[Urging the San Francisco Municipal Transportation Agency Board to Adopt Proof of Labor Harmony Conditions for Commuter Shuttle Operators]

Resolution urging the San Francisco Municipal Transportation Agency Board to adopt a requirement that applicants demonstrate labor harmony conditions as part of the Commuter Shuttle Pilot Program and any other permanent Commuter Shuttle Program.

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) has adopted a Commuter Shuttle Policy and Pilot Program (Program); and

WHEREAS, The purpose of the program is to ensure the orderly use of private commuter shuttles in conjunction with, and without interference to, the operations of the SFMTA's Muni bus service, to ameliorate any impedance or dangers to vehicular, bicycle and pedestrian traffic occasioned by the increased deployment of commuter shuttle services, and to otherwise ensure the safety of the public; and

WHEREAS, The SFMTA found that the promotion of the use of private mass transportation has significant beneficial effects, provided operational precautions, which include permitting, the enforcement of standards, and the monitoring of the impact of the program on the community; and

WHEREAS, The SFMTA adopted Transportation Code, Section 914, to establish the program to regulate the use of Muni stops by commuter shuttles; and

WHEREAS, Since the Program entails the conditional sharing of access to such stops by permitted private commuter shuttles, a chief concern and purpose of the Program is to ensure the effective operation of the City's public mass transit system and, specifically, to ensure the expedient and safe access by Muni buses to SFMTA bus stops; and

WHEREAS, In adopting the Program, the SFMTA made the following general findings of purpose: 1) Provide a safe environment for commuter shuttle riders as well as other street...
whereas, The SFMTA provides an essential public function to the citizens of San Francisco, the interference with which has a significant impact on the lives of the public and the commerce of the City; and

WHEREAS, The Program must ensure that commuter shuttles do not adversely affect public transportation operations; and

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

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

WHEREAS, The Board of Supervisors further finds that considerable public resources have been expended to develop an integrated public transit system, which includes the development of bus routes, the designation and construction of regular bus stops, the analysis and monitoring of traffic, bicycle and pedestrian routes, and the enforcement or rules and regulations; and
WHEREAS, By permitting commuter shuttles to access and utilize SFMTA bus stops, the SFMTA may establish the terms of use and ensure the operations of the SFMTA system are not hampered or disrupted; and

WHEREAS, Unlike the SFMTA, commuter shuttle services are private companies whose labor relations are governed by federal law; and

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

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

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

WHEREAS, The Board of Supervisors finds that a labor dispute involving a commuter shuttle service that has requested to participate in the Program, and that has been granted a permit to utilize Designated Stops, will likely result in the disruption of the orderly operation of SFMTA buses, namely impeding the timely arrival and departure of SFMTA buses at Designated Stops, the disruption of traffic around such Designated Stops, and the impedance of rider access to board or alight SFMTA buses at Designated Stops; and

WHEREAS, The Board of Supervisors further finds, for the reasons set forth in SFMTA’s findings related to the adoption of Transportation Code, Section 914, including the fact that on a daily basis commuter shuttle services make 2,497 stops in the City, that the coordination of commuter shuttle services within the existing SFMTA bus transportation
network requires assurances that public bus service will not be interrupted, delayed or otherwise affected by labor disputes involving the commuter shuttles which have been permitted to share SFMTA bus stops; and

WHEREAS, Because there is a substantial likelihood of disruption of SFMTA's operations in the event of a labor dispute involving a commuter shuttle that participates in the Program, the Board of Supervisors finds that consideration of the extent to which a commuter shuttle service has secured or provided for labor harmony must be a component of the Program, and a criterion of the Shuttle Service Providers’ application process; and

WHEREAS, The Board of Supervisors finds that the City has a proprietary interest in ensuring the uninterrupted operation of the SFMTA and specifically, the provision of public bus transportation to its citizens; and

WHEREAS, The Board of Supervisors further finds that considerable public resources have been expended on developing the SFMTA bus system, and that considerable additional resources will continue to be expended to implement, administer and develop the Program; and

WHEREAS, The City further finds that a Shuttle Service provider's participation in the Program is voluntary; now, therefore, be it

RESOLVED, That the Board of Supervisors urges the Municipal Transportation Agency’s Board of Directors to amend Transportation Code, Section 914, by adopting Commuter Shuttle Labor Harmony Conditions with respect to Shuttle Service Providers that choose to participate in this Program and obtain permits or renew permits to utilize SFMTA Designated Stops; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the SFMTA Board of Directors incorporate into the Program’s permit application process the consideration of the

 Supervisor Wiener
 BOARD OF SUPERVISORS
extent to which an applicant can assure Labor Harmony in its operations in order to minimize the possibility of disruption to SFMTA; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the SFMTA Board to adopt Labor Harmony Conditions as part of any later permanent Commuter Shuttle Program; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the SFMTA Board to broadly define the term “Labor Harmony” and does not require an applicant to adopt any particular method of assuring labor harmony, but requires an applicant seeking a permit to utilize Designated Stops to provide a Labor Harmony Certification indicating the extent of such applicant's commitment to labor harmony as a condition of the application process.
Resolution urging the San Francisco Municipal Transportation Agency Board to adopt a requirement that applicants demonstrate labor harmony conditions as part of the Commuter Shuttle Pilot Program and any other permanent Commuter Shuttle Program.

March 09, 2015 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

March 09, 2015 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

March 24, 2015 Board of Supervisors - NOT AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 5 - Avalos, Campos, Kim, Mar and Yee
Noes: 6 - Breed, Christensen, Cohen, Farrell, Tang and Wiener

March 24, 2015 Board of Supervisors - ADOPTED
Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 3/24/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

Mayor

4/3/15

Date Approved
I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

[Signature]
Angela Calvillo
Clerk of the Board

4/3/15
Date

File No.
150227