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

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

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

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

WHEREAS, Since the transportation management plans often entail the conditional sharing of access to Recreation and Park facilities as well as SFMTA Muni stops, a chief concern of the Board of Supervisors 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 stops; and

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

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

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

WHEREAS, Under California 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 operation of 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 routes, the designation and construction of regular stops, the analysis and monitoring of traffic, bicycle and pedestrian routes, and the enforcement of rules and regulations; and

WHEREAS, 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 sidewalks, is a
constitutionally-protected activity; and

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

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

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

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

RESOLVED, That the Board of Supervisors urges the Recreation and Park
Commission to stipulate in the Special Events application process a requirement of Labor
Harmony Conditions with respect to Shuttle Service Providers that choose to offer their
services for special events held at RPD facilities; and, be it
FURTHER RESOLVED, That the Board of Supervisors urges the Recreation and Park Commission to incorporate into the Special Events permit application process the consideration of the extent to which an applicant can assure Labor Harmony in its operations in order to minimize the possibility of disruption of public transit; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the Recreation and Park Commission to define the term "Labor Harmony" broadly and does not require an application to adopt any particular method of assuring labor harmony, but requires an application seeking to offer shuttle services at events held at RPD facilities to provide a Labor Harmony Certification indicating the extent of such applicant's commitment to labor harmony as a condition of the application process.
Resolution urging San Francisco to adopt a requirement that transportation operators demonstrate labor harmony conditions as part of the transportation management plan for special events held at RPD facilities.

September 13, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

September 13, 2016 Board of Supervisors - ADOPTED AS AMENDED
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 9/13/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

________________________  ____________________________
Signed  Date Approved
Mayor  9/23/16
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.

Angela Calvillo  
Clerk of the Board

Date: 9/23/16

File No.  
160974