way I did.” The third commissioner who had voted in favor of the permit stated, “I agree with my colleagues . . . that the revised findings reflect what my thought process was that day as well.”

Those three commissioners, who were the only commissioners present who were eligible to vote on the revised findings, voted in favor of the staff’s proposed revised findings, as modified by Heritage.

After holding the public hearing, the Coastal Commission issued its final adopted findings, which were based on the 2018 staff report and the modifications requested by Heritage. The final adopted findings included a statement by the commission that it “found the project consistent with the LCP . . . .”

The Coastal Commission issued the coastal development permit for the project on September 18, 2018. The permit indicates that it “was approved by the California Coastal Commission on November 8, 2017,” which was the date of the de novo hearing.

***C. FANS and LandWatch’s Petition for a Writ of Mandate***

In the meantime, on December 7, 2017, after the Coastal Commission had approved Heritage’s coastal development permit application but before the 2018 staff report was prepared or the commission held its hearing on revised findings, FANS and LandWatch (collectively, FANS) filed a petition for writ of mandate in the trial court,<sup>14</sup> challenging (1) the decision by the Coastal Commission to approve the permit application and (2) the decision by Monterey County<sup>15</sup> to certify the EIR and approve the project. In the petition, Heritage/Western Communities, Ltd and Heritage Development Corporation were identified as real parties in interest.

The petition alleged the following three causes of action: (1) the Coastal Commission violated the Coastal Act, (2) the Coastal Commission and Monterey County violated CEQA, and (3) Monterey County violated planning and zoning requirements. Based on the alleged violations, FANS sought (1) a peremptory writ of mandate directing the Coastal Commission and Monterey County to set aside their approvals of the project and to comply with the requirements of CEQA, the Coastal Act, and/or planning and

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<sup>14</sup> The petition was originally filed in Alameda County Superior Court. Heritage and Monterey County filed a motion for change of venue. The motion was granted, and the matter was transferred to Monterey County Superior Court.

<sup>15</sup> Monterey County is not a party to this appeal.

zoning provisions, and (2) injunctive relief preventing the commission, the county, and Heritage from proceeding with development of the project pending such compliance.

The Coastal Commission and Heritage each answered the petition.

***D. Monterey County's Demurrer and Dismissal from the Action***

Monterey County filed a demurrer to the two causes of action alleged against it—the second cause of action for violation of CEQA and the third cause of action for violation of planning and zoning provisions. Heritage joined the county's demurrer. The county and Heritage contended that the Coastal Commission "assumed exclusive jurisdiction over the project application," and that the commission's de novo review and subsequent approval of the project "superseded the [c]ounty's decision by operation of law." Thus, the county's "certification of an EIR under CEQA and approval of the project" were "no longer a proper subject for judicial review." FANS and the Coastal Commission opposed the demurrer, each contending that the commission did not have jurisdiction over the entirety of the project, and that the commission's jurisdiction was limited to the coastal development permit.

The trial court concluded that Monterey County's approval of the project, including subdivision approval and certification of the EIR, was superseded by the Coastal Commission's de novo review, and thus the county's decisions were no longer the proper subjects for judicial review. The court sustained the demurrers to the second and third causes of action against the county without leave to amend. A judgment of dismissal was entered in favor of the county on April 2, 2019.

***E. Denial of Petition for Writ of Mandate***

FANS filed an opening brief in support of the petition for writ of mandate regarding the remaining causes of action against the Coastal Commission. FANS argued that the petition should be granted because the Coastal Commission failed to proceed in a manner required by law. Specifically, (1) the Coastal Commission violated CEQA by failing to conduct the requisite environmental review and make the requisite findings

before approving the project, and (2) the commission's post-approval findings failed to state a valid basis for approving the project and constituted improper post hoc rationalizations. Both the Coastal Commission and Heritage filed opposition to the writ petition.

After a hearing on the petition, the trial court filed a statement of decision denying the petition for writ of mandate. In the statement of decision, the court made the following determinations.

First, the trial court disagreed with FANS's contention that the Coastal Commission violated CEQA by approving the project without environmental review and prior to making findings. The court determined that the 2017 staff report demonstrated that the Coastal Commission engaged in environmental review before approving the project. The court observed that the 2017 staff report included "around 30 pages of discussion and analyses of the [p]roject's potential environmental impacts," including regarding water supply, water quality, ESHA, and agriculture. The court determined that, although the commission "ultimately took an action different than that recommended in the staff report and later adopted revised findings consistent with that decision . . . , this fact does not mean [the commission] failed to conduct any environmental review in the first instance." The court also noted that "the change of direction taken by the Commission was not ultimately predicated on new and different evidence relating to the Project's environmental impacts but a different view of how the LCP policies should be interpreted relative to the evidence that had already been considered."

Second, the trial court rejected FANS's contention that the Coastal Commission failed to state a valid basis for approving the project and that the commission's revised findings constituted improper post hoc rationalizations. In making this determination, the court found that there was "a lack of clarity" and inadequate analysis regarding portions of FANS's argument, and for that reason, the court "construe[d] [FANS's] challenge as being directed solely towards the adequacy of the statements made by the commissioners

at the *de novo* hearing.” Turning to the merits of the challenge, the court stated: “Taking together the requirement that environmental review precede project approval and the requirement that adopted findings ultimately bridge the analytic gap between evidence and the agency’s decision to approve or deny a project, the Court acknowledges the tension that could arise when the Commission utilizes the procedure it employed here where it adopts revised findings after the hearing to support its decision to approve a project.” The court found, however, the procedure was authorized by Regulations, section 13096. The court further concluded that “the commissioners stated the basis for their [p]roject approval in sufficient detail at the November 8, 2017 *de novo* hearing,” such that the later prepared revised findings did not constitute improper post hoc rationalizations. In particular, the court found that the commission’s final written revised findings regarding (1) water supply and (2) oak woodlands and ESHA were consistent with oral statements made by the commission at the *de novo* hearing before the commission voted to approve the project.

In March 2020, FANS filed objections to the trial court’s statement of decision. In April 2020, FANS filed a notice of appeal regarding the trial court’s statement of decision.

In June 2020, the trial court filed a judgment in favor of the Coastal Commission and Heritage on the first cause of action for violation of the Coastal Act and the second cause of action for violation of CEQA. The judgment incorporated the court’s written statement of decision. The Coastal Commission filed a notice of entry of judgment on July 13, 2020. On September 4, 2020, FANS filed a second notice of appeal, this time from the judgment.

This court ordered the two appeals by FANS to be considered together for purposes of record preparation, briefing, oral argument, and disposition.

## IV. DISCUSSION

FANS contends that the Coastal Commission “failed to employ the proper procedures required by CEQA when it approved the [project] prior to conducting environmental review pursuant to its regulatory program.” (Italics and bold omitted.) Before addressing the substance of FANS’s contention, we first set forth (1) the standard of review and (2) general legal principles regarding environmental review by a certified regulatory program, such as the Coastal Commission’s program for coastal development permits.

### A. *Standard of Review*

A decision by the Coastal Commission may be challenged by filing a petition for writ of administrative mandate under Code of Civil Procedure section 1094.5. (Pub. Resources Code, § 30801.) “The inquiry in such a case shall extend to the questions whether the [commission] has proceeded without, or in excess of, jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the [commission] *has not proceeded in the manner required by law*, the order or decision is not supported by the findings, or the findings are not supported by the evidence.” (Code Civ. Proc., § 1094.5, subd. (b), italics added.)<sup>16</sup>

Relevant here, “[i]n determining whether the agency complied with the required procedures . . . , the trial court and the appellate courts essentially perform identical roles. We review the record de novo and are not bound by the trial court’s conclusions. [Citations.]” (*Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 479; accord, *La Costa Beach Homeowners’ Assn. v. California Coastal Com.* (2002) 101 Cal.App.4th 804, 814-815 (*La Costa Beach*)).

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<sup>16</sup> FANS expressly indicates that it is not challenging any factual finding that would implicate the substantial evidence standard of review.

“[I]f the manner in which an agency failed to follow the law is shown to be prejudicial, or is presumptively prejudicial, as when the department or the board fails to comply with mandatory procedures, . . . the decision [must] be set aside . . .” (*Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1236; see *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 515 [“failure to comply with the law subverts the purposes of CEQA” and constitutes prejudicial error “if it omits material necessary to informed decisionmaking and informed public participation”].)

**B. General Legal Principles Regarding Environmental Review by Certified Regulatory Programs**

**1. Certified Regulatory Program**

Under CEQA, the EIR “is ‘the primary means of achieving the Legislature’s considered declaration that it is the policy of this state to “take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.” [Citation.]’ [Citation.]” (*Sierra Club v. State Bd. of Forestry, supra*, 7 Cal.4th at p. 1229.)

Generally, “[w]henver a project may have a significant and adverse physical effect on the environment, an EIR must be prepared and certified. [Citations.]” (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 113 (*Mountain Lion Foundation*).)

“An EIR is not required for all projects subject to governmental approval, however. The Legislature has provided that the Secretary of the [Natural] Resources Agency may certify a regulatory program of a state agency as exempt from the requirement of EIR preparation *if* the program requires that a project be preceded by the preparation of a written report containing certain information on the environmental impacts of the project. (§ 21080.5, subd. (a).)” (*Sierra Club v. State Bd. of Forestry, supra*, 7 Cal.4th at pp. 1229-1230; see Gov. Code, § 12805, subd. (a) [“Resources Agency” renamed as “Natural Resources Agency”].) The certified regulatory program “involv[es] essentially the same consideration of environmental issues as is provided by



use of EIRs and negative declarations.” (Regs., § 15002, subd. (l).) Thus, the “state agencies, operating under their own regulatory programs, generate a plan or other environmental review document that serves as a functional equivalent of an EIR. [Citations.]” (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 113.)

To be certified, the regulatory program must meet the statutory criteria set forth in section 21080.5. (See, e.g., *id.*, subd. (d).) Among other requirements, the regulatory program must adopt rules and regulations that “[r]equire that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen a significant adverse effect that the activity may have on the environment.” (*Id.*, subd. (d)(2)(A).)<sup>17</sup>

The Coastal Commission’s regulatory program—regarding the consideration and granting of coastal development permits under the Coastal Act—has been certified as meeting the requirements of section 21080.5. (Regs., § 15251, subd. (c).) As a result,

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<sup>17</sup> The regulatory program must also adopt rules and regulations that:

“(B) Include guidelines for the orderly evaluation of proposed activities and the preparation of the plan or other written documentation in a manner consistent with the environmental protection purposes of the regulatory program.

“(C) Require the administering agency to consult with all public agencies that have jurisdiction, by law, with respect to the proposed activity.

“(D) Require that final action on the proposed activity include the written responses of the issuing authority to significant environmental points raised during the evaluation process.

“(E) Require the filing of a notice of the decision by the administering agency on the proposed activity with the Secretary of the Resources Agency. Those notices shall be available for public inspection, and a list of the notices shall be posted on a weekly basis in the Office of the Resources Agency. Each list shall remain posted for a period of 30 days.

“(F) Require notice of the filing of the plan or other written documentation to be made to the public and to a person who requests, in writing, notification. The notification shall be made in a manner that will provide the public or a person requesting notification with sufficient time to review and comment on the filing.” (§ 21080.5, subd. (d)(2)(B)-(F).)

“[u]nder the terms of section 21080.5, subdivision (c), that certification expressly exempts the [coastal development permit] process from the provisions of chapters 3 and 4 and section 21167 of CEQA. [Citation.] Chapters 3 and 4 deal, in large part, with the various requirements of an EIR at both the state level (chapter 3) and the local level (chapter 4). Section 21167 sets forth the time within which an action challenging a public agency’s decision under the provisions of CEQA must be filed.” (*Sierra Club v. State Bd. of Forestry, supra*, 7 Cal.4th at p. 1230.)

Although “[a]n agency operating pursuant to a certified regulatory program” is not required to prepare an EIR, the agency is still required to “comply with all of CEQA’s other requirements. [Citations.]” (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 114; see Pub. Resources Code, § 21080.5, subd. (c); Cal. Code Regs., tit. 14, § 15250.) Further, “to claim the exemption from CEQA’s EIR requirements, an agency must demonstrate strict compliance with its certified regulatory program. [Citations.]” (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 132.)

## **2. Functional Equivalent Document**

As stated above, a state agency operating a certified regulatory program “generate[s] a[n] . . . environmental review document that serves as a functional equivalent of an EIR. [Citations.]” (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 113.) “The document used as a substitute for an EIR or negative declaration in a certified program” must include a “description of the proposed activity.” (Cal. Code Regs., tit. 14, § 15252, subd. (a)(1); see Pub. Resources Code, § 21080.5, subd. (d)(3)(A).) Relevant here, the document must also include either: “(A) Alternatives to the activity and mitigation measures to avoid or reduce any significant or potentially significant effects that the project might have on the environment, or [¶] (B) A statement that the agency’s review of the project showed that the project would not have any significant or potentially significant effects on the environment and therefore no alternatives or mitigation measures are proposed to avoid

or reduce any significant effects on the environment. This statement shall be supported by a checklist or other documentation to show the possible effects that the agency examined in reaching this conclusion.” (Cal. Code Regs., tit 14., § 15252, subd. (a)(2)(A), (B); see Pub. Resources Code, § 21080.5, subd. (d)(3)(A)). The functional equivalent EIR must be “available for a reasonable time for review and comment by other public agencies and the general public.” (§ 21080.5, subd. (d)(3)(B).)

Requiring specific findings about alternatives and mitigation measures “ensures there is evidence of the public agency’s actual consideration of alternatives and mitigation measures, and reveals to citizens the analytical process by which the public agency arrived at its decision. [Citations.] Under CEQA, the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project’s impact on the environment, the agency’s approval of the proposed project followed meaningful consideration of alternatives and mitigation measures. [Citation.]” (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 134; see *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 714 (*POET*) [“environmental review must be completed before project approval”]; *John R. Lawson Rock & Oil, Inc. v. State Air Resources Bd.* (2018) 20 Cal.App.5th 77, 98 [public agency’s “required environmental review was incomplete at the time of the CEQA project approval” and therefore agency “violated CEQA’s timing requirement”].)

### **3. Coastal Commission’s De Novo Review of Permit Application**

As we set forth above, a local government’s decision on a coastal development permit application may be appealed to the Coastal Commission. (§ 30603, subd. (a); see *Pacific Palisades, supra*, 55 Cal.4th at p. 794.) The commission considers the application de novo. (§ 30621, subd. (a); *Security National Guaranty, Inc. v. California Coastal Com.* (2008) 159 Cal.App.4th 402, 411.) “[I]n effect, the Commission hears the application as if no local governmental unit was previously involved, deciding for itself whether the proposed project satisfies legal standards and requirements. [Citations.]”

(*Kaczorowski v. Mendocino County Bd. of Supervisors* (2001) 88 Cal.App.4th 564, 569.)

The commission must determine whether the proposed development is in conformity with the certified LCP. (§ 30604, subd. (b); see § 30603, subd. (b)(1).) If it is, the commission must issue a coastal development permit. (§ 30604, subd. (b).)

The commission's regulations in effect during the relevant timeframe set forth the following procedure for reviewing an application. (See Regs., §§ 13115, subd. (b), 13321.)

**a. *Written staff report***

Prior to a public hearing, the executive director, who is appointed by the commission (Pub. Resources Code, § 30335), must “prepare a written staff report” that includes the following: (1) a description of the proposed development and the project site, (2) the significant questions of fact, (3) the applicable policies of the Coastal Act, (4) public comments regarding the application, (5) any legal issues regarding the application's compliance with the Coastal Act, (6) a copy or summary of the EIR as it relates to the issues of concern to the commission, and (7) staff's recommendation. (Cal. Code Regs., tit. 14, § 13057, former subds. (a) & (b), Register 99, No. 39 (Sept. 20, 1999); see *id.*, § 13057, subd. (a)(1)-(4).)

The staff recommendation must include: (1) “[s]pecific findings, including a statement of facts, analysis, and legal conclusions as to whether the proposed development conforms to the requirements of the Coastal Act”; (2) specific findings evaluating the conformity of the development with the requirements of Public Resources Code section 21080.5, subdivision (d)(2)(A), which provides that an activity will “not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen a significant adverse effect that the activity may have on the environment”; (3) responses to significant environmental points raised during the evaluation of the proposed development as required by CEQA; (4) a recommendation regarding whether the application should be granted with or without

conditions, or denied; and (5) if approval with conditions is recommended, then the specific conditions must be identified, along with a discussion of why the conditions are necessary to ensure the development will be in accordance with the Coastal Act. (Cal. Code Regs., tit. 14, § 13057, former subd. (c), Register 99, No. 39 (Sept. 20, 1999); see *id.*, § 13057, subd. (a)(1)-(4).)

The staff report must be distributed to Coastal Commission members, the applicant, affected cities and counties, and people who have specifically requested it, among others. (Regs., § 13059.) The staff report must be “distributed within a reasonable time to assure adequate notification prior to the scheduled public hearing.” (*Ibid.*)

Written comments regarding the application or the staff report must be received at the appropriate district office. (Regs., § 13060, subd. (b).) The executive director generally must distribute the text or a summary of the communications to commission members. (*Id.*, § 13060, subds. (a) & (c).) Any person may review the written communications at the commission office during normal working ours. (*Id.*, § 13060, subd. (d).)

#### **b. *Public hearing***

The matter must be set for a public hearing. (Regs., § 13062.) “Evidence before the [Coastal] Commission includes, but is not limited to, the record before the local government.” (*Id.*, § 13118.) At the public hearing, the “technical rules relating to evidence and witnesses” need not be followed, and “[a]ny relevant evidence shall be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.” (*Id.*, § 13065.)

Regarding the order of proceedings, the executive director must make a presentation regarding the project and include a summary of the staff recommendation. (Regs., § 13066, subd. (a)(1).) The applicant and other people supporting or opposing the application may also speak at the hearing, and the executive director and the applicant

may respond. (*Id.*, § 13066, former subd. (b)(1)-(3), Register 99, No. 39 (Sept. 20, 1999); see *id.*, § 13066, subds. (a)(2)-(4), (b) & (c).) The commissioners may ask questions following any person’s presentation. (*Id.*, § 13066, subd. (e).) “At the conclusion of the public testimony portion of the public hearing, the executive director may propose to change the staff recommendation or the commission may propose to add, delete, or modify the conditions contained in the staff recommendation. The applicant and the executive director shall have an opportunity to comment briefly and specifically on any proposed change.” (*Id.*, § 13066, subd. (f).)

**c. *Vote by the commission***

The commission must then vote on the permit application. (Regs., § 13066, subd. (g).) “[A] motion to grant the permit shall be deemed to include the terms proposed in the project description as modified by the applicant at the hearing and the conditions and findings proposed in the staff report as modified by staff at the hearing.” (*Id.*, § 13092, subd. (a).)

“Any commissioner may move to add, delete or modify proposed terms, conditions or findings.” (Regs., § 13092, subd. (b).) If “the commission moves to vote on an application with terms different from those proposed by the applicant in the application or conditions different than those proposed by the staff in the staff recommendation, the applicant, appellant, and the executive director shall have an opportunity to state briefly and specifically their views on the conditions.” (*Id.*, § 13090, subd. (d).)

Voting is final upon the chairperson announcing the tally. (Regs., § 13094, subd. (c).)

**d. *Written findings supporting the commission’s decision***

“All decisions of the commission relating to permit applications shall be accompanied by written conclusions about the consistency of the application with [the LCP] and [CEQA], and findings of fact and reasoning supporting the decision. The

findings shall include all elements identified in section 13057[, former subdivision] (c)” of the regulations regarding the content of the staff recommendation. (Regs., § 13096, former subd. (a), Register 99, No. 39 (Sept. 20, 1999); see *id.*, § 13096, subd. (a).)

“The purpose of requiring written findings is to record the grounds on which the decision of the Commission rests and thus render its legality reasonably and conveniently reviewable on appeal. [Citations.] Without appropriate written findings, the trial court cannot properly perform its function in a proceeding for administrative mandate and determine whether the agency’s decision is supported by its findings and its findings are supported by the evidence. [Citation.]” (*McAllister v. California Coastal Com.* (2008) 169 Cal.App.4th 912, 941.)

Generally, “an action taken consistent with the staff recommendation shall be deemed to have been taken on the basis of, and to have adopted, the reasons, findings and conclusions set forth in the staff report as modified by staff at the hearing.” (Regs., § 13096, subd. (b).)

Relevant here, “[i]f the commission action is substantially different than that recommended in the staff report, the prevailing commissioners shall state the basis for their action in sufficient detail to allow staff to prepare a revised staff report with proposed revised findings that reflect the action of the commission. . . .” (Regs., § 13096, subd. (b), italics added.) A public hearing must be held regarding the revised findings. (*Id.*, § 13096, subd. (c).) “The public hearing shall solely address whether the proposed revised findings reflect the action of the commission.” (*Ibid.*) After the public hearing, a vote must be taken by the commission. Adoption of the revised findings “requires a majority vote of the members from the prevailing side present at the meeting of the commission, with at least three of the prevailing members present and voting.” (Pub. Resources Code, § 30315.1; see Cal. Code Regs., tit. 14, § 13096, subs. (b) & (c).)

“[R]evised findings are meant to capture actions, not change them. [Citations.]” (*San Diego Navy Broadway Complex Coalition v. California Coastal Com.* (2019) 40

Cal.App.5th 563, 577, fn. 8; see *La Costa Beach*, *supra*, 101 Cal.App.4th at p. 819 [revised findings “reflect[ed] in writing the rationale that the Commissioners and staff *articulated on the record* at the . . . public hearing” and were not post hoc rationalizations (italics added)].)

### **C. Analysis**

FANS contends that the Coastal Commission “failed to employ the proper procedures required by CEQA” because the commission approved Heritage’s coastal development permit application “prior to conducting environmental review pursuant to [the commission’s] regulatory program.” (Italics & boldface omitted.) FANS argues that a certified regulatory program’s written document regarding environmental review (the functional equivalent of an EIR) must (1) contain certain elements, including a discussion of impacts, alternatives, and mitigation measures, and (2) be prepared before a project is approved. FANS contends that the 2017 staff report, which was prepared prior to the Coastal Commission’s de novo hearing at which the commission approved the project, was inadequate because that report did not discuss alternatives or mitigation measures despite finding significant impacts. FANS argues that the subsequent 2018 staff report, which contained revised findings, could not constitute the requisite document, because it was prepared after the Coastal Commission had already approved the project. FANS contends that the 2018 staff report was “an extreme example of post hoc rationalization.”

The Coastal Commission contends that its “de novo review *process* is the functional equivalent of an EIR for purposes of CEQA.” According to the commission, the “de novo review process in this case involved two hearings and two versions of a report prepared by staff,” that is, the de novo review and revised findings hearings, and the staff reports prepared prior to those two hearings. The Coastal Commission contends that the final adopted revised findings “memorialize the Commission’s decision at the de novo hearing to approve the application for a coastal development permit, a decision it made with the benefit of full environmental review.”



Heritage contends that the “functional equivalent document was the [Coastal] Commission’s decision, as reflected in its revised findings.” Heritage argues that the Coastal Commission complied with its regulations, and that “[t]here was no new or different evidence and no new or different environmental analysis or LCP determinations made following the Commission’s vote to approve the [p]roject.” Heritage argues that the revised findings “were not . . . a ‘post-hoc rationalization,’ but rather were informed by the LCP itself, [Heritage’s] analysis and expert evidence, and the comments of two Coastal Commissioners who took the lead at the de novo hearing in addressing LCP inconsistency and the environmental justice benefits of the [p]roject to the Las Lomas community.” Heritage contends that the prevailing commissioners at the de novo hearing determined that (1) the LCP did not create a moratorium on development when the groundwater basin is in overdraft, and the project could proceed based on evidence that the project was water neutral or water positive, and (2) the oak woodlands at the project site did not constitute ESHA.

We determine that the Coastal Commission’s environmental review was incomplete at the time it approved Heritage’s coastal development permit application on November 8, 2017, and that this failure to complete the required environmental review before approving the permit application requires that the approval be vacated.

Under CEQA, “to claim the exemption from . . . EIR requirements, [the Coastal Commission] must demonstrate strict compliance with its certified regulatory program. [Citations.]” (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 132.) This includes complying with the requirement “that a project be *preceded* by the preparation of a written report containing certain information on the environmental impacts of the project. [Citation.]” (*Sierra Club v. State Bd. of Forestry, supra*, 7 Cal.4th at p. 1230, italics added.) This “environmental review document that serves as a functional equivalent of an EIR” (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 113) must include “alternatives to the activity, and mitigation measures to minimize any significant adverse

effect on the environment of the activity” (Pub. Resources Code, § 21080.5, subd. (d)(3)(A); see *id.*, § 21080.5, subd. (d)(2)(A); Cal. Code Regs., tit. 14, § 15252, subd. (a)(2)(A), (B); *Pesticide Action Network North America v. Department of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 245; *Strother v. California Coastal Com.* (2009) 173 Cal.App.4th 873, 878; *Schoen v. Department of Forestry & Fire Protection* (1997) 58 Cal.App.4th 556, 572).

Consistent with these requirements of CEQA, the Coastal Commission’s certified regulatory program required the staff report to include findings evaluating the conformity of the development with the requirements of Public Resources Code section 21080.5, subdivision (d)(2)(A), which provides that an activity will “not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen a significant adverse effect that the activity may have on the environment.” (See Cal. Code Regs., tit. 14, § 13057, former subd. (c)(2), Register 99, No. 39 (Sept. 20, 1999); *id.*, § 13057, subd. (a)(1), (3).) Along these lines, the staff report was also required to include a discussion of any necessary conditions for the project. (*Id.*, § 13057, former subd. (c)(4), (5), Register 99, No. 39 (Sept. 20, 1999); see *id.*, § 13057, subd. (a)(3), (4).)

These requirements of the Coastal Commission’s certified regulatory program follow CEQA’s “substantive mandate that public agencies refrain from approving projects for which there are feasible alternatives or mitigation measures,” and that an agency not approve a project for which significant environmental effects have been identified unless the agency makes specific findings about alternatives and mitigation measures. (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 134; see §§ 21002, 21081.) A public agency “is required to carry out [this mandate] even when operating pursuant to its certified regulatory program. [Citations.]” (*Mountain Lion Foundation, supra*, at p. 134.)

A public agency must engage in a “meaningful consideration of alternatives and mitigation measures” before approving a project. (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 134; see *POET, supra*, 218 Cal.App.4th at p. 714 [“environmental review must be completed before project approval”].)) Requiring specific findings about alternatives and mitigation measures “ensures there is evidence of the public agency’s actual consideration of alternatives and mitigation measures, and reveals to citizens the analytical process by which the public agency arrived at its decision. [Citations.]” (*Mountain Lion Foundation, supra*, at p. 134.)

In this case, the 2017 staff report, which was prepared prior to the Coastal Commission’s approval of the project, acknowledged that “the proposed project would have significant adverse effects on the environment.” The report also acknowledged that project modifications and design alternatives were necessary to address issues pertaining to (1) oak woodland, (2) water quality, (3) visual resources and community character, (4) agricultural areas, and (5) traffic. However, neither the 2017 staff report nor its addendum contained a complete analysis of mitigation measures or alternatives, as required by CEQA and the Coastal Commission’s regulatory program. (Pub. Resources Code, § 21080.5, subd. (d)(2)(A), (3)(A); Cal. Code Regs., tit. 14, §§ 15252, subd. (a)(2)(A), 13057, former subd. (c)(2), Register 99, No. 39 (Sept. 20, 1999); see Cal. Code Regs., tit. 14, § 13057, subd. (a)(1), (3); *Mountain Lion Foundation, supra*, 16 Cal.4th at p. 134.) The 2017 staff report and addendum also did not analyze any specific conditions that were necessary for approval of the project. (Regs., § 13057, former subd. (c)(4), (5), Register 99, No. 39 (Sept. 20, 1999); see *id.*, § 13057, subd. (a)(3), (4).) Instead, because the 2017 staff report was recommending “independently denying the project based on the lack of an adequate water supply,” the 2017 staff report indicated that additional information or documentation regarding these other issues (e.g., oak woodland, water quality, visual resources and community character, agricultural areas,

and traffic) was “not warranted at this time,” and that any additional analysis, modification, or alternatives with respect to these other issues was rendered “moot.”

At the November 2017 de novo hearing, the Coastal Commissioners primarily asked staff about water supply and ESHA/oak woodland issues. One of the commissioners expressed disagreement with staff regarding policy interpretations concerning water supply and ESHA/oak woodland. None of the commissioners made a statement that expressed a view regarding mitigation measures or alternatives, or regarding any conditions that might be necessary to approve the project.

After the project was approved at the November 2017 de novo hearing, Coastal Commission staff in the 2018 staff report analyzed for the first time various “components” of the project, mitigation measures, and/or conditions for the project. The 2018 staff report ultimately determined that, after “review[ing] the relevant coastal resource issues associated with the proposed project,” “the project as proposed appropriately addresses any potential adverse impacts to such coastal resources.” Commission staff further found “that the proposed project avoids significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA.” This *new* environmental analysis of various “components,” mitigation measures, and/or conditions for the project that “appropriately address[ed] any potential adverse impacts to . . . coastal resources” included the following:

First, regarding habitat resources (previously referred to by commission staff as ESHA), the 2018 staff report contained a *new environmental analysis* regarding whether the proposed residential subdivision within oak woodland, including the removal of oak trees, was consistent with the LCP. The staff’s new environmental analysis relied on, among other things, recommendations set forth in a forester’s assessment, project

conditions approved by Monterey County regarding oak woodland mitigation, and the anticipated preparation of an oak woodland restoration plan. With these parameters or conditions on the project (which affected the lots regarding size, location, siting, design, bulk, and boundaries and also reduced oak tree removal), commission staff determined that the project “sufficiently minimized the amount of oak tree removal, and included measures to ensure its long-term maintenance and enhancement per the LCP.”

Second, regarding water quality, the 2018 staff report contained a *new environmental analysis* regarding whether the project was consistent with applicable LCP requirements governing water quality. In its new environmental analysis, commission staff determined that water quality concerns would be sufficiently addressed by the project’s proposed water quality protection measures during and after construction.<sup>18</sup>

Third, regarding the protection of visual resources and community character, the 2018 staff report contained a *new environmental analysis* regarding whether the project was consistent with the applicable policies. In its new environmental analysis, commission staff considered, among other matters, the siting and design of residences, vegetative screening, and the existence of and consistency with the oak woodland restoration plan. Based on the measures included in the project, commission staff determined that “the project [was] consistent with applicable visual resources and community character protection policies.”

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<sup>18</sup> Regarding the water quality protection measures, commission staff stated: “Specifically, as proposed, the project will include new stormwater infrastructure, including a post-construction drainage and erosion control system/detention pond designed to capture and infiltrate stormwater. The stormwater control measures will be sited and designed to the maximum extent feasible: to collect, filter, treat, and direct all site drainage and runoff in a manner designed to protect and enhance coastal resources; to prevent pollutants, including sediments, from entering coastal waters or wetlands; to retain runoff from roofs, driveways, decks, and other impervious surfaces onsite; to use low impact development BMPs; and to include maintenance and management procedures applicable for the life of the project (including with respect to any homeowners association agreements as appropriate).”

Regarding traffic, the 2018 staff report contained a *new environmental analysis* regarding whether the project was consistent with the LCP. The new environmental analysis included a discussion of “transportation improvements designed to mitigate for project traffic impacts.” Commission staff determined that “the project’s traffic mitigations [were] sufficient to offset its impacts consistent with the LCP . . . .” After the 2018 staff report was issued, Heritage proposed additional policy analysis to be added regarding the project’s consistency with the LCP, and the Coastal Commission adopted the proposed language at the hearing on revised findings.

The 2018 staff report thus contained new environmental analysis regarding components, mitigation measures, and/or conditions for the project, and those revised findings (along with modifications proposed by Heritage) were adopted by the Coastal Commission at the September 2018 hearing. As we have explained, however, the Coastal Commission was required to consider project alternatives, mitigation measures, and conditions for the project *before* approving the coastal development permit application at the 2017 de novo hearing. (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 134; *POET, supra*, 218 Cal.App.4th at p. 714; see §§ 21002, 21081.)

The Coastal Commission’s certified regulatory program does contemplate that the commission might take an “action . . . substantially different than that recommended in the staff report.” (Regs., § 13096, subd. (b).) Thus, notwithstanding the 2017 staff report recommending denial of Heritage’s coastal development permit application, the commission might properly take a “substantially different . . . action” and approve the application. (*Ibid.*) To properly take this action, however, the prevailing commissioners were required to “*state the basis* for their action *in sufficient detail* to allow staff to prepare a revised staff report with proposed revised findings that reflect[ed] the action of the commission.” (*Ibid.*, italics added.) In this case, none of the prevailing commissioners at the 2017 de novo hearing expressed a view regarding mitigation measures or project alternatives, or regarding any conditions that might be necessary for

project approval. Indeed, commission staff did not provide a substantive analysis of many “components” of the project, mitigation measures, and/or necessary conditions until the 2018 staff report, which was after the project had been approved by the commission.

Our conclusion that the Coastal Commission failed to follow the proper procedure is further supported by the prevailing commissioners’ statements at the hearing regarding revised findings in 2018, which was after the commission had approved the project and after FANS had filed the petition for writ of mandate in the trial court. At the 2018 hearing regarding revised findings, the prevailing commissioners discussed whether to adopt Heritage’s proposed modifications to the 2018 staff report regarding revised findings. One of the commissioners remarked: “[W]e find ourselves in a situation where the interests, generally speaking, of the Commission in terms of the permit itself and that of [Heritage] should be somewhat aligned. So it is in the interest of [Heritage] to strengthen our findings from their perspective, not to weaken them. [¶] It’s also in the interest of the Commission to have the most defensible findings possible here in the interest of [Heritage] and the Commission should be aligned because the Commission granted the permit. We granted the application.” The commissioner subsequently stated, “I have no objection to the suggested modifications made by [Heritage] because I think they also in most cases -- they strengthen and *broaden and add to the findings* that were made by the majority at that hearing. And so I would personally have no objection to incorporating that.” (Italics added.) A second commissioner stated, “[Heritage’s] revised findings do adequately reflect *what my thought process was* and why I voted the way I did.” (Italics added.) A third commissioner stated, “I agree with my colleagues . . . that the revised findings reflect *what my thought process was* that day as well.” (Italics added.) These statements by the prevailing commissioners at the 2018 hearing support the conclusion that the commission’s revised findings, including the modifications proposed by Heritage, went beyond the limited statements about policy interpretations

concerning water supply and ESHA/oak woodland that were expressed by the prevailing commissioners at the earlier 2017 de novo hearing when the application was approved.

In this regard, the commission's regulations require that the prevailing commissioners expressly "*state* the basis for their action in sufficient detail to allow staff to prepare a revised staff report with proposed revised findings." (Regs., § 13096, subd. (b), italics added.) As the trial court in this case observed, this provision "ensure[s] that the Commission's environmental review and reasoning occur before any action is taken as it effectively requires commissioners to set forth the analytic route between the evidence and the action *at the hearing before approval*. Put another way, the requirement that commissioners state the basis for their action in enough detail that staff can later prepare revised findings reflective of their decision is essentially a requirement that the commissioners layout the analytic route for their decision *before* the approval occurs. Under these circumstances, the revised findings are then not post hoc rationalizations but a mere 'reflect[ion] in writing' of the rationale articulated by the Commission at the hearing in which approval is granted. [Citation.]" (Fn. omitted, italics added.) In this case, the commission's 2018 revised findings went beyond the limited statements about LCP policy interpretations concerning water supply and ESHA/oak woodland that were expressed by the prevailing commissioners at the earlier 2017 de novo hearing when the application was approved, and instead the 2018 staff report and revised findings ultimately adopted by the prevailing commissioners included new environmental analysis regarding project components, mitigations measures, and/or conditions that were necessary to address potential adverse impacts to coastal resources.

The Coastal Commission and Heritage rely on various cases for the general proposition that the commission at the de novo hearing could properly reject staff's recommendation contained in the 2017 staff report. We agree with the general proposition that the Coastal Commission may reject a staff recommendation contained in a staff report. (See Regs., §§ 13096, subd. (b) [addressing the circumstance when "the



commission action is substantially different than that recommended in the staff report”]; 13090, subd. (d) [addressing the circumstance if “the commission moves to vote on an application with . . . conditions different than those proposed by the staff in the staff recommendation”].) However, none of the cases cited by the Coastal Commission or Heritage involves facts similar to this case, where a project with potential adverse impacts to the environment is approved before a complete analysis is conducted regarding alternatives, mitigation measures, and/or project conditions.

For example, *Ocean Harbor House Homeowners Assn. v. California Coastal Com.* (2008) 163 Cal.App.4th 215 (*Ocean Harbor*), a case cited by Heritage, is factually distinguishable in significant respects from the present case. In *Ocean Harbor*, a homeowners association sought to build a seawall to protect the association’s condominium complex from erosion that threatened the complex’s structural integrity. (*Id.* at p. 219.) Coastal Commission staff prepared a report recommending the grant of a coastal development permit with conditions. (*Id.* at pp. 220-221.) Because the seawall would cause an acre of beach to erode, which in turn would cause the loss of lateral access along the beach and the loss of recreational use, the staff report recommended an in-lieu mitigation fee to be used to buy beach property elsewhere for public recreational use. (*Id.* at p. 221.) The staff report “discussed three methods to determine the value of the acre of beach that would be lost and thus the amount of the mitigation fee.” (*Ibid.*) The three methods were the sand-replacement method, the real estate value method, and the economic recreational value method. (*Id.* at p. 221-222.) “Each method considered the loss of beach from a different perspective.” (*Id.* at p. 221.) Although the staff report recommended the second valuation method, which would result in a \$1 million mitigation fee, the commission ultimately voted in favor of the third valuation method, which was estimated to result in a fee of more than \$5 million. (*Id.* at p. 223-224.) The commission later adopted revised findings to reflect its action. (*Id.* at p. 225.)

The homeowners filed a petition for writ of mandate, contending “the fee was arbitrary and based on post hoc rationalization because the Commission first decided to increase the fee from \$1 million to \$5 million and then sought a justification for doing so.” (*Ocean Harbor, supra*, 163 Cal.App.4th at p. 226.) The trial court denied the petition, and the appellate court affirmed. (*Id.* at p. 220.)

The appellate court explained that the staff report “provided detailed analyses of three ways the fee could be determined, each of which took a different perspective on the nature of the loss of beach: the loss of sand; the loss of real estate; and the loss of recreational value. Staff recommended the second way, which resulted in a fee of \$1 million. However, staff admitted that its recommendation provided only partial mitigation and, in light of the economic recreational value method, underestimated the impact.” (*Ocean Harbor, supra*, 163 Cal.App.4th at p. 245.) A Coastal Commissioner “echoed the staff’s admission,” “objected to the recommendation,” explained the basis for his objection, and “recommended that the Commission adopt the economic recreational value approach [(the third method)], which was fully detailed in the report.” (*Ibid.*) The commission thereafter voted to adopt the third method. (*Ibid.*) The appellate court found that “the detailed explanation of the [third method] and the resulting fee in the staff report provided an ample factual basis and explanation for the Commission’s decision to reject the staff recommendation and adopt a different methodology and fee.” (*Ibid.*) The appellate court further found that “revisions” to the staff report “were relatively minor and cannot reasonably be considered a post hoc rationalization for predetermined decision.” (*Ibid.*)

In contrast, in this case, the 2017 staff report for the de novo hearing found that the project had a water supply issue, would have significant adverse effects on the environment, and recommended denying the permit application. Unlike the staff report in *Ocean Harbor* which contained a “detailed explanation” of three valuation methods for calculation of a mitigation fee (*Ocean Harbor, supra*, 163 Cal.App.4th at p. 245), the

2017 staff report prepared for the de novo hearing in this case did not include a complete analysis of alternatives, mitigation measures, or conditions that might be necessary for project approval. Moreover, in this case, none of the commissioners at the de novo hearing expressed a view regarding alternatives, mitigation measures, or conditions that might be necessary to address significant adverse effects the project may have on the environment, yet a majority of commissioners voted to approve the application. (Cf. *La Costa Beach, supra*, 101 Cal.App.4th at p. 819 [subsequent revised findings “reflect[ed] in writing the rationale that the Commissioners and staff *articulated on the record* at the . . . public hearing” and were not post hoc rationalizations (italics added)].) It was not until the preparation of the 2018 staff report that an analysis was completed regarding various project components, mitigation measures, and/or conditions that were determined necessary to avoid potential adverse impacts on coastal resources. This environmental analysis should have been completed before the commission voted to approve the project. (See, e.g., *Mountain Lion Foundation, supra*, 16 Cal.4th at p. 134; *POET, supra*, 218 Cal.App.4th at p. 714.)

We also are not persuaded by Heritage’s characterization of the procedure in this case – in which the Coastal Commission “[i]n approving the [p]roject, . . . disagreed with its staff, thus requiring that the matter return to the Commission for adoption of revised findings” – as “roughly analogous to when a trial court provides its tentative ruling on a matter at a hearing and only later adopts its written order or findings setting forth its decision, either consistent with or different from the tentative.” When a matter is under submission, a trial court is free to change its tentative ruling, including its reasons and ultimate decision. The Coastal Commission, however, must *complete* the requisite environmental analysis before the commission decides to approve the project at the de novo hearing, and the prevailing commissioners *must state the basis for their action in sufficient detail at that hearing* if the commission’s action is substantially different than the staff recommendation. The revised findings issued thereafter should “reflect in

writing the rationale that the Commissioners . . . articulated on the record at the [de novo] hearing.” (*La Costa Beach, supra*, 101 Cal.App.4th at p. 819.) In this case, as we have explained, the commission’s environmental analysis was incomplete at the time of the application’s approval at the 2017 de novo hearing, and the subsequent 2018 staff report, which was adopted with modifications by the prevailing commissioners, contained new environmental analyses regarding the project’s components, mitigation measures, and conditions in relation to potential adverse impacts to coastal resources.

We are also not persuaded by Heritage’s contention that FANS failed to exhaust its administrative remedies and is barred from raising a claim that the Coastal Commission did not analyze the project’s impacts regarding visual resources, agricultural resources, and transportation impacts before approving the project. Heritage argues that FANS never raised an issue regarding impacts to these resources in the Coastal Commission proceedings or in the trial court. Heritage primarily relies on section 21177<sup>19</sup> and *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 535

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<sup>19</sup> Section 21177 states: “(a) An action or proceeding shall not be brought pursuant to Section 21167 unless the alleged grounds for noncompliance with this division were presented to the public agency orally or in writing by any person during the public comment period provided by this division or before the close of the public hearing on the project before the issuance of the notice of determination.

“(b) A person shall not maintain an action or proceeding unless that person objected to the approval of the project orally or in writing during the public comment period provided by this division or before the close of the public hearing on the project before the filing of notice of determination pursuant to Sections 21108 and 21152.

“(c) This section does not preclude any organization formed after the approval of a project from maintaining an action pursuant to Section 21167 if a member of that organization has complied with subdivision (b).

“(d) This section does not apply to the Attorney General.

“(e) This section does not apply to any alleged grounds for noncompliance with this division for which there was no public hearing or other opportunity for members of the public to raise those objections orally or in writing before the approval of the project, or if the public agency failed to give the notice required by law.”

[exact issue must be presented to the public agency in order to advance exhaustion doctrine’s purpose of providing agency with opportunity to act before litigation occurs].)

“ ‘Exhaustion of administrative remedies is a jurisdictional prerequisite to maintenance of a CEQA action.’ [Citation.] Subdivision (a) of . . . section 21177 sets forth the exhaustion requirement . . . .’ ” (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 615-616 (*California Native Plant*)). The requirement is satisfied if “the alleged grounds for noncompliance with [CEQA] were presented to the public agency orally or in writing by any person during the public comment period provided by [CEQA] or before the close of the public hearing on the project before the issuance of the notice of determination.” (§ 21177, subd. (a).) “ ‘The purpose of the rule of exhaustion of administrative remedies is to provide an administrative agency with the opportunity to decide matters in its area of expertise prior to judicial review. [Citation.] The decisionmaking body “ ‘is entitled to learn the contentions of interested parties before litigation is instituted.’ ” ’ [Citation.] [¶] To exhaust administrative remedies, ‘[m]ore is obviously required’ than ‘generalized environmental comments at public hearings.’ [Citation.] ‘On the other hand, less specificity is required to preserve an issue for appeal in an administrative proceeding than in a judicial proceeding.’ ” (*California Native Plant, supra*, 172 Cal.App.4th at p. 616.) Generally, “ ‘the exhaustion requirement does not apply when the administrative procedure did not provide for a public hearing or other opportunity for members of the public to raise objections before project approval. [Citation.]’ [Citation.]” (*Hines v. California Coastal Com.* (2010) 186 Cal.App.4th 830, 854; see § 21177, subd. (e).)

In this case, the 2017 staff report prepared prior to the de novo hearing did not contain a complete environmental analysis of alternatives, mitigation measures, and conditions for project approval because commission staff recommended denial of Heritage’s permit application. Despite the staff recommendation to deny the application, the Coastal Commission instead approved the project at the 2017 de novo hearing.

Thereafter, and prior to the commission's hearing regarding revised findings, FANS and LandWatch in a letter to the Coastal Commission dated September 7, 2018, objected to the 2018 staff report regarding revised findings, contending that the report contained "improper after-the-fact rationalizations," was an "attempt to justify an approval that occurred without any conditions or findings in support of approval," "serve[d] as a *post hoc* rationalization for a project that was already approved on November 8, 2017," and "include[d] after-the-fact environmental review in violation of CEQA." FANS further contended that the prevailing commissioners at the de novo hearing "failed to provide an adequate basis" for approving the project, including regarding water, ESHA, and agriculture, and that the project was approved "without conditions and without mitigations." FANS argued that although the prevailing commissioners apparently disagreed with staff on certain policy issues, the commissioners' reasoning on those policies was "insufficient" to support approval and the "after-the-fact [s]taff [r]eport and revised findings do not cure this defect." FANS cited to Public Resources Code section 21080.5, subdivision (d)(2)(A) [certified regulatory program's rules must require that an activity will not be approved if there are feasible alternatives or mitigation measures that would substantially lessen a significant adverse effect] and California Code of Regulations, title 14, section 13096, subdivision (b) [if commission action is substantially different than staff recommendation, then prevailing commissioners must state the basis for the their action in sufficient detail to allow preparation of proposed revised findings that reflect commission's action].

Similarly, FANS in its opening brief in support of the petition for writ of mandate filed in the trial court reiterated its contentions that the Coastal Commission failed to conduct the requisite environmental review before approving the project, and that the post-approval findings constituted improper post hoc rationalizations, again citing Public Resources Code section 21080.5, subdivision (d) and California Code of Regulations, title 14, section 13096, subdivision (b). We further observe that Heritage, in opposition

to the petition by FANS, argued that the 2018 staff report regarding revised findings “fully addressed the environmental impacts of the [p]roject,” and that the report included a “comprehensive review and analysis” of coastal resource issues regarding “water supply and groundwater resources,” “habitat resources,” “water quality,” “visual resources and community character,” “agriculture,” and “traffic.”

On this record, we determine that FANS has preserved the dispositive issue of this appeal, that is, whether the Coastal Commission failed to complete the requisite environmental review before approving Heritage’s permit application at the 2017 de novo hearing (see, e.g., Pub. Resources Code, § 21080.5, subd. (d)(2)(A), (3)(A)), which includes the question of whether the prevailing commissioners sufficiently stated the basis for their action at the hearing to properly allow staff to prepare a report regarding revised findings (Cal. Code Regs., tit. 14, § 13096, subd. (b)).

We observe that FANS on appeal also contends that the 2018 staff report “is not an adequate functional equivalent document in any event” because it “fails to address alternatives,” “it improperly conflates Project features and mitigation measures,” and “it reverses previous conclusions without adequate explanation.” As we have explained, the Coastal Commission failed to comply with the requirements of CEQA and the commission’s own regulatory program when it approved Heritage’s coastal development permit application without first completing an analysis of mitigation measures (including conditions on the project) and project alternatives. The 2018 staff report containing revised findings, which was prepared after project approval, does not remedy this defect in procedure. We therefore do not reach these additional issues raised by FANS.

Lastly, all the parties raise the issue of Monterey County’s EIR in relation to the Coastal Commission’s approval of Heritage’s coastal development permit application. We do not address the issue further, as (1) FANS contends that the commission “did *not* truly rely on the County’s EIR,” (2) the commission contends that its approval of the permit application was proper “*without* the County’s EIR,” and (3) Heritage

acknowledges that, notwithstanding the existence of the county’s EIR, the commission was required to “reach[] its *own* conclusions on whether and how to approve the project.” (Italics added.)

In sum, the record reflects that the Coastal Commission did not complete an analysis of mitigation measures (including conditions for the project) or alternatives, as required under CEQA and the commission’s certified regulatory program, until the 2018 staff report was prepared, which was after the project had already been approved. Under these circumstances, we conclude that the commission failed to comply with the requirements of CEQA and the commission’s own regulatory program by approving Heritage’s coastal development permit application without first completing an analysis of mitigation measures (including conditions for the project) and alternatives. Because the commission did not proceed in accordance with the procedures mandated by law, the commission abused its discretion in approving the permit application. (Code Civ. Proc., § 1094.5, subd. (b); see *Mountain Lion Foundation, supra*, 16 Cal.4th at p. 137 [“failure to proceed in accordance with law presumptively prejudicial when mandatory procedures not followed”], citing *Sierra Club v. State Bd. of Forestry, supra*, 7 Cal.4th at pp. 1235-1237; *Sierra Club v. County of Fresno, supra*, 6 Cal.5th at p. 515 [“failure to comply with the law subverts the purposes of CEQA” and constitutes prejudicial error “if it omits material necessary to informed decisionmaking and informed public participation”].)

## **V. DISPOSITION**

The judgment is reversed. On remand, the trial court is directed (1) to vacate its decision denying the petition for writ of mandate, (2) to enter a new judgment granting the petition against the California Coastal Commission, and (3) to issue a writ of mandate directing the commission to vacate its approval of the coastal development permit application. Appellants Friends, Artists and Neighbors of Elkhorn Slough and LandWatch Monterey County shall recover their costs on appeal.



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BAMATTRE-MANOUKIAN, J.

WE CONCUR:

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ELIA, ACTING P.J.

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DANNER, J.

*Friends, Artists and Neighbors of Elkhorn Slough v. California Coastal Commission*  
**H048088**  
**H048409**

# **ATTACHMENT 2**

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VENTURA  
SUPERIOR COURT  
**FILED**

**MAY 17 2021**

**MICHAEL D. PLANET**  
Executive Officer and Clerk  
By: *[Signature]* Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF VENTURA

YES IN MY BACK YARD,  
  
Plaintiff,  
  
v.  
  
CITY OF SIMI VALLEY,  
  
Defendant.

CASE NO. 56-2020-00539590-CU-WM-VTA

**TENTATIVE DECISION**

HON. MARK S. BORRELL  
DEPT. 40

Before the court are two petitions that raise the same issue: Is the project known as Melrose West Senior Living Community, a senior assisted living facility in Simi Valley, a “housing development project” within the meaning of the Housing Accountability Act (“HAA”).<sup>1</sup> Petitioners say it is; the respondent city says it’s not. The court conducted a single hearing on both petitions and, therefore, renders a joint tentative decision<sup>2</sup>. This tentative decision shall also constitute the proposed statement of decision.

<sup>1</sup> See Government Code, section 65580, *et seq.* All references are to the Government Code unless indicated otherwise.

<sup>2</sup> The other case is *JM Squared Development v. City of Simi Valley*, Case No. 56-2020-00539593-CU-WM-VTA

1            **Background**

2            Petitioner JM Squared Development, LLC (“JM”) is the developer of the subject  
3 project. Petitioner Yes In My Back Yard (“YIMBY”) is a nonprofit corporation and a  
4 “housing organization” within the meaning of the HAA.<sup>2</sup>

5            The project site is 19.2 acres in Simi Valley. (AR 03, 04, 22.) The development  
6 would occupy 1.6 acres and would include a two-story structure with 40 memory care  
7 units and 68 assisted living units. (AR 22, 913.) The proposed residential units would  
8 include sleeping areas, living areas, bathrooms, and closets. (AR 1239, 1244.) They  
9 would not include kitchens or kitchenettes; meals would be taken in a common area. (AR  
10 665.) In addition to the living spaces, the development would include a game room,  
11 lounges, a gym, a media room, and a multi-purpose room. Originally, the project was  
12 intended to also have cottages for seniors, but during the application process the cottages  
13 were removed from the plans. It is conceded that the project is in a medium residential  
14 zone and, therefore, requires a conditional use permit (CUP) as the project exceeds the  
15 density for such zone.

16            JM submitted an application for a CUP on March 1, 2018 to respondent, the City of  
17 Simi Valley (“City”). Staff for the City Planning Commission initially recommended  
18 approving the project (AR 913-946), but after a public hearing the Planning Commission  
19 denied the application. Three reasons were stated for the denial. First, the proposed  
20 development would not blend in with the natural environment due to the large scale of the  
21 proposed building. Second, the proposed development would not be consistent with the  
22 General Plan regarding housing type and scale. Finally, the proposed development would

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25 <sup>2</sup> As relevant here, a “ ‘housing organization’ means a trade or industry group whose  
26 local members are primarily engaged in the construction or management of housing units  
27 or a nonprofit organization whose mission includes providing or advocating for increased  
28 access to housing for low-income households and have filed written or oral comments  
with the local agency prior to action on the housing development project.” (Gov. Code, §  
65589.5, subd. (k)(1)(ii)(C)(2).)

1 not comport with local standards for “aesthetics, character, scale, and view protection.”  
2 (AR 1123-1134.)

3 JM appealed the denial of the CUP application to the City Council. It argued that  
4 the project fell within the provisions of the HAA and that the findings required by the act  
5 had not been made. In response, City Council staff reported to the council that the  
6 project was not a “housing development project” (“HDP”) within the meaning of the  
7 HAA and, therefore, the act did not apply. (AR1349-1350.) The City Council voted to  
8 uphold the Planning Commission’s denial (AR 1682-1689), finding further that there was  
9 a safety concern due to the narrow access road to the project. (AR1683).

10 JM and YIMBY now petition for an administrative writ of mandate directing the  
11 City reverse the denial of the CUP application and, further, compelling the City to  
12 approve the project. The City opposes these requests, asserting that the application was  
13 properly denied.

#### 14 *Standard of Review*

15 The question presented to the court is a legal one. The core facts are not in dispute.  
16 What is contested is whether those undisputed facts show the project is an HDP under the  
17 HAA. For this reason, the standard of review is independent judgment.

18 Whether an agency has proceeded in the manner required by law is a legal issue  
19 subject to independent review where that determination rests on undisputed facts. As  
20 stated in *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 712–713:

21 Our choice between independent and substantial evidence review is guided  
22 by the California Supreme Court's statement that “a reviewing court must  
23 adjust its scrutiny to the nature of the alleged defect, depending on whether the  
24 claim is predominantly one of improper procedure or a dispute over the facts.”  
25 (*Vineyard Area, supra*, 40 Cal.4th at p. 435, 53 Cal.Rptr.3d 821, 150 P.3d  
709.) Thus, when plaintiffs' CEQA claim is predominantly one of procedure,  
we will conduct an independent review. When plaintiffs' CEQA claim disputes  
the factual findings made by ARB, we will review the record to determine  
whether the challenged finding is supported by substantial evidence.

26 When a local agency disapproves a project subject to the HAA without making the  
27 required findings, that entity has not proceeded in the manner required by law.

28 (*Honchariw v County of Stanislaus* (2011) 200 Cal.App.4th 1066, 1072.) That is

1 precisely the issue here.

2 In reviewing an administrative decision under the independent judgment  
3 standard, the court is not bound by the legal determinations made by the respondent  
4 agency, but it must give appropriate consideration to an administrative agency's  
5 expertise underlying its interpretation of an applicable statute. (*Building Industry*  
6 *Assn. of San Diego County v. State Water Resources Control Bd.* (2004) 124  
7 Cal.App.4th 866, 879.)

### 8 Discussion

9 The HAA “was designed to limit the ability of local governments to reject or  
10 render infeasible housing developments based on their density without a thorough  
11 analysis of the ‘economic, social, and environmental effects of the action....’ ”  
12 (*Kalnel Gardens, LLC v. City of Los Angeles* (2016) 3 Cal.App.5th 927, 938,  
13 quoting § 65589.5, subd. (b).) “When a proposed development complies with  
14 objective general plan and zoning standards, including design review standards, a  
15 local agency that intends to disapprove the project, or approve it on the condition  
16 that it be developed at a lower density, must make written findings based on  
17 substantial evidence that the project would have a specific, adverse impact on the  
18 public health or safety and that there are no feasible methods to mitigate or avoid  
19 those impacts other than disapproval of the project.” (*Id.*, at pp. 938-939; also see §  
20 65589.5, subd. (j).) If petitioners establish that the HAA applies to this project, then  
21 the burden is on the City to show that its decision to disapprove the project  
22 conformed to the requirements of the act. (See § 65589.6.)

23 Here, the principal dispute is whether the project is an HDP within the meaning of  
24 the HAA. The act defines an HDP as “a use consisting of” one or more of three defined  
25 categories. (§ 65589.5, subd. (h)(2).) Under the first of those categories, a project is  
26 deemed to be an HDP if it consists of “[r]esidential units only.” (*Id.*, subd. (h)(2)(A).)  
27 The second category of HDP is “[m]ixed-use developments consisting of residential and  
28 nonresidential uses with at least two-thirds of the square footage designated for residential

1 use.” (*Id.*, subd. (h)(2)(B).) The final category of use constituting an HDP is  
2 “[t]ransitional housing or supportive housing.” (*Id.*, subd. (h)(2)(C).)

3 Petitioners contend this project is an HDP under any of these definitions. The City  
4 says none of these definitions apply. Because the court concludes that the project would  
5 be “a use consisting of . . . [m]ixed-use developments consisting of residential and  
6 nonresidential uses with at least two-thirds of the square footage designated for residential  
7 use,” it limits its analysis solely to that definition.

8 The City argues in its opposition brief that the project does not involve a  
9 “residential *unit*” – a phrase found in the first of the three definitions of HDP. (See §  
10 65589.5, subd. (h)(2)(A), emphasis added.) The City does not, however, clearly address  
11 whether the project would consist of a mixed-use including “residential . . . *uses*” – a  
12 distinct element of the second definition. (*Id.*, subd. (h)(2)(B), emphasis added.) Rather,  
13 the City seems to confound these concepts – residential *unit* and residential *use* – but, to  
14 the court, there seems no justification to do so. When the Legislature uses distinct terms  
15 with a subdivision, it must be inferred that distinct meanings were intended absent a  
16 compelling reason to conclude otherwise. (See *People v. Santos* (2020) 53 Cal.App.5th  
17 467, 473.) Here, no such reason has been demonstrated.

18 The HAA does not define a “residential use.” It does, however, expressly define  
19 several other terms. This implies this phrase was not intended to have a technical  
20 meaning. Nor is a technical meaning implied by the manner in which this phrase is used  
21 in the act. Therefore, the court focuses on the meaning of the phrase in ordinary speech.

22 The common meaning of “residential use” is not difficult to grasp: a “residential  
23 use” is where one uses a location as a residence. The focus of the definition centers how  
24 the place is used and not the characteristics of the place.

25 This begs the question: what is a “residence”? Generally, a residence as a place  
26 where someone actually lives. (See [https://www.merriam-webster.com/dictionary](https://www.merriam-webster.com/dictionary/residence)  
27 [/residence](https://www.merriam-webster.com/dictionary/residence) [“the place where one actually lives as distinguished from one's domicile or a  
28 place of temporary sojourn”]; Black's Law Dictionary (11th ed. 2019) [“The place where

1 one actually lives, as distinguished from a domicile”].) A “residence” is in contrast to a  
2 “domicile.” “A person can have two places of residence, such as one in the city and one  
3 in the country, but only one domicile.” ([https://legal-dictionary.thefreedictionary.com](https://legal-dictionary.thefreedictionary.com/Residence)  
4 [/Residence](https://legal-dictionary.thefreedictionary.com/Residence).) A “domicile” is one’s permanent home. (See [https://www.merriam-](https://www.merriam-webster.com/dictionary/domicile)  
5 [webster.com/dictionary/domicile](https://www.merriam-webster.com/dictionary/domicile) [“a person's fixed, permanent, and principal home for  
6 legal purposes”]; Black's Law Dictionary (11th ed. 2019) [“a person's true, fixed,  
7 principal, and permanent home, to which that person intends to return and remain even  
8 though currently residing elsewhere”].) On the other hand, “residence” implies something  
9 more permanent than, for example, visiting with friends or staying for a short time in a  
10 hotel. (See <https://www.definitions.net/definition/residence> [“any address at which you  
11 dwell more than temporarily”].)

12 The City contends that the project would not consist of “residential uses.” This  
13 contention, however, stands in conflict with the City Planner’s testimony. The City  
14 Planner described this project as a “residential care facility” (AR 1691) with a “residential  
15 use” (AR 1699). Nevertheless, the City argues that the living units of this project do not  
16 involve “residential uses” because the units would not include kitchens or kitchenettes.  
17 But this limitation is not supported by anything identifiable in the provisions of the HAA  
18 or from the common understanding of the terms involved. Perhaps because of this, the  
19 City attempts to support its position with sources of information unrelated to the HAA.  
20 The attempt is unpersuasive. No showing has been made that the Legislature intended  
21 these more restrictive meanings to be used to construe the act. (See § 65589.5, subd.  
22 (a)(2)(L) [“It is the policy of the state that this section be interpreted and implemented in a  
23 manner to afford the fullest possible weight to the interest of, and the approval and  
24 provision of, housing”].)

25 The City also asserts that its position is supported by bills not passed by the  
26 Legislature. But the Legislature does not make law when it does not enact a bill. The  
27 courts apply the laws that *are passed*, not the ones that aren’t. Nor are unpassed bills  
28 particularly helpful in understanding what the Legislature intended when it passed a



1 different bill at a prior time. (See *Nevarrez v. San Marino Skilled Nursing & Wellness*  
2 *Centre, LLC* (2013) 221 Cal.App.4th 102, 133 [courts “do not consider unsuccessful  
3 subsequent bills to be helpful in determining the Legislature's earlier intent”].)

4 The evidence shows that the intended residents of the project would use the living  
5 units as their residences. That is, this would be the place where residents would actually  
6 live – more than in a transitory sense and not quite as permanently as a legal domicile.  
7 Thus, the project does include a component of “residential use.” It also includes a  
8 component of “non-residential use,” consisting of administrative offices and, among other  
9 things, a hair salon and a gym. The space devoted to residential use is considerably more  
10 than two-thirds of the total area. Therefore, this project is an HDP within the meaning of  
11 subdivision (h)(2)(B) of section 65589.5 because it would consist of “[m]ixed-use  
12 developments consisting of residential and nonresidential uses with at least two-thirds of  
13 the square footage designated for residential use.”

14 Because the project is an HDP, the HAA applied to the review of JM’s application  
15 for a CUP. This finding shifts the burden to the City to establish that its decision to  
16 disapprove the project “conformed to all of the conditions specified in Section 65589.5.”  
17 (§ 65589.6.) Among other things, section 65589.5 requires a local agency that  
18 disapproves a project to make certain findings “[w]hen a proposed housing development  
19 project complies with applicable, objective general plan, zoning, and subdivision  
20 standards and criteria, including design review standards, in effect at the time that the  
21 application was deemed complete.” (§ 65589.5, subd. (j)(1).) In that instance, the agency  
22 must make “written findings supported by a preponderance of the evidence on the record  
23 that both of the following conditions exist:

24 (A) The housing development project would have a specific, adverse  
25 impact upon the public health or safety unless the project is disapproved or  
26 approved upon the condition that the project be developed at a lower density.  
27 As used in this paragraph, a “specific, adverse impact” means a significant,  
28 quantifiable, direct, and unavoidable impact, based on objective, identified  
written public health or safety standards, policies, or conditions as they existed  
on the date the application was deemed complete.

1 (B) There is no feasible method to satisfactorily mitigate or avoid  
2 the adverse impact identified pursuant to paragraph (1), other than the  
3 disapproval of the housing development project or the approval of the  
4 project upon the condition that it be developed at a lower density.  
(§ 65589.5, subd. (j)(1).)

5 The three reasons given by the City’s Planning Commission for denial of the CUP  
6 application, and later adopted by the City Council, were predicated on subjective factors  
7 such as whether the project would blend in with the surroundings or comport with local  
8 standards for things like aesthetics, character and scale. The City continues to argue that  
9 these findings exempt this project from the HAA. The court disagrees. The 1999  
10 amendments to subdivision (j) of section 65589.5 were “intended to strengthen the law by  
11 taking away an agency’s ability to use what might be called a ‘subjective’ development  
12 ‘policy’ (for example, ‘suitability’) to exempt a proposed housing development project  
13 from the reach of subdivision (j).” (*Honchariw v. County of Stanislaus* (2011) 200  
14 Cal.App.4th 1066, 1076.) Therefore, the court finds that the City had to make the findings  
15 required by subdivision (j) of section 65589.5 to disapprove the project. The court further  
16 finds that the City did not make those findings.

17 Arguably, the City Council, on the appeal of the denial of the CUP application,  
18 made a finding consistent with section 65589.5, subdivision (j)(1)(A), concerning “a  
19 specific, adverse impact upon the public health or safety.” The City Council found that  
20 the 40-foot wide Cochran Street road size presented a difficulty of turnaround for large  
21 vehicles and area congestion during emergency situations, all of which posed potential  
22 safety concerns. (AR 1682-83.) But, at best, this only represents half of what the HAA  
23 required the City to find. The City did not make the finding required by section 65589.5,  
24 subd. (j)(1)(B), that there “is no feasible method to satisfactorily mitigate or avoid [these]  
25 adverse impacts” other than disapproving the project. Therefore, the City has not  
26 demonstrated that the disapproval of the project “conformed to *all* of the conditions  
27 specified in Section 65589.5.” (§ 65589.6, emphasis added.)

28 Petitioners, therefore, are entitled to a remedy. The nature of that remedy is the

1 next point of dispute between the parties.

2 When a local agency disapproves a project without making the findings required by  
3 section 65589.5, the court shall issue an order compelling one of two possible forms of  
4 relief. (See section 65589.5, subd. (k)(1)(A).) Which of those two forms of relief the  
5 court must order depends on whether “the court finds that the local agency acted in bad  
6 faith when it disapproved . . . the housing development . . . in violation of [section  
7 65589.5].” When a local agency disapproves a project in bad faith the court may order the  
8 agency to approve the project. Therefore, the court addresses that issue first.

9 The HAA does not define “bad faith.” Perhaps “bad faith” is a term that, as  
10 frequently as it is used but as seldom as it is defined, has an “I know it when I see it”  
11 quality.<sup>3</sup> Black's Law Dictionary (11th ed. 2019), citing Comment (d) to the Restatement  
12 (Second) of Contracts section 205, gives several examples of “bad faith” in the law of  
13 contracts and that, by rough analogy, provides some guidance in this context: “evasion of  
14 the spirit of the [act], lack of diligence and slacking off, willful rendering of imperfect  
15 [compliance with the act], abuse of a power [granted by the act].” Synthesizing these  
16 concepts here, it would appear that a local agency acts in “bad faith” under the HAA when  
17 it disapproves a project as a result of either an inexcusable indifference to the  
18 requirements of section 65589.5 or a willful failure to comply.

19 Here, neither an inexcusable indifference nor a willful failure to follow the  
20 requirements of the HAA has been established. Although the court has not embraced the  
21 City’s argument that the HAA does not apply, it has not been persuaded that those  
22 argument are either pretextual or manifestly unreasonable. Neither side has directed the  
23 court to statutory or case law that provides clear guidance as to the applicability of the  
24 HAA to this set of facts. The answer to that question is one of statutory interpretation  
25 based on analysis and analogy, and, importantly, one where reasonable legal minds may  
26 differ. The City has not acted in bad faith.

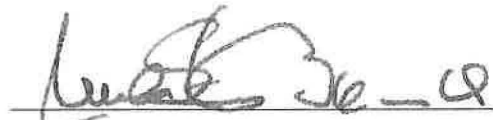
27 <sup>3</sup> A phrase given legal significance by Justice Potter Stewart in *Jacobellis v. Ohio* (1964)  
28 378 U.S. 184, 197, 84 S.Ct. 1676, 12 L.Ed.2d 793.

1           Therefore, the remedy petitioners are entitled to is a “judgment compelling  
2 compliance with [section 65589.5] within 60 days.” (Section 65589.5, subd.  
3 (k)(1)(A)(ii).) That relief is granted. In addition, the court shall retain jurisdiction to  
4 ensure that its judgment is carried out. (*Ibid.*)

5           This tentative decision is the court’s proposed statement of decision and shall  
6 become the court's final statement of decision unless, within 10 days after announcement  
7 or service of the tentative decision (plus five days for service by mail), a party specifies  
8 those principal controverted issues as to which the party is requesting a statement of  
9 decision or makes proposals not included in the tentative decision. (See Code Civ. Proc.  
10 § 632; Cal. Rules of Court, Rule 3.1590, subd. (c).) If no such request/proposal is made  
11 within the specified time (see Cal. Rules of Court, Rule 3.1590, subd. (d)), counsel for  
12 petitioners is to prepare, serve and submit a proposed judgment within 20 days of the  
13 service of this tentative decision.

14           The clerk is directed to serve this tentative decision upon the parties.

15 Dated: May 17, 2021

16   
17 MARK S. BORRELL  
18 JUDGE OF THE SUPRIOR COURT  
19  
20  
21  
22  
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24  
25  
26  
27  
28

**PROOF OF SERVICE**  
*CCP § 1012, 1013a (1), (3) & (4)*

1  
2  
3 STATE OF CALIFORNIA )  
4 COUNTY OF VENTURA ) ss.  
5

6 **Case Nos: 56-2020-00539590-CU-WM-VTA**  
**Case Title: Yes In My Back Yard v. City of Simi**

7 I am employed in the County of Ventura, State of California. I am over the age of 18 years and  
8 not a party to the above-entitled action. My business address is 800 Victoria Avenue, Ventura,  
CA 93009. On the date set forth below, I served the within:

**TENTATIVE DECISION**

9  
10 on the following named parties:

11  
12 Ryan Patterson  
Emily L. Brough  
13 ZACKS FREEDMAN & PATTERSON PC  
235 Montgomery Street #400  
14 San Francisco, CA 94104  
*Attorneys for Petitioner*

15  
16 Lonnie J. Eldridge, City Attorney  
Dion J. O'Connell, Asst. City Attorney  
17 City of Simi Valley  
2929 Tapo Canyon Road  
18 Simi Valley, CA 93063  
*Attorneys for Respondent*

19  
20  **BY MAIL:** I caused such envelope to be deposited in the mail at Ventura, California. I am  
21 readily familiar with the court's practice for collection and processing of mail. It is deposited  
with the U.S. Postal Service on the dated listed below.

22  **BY FACSIMILE:** I caused said document(s) to be sent via facsimile to the interested party  
23 at the facsimile number set forth above from telephone number (805) \_\_\_\_\_.

24  **BY ELECTRONIC MAIL:** I caused said document(s) to be sent via email to the interested  
parties at the email addresses set for above.

25 I declare under penalty of perjury that the foregoing is true and correct and that this document is  
26 executed on May 17, 2021, at Ventura, California.

27  
28 By:   
Isabel H. Alarcon, Clerk

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF VENTURA  
VENTURA**

**MINUTE ORDER**

DATE: 06/11/2021

TIME: 10:54:00 AM

DEPT: 40

JUDICIAL OFFICER PRESIDING: Mark Borrell

CLERK: Isabel H Alarcon

REPORTER/ERM:

CASE NO: **56-2020-00539590-CU-WM-VTA**

CASE TITLE: **Yes In My Back Yard vs. City of Simi Valley**

CASE CATEGORY: Civil - Unlimited      CASE TYPE: Writ of Mandate

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**EVENT TYPE:** Miscellaneous Hearing (CLM)

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**APPEARANCES**

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**NATURE OF PROCEEDINGS: HEARING RE STATEMENT OF DECISION**

On May 18, 2021, the court filed and served its tentative decision in this and the related case, and it gave notice that its tentative decision would be its proposed statement of decision. Subsequently, respondent, City of Simi Valley ("City"), served and filed its request that the court address additional matters in its statement of decision and that it order relief to petitioners in a form different from that specified in the tentative decision. Each of the petitioners opposes the City's requests.

Among other things, the City asks that the court make findings of fact and conclusions of law concerning whether extraordinary circumstances exist that would preclude an award of attorneys' fees. (See Gov. Code, § 65589.5, subd. (k)(1)(A)(iii).) However, an award of attorneys' fees as an element of costs is a matter to be determined post-trial. (See Code Civ. Proc., § 1032 *et seq.*) Until petitioners bring a motion for an award of attorneys' fees, the City's request is premature.

The City also requests findings with respect to aspects of HAA that the court was not required to consider because it determined the case on other grounds. (See, Tentative Decision, "Because the court concludes that the project would be 'a use consisting of . . . [m]ixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use,' it limits its analysis solely to that definition.")

"A statement of decision need not address all the legal and factual issues raised by the parties. Instead, it need do no more than state the grounds upon which the judgment rests . . ." (*Muzquiz v. City of Emeryville* (2000) 79 Cal.App.4th 1106, 1124–1125.) Because the court's decision does not rest on grounds that it did not consider, it is not appropriate to include such other matters in the statement of decision.

For the same reason, it is unnecessary for the court to make findings in the statement of decision as to whether the project is a Supportive Housing Development. Such a finding is collateral to the matters supporting the court's determination.

Therefore, the City's request that the proposed statement of decision be augmented to include each of these matters is denied.

The City does, however, make one further request. It requests that the remedial provisions of the tentative decision and, derivatively, the writ that will issue, be expanded and modified. Petitioners object to the City's proposed modifications. The court believes the parties' respective positions frame an important issue that was not clearly addressed in the tentative decision. That issue is how best to reconcile the provisions of Government Code section 65589.5, subdivision (k)(1)(A)(ii) and subdivision (j)(2)(A)(i), and *Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, at pages 1081–1082.

The City asks to add language to the statement of decision, not considered in *Honchariw*, that the application be deemed "complete" for purposes of subdivision (j)(2)(A)(i), based on the filing of the court's statement of decision. Petitioners take the position that the 30-day window under that subdivision lapsed long ago and, consequently, by operation of subdivision (j)(2)(B), the City must deem the project compliant.

In each of the two pending cases, the court sets the matter for further hearing on this limited issue and no other. No further briefing is requested or permitted. The hearing will be July 1, 2021, at 8:30 a.m., in Department 40.

The clerk is directed to give notice, with a courtesy copy by email to each counsel.

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Major, Erica \(BOS\)](#)  
**Subject:** 199 Letters for File No. 210944  
**Date:** Thursday, December 2, 2021 2:24:00 PM  
**Attachments:** [199 letters for File No. 210944.pdf](#)

---

Hello,

Please see attached 199 letters for File No. 210944.

**File No. 210944** – Creation of a “Beach to Bay” Car-Free Connection and Equitable Access to Golden Gate Park.

Regards,

Office of the Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*



**From:** [Parker Day](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** The Kid Safe JFK Promenade has Been Transformative for Golden Gate Park  
**Date:** Tuesday, November 23, 2021 12:09:27 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum - my family joined as Contributor level members starting in 2013 - but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, including portions of JFK currently closed to car traffic despite some of the disinformation relayed by de Young staff. At least 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020. It is an attraction in and of itself, and an important part of the Golden Gate Park fabric.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park. We do not drive, and visit your museum with people who cannot drive. Destroying the route we can safely use is the opposite of access. Furthermore, it's against our environmental values as San Franciscans - it will accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. This induces traffic throughout the City. It will slow down popular Muni routes that drop off at the museums' doorstep, like the 44.

My family and I love to visit the park and the museum. That said, if the choice is between the de Young and a safe, environmentally friendly, peaceful Golden Gate Park for all, we will choose the park. As long as your museum advocates for free parking instead of access for people who do not use cars, we will not be visiting your museum. Please - do better and act with integrity. Thank you.

Parker Day  
parkerday@gmail.com  
1477 California St Apt 4  
San Francisco, California 94109

**From:** [Vanessa Gregson](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Stop Fighting the Elderly/Kid/People Safe JFK Promenade  
**Date:** Tuesday, November 23, 2021 12:20:48 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

We were de Young members for years. I am an art fanatic. I love museums. I loved the de Young, too, until very recently. I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

San Francisco is a place that cares deeply about equity and the impacts our actions have on our neighbors - especially those who might not have positions of power. I have been beside myself to see the de Young's multi-millionaire staff, such as Director Thomas Campbell, weaponizing concerns and language to muddy the conversation around at safe JFK Promenade. Together with hiring lobbyists in order to buy influence to the benefit of the de Young and not everyday San Franciscans is unethical and won't be quickly forgotten.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people. Stop buying power and influence to silence those who do not have your privilege.

Thank you.

Vanessa Gregson  
vanessa.gregson@gmail.com  
1477 California St Apt 4  
San Francisco, California 94109

**From:** [Sandra Roorda](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Tuesday, November 23, 2021 2:04:27 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am an 83 year old woman who will not be able to enjoy my museum, the tea garden, or the science academy if the park remains closed under the current restrictions. Please return the park and museum to all citizens not just the young and healthy.

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic.

Sandra Roorda

**From:** [Jennifer Schnell](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Tuesday, November 23, 2021 2:10:15 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Jennifer Schnell  
jennerfins@gmail.com  
1729 16th Ave  
San Francisco, California 94122

**From:** [Lizzie Jeremi](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Tuesday, November 23, 2021 3:59:01 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park. You cannot make decisions that interrupt the flow of well established roads and traffic to our cultural city treasures.

As citizens we all contribute to the roads that take us closer to the heart of our beautiful De Young Museum, Strybing Arboretum, Hall of iSciences, Japanese Tea Garden, Conservatory of Flowers, Planetarium and the performances in the Band Shell.

You cannot put those treasured out of our reach.

Please be equitable to all San Franciscans. We all need open roads to our park.

Thank you,

Lizzie Jeremi

**From:** [Kristin Wood](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Tuesday, November 23, 2021 4:27:06 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The museums in Golden Gate park are a state and regional treasure. The museums have members from the greater Bay Area. It is not viable to take public transit from San Jose to visit the De Young. A car and a place to park are critical to being able to visit the exhibitions at the museum.

Spilling parking out into the local neighborhoods is not viable as they are already very limited for non-resident parking.

Thank you,  
Kristin Wood

**From:** [Matt Laroche](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Keep JFK closed to cars  
**Date:** Tuesday, November 23, 2021 5:07:50 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I appreciate having the de Young Museum in San Francisco, but I am deeply disappointed in your leadership's stance of returning JFK Drive to pre-pandemic conditions. JFK Drive is an important road for me - part of my bicycling commute to work downtown, and is part of where my family recreates. I have two young children, 3 and 5 years old, and JFK is unusable to them in the pre-pandemic conditions, unless they are on my bicycle or in a car.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park - I regularly had unsafe interactions with drivers rushing through the park to cut a couple minutes off their commute. Now, it is a safe sanctuary for transportation and recreation, one of the few bright spots of the pandemic.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I are members of the deYoung, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to active transit and closed to cars.

Matt Laroche  
mlaroche@gmail.com  
2926 Kirkham St  
San Francisco, California 94122

**From:** [Helen Dornbusch](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Tuesday, November 23, 2021 5:53:31 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before

Thanks for your consideration,  
Helen Dornbusch



**From:** [Dean Brown](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Tuesday, November 23, 2021 6:31:06 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Dean Brown  
mondean@gmail.com  
458 Carl street  
San Francisco, California 94117

**From:** [Clair McDevitt](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid, adult, bike, & pedestrian Safe JFK Promenade  
**Date:** Tuesday, November 23, 2021 7:24:19 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

Dear Board of Supervisors,

I am deeply disappointed in your opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing the museum more dangerous for people like me who walk, take transit, and use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums.

I visit Golden Gate Park at least once a week, and putting cars back on JFK will limit my safe access to and use of the park. I urge you to keep JFK open to people.

Thank you,  
Clair A. McDevitt  
Diamond Heights resident

Clair McDevitt  
clairnation@live.com  
95 Ora Way  
San Francisco, California 94131

**From:** [Elizabeth Chur](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Tuesday, November 23, 2021 9:56:12 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Elizabeth Chur  
peregrina2003@gmail.com  
3653 24th St  
San Francisco, California 94110

**From:** [Susan Turley](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Wednesday, November 24, 2021 1:00:37 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

Regards,  
Susan Turley

**From:** [Kay Petrini](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Wednesday, November 24, 2021 2:14:05 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am a runner who trains in Golden Gate Park almost every day. I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

Regards,  
Kay Petrini

**From:** [Devorah Joseph](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Wednesday, November 24, 2021 2:21:24 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

A compromise for John F. Kennedy Drive was reached in 2007 that allowed all users of Golden Gate Park to share the roads. It is time to reopen JFK Drive back to the way it was before COVID. The select few that are the most vocal are doing us all a disservice that want a reasonable compromise.

The City may also lose the beautiful Dahlia Dell because the growers can't transport their tools, fertilizers, etc. to the Dell without being able to drive there, nor take their flowers out for exposition. The park authorities will not allow them in with their vehicles.

Please reopen JFK Drive like it was before COVID!

Regards,  
Devorah Joseph  
San Francisco, CA 94121

**From:** [Corinne Levy](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Wednesday, November 24, 2021 3:30:11 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

Thank you,  
Corinne Levy

**From:** [Catherine Dobrin](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Wednesday, November 24, 2021 5:13:41 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I may not vote in SF but I bring \$ in when we visit. The way it is now, I can't visit the museum. Would love to bring my grandchildren when they visit for Thanksgiving but I'm not mobile enough. The 24/7 closure of JFK drive has left many people unable to access Golden Gate Park and its institutions. The current closure is for those who live close enough, have the money to pay for parking, or are able bodied enough to travel on foot or bicycle.

We need to go back to the compromise that was struck and reopen JFK as it was before the pandemic!

Sincerely,  
Catherine Dobrin



**From:** [Julian Drake](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Wednesday, November 24, 2021 6:32:58 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The current closure of JFK Drive severely impacts people with disabilities, seniors, and communities not directly neighboring Golden Gate Park.

As we emerge from COVID, it's time to reopen JFK Drive. Golden Gate Park belongs to the people of San Francisco, not just a few.

I strongly encourage you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays, holidays and Saturdays, 6 months of the year.

Regards,  
Julian Drake

**From:** [Mary Cloutier](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Wednesday, November 24, 2021 6:58:07 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Access to the park is an ordeal with the Park cut off and access to the museum is so much more difficult. Roads are meant for all and I believe sharing as has been done in the past should be restored.

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Mary Cloutier

**From:** [Beverly Castro-Leon](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Wednesday, November 24, 2021 7:14:12 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic. I am a senior citizen and need closer access to the museum and other park amenities. I feel this is an attempt to make the parking garage in front of the Science museum the only parking available, and it is not fair to those of us who can't afford those parking fees.

Beverly Castro-Leon

**From:** [Tyler Marks](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 7:28:06 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Tyler Marks  
tyler.marks91@gmail.com  
338 Fillmore Street  
San Francisco, California 94117

**From:** [Geert Barentsen](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** I support car-free JFK for our elderly neighbors  
**Date:** Wednesday, November 24, 2021 7:38:44 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I am deeply disappointed in the opposition of Mr Thomas Campbell, CEO of the Fine Arts Museums, against making JFK a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

I am sending this message to honor my grandfather, who used his bicycle to run errands until the age of 85+. He was able to keep using his bicycle at old age because the city he lived in (Lier, Belgium) provided him with safe and car-free routes across town.

I urge you to take actions today which would enable all of us to keep riding our bike when we get older. Please keep JFK car-free and expand San Francisco's active transportation network.

Geert Barentsen  
geert.barentsen@gmail.com  
418 Mississippi St  
San Francisco, California 94107

**From:** [Carole Cassidy](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Wednesday, November 24, 2021 7:47:21 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

EVERYONE, San Francisco resident or not, deserves access to Golden Gate Park. I implore you, reopen JFK Drive to allow this to happen.

I, for one, at 80 have limited mobility...I can't walk, nor can I take public transportation from San Rafael (too demanding of my body), and I certainly can't bike to the park.

San Francisco seems to have forgotten that not everyone who wants to visit is 25 and fit! What the park contains are PUBLIC asset, yet you seem on the verge of deciding which parts of the public should be allowed access. JFK Drive must be open to traffic as it was pre-pandemic. Someday perhaps you'll understand why the park is an asset to be enjoyed by all who wish to visit, not the few, when you too find getting around a problem. It's clear, by even proposing to close JFK Drive, you have no idea what it's like.

Carole Cassidy

**From:** [andrew@sig.gy](mailto:andrew@sig.gy)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 7:49:25 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

andrew@sig.gy  
400 Grove Street Unit 403  
San Francisco, California 94102

**From:** [Cristin Tolan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 7:55:51 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Cristin Tolan  
cristin.warner@gmail.com  
575 19th Ave  
San Francisco, California 94121



**From:** [Erika Cunliffe](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** People Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 8:52:45 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I recently moved from the Inner Mission to the Outer Sunset after 15 years so I could escape the noise, the crowds, and most importantly, the traffic. While I do own a car and use it often, I primarily ride a bicycle to get around town, as it's a healthier, and frankly faster option. I treasure my time riding through this beautiful city, taking in the lush parks, unique buildings, and have very much enjoyed having a safe, carless route on JFK to travel on.

As someone who has been sent to the hospital because of a distracted driver, and have had more close calls with cars than I'd like to think about, having a safe place to just commute to work is so key for people in this city. Reopening the Great Highway to car traffic again was a huge, huge blow to a greener, safer San Francisco, and to potentially lose another safe space to unnecessary vehicle traffic is unconscionable and dangerous.

I visit the museums regularly. I support the arts and artists, and I do not believe they are suffering due to lack of access. In fact, more people are in the park because it's car-free, not less.

I know that car culture is something that is engrained in our society, and when you take away something, like a road, that people are used to traveling on, it can be upsetting to them. If the pandemic had shown us anything, it's that we can create safer, car-less spaces, and people will adapt. They'll make it work. They might be the loudest in the room opposing the changes, but that will fade. What won't fade is the joy, the memories, and the experiences of people who get to enjoy JFK (and hopefully the Great Highway) as a car-free park.

Thank you for your consideration,

Erika Cunliffe

Erika Cunliffe  
erika.cunliffe@gmail.com  
2239 44th Ave  
San Francisco, California 94116

**From:** [Eve Zaritsky](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 8:53:01 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Eve Zaritsky  
evefzar@gmail.com  
3059 25 th street  
San Francisco, California 94110

**From:** [Raul Maldonado](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 9:51:32 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Raul Maldonado  
rmaldonadocloud@gmail.com  
333 Monticello Street  
San Francisco, California 94132

**From:** [Jeri Lucia-Johnson](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please rPlease reopen FK Driveive  
**Date:** Wednesday, November 24, 2021 10:14:10 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

I haven't been able to enjoy Golden Gate Park with JFK Drive closed 24/7. Everyone should be able to access Golden Gate Park.

We need your voice on this issue! I'm a senior and makes it difficult to find a place to park close by to visit the museums as often as I would like to ...

Sincerely,  
Jeri Lucia-Johnson

**From:** [Victoria Turner](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 10:15:53 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, and use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My friends and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Victoria Turner  
snowdriftler@yahoo.com  
1285 5th Ave  
San Francisco, California 94122

**From:** [n. soir](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Wednesday, November 24, 2021 12:40:49 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Blocking off JFK Drive is unfair to people covered under the ADA or who are just older, impaired OR if the weather is bad. The Museums are treasures that we are blocked from accessing. Please reopen JFK Drive. It is not equitable to just make these world class local tax payer supported collections only available to the "able" bodied. Thank you.

n. soir

**From:** [Toni King](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Wednesday, November 24, 2021 3:06:59 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

A compromise for John F. Kennedy Drive was reached in 2007 that allowed all users of Golden Gate Park to share the roads. It is time to reopen JFK Drive back to the way it was before COVID. The select few that are the most vocal are doing us all a disservice that want a reasonable compromise. As a senior I strongly urge you to reopen JFK Drive as it was before COVID!

Regards,  
Toni King  
San Francisco, CA 94110

**From:** [Karen Basting](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Support a JFK Drive compromise!  
**Date:** Wednesday, November 24, 2021 3:22:14 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I support a Golden Gate Park that is accessible to everyone. We all agree that bicyclists and pedestrians should have access to Golden Gate Park, but we need to balance that with access for everyone else, including seniors, young children and those with disabilities who need to have equal access, closer to the museums and sights. Closing the streets permanently results in extreme disadvantages to many of the population that support the facilities in Golden Gate Park.

I urge you to restore access to Golden Gate Park as it was before the pandemic.

Regards,  
Karen Basting  
Oakland, CA 94612



**From:** [David Alexander](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 5:06:43 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

David Alexander  
alexanderdavid415@gmail.com  
2806 Anza St,  
San Francisco, California 94121

**From:** [koryn Pachla](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Wednesday, November 24, 2021 5:32:35 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

We need your voice on this issue.

Sincerely,  
koryn Pachla

**From:** [Drew Lindsey](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 6:30:15 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park, not visiting the museum or other attractions. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Moreover, I ride a bike along JFK every day to take my daughter to preschool. If JFK were reopened to traffic, I would have to seriously reconsider the safety of this route. Pre-pandemic, I witnessed too many instances of drivers taking erratic turns, parking illegally in crosswalks, and opening doors directly into bike lanes.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Sincerely,  
Drew Lindsey

Drew Lindsey  
drewlindsey@gmail.com  
43 Clayton St  
San Francisco, California 94117

**From:** [Karen Chan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 7:43:49 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, AND I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Karen Chan  
mail@woolenwarrior.com  
716 Cabrillo St  
San Francisco, California 94118

**From:** [Jenn Fox](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 8:13:20 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

Dear Mr. Campbell and SF Supervisors and leaders.

I am a 30-year San Francisco resident, huge supporter of our great city, and former member of the de Young Museum and the California Academy of Sciences.

I love the de Young Museum and the Park, AND I am deeply disappointed in your opposition to making JFK Drive a permanent promenade. Having JFK closed to cars has benefited the 7 million people that have enjoyed the promenade since April 2020 and changed it from being a High Injury roadway to being a public amenity.

Mr. Campbell - I am no longer a member of the de Young because you and your Board have taken it way too far with your your assertions (Chronicle OpEd and lobbying to leaders and citizens) that access is deterring people from attending the Museum. Your OpEd and other statements have been disingenuous, incorrect and show a lack of leadership. What about the Judy Chicago performance art that benefitted the de Young (and indeed our residents) and occurred thanks to the current status of having the Concourse OPEN to people?

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park. I will not be visiting your museum - or renewing my membership - until you revisit your opposition to keeping JFK open to people.

Jenn Fox  
jgreyfox@hotmail.com  
1265 6th Avenue  
San Francisco, California 94122

**From:** [Marilyn Moore](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Wednesday, November 24, 2021 8:22:08 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Reopen all the roads in GGP as well as the Great Highway. You have made it very difficult to access the DeYoung and the Academy of Sciences, not to mention just trying to get from the Richmond to the Sunset district through the park.

Marilyn Moore

**From:** [Mark Breimhorst](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)  
**Cc:** [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [clerk@sfcta.org](#); [Commission, Recpark \(REC\)](#); [MTABoard@sfmta.com](#); [Tumlin, Jeffrey \(MTA\)](#); [Ginsburg, Phil \(REC\)](#); [GGPAccess@sfmta.com](#); [MOD, \(ADM\)](#); [Major, Erica \(BOS\)](#); [CAC@sfmta.com](#); [sfbicycleadvisorycommittee@gmail.com](#); [PROSAC, RPD \(REC\)](#); [hello@kidsafesf.com](#)  
**Subject:** Keep JFK Kid Safe & Car-Free to give kids, families, and people of all ages, abilities, and backgrounds a safe space in the Park to commute, relax, connect, and recreate...  
**Date:** Wednesday, November 24, 2021 8:42:13 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors, Mayor Breed, and other city leaders,

I am a person with a disability who bikes and a 20+ year SF resident. I have long favored changing the choice architecture, especially downtown, from cars to bikes. I look forward to biking downtown myself once my job re-opens.

On another note, I love Kid Safe JFK and want it to be made permanent as is without a private-car cut-through on 8th Ave or private cars on JFK east of Transverse Drive. I support the "Existing Car-Free Route Option" in SFMTA's official survey and, after over 8,000 survey responses, this option is desired by over 70% of the public — Kid Safe JFK is one of the most-popular policy decisions in San Francisco history, and it has been visited over 7 million times since it was created 18 months ago!

I join Kid Safe SF and its thousands of supporters and countless partners calling on you to save this Kid Safe, serene, and joyous space in the heart of Golden Gate Park — we need you to lead on this issue by making a clear decision to make this space permanent without a cut-through for private cars and ignoring dishonest lobbying by the de Young and California Academy of Sciences.

The "Private Vehicle Access Option" and related efforts to allow private cars to cut through the Park via 8th Avenue are dangerous for our kids, people with disabilities, and the planet. These efforts are being pushed by museum trustees and lobbyists in backroom meetings in an effort to secure more free parking for their employees rather than pay them a fair wage, including a parking benefit in the underutilized and mismanaged museum garage that museum insiders control. Don't let wealthy trustees and their lobbyists destroy Kid Safe JFK and destroy an amazing space with over 7 million visits since it was created 18 months ago and 70%+ support from the public.

We also need you to work towards improving Muni service to the park and reforming the museum garage to improve affordable and high quality access for low-income, disabled, and elderly visitors. The majority of people with disabilities are low income and use Muni and do not have cars! Here are a few things:

- 1) Install Transit-Only Lanes to 8th Ave between Fulton and JFK, 9th Ave between Judah and Lincoln, and MLK between Lincoln and the Music Concourse — this will improve service and reliability of Muni for people taking the N, 43, 44, 52, and 66, including those visiting the park and especially on weekends.
- 2) Reform the underutilized museum garage: Offer free parking for ADA placard holders and low-income visitors, and double the number of ADA spots in the Garage from 32 to 64, so that visitors with disabilities have the best access available.
- 3) Restrict private-car cut-through traffic on other spaces in Golden Gate Park, like Transverse Drive where Kid Safe JFK transitions to the Kid Safe "Car-Free West End Route" proposed in the survey (which is also wildly popular and should be made permanent with even more Kid Safe space).

Please work with Kid Safe SF, SFMTA, RPD, and your colleagues to get this wildly popular space permanently Kid Safe (and car free). Will you publicly commit to supporting the “Existing Car-Free Route Option” and take action to make this option the permanent solution for JFK?

Mark Breimhorst  
former CEO of World Institute on Disability



**From:** [Lillian Valle](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Wednesday, November 24, 2021 8:42:35 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Lillian Valle

**From:** [Zoe Young](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Ginsburg, Phil \(REC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Commission, Recpark \(REC\)](#); [MTABoard@sfmta.com](#); [Board of Supervisors, \(BOS\)](#)  
**Cc:** [ChanStaff \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [clerk@sfcta.org](#); [hello@kidsafesf.com](#)  
**Subject:** Please make Kid Safe JFK permanent now...  
**Date:** Wednesday, November 24, 2021 8:55:27 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed, General Manager Ginsburg, Director Tumlin, Recreation and Parks Commissioners, and Board of Supervisors,

I love the new, Kid Safe JFK, and want it to stay!

San Francisco needs safe, inclusive, joyous public spaces for everyone, now more than ever. Parks with protected public spaces are where residents and visitors of San Francisco can be active, enjoy nature, and spend time with friends and family. Thanks to you, people of all ages, backgrounds and abilities have been flocking to JFK to enjoy the most vital protected public space in the heart of San Francisco.

If it's safe for kids, it's safe for everyone.

But I have become aware that this protected space for kids in Golden Gate Park is at risk of turning back into one of the most dangerous streets in San Francisco. JFK was previously a high-injury corridor, with 5-10 people being injured or killed on the street every year.

Just last month, a woman was hospitalized with life-threatening injuries when crossing from the safe JFK promenade to the Panhandle. Director Tumlin said a "more protective crossing" is "contingent" on what the city does with JFK Drive.

I'm writing today to urge you to save Kid Safe JFK and take action immediately to approve an extension of the space beyond the health order, while supporting ongoing studies, outreach, and improvements to increase access to the safe and joyous community space.

I have heard that the museums are concerned about free public parking and ADA access, and Recreation and Parks reports there are over 3,500 free public parking spaces in Golden Gate Park, most concentrated near the museums, along with countless more free parking spots along Fulton and Lincoln. Surely there are ways to solve for ADA access — like the garage built for the museums — that don't put children and seniors at risk, and ruin the oasis that has been created in the Park. The city and the museums can find a solution that does not destroy the most important protected space in the heart of Golden Gate Park.

The kids of San Francisco love Kid Safe JFK, and I do too!

Can we count on you, and are you willing to publicly support saving Kid Safe JFK and Golden Gate Park?

Sent from my iPhone

**From:** [Pieter de Haan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, November 24, 2021 9:02:09 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I am very close to NOT support the De Young museum with my membership. I will revoke my membership if the JFK drive opens up for cars.

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Pieter de Haan  
pdehaan@peralta.edu  
1249 7th Avenue  
San Francisco, California 94122

**From:** [stuart fong](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Thursday, November 25, 2021 3:08:49 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

Don't forget the seniors.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

stuart fong

**From:** [lisa leighton](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Thursday, November 25, 2021 5:15:45 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

A compromise for John F. Kennedy Drive was reached in 2007 that allowed all users of Golden Gate Park to share the roads. It is time to reopen JFK Drive back to the way it was before COVID. The select few that are the most vocal are doing us all a disservice that want a reasonable compromise.

Please reopen JFK Drive like it was before COVID!

As a senior who lives in the southeast corner of the city in an area with very poor public transportation, the closure of JFK has markedly decreased my access to the park.

Regards,  
lisa leighton  
San Francisco, CA 94110

**From:** [James OBrien](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Thursday, November 25, 2021 7:06:43 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

James OBrien  
jabo99@hotmail.com  
339 Caselli Ave  
San Francisco, California 94114

**From:** [paula.symonds](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Thursday, November 25, 2021 8:14:36 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Francisco is known for many things and one of them is its world class museums, one of which is located in Golden Gate Park just off of Martin Luther King Drive. The DeYoung Museum attracts San Franciscans across many age groups and visitors from all over California, other states and outside the US. One of its most faithful groups here in the city and the greater Bay Area is retirees. Once the work of a lifetime is completed many from this group seek the solace and the beauty found in art. They do this by becoming members of the museum and as such visit on a regular basis. Many from this group also become volunteers believing it is time to give back some of what San Francisco has offered them over the years.

Many volunteers travel from outside the city to work at the museum. At the beginning of the pandemic San Francisco Park and Rec made a unilateral decision to close Martin Luther King Drive. At the time of the closure no one from the Senior group was impacted as all were closeted at home. Now with the reopening, Park and Rec wants to continue the closure not only on the weekends, which had already been the case but every day.

JFK Drive, which borders the DeYoung Museum, has provided free parking close by both for volunteers and Senior visitors. This parking has included ADA compliance spots within 1/10th of a mile of the museum's side entrance on JFK Drive for those with mobility issues. As the museum opens and volunteers return many feel they will no longer be able to work their shifts if they cannot drive and park nearby. Public transportation is not a reliable or safe alternative. Many older patrons do not feel safe on San Francisco public transportation. On several occasions I have attempted to take the bus myself pre-pandemic from Noe Valley to the museum for my volunteer shifts. The bus never followed the schedule, on the weekend it didn't start early enough. To go from my house in Noe Valley by car takes 15 minutes while by bus the few times I tried almost an hour. My time is as valuable as a fully employed person. I don't like wasting it standing on a street corner waiting for a bus that never comes. On two occasions when the bus never appeared I decided to walk and was able to walk the distance in 40 minutes. I am not your average 76 year old and this is not a viable solution for the majority of Seniors nor would it be for me on a rainy cold winter day.

The garage, which is not operated by the museum, is too expensive for people on fixed incomes who visit the museum regularly as volunteers and senior members do, and during popular exhibitions there are not enough regular or ADA parking spaces. On an average day during the Matisse exhibition last year the museum greeted approximately 5,000 visitors. For Bouquets to Art's first day the museum had over 500 visitors and the city had not yet fully opened.

Volunteers often work evening events. It is hard to expect Seniors especially unaccompanied women to walk safely though a dark park back and forth to the museum, especially when we

see seniors attacked fairly regularly on the City's streets.

The problems Seniors have with the closure becomes one of equity. Just look at this picture and you will see not one senior engaging, but only a few feet away is the Museum they cannot access.

Golden Gate Park is more than its roads. It is more than a place for five year old's to learn how to ride a bike. It is more than a bike path from the Zoo to the Embarcadero. It contains a science academy and world class museum, a lovely children's playground and merry-go-round. It contains soccer fields for the use of city kids. It has meadows for games, graduations, picnics and birthdays. It has a polo field and stables that are not being utilized now. You can boat in the park and feed ducks in many of its ponds. You can drive and race radio controlled boats. You can play tennis and bocce ball. You can practice archery. You can visit the world of plants and flowers in a Victorian glass house. You can pretend you are in a garden in Japan and drink tea and eat cookies that are outside your usual experience. BUT Park and Rec seems to think it should only belong to the bikers and walkers thus diminishing all the other activities that it contains.

The equity issues associated with the closure of JFK Drive don't only impact Seniors. They impact families who want to picnic or birthday but can't carry their supplies on a bike or trundle them on a bus. They impact children, especially children of color who come from the far flung corners of the city to visit the science museum or art museum or Arboretum or Japanese Tea Garden. They must endure several transfers on a bus or ride a bicycle! to get to the park. It makes sense for the white elite who live close to the park boundary to make it very difficult for them to come. The closure will keep tourists and out and City visitors away as well by making it too hard or forcing them to limit their use of ALL the wonders of the Park.

The closure of JFK Drive would severely impact the operation of the DeYoung Museum already in debt due to the pandemic closure. The evening and daytime functions that the museum has for openings, meetings, some wedding receptions and other gettogethers are made very difficult with the closure. The museum's loading dock is located off JFK. Bringing in and taking out exhibits and other operation materials is problematic. It is my understanding that drivers who are simply doing their job delivering needed supplies to the museum are harassed for driving on the closed street.

If visitors choose to drive they will be forced to park in the surrounding neighborhoods. This would increase traffic in the neighborhoods and take away all their parking. Parking meters would not solve the problem but rather turn more people away. Martin Luther King Drive is now the closest parking to the museum in the park. The 4 hour parking limit is strictly enforced. Staff and volunteers who are working longer than 4 hours must use their whole break time to move their cars to prevent ticketing and there is no guarantee that a new parking place can be found in the now very limited parking available. The closure simply makes no sense at all.

Thanks for your consideration,  
paula symonds



**From:** [k pfeaffle](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Thursday, November 25, 2021 8:37:17 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

Everyone should be able to access Golden Gate Park.

We need your voice on this issue!

Sincerely,  
k pfeaffle

**From:** [Stephanie Fong](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Car-free JFK  
**Date:** Thursday, November 25, 2021 9:45:34 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

Dear Mayor Breed and the Honorable Board of Supervisors,  
Please vote to keep JFK car-free. There are few protected corridors for pedestrians and cyclists to travel and enjoy in San Francisco. The closure to cars is a small area, but serves as an important and safe route for me and my son to bike to school. He is a student at Roosevelt Middle School on Arguello/Geary and we are able to ride down Page Street, then enter GGP and ride along JFK to Arguello without the fear of getting hit by cars. The only parts of the ride which can be dangerous is Page (thankfully, it's a slow street) and Arguello (during rush hour, my son feels safer riding on the sidewalk). This route allows for taking my car off the road. Only if we can give residents the options for safe, alternative transportation modes will we solve the traffic congestion problem, decrease CO2 emissions, improve air quality and reverse global warming and climate change.

SF's Climate Action Strategy 2020 advocating for the transition from a car-centric transportation system:

- 1) Shift 50% of trips to non-automobile trips by 2017 and 80% by 2030
- 2) Grow public transportation options and expand alternative transit infrastructure

Transportation Mode Shift

Construct a protected cycletrack network

Complete build-out of San Francisco's bicycle plan

Expand bicycle sharing, electric bike capacity

Promote new development car sharing and bicycle parking

The Plan calls for reducing car trips and increasing biking, walking and public transit travel, Too many drivers and cars are the root of the traffic congestion -- not cyclist, buses or pedestrians.

The museum has plenty of free parking on the South Side of the park and in their big garage. If they lowered their parking fees, then more people would park there. They are a business located on public land and the majority of SF residents have voiced that we want JFK to be car-free and a safe space for everyone. Since JFK and in GH were closed to traffic, the number of cyclists, pedestrians, runners, skateboarders, scooters, disabled, kids and families able to safely exercise, commute and enjoy the park has sky-rocketed. I never rode in the park before except for Sundays because it was not safe for us. We also ride our bikes on the Great Highway when it is closed to traffic.

Thank you for your consideration. I hope you will vote for SF's Climate Action Plan, for the Planet and for our children's future - not for the self-interests of one museum that could easily lower their parking fees, but, instead want to use the JFK as their own free, personal parking garage and take it away from all of San Francisco's residents (many who can't drive or don't own a car).

Sincerely,  
Stephanie

Stephanie Fong  
sfandjr@gmail.com  
1158 Haight Street, #4  
San Francisco, California 94117

**From:** [Amy Browne](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Thursday, November 25, 2021 12:45:26 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

Regards,  
Amy Browne

**From:** [Katie Chung](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Thursday, November 25, 2021 1:56:32 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Katie Chung  
katie.chung.01@gmail.com  
31 Ashton ave  
San Francisco, California 94112

**From:** [Nancy Casciani Bieri](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Re open JFK Drive now!  
**Date:** Thursday, November 25, 2021 6:44:42 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

Thank you,  
Nancy Casciani Bieri

**From:** [Deborah Shaw](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Thursday, November 25, 2021 7:44:04 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The 24/7 closure of JFK drive has left many people unable to access Golden Gate Park and its institutions. The current closure is for those who live close enough, have the money to pay for parking, or are able bodied enough to travel on foot or bicycle.

We need to go back to the compromise that was struck and reopen JFK as it was before the pandemic!

If I can't count on driving to the museum, there will be no reason for me to maintain my membership--just when I was looking forward to returning after a long COVID hiatus.

Sincerely,  
Deborah Shaw

**From:** [Erin O'Toole](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Thursday, November 25, 2021 8:24:51 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Erin O'Toole  
erinkotoole@hotmail.com  
246 Diamond Street  
San Francisco, California 94114



**From:** [Emilia Jankowski](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Thursday, November 25, 2021 10:44:02 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

I haven't been able to enjoy Golden Gate Park with JFK Drive closed 24/7. Everyone should be able to access Golden Gate Park.

We need your voice on this issue!

I may live outside of the City but I visit the Golden Gate Park and the deYoung Art Museum on a regular basis when I visit my stepfather. The street in front of the museum should be open to traffic. Also street parking in the Park should be returned for public use so visitors can enjoy the many beautiful spots in the Park. Make the Park available to all visitors.

Sincerely,  
Emilia Jankowski

**From:** [Melissa Olvera](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Friday, November 26, 2021 1:14:15 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The current closure of JFK Drive severely impacts people with disabilities, seniors, and communities not directly neighboring Golden Gate Park.

As we emerge from COVID, it's time to reopen JFK Drive. Golden Gate Park belongs to the people of San Francisco, not just a few.

I strongly encourage you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays, holidays and Saturdays, 6 months of the year.

I am a member of the De Young and live in Carmel Valley 2 and a half hours drive away (with good traffic). I am 69 years old and need to find parking near the museum. Please reopen this street so we can get to this cultural jewel in the City.

Thank you,  
Melissa Olvera

Regards,  
Melissa Olvera

**From:** [Sylvia Hurd](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Friday, November 26, 2021 1:32:32 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before. It is vital for easy entry for families and the disabled to the De Young Museum, Science Academy, Tea Garden, Botanical Garden, Conservatory of Flowers, Dahlia Garden, Peacock Meadow, and the new Tennis Center. It is also vital for those who cannot afford to pay for parking.

Thanks for your consideration,  
Sylvia Hurd

**From:** [Sergey Dubenko](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Friday, November 26, 2021 4:14:20 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before

Thanks for your consideration,  
Sergey Dubenko

**From:** [margaret jimenez](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Friday, November 26, 2021 9:19:37 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am a San Francisco native and while I no longer live in the City I visit there often and during 90% of those visits I make a stop at the DeYoung and after we wander through the beautiful park. Please return JFK Drive to its previous hours of open and close times.

Thank you

Regards,  
margaret jimenez

**From:** [Shauna Bergstrom](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Friday, November 26, 2021 9:37:20 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Access to the park and music concourse through the use of JFK helps me keep my family safe while exploring all of these beautiful features. Please reopen it.

Shauna Bergstrom

**From:** [Abbey Doolittle](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Support JFK Drive for pedestrians! And cyclists! And families!  
**Date:** Friday, November 26, 2021 9:52:18 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I support a Golden Gate Park that is accessible to everyone. We all agree that bicyclists and pedestrians should have access to Golden Gate Park. And jfk drive should remain closed to cars!!

I urge you not to restore access to Golden Gate Park keep it like it's been the whole pandemic.

Regards,  
Abbey Doolittle  
San Francisco, CA 94118

**From:** [Don Hoffman](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Friday, November 26, 2021 2:58:26 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I have thoroughly enjoyed the de Young Museum in the past, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Don Hoffman  
silbakor@gmail.com  
3378 22nd st  
San Francisco, California 94110



**From:** [Jane Pannell](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Friday, November 26, 2021 3:22:05 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

I am disabled and cant take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody!  
JFK Drive should be open like it was pre-pandemic.

Jane Pannell

**From:** [Marian Wolff](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Friday, November 26, 2021 3:57:28 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Marian Wolff

**From:** [Nancy Wiltsek](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Friday, November 26, 2021 6:23:48 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Hello,

I hope you agree that all San Franciscans deserve access to Golden Gate Park. However not all can take public transportation or walk/bike to the Park. Access isn't the same for everybody! JFK Drive should be opened to allow full access for residents and out of City visitors alike!

Please reopen JFK Drive like it was pre-pandemic.

Thank you!

Nancy Wiltsek

**From:** [Elena Gutteridge](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Friday, November 26, 2021 6:29:19 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love being able to go to JFK and walk, bike, push my elderly friend's wheelchair, etc  
Please, please please don't re open. Everyone can figure out how to get there.  
Always seems there is a group with loud complaints about not having access.  
I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate  
Figure out how to make garage parking free if someone can't afford it. Or make free for disabled with placard

Don't reopen to cars. They got great Highway (that done in secret meetings), keep park for people not cars

Elena Gutteridge  
elenagutteridge@gmail.com  
2479 31 Ave  
San Francisco, California 94116

**From:** [Diane Ridley](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Friday, November 26, 2021 6:57:51 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I would like to see JFK Drive reopened on weekdays and Saturdays. While it's closure was perhaps an innovative response to the perceived need for additional outdoor recreational space during the shelter-in-place phase of the pandemic, I believe it is underutilized and more of a hindrance to recreation in the Park than an enticement. Its closure has made navigating across and within the Park confusing and frustrating, and has served to increase the traffic and parking burden on other streets inside and adjacent to the Park. Despite the fact that restrictions on indoor activities have been reduced, the ongoing closure discourages people from experiencing some of the Park's biggest assets—the Conservatory of Flowers, the Fine Arts Museum, the Academy of Sciences, the Music Concourse, the Japanese Tea Garden, Stow Lake, and the Arboretum. Unless there is a integrated City plan and financial commitment to adding additional parking outside of the park and frequent, convenient public transportation to and within the park that will make its features easily accessible to residents and out-of town visitors, especially those with disabilities, I do not feel continuation of this experiment is of any benefit. Like a number of the "slow streets" that have been created in the City, it feels elitist and exclusionary,

Diane Ridley

**From:** [Alex Dacks](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Friday, November 26, 2021 8:17:47 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

Thank you,  
Alex Dacks

**From:** [Judith Miller](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Saturday, November 27, 2021 4:14:29 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic. Its time to open up JFK again. Enough is enough.

Judith Miller

**From:** [S Arnejo](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Saturday, November 27, 2021 4:15:29 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

Regards,  
S Arnejo



**From:** [Cynthia Billings-Roan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Saturday, November 27, 2021 4:27:42 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Golden Gate Park has always been one of the main reasons to visit SF Even more so that downtown has become a disgusting 3rd world sloppy dirty unsafe place. We have not renewed our yearly Museum passes for The Deyoung/Legion because it has become impossible to get to. We have lived in Oakland and visited the Golden Gate for 30+ years. Regretably the cost of visiting Strybing and the Museums have become burdensome. Keep those road closures if you want to insulate yourselves against the world and visitors. The only ones with access now are those who have the luxury of living around the Parks. What a shame. The same goes for the Shoreline drive by the Ocean.

Cynthia Billings-Roan

**From:** [Soko Ushijima](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Saturday, November 27, 2021 4:37:19 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before I took my elderly aunt to the DeYoung museum and had to park in the underneath parking lot which was very expensive. We were coming from the Richmond district. The Museums need our support more than ever and the elderly support the arts. Pls pls pls reopen the roads and also the Aruello Gate!

Thanks for your consideration,  
Soko Ushijima

**From:** [Greg Gorlen](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Saturday, November 27, 2021 9:37:49 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Greg Gorlen  
time4cookies@hotmail.com  
531 5th Ave C  
San Francisco, California 94118



**From:** [Ramon Quintero](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Tumlin, Jeffrey \(MTA\)](#); [MTABoard@sfmta.com](#); [Breed, Mayor London \(MYR\)](#); [Ginsburg, Phil \(REC\)](#); [Commission, Recpark \(REC\)](#)  
**Cc:** [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [ChanStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [MandelmanStaff, \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [clerk@sfcta.org](#); [hello@kidsafesf.com](#)  
**Subject:** Please make Kid Safe JFK permanent now...  
**Date:** Saturday, November 27, 2021 12:30:07 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed, General Manager Ginsburg, Director Tumlin, Recreation and Parks Commissioners, and Board of Supervisors,

I love the new, Kid Safe JFK, and want it to stay!

San Francisco needs safe, inclusive, joyous public spaces for everyone, now more than ever. Parks with protected public spaces are where residents and visitors of San Francisco can be active, enjoy nature, and spend time with friends and family. Thanks to you, people of all ages, backgrounds and abilities have been flocking to JFK to enjoy the most vital protected public space in the heart of San Francisco.

If it's safe for kids, it's safe for everyone.

But I have become aware that this protected space for kids in Golden Gate Park is at risk of turning back into one of the most dangerous streets in San Francisco. JFK was previously a high-injury corridor, with 5-10 people being injured or killed on the street every year.

Just last month, a woman was hospitalized with life-threatening injuries when crossing from the safe JFK promenade to the Panhandle. Director Tumlin said a "more protective crossing" is "contingent" on what the city does with JFK Drive.

I'm writing today to urge you to save Kid Safe JFK and take action immediately to approve an extension of the space beyond the health order, while supporting ongoing studies, outreach, and improvements to increase access to the safe and joyous community space.

I have heard that the museums are concerned about free public parking and ADA access, and Recreation and Parks reports there are over 3,500 free public parking spaces in Golden Gate Park, most concentrated near the museums, along with countless more free parking spots along Fulton and Lincoln. Surely there are ways to solve for ADA access — like the garage built for the museums — that don't put children and seniors at risk, and ruin the oasis that has been created in the Park. The city and the museums can find a solution that does not destroy the most important protected space in the heart of Golden Gate Park.

The kids of San Francisco love Kid Safe JFK, and I do too!

Can we count on you, and are you willing to publicly support saving Kid Safe JFK and Golden Gate Park?

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null

**From:** [Jan Doyle](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Saturday, November 27, 2021 1:44:53 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

Thank you,  
Jan Doyle

**From:** [Sarah Pape](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Keeping JFK safe for all ages  
**Date:** Saturday, November 27, 2021 3:11:45 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

As a resident of San Francisco and an educator, in the past, I have enjoyed the programming that the de Young Museum has to offer. I am incredibly disappointed in your leadership's objection to keeping JFK a permanent promenade for people of all ages, whether they are visiting the city for a few days or regularly bringing their family to enjoy a safe, relatively flat space to stroll.

As a bike commuter to the school where I teach, I am well aware of the dangers of riding around San Francisco, even in designated bike lanes. Nearly every other street in San Francisco is open to cars (including Martin Luther King, Jr Drive which is right next to your museum). JFK is a safe harbor for anyone wanting to enjoy a bike ride, a stroll, a run in this city without the constant threat of watching for cars.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. I navigate blocked bike lanes daily, which will happen if JFK is reopened. Car fatalities will not happen if cars are not allowed. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

I am truly disgusted at your recent attempt to use low-income families, such as the ones that I serve at the school where I teach, as a reason JFK needs to reopen to allow them to park for free. In my 10 years as a teacher in the community I serve, you have never reached out once to our school to encourage families to come to your museum. If you really want them to come, reach out to the communities and figure out a way to get them access to the 800 car garage beneath your museum that is fully accessible from Fulton and Martin Luther King Dr.

I visit the park often, but I will continue to skip your museum until you revisit your opposition to keeping JFK open to people. I hope you pay attention to the cities around the world who have seen car-free promenades as beautiful additions to their vibrant communities. If Paris with their world class museums figured it out, you can too.

Sarah

Sarah Pape  
sarahjpape@gmail.com  
885A San Jose Avenue  
San Francisco, California 94110



**From:** [Jennifer Tobiason](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Saturday, November 27, 2021 10:01:39 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Please reopen JFK drive. It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before.

It will help with true accessibility to all.

Thanks for your consideration,  
Jennifer Tobiason

**From:** [Jeremy Hewes](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Saturday, November 27, 2021 10:13:02 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The current closure of JFK Drive is unacceptable. Visitors to San Francisco need access to the museum!

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Jeremy Hewes

**From:** [Mutsuko Arima](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Saturday, November 27, 2021 10:59:37 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The 24/7 closure of JFK drive has left me unable to access Golden Gate Park and its institutions. The current closure is for those who live close enough, have the money to pay for parking, or are able bodied enough to travel on foot or bicycle.

I need to be able to use the handicap parking near the entrance and can't afford to pay for parking in their lot.

We need to go back to the compromise that was struck and reopen JFK as it was before the pandemic!

Sincerely,  
Mutsuko Arima

**From:** [Sue Santoro](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Saturday, November 27, 2021 11:02:15 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The 24/7 closure of JFK drive has left many people unable to access Golden Gate Park and its institutions. The current closure is for those who live close enough, have the money to pay for parking, or are able bodied enough to travel on foot or bicycle.

We need to go back to the compromise that was struck and reopen JFK as it was before the pandemic!

For out-of-towners, like me, who are members of the Museum, providing access as it was before the pandemic encourages me to visit more often. To spend more time in San Francisco and of course spend more tourist dollars. Please put things back as they were before the pandemic.

Sincerely,  
Sue Santoro

**From:** [Michelle La Grandeur](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Sunday, November 28, 2021 1:58:49 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I applaud the sentiment behind keeping JFK drive closed. However, the impact on the museum to many, especially those with disabilities or mobility problems is significant. Please keep drive up access to the museums.

Michelle La Grandeur

**From:** [Beverley Borelli](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Sunday, November 28, 2021 5:25:29 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

Everyone should be able to access Golden Gate Park. There are times when arriving at the deYoung especially for the elderly and for special events is more accessible by car.

We need your voice on this issue!

Sincerely,  
Beverley Borelli

**From:** [Cynthia Guggenheim](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Keep JFK safe!!  
**Date:** Sunday, November 28, 2021 6:01:48 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

Hello.

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

I feel lucky to use JFK every day on foot, on my bike, and now with my 6-month old baby in his stroller. JFK is an amazing and unique space for safe biking, walking, and running in San Francisco.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk and use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

I appreciate the museum, but I won't be visiting it until you revisit your opposition to keeping JFK open to people.

Thank you for listening,

Cynthia Guggenheim

Cynthia Guggenheim  
cynthia.guggenheim@gmail.com  
1439 PAGE ST  
San Francisco, California 94117

**From:** [Wendy Gilmore](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Sunday, November 28, 2021 7:51:52 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am a person with mobility issues.

The current closure of JFK Drive severely impacts people with disabilities, seniors, and communities not directly neighboring Golden Gate Park.

As we emerge from COVID, it's time to reopen JFK Drive. Golden Gate Park belongs to the people of San Francisco, not just a few.

I strongly encourage you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays, holidays and Saturdays, 6 months of the year.

Regards,  
Wendy Gilmore



**From:** [Holly Schenck](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Sunday, November 28, 2021 8:07:25 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

As a handicapped elder i rely on the handicapped parking behind the museum.. I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lines and pedestrian walkways each day of the week. We need to balance equity AND safety!

Regards,  
Holly Schenck

**From:** [Patrick Theimer](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)  
**Cc:** [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [clerk@sfcta.org](#); [Commission, Recpark \(REC\)](#); [MTABoard@sfmta.com](#); [Tumlin, Jeffrey \(MTA\)](#); [Ginsburg, Phil \(REC\)](#); [GGPAccess@sfmta.com](#); [MOD, \(ADM\)](#); [Major, Erica \(BOS\)](#); [CAC@sfmta.com](#); [sfbicycleadvisorycommittee@gmail.com](#); [PROSAC, RPD \(REC\)](#); [hello@kidsafesf.com](#)  
**Subject:** Keep JFK Kid Safe & Car-Free to give kids, families, and people of all ages, abilities, and backgrounds a safe space in the Park to commute, relax, connect, and recreate...  
**Date:** Sunday, November 28, 2021 12:54:55 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors, Mayor Breed, and other city leaders,<BR><BR>I love Kid Safe JFK and want it to be made permanent as is without a private-car cut-through on 8th Ave or private cars on JFK east of Transverse Drive. I support the "Existing Car-Free Route Option" in SFMTA's official survey and, after over 8,000 survey responses, this option is desired by over 70% of the public — Kid Safe JFK is one of the most-popular policy decisions in San Francisco history, and it has been visited over 7 million times since it was created 18 months ago!<BR><BR>I join Kid Safe SF and its thousands of supporters and countless partners calling on you to save this Kid Safe, serene, and joyous space in the heart of Golden Gate Park — we need you to lead on this issue by making a clear decision to make this space permanent without a cut-through for private cars and ignoring dishonest lobbying by the de Young and California Academy of Sciences.<BR><BR>The "Private Vehicle Access Option" and related efforts to allow private cars to cut through the Park via 8th Avenue are dangerous for our kids, people with disabilities, and the planet. These efforts are being pushed by museum trustees and lobbyists in backroom meetings in an effort to secure more free parking for their employees rather than pay them a fair wage, including a parking benefit in the underutilized and mismanaged museum garage that museum insiders control. Don't let wealthy trustees and their lobbyists destroy Kid Safe JFK and destroy an amazing space with over 7 million visits since it was created 18 months ago and 70%+ support from the public.<BR><BR>We also need you to work towards improving Muni service to the park and reforming the museum garage to improve affordable and high quality access for low-income, disabled, and elderly visitors. Here are a few things:<BR><BR>1) Install Transit-Only Lanes to 8th Ave between Fulton and JFK, 9th Ave between Judah and Lincoln, and MLK between Lincoln and the Music Concourse — this will improve service and reliability of Muni for people taking the N, 43, 44, 52, and 66, including those visiting the park and especially on weekends.<BR><BR>2) Reform the underutilized museum garage: Offer free parking for ADA placard holders and low-income visitors, and double the number of ADA spots in the Garage from 32 to 64, so that visitors with disabilities have the best access available.<BR><BR>3) Restrict private-car cut-through traffic on other spaces in Golden Gate Park, like Transverse Drive where Kid Safe JFK transitions to the Kid Safe "Car-Free West End Route" proposed in the survey (which is also wildly popular and should be made permanent with even more Kid Safe space).<BR><BR>Please work with Kid Safe SF, SFMTA, RPD, and your colleagues to get this wildly popular space permanently Kid Safe (and car free). Will you publicly commit to supporting the "Existing Car-Free Route Option" and take action to make this option the permanent solution for JFK?

Sent from my iPhone

**From:** [Tim Durning](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Sunday, November 28, 2021 1:06:29 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

I love to visit the park and the museum, but will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Tim Durning  
timothydurning@gmail.com  
2760 41st Ave  
San Francisco, California 94116

**From:** [William Wolf](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Sunday, November 28, 2021 1:19:24 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

William Wolf  
ww@williwolf.net  
857 Fillmore St.,  
San Francisco, California 94117

**From:** [Leslie Boin Podell](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Sunday, November 28, 2021 1:23:45 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

I haven't been able to enjoy Golden Gate Park with JFK Drive closed 24/7. Everyone should be able to access Golden Gate Park.

We need your voice on this issue!

Sincerely,  
Leslie Boin Podell

**From:** [Karen Kirschling](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Sunday, November 28, 2021 1:24:02 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Karen Kirschling  
kumasong@icloud.com  
633 Oak  
San Francisco, California 94117

**From:** [Marianne Estournes](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Sunday, November 28, 2021 2:07:14 PM

---

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Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

I haven't been able to enjoy Golden Gate Park with JFK Drive closed 24/7. Everyone should be able to access Golden Gate Park.

This would make it more difficult for all of us to access the museum

Sincerely,  
Marianne Estournes

**From:** [Diane Luders](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Sunday, November 28, 2021 2:57:33 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Diane Luders



**From:** [DEREK JENTZSCH](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Sunday, November 28, 2021 3:01:17 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

DEREK JENTZSCH  
derek\_jentzsch@yahoo.com  
141 Broderick Street, #5  
San Francisco, California 94117

**From:** [Sprague Terplan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Sunday, November 28, 2021 3:09:05 PM

---

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Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Sprague Terplan  
sprague.terplan@gmail.com  
362 Corbett Avenue  
San Francisco, California 94114

**From:** [San Bruno](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)  
**Cc:** [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [clerk@sfcta.org](#); [Commission, Recpark \(REC\)](#); [MTABoard@sfmta.com](#); [Tumlin, Jeffrey \(MTA\)](#); [Ginsburg, Phil \(REC\)](#); [GGPAccess@sfmta.com](#); [MOD, \(ADM\)](#); [Major, Erica \(BOS\)](#); [CAC@sfmta.com](#); [sfbicycleadvisorycommittee@gmail.com](#); [PROSAC, RPD \(REC\)](#); [hello@kidsafesf.com](#)  
**Subject:** Keep JFK Kid Safe & Car-Free to give kids, families, and people of all ages, abilities, and backgrounds a safe space in the Park to commute, relax, connect, and recreate...  
**Date:** Sunday, November 28, 2021 3:40:48 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors, Mayor Breed, and other city leaders,

I love Kid Safe JFK and want it to be made permanent as is without a private-car cut-through on 8th Ave or private cars on JFK east of Transverse Drive. I support the "Existing Car-Free Route Option" in SFMTA's official survey and, after over 8,000 survey responses, this option is desired by over 70% of the public — Kid Safe JFK is one of the most-popular policy decisions in San Francisco history, and it has been visited over 7 million times since it was created 18 months ago!

I join Kid Safe SF and its thousands of supporters and countless partners calling on you to save this Kid Safe, serene, and joyous space in the heart of Golden Gate Park — we need you to lead on this issue by making a clear decision to make this space permanent without a cut-through for private cars and ignoring dishonest lobbying by the de Young and California Academy of Sciences.

The "Private Vehicle Access Option" and related efforts to allow private cars to cut through the Park via 8th Avenue are dangerous for our kids, people with disabilities, and the planet. These efforts are being pushed by museum trustees and lobbyists in backroom meetings in an effort to secure more free parking for their employees rather than pay them a fair wage, including a parking benefit in the underutilized and mismanaged museum garage that museum insiders control. Don't let wealthy trustees and their lobbyists destroy Kid Safe JFK and destroy an amazing space with over 7 million visits since it was created 18 months ago and 70%+ support from the public.

We also need you to work towards improving Muni service to the park and reforming the museum garage to improve affordable and high quality access for low-income, disabled, and elderly visitors. Here are a few things:

- 1) Install Transit-Only Lanes to 8th Ave between Fulton and JFK, 9th Ave between Judah and Lincoln, and MLK between Lincoln and the Music Concourse — this will improve service and reliability of Muni for people taking the N, 43, 44, 52, and 66, including those visiting the park and especially on weekends.
- 2) Reform the underutilized museum garage: Offer free parking for ADA placard holders and low-income visitors, and double the number of ADA spots in the Garage from 32 to 64, so that visitors with disabilities have the best access available.
- 3) Restrict private-car cut-through traffic on other spaces in Golden Gate Park, like Transverse Drive where Kid Safe JFK transitions to the Kid Safe "Car-Free West End Route" proposed in the survey (which is also wildly popular and should be made permanent with even more Kid Safe space).

Please work with Kid Safe SF, SFMTA, RPD, and your colleagues to get this wildly popular space permanently Kid Safe (and car free). Will you publicly commit to supporting the "Existing Car-Free Route Option" and take action to make this option the permanent solution for JFK?

Thanks,

Andrew

**From:** [Tim Singleton](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Sunday, November 28, 2021 5:06:59 PM

---

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Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Tim Singleton  
timothy\_singleton@sbcglobal.net  
45 Westwood Dr.  
San Francisco, California 94112

**From:** [Pamela Williams](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Sunday, November 28, 2021 5:57:45 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Pamela Williams

**From:** [SUSAN WITKA](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Sunday, November 28, 2021 5:59:22 PM

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Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

SUSAN WITKA  
witkasf@gmail.com  
824 43rd Avenue  
San Francisco, California 94121

**From:** [Dvan dva](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)  
**Cc:** [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [clerk@sfcta.org](#); [Commission, Recpark \(REC\)](#); [MTABoard@sfmta.com](#); [Tumlin, Jeffrey \(MTA\)](#); [Ginsburg, Phil \(REC\)](#); [GGPAccess@sfmta.com](#); [MOD, \(ADM\)](#); [Major, Erica \(BOS\)](#); [CAC@sfmta.com](#); [sfbicycleadvisorycommittee@gmail.com](#); [PROSAC, RPD \(REC\)](#); [hello@kidsafesf.com](#)  
**Subject:** Keep JFK Kid Safe & Car-Free to give kids, families, and people of all ages, abilities, and backgrounds a safe space in the Park to commute, relax, connect, and recreate...  
**Date:** Sunday, November 28, 2021 7:43:11 PM

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Dear Supervisors, Mayor Breed, and other city leaders,

I love Kid Safe JFK and want it to be made permanent as is without a private-car cut-through on 8th Ave or private cars on JFK east of Transverse Drive. I support the "Existing Car-Free Route Option" in SFMTA's official survey and, after over 8,000 survey responses, this option is desired by over 70% of the public — Kid Safe JFK is one of the most-popular policy decisions in San Francisco history, and it has been visited over 7 million times since it was created 18 months ago!

I join Kid Safe SF and its thousands of supporters and countless partners calling on you to save this Kid Safe, serene, and joyous space in the heart of Golden Gate Park — we need you to lead on this issue by making a clear decision to make this space permanent without a cut-through for private cars and ignoring dishonest lobbying by the de Young and California Academy of Sciences.

The "Private Vehicle Access Option" and related efforts to allow private cars to cut through the Park via 8th Avenue are dangerous for our kids, people with disabilities, and the planet. These efforts are being pushed by museum trustees and lobbyists in backroom meetings in an effort to secure more free parking for their employees rather than pay them a fair wage, including a parking benefit in the underutilized and mismanaged museum garage that museum insiders control. Don't let wealthy trustees and their lobbyists destroy Kid Safe JFK and destroy an amazing space with over 7 million visits since it was created 18 months ago and 70%+ support from the public.

We also need you to work towards improving Muni service to the park and reforming the museum garage to improve affordable and high quality access for low-income, disabled, and elderly visitors. Here are a few things:

- 1) Install Transit-Only Lanes to 8th Ave between Fulton and JFK, 9th Ave between Judah and Lincoln, and MLK between Lincoln and the Music Concourse — this will improve service and reliability of Muni for people taking the N, 43, 44, 52, and 66, including those visiting the park and especially on weekends.
- 2) Reform the underutilized museum garage: Offer free parking for ADA placard holders and low-income visitors, and double the number of ADA spots in the Garage from 32 to 64, so that visitors with disabilities have the best access available.
- 3) Restrict private-car cut-through traffic on other spaces in Golden Gate Park, like Transverse Drive where Kid Safe JFK transitions to the Kid Safe "Car-Free West End Route" proposed in the survey (which is also wildly popular and should be made permanent with even more Kid Safe space).

Please work with Kid Safe SF, SFMTA, RPD, and your colleagues to get this wildly popular space permanently Kid Safe (and car free). Will you publicly commit to supporting the "Existing Car-Free Route Option" and take action to make this option the permanent solution for JFK?



**From:** [Dorothy Janson](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Sunday, November 28, 2021 9:47:09 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit.

The neighbors along Fulton can walk in the park. Else you are limited use to all the residents to please a few hundred.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before

Thanks for your consideration,  
Dorothy Janson

**From:** [Sarah Harling](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Sunday, November 28, 2021 9:55:42 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I am a longtime San Francisco resident and new parent. I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020. I walked on JFK when I was pregnant, and now enjoy doing so with my baby and my elderly parents.

Putting cars back on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people. It's truly disappointing; we always took out of town guests to the de Young and enjoyed visiting ourselves. I would love to expose my baby to the art in your collection, but I simply cannot support an institution that would privilege commuter cut-through traffic and free parking over my family's physical safety.

Sarah Harling  
sharling@gmail.com  
1916 Grove Street  
San Francisco, California 94117

**From:** [Eric Dy](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)  
**Cc:** [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [clerk@sfcta.org](#); [Commission, Recpark \(REC\)](#); [MTABoard@sfmta.com](#); [Tumlin, Jeffrey \(MTA\)](#); [Ginsburg, Phil \(REC\)](#); [GGPAccess@sfmta.com](#); [MOD, \(ADM\)](#); [Major, Erica \(BOS\)](#); [CAC@sfmta.com](#); [sfbicycleadvisorycommittee@gmail.com](#); [PROSAC, RPD \(REC\)](#); [hello@kidsafesf.com](#)  
**Subject:** Keep JFK Kid Safe & Car-Free to give kids, families, and people of all ages, abilities, and backgrounds a safe space in the Park to commute, relax, connect, and recreate...  
**Date:** Sunday, November 28, 2021 9:57:28 PM

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Dear Supervisors, Mayor Breed, and other city leaders,

I love Kid Safe JFK and want it to be made permanent as is without a private-car cut-through on 8th Ave or private cars on JFK east of Transverse Drive. I support the "Existing Car-Free Route Option" in SFMTA's official survey and, after over 8,000 survey responses, this option is desired by over 70% of the public — Kid Safe JFK is one of the most-popular policy decisions in San Francisco history, and it has been visited over 7 million times since it was created 18 months ago!

I join Kid Safe SF and its thousands of supporters and countless partners calling on you to save this Kid Safe, serene, and joyous space in the heart of Golden Gate Park — we need you to lead on this issue by making a clear decision to make this space permanent without a cut-through for private cars and ignoring dishonest lobbying by the de Young and California Academy of Sciences.

The "Private Vehicle Access Option" and related efforts to allow private cars to cut through the Park via 8th Avenue are dangerous for our kids, people with disabilities, and the planet. These efforts are being pushed by museum trustees and lobbyists in backroom meetings in an effort to secure more free parking for their employees rather than pay them a fair wage, including a parking benefit in the underutilized and mismanaged museum garage that museum insiders control. Don't let wealthy trustees and their lobbyists destroy Kid Safe JFK and destroy an amazing space with over 7 million visits since it was created 18 months ago and 70%+ support from the public.

We also need you to work towards improving Muni service to the park and reforming the museum garage to improve affordable and high quality access for low-income, disabled, and elderly visitors. Here are a few things:

- 1) Install Transit-Only Lanes to 8th Ave between Fulton and JFK, 9th Ave between Judah and Lincoln, and MLK between Lincoln and the Music Concourse — this will improve service and reliability of Muni for people taking the N, 43, 44, 52, and 66, including those visiting the park and especially on weekends.
- 2) Reform the underutilized museum garage: Offer free parking for ADA placard holders and low-income visitors, and double the number of ADA spots in the Garage from 32 to 64, so that visitors with disabilities have the best access available.

3) Restrict private-car cut-through traffic on other spaces in Golden Gate Park, like Transverse Drive where Kid Safe JFK transitions to the Kid Safe “Car-Free West End Route” proposed in the survey (which is also wildly popular and should be made permanent with even more Kid Safe space).

Please work with Kid Safe SF, SFMTA, RPD, and your colleagues to get this wildly popular space permanently Kid Safe (and car free). Will you publicly commit to supporting the “Existing Car-Free Route Option” and take action to make this option the permanent solution for JFK?

Thank you!  
Eric, Christine, and Kenzo

Eric Dy, PhD  
Co-founder & CEO  
[www.bloomlife.com](http://www.bloomlife.com)

**From:** [zrants](#)  
**To:** [Breed, Mayor London \(MYR\)](#)  
**Cc:** [ChanStaff \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Marstaff \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [PrestonStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** Resolution to Open JFK and the streets in Golden Gate Park  
**Date:** Sunday, November 28, 2021 10:10:59 PM  
**Attachments:** [OpenJFKreso.docx](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

November 28, 2021

Dear Mayor Breed and Board of Supervisors:

Attached please see our resolution requesting the immediate reopen JFK and the streets inside Golden Gate Park to the schedule the public enjoyed prior to the pandemic. As we understand it, there was no public discourse or legal process involved in the closure. We cannot continue to live in a lawless city where government departments and officials skirt the legal process. The public is fast losing respect for the rule of law and this cannot end well.

Please do your part to restore the public trust by returning the city streets to pre-COVID conditions as soon as possible. Open the streets and restore public transit routes that people used to rely on.

Sincerely,

Mari Eliza,

for Charles Head, President,  
Coalition for San Francisco Neighborhoods (CSFN)

**From:** [Susan Lee](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Sunday, November 28, 2021 11:30:24 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

Regards,  
Susan Lee

**From:** [don\\_henvick](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Monday, November 29, 2021 1:15:33 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Please keep JFK open so everyone can enjoy the Conservatory, the Dahlia Dell all the way to the De Young. GGPark should not be just for those who can easily walk or bike. We need to share this wonderful place.

don\_henvick

**From:** [Nina Meister](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Monday, November 29, 2021 3:59:31 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

A compromise for John F. Kennedy Drive was reached in 2007 that allowed all users of Golden Gate Park to share the roads. It is time to reopen JFK Drive back to the way it was before COVID. The select few that are the most vocal are doing us all a disservice that want a reasonable compromise.

Also, being handicapped, I appreciate being able to park nearby on the street without having to use the garage.

Please reopen JFK Drive like it was before COVID!

Regards,  
Nina Meister  
Sausalito, CA 94965



**From:** [Christine Adair](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Monday, November 29, 2021 4:54:02 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Christine Adair  
adairchristine@yahoo.com  
2617 10th Ave, Oakland  
Oakland, California 94606

**From:** [Jonathan Dirrenberger](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Monday, November 29, 2021 8:10:35 AM

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Supervisors San Francisco Board of Supervisors,

I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Jonathan Dirrenberger  
jonathan.dirrenberger@gmail.com  
3528 22nd St  
San Francisco, California 94114

**From:** [Cynthia delaRionda](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Monday, November 29, 2021 9:56:30 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Cynthia delaRionda

**From:** [Pete](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Monday, November 29, 2021 10:16:40 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Pete  
pete@greenapplebooks.com  
1682 44th Avenue  
San Francisco, California 94122

**From:** [Major, Erica \(BOS\)](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** FW: Keep JFK Kid Safe & Car-Free to give kids, families, and people of all ages, abilities, and backgrounds a safe space in the Park to commute, relax, connect, and recreate...  
**Date:** Monday, November 29, 2021 10:31:10 AM

---

Hello,

So this is an active petition you can find on Kid Safe SF and their goal is 6,400 so you'll likely get a ton of emails. Please note the associated file has come and gone and all correspondence should be c  
paged for Board File No. 210944. Thanks!

## ERICA MAJOR

### Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.*

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: Eric Dy <eric@bloom-life.com>

Sent: Sunday, November 28, 2021 9:57 PM

To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>

Cc: Chan, Connie (BOS) <connie.chan@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Ronen, Hillary

<hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; clerk@sfcta.org; Commission, Recpark (REC) <recpark.commission@sfgov.org>; MTABoard@sfmta.com; Tumlin, Jeffrey (MTA) <Jeffrey.Tumlin@sfmta.com>; Ginsburg, Phil (REC) <phil.ginsburg@sfgov.org>; GGPAccess@sfmta.com; MOD, (ADM) <mod@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>; CAC@sfmta.com; sfbicycleadvisorycommittee@gmail.com; PROSAC, RPD (REC) <prosac@sfgov.org>; hello@kidsafesf.com

Subject: Keep JFK Kid Safe & Car-Free to give kids, families, and people of all ages, abilities, and backgrounds a safe space in the Park to commute, relax, connect, and recreate...

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors, Mayor Breed, and other city leaders,

I love Kid Safe JFK and want it to be made permanent as is without a private-car cut-through on 8th Ave or private cars on JFK east of Transverse Drive. I support the "Existing Car-Free Route Option" in SFMTA's official survey and, after over 8,000 survey responses, this option is desired by over 70% of the public — Kid Safe JFK is one of the most-popular policy decisions in San Francisco history, and it has been visited over 7 million times since it was created 18 months ago!

I join Kid Safe SF and its thousands of supporters and countless partners calling on you to save this Kid Safe, serene, and joyous space in the heart of Golden Gate Park — we need you to lead on this issue by making a clear decision to make this space permanent without a cut-through for private cars and ignoring dishonest lobbying by the de Young and California Academy of Sciences.

The "Private Vehicle Access Option" and related efforts to allow private cars to cut through the Park via 8th Avenue are dangerous for our kids, people with disabilities, and the planet. These efforts are being pushed by museum trustees and lobbyists in backroom meetings in an effort to secure more free parking for their employees rather than pay them a fair wage, including a parking benefit in the underutilized and mismanaged museum garage that museum insiders control. Don't let wealthy trustees and their lobbyists destroy Kid Safe JFK and destroy an amazing space with over 7 million visits since it was created 18 months ago and 70%+ support from the public.

We also need you to work towards improving Muni service to the park and reforming the museum garage to improve affordable and high quality access for low-income, disabled, and elderly visitors. Here are a few things:

- 1) Install Transit-Only Lanes to 8th Ave between Fulton and JFK, 9th Ave between Judah and Lincoln, and MLK between Lincoln and the Music Concourse — this will improve service and reliability of Muni for people taking the N, 43, 44, 52, and 66, including those visiting the park and especially on weekends.
- 2) Reform the underutilized museum garage: Offer free parking for ADA placard holders and low-

income visitors, and double the number of ADA spots in the Garage from 32 to 64, so that visitors with disabilities have the best access available.

3) Restrict private-car cut-through traffic on other spaces in Golden Gate Park, like Transverse Drive where Kid Safe JFK transitions to the Kid Safe “Car-Free West End Route” proposed in the survey (which is also wildly popular and should be made permanent with even more Kid Safe space).

Please work with Kid Safe SF, SFMTA, RPD, and your colleagues to get this wildly popular space permanently Kid Safe (and car free). Will you publicly commit to supporting the “Existing Car-Free Route Option” and take action to make this option the permanent solution for JFK?

Thank you!

Eric, Christine, and Kenzo

Eric Dy, PhD

Co-founder & CEO

www.bloomlife.com

From: [Major, Erica \(BOS\)](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: C Page 210944
Date: Monday, November 29, 2021 11:34:53 AM
Attachments: [Inbox_112921.pdf](#)

C page please.

ERICA MAJOR

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

Erica.Major@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

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**From:** [Thomas Lindberg](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Monday, November 29, 2021 12:20:59 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City and surrounding communities deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic.

Thomas Lindberg

**From:** [Zoe Harris](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Monday, November 29, 2021 12:30:00 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before

Thanks for your consideration,  
Zoe Harris

**From:** [Eloise Rivera](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Monday, November 29, 2021 12:34:51 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

Thank you,  
Eloise Rivera

**From:** [Melissa Perrott](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Monday, November 29, 2021 1:05:31 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The 24/7 closure of JFK drive has left many people unable to access Golden Gate Park and its institutions. The current closure is for those who live close enough, have the money to pay for parking, or are able bodied enough to travel on foot or bicycle.

We need to go back to the compromise that was struck and reopen JFK as it was before the pandemic!

Sincerely,  
Melissa Perrott

**From:** [Ann Lanzerotti](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Monday, November 29, 2021 1:10:06 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All individuals, families, school groups, whether from the City or visitors to the city, deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality again.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody!  
JFK Drive should be open like it was pre-pandemic.

Ann Lanzerotti

**From:** [christen alqueza](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Monday, November 29, 2021 1:39:57 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

christen alqueza  
christenw00t@gmail.com  
4752 california st  
San Francisco, California 94118

**From:** [Nuno Correia](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Monday, November 29, 2021 1:47:50 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

Thank you,  
Nuno Correia

**From:** [Marc Taylor](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Monday, November 29, 2021 2:35:59 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic.

I am 81 years old, a cancer survivor, and a long-time resident who is being systematically cut off from things that make the city great.

Marc Taylor



**From:** [Jan Mishel](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Monday, November 29, 2021 3:26:17 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Jan Mishel

**From:** [Nancy Bagdanov](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Monday, November 29, 2021 4:17:40 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen!!!!!! Golden Gate Park is a critical open space that EVERYONE should be able to visit and enjoy!!!

It's time to get back to normal! I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before.

Thanks for your consideration,  
Nancy Bagdanov

**From:** [Mark Finigan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Monday, November 29, 2021 4:17:42 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

I work in San Francisco, I live in San Francisco and I vote.

Thank you,  
Mark Finigan

**From:** [Phylece Snyder](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Monday, November 29, 2021 4:17:48 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

I'm a low income senior who now lives in Oakland. I love coming to the museums in GG Park! I've been going all my life and very thankful for the free parking on the streets. The underground parking is absurdly expensive and I cannot afford it. Please go back to the way it was or find some other way to make parking free and accessible.

Thank you!

Regards,  
Phylece Snyder

**From:** [Harriett Michael](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Monday, November 29, 2021 4:21:34 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

As a long time docent at the de Young, I know that people who cannot easily access the museum when JFK drive is closed do not come to it. And Yes, they can pay to park which is quite expensive. The ability to get to the museum for families is an important asset for The City. As one who gives tours on Sundays, please allow access for those who need JFK open. Bicycle riders can use the more Western areas since few access the area around the museum and Academy of Science when JFK is closed.

Sincerely,  
Harriett Michael

**From:** [Tedi Siminowsky](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Monday, November 29, 2021 4:21:34 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

PLEASE consider a compromise. MORE closure than before pandemic but less than full closure all the time.

Tedi Siminowsky

**From:** [Kyle Clarke](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Monday, November 29, 2021 4:21:46 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

A compromise for John F. Kennedy Drive was reached in 2007 that allowed all users of Golden Gate Park to share the roads. It is time to reopen JFK Drive back to the way it was before COVID. The select few that are the most vocal are doing us all a disservice that want a reasonable compromise.

\*\*\*Please reopen JFK Drive like it was before COVID!\*\*\*

Regards,  
Kyle Clarke  
Daly City, CA 94015

**From:** [Adrienne Giotta](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Monday, November 29, 2021 4:22:43 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I would suggest JFK Drive be open to vehicles 6 days a week and a weekend closure (alternate) for residents, visitors, those that want to bike, skate and walk through GG Park.

Adrienne Giotta



**From:** [Hannelore Lewis](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Monday, November 29, 2021 4:22:43 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

A compromise for John F. Kennedy Drive was reached in 2007 that allowed all users of Golden Gate Park to share the roads. It is time to reopen JFK Drive back to the way it was before COVID. The select few that are the most vocal are doing us all a disservice that want a reasonable compromise.

I am a senior, live in Berkeley, but as so many of my friends in the East Bay, love to visit Golden Gate Park and its museums. Closing JFK Drive for automobile traffic would make it quite impossible for us to get close enough to these institutions.

Please reopen JFK Drive like it was before COVID!  
Thank you very much!

Regards,  
Hannelore Lewis  
Berkeley, CA 94708

**From:** [Elizabeth Theil](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Monday, November 29, 2021 5:35:54 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

As COVID abates, it is time to reopen JFK Drive. and reestablish pre-pandemic conditions in Golden Gate Park. The Park is an asset to all San Franciscans, not just a few. Please support the return of JFK Drive to Pre-COVID conditions: all roadways open to vehicle traffic and street closures on Sundays, holidays and Saturdays, 6 months of the year.

Regards,  
Elizabeth Theil

**From:** [Charlotte Tefft](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Monday, November 29, 2021 5:51:03 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

Please open JFK drive. I have raspatory issues that make it very difficult to walk a distance to the front doors of the museum. As a result I have let go of my membership. Such a gem for a senior artist to be denied. I do not want to see all those taxi stands. I would like close handicap parking.

Sure hope you are listening to us, the people that support and gain comfort from the shows. Plus the opportunity to share with my grandchildren!!!!

Regards,  
Charlotte Tefft

**From:** [Howard Moreland](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK return to working compromise  
**Date:** Monday, November 29, 2021 6:35:19 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The time for "close first, ask questions later" is over. It is time to revert to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park. It provides balanced access to cyclists, joggers, walker, park visitors, and visitors to the California Academy of Sciences and deYoung Museum.

Howard Moreland

**From:** [Elizabeth Sutherland Riney](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Monday, November 29, 2021 6:39:52 PM

---

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Dear Board of Supervisors,

The 24/7 closure of JFK drive has left many people unable to access Golden Gate Park and its institutions. The current closure is for those who live close enough, have the money to pay for parking, or are able bodied enough to travel on foot or bicycle.

We need to go back to the compromise that was struck and reopen JFK as it was before the pandemic! This closure is inequitable.

Sincerely,  
Elizabeth Sutherland Riney

**From:** [Allegra Printz](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Monday, November 29, 2021 7:33:32 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I'm a low income Fine Artist age 75 w/ bad knees who needs street parking to access DeYoung Museum. [Garage is expensive!]  
Please don't forget about me! A compromise for John F. Kennedy Drive was reached in 2007 that allowed all users of Golden Gate Park to share the roads. It is time to reopen JFK Drive back to the way it was before COVID. The select few that are the most vocal are doing us all a disservice that want a reasonable compromise.

Please reopen JFK Drive like it was before COVID!

Regards,  
Allegra Printz  
San Rafael, CA 94901

**From:** [Lara Conte](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Monday, November 29, 2021 9:30:39 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

The road closure contributes to more parking in adjacent neighborhoods, straining the relationship with neighbors. People coming in from out of town or visiting San Francisco will likely either opt to park in adjacent neighborhoods or not visit at all. Requiring all to park in paid parking lots likely limits the amount of people who will visit. It's often just enough to make one reconsider going to the museum for lunch, visiting the tea garden. or taking a stroll through the park. The park is closed every Sunday and that is enough.

Sincerely,  
Lara Conte

**From:** [Andrew Chayra](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Monday, November 29, 2021 11:03:46 PM

---

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Supervisors San Francisco Board of Supervisors,

I love the de Young Museum, but I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Andrew Chayra  
achayra@dons.usfca.edu  
901 balboa street  
San Francisco, California 94118



**From:** [Jason Seifer](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Monday, November 29, 2021 11:16:22 PM

---

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Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

I know many people who have not been able to enjoy Golden Gate Park with JFK Drive closed 24/7. Everyone should be able to access Golden Gate Park.

We need your voice and assistance on this issue!

Sincerely,  
Jason Seifer

**From:** [Joan Barkan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Monday, November 29, 2021 11:27:46 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic, I.e., Closed to cars on Sundays and certain Saturdays.

Joan Barkan

**From:** [Shannon Hart](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Tuesday, November 30, 2021 12:17:17 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am disabled & the closure cuts off access to handicapped parking spaces + equitable entrance access to deYoung museum, Japanese Garden & Acad. of Science. I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety AND not deny rights of disabled persons. Don't forget about us!

Regards,  
Shannon Hart

**From:** [Rickee Raney](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Tuesday, November 30, 2021 12:29:12 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

Sincerely,  
Rickee Raney

**From:** [gerry.parker](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Tuesday, November 30, 2021 12:40:54 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

gerry parker

**From:** [Kimberly Allee](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Tuesday, November 30, 2021 2:35:59 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The current closure of JFK Drive severely impacts people with disabilities, seniors, and communities not directly neighboring Golden Gate Park.

As we emerge from COVID, it's time to reopen JFK Drive. Golden Gate Park belongs to the people of San Francisco, not just a few.

I strongly encourage you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays, holidays and Saturdays, 6 months of the year.

Regards,  
Kimberly Allee

**From:** [DL Egan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Tuesday, November 30, 2021 3:06:14 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The current closure of JFK Drive severely impacts people with disabilities, seniors, and communities not directly neighboring Golden Gate Park.

As we emerge from COVID, it's time to reopen JFK Drive. Golden Gate Park belongs to the people of San Francisco, not just a few.

I strongly encourage you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays, holidays and Saturdays, 6 months of the year.

Regards,  
DL Egan

**From:** [Jill DAlessandro](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Tuesday, November 30, 2021 3:06:39 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

A compromise for John F. Kennedy Drive was reached in 2007 that allowed all users of Golden Gate Park to share the roads. It is time to reopen JFK Drive back to the way it was before COVID. The select few that are the most vocal are doing us all a disservice that want a reasonable compromise.

Above all, the closure of JFK is prioritizing the recreational past time of the able bodied and affluent over the access to the park and several non-profit and educational institutions to everyone including the elderly. The closure threatens the survival of important city institutions.

Please reopen JFK Drive like it was before COVID!

Regards,  
Jill DAlessandro  
San Francisco, CA 94114



**From:** [Helen Ferentinos](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Open JFK Drive  
**Date:** Tuesday, November 30, 2021 3:28:44 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

A compromise for John F. Kennedy Drive was reached in 2007 that allowed all users of Golden Gate Park to share the roads. It is time to reopen JFK Drive back to the way it was before COVID. The select few that are the most vocal are doing us all a disservice that want a reasonable compromise. This is an issue of access and equity for San Franciscans who live in the Eastern/Southern part of the city. It is so elitist of the nearby residents to want the park to themselves. Shame.

Please reopen JFK Drive like it was before COVID!

Regards,  
Helen Ferentinos  
San Francisco, CA 94114

**From:** [Roberta Spalding](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Tuesday, November 30, 2021 3:54:49 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I live in Concord and using BART and MUNI to go to the DeYoung or the Academy of Sciences is expensive and very time consuming. As I also usually attend with one or two others driving is much less expensive if one doesn't have to use the very expensive garage. As I'm retired I attend on weekdays so please at least restore parking on those days.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Roberta Spalding

**From:** [ROBERT C. BAKEWELL](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Tuesday, November 30, 2021 5:41:36 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park ... public shuttle transportation and posted information about where to park can be improved .  
JFK could be opened up during M-F to allow access from Fulton at 8th to Stow Lake JFK entrance thru to MLK.  
East Conservatory Drive , once a key link for X- park circulation, could be opened during week from east Park JFK entrance to Arguello , and on weekends circulation and parking for special events at Horseshoe Courts .

ROBERT C. BAKEWELL

**From:** [Sue Schein](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Tuesday, November 30, 2021 7:25:18 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park! I am handicap and need the access for parking to go to the museum.

JFK Drive should be reopened to the way it was before COVID.

Thank you,  
Sue Schein

**From:** [Stephen Golden](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Tuesday, November 30, 2021 9:52:15 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lines and pedestrian walkways each day of the week. We need to balance equity AND safety! And my wife and I got lost twice while trying to get to the museum due to the road closure!

Regards,  
Stephen Golden

**From:** [Maggie Collins](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Tuesday, November 30, 2021 10:07:16 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

This way would continue to close JFK Drive on many weekends and holidays and quite a bit in the summer. Going back to the old way would cease the disruptions to staff and operations at the de Young Museum.

All of the features of Golden Gate Park are treasures in San Francisco; access to them needs to be restored to pre-pandemic configurations.

Thank you,  
Maggie Collins

**From:** [Sylvia Sabel](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Tuesday, November 30, 2021 11:48:49 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I was born in San Francisco, and I have lived all my life in San Francisco. The Conservatory of Flowers and the Dalia Garden are two of my favorite places, but I haven't seen them during the last two years. If John F. Kennedy Drive remains closed to cars, I will never see these places again.

My ability to walk is limited. I cannot ride a bike. You have taken these precious places away from me, and you have reserved them for the able-bodied.

Thanks for your consideration,  
Sylvia Sabel

**From:** [Robin Kutner](#)  
**To:** [Ginsburg, Phil \(REC\)](#); [Commission, Recpark \(REC\)](#); [MTABoard](#); [Tumlin, Jeffrey \(MTA\)](#); [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)  
**Subject:** NOPNA: Golden Gate Park Access & Safety Program  
**Date:** Tuesday, November 30, 2021 12:20:25 PM  
**Attachments:** [2021 Q4 - Golden Gate Park Access & Safety Program letter.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SFRP General Manager Ginsburg, Rec and Park Commissioners, SFMTA Director Tumlin, SFMTA Board Members, Mayor Breed, and Board of Supervisors:

Please see attached PDF letter from the North of Panhandle Neighborhood Association (NOPNA) regarding the Golden Gate Park Access & Safety Program.

Thank you,

Robin Kutner  
Corresponding Secretary, NOPNA



**From:** [Jan Cook](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Tuesday, November 30, 2021 1:08:30 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

While i support bicyclist and pedestrian safety, the closure of JFK Drive has made it impossible to bring my wheelchair-using mother to the museums she loves. Please reopen JFK Drive to its previous schedule so it is useful to all and doesn't penalize the handicapped.

Regards,  
Jan Cook

**From:** [Sotweed Schneble](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Tuesday, November 30, 2021 1:41:27 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Sotweed Schneble

**From:** [R'Sue Caron](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Tuesday, November 30, 2021 2:11:28 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before

Thanks for your consideration,  
R'Sue Caron

**From:** [Alex Darr](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Keep JFK Drive Open to Park Users  
**Date:** Tuesday, November 30, 2021 2:15:46 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to keep open JFK Drive as it has been since the start of COVID lockdowns. It was unsafe for Park users everyday except Sundays and half of the Saturdays every year - bike lanes blocked by cars and pedestrian walkways crowded to the point that people walked on the grass landscaping (note the disappearance of use paths alongside paved walkways) each day of the week. We need to balance equity AND safety!

The park needs better transit access every day of the week from every neighborhood and the museum-controlled parking garage, approved by voters who were promised a "pedestrian oasis" in exchange, needs to be made affordable to those who need to drive to the park, addressing accessibility.

People with vision, hearing, and mobility disabilities, as well as seniors and children, deserve a safe place to walk, ride, roll, and play away from the noise and danger of cars. There are plenty of roads to drive in Golden Gate Park. At least part of it should be safe for other users.

Regards,  
Alex Darr

**From:** [rhonda.rieken](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Tuesday, November 30, 2021 3:21:07 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

Some people like myself have mobility issues and more parking is important to persons like myself.

Thank you,  
rhonda rieken

**From:** [Laurie Schultz](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Tuesday, November 30, 2021 3:51:15 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

As a person with limited mobility, I support reopening JFK drive to allow easier access to the museums and other areas of the park that are inaccessible for those of us who can't ride a bike or walk very far.

Regards,  
Laurie Schultz

**From:** [Robert Tsubamoto](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Tuesday, November 30, 2021 4:06:12 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

"What worked during the shelter-in-place order is not sustainable or equitable as we emerge from this pandemic. The closure is especially hard on people with disabilities, seniors, families with young children, people who do not live close to Golden Gate Park, and low-income people who cannot afford the high price of the Music Concourse Parking Garage."

Thank you,  
Robert Tsubamoto

**From:** [harald oyen](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Tuesday, November 30, 2021 4:54:48 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The current closure of JFK Drive severely impacts people with disabilities, seniors, and communities not directly neighboring Golden Gate Park.

As we emerge from COVID, it's time to reopen JFK Drive. Golden Gate Park belongs to the people of San Francisco, not just a few.

I strongly encourage you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays, holidays and Saturdays, 6 months of the year.

I am a lifetime city resident living part of my young life using the park from 17th avenue. At 83 I still want to be able to walk to the excitement in the park. HELP, access is so important. Slow the traffic down, have bike ways and walk ways. Lets all share as I was taught at Jefferson Elementary by Miss Decatur in kindergarten.

Regards,  
harald oyen



**From:** [William Tetreault](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Tuesday, November 30, 2021 5:42:38 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

William Tetreault

**From:** [Miles Ceralde](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Tuesday, November 30, 2021 8:40:52 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic.

Miles Ceralde

**From:** [Leslie Wong](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Tuesday, November 30, 2021 8:43:02 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am a resident who is affected by the JFK Closure.

Traversing through and to alternate routes through the park is difficult.

I am having mobility issues caused by hip, knee and joint issues and cannot just drive by areas to visually enjoy the gardens and park without Having to pay huge parking fees at the museum.

Access should not be only for the elite who can afford to pay for such accommodations or only those physically able to cycle to such sites.

The current closure of JFK Drive severely impacts people with disabilities, seniors, and communities not directly neighboring Golden Gate Park.

As we emerge from COVID, it's time to reopen JFK Drive. Golden Gate Park belongs to the people of San Francisco, not just a few.

I strongly encourage you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays, holidays and Saturdays, 6 months of the year.

Clearly many needs and interests must be considered, but ascertaining what works best to ease commutes and accommodate varying transportation needs and access can only be ascertained if we start from complete opening and really work a plan through true open, transparent accessments to develop a plan that truly serves the public in the best way possible.

Regards,  
Leslie Wong

**From:** [Albert Ricciardelli](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Tuesday, November 30, 2021 10:30:22 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

Regards,  
Albert Ricciardelli

**From:** [Tamra Hege](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Wednesday, December 1, 2021 12:47:18 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The current closure of JFK Drive severely impacts people with disabilities, seniors, and communities not directly neighboring Golden Gate Park. I am disabled and use a walker. Access is important to me.

As we emerge from COVID, it's time to reopen JFK Drive. Golden Gate Park belongs to the people of San Francisco, not just a few.

I strongly encourage you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays, holidays and Saturdays, 6 months of the year.

Regards,  
Tamra Hege

**From:** [Jeanne Clinton](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Support a JFK Drive compromise!  
**Date:** Wednesday, December 1, 2021 4:38:41 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I support a Golden Gate Park that is accessible to everyone, especially on weekends. We all agree that bicyclists and pedestrians should have reasonable access to Golden Gate Park, BUT we need to balance that with access for everyone else.

I urge you to restore access to Golden Gate Park as it was before the pandemic. I live in the East Bay and for years have counted on finding parking on JFK Drive to visit the DeYoung Museum. The parking garage cost is too high.

Regards,  
Jeanne Clinton  
Berkeley, CA 94705

**From:** [Barbara Klingsporn](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Wednesday, December 1, 2021 6:59:40 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Barbara Klingsporn

**From:** [Susanne Scholz](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Wednesday, December 1, 2021 8:13:25 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

I come to San Francisco to go to the DeYoung and with JFK closed it is much harder to access. I would appreciate it if it could be open on weekdays. I often come with a disabled person and the extra distance from outside the park is quite difficult.

Thank you for your consideration.

Susanne Scholz

Susanne Scholz



**From:** [John Andrew](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Wednesday, December 1, 2021 8:31:11 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Return the roads to the way they were before the pandemic. We cant drive through park anymore without terrible congestion. There are plenty of opportunities for people to walk and ride bikes. People dont even use the closed streets in the city (e.g, Cabrillo). This is ridiculous.

Thank you,  
John Andrew

**From:** [Patricia Arack](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Wednesday, December 1, 2021 8:33:31 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

I haven't been able to enjoy Golden Gate Park with JFK Drive closed 24/7. Everyone should be able to access Golden Gate Park. I am a senior disabled person unable to walk to, bike to, ride any kind of transit to the attractions on east JFK Drive. I must arrive in a private car with a care giver with me.

I am denied equal access to the park as codified in the ADA laws of 1990. You cannot just provide access to the ableist able-bodied bike lobby and walkers. Return to the prepandemic status so the park is accessible to all.

We need your voice on this issue!

Sincerely,  
Patricia Arack

**From:** [jill miller](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Wednesday, December 1, 2021 9:02:19 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

I haven't been able to enjoy Golden Gate Park with JFK Drive closed 24/7. Everyone should be able to access Golden Gate Park.

I have recently become handicapped due to an accident. It is vital to me to keep the road open to cars till sundays and holidays. Please, please, please.

Sincerely,  
jill miller

**From:** [Alice Yavorsky](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Wednesday, December 1, 2021 9:22:36 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I support a Golden Gate Park that is accessible to everyone. We all agree that bicyclists and pedestrians should have access to Golden Gate Park, but we need to balance that with access for everyone else.

I urge you to restore access to Golden Gate Park as it was before the pandemic.

In addition to limiting access to the de Young, the closure had virtually eliminated our access to the Park. My husband has difficulty breathing, and although we live right across the street from the Park (5th and Fulton) we have to drive all around the Park to the Sunset side in order to bring him to a place where he can sit and walk.

Thank you for considering this change seriously.

Regards,  
Alice Yavorsky  
San Francisco, CA 94118

**From:** [Ellen Tollen](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Wednesday, December 1, 2021 10:45:50 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit. Closure severely limits to Science Academy and de young--important resources for a San Francisco and the Bay Area.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before

Thanks for your consideration,  
Ellen Tollen

**From:** [Alexandria Fiorini](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Kid Safe JFK Promenade  
**Date:** Wednesday, December 1, 2021 11:35:41 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors San Francisco Board of Supervisors,

I am deeply disappointed in your leadership's opposition to making JFK Drive a permanent promenade for people of all ages, abilities, and backgrounds to walk, roll, and use bikes in Golden Gate Park.

Before the pandemic, JFK was a high-injury corridor, and 75% of car traffic was commuters cutting through the park. Now, it is a safe sanctuary for transportation and recreation that over 7 million people have enjoyed since April 2020.

Putting cars on JFK will make accessing your museum more dangerous for people like me who walk, take transit, or use bikes to get to the park, and accelerate climate change by encouraging more cars to cut through the park at the exact moment we should be working together to reduce emissions in our city. It will create more car traffic and slow down popular Muni routes that drop off at the museums' doorstep.

My family and I love to visit the park and the museum, but we will not be visiting your museum until you revisit your opposition to keeping JFK open to people.

Alexandria Fiorini  
aafiorini@gmail.com  
2823 18th St  
San Francisco, California 94110



**From:** [Kris Moser](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Wednesday, December 1, 2021 3:00:36 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before

Thanks for your consideration,  
Kris Moser



**From:** [Tamra Winchester](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Wednesday, December 1, 2021 7:06:01 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I feel very strongly about the issue of closing JFK Drive. The City of San Francisco must continue to earn its reputation for being a cultured city with world class art. As important, the current closure of JFK Drive severely impacts people with disabilities, seniors, and communities not directly neighboring Golden Gate Park.

The initial intent of closing JFK Drive temporarily was to benefit the health of Golden Gate Park visitors, I would like to emphasize that art and exercise are equally essential for us to thrive. Opening the drive will not prevent the public from exercising and otherwise enjoying the park. Keeping it closed will definitely impact the ability of the museums to survive and severely restrict access to the park for visitors.

Don't succumb to a false dichotomy. Open the drive to pre-COVID conditions to benefit everyone. Please.

Regards,  
Tamra Winchester

**From:** [Mary Barron](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Thursday, December 2, 2021 10:59:58 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID. It is closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

Regards,  
Mary Barron

**From:** [Kali Zappala](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Thursday, December 2, 2021 11:01:04 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I fully support bicyclist and pedestrian safety. That's why I am asking you to reopen JFK Drive to how it was before COVID.

I do events at the museum, and the difficulty and harrassment this past year has been unprecedented.

The Museum needs to be able to operate without our staff and security officers being harassed. We only have one street to access our loading dock and that is JFK and there has not been one event that hasn't involved harrassment, twitter complaints, and extreme difficulty for all staff working onsite.

It would at least be a compromise/allow us to operate if it was back to before being closed all Sundays and half of the Saturdays every year, with ample bike lanes and pedestrian walkways each day of the week. We need to balance equity AND safety!

Regards,  
Kali Zappala

**From:** [Richard McIsaac](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please Reopen JFK  
**Date:** Thursday, December 2, 2021 11:02:42 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

San Franciscans of all ages and abilities love Golden Gate Park. We all need access to the Park!

JFK Drive should be reopened to the way it was before COVID.

Thank you,  
Richard McIsaac

**From:** [Deborah Shaw](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Thursday, December 2, 2021 11:50:19 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic.

Deborah Shaw

**From:** [Valerie Lienkaemper](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Thursday, December 2, 2021 11:52:32 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Valerie Lienkaemper

**From:** [julie long gallegos](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Thursday, December 2, 2021 12:02:09 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

julie long gallegos

**From:** [peggy nute](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Thursday, December 2, 2021 12:24:38 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The 24/7 closure of JFK drive has left many people unable to access Golden Gate Park and its institutions. The current closure is for those who live close enough, have the money to pay for parking, or are able bodied enough to travel on foot or bicycle.

We need to go back to the compromise that was struck and reopen JFK as it was before the pandemic!

Sincerely,  
peggy nute



**From:** [Candace Gianni](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK Drive  
**Date:** Thursday, December 2, 2021 5:17:29 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I grew up going to the park an Museums with my family. I still attending events a visiting the park. I think to maintain access for all the park needs to go back to the way it was before Covid-19. The Sunday and holiday closure and few Saturday's are okay but many people need to park close and use the available parking that existed before. I live out of town now but am a member of the Deyoung and Academy of Sciences.

But being a child of the '50's am not a mobile as I used to be and need as other walk to get there.

Going back to the previous schedule would make it equitable for all.

Regards,  
Candace Gianni

**From:** [WENDY YAMAMURA](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Thursday, December 2, 2021 5:20:49 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic. Also streets surrounding Golden Gate Park are extremely congested as residents try to cross east to west and have no alternatives but to cause back ups on Arguello, Parker, Lincoln, Fulton, Fell and Stanyon.

WENDY YAMAMURA

**From:** [Georgia Dunn](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Wednesday, December 1, 2021 7:07:56 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic.

Georgia Dunn

**From:** [Jeremy Boone](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Wednesday, December 1, 2021 7:26:50 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic.

Jeremy Boone

**From:** [Grant Barringer](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Support a JFK Drive compromise!  
**Date:** Wednesday, December 1, 2021 9:11:07 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I support a Golden Gate Park that is accessible to everyone. We all agree that bicyclists and pedestrians should have access to Golden Gate Park, but we need to balance that with access for everyone else.

I urge you to restore access to Golden Gate Park as it was before the pandemic.

Creating equitable opportunity at art institutions for those that are disabled is imperative, especially after so many months of isolation, the effects of which disproportionately impact people who are disabled.

Regards,  
Grant Barringer  
Castro Valley, CA 94552

**From:** [Michelle Klurstein](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Thursday, December 2, 2021 2:56:17 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Ableism and gatekeeping have no place in San Francisco. The current closure of JFK Drive is unfortunately both of those things.

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

Michelle Klurstein

**From:** [John Adams](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Thursday, December 2, 2021 4:05:58 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The closure of JFK triples the time of my frequent drive from 4th and Parnassas to the Kaiser facility between 5th and 6th on Geary.

All families from around the City deserve access to Golden Gate Park. We must reopen JFK Drive to make access to Golden Gate Park a reality.

Not all can take public transportation or walk/bike to Golden Gate Park. Access isn't the same for everybody! JFK Drive should be open like it was pre-pandemic.

John Adams

**From:** [PAULA M MORGAN](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Thursday, December 2, 2021 4:16:28 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

I haven't been able to enjoy Golden Gate Park with JFK Drive closed 24/7. Everyone should be able to access Golden Gate Park.

I travel usually weekends, I wont be spending my money here, if I cant find easy access, I am not handicap, but have limitations ....

Sincerely,  
PAULA M MORGAN



**From:** [Janet Glessner](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Thursday, December 2, 2021 4:36:38 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

For getting seniors and those that are handicapped to the De Young and Conservatory of flowers is a chore. There are other parts of the park that can be closed off. If the Great Highway is closed on weekends and John Kennedy drive is closed it causes that TRAFFIC to increase making it difficult for those of us in the RIchmond to move about.

Thanks for your consideration,  
Janet Glessner

**From:** [Laura W](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive in GG Park  
**Date:** Thursday, December 2, 2021 5:03:59 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I understand why John F. Kennedy Drive was fully closed during the pandemic for use by nearby residents to get exercise.

Now that society is opening up again and allowed to widen our experiences, I ask that the road be reopened for vehicular traffic. I am an East Bay resident who enjoys visiting all the joys of SF and especially Golden Gate Park. In my younger days I could get around without my car. Now that I have more time and the ability to spend my earned money, I need to be able to drive to the deYoung Museum. Please open access for all of us to be able to drive through the park again.

Regards,  
Laura W  
Fremont, CA 94536

**From:** [Marc Johnson](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Reopen JFK  
**Date:** Thursday, December 2, 2021 5:44:26 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I love the Park. And really appreciated the closures when the Covid virus was rampant and we could not be close to each other, especially when walking, running, skating and other activities.

Now that most of us are vaccinated, are still good with social distancing when appropriate, it's time to open JFK to traffic during the week.

I am a sub contractor to the Museum and have used the 8th Ave entrance on occasion to make way to the loading dock area. On weekends (when the Park used to close this area), there are lots of people. During the week, even when it's a beautiful day, there are few folks using JFK between the tennis courts and Stow Lake.

Please, please, please, open the park back up. There is just not enough parking underground or on Fulton, MLK and adjacent streets to handle all the people who would like to use the park, the Museum, the Academy, the "Wheel" and the bandshell area.

It's time to reopen and make it easy for \*many\* people to appreciate art once again.

Thank you,  
Marc Johnson

**From:** [Jeanne Rose](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Thursday, December 2, 2021 6:11:02 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

It's time for John F. Kennedy Drive to reopen. Golden Gate Park is a critical open space that everyone should be able to visit. i am 85, can't bike or walk, need my car and the handicap spaces that WERE available.

I urge you to support JFK Drive returning to the conditions pre-COVID, with all roadways open to vehicle traffic and street closures on Sundays and some Saturdays as it was before

Thanks for your consideration,  
Jeanne Rose

**From:** [Allen Malmquist](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Thursday, December 2, 2021 7:33:42 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

People do drive. People will continue to drive. Creating better bike access and public transportation around the city is a good thing, but car-access needs to remain a priority.

Handicapped people, people traveling w/ big loads, the elderly, friends carpooling, there are many many reasons driving is still the best option in the city for some people overall and for others on specific travels. Let these people, not to mention long distance visitors, access Golden Gate Park, the DeYoung, Academy, arboretum & other treasures. Keep JFK open so ALL PEOPLES have access.

Thank you.

Regards,  
Allen Malmquist

**From:** [Alison Davis](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Golden Gate Park  
**Date:** Thursday, December 2, 2021 8:29:18 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

More free parking is needed for access for all to the de Young Museum. Opening JFK for parking again would be so helpful!

Alison Davis

**From:** [JEANNE BURNS](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK  
**Date:** Thursday, December 2, 2021 9:28:39 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Please reopen JFK Dr -

The time for "close first, ask questions later" is over. It is time to revert back to the compromise that was struck over a decade ago and restore access for all to Golden Gate Park.

JEANNE BURNS

**From:** [Carl Washburn](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Please reopen JFK Drive  
**Date:** Thursday, December 2, 2021 10:24:47 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I urge you to support returning John F. Kennedy Drive to its pre-COVID conditions, with all roadways open to vehicle traffic and street closures on Sundays, holidays, and some Saturdays.

I haven't been able to enjoy Golden Gate Park with JFK Drive closed 24/7. Everyone should be able to access Golden Gate Park.

We need your voice on this issue!

Sincerely,  
Carl Washburn



**From:** [rah Sutro](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** JFK Drive  
**Date:** Thursday, December 2, 2021 12:29:37 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

The 24/7 closure of JFK drive has left many people unable to access Golden Gate Park and its institutions. The current closure is for those who live close enough, have the money to pay for parking, or are able bodied enough to travel on foot or bicycle.

We need to go back to the compromise that was struck and reopen JFK as it was before the pandemic!

Sincerely,  
rah Sutro

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** 7 letters regarding vaccine mandates  
**Date:** Thursday, December 2, 2021 1:38:00 PM  
**Attachments:** [7 letters regarding vaccine mandate.pdf](#)

---

Hello,

Please see attached 7 letters regarding vaccine mandates.

Regards,

Office of the Clerk of the Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-5184

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**From:** [Sean Kallaway](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Boycotting Due to Vax Requirements  
**Date:** Saturday, November 27, 2021 9:34:10 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a native bay area resident, it comes with great sadness and frustration to see that you all have decided to implement a discriminatory practice throughout your businesses in the city. By implementing a vaccine requirement, you are discriminating against the people who observe the right to choose what medicines they put into their own bodies. Many of us are choosing not to take an experimental gene therapy (new technology), "vaccine" for a variety of reasons. Some of us have a history of allergic reactions, some of us do not feel the ingredients are safe. Some of us know people who have been vaccine injured or have died after being vaccinated. This is not a one size fits all medicine. No medicine is a one size fits all.

So, it is totally unjust and actually, illegal, for you to discriminate against people who are making a choice about what medicines to put into their bodies! This is completely going against what most of you all would tout, "My body My choice", right?! Do you see the hypocrisy?!

Because of your policy our family and friends have decided to boycott San Francisco. A city I have lived in and loved is officially off our visiting list until the proof of vaccination policy is reversed!

Respectfully,

Sean Kallaway

--

**Sean Kallaway**  
**Cell: 707.326.2403**

**From:** [Bhanu Vikram](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Bruss, Andrea \(MYR\)](#); [Elsbernd, Sean \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Chan, Connie \(BOS\)](#); [CivilService, Civil \(CSC\)](#); [SFPD, Commission \(POL\)](#); [Airport Commission Secretary \(AIR\)](#); [Commission, Fire \(FIR\)](#); [DPH, Health Commission \(DPH\)](#); [SFMTA Board of Directors](#); [info@sfwater.org](#); [Ethics Commission, \(ETH\)](#); [CON, Controller \(CON\)](#); [whistleblower, CON \(CON\)](#); [Isen, Carol \(HRD\)](#); [Lee, William \(DEM\)](#); [Wilson, Fiona \(HRD\)](#); [Colfax, Grant \(DPH\)](#); [Philip, Susan \(DPH\)](#); [Scott, William \(POL\)](#); [Redmond, Michael \(POL\)](#); [Moser, Bob \(POL\)](#); [Miyamoto, Paul \(SHF\)](#); [Engler, Joseph \(SHF\)](#); [Carter, Tanzanika \(SHF\)](#); [Nicholson, Jeanine \(FIR\)](#); [Velo, Jose \(FIR\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Ackerman, Kimberly \(MTA\)](#); [Kirschbaum, Julie \(MTA\)](#); [Short, Carla \(DPW\)](#); [Cityattorney](#); [Carroll, Maryellen \(DEM\)](#); [Chan, Sandy \(DEM\)](#); [Ivar Satero \(AIR\)](#); [Jeff Littlefield \(AIR\)](#); [Carlin, Michael \(PUC\)](#); [Ginsburg, Phil \(REC\)](#); [senator.wiener@senate.ca.gov](#); [governor@governor.ca.gov](#); [gavin.newsom@gov.ca.gov](#); [Rudy Gonzalez](#); [Kim Tavaglione](#); [San Francisco Labor Council](#); [roger.marenco](#); [Pete Wilson](#); [Michael Dennis](#); [Anthony Ballester](#); [Shon Buford](#); [Danny Gracia](#); [Tony Montoya](#); [Joseph Bryant](#); [Sandra Lewis](#); [Debra Grabelle](#); [Katherine General](#); [Dennis Hart](#); [Rome Aloise](#); [president@usffa.net](#); [vp@usffa.net](#); [egoldblatt@ibt856.org](#); [challman@ibt856.org](#); [twaechter@unitehere2.org](#); [kford@unitehere.org](#); [tmclaughlin@ufcw648.org](#); [cpradla@ufcw648.org](#); [j.bouchard@ibtlocal350.com](#); [s.arranaga@ibtlocal350.com](#); [tdelorio@teamsters665.org](#); [myates@teamsters665.org](#); [mlagomarsino@ibt856.org](#); [aalvarado@ibt856.org](#); [jhunt2@usfca.edu](#); [kiddd@usfca.edu](#); [Sarah Callahan](#); [vbachelor@cft.org](#); [lisa.trujillo@ca.afscme57.org](#); [cliff.tillman@ca.afscme57.org](#); [iramirez@teamsters2785.org](#); [mmendoza@teamsters2785.org](#)  
**Cc:** [Dennis Callahan](#); [Jessica Lindsey](#); [Cynthia Wheeler](#); [Carson Schilling](#); [Christa Festa](#); [rob.roth@foxtv.com](#); [Giuseppe Festa](#); [Christianne Crotty](#); [Michael Crotty](#); [Faiming Cheung](#); [Paul Roger](#); [Pete Whitcomb](#); [Kamilah Taylor](#); [Vicki Davis](#); [Joe Roger](#); [Dolores Meehan](#); [Abby Thrasher](#); [Dante King](#); [Eric Thrasher](#); [Black Employee Alliance](#); [Orchid Soh](#); [Brook Baker](#); [Dana Pompeo](#); [Yvette Corkrean](#); [Mark LaCroix](#); [James Long](#); [Stephen Maguire](#); [Alex Oka](#); [Ira Burroughs](#); [Christopher Salas](#); [Alex Lavrov](#); [pkellysf@yahoo.com](#); [Rob Geller](#); [Novia Chandra](#); [Carol Pirolli](#); [DPH - aliakrima](#); [dheyac@hotmail.com](#); [refugio220@hotmail.com](#); [Yohei Kakuda](#); [Glen Webster](#); [Bhargava, Aditi \(UCSF\)](#); [Hector Rodriguez](#); [My Do-Kruse](#); [Sara Dranuski](#); [Liliana Lily De La Rosa](#); [Eddy McCue](#); [telmachicas@gmail.com](#); [jesse heywood](#); [hrodriguez119@hotmail.com](#); [James Carillo](#); [Kirk Callahan](#); [Tommie Bartley](#); [chumbabee@yahoo.com](#); [hodgers2@yahoo.com](#); [franklu.17@gmail.com](#); [hanley.josephm@gmail.com](#); [davidmelton45@aol.com](#); [fantacee\\_silva@yahoo.com](#); [Carl B](#); [aparkerm@gmail.com](#); [jolliff44@yahoo.com](#); [Michael Ferrara](#); [oracle1911@gmail.com](#); [Sarah Skammel](#); [T. Daggett](#); [afb248@gmail.com](#); [georsha](#); [gregsavin68@yahoo.com](#); [fishonsal@yahoo.com](#); [John Joe Mullen](#); [Heather Tyks](#); [mishauneguillory@gmail.com](#); [princess4taylor@gmail.com](#); [julio.6092@gmail.com](#); [eric.ting@sfgate.com](#); [neallyon2500@gmail.com](#); [baumgartenfam@yahoo.com](#); [Eigil Qwist](#); [michaelkiely5@gmail.com](#); [t.lucero925@yahoo.com](#); [patrick.mullen@yahoo.com](#); [christina.jill.rodriguez@gmail.com](#); [dasoau@gmail.com](#); [shenequamjeffery@msn.com](#); [anzanorodriguez@yahoo.com](#); [jojoitis@yahoo.com](#); [vlarios10@yahoo.com](#); [svmglobal@aol.com](#); [kristieclendinning@yahoo.com](#); [glorytogod68@yahoo.com](#); [tcalibur419@gmail.com](#); [Neshma Friend](#); [glenn c](#); [Susie MG](#); [leonidasrosales@icloud.com](#)  
**Subject:** YOU ARE COMMITTING CRIMES.  
**Date:** Wednesday, November 24, 2021 9:22:06 AM  
**Attachments:** [Final Pfizer LOA to issue with BLA approval 08.23.21 v2.pdf](#)  
[SCIENCE - 29 STUDIES - NO BENEFIT TO MANDATES.pdf](#)  
[LAWSUIT - UNITED SF FREEDOM ALLIANCE - USFA v CCSF.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## READ CAREFULLY:

THE CITY AND COUNTY OF SAN FRANCISCO, THE MAYOR OF SAN FRANCISCO, SOME ELECTED OFFICIALS OF THE CITY AND COUNTY OF SAN FRANCISCO, SOME UNION OFFICIALS, AND SOME EMPLOYEES OF THE CITY AND COUNTY OF SAN FRANCISCO WHO ARE IN PROMINENT POSITIONS ARE FORCING MANY CITY AND COUNTY OF SAN FRANCISCO EMPLOYEES TO UNDERGO MEDICAL TREATMENTS UNDER THREAT OF TERMINATION.

**THIS EMAIL IS ADDRESSED TO ALL CITY AND COUNTY OF SAN FRANCISCO EMPLOYEES, ELECTED OFFICIALS, AND UNION OFFICIALS WHO ARE VIOLATING THE LAW OF THE LAND IN THIS**

## **MATTER.**

YOUR ACTIONS ARE UNFAIR, UNSCIENTIFIC, UNCONSTITUTIONAL, UNLAWFUL, INHUMANE, AND A VIOLATION OF THE NUREMBERG CODE. YOUR ACTIONS ALSO GO AGAINST CORE SAN FRANCISCO VALUES SUCH AS INCLUSIVITY, EQUALITY, AND EQUITY. WHILE SEVERAL BAY AREA COUNTIES HAVE ACCOMMODATED THEIR UNINJECTED EMPLOYEES, YOU HAVE CHOSEN TO BULLY, DECEIVE, THREATEN, AND PUNISH.

**UPON THAT, THE FDA-APPROVED INJECTION IS NOT EVEN AVAILABLE IN THE UNITED STATES OF AMERICA FOR THOSE WHO MAY WISH TO TAKE IT. YOU ARE FORCING OTHERS TO TAKE MEDICAL TREATMENTS THAT ARE ONLY AVAILABLE UNDER AN EMERGENCY USE AUTHORIZATION.**

**IT IS AGAINST THE LAW TO FORCE ANYONE TO UNDERGO MEDICAL TREATMENTS THAT ARE AVAILABLE ONLY UNDER AN EMERGENCY USE AUTHORIZATION. THE COVID-19 INJECTIONS THAT ARE AVAILABLE ARE ONLY AVAILABLE UNDER AN EMERGENCY USE AUTHORIZATION. SEE ATTACHED DOCUMENT FROM THE U.S. FOOD AND DRUG ADMINISTRATION.**

THE FDA-APPROVED INJECTION CALLED COMIRNATY, WHICH IS DISTINCT FROM THE PFIZER-BIONTECH COVID-19 VACCINE, IS NOT AVAILABLE IN THE UNITED STATES OF AMERICA.

SOME PEOPLE ARE SPREADING FALSE INFORMATION BY TELLING EVERYONE THAT THE TWO INJECTIONS ARE ONE AND THE SAME, BUT THAT IS NOT WHAT THE FDA IS SAYING.

PAGE 2 OF THE ATTACHED FDA DOCUMENT STATES: “On August 23, 2021, FDA approved the biologics license application (BLA) submitted by BioNTech Manufacturing GmbH for COMIRNATY (COVID-19 Vaccine, mRNA) for active immunization to prevent COVID-19 caused by SARS-CoV-2 in individuals 16 years of age and older.”

PAGE 2 ALSO SAYS: “...the EUA will remain in place for the Pfizer-BioNTech COVID-19 vaccine for the previously-authorized indication and uses, and to authorize use of COMIRNATY (COVID-19 Vaccine, mRNA) under this EUA for certain uses that are not included in the approved BLA.”

CITATION 8 SAYS: “The products are legally distinct with certain differences...”

PAGE 4 READS: “...I am authorizing use of COMIRNATY (COVID-19 Vaccine, mRNA) under this EUA...”

PAGE 5 READS: “C. There is no adequate, approved, and available<sup>9</sup> alternative to the emergency use of Pfizer-BioNTech COVID-19 Vaccine to prevent COVID-19.<sup>10</sup>”

IT IS CLEAR THAT ACCORDING TO THE FDA, PFIZER-BIONTECH COVID-19 VACCINE AND COMIRNATY ARE TWO DIFFERENT THINGS.

LET’S TAKE A LOOK AT AN EXAMPLE: COMPANY A SELLS ALMOND MILK UNDER TWO BRAND NAMES. ONE OF THE BRAND NAMES IS **FOUNTAIN OF LIFE ALMOND MILK**. THE OTHER BRAND NAME IS **VITAL NUTRITION ALMOND MILK**. COMPANY A CLAIMS THAT BOTH ARE THE SAME PRODUCT WITH SLIGHT DIFFERENCES. WHILE CLAIMS OF ANY TYPE CAN BE MADE BY ANYONE, ATTORNEYS, DOCTORS, AND SCIENTISTS CAN CLARIFY THAT THEY ARE TWO DIFFERENT PRODUCTS. THIS HAS NOTHING TO DO WITH PERSONAL OPINIONS. THE FACT IS: THEY ARE NOT THE SAME PRODUCT.

**YOU ARE FORCING OTHERS TO TAKE MEDICAL TREATMENTS THAT ARE ONLY AVAILABLE UNDER AN EMERGENCY USE AUTHORIZATION. STOP THAT IMMEDIATELY.**

**DO NOT FORCE ANYONE TO UNDERGO ANY MEDICAL TREATMENTS, LET ALONE MEDICAL TREATMENTS THAT ARE ONLY AVAILABLE UNDER AN EMERGENCY USE AUTHORIZATION.**

**SUSPEND ALL VACCINATION REQUIREMENTS IMMEDIATELY.**

**STOP ALL OVERT AND COVERT EFFORTS TO PUSH MEDICAL TREATMENTS THAT ARE AVAILABLE ONLY UNDER AN EMERGENCY USE AUTHORIZATION IMMEDIATELY.**

**STOP ALL DISCIPLINE AND TERMINATION ACTIONS AGAINST ALL CITY AND COUNTY OF SAN FRANCISCO EMPLOYEES IMMEDIATELY.**

**REINSTATE ALL UNINJECTED CITY AND COUNTY OF SAN FRANCISCO EMPLOYEES IMMEDIATELY.**

BHANU VIKRAM

August 23, 2021

Pfizer Inc.  
Attention: Ms. Elisa Harkins  
500 Arcola Road  
Collegetown, PA 19426

Dear Ms. Harkins:

On February 4, 2020, pursuant to Section 564(b)(1)(C) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act or the Act), the Secretary of the Department of Health and Human Services (HHS) determined that there is a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad, and that involves the virus that causes Coronavirus Disease 2019 (COVID-19).<sup>1</sup> On the basis of such determination, the Secretary of HHS on March 27, 2020, declared that circumstances exist justifying the authorization of emergency use of drugs and biological products during the COVID-19 pandemic, pursuant to Section 564 of the Act (21 U.S.C. 360bbb-3), subject to terms of any authorization issued under that section.<sup>2</sup>

On December 11, 2020, the Food and Drug Administration (FDA) issued an Emergency Use Authorization (EUA) for emergency use of Pfizer-BioNTech COVID-19 Vaccine for the prevention of COVID-19 for individuals 16 years of age and older pursuant to Section 564 of the Act. FDA reissued the letter of authorization on: December 23, 2020,<sup>3</sup> February 25, 2021,<sup>4</sup> May

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<sup>1</sup> U.S. Department of Health and Human Services, Determination of a Public Health Emergency and Declaration that Circumstances Exist Justifying Authorizations Pursuant to Section 564(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3. February 4, 2020.

<sup>2</sup> U.S. Department of Health and Human Services, *Declaration that Circumstances Exist Justifying Authorizations Pursuant to Section 564(b) of the Federal Food, Drug, and Cosmetic Act*, 21 U.S.C. § 360bbb-3, 85 FR 18250 (April 1, 2020).

<sup>3</sup> In the December 23, 2020 revision, FDA removed reference to the number of doses per vial after dilution from the letter of authorization, clarified the instructions for vaccination providers reporting to VAERS, and made other technical corrections. FDA also revised the Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers) to clarify the number of doses of vaccine per vial after dilution and the instructions for reporting to VAERS. In addition, the Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers) and the Fact Sheet for Recipients and Caregivers were revised to include additional information on safety monitoring and to clarify information about the availability of other COVID-19 vaccines.

<sup>4</sup> In the February 25, 2021 revision, FDA allowed flexibility on the date of submission of monthly periodic safety reports and revised the requirements for reporting of vaccine administration errors by Pfizer Inc. The Fact Sheet for Health Care Providers Administering Vaccine (Vaccination Providers) was revised to provide an update to the storage and transportation temperature for frozen vials, direct the provider to the correct CDC website for information on monitoring vaccine recipients for the occurrence of immediate adverse reactions, to include data from a developmental toxicity study, and add adverse reactions that have been identified during post authorization use. The Fact Sheet for Recipients and Caregivers was revised to add adverse reactions that have been identified during post authorization use.



10, 2021,<sup>5</sup> June 25, 2021,<sup>6</sup> and August 12, 2021.<sup>7</sup>

On August 23, 2021, FDA approved the biologics license application (BLA) submitted by BioNTech Manufacturing GmbH for COMIRNATY (COVID-19 Vaccine, mRNA) for active immunization to prevent COVID-19 caused by SARS-CoV-2 in individuals 16 years of age and older.

On August 23, 2021, having concluded that revising this EUA is appropriate to protect the public health or safety under section 564(g)(2) of the Act, FDA is reissuing the August 12, 2021 letter of authorization in its entirety with revisions incorporated to clarify that the EUA will remain in place for the Pfizer-BioNTech COVID-19 vaccine for the previously-authorized indication and uses, and to authorize use of COMIRNATY (COVID-19 Vaccine, mRNA) under this EUA for certain uses that are not included in the approved BLA. In addition, the Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers) was revised to provide updates on expiration dating of the authorized Pfizer-BioNTech COVID-19 Vaccine and to update language regarding warnings and precautions related to myocarditis and pericarditis. The Fact Sheet for Recipients and Caregivers was updated as the Vaccine Information Fact Sheet for Recipients and Caregivers, which comprises the Fact Sheet for the authorized Pfizer-BioNTech COVID-19 Vaccine and information about the FDA-licensed vaccine, COMIRNATY (COVID-19 Vaccine, mRNA).

Pfizer-BioNTech COVID-19 Vaccine contains a nucleoside-modified messenger RNA (modRNA) encoding the viral spike (S) glycoprotein of SARS-CoV-2 formulated in lipid particles. COMIRNATY (COVID-19 Vaccine, mRNA) is the same formulation as the Pfizer-BioNTech COVID-19 Vaccine and can be used interchangeably with the Pfizer-BioNTech COVID-19 Vaccine to provide the COVID-19 vaccination series.<sup>8</sup>

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<sup>5</sup> In the May 10, 2021 revision, FDA authorized Pfizer-BioNTech Vaccine for the prevention of COVID-19 in individuals 12 through 15 years of age, as well as for individuals 16 years of age and older. In addition, FDA revised the Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers) to include the following Warning: “Syncope (fainting) may occur in association with administration of injectable vaccines, in particular in adolescents. Procedures should be in place to avoid injury from fainting.” In addition, the Fact Sheet for Recipients and Caregivers was revised to instruct vaccine recipients or their caregivers to tell the vaccination provider about fainting in association with a previous injection.

<sup>6</sup> In the June 25, 2021 revision, FDA clarified terms and conditions that relate to export of Pfizer-BioNTech COVID-19 Vaccine from the United States. In addition, the Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers) was revised to include a Warning about myocarditis and pericarditis following administration of the Pfizer-BioNTech COVID-19 Vaccine. The Fact Sheet for Recipients and Caregivers was updated to include information about myocarditis and pericarditis following administration of the Pfizer-BioNTech COVID-19 Vaccine.

<sup>7</sup> In the August 12, 2021 revision, FDA authorized a third dose of the Pfizer-BioNTech COVID-19 Vaccine administered at least 28 days following the two dose regimen of this vaccine in individuals 12 years of age or older who have undergone solid organ transplantation, or individuals 12 years of age or older who are diagnosed with conditions that are considered to have an equivalent level of immunocompromise.

<sup>8</sup> The licensed vaccine has the same formulation as the EUA-authorized vaccine and the products can be used interchangeably to provide the vaccination series without presenting any safety or effectiveness concerns. The products are legally distinct with certain differences that do not impact safety or effectiveness.

For the December 11, 2020 authorization for individuals 16 years of age and older, FDA reviewed safety and efficacy data from an ongoing phase 1/2/3 trial in approximately 44,000 participants randomized 1:1 to receive Pfizer-BioNTech COVID-19 Vaccine or saline control. The trial has enrolled participants 12 years of age and older. FDA's review at that time considered the safety and effectiveness data as they relate to the request for emergency use authorization in individuals 16 years of age and older. FDA's review of the available safety data from 37,586 of the participants 16 years of age and older, who were followed for a median of two months after receiving the second dose, did not identify specific safety concerns that would preclude issuance of an EUA. FDA's analysis of the available efficacy data from 36,523 participants 12 years of age and older without evidence of SARS-CoV-2 infection prior to 7 days after dose 2 confirmed the vaccine was 95% effective (95% credible interval 90.3, 97.6) in preventing COVID-19 occurring at least 7 days after the second dose (with 8 COVID-19 cases in the vaccine group compared to 162 COVID-19 cases in the placebo group). Based on these data, and review of manufacturing information regarding product quality and consistency, FDA concluded that it is reasonable to believe that Pfizer-BioNTech COVID-19 Vaccine may be effective. Additionally, FDA determined it is reasonable to conclude, based on the totality of the scientific evidence available, that the known and potential benefits of Pfizer-BioNTech COVID-19 Vaccine outweigh the known and potential risks of the vaccine, for the prevention of COVID-19 in individuals 16 years of age and older. Finally, on December 10, 2020, the Vaccines and Related Biological Products Advisory Committee voted in agreement with this conclusion.

For the May 10, 2021 authorization for individuals 12 through 15 years of age, FDA reviewed safety and effectiveness data from the above-referenced, ongoing Phase 1/2/3 trial that has enrolled approximately 46,000 participants, including 2,260 participants 12 through 15 years of age. Trial participants were randomized 1:1 to receive Pfizer-BioNTech COVID-19 Vaccine or saline control. FDA's review of the available safety data from 2,260 participants 12 through 15 years of age, who were followed for a median of 2 months after receiving the second dose, did not identify specific safety concerns that would preclude issuance of an EUA. FDA's analysis of SARS-CoV-2 50% neutralizing antibody titers 1 month after the second dose of Pfizer-BioNTech COVID-19 Vaccine in a subset of participants who had no serological or virological evidence of past SARS-CoV-2 infection confirm the geometric mean antibody titer in participants 12 through 15 years of age was non-inferior to the geometric mean antibody titer in participants 16 through 25 years of age. FDA's analysis of available descriptive efficacy data from 1,983 participants 12 through 15 years of age without evidence of SARS-CoV-2 infection prior to 7 days after dose 2 confirm that the vaccine was 100% effective (95% confidence interval 75.3, 100.0) in preventing COVID-19 occurring at least 7 days after the second dose (with no COVID-19 cases in the vaccine group compared to 16 COVID-19 cases in the placebo group). Based on these data, FDA concluded that it is reasonable to believe that Pfizer-BioNTech COVID-19 Vaccine may be effective in individuals 12 through 15 years of age. Additionally, FDA determined it is reasonable to conclude, based on the totality of the scientific evidence available, that the known and potential benefits of Pfizer-BioNTech COVID-19 Vaccine outweigh the known and potential risks of the vaccine, for the prevention of COVID-19 in individuals 12 through 15 years of age.

For the August 12, 2021 authorization of a third dose of the Pfizer-BioNTech COVID-19 Vaccine in individuals 12 years of age or older who have undergone solid organ transplantation, or individuals 12 years of age or older who are diagnosed with conditions that are considered to have an equivalent level of immunocompromise, FDA reviewed safety and effectiveness data reported in two manuscripts on solid organ transplant recipients. The first study was a single arm study conducted in 101 individuals who had undergone various solid organ transplant procedures (heart, kidney, liver, lung, pancreas) a median of 97±8 months earlier. A third dose of the Pfizer-BioNTech COVID-19 Vaccine was administered to 99 of these individuals approximately 2 months after they had received a second dose. Levels of total SARS-CoV-2 binding antibodies meeting the pre-specified criteria for success occurred four weeks after the third dose in 26/59 (44.0%) of those who were initially considered to be seronegative and received a third dose of the Pfizer-BioNTech COVID-19 Vaccine; 67/99 (68%) of the entire group receiving a third vaccination were subsequently considered to have levels of antibodies indicative of a significant response. In those who received a third vaccine dose, the adverse event profile was similar to that after the second dose and no grade 3 or grade 4 events were reported. A supportive secondary study describes a double-blind, randomized-controlled study conducted in 120 individuals who had undergone various solid organ transplant procedures (heart, kidney, kidney-pancreas, liver, lung, pancreas) a median of 3.57 years earlier (range 1.99-6.75 years). A third dose of a similar mRNA vaccine (the Moderna COVID-19 vaccine) was administered to 60 individuals approximately 2 months after they had received a second dose (i.e., doses at 0, 1 and 3 months); saline placebo was given to 60 individuals or comparison. The primary outcome was anti-RBD antibody at 4 months greater than 100 U/mL. This titer was selected based on NHP challenge studies as well as a large clinical cohort study to indicate this antibody titer was protective. Secondary outcomes were based on a virus neutralization assay and polyfunctional T cell responses. Baseline characteristics were comparable between the two study arms as were pre-intervention anti-RBD titer and neutralizing antibodies. Levels of total SARS-CoV-2 binding antibodies indicative of a significant response occurred four weeks after the third dose in 33/60 (55.0%) of the Moderna COVID-19 vaccinated group and 10/57 (17.5%) of the placebo individuals. In the 60 individuals who received a third vaccine dose, the adverse event profile was similar to that after the second dose and no grade 3 or grade 4 adverse events were reported. Despite the moderate enhancement in antibody titers, the totality of data (i.e., supportive paper by Hall et al. demonstrated efficacy of the product in the elderly and persons with co-morbidities) supports the conclusion that a third dose of the Pfizer-BioNTech COVID-19 vaccine may be effective in this population, and that the known and potential benefits of a third dose of Pfizer-BioNTech COVID-19 Vaccine outweigh the known and potential risks of the vaccine for immunocompromised individuals at least 12 years of age who have received two doses of the Pfizer-BioNTech COVID-19 Vaccine and who have undergone solid organ transplantation, or who are diagnosed with conditions that are considered to have an equivalent level of immunocompromise.

Having concluded that the criteria for issuance of this authorization under Section 564(c) of the Act are met, I am authorizing the emergency use of Pfizer-BioNTech COVID-19 Vaccine for the prevention of COVID-19, as described in the Scope of Authorization section of this letter (Section II) and subject to the terms of this authorization. Additionally, as specified in subsection III.BB, I am authorizing use of COMIRNATY (COVID-19 Vaccine, mRNA) under this EUA when used to provide a two-dose regimen for individuals aged 12 through 15 years, or

to provide a third dose to individuals 12 years of age or older who have undergone solid organ transplantation or who are diagnosed with conditions that are considered to have an equivalent level of immunocompromise.

## **I. Criteria for Issuance of Authorization**

I have concluded that the emergency use of Pfizer-BioNTech COVID-19 Vaccine for the prevention of COVID-19 when administered as described in the Scope of Authorization (Section II) meets the criteria for issuance of an authorization under Section 564(c) of the Act, because:

- A. SARS-CoV-2 can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus;
- B. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that Pfizer-BioNTech COVID-19 Vaccine may be effective in preventing COVID-19, and that, when used under the conditions described in this authorization, the known and potential benefits of Pfizer-BioNTech COVID-19 Vaccine when used to prevent COVID-19 outweigh its known and potential risks; and
- C. There is no adequate, approved, and available<sup>9</sup> alternative to the emergency use of Pfizer-BioNTech COVID-19 Vaccine to prevent COVID-19.<sup>10</sup>

## **II. Scope of Authorization**

I have concluded, pursuant to Section 564(d)(1) of the Act, that the scope of this authorization is limited as follows:

- Pfizer Inc. will supply Pfizer-BioNTech COVID-19 Vaccine either directly or through authorized distributor(s),<sup>11</sup> to emergency response stakeholders<sup>12</sup> as directed by the U.S.

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<sup>9</sup> Although COMIRNATY (COVID-19 Vaccine, mRNA) is approved to prevent COVID-19 in individuals 16 years of age and older, there is not sufficient approved vaccine available for distribution to this population in its entirety at the time of reissuance of this EUA. Additionally, there are no products that are approved to prevent COVID-19 in individuals age 12 through 15, or that are approved to provide an additional dose to the immunocompromised population described in this EUA.

<sup>10</sup> No other criteria of issuance have been prescribed by regulation under Section 564(c)(4) of the Act.

<sup>11</sup> “Authorized Distributor(s)” are identified by Pfizer Inc. or, if applicable, by a U.S. government entity, such as the Centers for Disease Control and Prevention (CDC) and/or other designee, as an entity or entities allowed to distribute authorized Pfizer-BioNTech COVID-19 Vaccine.

<sup>12</sup> For purposes of this letter, “emergency response stakeholder” refers to a public health agency and its delegates that have legal responsibility and authority for responding to an incident, based on political or geographical boundary lines (e.g., city, county, tribal, territorial, State, or Federal), or functional (e.g., law enforcement or public health range) or sphere of authority to administer, deliver, or distribute vaccine in an emergency situation. In some cases (e.g., depending on a state or local jurisdiction’s COVID-19 vaccination response organization and plans), there might be overlapping roles and responsibilities among “emergency response stakeholders” and “vaccination providers” (e.g., if a local health department is administering COVID-19 vaccines; if a pharmacy is acting in an

government, including the Centers for Disease Control and Prevention (CDC) and/or other designee, for use consistent with the terms and conditions of this EUA;

- The Pfizer-BioNTech COVID-19 Vaccine covered by this authorization will be administered by vaccination providers<sup>13</sup> and used only to prevent COVID-19 in individuals ages 12 and older; and
- Pfizer-BioNTech COVID-19 Vaccine may be administered by a vaccination provider without an individual prescription for each vaccine recipient.

This authorization also covers the use of the licensed COMIRNATY (COVID-19 Vaccine, mRNA) product when used to provide a two-dose regimen for individuals aged 12 through 15 years, or to provide a third dose to individuals 12 years of age or older who have undergone solid organ transplantation or who are diagnosed with conditions that are considered to have an equivalent level of immunocompromise.

### **Product Description**

The Pfizer-BioNTech COVID-19 Vaccine is supplied as a frozen suspension in multiple dose vials; each vial must be diluted with 1.8 mL of sterile 0.9% Sodium Chloride Injection, USP prior to use to form the vaccine. The Pfizer-BioNTech COVID-19 Vaccine does not contain a preservative.

Each 0.3 mL dose of the Pfizer-BioNTech COVID-19 Vaccine contains 30 mcg of a nucleoside-modified messenger RNA (modRNA) encoding the viral spike (S) glycoprotein of SARS-CoV-2. Each dose of the Pfizer-BioNTech COVID-19 Vaccine also includes the following ingredients: lipids (0.43 mg (4-hydroxybutyl)azanediyl)bis(hexane-6,1-diyl)bis(2-hexyldecanoate), 0.05 mg 2[(polyethylene glycol)-2000]-N,N-ditetradecylacetamide, 0.09 mg 1,2-distearoyl-sn-glycero-3-phosphocholine, and 0.2 mg cholesterol), 0.01 mg potassium chloride, 0.01 mg monobasic potassium phosphate, 0.36 mg sodium chloride, 0.07 mg dibasic sodium phosphate dihydrate, and 6 mg sucrose. The diluent (0.9% Sodium Chloride Injection) contributes an additional 2.16 mg sodium chloride per dose.

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official capacity under the authority of the state health department to administer COVID-19 vaccines). In such cases, it is expected that the conditions of authorization that apply to emergency response stakeholders and vaccination providers will all be met.

<sup>13</sup> For purposes of this letter, “vaccination provider” refers to the facility, organization, or healthcare provider licensed or otherwise authorized by the emergency response stakeholder (e.g., non-physician healthcare professionals, such as nurses and pharmacists pursuant to state law under a standing order issued by the state health officer) to administer or provide vaccination services in accordance with the applicable emergency response stakeholder’s official COVID-19 vaccination and emergency response plan(s) and who is enrolled in the CDC COVID-19 Vaccination Program. If the vaccine is exported from the United States, a “vaccination provider” is a provider that is authorized to administer this vaccine in accordance with the laws of the country in which it is administered. For purposes of this letter, “healthcare provider” also refers to a person authorized by the U.S. Department of Health and Human Services (e.g., under the PREP Act Declaration for Medical Countermeasures against COVID-19) to administer FDA-authorized COVID-19 vaccine (e.g., qualified pharmacy technicians and State-authorized pharmacy interns acting under the supervision of a qualified pharmacist). See, e.g., HHS. *Fourth Amendment to the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 and Republication of the Declaration*. 85 FR 79190 (December 9, 2020).

The dosing regimen is two doses of 0.3 mL each, 3 weeks apart. A third dose may be administered at least 28 days following the second dose of the two dose regimen of this vaccine to individuals 12 years of age or older who have undergone solid organ transplantation, or individuals 12 years of age or older who are diagnosed with conditions that are considered to have an equivalent level of immunocompromise.

The manufacture of the authorized Pfizer-BioNTech COVID-19 Vaccine is limited to those facilities identified and agreed upon in Pfizer’s request for authorization.

The Pfizer-BioNTech COVID-19 Vaccine vial label and carton labels are clearly marked for “Emergency Use Authorization.” The Pfizer-BioNTech COVID-19 Vaccine is authorized to be distributed, stored, further redistributed, and administered by emergency response stakeholders when packaged in the authorized manufacturer packaging (i.e., vials and cartons), despite the fact that the vial and carton labels may not contain information that otherwise would be required under the FD&C Act.

Pfizer-BioNTech COVID-19 Vaccine is authorized for emergency use with the following product-specific information required to be made available to vaccination providers and recipients, respectively (referred to as “authorized labeling”):

- Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers): Emergency Use Authorization (EUA) of Pfizer-BioNTech COVID-19 Vaccine to Prevent Coronavirus Disease 2019 (COVID-19)
- Vaccine Information Fact Sheet for Recipients and Caregivers About COMIRNATY (COVID-19 Vaccine, mRNA) and Pfizer-BioNTech COVID-19 Vaccine to Prevent Coronavirus Disease (COVID-19).

I have concluded, pursuant to Section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of Pfizer-BioNTech COVID-19 Vaccine, when used to prevent COVID-19 and used in accordance with this Scope of Authorization (Section II), outweigh its known and potential risks.

I have concluded, pursuant to Section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that Pfizer-BioNTech COVID-19 Vaccine may be effective in preventing COVID-19 when used in accordance with this Scope of Authorization (Section II), pursuant to Section 564(c)(2)(A) of the Act.

Having reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, I have concluded that Pfizer-BioNTech COVID-19 Vaccine (as described in this Scope of Authorization (Section II)) meets the criteria set forth in Section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of Pfizer-BioNTech COVID-19 Vaccine under this EUA must be consistent with, and may not exceed, the terms of the Authorization, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section III). Subject to the terms of this EUA and

under the circumstances set forth in the Secretary of HHS’s determination under Section 564(b)(1)(C) described above and the Secretary of HHS’s corresponding declaration under Section 564(b)(1), Pfizer-BioNTech COVID-19 Vaccine is authorized to prevent COVID-19 in individuals 12 years of age and older as described in the Scope of Authorization (Section II) under this EUA, despite the fact that it does not meet certain requirements otherwise required by applicable federal law.

### **III. Conditions of Authorization**

Pursuant to Section 564 of the Act, I am establishing the following conditions on this authorization:

#### Pfizer Inc. and Authorized Distributor(s)

- A. Pfizer Inc. and authorized distributor(s) will ensure that the authorized Pfizer-BioNTech COVID-19 Vaccine is distributed, as directed by the U.S. government, including CDC and/or other designee, and the authorized labeling (i.e., Fact Sheets) will be made available to vaccination providers, recipients, and caregivers consistent with the terms of this letter.
- B. Pfizer Inc. and authorized distributor(s) will ensure that appropriate storage and cold chain is maintained until delivered to emergency response stakeholders’ receipt sites.
- C. Pfizer Inc. will ensure that the terms of this EUA are made available to all relevant stakeholders (e.g., emergency response stakeholders, authorized distributors, and vaccination providers) involved in distributing or receiving authorized Pfizer-BioNTech COVID-19 Vaccine. Pfizer Inc. will provide to all relevant stakeholders a copy of this letter of authorization and communicate any subsequent amendments that might be made to this letter of authorization and its authorized labeling.
- D. Pfizer Inc. may develop and disseminate instructional and educational materials (e.g., video regarding vaccine handling, storage/cold-chain management, preparation, disposal) that are consistent with the authorized emergency use of the vaccine as described in the letter of authorization and authorized labeling, without FDA’s review and concurrence, when necessary to meet public health needs during an emergency. Any instructional and educational materials that are inconsistent with the authorized labeling are prohibited.
- E. Pfizer Inc. may request changes to this authorization, including to the authorized Fact Sheets for the vaccine. Any request for changes to this EUA must be submitted to Office of Vaccines Research and Review (OVRR)/Center for Biologics Evaluation and Research (CBER). Such changes require appropriate authorization prior to implementation.<sup>14</sup>

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<sup>14</sup> The following types of revisions may be authorized without reissuing this letter: (1) changes to the authorized labeling; (2) non-substantive editorial corrections to this letter; (3) new types of authorized labeling, including new fact sheets; (4) new carton/container labels; (5) expiration dating extensions; (6) changes to manufacturing

- F. Pfizer Inc. will report to Vaccine Adverse Event Reporting System (VAERS):
- Serious adverse events (irrespective of attribution to vaccination);
  - Cases of Multisystem Inflammatory Syndrome in children and adults; and
  - Cases of COVID-19 that result in hospitalization or death, that are reported to Pfizer Inc.

These reports should be submitted to VAERS as soon as possible but no later than 15 calendar days from initial receipt of the information by Pfizer Inc.

- G. Pfizer Inc. must submit to Investigational New Drug application (IND) number 19736 periodic safety reports at monthly intervals in accordance with a due date agreed upon with the Office of Biostatistics and Epidemiology (OBE)/CBER beginning after the first full calendar month after authorization. Each periodic safety report is required to contain descriptive information which includes:
- A narrative summary and analysis of adverse events submitted during the reporting interval, including interval and cumulative counts by age groups, special populations (e.g., pregnant women), and adverse events of special interest;
  - A narrative summary and analysis of vaccine administration errors, whether or not associated with an adverse event, that were identified since the last reporting interval;
  - Newly identified safety concerns in the interval; and
  - Actions taken since the last report because of adverse experiences (for example, changes made to Healthcare Providers Administering Vaccine (Vaccination Providers) Fact Sheet, changes made to studies or studies initiated).

- H. No changes will be implemented to the description of the product, manufacturing process, facilities, or equipment without notification to and concurrence by FDA.
- I. All manufacturing facilities will comply with Current Good Manufacturing Practice requirements.
- J. Pfizer Inc. will submit to the EUA file Certificates of Analysis (CoA) for each drug product lot at least 48 hours prior to vaccine distribution. The CoA will include the established specifications and specific results for each quality control test performed on the final drug product lot.
- K. Pfizer Inc. will submit to the EUA file quarterly manufacturing reports, starting in July 2021, that include a listing of all Drug Substance and Drug Product lots produced after issuance of this authorization. This report must include lot number, manufacturing site, date of manufacture, and lot disposition, including those lots that

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processes, including tests or other authorized components of manufacturing; (7) new conditions of authorization to require data collection or study. For changes to the authorization, including the authorized labeling, of the type listed in (3), (6), or (7), review and concurrence is required from the Preparedness and Response Team (PREP)/Office of the Center Director (OD)/CBER and the Office of Counterterrorism and Emerging Threats (OCET)/Office of the Chief Scientist (OCS).



were quarantined for investigation or those lots that were rejected. Information on the reasons for lot quarantine or rejection must be included in the report.

- L. Pfizer Inc. and authorized distributor(s) will maintain records regarding release of Pfizer-BioNTech COVID-19 Vaccine for distribution (i.e., lot numbers, quantity, release date).
- M. Pfizer Inc. and authorized distributor(s) will make available to FDA upon request any records maintained in connection with this EUA.
- N. Pfizer Inc. will conduct post-authorization observational studies to evaluate the association between Pfizer-BioNTech COVID-19 Vaccine and a pre-specified list of adverse events of special interest, along with deaths and hospitalizations, and severe COVID-19. The study population should include individuals administered the authorized Pfizer-BioNTech COVID-19 Vaccine under this EUA in the general U.S. population (12 years of age and older), populations of interest such as healthcare workers, pregnant women, immunocompromised individuals, subpopulations with specific comorbidities. The studies should be conducted in large scale databases with an active comparator. Pfizer Inc. will provide protocols and status update reports to the IND 19736 with agreed-upon study designs and milestone dates.

#### Emergency Response Stakeholders

- O. Emergency response stakeholders will identify vaccination sites to receive authorized Pfizer-BioNTech COVID-19 Vaccine and ensure its distribution and administration, consistent with the terms of this letter and CDC's COVID-19 Vaccination Program.
- P. Emergency response stakeholders will ensure that vaccination providers within their jurisdictions are aware of this letter of authorization, and the terms herein and any subsequent amendments that might be made to the letter of authorization, instruct them about the means through which they are to obtain and administer the vaccine under the EUA, and ensure that the authorized labeling [i.e., Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers) and Vaccine Information Fact Sheet for Recipients and Caregivers] is made available to vaccination providers through appropriate means (e.g., e-mail, website).
- Q. Emergency response stakeholders receiving authorized Pfizer-BioNTech COVID-19 Vaccine will ensure that appropriate storage and cold chain is maintained.

#### Vaccination Providers

- R. Vaccination providers will administer the vaccine in accordance with the authorization and will participate and comply with the terms and training required by CDC's COVID-19 Vaccination Program.

- S. Vaccination providers will provide the Vaccine Information Fact Sheet for Recipients and Caregivers to each individual receiving vaccination and provide the necessary information for receiving their second dose and/or third dose.
- T. Vaccination providers administering the vaccine must report the following information associated with the administration of the vaccine of which they become aware to VAERS in accordance with the Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers):
- Vaccine administration errors whether or not associated with an adverse event
  - Serious adverse events (irrespective of attribution to vaccination)
  - Cases of Multisystem Inflammatory Syndrome in children and adults
  - Cases of COVID-19 that result in hospitalization or death
- Complete and submit reports to VAERS online at <https://vaers.hhs.gov/reportevent.html>. The VAERS reports should include the words “Pfizer-BioNTech COVID-19 Vaccine EUA” in the description section of the report. More information is available at [vaers.hhs.gov](https://vaers.hhs.gov) or by calling 1-800-822-7967. To the extent feasible, report to Pfizer Inc. by contacting 1-800-438-1985 or by providing a copy of the VAERS form to Pfizer Inc.; Fax: 1-866-635-8337.
- U. Vaccination providers will conduct any follow-up requested by the U.S government, including CDC, FDA, or other designee, regarding adverse events to the extent feasible given the emergency circumstances.
- V. Vaccination providers will monitor and comply with CDC and/or emergency response stakeholder vaccine management requirements (e.g., requirements concerning obtaining, tracking, and handling vaccine) and with requirements concerning reporting of vaccine administration data to CDC.
- W. Vaccination providers will ensure that any records associated with this EUA are maintained until notified by FDA. Such records will be made available to CDC, and FDA for inspection upon request.

Conditions Related to Printed Matter, Advertising, and Promotion

- X. All descriptive printed matter, advertising, and promotional material, relating to the use of the Pfizer-BioNTech COVID-19 Vaccine shall be consistent with the authorized labeling, as well as the terms set forth in this EUA, and meet the requirements set forth in section 502(a) and (n) of the FD&C Act and FDA implementing regulations.
- Y. All descriptive printed matter, advertising, and promotional material relating to the use of the Pfizer-BioNTech COVID-19 Vaccine clearly and conspicuously shall state that:

- This product has not been approved or licensed by FDA, but has been authorized for emergency use by FDA, under an EUA to prevent Coronavirus Disease 2019 (COVID-19) for use in individuals 12 years of age and older; and
- The emergency use of this product is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of the medical product under Section 564(b)(1) of the FD&C Act unless the declaration is terminated or authorization revoked sooner.

#### Condition Related to Export

- Z. If the Pfizer-BioNTech COVID-19 Vaccine is exported from the United States, conditions C, D, and O through Y do not apply, but export is permitted only if 1) the regulatory authorities of the country in which the vaccine will be used are fully informed that this vaccine is subject to an EUA and is not approved or licensed by FDA and 2) the intended use of the vaccine will comply in all respects with the laws of the country in which the product will be used. The requirement in this letter that the authorized labeling (i.e., Fact Sheets) be made available to vaccination providers, recipients, and caregivers in condition A will not apply if the authorized labeling (i.e., Fact Sheets) are made available to the regulatory authorities of the country in which the vaccine will be used.

#### Conditions With Respect to Use of Licensed Product

- AA. COMIRNATY (COVID-19 Vaccine, mRNA) is now licensed for individuals 16 years of age and older. There remains, however, a significant amount of Pfizer-BioNTech COVID-19 vaccine that was manufactured and labeled in accordance with this emergency use authorization. This authorization thus remains in place with respect to that product for the previously-authorized indication and uses (i.e., for use to prevent COVID-19 in individuals 12 years of age and older with a two-dose regimen, and to provide a third dose to individuals 12 years of age or older who have undergone solid organ transplantation, or who are diagnosed with conditions that are considered to have an equivalent level of immunocompromise).
- BB. This authorization also covers the use of the licensed COMIRNATY (COVID-19 Vaccine, mRNA) product when used to provide a two-dose regimen for individuals aged 12 through 15 years, or to provide a third dose to individuals 12 years of age or older who have undergone solid organ transplantation or who are diagnosed with conditions that are considered to have an equivalent level of immunocompromise. Conditions A through W in this letter apply when COMIRNATY (COVID-19 Vaccine, mRNA) is provided for the uses described in this subsection III.BB, except that product manufactured and labeled in accordance with the approved BLA is deemed to satisfy the manufacturing, labeling, and distribution requirements of this authorization.

#### **IV. Duration of Authorization**

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of drugs and biological products during the COVID-19 pandemic is terminated under Section 564(b)(2) of the Act or the EUA is revoked under Section 564(g) of the Act.

Sincerely,

--/S/--

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RADM Denise M. Hinton  
Chief Scientist  
Food and Drug Administration

Enclosures

## **THE STUDIES COMPILED BELOW DEMONSTRATE HOW COVID VACCINE MANDATES PROVIDE NO OVERALL HEALTH BENEFIT TO THE COMMUNITY AND CAN EVEN BE HARMFUL**

1. [Gazit et al.](#) out of Israel showed that “SARS-CoV-2-naïve vaccinees had a 13-fold (95% CI, 8-21) increased risk for breakthrough infection with the Delta variant compared to those previously infected.” When adjusting for the time of disease/vaccine, there was a 27-fold increased risk (95% CI, 13-57).

2. Ignoring the risk of infection, given that someone was infected, [Acharya et al.](#) found “no significant difference in cycle threshold values between vaccinated and unvaccinated, asymptomatic and symptomatic groups infected with SARS-CoV-2 Delta.”

3. [Riemersma et al.](#) found “no difference in viral loads when comparing unvaccinated individuals to those who have vaccine “breakthrough” infections. Furthermore, individuals with vaccine breakthrough infections frequently test positive with viral loads consistent with the ability to shed infectious viruses.” Results indicate that “if vaccinated individuals become infected with the delta variant, they may be sources of SARS-CoV-2 transmission to others.” They reported “low Ct values (<25) in 212 of 310 fully vaccinated (68%) and 246 of 389 (63%) unvaccinated individuals. Testing a subset of these low-Ct samples revealed infectious SARS-CoV-2 in 15 of 17 specimens (88%) from unvaccinated individuals and 37 of 39 (95%) from vaccinated people.”

4. In a study from Qatar, [Chemaitelly et al.](#) reported vaccine efficacy (Pfizer) against severe and fatal disease, with efficacy in the 85-95% range at least until 24 weeks after the second dose. As a contrast, the efficacy against infection waned down to around 30% at 15-19 weeks after the second dose.

5. From Wisconsin, [Riemersma et al.](#) reported that vaccinated individuals who get infected with the Delta variant can transmit SARS-CoV-2 to others. They found an elevated viral load in the unvaccinated and vaccinated symptomatic persons (68% and 69% respectively, 158/232 and 156/225). Moreover, in the asymptomatic persons, they uncovered elevated viral loads (29% and

82% respectively) in the unvaccinated and the vaccinated respectively. This suggests that the vaccinated can be infected, harbor, cultivate, and transmit the virus readily and unknowingly.

6. [Subramanian](#) reported that “at the country-level, there appears to be no discernable relationship between percentage of population fully vaccinated and new COVID-19 cases.” When comparing 2947 counties in the United States, there were slightly less cases in more vaccinated locations. In other words, there is no clear discernable relationship .

7. [Chau et al.](#) looked at transmission of SARS-CoV-2 Delta variant among vaccinated healthcare workers in Vietnams. Of 69 healthcare workers that tested positive for SARS-CoV-2, 62 participated in the clinical study, all of whom recovered. For 23 of them, complete-genome sequences were obtained, and all belonged to the Delta variant. “Viral loads of breakthrough Delta variant infection cases were 251 times higher than those of cases infected with old strains detected between March-April 2020”.

8. In Barnstable, Massachusetts, [Brown et al](#) found that among 469 cases of COVID-19, 74% were fully vaccinated, and that “the vaccinated had on average more virus in their nose than the unvaccinated who were infected.”

9. Reporting on a [nosocomial hospital outbreak](#) in Finland, Hetemäli et al. observed that “both symptomatic and asymptomatic infections were found among vaccinated health care workers, and secondary transmission occurred from those with symptomatic infections despite use of personal protective equipment.”

10. In a [hospital outbreak](#) investigation in Israel, Shitrit et al. observed “high transmissibility of the SARS-CoV-2 Delta variant among twice vaccinated and masked individuals.” They added that “this suggests some waning of immunity, albeit still providing protection for individuals without comorbidities.”

11. In the [UK COVID-19 vaccine Surveillance Report for week #42](#), it was noted that there is “waning of the N antibody response over time” and “that N antibody levels appear to be lower in

individuals who acquire infection following 2 doses of vaccination.” The same report (Table 2, page 13), shows the in the older age groups above 30, the double vaccinated persons have greater infection risk than the unvaccinated, presumably because the latter group include more people with stronger natural immunity from prior Covid disease. As a contrast, the vaccinated people had a lower risk of death than the unvaccinated, across all age groups, indicating that vaccines provide more protection against death than against infection.

12. In Israel, [Levin et al.](#) “conducted a 6-month longitudinal prospective study involving vaccinated health care workers who were tested monthly for the presence of anti-spike IgG and neutralizing antibodies”. They found that “six months after receipt of the second dose of the BNT162b2 vaccine, humoral response was substantially decreased, especially among men, among persons 65 years of age or older, and among persons with immunosuppression.”

13. In a study from New York State, [Rosenberg et al.](#) reported that “During May 3–July 25, 2021, the overall age-adjusted vaccine effectiveness against hospitalization in New York was relatively stable 89.5%–95.1%). The overall age-adjusted vaccine effectiveness against infection for all New York adults declined from 91.8% to 75.0%.”

14. [Suthar et al.](#) noted that “Our data demonstrate a substantial waning of antibody responses and T cell immunity to SARS-CoV-2 and its variants, at 6 months following the second immunization with the BNT162b2 vaccine.”

15. In a study from Umeå University in Sweden, [Nordström et al.](#) observed that “vaccine effectiveness of BNT162b2 against infection waned progressively from 92% (95% CI, 92-93,  $P < 0.001$ ) at day 15-30 to 47% (95% CI, 39-55,  $P < 0.001$ ) at day 121-180, and from day 211 and onwards no effectiveness could be detected (23%; 95% CI, -2-41,  $P = 0.07$ ).”

16. [Yahi et al.](#) have reported that “in the case of the Delta variant, neutralizing antibodies have a decreased affinity for the spike protein, whereas facilitating antibodies display a strikingly increased affinity. Thus, antibody dependent enhancement may be a concern for people receiving vaccines based on the original Wuhan strain spike sequence.”

17. [Goldberg et al.](#) (BNT162b2 Vaccine in Israel) reported that “immunity against the delta variant of SARS-CoV-2 waned in all age groups a few months after receipt of the second dose of vaccine.”

18. [Singanayagam et al.](#) examined the transmission and viral load kinetics in vaccinated and unvaccinated individuals with mild delta variant infection in the community. They found that (in 602 community contacts (identified via the UK contract-tracing system) of 471 UK COVID-19 index cases were recruited to the Assessment of Transmission and Contagiousness of COVID-19 in Contacts cohort study and contributed 8145 upper respiratory tract samples from daily sampling for up to 20 days) “vaccination reduces the risk of delta variant infection and accelerates viral clearance. Nonetheless, fully vaccinated individuals with breakthrough infections have peak viral load similar to unvaccinated cases and can efficiently transmit infection in household settings, including to fully vaccinated contacts.”

19. [Keehner et al.](#) in NEJM, has recently reported on the resurgence of SARS-CoV-2 infection in a highly vaccinated health system workforce. Vaccination with mRNA vaccines began in mid-December 2020; by March, 76% of the workforce had been fully vaccinated, and by July, the percentage had risen to 87%. Infections had decreased dramatically by early February 2021...”coincident with the end of California’s mask mandate on June 15 and the rapid dominance of the B.1.617.2 (delta) variant that first emerged in mid-April and accounted for over 95% of UCSDH isolates by the end of July, infections increased rapidly, including cases among fully vaccinated persons...researchers reported that the “dramatic change in vaccine effectiveness from June to July is likely to be due to both the emergence of the delta variant and waning immunity over time.”

20. [Juthani et al.](#) sought to describe the impact of vaccination on admission to hospital in patients with confirmed SARS-CoV-2 infection using real-world data collected by the Yale New Haven Health System. “Patients were considered fully vaccinated if the final dose (either second dose of BNT162b2 or mRNA-1273, or first dose of Ad.26.COV2.S) was administered at least 14 days before symptom onset or a positive PCR test for SARS-CoV-2. In total, we identified 969 patients who were admitted to a Yale New Haven Health System hospital with a confirmed positive PCR test for SARS-CoV-2”...Researchers reported “a higher number of patients with severe or critical



illness in those who received the BNT162b2 vaccine than in those who received mRNA-1273 or Ad.26.COV2.S...”

21. A very recent study published by [the CDC](#) reported that a majority (53%) of patients who were hospitalized with Covid-19-like illnesses were already fully vaccinated with two-dose RNA shots. Table 1 reveals that among the 20,101 immunocompromised adults hospitalized with Covid-19, 10,564 (53%) were fully-vaccinated with the Pfizer or Moderna vaccine (Vaccination was defined as having received exactly 2 doses of an mRNA-based COVID-19 vaccine  $\geq 14$  days before the hospitalization index date, which was the date of respiratory specimen collection associated with the most recent positive or negative SARS-CoV-2 test result before the hospitalization or the hospitalization date if testing only occurred after the admission). This highlights the ongoing challenges faced with Delta breakthrough when vaccinated.

22. Eyre, 2021 looked at [The impact of SARS-CoV-2 vaccination on Alpha & Delta variant transmission](#). They reported that “while vaccination still lowers the risk of infection, similar viral loads in vaccinated and unvaccinated individuals infected with Delta question how much vaccination prevents onward transmission... transmission reductions declined over time since second vaccination, for Delta reaching similar levels to unvaccinated individuals by 12 weeks for ChAdOx1 and attenuating substantially for BNT162b2. Protection from vaccination in contacts also declined in the 3 months after second vaccination...vaccination reduces transmission of Delta, but by less than the Alpha variant.”

23. [Levine-Tiefenbrun](#), 2021 looked at [Viral loads of Delta-variant SARS-CoV-2 breakthrough infections after vaccination and booster with BNT162b2](#), and reported the viral load reduction effectiveness declines with time after vaccination, “significantly decreasing at 3 months after vaccination and effectively vanishing after about 6 months.”

24. Puranik, 2021 looked at a [Comparison of two highly-effective mRNA vaccines for COVID-19 during periods of Alpha and Delta variant prevalence](#), reporting “In July, vaccine effectiveness against hospitalization has remained high (mRNA-1273: 81%, 95% CI: 33–96.3%; BNT162b2: 75%, 95% CI: 24–93.9%), but effectiveness against infection was lower for both vaccines (mRNA-

1273: 76%, 95% CI: 58–87%; BNT162b2: 42%, 95% CI: 13–62%), with a more pronounced reduction for BNT162b2.”

25. Saade, 2021 looked at [Live virus neutralization testing in convalescent patients and subjects vaccinated against 19A, 20B, 20I/501Y.V1 and 20H/501Y.V2 isolates of SARS-CoV-2](#), and reported as “Assessed the neutralizing capacity of antibodies to prevent cell infection, using a live virus neutralization test with different strains [19A (initial one), 20B (B.1.1.241 lineage), 20I/501Y.V1 (B.1.1.7 lineage), and 20H/501Y.V2 (B.1.351 lineage)] in serum samples collected from different populations: two-dose vaccinated COVID-19-naive healthcare workers (HCWs; Pfizer-BioNTech BNT161b2), 6-months post mild COVID-19 HCWs, and critical COVID-19 patients... finding of the present study is the reduced neutralizing response observed towards the 20H/501Y.V2 variant in fully immunized subjects with the BNT162b2 vaccine by comparison to the wild type and 20I/501Y.V1 variant.”

26. Canaday, 2021 looked at [Significant reduction in humoral immunity among healthcare workers and nursing home residents 6 months after COVID-19 BNT162b2 mRNA vaccination](#), reporting “Anti-spike, anti-RBD and neutralization levels dropped more than 84% over 6 months’ time in all groups irrespective of prior SARS-CoV-2 infection. At 6 months post-vaccine, 70% of the infection-naive NH residents had neutralization titers at or below the lower limit of detection compared to 16% at 2 weeks after full vaccination. These data demonstrate a significant reduction in levels of antibody in all groups. In particular, those infection-naive NH residents had lower initial post-vaccination humoral immunity immediately and exhibited the greatest declines 6 months later.”

27. Israel, 2021 looked at [Large-scale study of antibody titer decay following BNT162b2 mRNA vaccine or SARS-CoV-2 infection](#), and reported as “To determine the kinetics of SARS-CoV-2 IgG antibodies following administration of two doses of BNT162b2 vaccine, or SARS-CoV-2 infection in unvaccinated individuals...In vaccinated subjects, antibody titers decreased by up to 40% each subsequent month while in convalescents they decreased by less than 5% per month. Six months after BNT162b2 vaccination 16.1% subjects had antibody levels below the sero-

positivity threshold of <50 AU/mL, while only 10.8% of convalescent patients were below <50 AU/mL threshold after 9 months from SARS-CoV-2 infection.”

28. Eyran, 2020 examined [The longitudinal kinetics of antibodies in COVID-19 recovered patients over 14 months](#), and found “a significantly faster decay in naïve vaccinees compared to recovered patients suggesting that the serological memory following natural infection is more robust compared to vaccination. Our data highlights the differences between serological memory induced by natural infection vs. vaccination.”

29. [Salvatore et al.](#) examined the transmission potential of vaccinated and unvaccinated persons infected with the SARS-CoV-2 Delta variant in a federal prison, July-August 2021. They found a total of 978 specimens were provided by 95 participants, “of whom 78 (82%) were fully vaccinated and 17 (18%) were not fully vaccinated...clinicians and public health practitioners should consider vaccinated persons who become infected with SARS-CoV-2 to be no less infectious than unvaccinated persons.”

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ELECTRONICALLY  
**FILED**

Superior Court of California,  
County of San Francisco

**10/21/2021**  
Clerk of the Court  
BY: JACKIE LAPREVOTTE  
Deputy Clerk

10 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
11 **COUNTY OF SAN FRANCISCO**

13 UNITED SF FREEDOM  
ALLIANCE, BHANU VIKRAM,  
14 CARSON ROBERT SCHILLING,  
CHRISTA L. FESTA,  
15 CHRISTIANNE T. CROTTY,  
CYNTHIA WHEELER, DENNIS  
16 CALLAHAN, FAIMING CHEUNG,  
and JESSICA KWOK-BO LINDSEY

17 Plaintiffs,

18 v.

19 CITY AND COUNTY OF SAN  
20 FRANCISCO, a municipal  
corporation and administrative  
21 division of the State of California,  
CAROL ISEN, in her individual  
22 capacity and in her official capacity as  
the Human Resources Director of the  
23 City and County of San Francisco,  
SUSAN PHILIP in her individual  
24 capacity and in her official capacity as  
the Health Officer of the City and  
25 County of San Francisco, JEANINE  
R. NICHOLSON in her individual  
26 capacity and in her official capacity as  
the Chief of Department of the San  
27 Francisco Fire Department, PHILLIP  
A GINSBURG. in his individual

Case No.:

**CGC-21-595642**

**COMPLAINT FOR VIOLATION OF  
CIVIL RIGHTS AND DECLARATORY  
AND INJUNCTIVE RELIEF**

**DEMAND FOR JURY TRIAL**

1 capacity and his official capacity as  
2 the General Manager for the San  
3 Francisco Recreation and Parks,  
4 KIMBERLY ACKERMAN, in her  
5 individual capacity and her official  
6 capacity as the Chief People Officer  
7 for the San Francisco Municipal  
8 Transportation Agency, FABIAN  
9 PEREZ, in his individual capacity and  
10 his official capacity as an  
11 administrator in the San Francisco  
12 Sheriff’s Office, WILLIAM SCOTT,  
13 in his individual capacity and his  
14 official capacity as Chief of the Police  
15 for the San Francisco Police  
16 Department. and Does 1 through 100,  
17 inclusive,

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Defendants.

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12 Plaintiffs, UNITED SF FREEDOM ALLIANCE, BHANU VIKRAM, CARSON  
13 ROBERT SCHILLING, CHRISTA L. FESTA, CHRISTIANNE T. CROTTY,  
14 CYNTHIA WHEELER, DENNIS CALLAHAN, FAIMING CHEUNG, JESSICA  
15 KWOK-BO LINDSEY, by and through their undersigned counsel, sue Defendants,  
16 CITY AND COUNTY OF SAN FRANCISCO (“City”), a municipal corporation and  
17 administrative division of the State of California, CAROL ISEN, in her individual  
18 capacity and in her official capacity as the Human Resources Director of the City,  
19 SUSAN PHILIP in her individual capacity and in her official capacity as the Health  
20 Officer of the City and County of San Francisco, JEANINE R. NICHOLSON in her  
21 individual capacity and in her official capacity as the Chief of Department of the San  
22 Francisco Fire Department, PHILLIP A GINSBURG, in his individual capacity and his  
23 official capacity as the General Manager for the San Francisco Recreation and Parks,  
24 KIMBERLY ACKERMAN, in her individual capacity and her official capacity as the  
25 Chief People Officer for the San Francisco Municipal Transportation Agency, FABIAN  
26 PEREZ, in his individual capacity and his official capacity as an administrator in the  
27 San Francisco Sheriff’s Office, WILLIAM SCOTT, in his individual capacity and his

1 official capacity as Chief of the Police for the San Francisco Police Department, and  
2 Does 1 through 100, inclusive, and allege as follows:

3 **INTRODUCTION**

4 1. On June 23, 2021, the City issued a “COVID-19 Vaccination Policy”  
5 requiring that all employees be vaccinated against SARS-CoV-2, the virus that causes  
6 COVID-19 (“COVID”).

7 2. The City’s COVID-19 Vaccination Policy was amended on August 6,  
8 2021, and again thereafter on September 8, 2021. The City’s COVID-19 Vaccination  
9 Policy as amended is hereinafter referred to as the “Mandate.” Attached hereto as  
10 Exhibit “A” is a true and correct copy of the Mandate.

11 3. The Mandate applies all “employees,” which it defines therein to include  
12 full-time, part-time, and as-needed City employees regardless of appointment type.

13 4. The “Purpose Statement” portion of the Mandate provides that:  
14 “Vaccination is the most effective way to prevent transmission and limit COVID-19  
15 hospitalizations and deaths.”

16 5. The Director for the Centers for Disease Control (“CDC”), however, has  
17 stated that vaccines do not prevent infection with, or transmission of, the Delta variant,  
18 advising: “[W]hat the [vaccines] can’t do anymore is prevent transmission.<sup>1</sup>

19 6. Plaintiffs have been notified that if they fail to comply with the various  
20 deadlines specified in the Mandate for reporting their vaccination status to the City, and  
21 becoming fully vaccinated, they will be forbidden from returning to work, placed on  
22 administrative leave, and terminated.

23 7. The Mandate does not allow for COVID-19 testing as an alternative to  
24 vaccination.

25 \_\_\_\_\_

26  
27 <sup>1</sup> <https://www.cnn.com/2021/08/05/health/us-coronavirus-thursday/index.html>, see also The New England Journal of  
28 Medicine, Resurgence of SARS-CoV-2 Infection in a Highly Vaccinated Health System Workforce (September 390,  
2021).

- 1           8.     Plaintiffs assert the Mandate cannot be supported when:
- 2           i.     Over 99.8% of all those with COVID survive.
- 3           ii.    Those who survive obtain robust and durable natural immunity.
- 4           iii.   The natural immunity so obtained is superior to COVID vaccine-
- 5           induced immunity.
- 6           iv.    The COVID vaccines are ineffective against the Delta strain of COVID,
- 7           which the CDC states is the dominant (>99%) strain throughout the
- 8           United States.
- 9           v.     The CDC acknowledged that the vaccinated and unvaccinated are
- 10          equally likely to spread the virus.<sup>2</sup>
- 11          vi.    The vaccines only reduce symptoms of those who contract COVID, but
- 12          not transmission of the virus. They are, therefore, treatments, and not
- 13          vaccines as that term has always been defined in the law.
- 14          vii.   The CDC changed its definitions of “vaccine in August 2021. The CDC
- 15          formerly described vaccination as “the act of introduction a vaccine into
- 16          the body to produce immunity to a specific disease.” The definition has
- 17          since been changed and now reads: “the act of introducing a vaccine
- 18          into the body to produce protection to a specific disease.”<sup>3</sup>
- 19          viii.   This is a critical factual and legal distinction. Legal authority to
- 20          mandate medical treatment only derives under public health
- 21          regulations. As the CDC holds that Delta is the only strain; that the
- 22          shots do not stop the transmission of Delta; and that vaccination is mere
- 23          “protection” against a disease and not “immunity” against the disease;
- 24          claiming there is a public health mandate is fallacious.

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27 <sup>2</sup> [https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s\\_cid=mm7031e2\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s_cid=mm7031e2_w)

28 <sup>3</sup> <https://web.archive.org/web/20210826113846/https://www.cdc.gov/vaccines/vac-gen/imz-basics.htm>

1 ix. The COVID vaccines cause a significantly higher incidence of injuries,  
2 adverse reactions, and deaths than any prior vaccines that have been  
3 allowed to remain on the market, and, therefore, pose a significant  
4 health risk to recipients, who are, by definition, healthy when they  
5 receive the COVID vaccines; and

6 x. Since, according to the CDC, the COVID vaccines do not prevent the  
7 infection or transmission of COVID, while at the same time, also  
8 according to the CDC, they result in a massively anomalous (1000%  
9 higher) number of adverse events and deaths, there is no justification in  
10 the law for mandating them, and the City’s mandate must therefore be  
11 struck down.

## 12 PARTIES

13 9. Plaintiff UNITED SF FREEDOM ALLIANCE (“USFA”) is, and at all  
14 times relevant hereto was, a voluntary, unincorporated association for City employees  
15 whose purpose is to advocate for medical choice and bodily autonomy on behalf of its  
16 members, vis-à-vis the Mandate. USFA members are directly affected by the Mandate,  
17 and therefore would have standing in their own right to bring this action. As well, the  
18 interests at stake in this case are germane to USFA’s purpose, and neither the claims  
19 asserted, nor the relief requested requires the individual participation of its members.

20 10. Plaintiff BHANU VIKRAM is, and at all times relevant hereto was, a  
21 citizen of San Francisco County and employed by the City as a Transit Operator for the  
22 San Francisco Municipal Transportation Agency (“SFMTA”).

23 11. Plaintiff CARSON ROBERT SCHILLING is, and at all times relevant  
24 hereto was, a citizen of Marin County and employed by the City as a Police Officer for  
25 the San Francisco Police Department (“SFPD”).

26 12. Plaintiff CHRISTA L. FEST is, and at all times relevant hereto was, a  
27 citizen of the County of San Francisco and employed by the City as a Police Officer for  
28



1 the SFPD.

2 13. Plaintiff CHRISTIANNE T. CROTTY is, and at all times relevant hereto  
3 was, a citizen of San Francisco County and employed by the City as a Sheriff Deputy  
4 for the San Francisco Sheriff’s Office (“SFSO”).

5 14. Plaintiff CYNTHIA WHEELER is, and at all times relevant hereto was, a  
6 citizen of San Francisco County and employed by the City as a plumber for the San  
7 Francisco Recreation and Parks (“SFRP”).

8 15. Plaintiff DENNIS CALLAHAN is, and at all times relevant hereto was, a  
9 citizen of Contra Costa County and employed by the City as a Track Maintenance  
10 Worker Supervisor I for the SFMTA.

11 16. Plaintiff FAIMING CHEUNG is, and at all times relevant hereto was, a  
12 citizen of San Francisco County and employed by the City as a an IT Operations Support  
13 Administrator III for the San Francisco Department of Emergency Management  
14 (“SFDEM”).

15 17. Plaintiff JESSICA KWOK-BO LINDSEY is, and at all times relevant  
16 hereto was, a citizen of Mendocino County and employed by the City as a Fire Fighter  
17 for the San Francisco Fire Department (“SFFD”).

18 18. Defendant City is, and at all time relevant hereto was, the Plaintiffs’  
19 employer and issuer of the Mandate via its Department of Human Resources.

20 19. Defendant CAROL ISEN (“Isen”) is, and at all times relevant hereto was,  
21 the Human Resources Director of the City. Isen is ultimately charged with among other  
22 things enforcing all employment policies of the City, including without limitation the  
23 Mandate. Isen is being sued in her official and individual capacities.

24 20. SUSAN PHILIP (“Philip”) is, and at all times relevant hereto was, the  
25 Health Officer of the City, responsible for the Safer-Return-Together Order, as  
26 amended, which is referenced in, and informs, the Mandate and deadlines set forth  
27 therein.



1 26. Defendants Isen, Philip, Nicholson, Ginsburg, Ackerman, Perez, and Scott  
2 have personally undertaken actions under color of law that deprive or imminently  
3 threaten to deprive Plaintiffs of certain rights, privileges, and immunities under the laws  
4 and Constitution of the United States, and under the laws and Constitution of the State  
5 of California.

6 27. This lawsuit seeks prospective relief against Defendants in their official  
7 capacities. Defendants are state actors unprotected by sovereign immunity for purposes  
8 of this action.

9 28. Plaintiffs are ignorant of the true names and capacities of defendants sued  
10 herein as DOES 1-100, inclusive, and therefore sue these defendants by such fictitious  
11 names. Plaintiffs will further amend this complaint to allege their true names and  
12 capacities when ascertained. Plaintiffs are informed and believes that each of these  
13 defendants is an agent and/or employee of Defendant City, and proximately caused  
14 Plaintiff’s harm as herein alleged while acting in such capacity.

15 29. On information and belief defendants were the agents, servants,  
16 employees, instrumentalities, representatives, co-venturers, co-conspirators and  
17 partners of one another, and in doing the things hereafter alleged, were acting within  
18 the scope of their authority as agents, servants, employees, instrumentalities,  
19 representatives, co-venturers, co-conspirators and partners, and with the permission and  
20 consent of one another, and as such share liability with each other in respect to the  
21 matters complained of herein.

22 **GENERAL ALLEGATIONS**

23 30. On January 30, 2020, the World Health Organization (“WHO”) declared a  
24 “public health emergency of international concern over the global outbreak” of COVID.  
25 Among the recommendations called for b the WHO was accelerated development of  
26 “vaccines, therapeutics and diagnostics.”

1           31. On January 31, 2020, President Trump first issued a public health state of  
2 emergency in the United States under the Public Health Service Act due to COVID.

3           32. Also on January 31, 2020, Secretary of Health and Human Services Alex  
4 M. Azar II, issued a Declaration of a Public Health Emergency effective as of January  
5 27, 2020. This declaration has been renewed thereafter on April 21, 2020, July 23, 2020,  
6 October 2, 2020, January 7, 2021, April 15, 2021, and July 19, 2021.

7           33. President Trump issued a subsequent declaration of emergency under the  
8 Stafford Act and National Emergencies Act on March 13, 2020, due to COVID.

9           34. A third declaration of emergency was issued by President Trump on March  
10 18, 2020, under the Defense Production Act due to COVID.

11           35. On February 24, 2021, President Biden extended President Trump’s March  
12 13, 2020 declaration of emergency, stating as a reason for doing so that more “than  
13 500,000 people in this Nation have perished from the disease.”<sup>4</sup>

14           36. Thus, the United States has been in a constant state of emergency due to  
15 COVID (the “COVID Emergency”) since January 31, 2020, a period of over twenty  
16 months.

17           37. The COVID Emergency has been used to justify lockdowns, banning of  
18 worship services, mandatory masks, vaccine passports, and now mandatory  
19 vaccinations such as the vaccination requirement the Defendants has placed on each of  
20 its employees upon penalty of termination.

21           38. Never in this history of this nation have its citizens been subjected to such  
22 invasions of their individual rights and liberties.

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26 <sup>4</sup> President Joseph R. Biden, Jr., *Notice on the Continuation of the National Emergency Concerning the Coronavirus*  
27 *Disease 2019 (COVID-19) Pandemic* (February 24, 2021), [https://www.whitehouse.gov/briefing-room/presidential-](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic/)  
28 [actions/2021/02/24/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic/)  
[covid-19-pandemic/](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic/).

1           39. In April 2020, the national Administration announced Operation Warp  
2 Speed (“OWS”) – a public/private partnership to develop and distribute a vaccine for  
3 COVID-19 by the end of 2020 or early 2021.

4           40. The process for developing a vaccine normally takes place in several  
5 phases, over a period of years.

6           41. The general stages of the development cycle for a vaccine are:

- 7                   i. Exploratory stage;
- 8                   ii. Pre-clinical stage (animal testing);
- 9                   iii. Clinical development (human trials – see below);
- 10                  iv. Regulatory review and approval;
- 11                  v. Manufacturing; and

12 Quality control.<sup>5</sup>

13           42. The third stage, clinical development, is itself a three-phase process:

- 14                   i. During Phase I, small groups of people receive the trial vaccine.
- 15                   ii. In Phase II, the clinical study is expanded and vaccine is given to  
16 people who have characteristics (such as age and physical health)  
17 similar to those for whom the new vaccine is intended.
- 18                   iii. In Phase III, the vaccine is given to thousands of people and  
19 tested for efficacy and safety.

20           43. Phase III itself normally occurs over a course of years. That is because it  
21 can take years for the side effects of a new vaccine to manifest themselves.

22           44. Phase III must be followed by a period of regulatory review and approval.  
23 During this stage, data and outcomes are reviewed by peers and by the FDA.

24           45. Finally, the manufacturer must demonstrate that the vaccine can be  
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26  
27 <sup>5</sup> <https://www.cdc.gov/vaccines/basics/test-approve.html>.

1 manufactured under conditions that assure adequate quality control.

2 46. The timeline set by OWS telescoped what would normally take years of  
3 research into a matter of months.

4 47. Commercial vaccine manufacturers and other entities proceeded with  
5 development of COVID-19 vaccine candidates using different technologies including  
6 RNA, DNA, protein, and viral vectored vaccines.

7 48. Two potential vaccines emerged early on as likely candidates: one  
8 developed by Moderna (the “Moderna Vaccine”), the other by Pfizer (the “Pfizer  
9 Vaccine”), with both announcing Phase III trial results in November 2020.

10 49. In early 2021, Janssen Biotech, Inc. submitted Phase III trial results for its  
11 adenovirus vector vaccine (the “Janssen Vaccine”).

12 50. In order for a new vaccine to be approved in the normal course, the  
13 manufacturer must submit an application to the FDA pursuant to section 505(b) of the  
14 Food, Drug, and Cosmetics Act, encoded at 21 U.S.C. § 355(b) (the “FDCA”). None  
15 of the currently-available COVID Vaccines, including the Moderna and Pfizer Vaccines  
16 that have been acquired and are being administered to LAUSD employees, has been  
17 approved by the FDA.

18 51. Rather, the COVID Vaccines have been authorized for emergency use  
19 under § 564 of the FDCA (encoded at 21 U.S.C. § 360bbb-3), which Congress enacted  
20 to vest the Secretary of Health and Human Services with permissive authority to  
21 “authorize the introduction into interstate commerce, during the effective period of a  
22 declaration [of emergency], of a drug, device, or biological product intended for use in  
23 an actual or potential emergency. . . .” 21 U.S.C. § 360bbb-3(a)(1).

24 52. The statute provides for the authorization of both unapproved products and  
25 unapproved uses of an approved product. See 21 U.S.C. § 360bbb-3(a)(2). The Vaccines  
26 fall under the former category, as they have not been previously approved for any use,  
27 nor have they been approved to date.

1           53. Section 360bbb-3 mandates the following conditions for authorization of  
2 an unapproved product:

3           . . . [T]he Secretary, to the extent practicable given the  
4 applicable circumstances described in subsection (b)(1),  
5 *shall*, for a person who carries out any activity for which the  
6 authorization is issued, establish such conditions on an  
7 authorization under this section as the Secretary finds  
8 necessary or appropriate to protect the public health,  
9 including the following:

10           . . . (ii) Appropriate conditions *designed to ensure* that  
11 *individuals to whom the product is administered are*  
12 *informed—*

13           . . . (iii) *of the option to accept or refuse administration of*  
14 *the product. . . .*

15  
16 21 U.S.C. § 360bbb-3(e)(1)(A)(ii) (emphasis added).

17           54. Pfizer and Moderna were granted EUAs for their vaccines under Section  
18 360bbb-3 in December 2020. The FDA granted Janssen an EUA for its vaccine in  
19 February 2021.

20           55. Consistent with its mandate under Section 360bbb-3, the FDA has  
21 continued to refer to Vaccines for which EUAs have been granted as “unapproved” or  
22 “investigational” products.

23           56. In other words, as a legal matter and as a matter of FDA policy and  
24 guidance, the EUA Vaccines remain experimental.

25           57. More recently, the FDA has licensed the Pfizer-Biontech vaccine under the  
26 brand name, “Comirnaty.” However, on information and belief, the licensed  
27 “Comirnaty” vaccine is not yet available in the United States, and all currently-available  
28

1 COVID Vaccine doses were manufactured and distributed under an EUA. In other  
2 words, on information and belief Plaintiffs are being mandated to receive administration  
3 of a vaccine that remains experimental.

## 4 COVID-19 Is Not Smallpox

### 5 A. The Statistics Underlying Defendants’ Justification for the Mandate 6 Are Flawed

#### 7 i. The PCR Test Is Flawed

8 58. The Covid Emergency is based upon statistics that are flawed for at least  
9 the following reasons:

- 10 i. Every statistic regarding COVID is based upon the PCR test, which is  
11 a limited test that cannot, on its own, determine whether a test subject  
12 is infected with COVID absent an examination by a medical doctor;
- 13 ii. The PCR test is highly sensitive, with the result of the test being  
14 dependent upon the cycle threshold (“CT”) at which the test is  
15 conducted;
- 16 iii. National Institute of Allergy and Infectious Diseases, Dr. Anthony  
17 Fauci, has stated that a test conducted at a CT of over 35 is useless;<sup>6</sup>
- 18 iv. Studies have confirmed Dr. Fauci’s conclusion, showing that tests  
19 conducted using CT values over 35 have yielded up to eighty percent  
20 (80%) false positives;<sup>7</sup>

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23 <sup>6</sup> YouTube.com, *Dr. Tony Fauci - PCR cycles* (October 30, 2020), <https://www.youtube.com/watch?v=A867t1JbIrs>; see  
24 NYTimes.com, *Your Coronavirus Test Is Positive. Maybe It Shouldn’t Be*. August 29, 2020),  
<https://www.nytimes.com/2020/08/29/health/coronavirus-testing.html>.

25 <sup>7</sup> Corman-Drosten Review Report, *External peer review of the RTPCR test to detect SARS-CoV-2 reveals 10 major*  
26 *scientific flaws at the molecular and methodological level: consequences for false positive results*, Section 3 (November  
27 27, 2020), <https://cormandrostenreview.com/report/>; see *The Lancet Clarifying the evidence on SARS-CoV-2 antigen*  
28 *rapid tests in public health responses to COVID-19* (February 17, 2021), (“This suggests that 50–75% of the time an  
individual is PCR positive, they are likely to be post-infectious.”),  
[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)00425-6/fulltext#%20](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)00425-6/fulltext#%20); DOI:  
[https://doi.org/10.1016/S0140-6736\(21\)00425-6](https://doi.org/10.1016/S0140-6736(21)00425-6);



- 1 v. Despite this known sensitivity, the PCR tests were mass distributed in  
2 the United States without training, were used by technicians who were  
3 not made aware of the underlying flaw in the test,<sup>8</sup> and were operated  
4 at a CT value in excess of 35 routinely, therefore, delivering results that  
5 were, according to Dr. Fauci and a broad consensus of experts in the  
6 area, useless;<sup>9</sup> and
- 7 vi. The PCR test is incapable of distinguishing a live particle of a virus  
8 from a dead one, and as a result, even a positive test result does not  
9 mean that the test subject is infected or contagious with COVID,  
10 analogous to a test that could identify car parts (such as an axle, wheels,  
11 engine) but not determine if those car parts were in fact, a working car.

12 **ii. The Asymptomatic Spreader is a Myth**

13 59. Due to the numerous flaws in the fundamental test upon which all statistics  
14 underlying the COVID Emergency are based, and the high level of resulting false  
15 positives, many have incorrectly concluded that asymptomatic people, who in the past  
16 would simply have been referred to as “healthy people,” are somehow contagious and  
17 are spreading the disease.

18 60. Policy decisions at the state and federal level rest upon this myth. For  
19 example, mandatory masking of healthy people is based upon this myth. Social  
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22 *see also* <https://www.aerztezeitung.de/Wirtschaft/80-Prozent-der-positiven-Corona-Schnelltests-falsch-positiv-421053.html> (July 4, 2020), (The fact that the high rate of false positive tests in large-scale testing in the population occurs at a time of low viral incidence is demonstrated in the article from the German *Ärztezeitung*. At the end of the regular cold season (May), about 50% of rapid tests were already reported as false positive, and this rate increased until it reached 80% false positive tests in June.); *compare* *Comparison of seven commercial SARS-CoV-2 rapid point-of-care antigen tests: a single-centre laboratory evaluation study* (July 2021), (“false-positives do occur with AgPOCTs at a higher rate than with RT-rtPCR.”), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8026170/>. DOI: [10.1016/S2666-5247\(21\)00056-2](https://doi.org/10.1016/S2666-5247(21)00056-2).

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26 <sup>8</sup> NPR *CDC Report: Officials Knew Coronavirus Test Was Flawed But Released It Anyway* (November 6, 2020), <https://www.npr.org/2020/11/06/929078678/cdc-report-officials-knew-coronavirus-test-was-flawed-but-released-it-anyway>.

27  
28 <sup>9</sup> YouTube.com, *Dr. Tony Fauci - PCR cycles* (October 30, 2020), <https://www.youtube.com/watch?v=A867t1JbIrs>.

1 distancing is based upon this myth as well. The policy that perfectly healthy, non-  
2 contagious people must be vaccinated to interact with and participate in society is based  
3 in large degree upon this myth. With regard to flawed statistics, mass PCR testing of  
4 the entire population has been based upon this myth.<sup>10</sup> There is no reason to test  
5 perfectly healthy asymptomatic people absent the belief that asymptomatic people can  
6 spread COVID.

7 61. However, the assumption that people with no symptoms can spread the  
8 disease is false. As Dr. Fauci stated during a September 9, 2020: “[E]ven if there is  
9 some asymptomatic transmission, in all the history of respiratory borne viruses of any  
10 type, asymptomatic transmission has never been the driver of outbreaks. The driver of  
11 outbreaks is always a symptomatic person, even if there is a rare asymptomatic person  
12 that might transmit, an epidemic is not driven by asymptomatic carriers.”<sup>11</sup>

13 62. Due to the incorrect assumption that asymptomatic people could spread  
14 the disease, mass testing has been instituted of the population at large. Due to the  
15 numerous flaws in the PCR test stated above, this mass testing has resulted in  
16 dramatically inflated case numbers that do not reflect reality and falsely overstate the  
17 number of COVID cases.

18 63. As a result, the data regarding COVID cases being used to shape public  
19 policy is highly inflated.

20 **iii. The COVID Hospitalization Count Is Highly Inflated**

21 64. Every patient that is admitted to a hospital is subject to a PCR test due to  
22 the perceived COVID Emergency.

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25 <sup>10</sup> Corman-Drosten Review Report, *External peer review of the RTPCR test to detect SARS-CoV-2 reveals 10 major*  
26 *scientific flaws at the molecular and methodological level: consequences for false positive results.* (November 27, 2020),  
<https://cormandrostenreview.com/report/>.

27 <sup>11</sup> <https://www.bmj.com/content/371/bmj.m4695> and YouTube.com, *Update on the New Coronavirus Outbreak First*  
28 *Identified in Wuhan, China | January 28, 2020* (January 28, 2020).  
<https://www.youtube.com/watch?v=w6koHkBCoNQ&t=2638s>.

1           65. The PCR test used upon admission is subject to the numerous flaws  
2 identified above, and, therefore, results in the dramatic inflation of COVID patients who  
3 have been hospitalized.

4           66. Moreover, the CARES Act increases reimbursements to hospitals for all  
5 patients who have been diagnosed with COVID, creating an economic incentive for  
6 hospitals to find a COVID diagnosis.

7           67. As a result, the COVID hospitalization data being used to shape public  
8 policy is highly inflated.

9                   **iv. The COVID Death Count Is Highly Inflated**

10           68. On March 24, 2020, the CDC issued COVID Alert Number 2.12 This Alert  
11 substantially changed how the cause of death was to be recorded exclusively for  
12 COVID. The modification ensured that in any case where the deceased had a positive  
13 PCR test for COVID, then COVID was listed as the cause of death.13

14           69. Prior to this March 24, 2020, change in procedure, COVID would only  
15 have been listed as the cause of death in those cases where COVID was the actual cause  
16 of death. If the deceased had a positive PCR test for COVID, but had died of another  
17 cause, then COVID would have been listed as a contributing factor to the death, but not  
18 the cause.14

19           70. The 2003 CDC Medical Examiner’s and Coroner’s Handbook on Death  
20 Registration and Fetal Death Reporting states that in the presence of pre-existing  
21 conditions infectious disease is recorded as the contributing factor to death, not the  
22 cause.15 This was always the reporting system until the death certificate modification  
23

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25 <sup>12</sup> National Vital Statistics System, *COVID-19 Alert No. 2* (March 24, 2020),  
<https://www.cdc.gov/nchs/data/nvss/coronavirus/Alert-2-New-ICD-code-introduced-for-COVID-19-deaths.pdf>.

26 <sup>13</sup> *Id.*

27 <sup>14</sup> *Id.*

28 <sup>15</sup> Medical Examiners’ and Coroners’ Handbook on Death Registration and Fetal Death Reporting, 2003 Revision. CDC, 2003. [https://www.cdc.gov/nchs/data/misc/hb\\_me.pdf](https://www.cdc.gov/nchs/data/misc/hb_me.pdf).

1 issued by the CDC on March 24, 2020.<sup>16</sup>

2 71. This death certificate modification by the CDC was not made for any other  
3 disease; only COVID. Accordingly, a double standard was created for the recordation  
4 of deaths, skewing the data for all deaths after March 24, 2020, reducing the number of  
5 deaths from all other causes, and dramatically increasing the number of deaths attributed  
6 to COVID.

7 72. As a result, the COVID death data used to shape public health policy is  
8 significantly inflated.<sup>17</sup>

9 **v. COVID Has an Extremely High Survivability Rate**

10 73. According to the CDC the survivability of COVID-19 is extraordinarily  
11 high. Survival rates under age 20 is 99.997%, 20-50 is 99.98%, 50-70 is 99.5% and 70+  
12 is 94.6%. These figures calculate the percentage of confirmed COVID infected patients  
13 who survive.

14 74. By comparison, the smallpox epidemic of the early 1900s is reported to  
15 have been fatal to over 30% of those who contracted it, according to the FDA.<sup>18</sup>

16 **vi. COVID Survivors Enjoy Robust Natural Immunity**

17 75. Those who recover from infection from COVID, over 99% of those who  
18 are infected, enjoy robust and durable natural immunity. Natural immunity is superior  
19 to vaccine-induced immunity resulting from the COVID vaccines, which do not prevent  
20

21  
22 <sup>16</sup> National Vital Statistics System, *COVID-19 Alert No. 2* (March 24, 2020),

23 <https://www.cdc.gov/nchs/data/nvss/coronavirus/Alert-2-New-ICD-code-introduced-for-COVID-19-deaths.pdf>.

24 <sup>17</sup> CDC, *COVID-19 Forecasts: Deaths* (last accessed September 30, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/science/forecasting/forecasting-us.html>

25 <sup>18</sup> See CDC, *History of Smallpox*, (“On average, 3 out of every 10 people who got it died.”),

26 <https://www.cdc.gov/smallpox/history/history.html>; see also AMNH.org, SMALLPOX,

27 <https://www.amnh.org/explore/science-topics/disease-eradication/countdown-to-zero/smallpox>; but see NCBI.gov., *Remaining Questions about Clinical Variola Major*, (“Evidence has shown that the death rate from smallpox among pregnant women was extraordinarily high. Pregnant women had a higher rate of hemorrhagic disease than did other adults. Approximately 16% of cases in unvaccinated pregnant women were early hemorrhagic smallpox versus ≈1% in nonpregnant women and adult males. The case-fatality rate in unvaccinated pregnant women approached 70%. Fetal wastage approached 80%.”) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3377426/>

1 re-infection or transmission of COVID, and do not prevent infection, re-infection or  
2 transmission of the current Delta strain.

3 **B. Mandating COVID Vaccination Is Contrary to Public Policy.**

4 76. As the CDC tacitly concedes by changing its own definitions of “Vaccine”  
5 and “Vaccination,” the COVID vaccines are not vaccines in the traditional sense. For  
6 example, the FDA classifies them as “CBER-Regulated Biologics” otherwise known as  
7 “therapeutics” which falls under the “Coronavirus Treatment Acceleration Program.”<sup>19</sup>

8 77. The Vaccines are misnamed since they do not prevent either re-infection  
9 or transmission of the disease, the key elements of a vaccine. The CDC has publicly  
10 stated that the Vaccines are effective in reducing the severity of the disease but not  
11 infection, re-infection, or transmission. Indeed, as noted above, the CDC has stricken  
12 the very word “immunity” from its definitions of “Vaccine” and “Vaccination.” The  
13 injection is therefore a treatment, not a vaccine.

14 78. The current strain of COVID is the Delta strain.<sup>20</sup> The CDC Director has  
15 stated that the vaccines do not stop the transmission of the Delta strain. Studies show  
16 the Delta strain passes easily amongst vaccinated persons.<sup>21</sup> The CDC website states:  
17 “... preliminary evidence suggests that fully vaccinated people who do become infected  
18 with the Delta variant can spread the virus to others.”<sup>22</sup>

19 79. The effectiveness of the COVID vaccines has been determined to wane  
20 rapidly. Israel, the most vaccinated and studied nation, now expires the vaccine’s  
21 effectiveness at six months.<sup>23</sup> The requirement for booster shots due to this waning of  
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23  
24 <sup>19</sup> FDA, *Coronavirus (COVID-19) | CBER-Regulated Biologics*, <https://www.fda.gov/vaccines-blood-biologics/industry-biologics/coronavirus-covid-19-cber-regulated-biologics>; FDA, *Coronavirus Treatment Acceleration Program (CTAP)*, <https://www.fda.gov/drugs/coronavirus-covid-19-drugs/coronavirus-treatment-acceleration-program-ctap>.

25 <sup>20</sup> CDC, *Variant Proportions* (last accessed September 30, 2021), <https://covid.cdc.gov/covid-data-tracker/#variant-proportions>.

26 <sup>21</sup> The Lancet, *Transmission of SARS-CoV-2 Delta Variant Among Vaccinated Healthcare Workers, Vietnam* (August 10, 2021) <https://ssrn.com/abstract=3897733>

27 <sup>22</sup> <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>

28 <sup>23</sup> <https://www.businessinsider.com/israel-vaccine-pass-to-expire-after-6-months-booster-shots-2021-9>

1 effectiveness has been recognized by the CDC, which initially recommended no booster  
2 shots, then annually, then at 8 months and then 6 months.

3 **C. VAERS Reports Point to Significant Levels of Vaccine Injury.**

4 80. As part of the 1990 Public Readiness and Emergency Preparedness Act,  
5 the FDA and CDC created the Vaccine Adverse Event Reporting System (“VAERS”)  
6 to receive reports about suspected adverse events that may be associated with vaccines.  
7 VAERS is intended to serve as an early warning system to safety issues.

8 81. It has been well established even prior to COVID that only 1-10% of  
9 adverse events are reported.<sup>24</sup> This is known as the “Under-Reporting Factor”  
10 (“URFs”). While many reported adverse events are mild, about 15% of total adverse  
11 events are found to be serious adverse events.<sup>25</sup>

12 82. The long-established CDC database VAERS demonstrates significantly  
13 higher reports of deaths and adverse events with the COVID vaccines than with prior  
14 vaccines.<sup>26</sup> There are reports of neurological adverse events, including Guillain-Barre,  
15 Bell’s Palsy, Transverse Myelitis, Paralysis, Seizure, Stroke, Dysstasia, Aphasia, and  
16 Tinnitus, as well as cardiovascular events such as clot and cardiac arrest.

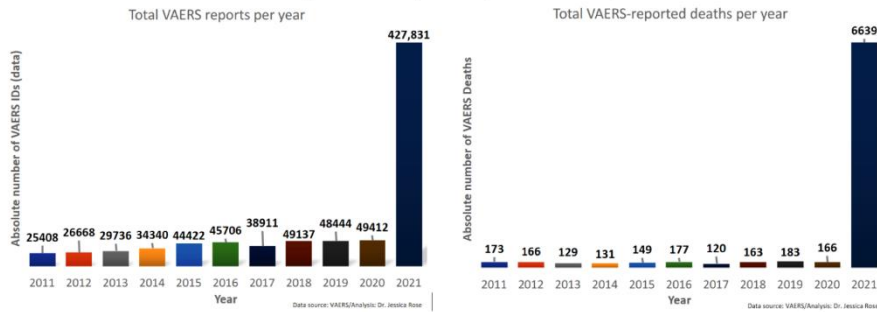
17 83. As one can see from this chart, VAERS reports regarding the COVID  
18 vaccines are extraordinarily high.

24 Lazarus, Ross et al. Grant Final Report. Grant ID: R18 HS 017045. Electronic Support for Public Health–Vaccine Adverse Event Reporting System (ESP:VAERS). Submitted to The Agency for Healthcare Research and Quality (AHRQ).

25 [https://vaers.hhs.gov/docs/VAERSDataUseGuide\\_November2020.pdf](https://vaers.hhs.gov/docs/VAERSDataUseGuide_November2020.pdf)

26 [https://cf5e727d-d02d-4d71-89ff-9fe2d3ad957f.filesusr.com/ugd/adf864\\_0490c898f7514df4b6fbc5935da07322.pdf](https://cf5e727d-d02d-4d71-89ff-9fe2d3ad957f.filesusr.com/ugd/adf864_0490c898f7514df4b6fbc5935da07322.pdf)  
27 <https://wonder.cdc.gov/vaers.html>

Figure 1: Bar plots showing the number of VAERS reports (left) and reported deaths (right) per year for the past decade. (2021 is partial data set.)



**D. COVID Vaccines Create Immunological Cripples, Vaccine Addicts, Super-Spreaders, and a Higher Chance of Death and Severe Hospitalization**

84. The COVID vaccines are not traditional vaccines.<sup>27</sup> Instead most carry coded instructions that cause cells to reproduce one portion of the SARS-CoV-2 virus, the spike protein. The vaccines thus induce the body to create spike proteins. A person only creates antibodies against this one limited portion (the spike protein) of the virus. This has several downstream deleterious effects.

85. First, these vaccines “mis-train” the immune system to recognize only a small part of the virus (the spike protein). Variants that differ, even slightly, in this protein, such as the Delta variant, are able to escape the narrow spectrum of antibodies created by the vaccines.

86. Second, the vaccines create “vaccine addicts,” meaning persons become dependent upon regular booster shots, because they have been “vaccinated” only against a tiny portion of a mutating virus. The Australian Health Minister Dr. Kerry Chant has stated that COVID will be with us forever and people will “have to get used to” taking

<sup>27</sup> FDA, *Coronavirus (COVID-19) | CBER-Regulated Biologics*, <https://www.fda.gov/vaccines-blood-biologics/industry-biologics/coronavirus-covid-19-cber-regulated-biologics>; FDA, *Coronavirus Treatment Acceleration Program (CTAP)*, <https://www.fda.gov/drugs/coronavirus-covid-19-drugs/coronavirus-treatment-acceleration-program-ctap>.



1 endless vaccines. “This will be a regular cycle of vaccination and revaccination.”<sup>28</sup>

2 87. Third, the vaccines do not prevent infection in the nose and upper airways,  
3 and vaccinated individuals have been shown to have much higher viral loads in these  
4 regions. This leads to the vaccinated becoming “super-spreaders” as they are carrying  
5 extremely high viral loads. <sup>29</sup>

6 88. In addition, the vaccinated may become more clinically ill than the  
7 unvaccinated. Scotland reported that the infection fatality rate in the vaccinated is 3.3  
8 times the unvaccinated and the risk of death if hospitalized is 2.15 times the  
9 unvaccinated.<sup>30</sup>

10 **E. Effective Treatments Are Available**

11 **i. Ivermectin Is Effective**

12 89. Ivermectin--a cheap, safe, widely available generic medication, whose  
13 precursor won the Nobel Prize in Medicine in 2015--treats and cures SARS-CoV-2  
14 infection, both while in the early infectious stage and later stages.<sup>31</sup> The evidence is  
15 both directly observed in multiple randomized controlled trials and epidemiological  
16 evidence worldwide. There are now more than sixty (60) studies demonstrating its  
17 efficacy as well as noting that nations that use ivermectin see their death rates plummet  
18 to 1% of the death rates of nations that do not.

19 **ii. Hydroxychloroquine Is Effective**

20 90. Hydroxychloroquine (HCQ) is a cheap, safe, widely available generic  
21 medication used billions of times annually in all countries around the world including  
22 the United States. It is typically prescribed for rheumatoid arthritis and lupus. HCQ

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24  
25 <sup>28</sup> <https://www.zerohedge.com/covid-19/aussie-health-chief-covid-will-be-us-forever-people-will-have-get-used-endless-booster>

26 <sup>29</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3897733](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3897733)

27 <sup>30</sup> [https://jeffreydachmd.com/wp-content/uploads/2021/08/Public-Health-Scotland-21-08-04-covid19-publication\\_report.pdf](https://jeffreydachmd.com/wp-content/uploads/2021/08/Public-Health-Scotland-21-08-04-covid19-publication_report.pdf), [https://jeffreydachmd.com/wp-content/uploads/2021/08/Public-Health-Scotland-21-09-01-covid19-publication\\_report.pdf](https://jeffreydachmd.com/wp-content/uploads/2021/08/Public-Health-Scotland-21-09-01-covid19-publication_report.pdf)

28 <sup>31</sup> <https://ivmmeta.com/ivm-meta.pdf>



1 treats and cures SARS-CoV-2 infection effectively in the early infectious stage. HCQ  
2 also provides substantial reduction in mortality in later stages.<sup>32, 33</sup> There are now more  
3 than 300 studies demonstrating its efficacy and nations that use HCQ have 1-10% of  
4 the death rate of nations that do not. HCQ is on the WHO’s List of Essential Medications  
5 that all nations should always have available. Chloroquine (an earlier version of HCQ)  
6 has been in continuous use for SARS-CoV-2 in China since February 2020.<sup>34</sup>

7 **iii. Budesonide Is Effective**

8 91. Budesonide, a cheap, safe, widely available generic inhaler medication  
9 used commonly in the United States, typically for emphysema, effectively treats SARS-  
10 CoV-2 infection while in the early infectious stage.<sup>35</sup> This was published in The Lancet  
11 in April 2021.<sup>36</sup> The trial at ClinicalTrials.gov was stopped early because steroids were  
12 shown to be so effective.<sup>37</sup>

13 **iv. Monoclonal Antibodies Are Effective**

14 92. Monoclonal antibodies are approved for COVID early treatment and are  
15 highly effective and universally safe.

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23 <sup>32</sup> <https://hcqmeta.com>

24 <sup>33</sup> [https://docs.google.com/document/d/1vDD8JkHe62hmpkalx1tejkd\\_zDnVwJ9XXRjgXAc1qUc/edit](https://docs.google.com/document/d/1vDD8JkHe62hmpkalx1tejkd_zDnVwJ9XXRjgXAc1qUc/edit)

25 <sup>34</sup> [https://www.jstage.jst.go.jp/article/bst/14/1/14\\_2020.01047/\\_article](https://www.jstage.jst.go.jp/article/bst/14/1/14_2020.01047/_article)

26 <sup>35</sup> [https://c19protocols.com/wp-content/uploads/2021/03/COVID\\_Budesonide\\_Oxford-Based\\_Dosing\\_Guidance.pdf](https://c19protocols.com/wp-content/uploads/2021/03/COVID_Budesonide_Oxford-Based_Dosing_Guidance.pdf)

27 <sup>36</sup> The Lancet, *Inhaled Budesonide in the treatment of early COVID-19 (STOIC): a phase 2, open-label randomized controlled trial* (July 1, 2021), [https://www.thelancet.com/article/S2213-2600\(21\)00160-0/fulltext](https://www.thelancet.com/article/S2213-2600(21)00160-0/fulltext)

28 <sup>37</sup> ClinicalTrials.gov, *STerOids in COVID-19 Study (STOIC)* (February 8, 2021), <https://clinicaltrials.gov/ct2/show/NCT04416399>; The Lancet – Respiratory Medicine, *Inhaled budesonide in the treatment of early COVID-19 (STOIC): a phase 2, open-label, randomised controlled trial* (April 9, 2021) [https://www.thelancet.com/article/S2213-2600\(21\)00160-0/fulltext](https://www.thelancet.com/article/S2213-2600(21)00160-0/fulltext).

1 **FIRST CAUSE OF ACTION**

2 **Violation of Fourteenth Amendment**

3 **Substantive Due Process – 42 U.S.C. § 1983**

4 **(Plaintiffs Against All Defendants)**

5 93. Plaintiffs reallege and incorporate by reference their allegations in each of  
6 the preceding paragraphs of the Complaint as if fully alleged herein.

7 94. The Mandate and various City Departments’ General Orders enforcing it  
8 violates the liberty protected by the Fourteenth Amendment to the Constitution, which  
9 includes rights of personal autonomy, self-determination, bodily integrity, and the right  
10 to reject medical treatment.

11 95. The ability to decide for oneself whether to accept or refuse medical  
12 treatment is a fundamental right.

13 96. The COVID vaccines are not vaccines, but are, as a factual matter,  
14 treatments. They are referred to herein as vaccines, but they are not. They are  
15 treatments.

16 97. Because the COVID vaccines are treatments – not vaccines – strict scrutiny  
17 applies. The High Court has recognized a “general liberty interest in refusing medical  
18 treatment.” (*Cruzan by Cruzan v. Director, Missouri Dept. of Health* (1990) 497 U.S.  
19 261, 278.) It has also recognized that the forcible injection of medication into a  
20 nonconsenting person’s body represents a substantial interference with that person’s  
21 liberty. (*Washington v. Harper* (1990) 494 U.S. 210; *see also id* at 223 (further  
22 acknowledging in dicta that, outside of the prison context, the right to refuse treatment  
23 would be a “fundament right” subject to strict scrutiny.”

24 98. Accordingly, the Mandate and various City Departments’ General Orders  
25 enforcing it violates the Plaintiffs’ constitutional right to decisional privacy with regard  
26 to medical treatment.

1           99. As mandated medical treatments are a substantial burden, Defendants must  
2 prove that the Mandate is narrowly tailored to meet a compelling interest.

3           100. No such compelling interest exists because, as alleged above, the COVID  
4 vaccines are not effective against the now dominant Delta variant of COVID in that  
5 they do not prevent the recipient from becoming infected, getting reinfected, or  
6 transmitting COVID to others. Indeed, evidence shows that vaccinated individuals have  
7 more COVID in their nasal passages than unvaccinated people do. The Delta variant is  
8 the current variant and accounts for over 90% of the COVID infections in the United  
9 States at this time.

10           101. The COVID vaccines may have been somewhat effective against the  
11 original COVID strain, but that strain has come and gone, and the COVID vaccines—  
12 designed to fight yesterday’s threat—are simply ineffective against the current Delta  
13 variant.

14           102. Since the COVID vaccines are ineffective against the Delta variant, there  
15 can be no compelling interest to mandate their use at this time.

16           103. But even if there were a compelling interest in mandating the COVID  
17 vaccinations, the Mandate is not narrowly tailored to achieve such an interest.

18           104. The blanket Mandate ignores individual factors increasing or decreasing  
19 the risks that the plaintiffs—indeed, all City employees—pose to themselves or to  
20 others.

21           105. Defendants entirely disregard whether employees have already obtained  
22 natural immunity despite the fact that natural immunity does actually provide immunity  
23 whereas the COVID vaccines do not.

24           106. Treating all employees the same, regardless of their individual medical  
25 status, risk factors, and natural immunity status is not narrowly tailored.

26           107. Pursuant to 42 U.S.C. § 1983, Plaintiffs are entitled to temporary,  
27 preliminary, and permanent injunctive relief restraining Defendants from enforcing the  
28

1 Mandate.

2 **SECOND CAUSE OF ACTION**

3 **Violation of Fourteenth Amendment**

4 **Equal Protection 42 U.S.C. § 1983**

5 **(Plaintiffs Against All Defendants)**

6 108. Plaintiffs reallege and incorporate by reference their allegations in each of  
7 the preceding paragraphs of the Complaint as if fully alleged herein.

8 109. The Equal Protection Clause prohibits classifications that affect some  
9 groups of citizens differently than others. (Engquist v. Or. Dept. of Agric. (2008) 553  
10 U.S. 591, 601.) The touchstone of this analysis is whether a state creates disparity  
11 between classes of individuals whose situations are arguably indistinguishable. (Ross  
12 v. Moffitt (1974) 417 U.S. 600,609.)

13 110. The Mandate creates two classes of City employees; vaccinated and  
14 unvaccinated, as well as employees who have reported their vaccination status to the  
15 City and those who have not. The members of one class, the unvaccinated, get  
16 terminated. The same is true for the non-reporting class irrespective of vaccination  
17 status. In either event they cannot advance their careers. They cannot provide for their  
18 families, pay their mortgages, or make a car payment. The other class, the vaccinated  
19 and reporting, gets to keep their job in their chosen profession, advance their careers,  
20 provide for their families, pay their mortgages, and make their car payments.

21 111. Yet the situations of these employees are indistinguishable because  
22 vaccinated and reporting City employees can become infected with COVID, become  
23 re-infected with COVID, and can transmit COVID to fellow employees, school visitors,  
24 and students. The vaccines make no difference in these respects. Their only function is  
25 to make symptoms less severe.

26 112. Discriminating against the unvaccinated and non-reporting controverts the  
27 goals of the Equal Protection Clause – i.e., to abolish barriers presenting unreasonable  
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1 obstacles to advancement on the basis of individual merit.

2 113. Pursuant to 42 U.S.C. § 1983, Plaintiffs are entitled to temporary,  
3 preliminary, and permanent injunctive relief restraining Defendants from enforcing the  
4 Vaccine Mandate.

5 **THIRD CAUSE OF ACTION**

6 **Declaratory and Injunctive Relief under Cal. Constitution**

7 **(Plaintiffs Against All Defendants)**

8 114. Plaintiffs reallege and incorporate by reference their allegations in each of  
9 the preceding paragraphs of the Complaint as if fully alleged herein.

10 115. The Plaintiffs are employed by the City. They have not complied with the  
11 City's Mandate, including reporting of their vaccination status. They object to being  
12 compelled to turn over their private medical information to the City as a condition of  
13 their continued employment.

14 116. Individuals have a right to privacy under the California Constitution. This  
15 state law privacy right, which was added by voters in 1972, is far broader than the right  
16 to privacy under the federal Constitution. It is the broadest privacy right in America and  
17 has been interpreted by the California Supreme Court to protect both the right to  
18 informational privacy and to bodily integrity.

19 117. City employees have a legally protected privacy interest not just in their  
20 bodily integrity, but their private medical information as well. Their expectation of  
21 privacy is reasonable. The City's Mandate constitutes a serious invasion of those  
22 privacy rights, as alleged above.

23 118. Although the City may argue that the vaccine mandate serves a compelling  
24 interest, there are feasible and effective alternatives that have a lesser impact on privacy  
25 interests. Thus, the City's mandate will not survive strict scrutiny.

26 119. On information and belief, the City contends that its mandate does not  
27 violate the privacy rights of City employees or satisfies strict scrutiny.

1           120. Plaintiffs desire a judicial declaration that the City’s Mandate is facially  
2 unconstitutional because it violates the City’s employees’ right to privacy under the  
3 California Constitution.

4           121. A judicial determination of these issues is necessary and appropriate  
5 because such a declaration will clarify the parties’ rights and obligations, permit them  
6 to have certainty regarding those rights and potential liability, and avoid a multiplicity  
7 of actions.

8           122. The City’s actions have harmed Plaintiffs among other City employees, as  
9 alleged above.

10          123. Plaintiffs have no adequate remedy at law and will suffer irreparable harm  
11 if the Court does not declare the Mandate unconstitutional. Thus, they seek preliminary  
12 and permanent injunctive relief enjoining the City from enforcing the mandate.

13          124. This action serves the public interest, justifying an award of attorneys’ fees  
14 under section 1021.5 of the California Code of Civil Procedure.

15                                           **FOURTH CAUSE OF ACTION**

16          **Declaratory and Injunctive Relief under Americans with Disabilities Act 42 USC**

17                   **§§ 12101, et seq. – Disparate Treatment and Failure-To-Accommodate**

18                                           **(Plaintiffs Against Defendants)**

19          125. Plaintiffs reallege and incorporate by reference their allegations in each of  
20 the preceding paragraphs of the Complaint as if fully alleged herein.

21          126. Defendants’ enforcement of the Mandate through termination of non-  
22 compliant Plaintiffs without engaging in an interactive process with each employee to  
23 identify and implement appropriate reasonable accommodations enabling the employee  
24 to perform their job duties directly violates, and conflicts with, their duties and  
25 obligations under the Americans with Disabilities Act (“ADA”). 42 USC §§ 12101, et  
26 seq.

27          127. Defendants have threatened to, and in several instances have, placed  
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1 Plaintiffs on administrative leave and threatened termination from their employment  
2 because of Defendants’ belief that Plaintiffs’ physical condition of being unvaccinated  
3 and/or having failed to report their vaccination status makes them incapable of  
4 performing the duties they have performed competently for nearly two years since the  
5 COVID pandemic first appeared.

6 128. Defendants’ mandatory vaccination is based on Defendants’ perception  
7 that those who are unvaccinated present a danger of infection to themselves from  
8 contact with others and a danger to others from contagion. As a consequence, it is  
9 apparently Defendants’ view that without the safety of vaccination and reporting the  
10 Plaintiffs are not capable of performing their work by reason of their physical condition  
11 and thus are regarded as being disabled.

12 129. Defendants’ threat to terminate the Plaintiffs’ employment by reason of  
13 their physical condition constitutes discrimination on the basis of a perception of  
14 disability in violation of the ADA, 42 USC 126. See, §§ 12102(3) (forbidding  
15 discrimination on the basis of a person being regarded as having an impairment); and §  
16 12112 (forbidding any impairment in the terms of employment of an individual on the  
17 basis of a perception of impairment.)

18 130. Further Plaintiffs are qualified individuals with a disability, because they  
19 remain able, with or without reasonable accommodation, to perform the essential  
20 functions of the employment position that Plaintiffs hold, as demonstrated by the fact  
21 Plaintiffs’ have performed their essential job functions competently for nearly two years  
22 since the COVID pandemic first appeared and, in many instances, continued those  
23 operations without cessation during worst of the pandemic as essential workers.

24 131. Further, assuming for the sake of argument, Plaintiffs become unable to  
25 perform their essential job functions by virtue Defendants’ perception that as of the  
26 arbitrary and capricious deadlines specified in the Mandate unvaccinated and/or non-  
27 reporting employees then present a danger of infection to themselves from contact with  
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1 others and a danger to others from contagion, there exists an abundance of reasonable  
2 accommodations designed to mitigate the risk of contagion that the City implemented,  
3 and relied on, such as remote work, social distancing, erection of transparent barriers,  
4 face masking, alternate shifts to alleviate crowding in the work place, advanced cleaning  
5 protocols, and efforts to improve ventilation, among other things.

6 132. An actual controversy involving justiciable questions related to this  
7 controversy exists related to the rights and obligations of the respective parties with  
8 respect to the ADA.

9 133. Plaintiffs seek a judicial declaration that proceeding with the imposition of  
10 the threatened employment sanctions is a violation of the ADA and seek an order  
11 restraining and enjoining Defendants from violation of the ADA by employment  
12 sanction on the basis of perceived physical disability.

13 **FIFTH CAUSE OF ACTION**

14 **Violation of Due Process – *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194**  
15 **(Plaintiffs Against all Defendants)**

16 134. Plaintiffs reallege and incorporate by reference their allegations in each of  
17 the preceding paragraphs of the Complaint as if fully alleged herein.

18 135. Defendants have suspended various City employees, including Plaintiffs  
19 by placing them on administrative leave for failure to comply with the Mandate.

20 136. Under *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194 and its progeny  
21 Plaintiffs have a property interest in continued employment with City protected by due  
22 process.

23 137. On information and belief, the City contends that it does not have to afford  
24 Plaintiffs a full and complete *Skelly* hearing and rights and has instead suspended its  
25 employees administratively including the Plaintiffs for five days or more, without a  
26 hearing within a reasonable time thereafter and providing written notice explaining: (i)  
27 the charge; (ii) proposed discipline; (iii) the policy or rule violated; (iv) the factual basis  
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1 for the same; (v) produced the documents purporting to support the charge(s); (vi)  
2 containing a date for an in-person hearing; and (vii) the deadline for any response.

3 138. An actual controversy involving justiciable questions related to this  
4 controversy exists related to the rights and obligations of the respective parties with  
5 respect to Plaintiffs’ and City employees’ rights under *Skelly v. State Personnel Bd.*  
6 (1975) 15 Cal.3d 194 and its progeny

7 139. Plaintiffs seek a judicial declaration that proceeding with the imposition of  
8 the threatened employment sanctions is a violation of *Skelly* and seek an order  
9 restraining and enjoining Defendants from proceeding with the imposition of the  
10 threatened employment sanctions before affording due process under *Skelly*.

11 **PRAYER**

12 Wherefore, Plaintiffs pray for judgment in their favor and against Defendants as  
13 follows:

14 **ON THE FIRST CAUSE OF ACTION**

- 15 1. Temporary, preliminary, and permanent injunctive relief restraining  
16 Defendants from enforcing the Mandate; and  
17 2. For reasonable attorneys’ fees.

18 **ON THE SECOND CAUSE OF ACTION**

- 19 1. Temporary, preliminary, and permanent injunctive relief restraining  
20 Defendants from enforcing the Vaccine Mandate; and  
21 2. For reasonable attorneys’ fees.

22  
23 **ON THE THIRD CAUSE OF ACTION**

- 24 1. A judicial declaration that the City’s Mandate is facially unconstitutional  
25 because it violates Plaintiffs’ and City employees’ right to privacy under the California  
26 Constitution; and  
27 2. Preliminary and permanent injunctive relief enjoining the City from  
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1 enforcing the Mandate.

2 **ON THE FOURTH CAUSE OF ACTION**

3 1. A judicial declaration that proceeding with the imposition of the threatened  
4 employment sanctions is a violation of the ADA; and

5 2. An order restraining and enjoining Defendants from violation of the ADA  
6 by employment sanction on the basis of perceived physical disability.

7 **ON THE FIFTH CAUSE OF ACTION**

8 1. A judicial declaration proceeding with the imposition of the threatened  
9 employment sanctions is a violation of Skelly; and

10 2. An order restraining and enjoining Defendants from proceeding with the  
11 imposition of the threatened employment sanctions before affording due process under  
12 *Skelly*.

13 **ON ALL CAUSES OF ACTION**

- 14 1. For judgment in favor of Plaintiffs;  
15 2. For costs of suit herein; and  
16 3. For such other and further relief as the Court may deem just and proper.

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23 Respectfully Submitted,

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25 Dated: October 21, 2021

**JW HOWARD/ ATTORNEYS LTD.**

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By:

*/s/ John W. Howard*

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# EXHIBIT “A”



## COVID-19 Vaccination Policy

Issued: 6/23/2021

Amended 8/6/2021

Amended 9/8/2021

**9/8/2021 Revision:** *This revision updates the vaccination policy for all employees subject to the San Francisco Health Officer's [Safer-Return-Together Order](#) ("SF Health Order") (last amended August 24, 2021) and extends the original September 15, 2021 deadline to September 30, 2021 for Employees who are assigned to or routinely work onsite in High-Risk settings or other Health Care Facilities and October 13, 2021 for Employees intermittently or occasionally working in High-Risk settings.*

*This revision also clarifies the vaccination deadline for all City employees who do not fall under the Health Order or the [CDPH Vaccination Status Order](#) as November 1, 2021, following the August 23, 2021, FDA approval of the Pfizer-BioNTech (Comirnaty) vaccine for the prevention of COVID-19 disease in individuals 16 years of age and older.*

**8/6/2021 Revision:** *This revision updates the vaccination policy for all employees subject to the San Francisco Health Officer's [Safer-Return-Together Order](#) ("SF Health Order") (last amended August 2, 2021) and who are required to be vaccinated no later than September 15, 2021 employees for regularly scheduled to work in high-risk settings and no later than October 13, 2021 for employees who may occasionally or intermittently enter high-risk settings as part of their job. All employees are required to report their vaccination status to the City by the August 12, 2021 extended deadline.*

*This revision also clarifies that the City's Vaccination Policy applies to City interns, volunteers, and City fellows (including but not limited to McCarthy Fellows, and Willie Brown Fellows). Generally, all such persons must show proof of full vaccination status to the Departmental Personnel Officer or Human Resources personnel at the department where they intern, volunteer or have their fellowship, who will verify that the individual has shown appropriate documentation that they are fully vaccinated before the start of their internship, fellowship or volunteer activity, or, if they are a current intern, fellow or volunteer, by no later than the applicable deadline under the SF Health Order (if in a high-risk setting) or by October 13, 2021. Departments must not retain copies of the individual's vaccination record after verification. An addendum has been added to provide the dates by which all subject to this policy must report and begin the vaccination process.*

### PURPOSE STATEMENT

The City and County of San Francisco (City) must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as it reopens services and returns more employees to workplaces.

According to the federal Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the San Francisco County Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated employees, interns, fellows, and volunteers are at greater risk of contracting and spreading COVID-19 within the workplace and City facilities, and to the public that depends on City services.

To best protect its employees and others in City facilities, and fulfill its obligations to the public, all employees must, as a condition of employment: (1) report their vaccination status to the City; and (2) be fully vaccinated and report that vaccination status to the City no later than either the applicable deadline under the San Francisco Health Order, if it applies, or 10 weeks after the Federal Food & Drug Administration (FDA) giving final approval to at least one COVID-19 vaccine (November 1, 2021).

### **LEGAL REQUIREMENTS**

On June 17, 2021, Governor Newsom issued Executive Order No. N-09-21, which implements new California Division of Occupational Safety and Health (Cal/OSHA) rules, effective June 17, 2021. These rules require employers to take specific measures to protect employees from COVID-19, including enforcing masking and quarantine requirements, and offering COVID-19 testing and time off, for employees who are unvaccinated or for whom the employer does not have documentation verifying they are fully vaccinated. The Cal/OSHA rules require employers to verify and document that an employee is fully vaccinated before allowing that employee to discontinue masking indoors. For unvaccinated employees or employees for whom the City does not have documentation verifying fully vaccinated status, the City must enforce masking, provide COVID-19 testing following a close contact in the workplace or anytime they have COVID-19 symptoms, and exclude these employees from the workplace for 10 days after a close contact. Upon request, the City also must provide non-vaccinated employees with respirators (N95 masks) and provide education about using that type of mask.

On July 26, 2021 CDPH issued an Order ([CDPH Vaccination Status Order](#)) that workers in high-risk and other healthcare settings must report their vaccination status no later than August 23, 2021. The CDPH Vaccination Status Order also requires routine testing and more rigorous masking for unvaccinated or only partially vaccinated personnel working in these settings.

On August 24, 2021, the San Francisco Health Officer updated the [SF Health Order](#) requiring all employers to determine the vaccination status of employees who routinely work onsite in high-risk settings by no later than September 30, 2021 and precluding unvaccinated employees from entering those facilities after that date, and precluding unvaccinated employees who may occasionally or intermittently enter those settings from entering those facilities after October 13, 2021. This order further requires employees (among others) to remain masked in the workplace, effectively superseding the Cal/OSHA COVID-19 Temporary Emergency Standard which allows vaccinated employees who had documented that status to remove their masks.

On August 2, 2021 DHR issued a revised policy Face Coverings at Work Policy that complies with both the state and local health orders and can be found here:

<https://sfdhr.org/sites/default/files/documents/COVID-19/Face-Covering-Requirements-at-Work.pdf>

On August 5, 2021, CDPH issued a new Order ([Health Care Worker Vaccine Requirement](#)) mandating all workers who provide services or work in identified health care facilities to receive their final dose of a vaccine regimen *no later than September 30, 2021*. The only exemptions to the Health Care Worker Vaccine Requirement are for workers who have a documented and [approved exemption](#) from vaccination on the basis of a sincerely-held religious belief or due to a qualifying medical condition or restriction.

## STATEMENT OF POLICY

### Definition of “Employees” Under This Policy

For purposes of this policy only, the term “employees” includes all full, part-time, and as-need City employees regardless of appointment type, volunteers, interns, and City fellows (such as San Francisco Fellows, McCarthy Fellows, Fish Fellows, and Willie Brown Fellows).

### Requirement to Report Vaccination Status

To protect the City’s workforce and the public that it serves, all City employees were required to report their vaccination status to the City by July 29, 2021 (with a subsequent extension to August 12, 2021), by providing the following information:

- Whether the employee is vaccinated (yes or no)
- For employees who are vaccinated or partly vaccinated:
  - The type of vaccine obtained (Moderna, Pfizer, or Johnson & Johnson, or other vaccine received in approved clinical trials)
  - Date of first dose vaccine;
  - Date of second vaccine for a 2-dose vaccine;
  - Declaration under penalty of perjury that they have been fully vaccinated, and
  - Upload documentation verifying proof of vaccination status. Proof of vaccination can include a copy of the CDC COVID-19 Vaccination Record Card, documentation of vaccine from the employee’s healthcare provider, or documentation issued by the State of California by going to:  
<https://myvaccinerecord.cdph.ca.gov/>

To be fully vaccinated, 14 days must have passed since an employee received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. All unvaccinated employees must continue to comply with masking, testing, and other safety requirements until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy. Employees who previously reported that they were unvaccinated must update their status once they are fully vaccinated.

Failure to comply with the reporting requirement may result in discipline, or non-disciplinary separation from employment with the City for failure to meet the minimum qualifications of the job.

### **How to Report Vaccination Status**

Volunteers, interns, and City fellows must verify that they are fully vaccinated to the Departmental Personnel Officer or Human Resources professional by showing a copy of their CDC COVID-19 Vaccination Record Card, documentation from the individual's healthcare provider, or documentation issued by the State of California as described above. The department must retain documentation that the individual's vaccination status has been verified **but must not retain copies of the individual's vaccination record.**

All other employees must report their vaccination information and upload documentation verifying that status into the City's People & Pay system using the Employee Portal or by hand using the COVID-19 Vaccination Status Form. Only City employees authorized to access employee personnel information will have access to the medical portion of the file. The City will share information about an employee's vaccination status only on a need-to-know basis, including to the employee's department, managers, and supervisors for the purpose of enforcing masking, quarantining in the event of a close contact, and other safety requirements.

### **Vaccination Requirements for Employees**

1. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees routinely assigned to or working onsite in high-risk settings must receive their final dose of a vaccine regimen no later than September 30, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who are routinely assigned to or working onsite in high-risk settings. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.

2. To comply with the CDPH Health Care Worker Requirement and ensure delivery of City services, City policy requires that all City employees who are not otherwise covered by the SF Health Order, but who provide services or work in the health care facilities identified in the state's order, must receive their final dose of a vaccine regimen no later than September 30, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious-beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees provide services or work in the health care facilities identified in the state's order. Those employees who fail to meet the vaccination and reporting requirements under this Policy



will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.

3. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees who in the course of their duties may enter or work in high-risk settings even on an intermittent or occasional basis or for short periods of time must be fully vaccinated — no later than October 13, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who in the course of their duties may enter or work in high-risk settings even on an intermittent or occasional basis or for short periods of time. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and therefore unable to perform an essential function of their job and will not meet the minimum requirements to perform their job.

4. Volunteers, interns, and City fellows must be fully vaccinated – and must have reported that status and providing documentation verifying that status to the Departmental Human Resources personnel – as a condition of serving as a City volunteer, intern or fellow. Those already working and who do not fall under the SF Health Order must be fully vaccinated no later than October 13, 2021. Failure to comply with this policy will result in suspension of the internship, fellowship, or volunteer opportunity until such time as the individual provides verification that they are fully vaccinated.

5. All other City employees must be fully vaccinated as a condition of employment within ten weeks after the FDA provides final approval to at least one COVID-19 vaccine (November 1, 2021), unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious beliefs. Any employee with an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. Once the vaccination deadline is reached (November 1, 2021) the vaccination and reporting requirements are conditions of City employment and a minimum qualification for all City employees.

Failure to comply with this Policy may result in a disciplinary action, or non-disciplinary separation from employment for failure to meet the minimum qualifications of the job.

### **Requesting an Exemption from the Vaccination Requirement**

Employees with a medical condition or other medical restriction that affects their eligibility for a vaccine, as verified by their medical provider, or those with a sincerely held religious belief that prohibits them from receiving a vaccine, may request a reasonable accommodation to be excused from this vaccination requirement but must still report their status by the August 12, 2021 extended deadline. The City will review requests for accommodation on a case-by-case basis and engage in an interactive process with employees who submit such requests. For some

positions where fully vaccinated status is required to enter the facility where the employee works, an accommodation may require transfer to an alternate vacant position, if available, in another classification for which the employee meets the minimum qualifications. Requests for Reasonable Accommodation forms and procedures can be found here: <https://sfdhr.org/new-vaccine-and-face-covering-policy-city-employees>

## COVID-19 VACCINATION COMPLIANCE DEADLINES ADDENDUM TO VACCINATION POLICY AMENDED AUGUST 5, 2021

Below are the vaccination status reporting deadlines for City employees.

| COVID-19 VACCINATION STATUS REPORTING DEADLINES |                                                       |
|-------------------------------------------------|-------------------------------------------------------|
| <b>July 29, 2021</b>                            | Reporting Deadline                                    |
| <b>August 12, 2021</b>                          | Grace Period - Final day to report vaccination status |

Below are the vaccination deadlines for City employees. City employees working in high-risk settings are subject to non-disciplinary release if not vaccinated by the deadlines referenced below for failure to meet the minimum qualifications of their jobs.

| COVID-19 VACCINATION DEADLINES BY EMPLOYEE TYPE                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Employees who are assigned to or routinely work onsite in High-Risk Settings or other Health Care Facilities</b> | Must receive their final dose of a vaccine regimen <i>no later than</i> <b>September 30, 2021</b> . <ul style="list-style-type: none"> <li>• <b>Moderna:</b> First shot <i>no later than</i> September 2, 2021; Second shot <i>no later than</i> September 30, 2021.</li> <li>• <b>Pfizer:</b> First shot <i>no later than</i> September 9, 2021; Second shot <i>no later than</i> September 30, 2021.</li> <li>• <b>Johnson &amp; Johnson:</b> First shot <i>no later than</i> September 30, 2021</li> </ul> |
| <b>Employees intermittently or occasionally working in “High-Risk Settings”</b>                                     | Must be fully vaccinated <i>no later than</i> <b>October 13, 2021</b> . <ul style="list-style-type: none"> <li>• <b>Moderna:</b> First Shot <i>no later than</i> September 1, 2021;<br/>Second Shot <i>no later than</i> September 29, 2021</li> <li>• <b>Pfizer:</b> First Shot <i>no later than</i> September 8, 2021;<br/>Second Shot <i>no later than</i> September 29, 2021</li> <li>• <b>Johnson &amp; Johnson:</b> First Shot <i>no later than</i> September 29 2021</li> </ul>                        |
| <b>All other employees not working in “High-Risk” or other health care settings</b>                                 | Must be fully vaccinated <i>no later than</i> <b>November 1, 2021</b> . <ul style="list-style-type: none"> <li>• <b>Moderna:</b> First shot <i>no later than</i> September 20, 2021; Second shot <i>no later than</i> October 18, 2021.</li> <li>• <b>Pfizer:</b> First shot <i>no later than</i> September 27, 2021; Second shot <i>no later than</i> October 18, 2021.</li> </ul> <b>Johnson &amp; Johnson:</b> First shot <i>no later than</i> October 18, 2021                                            |

Notice of Demand to be Freed from Federal, State and Corporate Interference  
Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

I, one of the People as seen in the California State Constitution, Sui Juris, am giving you this notice that you and any and all of your agents may be notified and give due care:

I declare that the People have all political power as shown in all 50 state Constitutions; as with all other public agencies, the political power resides with the people and is inherent in the people. Any political power assigned to an elected official is only given at the behest of the people and may be withdrawn by the people at any time.

I declare that the government workers are the servants and trustees of the people as seen in the several constitutions: Arizona, West Virginia and California Constitutions as they described the role of the government worker in a Republic (See evidence below):

Constitution of the State of California, 1879, Declaration of Rights, Article II, § 1 - "All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require."

Please take further notice that I, as one of the People, do realize that as servants, you are not granted authority by the Federal or any State Constitution to force mandates on adults and children; masks, any vaccine, drugs, testing, lockdowns, vaccine passports, social distancing, censorship of social media, censorship of communication, restriction in movement, restriction in assembling, or any other thing that may infringe on the liberty of the people.

These rights and liberties fall under the Declaration of Rights also as outlined in the California Constitution which states:

Constitution of the State of California, ART. I, § 1. INHERENT AND INALIENABLE RIGHTS:  
"All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property: and pursuing and obtaining safety and happiness."

California Declaration of Rights Article 1 § 3 - The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

California Declaration of Rights Article 1 § 2 - Every person may freely speak, write, and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

Please take further notice that the forefathers in this land considered Public Officers to be servants, trustees, agents, and substitutes of the People and in no way higher than or a special class that is greater than the people.

Please take further notice that nowhere in any of the 50 Republican States does the government have power over the people.

Take notice that I, one of the People, do affirm that the intent of the United States Constitution, written by and for the people, is to provide due care to the people and not rule over them. The intent of the Founding Fathers is clear in the Preamble which provides their fundamental purposes and guiding principles.

"We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

As enumerated in the United States Constitution, Article 6 § 2 - This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges of every state shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding.

We hereby demand and require that our rights, under the State of California Constitution, all other state constitutions, and the United State Constitution, be upheld to the fullest extent and that all attempts at mandates related to masks, testing, vaccines, vaccine passports, lockdowns, drugs, social distancing, Censorship of social media, Censorship of communication, restriction in movement, restriction in assembling, or shots (vaccine) be immediately removed and any attempts at gathering private medical information from employers stopped immediately. In addition, we hereby demand and require that any suspensions of state, county, or city employees related to any illegal mask mandates be immediately rescinded and all monies due to those same employees be immediately reimbursed.

All such licentious behavior must cease immediately or those involved will be guilty of maladministration, intentional violation of the State constitution, and may possibly be found guilty of treasonous acts against the people.

As one of the people with all political power, I demand that you make a public announcement via your website, to all local news stations and newspapers to inform the public that no Company/Corporation, Federal, State or County Agency or School Board or Public School can require as means of continued employment or entrance into their establishment any of the mandates related to masks, testing, vaccines, vaccine passports,

It is my will to resolve these issues in a peaceable and cooperative manner so as to avoid any unnecessary disturbance.

I thank you for your immediate action to establish order, to redress my significant concerns, and rectify all abuses of our state and federal constitution.

You have now been served with notice of intent to pursue whatever means is required to rectify the violation of the California Constitution.

Meriah Davis



Signed at:  
2021-11-24 17:01:41

11-24-2021

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We hereby demand and require that our rights, under the State of California Constitution, all other state constitutions, and the United State Constitution, be upheld to the fullest extent and that all attempts at mandates related to masks, testing, vaccines, vaccine passports, lockdowns, drugs, social distancing, Censorship of social media, Censorship of communication, restriction in movement, restriction in assembling, or shots (vaccine) be immediately removed and any attempts at gathering private medical information from employers stopped immediately. In addition, we hereby demand and require that any suspensions of state, county, or city employees related to any illegal mask mandates be immediately rescinded and all monies due to those same employees be immediately reimbursed.



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You have now been served with notice of intent to pursue whatever means is required to rectify the violation of the California Constitution.

Kathleen C Armstrong



Signed at:  
2021-11-26 11:53:09

05-22-1960

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We hereby demand and require that our rights, under the State of California Constitution, all other state constitutions, and the United State Constitution, be upheld to the fullest extent and that all attempts at mandates related to masks, testing, vaccines, vaccine passports, lockdowns, drugs, social distancing, Censorship of social media, Censorship of communication, restriction in movement, restriction in assembling, or shots (vaccine) be immediately removed and any attempts at gathering private medical information from employers stopped immediately. In addition, we hereby demand and require that any suspensions of state, county, or city employees related to any illegal mask mandates be immediately rescinded and all monies due to those same employees be immediately reimbursed.

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It is my will to resolve these issues in a peaceable and cooperative manner so as to avoid any unnecessary disturbance.

I thank you for your immediate action to establish order, to redress my significant concerns, and rectify all abuses of our state and federal constitution.

You have now been served with notice of intent to pursue whatever means is required to rectify the violation of the California Constitution.

Beverley Sian Buckley

A handwritten signature in black ink, appearing to read 'Beverley Sian Buckley', with a stylized, overlapping flourish at the end.

Signed at:  
2021-11-27 16:41:51

11-27-2021

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As enumerated in the United States Constitution, Article 6 § 2 - This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges of every state shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding.

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It is my will to resolve these issues in a peaceable and cooperative manner so as to avoid any unnecessary disturbance.

I thank you for your immediate action to establish order, to redress my significant concerns, and rectify all abuses of our state and federal constitution.

You have now been served with notice of intent to pursue whatever means is required to rectify the violation of the California Constitution.

John Miller

A handwritten signature in black ink, appearing to read "John Miller".

Signed at:  
2021-11-29 22:42:57

11-29-2021

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We hereby demand and require that our rights, under the State of California Constitution, all other state constitutions, and the United State Constitution, be upheld to the fullest extent and that all attempts at mandates related to masks, testing, vaccines, vaccine passports, lockdowns, drugs, social distancing, Censorship of social media, Censorship of communication, restriction in movement, restriction in assembling, or shots (vaccine) be immediately removed and any attempts at gathering private medical information from employers stopped immediately. In addition, we hereby demand and require that any suspensions of state, county, or city employees related to any illegal mask mandates be immediately rescinded and all monies due to those same employees be immediately reimbursed.

All such licentious behavior must cease immediately or those involved will be guilty of maladministration, intentional violation of the State constitution, and may possibly be found guilty of treasonous acts against the people.

As one of the people with all political power, I demand that you make a public announcement via your website, to all local news stations and newspapers to inform the public that no Company/Corporation, Federal, State or County Agency or School Board or Public School can require as means of continued employment or entrance into their establishment any of the mandates related to masks, testing, vaccines, vaccine passports,

It is my will to resolve these issues in a peaceable and cooperative manner so as to avoid any unnecessary disturbance.

I thank you for your immediate action to establish order, to redress my significant concerns, and rectify all abuses of our state and federal constitution.

You have now been served with notice of intent to pursue whatever means is required to rectify the violation of the California Constitution.

John Miller

A handwritten signature in black ink, appearing to read "John Miller", with a stylized, cursive script.

Signed at:  
2021-11-29 22:44:08

11-29-2021

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** 2 letters regarding the Great Highway  
**Date:** Thursday, December 2, 2021 12:59:00 PM  
**Attachments:** [2 Letters regarding the Great Highway.pdf](#)

---

Hello,

Please see attached 3 letters regarding the Great Highway.

Regards,

Office of the Clerk of the Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-5184

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**From:** [S Garrett](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Commission, Recpark \(REC\)](#); [RPDInfo, RPD \(REC\)](#)  
**Cc:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Great Highway  
**Date:** Wednesday, December 1, 2021 8:38:03 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a D4 resident, I hope you will read this commentary and understand that many of your constituents agree and will keep pressure on our leaders to represent ALL who live and work in and around SF.

## The Great Highway Robbery

ON [DECEMBER 1, 2021](#) • ( [10 COMMENTS](#) )

By Richard Correia

Government authority in a time of public emergency is quite broad, but not unlimited, either in scope or duration. Such authority is granted so our elected leaders can move the levers of government at a speed needed to assure the public's well being, such as during the recent pandemic.

That said, all of us should be vigilant about overreach and abuse of authority, and insist that as an emergency abates, government action be constrained by the authority that the people originally delegated, and that policies implemented in an emergency promptly expire.

Recently, a number of hastily enacted emergency polices presented challenges and inconveniences to folks citywide. I'll focus on just one – the closure of the Upper Great Highway – which was single-handedly facilitated by Phil Ginsburg, the general manager of the SF Recreation and Park Department.

This four-lane Highway closure stands out as being done without lawful authority and through an undemocratic policy overreach by non-elected bureaucrats and commissioners. Moreover, arguments made by some advocacy groups suggest the debate around the closure suffers from a serious case of truth decay.

Being a fourth-generation San Franciscan, active in my community and a former SF Police Department captain assigned to Richmond Station, I have a fair understanding of San Francisco, and especially of its westside neighborhoods.

I recently served on a JFK Drive closure working group sponsored by SF County Transportation Authority (SFCTA) and SF Municipal Transportation Agency (SFMTA), so I am well acquainted with the issues and positions of the many stakeholders concerned about road closures.

Last year, I asked Ginsburg to consider the extreme traffic congestion resulting from some of the closures he created, and the cumulative impact of his closures and those made by the SFMTA. The SFMTA distanced itself from the JFK Drive closure, saying: “The street closures inside Golden Gate Park are not part of the SFMTA Slow Streets program ... I hope this helps, have a great day.” This helped a lot; the right hand couldn’t care less about what the left hand was doing, and the west side’s maddening traffic jams were just part the Phil Ginsburg Show.

The closure of the Great Highway in April of 2020 was justified as a temporary response to the pandemic.

According to the SFMTA, prior to the pandemic, the four-lane roadway was used by 140,000 motorists each week.

The Great Highway has been under the jurisdiction of SF Recreation and Park Department since the 1890s; a railway line ran along the Great Highway from what is now Sloat Boulevard to Golden Gate Park and was used to transport material needed for the California Midwinter International Exposition of 1894.

Motor vehicles became popular in the early 20th century and, as the need for roadways grew, efforts were made to improve and widen the Upper Great Highway. Work on the broad boulevard was completed in 1929.

On April 4, 2020, the Upper Great Highway was closed for sweeping and sand removal and has never fully reopened to motorists.

On Aug. 15, 2021, Ginsburg issued GM Directive 21-002, which ordered the Upper Great Highway be closed to vehicles on 14 holidays and each Friday at noon until the following Monday at 6 a.m. He specifically based this action on section 3.03 of the Park Code, which in pertinent part states: “In case of an emergency, or when in the judgment of the Recreation and Park Commission or the General Manager the public interest demands it, any portion of any park or park building may be closed to the public ....”

While Ginsburg can exclude the public from park property under certain circumstances, he has no authority to exclude just some of the public, like people in cars. His grant of authority gives him two options – close or open park property – but not the choice to decide what sort of people can enter. By this action, in excess of his authority, he has implemented a policy of systemic discrimination.

In those cars are folks commuting to work or heading home, shoppers, kids being driven to and from school, veterans and their VA hospital caregivers, elderly people and folks with mobility issues whose needs are not met by the Muni Railway. There are also folks shopping or heading to

the Golden Gate National Recreation Area, Pomeroy Recreation and Rehabilitation Center or other destinations.

Ginsburg wants to create a future he feels is right for the millions of San Francisco's residents and visitors. His vision may indeed be the future, but there are guardrails and processes that he needs to follow. And he has to understand that Golden Gate Park divides two major urban areas. To limit traffic crossing the park serves to isolate and trap folks on the west side, who are outraged by his indifference and by the weakness of our elected leaders.

In a recent letter to SF Supervisor Connie Chan, the Planning Association for the Richmond stated: "The RPD and MTA have not cooperated with the thousands of people who have signed a petition for the Great Highway to be fully reopened. They have shown a callous disregard for the importance of this roadway for residents of the Richmond District. They also fail to appreciate the impact this closure has had on traffic in Golden Gate Park, especially Chain of Lakes Drive."

In a July 2021 letter to Ginsburg, the SF Bay Area Sierra Club noted the many potential negative consequences from changes to the use of the Great Highway, and concluded: "These are not all of the possible impacts – a Notice of Preparation and a Scoping Session would bring out the various issues that should be covered in an environmental review. Evaluating environmental damage after a pilot project has been in place for two years – or in this case a potential total of more than three years – is a bit like closing the barn door after the horse has escaped. Therefore, the Sierra Club requests that there be an "Environmental Impact Report (EIR) as soon as possible and before a pilot project is selected and implemented."

In a recent SF Examiner article about the new closure scheme, SF Supervisor Gordon Mar, called it a "meaningful compromise." I assert that compromise is indeed important, but shouldn't be the sole foundation for a decision. Creating good public policy should also require analysis of environmental impacts, best use, greatest good and utility. In this instance, a compromise has cars speeding through the generally quiet streets of the Outer Sunset, spewing exhaust while stuck in traffic and hurting small businesses on the west side.

Ginsburg has been quite effective in many ways in his stewardship of the parks, but he will exploit a situation to get what he wants. The pandemic created the perfect situation for him to exceed his authority and also build his political capital with groups that couldn't care less about your quality of life here on the west side. In this matter he has given short shrift to the reasonable needs of westside residents and visitors.

I suggest that it's time for the SF Board of Supervisors to amend the Park Code and remove the four-lane Upper Great Highway from the control of the Recreation and Park Department.

As for our elected officials, they will soon be asking for your vote. Remember their in-difference to the needs of the west side, and how traffic congestion created by the Recreation and Park Department's closures has made north-south transit a nightmare. And that if San Francisco is indeed a transit-first city, ask them where is the public transportation that should precede an unelected bureaucrat from constraining private vehicle traffic.

*Richard Corriea is a Richmond District resident.*

**Sent from my iPhone**

**From:** [Julia Go](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [info@openthegreathighway.com](mailto:info@openthegreathighway.com); [Commission, Recpark \(REC\)](#); [Ginsburg, Phil \(REC\)](#); [clerk@sfcta.org](mailto:clerk@sfcta.org)  
**Subject:** Re: Great Highway: Closure at Friday 12PM does not work -  
**Date:** Tuesday, November 23, 2021 11:34:00 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My name is Julia Go  
My email address is [juliago@comcast.net](mailto:juliago@comcast.net)

Hello Mayor Breed, District Supervisors, SFCTA and SFMTA

There seems to be little rhyme or reason to closing the Highway early on Fridays, forcing people who are trying to get home to start their weekends to be caught up in the traffic mess that the closed Highway brings. Friday also tends to be “getaway” day, with many folks trying to leave town (including many who want the Highway closed to drivers), and cutting off this access route makes little sense. Indeed, the traffic conditions reverted to “horrendous” this first Friday once the Great Highway was closed, just as the work week was winding down.

That said, I ask that you adjust the closure hours so that the Great Highway is available to drivers through Friday’s evening commute. Keep in mind, once it’s dark, no one is using it but vehicles. Rather than closing it at noon on Fridays, let the closure wait until 6:00 a.m. on Saturday, consistent with Monday’s 6:00 a.m. reopening.

Thank you for your time.

Sincerely,  
Julia Go

-----  
<https://www.openthegreathighway.com/gh-friday-closure-at-12pm>

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** 3 Letters from Anonymous  
**Date:** Thursday, December 2, 2021 12:56:00 PM  
**Attachments:** [3 letters from anonymous.pdf](#)

---

Hello,

Please see attached 3 letters from Anonymous.

Regards,

Office of the Clerk of the Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-5184

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**From:** [Anonymoose \(@journno\\_anon\)](#)  
**To:** [ChanStaff \(BOS\)](#); [Chan, Connie \(BOS\)](#); [peksinstaff@sfgov.org](#); [Peskin, Aaron \(BOS\)](#); [Haneystaff \(BOS\)](#); [Haney, Matt \(BOS\)](#)  
**Cc:** [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** Suggested tightening up of the behested payment draft law as of 11/29  
**Date:** Thursday, December 2, 2021 2:22:29 AM  
**Attachments:** [signature.asc](#)

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Dear Rules Committee:

This is with regards to the 11/29 version 5 here: <https://sfgov.legistar.com/View.ashx?M=F&ID=10298372&GUID=986714BD-A0A8-4F5C-ACB5-4E71C6C886F7>

I think there are a few improvements you could make to tighten up the wording.

As a minor point, in 3.710(a)(1) you refer to proceedings before various officials' departments - I think "department, board, commission, or office" would be more accurate - not all of the named persons have "departments."

More importantly, 3.710(a)(3) seems pretty vague. In section 3.710(a)(1) you use more precise language about what kinds of administrative actions (enforcement, licenses, permits, entitlements for use) this prohibition concerns itself with, and I think the same language should be used in 3.710(a)(3).

Namely, I think in 3.710(a)(3) you should replace "...any legislative or administrative action..." (page 5, line 16) with words analogous to (a)(1), namely: "...any legislative action or a proceeding before the elected official's, department head's, commissioner's, or designated employee's department, board, commission, or office regarding administrative enforcement, a license, a permit, or other entitlement for use..."

Regards,

Anonymous  
Twitter [@journno\\_anon](#)

***IMPORTANT:***

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not a lawyer. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sent from ProtonMail for iOS

**From:** [Anonymoose \(@journ\\_ anon\)](#)  
**To:** [ChanStaff \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Haneystaff \(BOS\)](#); [Haney, Matt \(BOS\)](#); [PeskinStaff \(BOS\)](#)  
**Cc:** [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** Re: Suggested tightening up of the behested payment draft law as of 11/29  
**Date:** Thursday, December 2, 2021 2:38:49 AM  
**Attachments:** [signature.asc](#)

---

Some further corrected suggestions below.

On Thu, Dec 2, 2021 at 2:22 AM, Anonymoose (@journ\_ anon) <[arecordsrequestor@protonmail.com](mailto:arecordsrequestor@protonmail.com)> wrote:

Dear Rules Committee:

This is with regards to the 11/29 version 5  
here: <https://sfgov.legistar.com/View.ashx?M=F&ID=10298372&GUID=986714BD-A0A8-4F5C-ACB5-4E71C6C886F7>

I think there are a few improvements you could make to tighten up the wording.

As a minor point, in 3.610(a)(1) you refer to proceedings before various officials' departments - I think "department, board, commission, or office" would be more accurate - not all of the named persons have "departments."

More importantly, 3.610(a)(3) seems pretty vague. In section 3.610(a)(1) you use more precise language about what kinds of administrative actions (enforcement, licenses, permits, entitlements for use) this prohibition concerns itself with, and I think the same language should be used in 3.610(a)(3).

Namely, I think in 3.610(a)(3) you should replace "...any legislative or administrative action..." (page 5, line 16) with words analogous to (a)(1), namely: "...any legislative action or a proceeding before the elected official's, department head's, commissioner's, or designated employee's department, board, commission, or office regarding administrative enforcement, a license, a permit, or other entitlement for use...". **You should also make the equivalent change to the definition of Interested Party, subsection (c) - page 3, Lines 3-4 so that "any administrative action" is not so vague.**

Regards,

Anonymous  
Twitter [@journ\\_ anon](#)

***IMPORTANT:***

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the

electronic media and regularly publish information about the conduct of public officials.

3. I am not a lawyer. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.

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Sent from ProtonMail for iOS

**From:** [Anonymoose \(@journo\\_anon\)](#)  
**Subject:** Fw: December Sunshine newsletter, SOTF votes, Planning Commission held an illegal meeting  
**Date:** Thursday, December 2, 2021 12:12:52 PM  
**Attachments:** [signature.asc](#)

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Dear City officials,

Here's what happened last night at SOTF. The City won 2 of 3 complaints.

**SOTF unanimously found numerous violations by the Planning Commission - 67.7(a) failure to give 72 hour agenda notice; 67.7(c) failure to provide the location of a meeting in the agenda; 67.13(a) barrier to attendance for disabled persons; 67.15(a) failure to provide opportunity for public comment.** The Commission went ahead and conducted a public meeting (with numerous actions as well) in which the agenda it posted prior to 72 hours directed the public to a meeting ID that was incorrect (where the public had no listening or commenting access). They were notified during the meeting by complainant Planthold, yet continued to conduct the meeting. Part way through the meeting they altered the agenda online with the correct id (clearly not 72 hours before!). Shame on whoever advised the Commission to just continue conducting an unnoticed, unlawful public meeting. The only correct action was to adjourn the meeting until it could be properly noticed to the public. What is also appalling is the Commission's argument at SOTF that since *most* people watch SFGovTV they were fine to simply continue with the meeting, as if the constitutional right to access meetings is simply for *most people*, and not *all people*. Personally, I hope someone steps up to sue and now invalidate the actions of the Planning Commission during that meeting, like recently happened to the School Board for violating the Brown Act.

**SOTF failed to find a violation (5-4 for violation; requires 6) against City Librarian Lambert.** An anonymous complainant requested from Lambert contracts & communications between the Library Commission and a corporation. While library-related contracts do exist with that same corporation, the Library Commission wasn't a party to them. This is probably only the 2nd time ever I've argued for no violation myself -- Lambert (IMO correctly & timely the next day) said that such contracts don't exist. The 5-person majority view appears to be that Lambert: did in fact know what Anonymous really meant (as he had asked for similar contracts in the past, but with different wording), did not completely provide the relevant contracts, and failed to assist properly; but it did not reach 6 votes. (A caution to the City: "Feigned confusion based on a literal interpretation of the request is not grounds for denial." (*First Amendment Coalition v Superior Court* (1998))).

**SOTF affirmatively found no violation (6-3 for no violation) by City Administrator Chu** regarding their response to a request from the Living Wage Coalition. The Minimum Compensation Ordinance calculations sought apparently do not exist. And the "written confirmation" re: the MCO (a budget checklist merely saying the MCO was considered) was apparently not created

until 4 days after the request was made. Personally I was on the fence; there might have been a violation regarding assistance, but it was a close call. (It's possible that the work of the Living Wage Coalition through many similar complaints shows a broad violation of the MCO, but not necessarily of the Sunshine Ordinance - in fact, perhaps by agencies admitting that calculations don't exist is how one might prove that the MCO was violated)

**The SOTF approved various further procedural improvements** making non-substantive changes to the complaint procedure to put it in plain English for the complainant, suggestions for a format for complainants to prepare their evidence effectively, a substantive change limiting what documents can be considered in a Reconsideration, and setting out their expectations of how hearing packets should be prepared, while also receiving advice from the Clerk of the Board (who attended) regarding the problems with using Granicus as a database for SOTF and the limitations of what the Clerk's office can do in preparing complaints/agenda packets. The SOTF did not amend or rescind the November-approved pilot improvements regarding requirements of specific written responses from the Respondent, which continues in full force. I hope SOTF continues to make more streamlining improvements such as these.

Regards,

Anonymous

Twitter [@journonanon](#)

***IMPORTANT:***

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not a lawyer. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sent from ProtonMail for iOS

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Jalipa, Brent \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: 2550 Irving Street Project  
**Date:** Monday, November 29, 2021 11:51:00 AM  
**Attachments:** [2550 Irving Letter.docx](#)

---

File No. 210763

---

**From:** zrants <zrants@gmail.com>  
**Sent:** Monday, November 29, 2021 8:41 AM  
**To:** Mar, Gordon (BOS) <gordon.mar@sfgov.org>  
**Cc:** ChanStaff (BOS) <chanstaff@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; MID-SUNSET NEIGHBORHOOD ASSOCIATION <2550irvingcommunity@gmail.com>  
**Subject:** Re: 2550 Irving Street Project

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

November 29, 2021

Supervisors:

Enclosed please find a letter of support for the Mid-Sunset Neighborhood Association alternative plan for 2550 Irving Street. After careful consideration the members of CSFN and the Land Use and Transportation Committee support that plan as the best alternative that suits the neighborhood and feel that it will bring about a softening of the inflation that is coming from increasing land values. We need to consider the effects inflation is having on the city and this project, with lower cost per unit is a good place to start.

We are glad to see there are some architects who are able to design better projects that meet the neighborhood's approval and look forward to seeing more of those come forward in the future. We are seeing new building materials and products coming into the market and it is important to take advantage of them and to uphold the standards required to build safe housing on seismically challenged land. We also need to consider how to install more renewable energy systems like solar into the new buildings and how to keep those systems viable.

Sincerely,

Mari Eliza, concerned citizen

[zrants@gmail.com](mailto:zrants@gmail.com)



November 29, 2021

Supervisor Mar:

re: 2550 Irving Project and the need to bring land use decisions back to local communities

As you are aware, the state and city are in a precarious situation now with a lot of effort having gone into a particular belief that building more housing will bring down prices. So far that has not worked as promised. We are seeing skyrocketing prices on housing, food and just about everything else. The inflation rate is at an all-time high. We need a new program.

It is time to build smarter to solve the affordability problem that up-zoning has caused. We have witnessed elevated land values and unaffordable units. Even the supposedly “affordable units” are not affordable to the people who need them.

We feel that the city is better prepared to address city problems than the state so we are supporting the state ballot initiative to return land use decisions to the cities to determine how they grow. We hope you will agree and support the initiative as well.

The Board of Supervisors voted to deny two projects this month that the state is already threatening to sue over. Passage of the state ballot initiative will return the decision to our local authorities and put the Sacramento politicians on notice that they have overstepped their bounds.

You have been most helpful in understanding the problems with the 2550 Irving Street project and we appreciate your efforts to work with the neighbors to improve that project. By passing the state ballot initiative we will have a lot more chances to improve the projects that will be coming up soon in the single-family zones.

The current residents living in the neighborhoods are the best judge of what is needed to improve their lives, and help them welcome newcomers to the neighborhoods. People want stability not constant change.

We all need to return to the pre-COVID conditions on our streets and we need new housing that fit into our current height and density levels, not forced expansion and up-zoning to drives inflation.

2550 Irving Street is one of those rare negotiated design that meets most of the goals of the neighborhood and adds a generous amount of housing at the same time. Please do not give up on the neighborhood approved design you see laid out before you. If the Board of Supervisors can oppose two bad designs downtown they can support a good design alternative for 2550 Irving that produces less expensive units. At some point the matter of inflation needs to be considered and tackled and now is a good time to start.

Sincerely,

Mari Eliza, concerned citizen and Land Use and Transportation Chair of  
Coalition for San Francisco Neighborhoods  
[zrants@gmail.com](mailto:zrants@gmail.com)

cc: Board of Supervisors, Mid-Sunset Neighborhood Association

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: 2nd part: Public Health and Voices  
**Date:** Thursday, December 2, 2021 10:23:00 AM

---

Ref. File No. 211102

---

**From:** Chris K. <ckblueaqua@gmail.com>  
**Sent:** Tuesday, November 30, 2021 9:19 AM  
**To:** BOS-Supervisors <bos-supervisors@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Lschaaf@oaklandca.gov  
**Cc:** casework@feinstein.senate.gov; Representative Nancy Pelosi <CA12NPima@mail.house.gov>; Congressman Adam Schiff <ca28ima-113@mail.house.gov>; xavier.becerra@hhs.gov; Rachel.levine@hhs.gov; Lo, Michelle (USACAN) <michelle.lo@usdoj.gov>; SFGOP Chair <chair@sfgop.org>  
**Subject:** 2nd part: Public Health and Voices

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All,

Here in America, gay people, for just being gay, are placed on electronic surveillance (similar to story below) and subjected to computer programs/live operators (that mimic their inner voice) and deal with 20-30 times more rhetoric than most other people.

And some politicians know it.

Here is second part from post yesterday. It is time to come clean on the utilization of electronic surveillance and for politicians to stop using to cause incidents, drama, safety concerns for votes:

People ask how electronic surveillance feels: it is just voices and/or a computer program talking mimicking your inner voice to intimidate or scare you. Here is a good example of what gay people go through in some other countries. Jews experienced this during the Holocaust before being rounded up and taken to camps. 'In the dead of the night, the Seattle resident gets panicked calls and messages from members of the LGBTQ community in the Middle East -- mostly gay men, thousands of miles away, terrified for their lives. They reach out to Failla in their darkest moments -- sometimes when they're contemplating suicide. At times, the callers just want reassurance and a shoulder to cry on'. <https://avanan.url-protection.com/v1/url?o=https%3A//www.cnn.com/2021/11/28/us/michael-failla-lgbqt-refugees-middle-east-cec/index.html&g=OTRhZmFhMTA2MWFhZWZiMQ==&h=ZWlwNmVhMjViODIyN2IxNWM4YTBiYjZhNDk3MzY0ZTBiNGFhNjc2ZGM2ZDUzYjcxMzdlZTdiMjI4YzNiZGZiYg==&p=YXAzOnNmZHQyOmF2YW5hbGpvOmE0ZGE3ZjYzNWQ2MTViNjc2Yjk2NGZkYzhkNDQwN2YwOnYxOnQ=>

Regards,

Chris Ward Kline

----- Forwarded message -----

From: **Chris K.** <[ckblueaqua@gmail.com](mailto:ckblueaqua@gmail.com)>

Date: Monday, November 29, 2021

Subject: Public Health and Voices

To: [Bos-supervisors@sfgov.org](mailto:Bos-supervisors@sfgov.org), [MayorLondonBreed@sfgov.org](mailto:MayorLondonBreed@sfgov.org)

Cc: [casework@feinstein.senate.gov](mailto:casework@feinstein.senate.gov), Representative Nancy Pelosi <[CA12NPima@mail.house.gov](mailto:CA12NPima@mail.house.gov)>,

Congressman Adam Schiff <[ca28ima-113@mail.house.gov](mailto:ca28ima-113@mail.house.gov)>, "Lo, Michelle (USACAN)"

<[michelle.lo@usdoj.gov](mailto:michelle.lo@usdoj.gov)>, [Lschaaf@oaklandca.gov](mailto:Lschaaf@oaklandca.gov), SFGOP Chair <[chair@sfgop.org](mailto:chair@sfgop.org)>

Politicians using public health to give people voices for political gain.

So HHS has homeless people, substance abusers, gay people, people they deem threatening, etc on electronic surveillance - meaning anyone at the county, state and federal government can use technology to talk to them.

So suicides/overdoses are impacted by this as well as FALSE DIAGNOSIS of many groups of people within the Bay Area.

For example - that fear a gay person feels in the Middle East has s just a computer program and/or a person using technology to place audio into them to create fear NOT TO BE GAY.

And politicians often asked for favors by AG's, DOJ and FBI not to investigate the usage for political reasons. THAT WILL BE CHANGING.

Regards,

Chris Ward Kline

415-203-1662

**HOW CAN WE USE MACHINES TO MIMIC OUR INNER VOICE?**

Normal conversation happens at 80-180 Hz.

Cell phones operate at 698-806 MHz (700 MHz Band) 806-849/851-896 MHz (800 MHz Band)

Public Health/Safety (County and State) operate - Public safety channels are available in

the VHF band, 220 MHz band, UHF, T-Band, 700 MHz narrowband, 700 MHz broadband, 800 MHz band, 4.9 GHz, and 5.9 GHz bands

Federal Public Health/Safety operate at 1755-1850 MHz or higher

So Public Health uses in administration of their day to day duties to 'guide people to healthy decisions' and can place this on individuals to mimic their inner voice by using MHz to create sound waves to deliver text-to speech(voice) or speech(voice)-to-text

The higher the MHz allows you to place on individuals with lower MHz.

So a person at HHS could use to 'conduct investigations', obstruct a lawsuit, or cause violence in your neighborhood by getting people 'organized around a message' to act in tandem with others; or a pop up dancing event at the local mall!

It's just a little more complicated then posted but happens every day.

<https://www.scientia.global/chirping-communication-sending-data-sound/>

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Support Supervisor Mandelman's legislation to delay the implementation of Proposition D  
**Date:** Thursday, December 2, 2021 10:22:00 AM

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Ref. File No. 211150

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**From:** David Hua <david@getmeadow.com>  
**Sent:** Tuesday, November 30, 2021 11:00 AM  
**To:** Haneystaff (BOS) <haneystaff@sfgov.org>  
**Cc:** BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Office of Cannabis (ADM) <officeofcannabis@sfgov.org>  
**Subject:** Support Supervisor Mandelman's legislation to delay the implementation of Proposition D

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Matt Haney, Staff, and Office of Cannabis:

On behalf of my team at [Meadow](#), a local cannabis retail software business headquartered in San Francisco since 2014, we are writing to you today to support Supervisor Mandelman's legislation to delay the implementation of Proposition D, the increase in the gross receipts tax rates for cannabis businesses. This delay will allow the Board to carefully consider and permanently set a sustainable gross receipts tax rate for the cannabis industry in the future.

If Proposition D goes into effect on January 1st, 2022, cannabis retail entities will face a gross receipts tax increase from approximately 0.1% to 5.0%, a 50-fold increase. No other business in San Francisco pays such a high tax rate. The highest rate paid by any type of business is currently no higher than 0.5%.

The estimated \$8.5 million that will be generated by this new tax is only 0.06% of the overall \$12.8 billion that is budgeted for fiscal year 2022-2023.

The City should not abandon its goals of job creation and social justice for a tiny amount of tax revenue. Please, let the industry stabilize before deciding on a tax rate.

Our industry, after a Covid-fueled boom, is having the worst year on record since the passage of Proposition 64. Wholesale prices have plummeted, disrupting the entire supply chain and leading to many business closures. Retail revenues are down 30% across the board from this same time last year.

This tax increase will undoubtedly be passed down to the customers, allowing the unregulated market to continue to grow in strength. Raising the gross receipts tax rate now will only exacerbate the flight by cannabis consumers to the unregulated market in response to the inevitable price increases they will soon face next January.

Please support the delay in implementation so we can work together on determining a sustainable rate that will allow cannabis to realize its promise of creating new jobs, launching social equity businesses, and revitalizing retail corridors.

Thank you.

Sincerely,  
David Hua



**David Hua**  
**Founder, CEO**

415.212.8985  
[david@getmeadow.com](mailto:david@getmeadow.com)



[getmeadow.com](http://getmeadow.com)  
60 13th Street  
San Francisco, CA 94103

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: SUPPORT: Please vote "YES" to delay implementation of the Prop D Cannabis Gross Receipts Tax Tuesday  
**Date:** Thursday, December 2, 2021 10:18:00 AM  
**Attachments:** [SFCRA Prop D Letter 11 29 2021\(final\).pdf](#)

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**From:** John Delaplane <johnny@access-sf.org>  
**Sent:** Monday, November 29, 2021 9:24 AM  
**To:** BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Office of Cannabis (ADM) <officeofcannabis@sfgov.org>  
**Subject:** SUPPORT: Please vote "YES" to delay implementation of the Prop D Cannabis Gross Receipts Tax Tuesday

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

(Below and attached)

Good morning Supervisors, Staff, and Office of Cannabis:

On behalf of the membership of the San Francisco Cannabis Retailers Alliance, a trade organization representing many legacy and social equity cannabis retail operators in San Francisco, we are writing today to support Supervisor Mandelman's legislation to delay the implementation of Proposition D, the increase in the gross receipts tax rate for cannabis businesses. This delay will allow the Board to carefully consider and permanently set a sustainable gross receipts tax rate for the cannabis industry in the future.

If Proposition D goes into effect on January 1st, 2022, cannabis retail entities will face a gross receipts tax increase from approximately 0.1% to 5.0%, a 50-fold increase. No other business in San Francisco pays such a high tax rate. The highest rate paid by any type of business is currently no higher than 0.5%.

The City should not abandon its goals of job creation and social justice in favor of tax revenue. The social equity program, while slow out of the gate, is finally starting to gain steam, with new businesses opening every month. But these nascent businesses need time to ramp up. Please, let the local industry stabilize before deciding on a permanent tax rate.

Our industry, after a covid-fueled boom in 2020, is having the worst year on record since the passage of Proposition 64. Wholesale prices have plummeted, disrupting the entire supply chain and leading to many business closures. Retail revenues are down 30% across the board from this same time last year.

This tax increase will undoubtedly be passed down to the customers, allowing the unregulated

market to continue to grow in strength. Raising the gross receipts tax rate now will only exacerbate the flight by cannabis consumers to the unregulated market in response to the inevitable price increases they will soon face next January.

Please support the delay in the Prop D cannabis tax implementation so we can work together on determining a sustainable rate that will allow cannabis to realize its promise of creating new jobs, launching social equity businesses, and revitalizing retail corridors.

Thank you.

Sincerely,

Johnny Delaplane  
President, San Francisco Cannabis Retailers Alliance  
SFCRA.org







Good morning Supervisors, Staff, and Office of Cannabis:

On behalf of the membership of the San Francisco Cannabis Retailers Alliance, a trade organization representing many legacy and social equity cannabis retail operators in San Francisco, we are writing today to support Supervisor Mandelman's legislation to delay the implementation of Proposition D, the increase in the gross receipts tax rate for cannabis businesses. This delay will allow the Board to carefully consider and permanently set a sustainable gross receipts tax rate for the cannabis industry in the future.

If Proposition D goes into effect on January 1st, 2022, cannabis retail entities will face a gross receipts tax increase from approximately 0.1% to 5.0%, a 50-fold increase. No other business in San Francisco pays such a high tax rate. The highest rate paid by any type of business is currently no higher than 0.5%.

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Our industry, after a covid-fueled boom in 2020, is having the worst year on record since the passage of Proposition 64. Wholesale prices have plummeted, disrupting the entire supply chain and leading to many business closures. Retail revenues are down 30% across the board from this same time last year.

This tax increase will undoubtedly be passed down to the customers, allowing the unregulated market to continue to grow in strength. Raising the gross receipts tax rate now will only exacerbate the flight by cannabis consumers to the unregulated market in response to the inevitable price increases they will soon face next January.

Please support the delay in the Prop D cannabis tax implementation so we can work together on determining a sustainable rate that will allow cannabis to realize its promise of creating new jobs, launching social equity businesses, and revitalizing retail corridors.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "JD" or "Johnny Delaplane".

Johnny Delaplane  
President, San Francisco Cannabis Retailers Alliance  
SFCRA.org

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: SUPPORTING BOS Agenda Item #31 [Urging the San Francisco Credit Union to Collaborate with SFMTA on Taxi Medallion Prices and Loan Forgiveness] File #211209  
**Date:** Thursday, December 2, 2021 10:13:00 AM

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**From:** aeboken <aeboken@gmail.com>  
**Sent:** Tuesday, November 30, 2021 12:28 PM  
**To:** BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>  
**Subject:** SUPPORTING BOS Agenda Item #31 [Urging the San Francisco Credit Union to Collaborate with SFMTA on Taxi Medallion Prices and Loan Forgiveness] File #211209

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

TO: Board of Supervisors members

I am strongly supporting an equitable resolution of the taxi medallion issue which has left many taxi drivers in dire financial circumstances.

Eileen Boken  
Coalition for San Francisco Neighborhoods\*

\* For identification purposes only.

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Resolution Urging the Credit Union to Collaborate with the MTA on Medallion Prices, Loan Forgiveness, and Other Reforms  
**Date:** Monday, November 29, 2021 11:42:00 AM  
**Attachments:** [Kate Toran Settlement Proposal letter.pdf](#)

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**From:** Marcelo Fonseca <mdf1389@hotmail.com>  
**Sent:** Monday, November 29, 2021 9:48 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; MTA Board <mtaboard@sfmta.com>; Toran, Kate (MTA) <Kate.Toran@sfmta.com>  
**Subject:** Resolution Urging the Credit Union to Collaborate with the MTA on Medallion Prices, Loan Forgiveness, and Other Reforms

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

Thank you for urging the Credit Union to collaborate with the SFMTA (MTA) in solving the "purchased" medallion crisis. Please note the failure of the Medallion Sales Program (MSP) to date has damaged the entire taxi industry, including older medallion holders (MHs) who acquired their permits under prior rules.

In the letter linked below, and in your resolution, it is mentioned that the MTA made an offer to settle the Credit Union lawsuit by providing millions of dollars in loan relief for medallion buyers. The offer referred to was only \$15 million. With over 700 medallions sold through the Program ---mostly at \$250,000 --- a much greater monetary pool is needed. The \$15 million settlement letter is attached.

[San Francisco's Taxi Medallion Program Moves Onward | SFMTA](#)

The MTA states that before taxis fell under their jurisdiction, the distribution of taxi permits was "dysfunctional." It's safe to say that the distribution of medallions since the MTA took over hasn't been functional either. Their policies haven't fixed anything; the medallion system is still broken. Not a single medallion has been sold in almost six years.

It is true that the MSP initially allowed some older medallion holders (MHs) to retire and exit the industry with dignity, which is why some members of the taxi industry supported the Program. But why does the MTA brag about the "exit strategy" now when we all know their actions contradict it?

In a presentation last week at the MTA Policy & Governance Committee, Director of Taxis Kate Toran said that the MTA will target elements of the medallion reform that do not require Credit Union cooperation. Clearly, the prior "exit strategy" for elderly MHs will no longer be considered. Notably, the MTA currently is attempting simply to

revoke many of those permits, thereby reverting the medallions to MTA control. [PowerPoint Presentation \(sfmta.com\)](https://www.sfmta.com)

Just so you know, on September 7, 2021, the MTA Board permanently removed disabled medallion holders from participating in the Medallion Sales/Surrender Program.

Even though Governor Newsom has extended portions of his March 2020 COVID emergency through March 2022, the MTA is hell-bent on enforcing a questionable Prop K driving requirement to exert major pressure on Prop K medallion holders. Effective December 1st, regardless of age and general health, Prop K MHs are ordered to be out there driving.

[Enforcement of the Full-Time Driving requirement is resuming 12/1/21 | SFMTA](#)

The Board of Appeals has numerous pending appeal cases filed by disabled MHs whose permits the MTA recently revoked. Questioning why the MTA would be doing this now, the Board of Appeals passed a motion to have all taxi hearings continued to February 16, 2022, or later.

One of those hearings pertains to a permanent wheelchair user who drove for 43 years and another to a blind person who got stabbed in the eyes near the Yellow Cab premises after the end of his shift.

I can't help but wonder what the DOJ, which has already investigated San Francisco City Hall, would think of this presumed violation of ADA laws.

Purchased medallion holders need debt relief now, and the medallion system is in urgent need of reform. The Medallion Sales Program must be amended. Revoking medallions held by older MHs will not help medallion buyers, and it will not make the industry more competitive. Additionally, doing so is cruel and likely illegal.

The Credit Union is still within its window of time to appeal the jury trial verdict. At some point --- when the litigation outcome is final --- the parties have an obvious mutual need to replace the current Lender Agreement which locks in a \$250,000 medallion purchase price with a new contract specifying either a lower or market-based price.

Once that happens, your Board should consider collaborating with the MTA to craft a bond measure designed for comprehensive taxi industry and stakeholder relief. Prop A of 2007 has a unique clause allowing the MTA to issue bonds upon your approval without requiring voter approval.

Thank you for your consideration.

Marcelo Fonseca  
Medallion Holder  
Career Cabdriver



London Breed, Mayor

Gwyneth Borden, Chair  
Amanda Eaken, Vice Chair  
Cheryl Brinkman, Director

Steve Heminger, Director  
Sharon Lai, Director

Jeffrey Tumlin, Director of Transportation

September 21, 2020

Jonathan Oliver  
San Francisco Federal Credit Union  
770 Golden Gate Avenue  
San Francisco, CA 94102

Dear Mr. Oliver,

This responds to your letters of September 8 and August 25 to Sean Elsbernd.

I can confirm that to settle this litigation, San Francisco proposes to contribute \$15 million in loan relief for medallion holders, as a key element in a holistic solution that will support the taxi industry and foster a functioning medallion market, which will benefit the SF Federal Credit Union, the SFMTA, and most importantly the hard-working drivers. This \$15 million would go directly to the Credit Union to pay down existing loan balances. I am disappointed that the Credit Union is unwilling even to discuss this generous offer. The \$15 million proposal exceeds all of the Credit Union's actual losses on foreclosed loans through March 2020, when Covid-19 upended the taxi industry. As you know, the Credit Union sold a significant proportion of its medallion loans to other lenders and insulated itself from losses when these loans were later foreclosed.

I will also use this opportunity to reiterate the SFMTA's deep distress that the Credit Union, notwithstanding the severe impact of Covid-19 on driver income, has discontinued loan forbearance for drivers who have managed, in the face of significant challenges, to preserve their performing loan status through March 2020. Indeed, the Credit Union has resumed foreclosures against these drivers. It would be in all parties' interest to stabilize these performing loans and to refrain from further foreclosures until this case is resolved, either through settlement or a court judgment. If the Credit Union holds fast to its refusal to engage with the SFMTA regarding its \$15 million proposal to settle the litigation, I invite the Credit Union to at least explore with the City a joint program that would provide loan forbearance to drivers pending judgment in this case. The City is prepared to contribute several million dollars to such a loan forbearance program. Since this contemplated loan forbearance program would not resolve the lawsuit, I'm sure you understand that the City's contribution to loan forbearance must be



treated as an offset or a credit against any judgment the Credit Union may ultimately obtain in this case.

The SFMTA strongly believes that taxis are well situated to emerge from the Covid-19 pandemic as a viable and competitive alternative to TNCs. The current business models of Uber and Lyft are not sustainable, as highlighted by the requirements of AB 5 and the employment status of their drivers. Indeed, TNCs are working to eliminate their reliance on drivers by racing toward autonomous vehicles. Taxis continue to have many advantages, such as experienced and professional drivers, stringent safety requirements, access to transit only lanes, designated curb space (taxi stands) and participation in the SF Paratransit program. By embracing excellence in customer service, the taxi industry can continue to serve the needs of the San Francisco public, including seniors, people with disabilities, tourists and all customers who want and expect a human operator.

A healthy medallion market is in the interest of both the SFMTA and the Credit Union. We are confident there is a better solution than to simply demand an unreasonable amount of money from the SFMTA that exceeds the Credit Union's actual losses, while letting the taxi industry crumble under the weight of the Covid-19 pandemic.

We look forward to continuing to engage with the Credit Union to develop a positive outcome for the medallion program and purchased medallion holders.

Sincerely,

*Kate Toran*

Kate Toran  
Director of Taxis and Accessible Services

Cc:  
Sean Elsbernd, Mayor's Chief of Staff  
Andres Power, Mayor's Policy Director  
Jeffrey Tumlin, SFMTA Director of Transportation

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Fw: Concerns regarding BFPA  
**Date:** Thursday, December 2, 2021 1:00:00 PM  
**Attachments:** [image001.png](#)  
[image005.png](#)  
[BFPA Open Letter Final.pdf](#)  
[Jesse Rosemoore.pdf](#)

---

**From:** Black Employee Alliance <blackemployeealliance@gmail.com>

**Sent:** Wednesday, December 1, 2021 10:00 AM

**To:** Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; CivilService, Civil (CSC) <civilservice@sfgov.org>; MTABoard@sfmta.com; SFPD, Commission (POL) <SFPD.Commission@sfgov.org>; Airport Commission Secretary (AIR) <airportcommissionsecretary@flysfo.com>; Commission, Fire (FIR) <fire.commission@sfgov.org>; DPH, Health Commission (DPH) <HealthCommission.DPH@sfdph.org>; info@sfgov.org; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>

**Cc:** John Doherty <jdoherty@ibew6.org>; cityworker@sfcwu.org; Charles Lavery <clavery@oe3.org>; mbrito@oe3.org; tneep@oe3.org; oashworth@ibew6.org; debra.grabelle@ifpte21.org; kgeneral@ifpte21.org; Jessica Beard <jbeard@ifpte21.org>; tmathews@ifpte21.org; Vivian Araullo <varaullo@ifpte21.org>; ewart@ifpte21.org; aflores@ifpte21.org; smcgarry@nccrc.org; larryjr@ualocal38.org; jchiarenza@ualocal38.org; SEichenberger@local39.org; Richard Koenig <richardk@smw104.org>; anthonyu@smw104.org; twulocal200@sbcglobal.net; roger marenco <rmarenco@twusf.org>; Peter Wilson <pwilson@twusf.org>; Theresa Foglio <laborers261@gmail.com>; bart@dc16.us; dharrington@teamster853.org; MLeach@ibt856.org; jason.klumb@seiu1021.org; theresa.rutherford@seiu1021.org; XiuMin.Li@seiu1021.org; Hector Cardenas <Hector.Cardenas@seiu1021.org>; pmendeziamaw@comcast.net; mjayne@iam1414.org; raquel@sfmea.com (contact) <raquel@sfmea.com>; christina@sfmea.com; criss@sfmea.com; rudy@sflaborcouncil.org; l200twu@gmail.com; Local Twu <local200twu@sbcglobal.net>; lkuhls@teamsters853.org; staff@sfmea.com; president@sanfranciscodsa.com; SFDPOA@icloud.com; sfbia14@gmail.com; ibew6@ibew6.org

**Subject:** Fwd: Fw: Concerns regarding BFPA

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Good morning Mayor Breed, Board of Supervisors, MTA Board, Civil Service Commission, and other esteemed City Leaders -**

Please see the email below, as well as the attached letters penned by Jesse Rosemoore, as well as many of the staff from the Budget, Finance, Planning, and Analysis Office at the SFMTA.

It is apparent that the culture at the SFMTA, under the leadership of Jeffrey Tumlin, has not changed. Director Tumlin, and Human Resources Director Kimberly Ackerman, were supposed to enact "cultural" change at the agency, upon arrival. Director Tumlin has been at the agency for more than two years and the extent of the changes have been woefully insufficient.

We are sending this letter in solidarity and support of the employees at the SFMTA.

It may behoove the City and County to find new leadership for the SFMTA, to prevent future legal issues for the agency, and the City and County of San Francisco.

We are requesting, along with these employees, that the Civil Service Commission, the Department of Human Resources, and an independent investigator launch an investigation into the hostile work environment, discrimination, and harassment indicated in the attached letter. If you have any questions, please feel free to reach out to Charlotte Wu, Jesse Rosemoor, and/or the Black Employees Alliance and Coalition Against Anti-Blackness.

**Black Employees Alliance and Coalition Against Anti-Blackness**

**For more information about the BEA, please**

**visit [www.blackemployeesalliance.com](http://www.blackemployeesalliance.com)**

**To become a member of the BEA, [sign-up here](#)**

**[Donate to the BEA by clicking this link](#)**

**From:** Wu, Charlotte <[Charlotte.Wu@sfmta.com](mailto:Charlotte.Wu@sfmta.com)>

**Sent:** Tuesday, November 30, 2021 3:57:00 PM

**To:** Tumlin, Jeffrey <[Jeffrey.Tumlin@sfmta.com](mailto:Jeffrey.Tumlin@sfmta.com)>

**Cc:** MTABoard <[MTABoard@sfmta.com](mailto:MTABoard@sfmta.com)>; ExecutiveTeam <[ExecutiveTeam@sfmta.com](mailto:ExecutiveTeam@sfmta.com)>; ExecutiveTeamDirectors <[ExecutiveTeamDirectors@sfmta.com](mailto:ExecutiveTeamDirectors@sfmta.com)>; ExecutiveTeam <[ExecutiveTeam@sfmta.com](mailto:ExecutiveTeam@sfmta.com)>; SeniorManagementTeam <[SeniorManagementTeam@sfmta.com](mailto:SeniorManagementTeam@sfmta.com)>; MayorLondonBreed@sfgov.org <[MayorLondonBreed@sfgov.org](mailto:MayorLondonBreed@sfgov.org)>; Budget, Financial Planning and Analysis <[BudgetFinancialPlanningandAnalysis@sfmta.com](mailto:BudgetFinancialPlanningandAnalysis@sfmta.com)>; [latinxaffinity@gmail.com](mailto:latinxaffinity@gmail.com) <[latinxaffinity@gmail.com](mailto:latinxaffinity@gmail.com)>; API Affinity Group <[APIAffinityGroup@sfmta.com](mailto:APIAffinityGroup@sfmta.com)>; AllWPWAR <[AllWPWAR@sfmta.com](mailto:AllWPWAR@sfmta.com)>; [BAAAG2019@gmail.com](mailto:BAAAG2019@gmail.com) <[BAAAG2019@gmail.com](mailto:BAAAG2019@gmail.com)>

**Subject:** Concerns regarding BFPA

Dear Jeff,

I am sending you an open letter from myself and other team members regarding the unhealthy work culture in BFPA. We have chosen this path of communication as a last resort because



our voices have been ignored in the past. I have the luxury of speaking out because I am leaving the agency (as a direct result of the way staff is treated in BFPA), but my colleagues who remain deserve to be heard. Many are signing anonymously in fear of retaliation but I hope you take this letter as an opportunity to hear and directly engage staff before more people leave; we all want SFMTA to thrive and make a positive impact on our community.

Please see attached.

Thank you,

**Charlotte Wu**

Principal Budget Analyst, Budget Office  
Budget, Financial Planning and Analysis



Office 415-646-2557

San Francisco Municipal Transportation Agency  
1 South Van Ness Avenue, 7th floor  
San Francisco, CA 94103



Tuesday, November 30, 2021

We, the undersigned, are current and past staff members of the San Francisco Municipal Transportation Agency's (SFMTA) Budget, Financial Planning and Analysis (BFPA) team. We write today to express our concern and dismay with the health and well-being of the BFPA team and to request immediate action to restore this team to a healthy and productive state. For almost 3 years, BFPA staff have been exposed to a toxic work environment cultivated by acting Chief Financial Officer Jonathan Rewers, including, but not limited to: verbal abuse, gaslighting, chaos, burnout, inappropriate jokes, and misogyny. Staff have repeatedly reported inappropriate behavior directly to BFPA management and through formal agency grievance channels, but these issues remain unaddressed. This environment, and the subsequent inaction on the part of the management team to remedy it, have resulted in plummeting staff morale and increasing turnover.

We urge Director Jeffrey Tumlin and appropriate members of the Agency's executive leadership team to address the concerns listed and significantly improve the working conditions in BFPA, either through enforced and accountable remediation or a change in leadership. We care about public transportation and making a difference in San Francisco and the Bay Area at large. However, Jonathan's inappropriate behavior and the unhealthy BFPA work environment and culture he has fostered, and his direct reports have upheld, are not something any employee should face. It is harming the mental health of BFPA staff members and has directly led to an increasingly high rate of attrition in the BFPA team.

As a group, we have met and discussed our concerns. These are addressed in greater detail, with examples, below the signature block, but there are several key themes we would like to highlight:

- **Culture of Disrespect:** First and foremost, Jonathan Rewers does not treat staff respectfully and professionally, and he fosters an overall team culture of disrespect and fear. In addition to being unpleasant and emotionally harmful for staff, this creates an inefficient team, muddled communication, and poor accountability.
- **Unsustainable and Ever-Changing Workloads:** The BFPA team has steadily taken on more and more work, creating an unsustainable workload and growing burnout among staff. Moreover, Jonathan Rewers actively professes a dislike for defining "roles and responsibilities," ensuring that staff are unsure of what tasks they are assigned and who is accountable for what. This confusion often lends itself to duplicative assignments, unclear direction, and wasted effort.
- **Insufficient Support of Staff and Discrimination Against Women:** Staff are provided insufficient support to develop their skills and fulfill their roles in the team. This creates institutional knowledge gaps, insufficient task coverage, poor morale, and attrition. Additionally, evident discrimination against women has been occurring as women are not provided the support and opportunities for growth.
- **Variable Performance Standards:** Performance standard expectations are not applied equally across teams, races, or genders. Consequently, the leadership team is almost exclusively male, and women feel discouraged from seeking leadership.

- **Disregarded Feedback:** Feedback solicited and received from staff by BFPA management is repeatedly disregarded and even blamed on the staff who are providing the feedback. Staff that raise issues are brow beaten and branded as “complainers,” while the majority do not speak upon fear of retaliation.
- **Insufficient staff and inability to recruit:** Turnover has steadily increased – including 4 people this month alone, due in no small part because of the workload and the work culture. Meanwhile, several open positions have gone unfilled, due to lack of qualified interest, and in some cases active avoidance. While staff are leaving with promotion opportunities that should be celebrated, when staff separates from employment, there is no critical assessment as to why this trend is occurring or how to improve staff retention and hiring. Meanwhile, qualified staff are dissuaded from seeking promotion.

As a collective of BFPA employees, we urge that our concerns be taken seriously and acted upon by Executive Management. SFMTA staff and the public we serve deserve better. Below, we have listed out our principal requests from leadership:

1. Respect in the workplace and a supportive work environment (in line with SFMTA’s Strategic Plan)
  - a. Acknowledge and support staff, provide context and clear framework of expectations for every new assignment.
  - b. Effective and supportive management, or that the SFMTA hires senior management that supports its staff, doesn’t utilize abusive tactics, delegates well, and gives its staff clear roles and responsibilities and the ability to do their jobs efficiently and effectively.
2. Ensure effective organizational practices.
  - a. Responsible delegation in BFPA: create a clear framework of expectations and contact points with key staff that does not require every decision to be signed off on by one member of leadership.
  - b. Recognition of problems in BFPA and a SMART (Specific, Measurable, Achievable, Realistic, Time Bound) plan to change them.
  - c. In line with good management practice: not changing roles/responsibilities on a whim and creating changing targets/goals without informing staff.
3. Equity in the management of BFPA
  - a. Provide equitable opportunities for women and women of color to work for BFPA.
  - b. Hire diverse candidates for BFPA management roles.
4. Employee Retention as an added criterion for assessing management performance.
5. Train managers on how to advocate and arrange for their subordinates to obtain acting pay, comp time, etc. when they qualify.

Sincerely,

Charlotte Wu - 1824 Principal Administrative Analyst  
 Jesse Rosemoore

Anonymous 1824 Principal Administrative Analyst  
Anonymous 1822 Administrative Analyst  
Anonymous BFPA Employee 1  
Anonymous BFPA Employee 2  
Anonymous BFPA Employee 3  
Anonymous BFPA Employee 4  
Anonymous BFPA Employee 5  
Anonymous BFPA Employee 6  
Anonymous BFPA Employee 7

**Attachments included: 1) Key Themes with Supporting Details and 2) Change.org Petition**

## Key Themes with Supporting Details

The following provides greater detail and examples of each concern listed above. We provide this list of our concerns in the hope that our collective effort brings about positive change and supports creating a work environment where our current and future colleagues can thrive.

**Culture of Disrespect:** First and foremost, Jonathan Rewers does not treat staff respectfully and professionally and he fosters an overall team culture of disrespect and fear.

- Jonathan Rewers addresses staff using inappropriate and/or disrespectful language, leaving other staff in the room incredibly uncomfortable. Jonathan has frequently referred to members of the BFPA team as (his) "minions."
- Jonathan Rewers uses intimidation and public shaming to control staff.
  - Example: In team lead meetings, Jonathan has told leads that his technique of dealing with issues people should know the answer to is to ask them repeatedly "but don't you know" or "what do you think" rather than providing them direct support, context, or answers.
- Jonathan Rewers openly insults people during team meetings.
  - Example: Senior Management will publicly announce that specific analysts do not perform tasks up to the standards of their current job designation in a public setting to discipline employees. This should at the very least be taken offline, and ideally be a private formalized conversation if there is a performance issue and support should be provided to help the employee to excel in their roles.
- The systemic practice of management by authority and not by influence has created a circular practice of alignment by fear among middle management perpetuating the practice of disrespectful and unprofessional management techniques trickling down to the analyst.

**Unsustainable and Ever-Changing Workloads:** The BFPA team has steadily taken on more and more work, creating an unsustainable workload and growing burnout among staff. Moreover, Jonathan Rewers actively professes a dislike for defining "roles and responsibilities," more or less ensuring that staff are unsure of what tasks they are assigned and who is accountable for what.

- Multiple staff are often concurrently assigned the same task, but not informed the other is working on it. Often, one staff member is dropped off the assignment without ever being informed and only learns about it through conversations with other staff members.
- Assignments are given with exceptionally short time frames, and changed equally quickly, despite any other current priorities. When asked which to prioritize, staff are told that "everything is important."
- The BFPA team is volunteered to take on other teams' tasks despite the team's already high workloads. There is no prioritization of tasks or recognition that things may need to slip if higher priorities are added and often no training or clear place for the task to live.

**Insufficient Support of Staff and Discrimination Against Women:** Staff are provided insufficient support to develop their skills and fulfill their roles in the team. This is particularly true of women and people of color on the team. This creates institutional knowledge gaps, insufficient task coverage, poor morale, and more. Women in the team are not provided the

same level of support as their counterparts and receive a disproportionate amount of criticism from Jonathan Rewers and his direct reports (all of whom, that supervise staff, are men).

- There are no women managers, and the only female acting manager in BFPA stepped down because of abusive treatment.
- Jonathan Rewers asks staff to provide feedback, but then interprets it as complaints.
- Jonathan often disregards issues happening outside BFPA raised by women in the team because addressing them will make him appear as a “complainer”
- Staff does not feel safe providing feedback to Jonathan because of the negative and damaging feedback he gives employees in public and one-on-one settings.
- When staff asks to be better informed of decisions that affect them, they are blamed for not doing their job well.
  - Example: Jonathan Rewers made funding decisions that affect Geary Phase 2. When the analyst that manages the project found out via a third party, they asked (through the chain of command) to be kept informed. The message relayed from Tim was that the analyst was not doing their job, therefore Jonathan had to step in (Sept 2021). Management later admitted that communication on the project needs to be improved, but the initial reaction of laying blame on the analyst is inappropriate.
- Oftentimes, assignments are given without context, and questions are met with shaming. Other times, the same task is given to multiple staff members, with no communication given to either staff person that another person has also been assigned the task, wasting precious resources, and creating extensive confusion, let alone frustration when one staff member is never followed up with.

**Variable Performance Standards:** Performance standard expectations are not applied equally across teams, races, or genders. Consequently, the leadership team is almost exclusively male, and women are discouraged from seeking leadership.

- Staff who perform well are assigned more work but are not always asked if their current capacity allows, offered comp time, or a pay increase.
- Junior to mid-level staff is working well above their designated job classes.
  - Multiple 1820s and 1822s are doing senior level work normally performed by 1823s and 1824s on their team as their normal duties.

**Disregarded Feedback:** Staff have provided input about their own experiences and the overall team environment through BFPA surveys and up the chain of command, but little has been addressed after this information was collected

- This includes meeting with members of Human Resources who facilitated a Stop-Start-Continue exercise on July 2020 where they anonymously collected alarming feedback from BFPA staff, but challenges continued to persist.
- Surveys designed by Jonathan and administered through BFPA staff retreats include questions that make it extraordinarily clear that the results will not be collected anonymously, therefore highly skewing their results.

**Insufficient Staff and Inability to Recruit:** Turnover has steadily increased – including 4 people this month alone, due in no small part because of the workload and the work culture. Meanwhile, several open positions have gone unfilled, due to lack of qualified interest, and in some cases active avoidance. Each departure is celebrated instead of critically assessing why this

trend is occurring or how to improve staff retention and hiring. Meanwhile, qualified staff are dissuaded from seeking promotion.

- Institutional knowledge is lost every time a staff member is replaced.
- The burden to quickly learn what the former staff member who left was working on is passed onto an existing staff and due to lack of training or access to senior staff time, the existing staff is left with the burden to address all the concerns with these new responsibilities without proper support and often dealing with challenges that arise from other Divisions because of this.
- Since 2020, a total of eight BFPA staff have left the team including a staff member who shortly after being hired moved to another Division. Most staff leaving have been women. Many have not been filled despite going through recruitments.
  - Currently, multiple teams are significantly understaffed:
    - The Financial Analysis Office has only 2 of 5 full time staff,
    - The Funding Strategy and Programs team has only 2 of 6 full time staff,
    - The Project Controls Office has 2 of 4 full time staff,
    - The Budget Office will soon have 2 full-time positions vacant as staff in those roles have announced they are leaving the team.
- The cost of rehiring and retraining is higher than retaining current staff and should be avoided to maximize taxpayer dollars.

To support our efforts, anyone can sign onto our petition by visiting the following link:

<https://www.change.org/p/jeffrey-tumlin-sfmta-bfpa-employees-call-for-a-healthy-workplace-culture>

change.org Start a petition My petitions Browse Membership Q Log in

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Petition details Comments Updates

# SFMTA BFPA Employees Call for a Healthy Workplace Culture


 **BFPA Employees** started this petition to Transportation Director, SFMTA Jeffrey Tumlin and 1 other

**Join our efforts by signing this petition! We need the SFMTA Executive Management to address BFPA's unhealthy workplace culture at the Agency and we need your support.**

We, the undersigned, are current and past staff members of the San Francisco Municipal Transportation Agency's (SFMTA) Budget, Financial Planning and Analysis (BFPA) team. We write today to express our concern and dismay with the health and well-being of the BFPA team and to request immediate action to restore this team to a healthy and productive state. For almost 3 years, BFPA staff have been exposed to a toxic work environment cultivated by acting Chief Financial Officer Jonathan Rewers, including, but not limited to: verbal abuse, gaslighting, chaos, burnout, inappropriate jokes, and misogyny. Staff have repeatedly reported inappropriate behavior directly to BFPA management and through formal agency grievance channels, but these issues remain unaddressed. This environment, and the subsequent inaction on the part of the management team to remedy it, have resulted in plummeting staff morale and increasing turnover.

We urge Director Jeffrey Tumlin and appropriate members of the Agency's executive leadership team to address the concerns listed and significantly improve the working conditions in BFPA, either through enforced and accountable remediation or a change in leadership. We care about public transportation and

1 has signed. Let's get to 100!

 At 100 signatures, this petition is more likely to be featured in recommendations!

First name

Last name

Email


United States ▼

City

CA ▼

Zip code

- Please share my name and email address with BFPA Employees, so that I can receive updates on this campaign and others.
- Display my name and comment on this petition

 **Sign this petition**

By signing, you accept Change.org's [Terms of Service](#) and [Privacy Policy](#), and agree to receive occasional emails about campaigns on Change.org. You can unsubscribe at any time.



Hello Colleagues,

I am leaving the SFMTA to join the SF Human Services Agency as a budget analyst starting on November 29th.

I joined the SFMTA in 2016 with the goal of being a part of transformative change in service of the people of San Francisco, with the memory of two friends of mine who were killed while riding their bikes in New York City in 2005 and 2007. The importance of SFMTA's work has always been extremely clear to me personally. In my five years of service at this Agency I have seen it do so much for San Francisco due to the dedicated and hard work of so many great SFMTA employees, like you! I hope it does more and does better in service of this City into the future.

I am proud of so many things that I've been a part of in my five years at the SFMTA. Most notably, the Bayview Community Based Transportation Plan and everything that resulted from it. I remember specifically the anger of the community in how the replacement of the 15-Third bus line with the T-train greatly affected transit travel times and the daily lives of so many in the most disadvantaged community in San Francisco. I am proud of how this planning process validated the concerns of that community, and not too long after a plan with funding for street improvements was completed, the 15-Third bus line was reinstated, and soon enough, community shuttle service will also come to the Bayview. I am proud of learning from last year's Active Transportation Program cycle to help set up grant application proposals next year that fit the needs of San Francisco and the Program, in the Tenderloin and the Bayview. I am proud that before long, San Francisco will have an equity centered bike plan much like our colleagues in Oakland. I am proud that there is now a seat dedicated to equity on the Transportation Capital Committee.

I have had the great pleasure of working with so many people, like yourself, throughout this organization that are highly dedicated to this work and serving the people of this City. I have worked under some wonderful supervisors during my time at the SFMTA who worked hard at giving their staff the tools they needed to do their jobs efficiently and effectively, delegated well, and did what they could to ensure the wellbeing of their staff. These are valuable traits for folks that have authority over others in an organization like this. I hope these are encouraged and evaluated in regular 360 reviews that are a part of the performance assessments of supervisors and managers at the SFMTA.

I also hope this Agency goes further to realize its stated goals of equity, in undoing the harms that government agencies have actively inflicted on people and communities of color in the not so distant past. There is so much focus in this Agency on ambitious capital projects. I hope SFMTA can someday soon realign some of its operations to prioritize service for the poor and disenfranchised even more than it already does. I hope in the near future this agency can:

1. **Make low-income transit passes free.** The SFMTA values equity. SFMTA transit discounts for the verifiably impoverished should be 100%. The current price of \$40 per month is too much for someone who earns less than \$25,520 in San Francisco. This involves trade-off decisions, but

SFMTA's operating budget is a statement of its values. These trade-off decisions are how SFMTA can prove its commitment to equity.

2. **Start a Low Income Parking Fine Program.** Apparently a low income parking fine program, like the one already available in San Francisco for traffic tickets / moving violations would cost \$20 million per year and 22 FTE to instate. These are back of the envelope estimates, so the SFMTA can and should conduct a study to verify these costs so it can make the best trade off decisions possible for the public we serve. A pilot program to test this out in SF's most disadvantaged community would be a great idea. SFMTA's flat parking fines punish the poor two-fold, once for bad behavior, and again for being poor. We know that poverty is often inherited from discriminatory past city, state and federal government policies. SFMTA should do everything it can to correct these.
3. **Institute all of Dante King's recommendations.** You, SFMTA staff, are everything to this Agency's ability to serve the public. Dante King is an HR expert who analyzed the SFMTA in depth. After Dante's recommendations and warnings were ignored, Dante left the SFMTA in disgust. This is shameful. Dante shed so much light on the toxicity in significant parts of SFMTA's work culture. This gave validation to so many employees throughout the Agency who knew through Dante's work that what they have experienced at the SFMTA was real, was not okay, and that they were not alone. Dante was told that implementing their recommendations would be 'too hard' by those in power at the SFMTA. While implementing Dante's recommendations may have been difficult in the short run, these represented crucial trade-off decisions, and in the long run SFMTA is on track to pay the full price for not heeding Dante's warnings. In so many ways, it already is. This is detrimental to this Agency's ability to serve the public and achieve its stated goals.

I love the stated goals of the SFMTA, and am so proud of what I have had the privilege to be a part of in my time here, in service of the people of this City. I hope the SFMTA continues to improve further into the future. I won't be far away and still in the City family at SF Human Services Agency, two blocks and/or a simple email or Teams chat away. I hope to see some of you again very soon.

Thank you for everything over the last five years.

All my best,

**Jesse Rosemoore**

Transportation Planner

Funding Strategy and Programs

Budget Financial Planning and Analysis

415.646.2457

[jesse.rosemoore@sfmta.com](mailto:jesse.rosemoore@sfmta.com)

San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 8th floor

San Francisco, CA 94103

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Auto break ins  
**Date:** Thursday, December 2, 2021 1:00:00 PM

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**From:** ana powers <apowers23@gmail.com>  
**Sent:** Tuesday, November 30, 2021 12:18 PM  
**To:** Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>  
**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Auto break ins

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I am a concern individual on how the police department is handling the on going break in in vehicles.

My sons car was broken into on 11/29/21 in the evening at a parking garage down town Mountain View. 2 back packs were taken with computers.

They reported it to the police and they took a report.

Later in the evening the thivies opened the apple computer and showed the location of the laptop. They immediately called both SFO police and Mountain View police only to be told they could not do a thing to retrieve the computers.

I do don't understand what the job description is of the police department.

My understanding is they are to control all unlawful activities that occur in our community.

We have a large group of individuals who have taken over the peninsula from SFO to San Jose creating havoc.

It's as if they have been given the keys to all of the peninsula to do as they please.

They are know starting to kill as what happen shortly ago. A life was taken by these individuals.

A location was given and nothing was done.

If all police department from SFO to San Jose worked together in solving this problem it would not be as it is today.

All we hear is we do not have the resources to stop these crimes.

We all pay taxes that are suppose to go to protecting our communities, but for some reason they

police department is not receiving those funds. They claim they do not have the man power to protect the community.

What a lame excuse.

I hope this can shed some light and you as city officials can talk to other cities and try to fix this problem as a group before more lives are taken.

I am attaching the location of were the computer ping. Hopefully you can use your city power to have the police investigate the location.

If they do I am sure you will solve many open cases.

The location ping at 7pm on 11/29/21

From: [redacted]  
To: [redacted]  
Subject: [redacted]  
Date: [redacted]  
Attachments: [redacted]

From: Board of Supervisors, (BO) <board@supervisor.sfgov.org>  
Sent: Tuesday, November 30, 2021 2:53 PM  
To: Board of Supervisors, (BO) <board@supervisor.sfgov.org>  
Cc: Cecilia, Angela (BO) <cecilia.calvillo@sfgov.org>; Luannama, Lurion (BO) <lurion.luannama@sfgov.org>; Mihugh, Elise (BO) <elise.mihugh@sfgov.org>; Ng, Wilson (BO) <wilson.ng@sfgov.org>; Tomera, Alva (BO) <alva.tomera@sfgov.org>  
Subject: [redacted]

From: J. Scott Evans <jsevans@sfgov.org>  
Sent: Tuesday, November 30, 2021 2:59 PM  
To: Board of Supervisors, (BO) <board@supervisor.sfgov.org>  
Subject: [redacted]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My name is J. Scott Evans. I am San Francisco resident and City and County taxpayer. I live in District 9. Today, I came to City Hall at 1:45 PM for the scheduled 2 PM Board of Supervisors full meeting. I found the information on the Board of Supervisors website. See Screenshot below:

The screenshot shows the Board of Supervisors website. The header includes the City and County of San Francisco logo and a search bar. The main navigation menu has links for About the Board, Clerk of the Board, Legislative Research, Meeting Information, Legislation Introduced, Legislation Passed, Forms & Documents, Board's Divisions, and Request Information. The page title is "Full Board Meetings". There is a "Meeting Date" filter set to "-Year" and an "Apply" button. A "Meetings Archive" link is also present. A table lists meeting dates and links to agendas and minutes:

| Date:                               | Agendas:               | Minutes:                | Supporting Documents: |
|-------------------------------------|------------------------|-------------------------|-----------------------|
| Tuesday, November 30, 2021 - 2:00pm | <a href="#">Agenda</a> | N/A                     | N/A                   |
| Tuesday, November 16, 2021 - 2:00pm | <a href="#">Agenda</a> | <a href="#">Minutes</a> | N/A                   |
| Tuesday, November 9, 2021 - 2:00pm  | <a href="#">Agenda</a> | <a href="#">Minutes</a> | N/A                   |
| Tuesday, November 2, 2021 - 2:00pm  | <a href="#">Agenda</a> | <a href="#">Minutes</a> | N/A                   |
| Tuesday, October 26, 2021 - 2:00pm  | <a href="#">Agenda</a> | <a href="#">Minutes</a> | N/A                   |

On the right side, there is a "SHARE THIS" button, a "Select Language" dropdown menu, and a "STAY CONNECTED" section with social media icons for Twitter, YouTube, and RSS.

You will note that the site clearly states that this webpage contains the listing for the Full Board Meetings. I clicked through to the Agenda. See screenshot below:

The screenshot shows a PDF document titled "BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA". The document is displayed in a browser window with a sidebar on the left showing a table of contents with three items. The main content of the agenda includes:

**BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO  
AGENDA**

Legislative Chamber, Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Watch SF Cable Channel 26, 78, or 99 (depending on your provider)  
Watch [www.sfgovtv.org](http://www.sfgovtv.org)

**PUBLIC COMMENT CALL-IN**  
[1 \(415\) 655-0001 / Meeting ID: 2483 154 1056 # #](tel:4156550001)

**Tuesday, November 30, 2021 - 2:00 PM**  
**Regular Meeting**

SHAMANN WALTON, PRESIDENT  
CONNIE CHAN, MATT HANEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR,  
AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

So you can imagine my surprise when I was told by a young lady when I opened the door for one gentleman to enter that this was a closed meeting. Nowhere on your site does it advise that this meeting will be closed. In addition, the agenda does not indicate that this will be a closed meeting. In fact, the Agenda states that this is a "Regular Meeting."

As a taxpayer, I think closed meetings should be an extraordinary situation and should be clearly noticed to members of the public. In fact, I'd like someone from the Board to point me to the specific regulation or city ordinance that allows closed meetings and to be informed about what, if any, public notice requirements there are in such circumstances. I left City Hall, I went home and tried to access the meeting via the three cable channels listed in the Agenda. I have DirecTV, so I suppose without fiber optic cable, I have no access. I then tried the site listed in the agenda. I note that this site did not offer streaming. Just videos of the past meetings (the most recent being the November 16th Full Board Meeting).

I find the situation I face today is untenable. I have been paying taxes in this City and County for 8.5 years and I find that the situation with the homeless, the crime, and the litter on our streets to be unbearable. I find it very disturbing that a Board of Supervisors that has only recently gained access to an estimated \$1.1 billion dollars to address the homelessness issue is having closed door meetings without notice to the public. Frankly, I am one dissatisfied constituent. This City is deceiving and the people we have elected to manage our City are, in my opinion, not getting the job done.

I expect a prompt reply to this email and an explanation. I plan to also contact the media. I am fed up. I think it is time the Board is held accountable for the situation our City and County face today. I want answers, I want explanations for how our money is being spent and what you all are doing to find solutions to the increasingly oppressive issues that face the residents of this City.

Today was disappointing. I am hopeful that we can work together to do better in the future.

J. Scott Evans  
10118 Holston Avenue  
San Francisco, CA 94124  
415.310.4433

J. Scott Evans - [jscott.evans@outlook.com](mailto:jscott.evans@outlook.com)

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Notice of Public Hearing: Tree Removals along 16th Street Effective Date Thursday, December 2, 2021 - 2:00pm: TOMORROW!  
**Date:** Thursday, December 2, 2021 8:23:00 AM

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**From:** Deetje B <deetje@aol.com>  
**Sent:** Wednesday, December 1, 2021 7:32 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Fwd: Notice of Public Hearing: Tree Removals along 16th Street Effective Date Thursday, December 2, 2021 - 2:00pm: TOMORROW!

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Attention Supervisors and tree-watchers:

Here we go again with SFMTA! This proposal is to remove 18 trees along 16th St., from Bryant to Guerrero streets that manage to be in the way of SFMTA's plans to fix up the street for the Muni buses. (Let me guess: to make them a minute faster -- well, at least sometimes, depending.) Our experience with SFMTA is that objections to their proposals are heard by their own hearing "officers" and any appeal of this decision is also heard by one of their Department heads. Slam-dunk! End of subject.

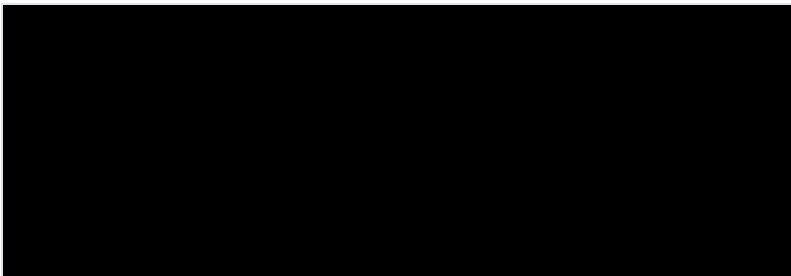
Something needs to be done about the excessive concentration of control in this one agency, this one authority: SFMTA.

Deetje Boler  
Resident, District 5

-----Original Message-----

From: tenderloin treecampaign <[tenderlointreecampaign@yahoo.com](mailto:tenderlointreecampaign@yahoo.com)>  
To: Lance Carnes <[lacarnes@gmail.com](mailto:lacarnes@gmail.com)>  
Cc: Joshua Klipp <[joshuaklipp@gmail.com](mailto:joshuaklipp@gmail.com)>; Deetje Boler <[deetje@aol.com](mailto:deetje@aol.com)>  
Sent: Wed, Dec 1, 2021 5:49 pm  
Subject: Notice of Public Hearing: Tree Removals along 16th Street Effective Date Thursday, December 2, 2021 - 2:00pm

[Notice of Public Hearing: Tree Removals along 16th Street](#)





## Notice of Public Hearing: Tree Removals along 16th Street

Notice is hereby given that the SFMTA Hearing Section will hold a remote public hearing via teleconference to co...

Notice is hereby given that the SFMTA Hearing Section will hold a remote public hearing via teleconference to consider the item(s) listed below and that said public hearing will be held as follows:

**DATE: Thursday, December 2, 2021**

**TIME: 2 p.m.**

**LOCATION: [Click here to join the meeting](#)**

### **TREE LOCATIONS:**

- (5) trees at 2400-2440 16th Street
- (1) at 2757 16th Street
- (1) at 2765 16th Street
- (1) at 2940 16th Street
- (1) at 3020 16th Street
- (1) at 3027 16th Street
- (1) at 3120 16th Street
- (1) at 3159 16th Street
- (1) at 3174 16th Street
- (2) at 3214 16th Street
- (1) at 3233 16th Street
- (1) at 3245 16th Street
- (1) at 3312 16th Street

Approximately 100 new trees total will be planted between Church and Utah Streets. Staff approved the removals, and the public has protested.

Individuals who wish to view shared materials presented during the hearing may join the hearing online. You may also join by phone. See details below:

**Attend virtually: [Click here to join the meeting](#)**

**Or call:** 888.251.2909; access code 4584731

Persons who are unable to participate in the videoconference may submit written comments regarding the subject matter to SFMTA:

**Email: [HearingsGeneral@SFMTA.com](mailto:HearingsGeneral@SFMTA.com)**

**Mail:** Attn: Hearing Section, 1 S. Van Ness Avenue, 6th Floor, San Francisco, 94103

Comments received before the hearing will be brought to the attention of the hearing officer and made a part of the official public record. Further information, if desired, on this matter may be obtained prior to the hearing by contacting the SFMTA via email at [HearingsGeneral@SFMTA.com](mailto:HearingsGeneral@SFMTA.com).

Mr. John Nulty co-chair  
Tenderloin Tree Campaign

P. O. Box 421949

San Francisco, CA 94142-1949

<https://avanan.url-protection.com/v1/url?o=http%3A//tenderlointreecampaign.blogspot.com/&g=MGE1MzczMTBhNDM3YjkxMg==&h=ZDVmZTEzNzc0ODEyY2Q2MDMyNmIwNzg0OTBIZjc1MDE4MTIyMWUwNTQ4NWQzZGQ0NTU4MzM0MDc3YzFiMjhiOA==&p=YXAzOnNmZHQyOmF2YW5hbjpvOjI1MmJIYmNiNDQ2MGQ0OWFjZmEwZGI3MjhjMjE3OWVmOnYxOnQ=>

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Telegraph Hill Dwellers Support for Revisions to Article 16  
**Date:** Monday, November 29, 2021 11:39:00 AM  
**Attachments:** [THD Support for Article 16 Amendments.pdf](#)  
[2021-11-19 Sierra Club - File No. 210836 Article 16 Amendments copy.pdf](#)

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**From:** Michael Rothmann <mike.rothmann@gmail.com>  
**Sent:** Monday, November 29, 2021 11:23 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Telegraph Hill Dwellers Support for Revisions to Article 16

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Members of the board,

Please see the attached letter describing Telegraph Hill Dwellers support for amendments to Article 16 of the DPW code.

Michael Rothmann  
Parks and Trees Committee  
Telegraph Hill Dwellers



November 29, 2021

Via E-mail: [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)

Board of Supervisors

1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

RE: Support for Sierra Club's Revisions to Article 16

President Walton and Members of the Board,

The Parks and Trees Committee of the Telegraph Hill Dwellers wholeheartedly concurs with the views expressed by the Sierra Club's San Francisco group of the SF Bay chapter in the letter dated November 19, 2021 (attached) regarding the revisions that should be made to the proposed amendments to Article 16 of the San Francisco Public Works Code regarding DPW's urban forestry policy.

As stated in the letter submitted by the Sierra Club, the proposed amendments to Article 16 leave gaps in the DPW code that could result in inequitable tree distribution across the city as well as insufficient oversight with regards to the removal of street trees and trees on private property.

We also support revisions that would require the planting of a replacement tree not only where one has been removed, but also the planting of a second in an underserved neighborhood.

Furthermore, we agree that the elimination of the public's right to administrative objection could result in DPW having too much power to remove trees without sufficient public oversight. Therefore, we support maintaining the provision of administrative objection in the code.

We sincerely hope you take these recommendations along with all those described in the Sierra Club's letter seriously as the maintenance of a vibrant and equitable urban forest is essential to a vibrant and equitable San Francisco.

Michael Rothmann  
Chair, Parks and Trees Committee  
Telegraph Hill Dwellers



## San Francisco Group, SF Bay Chapter

Serving San Francisco County

Date: November 19, 2021  
To: San Francisco Board of Supervisors  
Subject: File # 210836, Public Works Code - Street Tree Planting and Removal

---

Dear Supervisors,

The Sierra Club's San Francisco Group is concerned about the possible negative consequences of some of the proposed revisions to San Francisco's Public Works Code Street Tree Planting and Removal - Article 16. These revisions could have the unintended impacts of:

1. increased existing inequities in the distribution of San Francisco's street trees;
2. reduced civic engagement;
3. inadequate ability to penalize illegal tree removal and tree abuse; and
4. departmental overreach by allowing DPW to require the removal of trees on private property and not currently under their jurisdiction.

There is much that is good in this proposed legislation. Therefore, we suggest the following amendments to this legislation to strengthen its benefits for San Francisco's urban forest.

These include:

1. increase equity in replacing removed trees;
2. restore public involvement in decisions regarding removal of trees;
3. empower the Department of Public Works to enforce penalties; and
4. remove the expansion of DPW jurisdiction over trees on private property.

### **Background**

#### 1. Revision to Require Replacement of Removed Trees

This proposed revision requires Public Works to plant replacement Street Trees within 120 days of removal in the same location or nearby.

#### Positive Consequence

Currently, there is no timeline to replace a street tree that has been removed. Tree wells can sit empty for years or are sometimes paved over altogether. We support a mandatory timeline for replacing a tree that has been removed.

### Negative Consequence

However, the Department of Public Works currently lacks the ability to keep up replanting to match the rate of removals.<sup>1</sup> Additionally, there is a disparate tree canopy distribution against the percentage of people of color in San Francisco.<sup>2</sup>

If the Department of Public Works is forced to prioritize planting only in neighborhoods where a tree is removed, this means that neighborhoods which are already green will continue to have trees, while those that do not have trees, will not be prioritized.

### Recommended Amendments

Keep the 120-day replanting requirement. But for every tree replaced in a neighborhood that exceeds the City's average of 13.7% canopy, *also* require the planting of a tree of equal size in a disadvantaged neighborhood below this percentage.

#### 2. Revision to Eliminate Administrative Objections

This proposed revision eliminates the public's right to file administrative objections to proposed removals of Hazard Street Trees. In other words, DPW would be allowed to declare a tree a hazard and remove it immediately, without the public's ability to bring their own expert testimony to bear on this decision.

### Negative Consequences

- a. This revision is unnecessary. Trees that are an immediate danger to the public can already be taken down under the category of "Emergency Removal" with no public process. By entirely removing public process for "hazard" trees, DPW sets up the potential for future abuse by Departmental leadership. This is a serious concern given that our City's most recent Director of Public Works had a systematic program of removal of a species of tree that he did not favor.
- b. Additionally, some of the most innovative City projects are the result of civic engagement, *e.g.*, Mission Verde along the 24<sup>th</sup> Street Corridor. Reducing public process reduces the likelihood of community involvement and partnership at a time our City needs maximum civic engagement in its work toward climate resilience.

### Recommendation

Strike this proposed revision as unnecessary.

#### 3. Revisions Related to Development and Construction

There are two proposed revisions designed to target illegal removals and tree injury that currently are rampant and yet unpenalized. Unfortunately, the proposed changes do not adequately address this issue or empower Public Works to enforce penalties.

### Recommended Amendments

- a. In construction projects, require developers to put up a bond several times the value of the tree on a pro rata basis (*e.g.*, 5x the value of the tree if a project is \$1mil or above; 2x the value of the tree if it is \$250k or less). If the tree is injured during construction, this bond is transferred into the City's Street Tree Planting Fund. By pro-rating, homeowners and small businesses are still encouraged to engage in development.
- b. Whether during construction or otherwise, if a tree is removed illegally, require the actor to replace it based on a biomass replacement formula, and authorize the Department of Public Works to enact a lien to ensure compliance.

---

<sup>1</sup> See

[https://sfbos.org/sites/default/files/061421\\_PA\\_of\\_DPW\\_Street\\_Resurfacing\\_Prog\\_%26\\_StreetTreeSF%20Prog.pdf](https://sfbos.org/sites/default/files/061421_PA_of_DPW_Street_Resurfacing_Prog_%26_StreetTreeSF%20Prog.pdf) at p. 63.

<sup>2</sup> See <https://www.treeequityscore.org/reports/place/san-francisco-ca/>

#### 4. Revision Related to Trees on Private Property

Although Article 16 deals with “street trees”, a proposed revision would give DPW the right to enter private property, determine that a privately-owned tree is a hazard tree, and require its removal with no right for appeal on the part of the private property owner.

##### Negative Consequence

It is concerning that a proposed revision impacting trees not along a public right of way would fall under the jurisdiction of Public Works. Further, because Public Works seeks to remove public process around the determination of hazard trees, the result is that the private property owner would have no choice but to comply and have the tree removed.

##### Recommendation

This provision should be struck, and considered as a separate, voter-approved, ballot measure.

#### **Other amendments to consider**

The legislation could further be strengthened by including:

- Reference to climate change and the need to be a climate resilient City;
- Reference to trees and tree canopy as an issue of environmental justice;
- The inadequacy of 1:1 tree replacement (i.e. replacing a mature tree with a sapling); and
- The enforcement of tree care for trees planted for construction projects; for example, often trees are planted but then not maintained and frequently die.

#### **Why is it so important to protect and increase our urban tree canopy?**

The Sierra Club believes that biodiversity, native vegetation, and green infrastructure like trees and shrubs are all critical components in our fight for climate resilience. At 13.7%, San Francisco’s is the smallest urban canopy of any major city in the United States, yet our City is failing to come close to the goals of our Urban Forest Plan - a plan that is expressly relied upon in our City’s climate action strategies.<sup>3</sup> The above recommendations and additional proposed revisions are the bare minimum San Francisco must implement to begin to address our need for increased tree canopy as a matter of climate resilience and environmental justice.

We look forward to hearing your response to our recommendations and thank you for your attention to this matter.

Sincerely,

*Becky Evans*

Becky Evans

Chair, SF Group Executive Committee

---

<sup>3</sup> "Budget and Legislative Analyst's report," June 14, 2021 “. . . the City’s 10-year average of 2,154 street trees planted annually is less than half of the 5,000 of street trees that need to be planted annually to ensure that the City’s street tree population does not shrink . . .”

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Recology yearly free pickup  
**Date:** Monday, November 29, 2021 2:33:00 PM

---

**From:** Allen Jones <jones-allen@att.net>  
**Sent:** Monday, November 29, 2021 2:13 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Haneystaff (BOS) <haneystaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>  
**Subject:** Recology yearly free pickup

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Attention: All Members of the San Francisco Board of Supervisors,

Recology offers a curb side pickup of items I believe once a year. The instructions are that the items be placed at the curb the night before pickup.

What happens is that homeless people wonder by and cart off some items and they end up being used to build street shelter.

This must change. As a person who is now using a wheelchair/mobility scooter, I on many occasions have had to use the street to navigate around these obstructions. When I reported to 311a report of blocked paths, I get a convenient excuse to do nothing: due to the pandemic, DPW will not remove these blocked paths. I never did and never will accept this as a reason for me to use the street instead of the sidewalk.

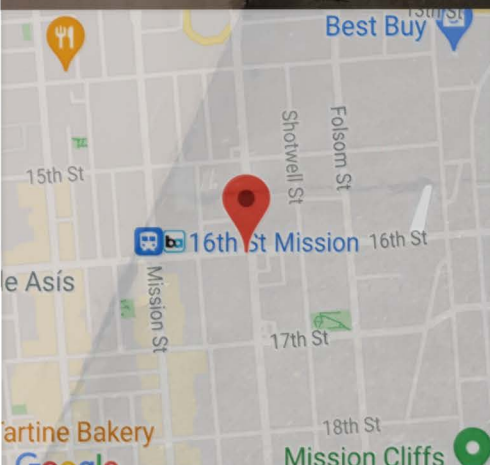
I said all this to request the Board of Supervisors address this ONE issue with Recology in an attempt to get them to change policy on once a year free pickup.

My suggestion: Recology should employ people to pickup items in the home/apt/structure and no longer items place on the street the night before.

Allen Jones  
(415) 756-7733  
[jones-allen@att.net](mailto:jones-allen@att.net)  
[Californiaclemency.org](http://Californiaclemency.org)

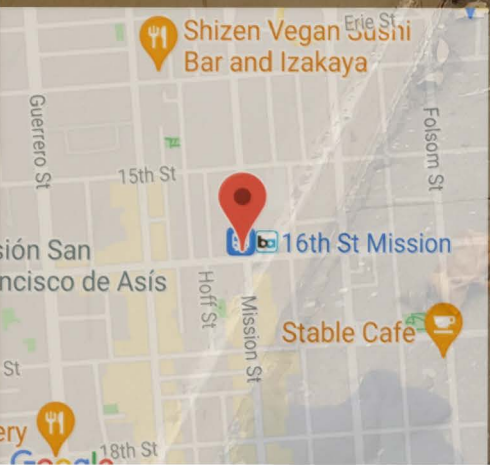


*The Only thing I love more than justice is the freedom to fight for it.*



Nov 27 2021 1:55:55 PM





Oct 31 2021 1:07:22 PM





Nov 11 2021 3:37:21 PM



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Record No. 2016-005365CUA 230 Anza Street  
**Date:** Monday, November 29, 2021 8:18:00 AM  
**Attachments:** [230 Anza St 29Nov2021.pdf](#)

---

**From:** Joseph Smooke <josephsmooke@gmail.com>  
**Sent:** Monday, November 29, 2021 7:34 AM  
**To:** Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; RDR core <rdr-core@googlegroups.com>; Westside Community Coalition <westside-community-coalition@googlegroups.com>; West Side TOC <wsta-toc@googlegroups.com>; Young, Sharon (CPC) <sharon.m.young@sfgov.org>  
**Subject:** Record No. 2016-005365CUA 230 Anza Street

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29 November 2021

Planning Commission President, Joel Koppel  
Planning Commissioners Kathrin Moore (Vice-President), Deland Chan, Sue Diamond, Frank Fung, Theresa Imperial, Rachael Tanner

Project Planner, Sharon Young

Re: Record No. 2016-005365CUA  
230 Anza Street  
December 2 Planning Commission

Dear Planning Commission and Staff

On behalf of Richmond District Rising, the Westside Community Coalition, and the Westside Tenants Association, we unfortunately are still in the position of having to urge that the Planning Commission reject the applicant's request for Conditional Use Authorization to demolish this existing two unit, two story residential building.

We have been in touch with the project planner about the status of this application as it is scheduled to be heard again this week, December 2. The update that we have

received from the planner is that "The architects are currently re-reviewing the demolition calculations". We received that communication on November 16, and we have not received an update since then.

Even if we receive information today, November 29, there will not be enough time for the public or the Commission to review the demolition calculations prior to this week's Commission hearing.

We still believe that the rehab work abandoned by prior owners is not adequate justification for pursuing demolition of the structure which could jeopardize the rent controlled status of this property. We urge Planning to reject the project sponsor's plans to demolish the existing structure, and instead, direct the sponsor to complete the renovations and bring the building up to code with two, habitable, renovated rent controlled units which our city and our community desperately need. We also request that Planning work with the Department of Building Inspection to set deadlines for completion of the code compliant renovations. Otherwise DBI should take all corrective actions at their disposal to guarantee compliance. It's imperative that these rent controlled units are back online and available to be rented as quickly as possible.

San Francisco has laws in place that discourage and disallow developers to enhance their properties for their own speculative gain after evicting tenants. The same logic should apply here. We should not as a city be setting a precedent by allowing owners to let their properties fall into disrepair, then reward future owners by allowing them to tear those structures down, and remove rent control protections. Approving a project proposal such as this would send a message to owners that neglect is ok because in the future either they or a future owner will be able to demolish the deteriorated structure for maximum profits instead of maintaining the original structure which can provide valuable units of rent controlled housing.

The action the Planning Commission takes on this item should send a message that developers and project sponsors should prioritize bringing rent controlled units up to code to provide high quality, safe and stable housing for our communities.

Thank you for your consideration of our concerns and our demand for the Planning Commission to reject this application for Conditional Use Authorization along with instructions for the owner/ sponsor to complete the renovations in process, and bring the building up to code, and make it habitable and occupiable once again as rent controlled housing.

Respectfully,

Richmond District Rising  
Westside Tenants Association  
Westside Community Coalition

cc: Board of Supervisors

## Board of Supervisors Legislative Aides

--

co-founder [People Power Media](#)  
[josephsmooke.photoshelter.com/archive](http://josephsmooke.photoshelter.com/archive)

29 November 2021

Planning Commission President, Joel Koppel  
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Respectfully,

Richmond District Rising  
Westside Tenants Association  
Westside Community Coalition

cc: Board of Supervisors  
Board of Supervisors Legislative Aides

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Record No. 2018-009812CUA 1268 17th Avenue  
**Date:** Monday, November 29, 2021 8:18:00 AM  
**Attachments:** [1268 17th Avenue 29Nov2021.pdf](#)

---

**From:** Joseph Smooke <josephsmooke@gmail.com>  
**Sent:** Monday, November 29, 2021 7:31 AM  
**To:** Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Dito, Matthew (CPC) <matthew.dito@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; RDR core <rdr-core@googlegroups.com>; Westside Community Coalition <westside-community-coalition@googlegroups.com>; West Side TOC <wsta-toc@googlegroups.com>  
**Subject:** Record No. 2018-009812CUA 1268 17th Avenue

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29 November 2021

Planning Commission President, Joel Koppel  
Planning Commissioners Kathrin Moore (Vice-President), Deland Chan, Sue Diamond, Frank Fung, Theresa Imperial, Rachael Tanner

Project Planner, Matthew Dito

Re: Record No. 2018-009812CUA  
1268 17th Avenue  
December 2 Planning Commission

Dear Planning Commission and Staff

On behalf of Richmond District Rising, the Westside Community Coalition, and the Westside Tenants Association, we unfortunately are still in the position of having to urge that the Planning Commission reject the applicant's request for Conditional Use Authorization to demolish an existing single unit structure at the rear of a 2-unit, 2-structure, rent controlled property with what still appears to be a speculative upscaling of this property with an additional unit in excess of 2,000 square feet.

We have been in touch with the project planner who claims that "New units are only subject to price controls if they are located in previously existing residential space that was also subject to price controls." After consultation with the Rent Board, we are unsure where this interpretation of the Rent Stabilization Ordinance comes from.

Our understanding is that we should be referring to this guide on the Rent Board's website:

<https://sfrb.org/topic-no-020-partial-exemption-new-construction-and-substantial-rehabilitation>

which refers to "units". This reference to "units" might make it seem like different units in a single building can be considered as having a different "first Certificate of Occupancy" date. But, our understanding, upon consulting with the Rent Board, is that the definition of residential unit in the actual rent stabilization ordinance refers to the entire building. Additionally, it doesn't make sense that there would be a new Certificate of Occupancy for one particular unit.

The issue that remains, then, is that if the developer is allowed to proceed with their project, they could later petition the Rent Board to have all units removed from rent control status. By attempting to parse out one unit from the rest during the project approval process, which is not supported by any prior record keeping at the city (refer to the Property Information Map- the information about when a residential building was built is based on the original Certificate of Occupancy- which pertains to the entire building) this will create an ambiguity for which the Rent Board will not have records that will provide guidance as to how to track these units. Therefore, in order to rectify the ambiguity, the developer will petition the Rent Board to have rent stabilization removed from all units based on an assertion that there was significant work that resulted in new construction.

As a reminder, the Conditional Use Authorization notice sent around to the public did not include any drawings, and despite being in touch with the project planner, we still have not received any drawings to review. So, it is impossible to assess what the impacts and results of the proposed project would be.

Looking at the property from the aerial view leaves us with a question as to whether demolition of the rear structure will demolish more than 50% of the total foundation between the two buildings, which could leave the sponsor a possibility of petitioning for removing the three new units from rent control.

Replacing two existing rent controlled units with three upscaled units works against goals of affordability and is in direct contradiction to the stated goals of the interim zoning controls currently in place for RM areas. In our correspondence with the project planner, they have made no mention as to how the developer's proposed project complies with or attempts to accomplish the goals of the RM interim controls.

Thank you for your consideration of our concerns and our demand for the Planning Commission to reject this application for Conditional Use Authorization along with instructions for the owner/ sponsor to make any necessary renovations to the existing structures and make them available as residential, rent controlled units.

Respectfully,

Richmond District Rising  
Westside Tenants Association  
Westside Community Coalition

cc: Board of Supervisors  
Board of Supervisors Legislative Aides

--

co-founder [People Power Media](#)  
[josephsmooke.photoshelter.com/archive](http://josephsmooke.photoshelter.com/archive)

29 November 2021

Planning Commission President, Joel Koppel  
Planning Commissioners Kathrin Moore (Vice-President), Deland Chan, Sue Diamond, Frank Fung,  
Theresa Imperial, Rachael Tanner

Project Planner, Matthew Dito

Re: Record No. 2018-009812CUA  
1268 17th Avenue  
December 2 Planning Commission

Dear Planning Commission and Staff

On behalf of Richmond District Rising, the Westside Community Coalition, and the Westside Tenants Association, we unfortunately are still in the position of having to urge that the Planning Commission reject the applicant's request for Conditional Use Authorization to demolish an existing single unit structure at the rear of a 2-unit, 2-structure, rent controlled property with what still appears to be a speculative upscaling of this property with an additional unit in excess of 2,000 square feet.

We have been in touch with the project planner who claims that "New units are only subject to price controls if they are located in previously existing residential space that was also subject to price controls." After consultation with the Rent Board, we are unsure where this interpretation of the Rent Stabilization Ordinance comes from.

Our understanding is that we should be referring to this guide on the Rent Board's website: <https://sfrb.org/topic-no-020-partial-exemption-new-construction-and-substantial-rehabilitation> which refers to "units". This reference to "units" might make it seem like different units in a single building can be considered as having a different "first Certificate of Occupancy" date. But, our understanding, upon consulting with the Rent Board, is that the definition of residential unit in the actual rent stabilization ordinance refers to the entire building. Additionally, it doesn't make sense that there would be a new Certificate of Occupancy for one particular unit.

The issue that remains, then, is that if the developer is allowed to proceed with their project, they could later petition the Rent Board to have all units removed from rent control status. By attempting to parse out one unit from the rest during the project approval process, which is not supported by any prior record keeping at the city (refer to the Property Information Map- the information about when a residential building was built is based on the original Certificate of Occupancy- which pertains to the entire building) this will create an ambiguity for which the Rent Board will not have records that will provide guidance as to how to track these units. Therefore, in order to rectify the ambiguity, the developer will petition the Rent Board to have rent stabilization removed from all units based on an assertion that there was significant work that resulted in new construction.

As a reminder, the Conditional Use Authorization notice sent around to the public did not include any drawings, and despite being in touch with the project planner, we still have not received any drawings to review. So, it is impossible to assess what the impacts and results of the proposed project would be. Looking at the property from the aerial view leaves us with a question as to whether demolition of the rear structure will demolish more than 50% of the total foundation between the two buildings, which could leave the sponsor a possibility of petitioning for removing the three new units from rent control.

Replacing two existing rent controlled units with three upscaled units works against goals of affordability and is in direct contradiction to the stated goals of the interim zoning controls currently in place for RM areas. In our correspondence with the project planner, they have made no mention as to how the developer's proposed project complies with or attempts to accomplish the goals of the RM interim controls.

Thank you for your consideration of our concerns and our demand for the Planning Commission to reject this application for Conditional Use Authorization along with instructions for the owner/ sponsor to make any necessary renovations to the existing structures and make them available as residential, rent controlled units.

Respectfully,

Richmond District Rising  
Westside Tenants Association  
Westside Community Coalition

cc: Board of Supervisors  
Board of Supervisors Legislative Aides

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: UPDATED letter re: Record No. 2018-009812CUA 1268 17th Avenue  
**Date:** Thursday, December 2, 2021 8:20:00 AM  
**Attachments:** [1268 17th Avenue 1Dec2021.pdf](#)

---

**From:** Joseph Smooke <josephsmooke@gmail.com>  
**Sent:** Wednesday, December 1, 2021 8:51 PM  
**To:** Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Dito, Matthew (CPC) <matthew.dito@sfgov.org>; Westside Community Coalition <westside-community-coalition@googlegroups.com>; West Side TOC <wsta-toc@googlegroups.com>; Carrie Kingman <carriekingman@gmail.com>  
**Subject:** UPDATED letter re: Record No. 2018-009812CUA 1268 17th Avenue

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## 1 December 2021

Planning Commission President, Joel Koppel  
Planning Commissioners Kathrin Moore (Vice-President), Deland Chan, Sue Diamond, Frank Fung, Theresa Imperial, Rachael Tanner

Project Planner, Matthew Dito

**Re: UPDATE**  
Record No. 2018-009812CUA  
1268 17th Avenue  
December 2 Planning Commission

Dear Planning Commission and Staff

On behalf of Richmond District Rising (RDR), the Westside Community Coalition (WCC), and the West Side Tenants Association (WSTA), we submit this letter to continue to urge the Planning Commission to reject the proposed development at 1268 17th Avenue.

First, we need to correct the staff report you have received, as it does not accurately reflect the concerns of our three organizations. Our concerns focus on the

affordability of the units, and their rent controlled status, as well as compliance of the project with the intent of the interim controls for RM zoned sites. Unfortunately, only a small subset of our concerns has even been somewhat addressed by the clarification by Planning that rent control does in fact pertain to two of the three proposed new units.

It is clear that the developer does not intend for these units to address our city's concerns for affordability. These goals are stated clearly as a matter of policy and law:

Referring to [Section 317 of the Planning Code](#), "Loss of Residential and Unauthorized Units Through Demolition, Merger and Conversion" which details a set of intentions to address "a continuing shortage of affordable housing". Under subsection (6), "Residential Demolition" it says that "The Planning Commission shall consider the following additional criteria in the review of applications for Residential Demolition" sub-subsection (l) "whether the project protects the relative affordability of existing housing".

Further, referring to the interim controls for RM zones, [Legislative Board File #201370](#), on page 1 it says, "Whereas, in recent decades, the rate of production of housing in San Francisco has failed to keep pace with an influx of jobs and increased demand for housing in San Francisco and in the broader region, which has contributed to increased unaffordability and repeat waves of evictions and displacement, largely to the detriment of long-term residents and communities and lower-income communities, in particular...". This language clearly indicates the primary purpose of the interim controls is to address issues of displacement and housing unaffordability.

Further, the interim controls clearly emphasize this affordability goal by distinguishing between units that are more or less than 2,000 square feet in size. There is a conditional use trigger for expansions of units that are already larger than 2,000 sq ft; and creation of new units larger than 2,000 sq ft; and for increasing existing units to being more than 2,000 sq ft.

The proposed project works against these policy objectives in several ways:

- 
- 
- This project proposes to expand an existing
- 2,150 square foot unit to an even larger and more unaffordable 2,271 square feet; and
- 
- 
- 
- This project does not maximize the number of



units allowed on this site. We are not concerned with maximizing the number of units as a goal, but increasing the number of units would be possible if the proposed units were of more modest size, which would then result in units that are rented at more modest

- rates; and
- 
- 
- 
- This project creates confusion for tenants and
- for tenant counselors (if any landlord-tenant issues arise) because having a single building where different units have different rules is not something that is tracked well in the city's systems- which will lead to confusion and potential landlord abuse;
- and
- 
- 
- 
- Compounding this confusion about rent controlled
- status is what will likely take place if this project is approved, and demolition starts. You as Commissioners can't ignore the fact that once demolition starts, an inspector from DBI will be on site with the contractor directing changes to the scope of work
- based on field conditions discovered during demolition. If the scope of demolition expands beyond what the plans indicate, will the developer then claim that the work is "tantamount to demolition" for the purposes of negating the rent control status of the
- resulting units?
- 

Unfortunately, given the way this project has been proposed, to circumvent rent control, and to circumvent the goals of the interim controls, leads us to be concerned that the ultimate goal of this developer is to meet their own speculative objectives rather than meeting the policy objectives of the city which is to develop housing that increases affordability.

Thank you for your consideration of our concerns and our demand for the Planning Commission to reject this application for Conditional Use Authorization along with instructions for the owner/ sponsor to make any necessary renovations to the existing structures and make them available as residential, modestly priced rent controlled units that are affordable for Sunset District residents.

Respectfully,

Richmond District Rising  
West Side Tenants Association  
Westside Community Coalition

cc: Board of Supervisors  
Board of Supervisors Legislative Aides

--

co-founder [People Power Media](#)  
[josephsmooke.photoshelter.com/archive](http://josephsmooke.photoshelter.com/archive)

**1 December 2021**

Planning Commission President, Joel Koppel  
Planning Commissioners Kathrin Moore (Vice-President), Deland Chan, Sue Diamond, Frank Fung,  
Theresa Imperial, Rachael Tanner

Project Planner, Matthew Dito

**Re: UPDATE**

Record No. 2018-009812CUA  
1268 17th Avenue  
December 2 Planning Commission

Dear Planning Commission and Staff

On behalf of Richmond District Rising (RDR), the Westside Community Coalition (WCC), and the West Side Tenants Association (WSTA), we submit this letter to continue to urge the Planning Commission to reject the proposed development at 1268 17th Avenue.

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It is clear that the developer does not intend for these units to address our city's concerns for affordability. These goals are stated clearly as a matter of policy and law:

Referring to [Section 317 of the Planning Code](#), "Loss of Residential and Unauthorized Units Through Demolition, Merger and Conversion" which details a set of intentions to address "a continuing shortage of affordable housing". Under subsection (6), "Residential Demolition" it says that "The Planning Commission shall consider the following additional criteria in the review of applications for Residential Demolition" sub-subsection (I) "whether the project protects the relative affordability of existing housing".

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Further, the interim controls clearly emphasize this affordability goal by distinguishing between units that are more or less than 2,000 square feet in size. There is a conditional use trigger for expansions of units that are already larger than 2,000 sq ft; and creation of new units larger than 2,000 sq ft; and for increasing existing units to being more than 2,000 sq ft.

The proposed project works against these policy objectives in several ways:

- This project proposes to expand an existing 2,150 square foot unit to an even larger and more unaffordable 2,271 square feet; and
- This project does not maximize the number of units allowed on this site. We are not concerned with maximizing the number of units as a goal, but increasing the number of units would be possible if the proposed units were of more modest size, which would then result in units that are rented at more modest rates; and
- This project creates confusion for tenants and for tenant counselors (if any landlord-tenant issues arise) because having a single building where different units have different rules is not something that is tracked well in the city's systems- which will lead to confusion and potential landlord abuse; and
- Compounding this confusion about rent controlled status is what will likely take place if this project is approved, and demolition starts. You as Commissioners can't ignore the fact that once demolition starts, an inspector from DBI will be on site with the contractor directing changes to the scope of work based on field conditions discovered during demolition. If the scope of demolition expands beyond what the plans indicate, will the developer then claim that the work is "tantamount to demolition" for the purposes of negating the rent control status of the resulting units?

Unfortunately, given the way this project has been proposed, to circumvent rent control, and to circumvent the goals of the interim controls, leads us to be concerned that the ultimate goal of this developer is to meet their own speculative objectives rather than meeting the policy objectives of the city which is to develop housing that increases affordability.

Thank you for your consideration of our concerns and our demand for the Planning Commission to reject this application for Conditional Use Authorization along with instructions for the owner/ sponsor to make any necessary renovations to the existing structures and make them available as residential, modestly priced rent controlled units that are affordable for Sunset District residents.

Respectfully,

Richmond District Rising  
West Side Tenants Association  
Westside Community Coalition

cc: Board of Supervisors  
Board of Supervisors Legislative Aides

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Young, Victor \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Resignation from CGOBOC  
**Date:** Monday, November 29, 2021 2:32:00 PM

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**From:** Kristin Chu <kristinrmchu@gmail.com>  
**Sent:** Monday, November 29, 2021 2:07 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Stevenson, Peg (CON) <peg.stevenson@sfgov.org>  
**Subject:** Resignation from CGOBOC

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Hello BOS,

I am officially resigning from my seat on the CGOBOC. Thank you for this opportunity to serve and please let me know if you need anything additional from me. Thanks Kristin Chu

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [angela.tsao@sfcta.org](mailto:angela.tsao@sfcta.org)  
**Subject:** FW: Treasure Island Transit Agency  
**Date:** Tuesday, November 23, 2021 12:22:00 PM  
**Attachments:** [TI transit.doc](#)

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**From:** Howard Strassner <ruthow1@gmail.com>  
**Sent:** Tuesday, November 23, 2021 9:25 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** rachel.hiatt@sftca.org  
**Subject:** Treasure Island Transit Agency

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Please distribute to the Supervisors.

## HOWARD STRASSNER

419 Vicente Street, San Francisco, Ca 94116

415-661-8786, Ruthow1@gmail.com

Treasure Island Mobility Management Agency (TIMMA)  
c/o Clerk of the Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Re: Treasure Island Ferry Fares and Mobility

November 23, 2021

Dear Supervisors as TIMMA,

It is over twenty years since Treasure Island (TI) was first considered for a major housing project. But, housing cannot exist without transit; and the transit planning for the Island has some major equity and environmental problems. Both problems can be partially solved by the better use of the two funding flows:

Use all parking tax revenue on TI for the SFMTA and Muni. Use toll revenues with the following priorities: 1) Free on island shuttles; 2) Subsidies for bus service from Oakland; 3) Occasional steeply reduced ferry fares for low income Clipper Card holders and 4) All of the rest of funding from TI to subsidize ferry fares for regular Clipper Card users, no matter where they live. Some details follow:

1) The TI developer considers the ferry as the major transit system to the Island and has established funding sources to subsidize luxury ferry service for high end residents in what is nearly a "gated community". Some examples of inequitable ferry subsidy sources are:

A) The 25% parking tax which will be collected from the TI off street parking garages. All of these funds should go to the SFMTA, similar to the rest of SF. These funds are necessary to fund the '25' bus and the many connecting Muni lines which Island residents and workers will use and should not be used to subsidize the ferry.

B) In the early days of planning, tolls to and from TI were proposed to ensure that traffic to and from TI would not add to Bay Bridge congestion and tolls are good way to reduce driving. As a good example, on the Golden Gate Bridge (GGB), tolls are set to cover maintenance costs and to limit congestion. During pre-covid limiting congestion was achieved by subsidizing bus service on the GGB and the parallel ferry service. But, the ferry subsidy, from Sausalito, per ride, was set to be no greater than the per ride bus subsidy. But, currently, as a bad example, the GGB is not overly congested and so bus fares are high and ferry fares are low. Since TIMMA doesn't have to maintain a bridge, transit is a good use of tolls.

C) History shows that transit services provided by housing developers are typically taken over by the government as costs increase. We need a Charter Amendment to make it impossible

to have the SFMTA or San Francisco to ever go into the ferry business. Clearly using any City funds to subsidize the TI ferry is not equitable.

2) Currently the climate crisis may be the biggest reason not to over subsidize ferries.

A) Please consider the following from The SF Water Transit Authority March 2003 Draft EIR Table 3.13.1:

|               | passengers/ run | Btu/passenger miles traveled |
|---------------|-----------------|------------------------------|
| Auto          | 1.17            | 5,321                        |
| Buses         | 56              | 660                          |
| Light Rail    | 110             | 91                           |
| BART          | 1,056           | 68                           |
| Commuter Rail | 971             | 102                          |
| Ferries       | 67              | 6,297                        |

The above is based on averages in the Bay Area, at that time. A Btu is a measure of energy and most of the energy consumed by autos, buses, commuter rail and ferries is produced by burning fossil fuels. Ferries are shown as consuming more energy than a car. We can hope that ferries will be better utilized in both directions. But, a ferry will never be as efficient as a busy bus. Therefore, the climate crisis is another reason to limit the subsidy for ferries.

B) It should also be noted that soon after the above energy information was published in their EIR, the SF Water Transit Authority changed their name to San Francisco Bay Area Water Emergency Transportation Authority. Transit should take less energy than a car per passenger mile.

Please consider the climate crisis and equity for all segments of the public when you set the fares and ferry service from Treasure Island.

Very truly yours,

Howard Strassner



**From:** [Board of Supervisors. \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Updating My Home  
**Date:** Wednesday, December 1, 2021 4:29:00 PM

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**From:** shermantom@gmail.com <shermantom@gmail.com>

**Sent:** Wednesday, December 1, 2021 3:57 PM

**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Haneystaff (BOS) <haneystaff@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; RonenStaff (BOS) <ronenstaff@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>

**Subject:** Updating My Home

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello SF Supervisors and Staff:

I live in a small-by-modern-standards 100 year old house. I'd like to bring it up-to-date so the house won't crumble and kill me in an earthquake, the electrical won't catch on fire from charging an electric car that will save our air, and any increase in size (or addition of an ADU) will allow the growing family to stay together and unbroken.

Let's pretend I can cover the outrageous labor costs and the through-the-roof material costs. What I can't wrap my head around is why the City seems to want to penalize me with permitting costs, review costs, and ongoing taxes for making a safer, forward-thinking home to allow my family to stay in SF. It's almost as if the City only wants the wealthiest and the most unfortunate to have any help, while leaving the chunk in the middle begging for some help.

Perhaps at one of your many meetings or when you take a break from Tweeting, you can consider 1) why one has to pay to play in SF and 2) options to lower the price barrier of improving a home in SF.

Happy holidays!

Sherman

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: Teamsters 665 Letter of Support for the use of Sheriffs for Retail Theft Deterrent  
**Date:** Thursday, December 2, 2021 10:17:00 AM  
**Attachments:** [10 A Support Letter - Teamsters 665.pdf](#)

---

**From:** Jones, Ernest (BOS) <ernest.e.jones@sfgov.org>  
**Sent:** Monday, November 29, 2021 10:29 AM  
**To:** BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Melgar, Myrna (BOS) <Myrna.Melgar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>  
**Subject:** Teamsters 665 Letter of Support for the use of Sheriffs for Retail Theft Deterrent

At the request of Teamsters Local Union 665, please find the attached letter.

Best,

**Ernest “EJ” Jones (he/him)** | Legislative Aide  
Office of District 11 **Supervisor Ahsha Safai**  
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 256  
**Direct:** 415-554-7897 | **Office:** 415-554-6975

General Truck Drivers, Automotive and Allied Workers. General jurisdiction in Marin, Sonoma, Mendocino and Lake Counties and Automotive in San Francisco, San Mateo, Santa Clara and San Benito Counties, California.



## TEAMSTERS LOCAL UNION No. 665

AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
& TEAMSTERS JOINT COUNCIL No. 7



Main Office:  
1801 Van Ness Avenue, Suite 310  
San Francisco CA 94109

Tel: 415.728.0811

email: [office@teamsters665.org](mailto:office@teamsters665.org)

November 21, 2021  
San Francisco Board of Supervisors  
City Hall  
1 Carlton B Goodlett Place  
San Francisco, CA 94102-4689

Re: Supporting the Use of Sheriffs for Retail Theft Deterrent

Dear Supervisors:

Commercial retail theft negatively affects every aspect of San Francisco's brand. Many union employers are greatly impacted by this and are reducing hours and closing stores because they are losing merchandise daily to organized retail crime. This is happening despite additional investments in cameras, security, and the addition of theft deterrent devices on high ticket items.

We have all seen the video of a thief on a bicycle clearing the shelves of the Walgreens on Gough Street. Beyond rampant theft, workers are being threatened and physically attacked inside of our San Francisco establishments during their shifts. There have been countless cases in which our union members are put into harm's way because of this epidemic of retail theft.

The pandemic only exacerbated the problem of retail theft and many workers do not feel safe going into their workplaces because of the constant fear of falling victim to these criminal activities. Stores are not properly staffed to deter this behavior and there is very little security to act as a deterrent. Supervisor Safai has proposed using the Sheriff's as a deterrent, the Teamsters stand firmly behind this proposal. The health and safety of our members in San Francisco is of utmost importance to our union. The Sheriff's presence at these businesses shows San Francisco is willing to support its businesses and renews San Francisco's commitment to keep its community members safe.

The Teamsters urge you to support Supervisor Safai's implementation of the 10-A program for San Francisco Sheriffs. The Teamsters feel this is a part of finding an effective solution to one of the largest problems slowing the recovery and growth of San Francisco's economy.

Sincerely,

*Tony Delorio*

Tony Delorio  
Principal Officer  
Teamsters Local 665

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Young, Victor \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: San Francisco Travel Support for Sheriff's 10A Program  
**Date:** Thursday, December 2, 2021 10:44:00 AM  
**Attachments:** [SF Travel Letter of Support for Sheriffs 10A Program.pdf](#)

---

**From:** San Francisco Travel - President & CEO <president@sftravel.com>  
**Sent:** Thursday, December 2, 2021 10:19 AM  
**To:** Chan, Connie (BOS) <connie.chan@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Cc:** DPH - cassandra <cassandra@sftravel.com>  
**Subject:** San Francisco Travel Support for Sheriff's 10A Program

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Board of Supervisors,

The San Francisco Travel Association is writing to support the proposed Sheriff's 10A Program to allow private businesses to employ off-duty sheriff deputies to increase their security services. This new proposed tool will be an important way for San Francisco to be able to increase security especially at times when the demand for the SFPD officers in the 10B program is higher than supply of available officers.

In 2019, San Francisco welcomed over 25 million visitors who spent over \$11 Billion during their stay and generated over \$770 Million in taxes and fees for our City's General Fund. In order for San Francisco and its tourism industry to recover to pre-pandemic levels, business owners, employees, and their visitors need to feel safe in San Francisco.

Recent high-profile theft and burglary incidents have tarnished San Francisco's reputation as a safe and welcoming place for all. The 10A program is an opportunity to demonstrate our shared commitment to protecting our businesses and the public, as well as restore our city's global image.

We look forward to continuing to partner with the city to improve public safety in San Francisco.

Thank you!

Joe

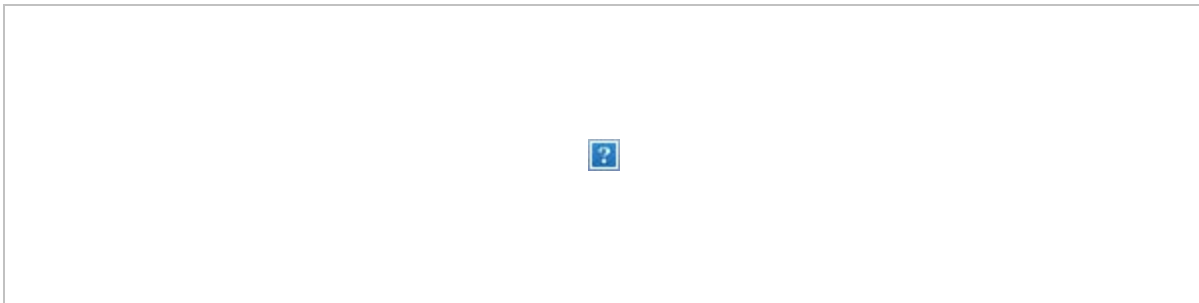


**San Francisco Travel - President & CEO |**  
E [president@sftravel.com](mailto:president@sftravel.com) | T 415.227.2606

**San Francisco Travel |** One Front Street, Suite 2900 | San Francisco, CA 94111  
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[San Francisco Named the "World's Best City" by Time Out Magazine](#)

[Take Our Safe Travel Pledge](#)





December 2, 2021

San Francisco Board of Supervisors  
1 Dr. Carlton B Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

RE: Support for Sheriff's 10A Program

Dear San Francisco Board of Supervisors,

The San Francisco Travel Association is writing to support the proposed Sheriff's 10A Program to allow private businesses to employ off-duty sheriff deputies to increase their security services. This new proposed tool will be an important way for San Francisco to be able to increase security especially at times when the demand for the SFPD officers in the 10B program is higher than supply of available officers.

In 2019, San Francisco welcomed over 25 million visitors who spent over \$11 Billion during their stay and generated over \$770 Million in taxes and fees for our City's General Fund. In order for San Francisco and its tourism industry to recover to pre-pandemic levels, business owners, employees, and their visitors need to feel safe in San Francisco.

Recent high-profile theft and burglary incidents have tarnished San Francisco's reputation as a safe and welcoming place for all. The 10A program is an opportunity to demonstrate our shared commitment to protecting our businesses and the public, as well as restore our city's global image.

We look forward to continuing to partner with the city to improve public safety in San Francisco.

Thank you,

Joe D'Alessandro  
President and CEO